

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

October 12, 2020 - 7:00 p.m.

AGENDA

- I. INVOCATION
Dr. Randy Hammer, United Church, Chapel on the Hill
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS
 - a. A proclamation paying tribute to the late Judge Pamela Reeves
 - b. A proclamation honoring retired firefighter Dan Endsley
 - c. A proclamation honoring former Oak Ridge Mayor Tom Beehan as the recipient of the 2020 ADFAC Bill Wilcox Bow Tie Award
 - d. A proclamation honoring Oak Ridge High School graduate Tommy Kaczocha
 - e. A proclamation designating October, 2020 as Fire Prevention Month
 - f. A proclamation designating October as Domestic Violence Awareness Month
 - g. A proclamation designating October, 2020 as Breast Cancer Awareness Month
 - h. A proclamation designating October 23-31, 2020 as Red Ribbon Week
- V. SPECIAL REPORTS
(NONE)
- VI. CONSENT AGENDA
 - a. Approval of September 14, 2020 City Council regular meeting minutes
 - b. Approval of September 22, 2020 City Council special meeting minutes
 - c. A RESOLUTION WAIVING COMPETITIVE BID AND AUTHORIZING THE PURCHASE OF FOUR (4) CARDIAC MONITORS FROM ZOLL MEDICAL CORPORATION FOR USE BY THE FIRE DEPARTMENT IN THE AMOUNT OF \$147,965.92.
 - d. A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$70,000.00 FOR COVID-19 RELATED WASTEWATER SAMPLING WITH SIREM, A DIVISION OF GEOSYNTEC.

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 CREATING A NEW SECTION 7.06, TITLED "D-1, DOWNTOWN DISTRICT"; AMENDING ARTICLE II, TITLED "DEFINITIONS," TO ADD A DEFINITION OF "OPEN SPACE, URBAN"; AMENDING SECTION 16.12, TITLED "USE REQUIRING PLANNING COMMISSION APPROVAL," TO ADD D-1 AS A DISTRICT REQUIRING SITE PLAN REVIEW; AMENDING SECTION 14.03, TITLED "MATRIX," TO ADD THE D-1 DISTRICT; AMENDING SECTION 14.04, TITLED "DEFINITIONS," TO ADD A DEFINITION OF "SANDWICH BOARD/A-FRAME SIGN"; AMENDING SECTION 14.06, TITLED "SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS)," TO ADD A NEW SUBSECTION (10) PERTAINING TO SANDWICH BOARDS/A-FRAME SIGNS; AND CREATING A NEW SECTION 14.13, TITLED "SIGNS FOR THE DOWNTOWN DISTRICT," AND RENUMBERING THE EXISTING SECTION 14.13 TO BE SECTION 14.14 AND RENUMBERING ALL SUBSEQUENT SECTIONS ACCORDINGLY. **(Public hearing is required.)**
- b. AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "OAK RIDGE PROPERTY MAINTENANCE CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "OAK RIDGE PROPERTY MAINTENANCE CODE," TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING APPENDIX A, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

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 DELETING SUBSECTION (A) OF SECTION 3.02, TITLED, "GENERAL LAND USE PROVISIONS," AND SUBSTITUTING THEREFOR A NEW SECTION 3.02(A) TO ADDRESS POSSESSION OF CHICKENS IN RESIDENTIAL AREAS; BY DELETING THE REFERENCE TO "SECTION 2.07" IN SECTION 3.10(A) AND THE REFERENCE TO "2.08(R)" IN SECTION 3.11(B) AND REPLACING BOTH WITH A REFERENCE TO "ARTICLE II" FOR CORRECTNESS; BY DELETING THE FOLLOWING SECTIONS WITHOUT REPLACEMENT: SECTION 3.13, SECTION 5.05(C)(1), SECTION 7.03(C)(7), AND SECTION 8.01(B)(10) TO REMOVE REDUNDANT PROVISIONS; AND BY DELETING SUBSECTION (A) OF SECTION 16.16, TITLED, "REVIEWS AND PERFORMANCE STANDARDS," AND SUBSTITUTING THEREFOR A NEW SECTION 16.16(A) TO CORRECT TYPOGRAPHICAL ERRORS. **(Public hearing required.)**

IX. RESOLUTIONS

- a. A RESOLUTION APPROVING A SETTLEMENT IN THE AMOUNT OF \$175,000.00 WITH BILLY CASPER GOLF MANAGEMENT, INC., TO RESOLVE AND SETTLE ALL CLAIMS RELATED TO THE TERMINATION OF THE MANAGEMENT AGREEMENT FOR TENNESSEE CENTENNIAL GOLF COURSE.
- b. A RESOLUTION AWARDED A CONTRACT (FY2021-006) TO DESIGN AND CONSTRUCTION SERVICES, INC., KNOXVILLE, TENNESSEE, FOR THE PURCHASE AND INSTALLATION OF REPLACEMENT INFLUENT DRUM SCREENS FOR THE TURTLE PARK WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$1,293,000.00.

- 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
20-19

DATE: October 6, 2020

TO: Honorable Mayor and Members of City Council

FROM: Mary Beth Hickman, City Clerk

SUBJECT: PROCLAMATIONS FOR THE OCTOBER 12, 2020 CITY COUNCIL MEETING AGENDA

The following proclamations are presented for the October 12, 2020 City Council meeting for the City Council's consideration:

A proclamation paying tribute to the late Judge Pamela Reeves

This request was submitted by Mayor Warren Gooch to pay tribute to Judge Reeves, who passed away on September 10, 2020. While serving in private practice, Judge Reeves served as insurance counsel for the City of Oak Ridge for a number of years.

A proclamation honoring retired Oak Ridge firefighter Dan Endsley

This request was submitted by Acting Fire Chief Travis Solomon to honor Dan Endsley, who retired in July after thirty years of service to the Oak Ridge Fire Department.

A proclamation honoring former Oak Ridge Mayor Tom Beehan as the recipient of the 2020 ADFAC Bill Wilcox Bow Tie Award

This request was submitted by Annie Cacheiro, Executive Director of Aid to Distressed Families of Appalachian Counties (ADFAC), and Councilmember Jim Dodson, to honor former Oak Ridge Mayor Tom Beehan as the recipient of the 2020 ADFAC Bill Wilcox Bow Tie Award.

A proclamation honoring Oak Ridge High School graduate Tommy Kaczocho

This request was submitted by City Manager Mark Watson to honor Tommy Kaczocho, son of Razzleberry's owners Waldek and Ilona Kaczocho. Tommy is a member of the Kuopio Steelers professional football team, which just won the Maple Bowl title in Finland.

A proclamation designating October, 2020 as Fire Prevention Month

This request was submitted by Acting Fire Chief Travis Solomon to designate October, 2020 as Fire Prevention Month.

A proclamation designating October, 2020 as Domestic Violence Awareness Month

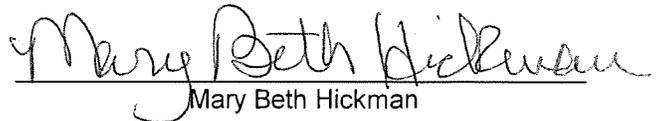
This request was submitted by Karlyn Reel, Director of Public Relations for the YWCA Knoxville and the Tennessee Valley, to designate October as Domestic Violence Awareness Month.

A proclamation designating October, 2020 as Breast Cancer Awareness Month

This request was submitted by City Manager Mark Watson to designate October as Breast Cancer Awareness Month.

A proclamation designating October 23-31, 2020 as Red Ribbon Week

This request was submitted by Stacey Pratt, Project Director of ASAP of Anderson, to designate October 23-31, 2020 as Red Ribbon Week in order to bring awareness to the issue of substance misuse in our community.


Mary Beth Hickman

Attachments:
Proclamations

PROCLAMATION

WHEREAS, Chief United States District Judge Pamela Reeves was born in Marion, Virginia in 1954 as the oldest of five sisters and was the first member of her family to attend college; and

WHEREAS, Judge Reeves received her undergraduate and law degrees from the University of Tennessee at Knoxville and became one of the first attorneys in Tennessee to specialize in sexual harassment law; and

WHEREAS, as a former attorney with the law firm of Watson, Hollow and Reeves, Judge Reeves served as insurance counsel for the City of Oak Ridge; and

WHEREAS, Judge Reeves was a trailblazer for many, serving as the first female Chair of the Knox County Election Commission and the first female President of the American Association of Mediators; and

WHEREAS, her peers in the legal field quickly recognized Judge Reeves' leadership and selected her as the first female President of the Tennessee Bar Association; and

WHEREAS, in 2013, President Barack Obama nominated Judge Reeves to be the first female judge for the Eastern District of Tennessee, and she was confirmed unanimously in 2014; and

WHEREAS, in April, 2019, just months after being diagnosed with cancer, Judge Reeves became the first female to serve as Chief District Judge; and

WHEREAS, Judge Reeves was a recipient of the University of Tennessee distinguished alumna award and the 2019 Knoxville Bar Association Judicial Excellence Award; and

WHEREAS, Judge Reeves' courageous battle with cancer while continuing to serve as Chief Judge of the Eastern District is a testament to her character and positive attitude; and

WHEREAS, Judge Reeves and her husband, Charles Swanson are the proud parents of two children, Reedy and Amanda; and

WHEREAS, Judge Reeves passed away on September 10, 2020, leaving behind an indelible legacy that will live on in the hearts and minds of all who knew her.

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

That in recognition of her distinguished service and contributions to the field of law, the state, and our great nation, the Oak Ridge City Council pays tribute to

JUDGE PAMELA REEVES

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 12th day of October in the year 2020.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, Oak Ridge firefighter Daniel Endsley retired from the Oak Ridge Fire Department on July 23, 2020 with thirty years of service; and

WHEREAS, Mr. Endsley left his job with Virginia Power in 1990 to become a firefighter with the Oak Ridge Fire Department at half the salary; and

WHEREAS, Mr. Endsley acquired several certifications while a member of the Oak Ridge Fire Department, including Emergency Medical Technician, State of Tennessee certified Fire Inspector, Hazardous Material Technician, and Tennessee Association of Rescue Squads Vehicle Extrication Technician; and

WHEREAS, Mr. Endsley became a firefighter early in his career and mentored many trainees during his thirty-year tenure; and

WHEREAS, Mr. Endsley also served as a senior pump operator and pumped two of the largest fires in the City's history; and

WHEREAS, having grown up in Oak Ridge, Mr. Endsley served as a valuable resource for the Fire Department regarding history and buildings in Oak Ridge; and

WHEREAS, the City of Oak Ridge congratulates Mr. Endsley on the occasion of his retirement and thanks him for his years of devoted service to Oak Ridge and its citizens.

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

DANIEL ENDSLEY

and offers him best wishes on his retirement and 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 12th day of October in the year 2020.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, Aid to Distressed Families of the Appalachian Counties (ADFAC) has chosen Tom Beehan as the recipient of this year's Bill Wilcox Bow Tie Award; and

WHEREAS, Tom Beehan embodies the true meaning of this award by working tirelessly to do good for others in unique and selfless ways and by creating a positive local impact throughout the East Tennessee region; and

WHEREAS, the son of a police officer and a bookkeeper, Mr. Beehan was born in Nashville, Tennessee and is a 1961 graduate of Father Ryan High School; and

WHEREAS, Mr. Beehan received a Bachelor's degree in philosophy from St. Pius X Seminary in Erlanger, Kentucky and attended St. Mary's Seminary in Baltimore and Xavier University in Cincinnati, studying theology, guidance and counseling; and

WHEREAS, Mr. Beehan began his career in Covington, Kentucky in nonprofit activities and teaching before joining State Farm in 1982 and moving to Oak Ridge in 1987; and

WHEREAS, Mr. Beehan's concern for housing and building strong neighborhoods led him into public service while in Covington, serving as a City Commissioner there from 1978-1983 and as Mayor from 1983-1987; and

WHEREAS, Mr. Beehan's desire for public service continued in Oak Ridge, where he served on the Oak Ridge City Council for thirteen years and as Mayor for seven years – with a total of twenty-two years of public service as an elected official in Tennessee and Kentucky; and

WHEREAS, Mr. Beehan has served in leadership positions in numerous organizations in Oak Ridge, and currently serves as a board member of the Oak Ridge Housing Authority and the Children's Museum of Oak Ridge; and

WHEREAS, Mr. Beehan retired from State Farm in 2007 and currently serves as an Affiliate Broker with Betsy Coleman Realty in Oak Ridge and fulfills his love of playing music with The Missing Goats, a Celtic and Appalachian Music band and the Ridge City Ramblers, an Americana and bluegrass band; and

WHEREAS, Mr. Beehan is married to Kay Brookshire and is the proud father of three children and the proud grandfather to six grandchildren.

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

That in recognition of his dedicated public service and love of his community, the Oak Ridge City Council recognizes

TOM BEEHAN

and congratulates him on receiving the Bill Wilcox Bow Tie Award from Aid to Distressed Families of the Appalachian Counties (ADFAC).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this the 12th day of October in the year 2020.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, Tommy Kaczocho was born in Ft. Lauderdale, Florida in July, 1997; and

WHEREAS, Tommy moved with his family to Oak Ridge in 2006 and started playing football in sixth grade for Robertsville Middle School; and

WHEREAS, known for his passionate and vocal leadership, Tommy starred as a defensive back for the Oak Ridge Wildcats, graduating in 2015 and serving as team captain his senior season; and

WHEREAS, Tommy played football for Centre College in Danville, Kentucky, where he was a team captain his senior season and was recognized as a Southern Athletic Association Honorable Mention in 2016 and 2017 and as a Preseason All-American in 2018; and

WHEREAS, after a successful college career, Tommy joined the Kuopio Steelers of the Maple League in Finland; and

WHEREAS, during his first professional season overseas in 2019, Tommy was the Maple League leader in interceptions, a 2019 All-Pro nominee and was ranked the #9 best player in the Maple League; and

WHEREAS, also in 2019, Tommy was only the fourth player in Maple League history to return an interception 100 yards for a touchdown; and

WHEREAS, in September, 2020 Tommy helped to lead the Kuopio Steelers to their first-ever Maple Bowl title in a 21-0 shutout of the Helsinki Wolverines; and

WHEREAS, Tommy has now signed his second professional contract to play with the Bialystok Lowlanders in Poland; and

WHEREAS, Tommy is the son of proud parents Waldek and Ilona Kaczocho, owners of Razzleberry's, which serves as a favorite place to visit for many Oak Ridge residents; and

WHEREAS, the City of Oak Ridge offers heartfelt congratulations to Tommy Kaczocho as he continues to excel in his professional football career and to serve as an inspiration to all who know him.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that in recognition of his outstanding accomplishments, the City of Oak Ridge hereby recognizes

TOMMY KACZOCHA

and offers him best wishes in his brilliant career as he represents the Oak Ridge community with pride and professionalism.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 12th day of October in the year 2020.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, the Great Chicago Fire of 1871 killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures and burned more than 2,000 acres; and

WHEREAS, at the same time the Peshtigo Fire also roared through Northeast Wisconsin, burning down 16 towns, killing 1,152 people and scorching 1.2 million acres, making it the most devastating forest fire in American history; and

WHEREAS, both blazes produced countless tales of bravery and heroism, and also changed the way firefighters and public officials thought about fire safety; and

WHEREAS, on the 40th anniversary of the Great Chicago Fire, the Fire Marshals Association of North America (today known as the International Fire Marshals Association) decided that the anniversary should be observed in a way that would keep the public informed about the importance of fire prevention; and

WHEREAS, in 1920, President Woodrow Wilson issued the first National Fire Prevention proclamation; and

WHEREAS, the President of the United States has signed a proclamation proclaiming a national observance every year since 1925, making it the longest running public health and safety observance on record; and

WHEREAS, the Oak Ridge Fire Department will provide in-home assistance with smoke alarm installation and home escape planning and conduct educational programs within our school system to increase awareness of the importance of fire prevention and safety.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that the month of October, 2020 be proclaimed

FIRE PREVENTION MONTH

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to practice fire prevention and safety by checking their smoke alarms and designing a home escape plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this the 12th day of October in the year 2020.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, one in three women will be a victim of domestic violence in some point in her lifetime; and

WHEREAS, in 2019, the Oak Ridge Police Department reported 202 and the Anderson County Sheriff's Office reported 241 domestic violence-related offenses as reported by the Tennessee Bureau of Investigation – *Crimes in Tennessee, 2018*; and

WHEREAS, across the state of Tennessee, there were 73,408 victims of domestic violence as reported by the Tennessee Bureau of Investigation – *Crimes in Tennessee, 2018*; and

WHEREAS, in 2018, the YWCA Knoxville and the Tennessee Valley served 1,102 victims of domestic violence, 234 being Oak Ridge/Anderson County residents;

WHEREAS, the YWCA Knoxville and the Tennessee Valley is on a mission to support victims of domestic violence and has been providing domestic violence services for thirty-five years, seeking to ensure that victims are safe, families are safe, and communities are safe; and

WHEREAS, the YWCA is on a mission to prevent domestic violence through its signature violence prevention program, GameChangers, while continuing to provide services to victims throughout the Tennessee Valley; and

WHEREAS, every year, October is proclaimed as National Domestic Violence Awareness Month to bring awareness to the right to be free from violence and abuse and recognize that more work remains until every individual is able to live free from fear and abuse.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that the month of October, 2020 be proclaimed

DOMESTIC VIOLENCE AWARENESS MONTH

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to assist victims of these crimes in finding the help and healing they need.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this the 12th day of October in the year 2020.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, breast cancer is the second most common cancer among American women; and

WHEREAS, this year, an estimated 276,000 Americans will be diagnosed with breast cancer and more than 42,000 will die from this terrible disease; and

WHEREAS, during 2020 in the State of Tennessee, approximately 5,760 new cases of invasive breast cancer will be diagnosed and nearly 950 people will succumb to the disease; and

WHEREAS, Breast Cancer Awareness Month is an annual health campaign in the month of October organized by major charities to increase awareness of the disease and to raise funds for research into its cause, prevention, diagnosis, treatment and cure; and

WHEREAS, awareness surrounding breast cancer is incredibly important as early detection, often through screening, can catch the disease when it is the most treatable; and

WHEREAS, through research and advocacy, advances have been made in the fight against breast cancer, including an increased rate of early detection and a ninety percent five-year relative survival rate for localized breast cancer; and

WHEREAS, the 3.1 million breast cancer survivors living in the United States today are a testament to the courage and determination of those affected by breast cancer.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that the month of October, 2020 be proclaimed

BREAST CANCER AWARENESS MONTH

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to increase awareness of the importance of preventative measures such as self-examinations and annual mammograms in the fight against breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this the 12th day of October in the year 2020.

WARREN L. GOOCH, MAYOR

PROCLAMATION

WHEREAS, the City of Oak Ridge, like hundreds of other cities across the country, has felt the many impacts of substance misuse, particularly while these are being confounded by the COVID-19 pandemic; and

WHEREAS, the red ribbon was chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty and has come to represent the belief that one person CAN make a difference; and

WHEREAS, businesses and other entities throughout Oak Ridge will display red ribbons and lights as part of the I AM ONE campaign symbolizing the role each of us can play to be proactive against substance misuse in our community; and

WHEREAS, the ASAP Coalition and the ASAP Youth Ambassadors have been working to eliminate stigma, increase knowledge, reduce access and encourage a drug-free lifestyle; and

WHEREAS, because success will not occur overnight, our patience and continued commitment to substance misuse prevention are imperative; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to promote this belief and encourage a drug-free lifestyle and involvement in drug prevention efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that October 23-31, 2020 be proclaimed

RED RIBBON WEEK

in the City of Oak Ridge, Tennessee, and encourage all citizens and sectors to participate in substance misuse prevention activities, not only during Red Ribbon Week, but all year long.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this the 12th day of October in the year 2020.

WARREN L. GOOCH, MAYOR

CONSENT AGENDA

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

September 14, 2020

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on September 14, 2020 in the Municipal Building Courtroom.

INVOCATION

The invocation was given by Reverend James Raffety, Central Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Kelly Callison.

ROLL CALL

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

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

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognitions

City Manager Mark Watson introduced the new Personnel Director, Janice Harris.

Proclamations

A proclamation honoring former Oak Ridge Fire Chief Darryl Kerley.

Mayor Gooch moved for approval of the proclamation, and Mayor Pro Tem Chinn 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 Boston Government Services, LLC.

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

A proclamation designating September, 2020 as Suicide Prevention Awareness Month

Mayor Pro Tem Chinn 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 designating September, 2020 as Recovery Month

Councilmember Dodson 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 designating September, 2020 as Big Brothers Big Sisters Month

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

CONSENT AGENDA

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

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

Approval of the August 10, 2020 City Council regular meeting minutes

Approval of the Youth Advisory Board Annual Goals

Resolution No. 9-83-2020

A RESOLUTION AUTHORIZING FISCAL YEAR 2021 EXPENDITURES IN THE ESTIMATED AMOUNT OF \$55,000.00 TO XEROX CORPORATION.

Resolution No. 9-84-2020

A RESOLUTION APPROVING A CONTRACT WITH AT&T FOR FIRSTNET CELLULAR COMMUNICATION SERVICES FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR FISCAL YEAR 2021 UTILIZING STATE CONTRACT PRICING.

Resolution No. 9-85-2020

A RESOLUTION ACCEPTING TWO (2) GRANTS FROM THE TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY FOR THE POLICE DEPARTMENT IN THE AMOUNTS OF \$22,000.00 AND \$20,000.00, WITH NO LOCAL MATCH REQUIREMENT.

Resolution No. 9-86-2020

A RESOLUTION TO ESTABLISH AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A SAFETY DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM PLAN.

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 DELETING SUBSECTION (A) OF SECTION 3.02, TITLED, "GENERAL LAND USE PROVISIONS," AND SUBSTITUTING THEREFOR A NEW SECTION 3.02(A) TO ADDRESS POSSESSION OF CHICKENS IN RESIDENTIAL AREAS; BY DELETING THE REFERENCE TO "SECTION 2.07" IN SECTION 3.10(A) AND THE REFERENCE TO "2.08(R)" IN SECTION 3.11(B) AND REPLACING BOTH WITH A REFERENCE TO "ARTICLE II" FOR CORRECTNESS; BY DELETING THE FOLLOWING SECTIONS WITHOUT REPLACEMENT: SECTION 3.13, SECTION 5.05(C)(1), SECTION 7.03(C)(7), AND SECTION 8.01(B)(10) TO REMOVE REDUNDANT PROVISIONS; AND BY DELETING SUBSECTION (A) OF SECTION 16.16, TITLED, "REVIEWS AND PERFORMANCE STANDARDS," AND SUBSTITUTING THEREFOR A NEW SECTION 16.16(A) TO CORRECT TYPOGRAPHICAL ERRORS. (**Public hearing will be held on second reading.**)

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

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

FINAL ADOPTION OF ORDINANCES

(NONE)

RESOLUTIONS

(NONE)

APPEARANCE OF CITIZENS

Doug Colclasure, 103 Monticello Road, Oak Ridge, addressed Council regarding his concerns about the proposed motorsports park and its effect on trails and greenways.

Martin McBride, 954 W. Outer Drive, Oak Ridge, who also serves as Co-Chair of the 65th Anniversary Committee to celebrate school integration, suggested that Council invite NNSA Director Lisa Gordon-Hagerty to Oak Ridge to receive an award for the role NNSA played in school integration in Oak Ridge. He also suggested that Council consider the creation of an annual Oak Ridge 85 Civil Rights Award.

Rose Weaver, 142 Hendrix Drive, Oak Ridge, who also serves as Co-Chair of the 65th Anniversary Committee, thanked City Council and City staff for their role in the 65th Anniversary celebration on September 6, 2020.

William Blokland, 120 Newell Lane, Oak Ridge, addressed Council regarding his opposition to the proposed motorsports park.

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Appointment of City Council Budget and Finance Committee

Mayor Gooch moved the appointment of Councilmembers Callison and Smith and Mayor Pro Tem Chinn to the Budget and Finance Committee. Mayor Pro Tem Chinn seconded, and the motion was approved unanimously by voice vote.

Announcements

Mayor Gooch stated that the City had received a letter from Congressman Chuck Fleischmann in support of the City's position regarding a joint contract for the Y-12 and Pantex plants.

Scheduling

(NONE)

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Mayor Pro Tem Chinn asked for an update regarding when City playgrounds will be reopening. City Manager Mark Watson stated that Fall Break is the target timeframe for reopening.

Councilmember Smith asked for an update regarding the implementation of the Granicus agenda management software. City Clerk Beth Hickman stated that one staff training has been held, and a second one is in the process of being scheduled. The plan is to go live with the agenda management software in November and proceed forward with training of Councilmembers on the voting software shortly thereafter once I-pads arrive for Councilmembers.

Councilmember Hammond requested a report as to how many customers have requested assistance from ADFAC with utility bills.

Councilmember Dodson inquired as to when roofing work on the Library will be completed and a target date for

when it might reopen. Public Works Director Shira McWaters stated she would have a date for completion at the

upcoming work session.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

City Manager Mark Watson asked Councilmember Ellen Smith to provide an update regarding COVID-19 cases in Anderson and Roane counties.

CITY ATTORNEY'S REPORT

(NONE)

ADJOURNMENT: 7:48 p.m.

OAK RIDGE CITY COUNCIL SPECIAL MEETING
Municipal Building Courtroom

September 22, 2020

Minutes

A special meeting of the City Council of the City of Oak Ridge, Tennessee convened at 6:00 p.m. on September 22, 2020 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

ROLL CALL

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

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice McGinnis, Finance Director, and Mary Beth Hickman, City Clerk.

RESOLUTIONS

Resolution No. 9-87-2020

A RESOLUTION AUTHORIZING AN AGREEMENT WITH PDC CONSULTANTS, FRANKLIN, TENNESSEE, FOR CONDUCTING AN ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED OAK RIDGE GENERAL AVIATION AIRPORT IN AN AMOUNT NOT TO EXCEED \$380,740.00.

Councilmember Dodson moved for approval of the resolution, and Mayor Pro Tem Chinn seconded. City Manager Mark Watson provided an overview of the resolution, and economic development consultant Ray Evans, who is assisting with the airport project, answered questions from Council.

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

Resolution No. 9-88-2020

A RESOLUTION AUTHORIZING THE PURCHASE OF COMPUTER-AIDED CALL HANDLING SOFTWARE FROM POWERPHONE FOR THE 911 EMERGENCY COMMUNICATIONS CENTER IN THE AMOUNT OF \$57,536.00.

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

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

Resolution No. 9-89-2020

A RESOLUTION AUTHORIZING THE TRANSFER OF 603 SCARBORO ROAD FROM THE CITY OF OAK RIDGE, TENNESSEE, TO THE OAK RIDGE UTILITY DISTRICT.

Councilmember Dodson moved for approval of the resolution, and Councilmember Callison seconded. City Attorney Ken Krushenski provided an overview of the resolution, and Sue Kristjansson, President and CEO of Oak Ridge Utility District, along with Oak Ridge Utility District attorney Jim Normand.

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

Resolution No. 9-90-2020

A RESOLUTION AWARDDING A CONTRACT (FY2021-039) TO JDH COMPANY, INC., CHATTANOOGA, TENNESSEE, FOR ROOF REPLACEMENT AT THE 1010 COMMERCE PARK BUILDING AND SECTION 3 OF THE MUNICIPAL BUILDING IN AN AMOUNT NOT TO EXCEED \$270,680.00.

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

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

Resolution No. 9-91-2020

A RESOLUTION AWARDDING A CONTRACT (FY2021-038) TO RADCO CONSTRUCTION SERVICES INC., DBA RADCO ROOFING INC., MOUNT HOLLY, NORTH CAROLINA, FOR ROOF REPLACEMENT AT WILLOW BROOK ELEMENTARY SCHOOL IN AN AMOUNT NOT TO EXCEED \$1,114,726.00.

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 board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

ADJOURNMENT: 6:49 p.m.

**FIRE DEPARTMENT MEMORANDUM
HQ-20-18**

DATE: September 25, 2020
TO: Mark S. Watson, City Manager
FROM: Travis Solomon, Acting Fire Chief
SUBJECT: PURCHASE OF CARDIAC MONITORS FOR ADVANCE LIFE SUPPORT EQUIPPED APPARATUS

Introduction

An item for the agenda is a resolution to waive competitive bids and approve the purchase of four (4) Zoll X Series Cardiac Defibrillator/Monitors in the amount of \$147,965.92 to replace the existing soon to be obsolete monitors located on the Advance Life Support (ALS) Engines as well as enhance the Fire Department's ability to treat COVID-19 patients.

Funding

After consulting with the Department Finance Director, funds are available in the equipment replacement fund to purchase four (4) cardiac monitors. The Fire Department will seek reimbursement under existing COVID funding for the purchase of the four (4).

Consideration

The monitors that are currently located on the four (4) engines are thirteen (13) – fifteen (15) years old. The monitors have been a critical life saving device throughout their life span with documented life saves. Effective February 3, 2021, the monitors will not be able to be certified, repaired, updated with any new guidelines, or meet FDA approval. Since COVID-19, the department has utilized them in the response to assist with treating patients. Trending research is leaning toward alternate treatment of COVID patients and the new replacement monitors will be able to monitor the new research treatment, including monitoring temperature. In addition, the new replacement monitors are easier to decontaminate in the event of exposure, decreasing the chances of cross contamination for the responders.

The department is requesting waiver of the formal competitive bid process and approval of an award to Zoll for the Zoll X Series monitors for two reasons. First, Fire Department personnel are already trained in the use of Zoll X Series as this is the same monitor currently in use by the department that is located on the ambulance. Utilizing another manufacture's device would require additional training for employees and it is more cost effective and efficient to only train for one device. Second, the existing departmental supplies are compatible with the Zoll X Series devices. Waiving the bid process and selecting Zoll will provide uniformity of training and supplies because there is already an X Series monitor on the Fire Department's ambulance.

Recommendation

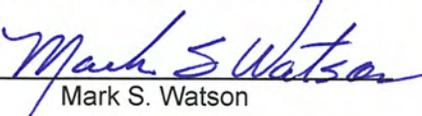
Approval of the attached resolution is recommended. As a reminder, unanimous approval of City Council is required to waive bid.


Travis Solomon, Fire Chief (Acting)

Attachments: Zoll's Price Quote
Proposed Resolution
Supportive Documentation

City Manager's Comments:

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

 10-7-2020
Mark S. Watson Date



ZOLL Medical Corporation

Worldwide Headquarters
 269 Mill Rd
 Chelmsford, Massachusetts 01824-4105
 (978) 421-9655 Main
 (800) 348-9011
 (978) 421-0015 Customer Support
 FEDERAL ID#: 04-2711626

TO: City of Oakridge Fire Department
 200 South Tulane Avenue
 Oak Ridge, TN 37830

Attn: **Chief Eric Mocsari**

email: emocsari@oakridgetn.gov

Tel: 865-425-3520

QUOTATION 357729 V:1

DATE: September 24, 2020

TERMS: Net 30 Days

FOB: Destination

**

FREIGHT: Free Freight

ITEM	MODEL NUMBER	DESCRIPTION	QTY.	UNIT PRICE	DISC PRICE	TOTAL PRICE
1	601-2231411-01	<p>X Series® Manual Monitor/Defibrillator with 4 trace tri-mode display monitor/ defibrillator/ printer, comes with Real CPR Help®, advisory algorithm, advanced communications package (Wi-Fi, Bluetooth, USB cellular modem capable) USB data transfer capable and large 6.5"(16.5cm) diagonal screen, full 12 ECG lead view with both dynamic and static 12-lead mode display.</p> <p>Accessories Included:</p> <ul style="list-style-type: none"> • MFC cable • MFC CPR connector • A/C power adapter/ battery charger • A/C power cord • One (1) roll printer paper • 6.6 Ah Li-ion battery • Carry case • Declaration of Conformity • Operator's Manual • Quick Reference Guide <p>• One (1)-year EMS warranty</p> <p>Advanced Options: Real CPR Help Expansion Pack CPR Dashboard quantitative depth and rate in real time, release indicator, interruption timer, perfusion performance indicator (PPI) • See - Thru CPR artifact filtering</p> <p>ZOLL Noninvasive Pacing Technology:</p>	4	\$41,015.00	\$33,632.30	\$134,529.20 *

To the extent that ZOLL and Customer, or Customer's Representative have negotiated and executed overriding terms and conditions ("Overriding T's & C's"), those terms and conditions would apply to quotation. In all other cases, this quote is made subject to ZOLL's Standard Commercial Terms and Conditions ("ZOLL T's & C's") which for capital equipment, accessories and consumables can be found at <http://www.zoll.com/GTC> and for software products can be found at <http://www.zoll.com/SSPTC> and for hosted software products can be found at <http://www.zoll.com/SSHTC>. Except in the case of overriding T's and C's, any Purchase Order ("PO") issued in response to this quotation will be deemed to incorporate ZOLL T's & C's, and any other terms and conditions presented shall have no force or effect except to the extent agreed in writing by ZOLL.

Timothy Nettles
 EMS Territory Manager
 865-599-3391

1. DELIVERY WILL BE MADE 60-90 DAYS AFTER RECEIPT OF ACCEPTED PURCHASE ORDER.
2. PRICES QUOTED ARE VALID FOR 60 DAYS.
3. APPLICABLE TAX, SHIPPING & HANDLING WILL BE ADDED AT THE TIME OF INVOICING.
4. ALL PURCHASE ORDERS ARE SUBJECT TO CREDIT APPROVAL BEFORE ACCEPTABLE BY ZOLL.
5. FORWARD PURCHASE ORDER AND QUOTATION TO ZOLL CUSTOMER SUPPORT AT esales@zoll.com OR FAX TO 978-421-0015.
6. ALL DISCOUNTS OFF LIST PRICE ARE CONTINGENT UPON PAYMENT WITHIN AGREED UPON TERMS.
7. PLACE YOUR ACCESSORY ORDERS ONLINE BY VISITING www.zollwebstore.com.



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 269 Mill Rd
 Chelmsford, Massachusetts 01824-4105
 (978) 421-9655 Main
 (800) 348-9011
 (978) 421-0015 Customer Support
 FEDERAL ID#: 04-2711626

TO: City of Oakridge Fire Department
 200 South Tulane Avenue
 Oak Ridge, TN 37830

Attn: **Chief Eric Mocsari**

email: emocsari@oakridgetn.gov

Tel: 865-425-3520

QUOTATION 357729 V:1

DATE: September 24, 2020

TERMS: Net 30 Days

FOB: Destination

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FREIGHT: Free Freight

ITEM	MODEL NUMBER	DESCRIPTION	QTY.	UNIT PRICE	DISC PRICE	TOTAL PRICE
2	8000-0341	<p>Masimo Pulse Oximetry</p> <p>SP02& SpCO</p> <ul style="list-style-type: none"> • Signal Extraction Technology (SET) • Rainbow SET (for SpCO & SpMet) <p>NIBP Welch Allyn Includes:</p> <ul style="list-style-type: none"> • Smartcuff 10 foot Dual Lumen hose • SureBP Reusable Adult Medium Cuff <p>End Tidal Carbon Dioxide monitoring (ETCO2)</p> <p>Oridion Microstream Technology: Order required Microstream tubing sets separately</p> <p>Interpretative 12- Lead ECG:</p> <ul style="list-style-type: none"> • 12-Lead one step ECG cable- includes 4- Lead limb lead cable and removable precordial 6- Lead set <p>Two Temperature monitoring channels with digital displays: Order Temperature probes separately</p> <p>SpO2/SpCO/SpMet Rainbow Resuable Patient Cable: Connects to Single Use Sensors (4 ft)</p>	4	\$245.00	\$169.05	\$676.20 *

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ITEM	MODEL NUMBER	DESCRIPTION	QTY.	UNIT PRICE	DISC PRICE	TOTAL PRICE	
3	8000-000371	SpO2/SpCO/SpMet Rainbow DCI Adult Reusable Sensor with connector (3 ft)	4	\$845.00	\$676.00	\$2,704.00	*
4	8000-000372	SpO2/SpCO/SpMet Rainbow DCI Reusable Sensor, Pedi	4	\$845.00	\$676.00	\$2,704.00	*
5	8000-002005-01	Cable Sleeve, Propaq / X Series, ZOLL Blue	4	\$52.45	\$40.91	\$163.64	*
6	8000-0895	Cuff Kit with Welch Allyn Small Adult, Large Adult and Thigh Cuffs	4	\$157.50	\$133.88	\$535.52	*
7	8000-0580-01	Six hour rechargeable Smart battery	8	\$519.75	\$421.00	\$3,368.00	*
8	8300-0520-01	Filterline Set Adult/Pediatric, Case of 25	4	\$275.00	\$233.75	\$935.00	*
9	8300-0524-01	Smart CapnoLine Plus O2 Adult (O2 tubing), Case of 25	4	\$355.00	\$301.75	\$1,207.00	*
10	8000-0670	YSI reusable adult Skin Temperature probe	4	\$125.00	\$112.50	\$450.00	*
11	8000-0671	YSI reusable pediatric Skin Temperature probe	4	\$125.00	\$112.50	\$450.00	*

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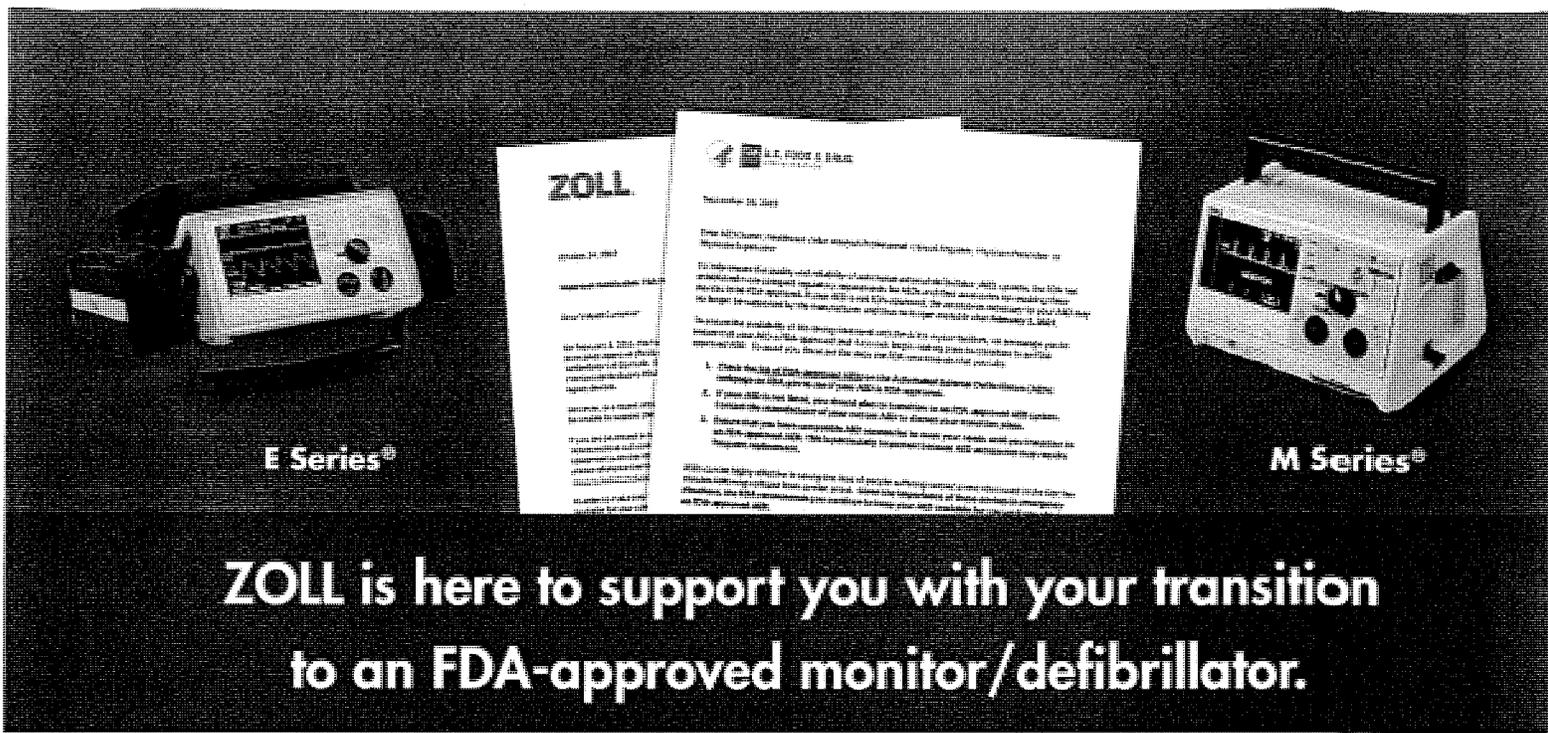
ITEM	MODEL NUMBER	DESCRIPTION	QTY.	UNIT PRICE	DISC PRICE	TOTAL PRICE
12	8 0 0 0 - 0 6 7 4	Disposable Temperature Sensor Adapter Cable	4	\$55.00	\$41.18	\$164.72 *
13	8 0 0 0 - 0 0 0 8 7 5 - 0 1	Paper, Thermal, BPA Free (box of 6)	4	\$24.00	\$19.66	\$78.64 *
*Reflects National Purchasing Partners (NPP) Contract Pricing.						

	TOTAL	\$147,965.92
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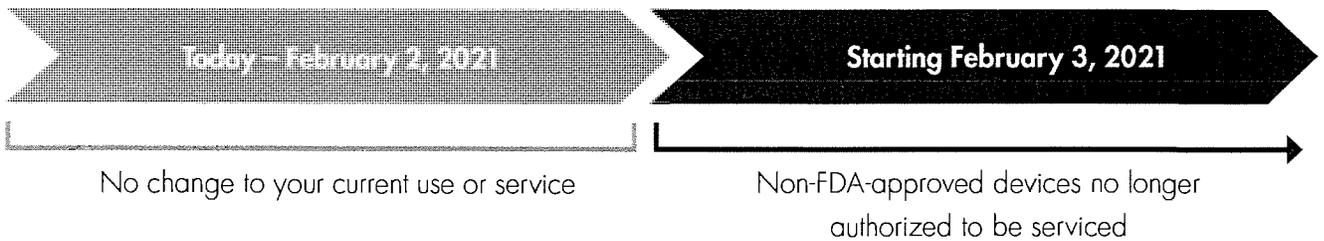
What is the FDA requiring?

On September 26, 2019, the FDA published information for EMS services and organizations indicating that as of February 3, 2021, monitor/defibrillators without FDA premarket approval (PMA) and accessories and service for those devices can no longer be provided by medical device manufacturers.

This update from the FDA is available on the FDA website (<https://www.fda.gov/medical-devices/cardiovascular-devices/automated-external-defibrillators-aeds>), which includes a list of non-FDA approved monitor/defibrillators that will be impacted on February 3, 2021. This list includes:

- ZOLL® E Series®
- ZOLL M Series®
- Stryker LIFEPAK 12
- Philips MRx

If you are currently in possession of one of these devices, beginning February 3, 2021 your device can no longer be serviced by your device manufacturer.



How can ZOLL help?

ZOLL is here to help make your transition to an FDA-approved monitor/defibrillator as easy as possible. With ZOLL, you will be supported with flexible financing options to meet your needs in this time-sensitive situation as well as provided with easy training and deployment of your new monitor/defibrillator.

Flexible Financing

We recognize that you may not have been planning to replace your non-FDA-approved device on such short notice (February 3, 2021 is less than 14 months from now). To support you in your transition, ZOLL offers a number of flexible financing options to help meet your needs. Please contact your local ZOLL representative for more information.

Easy training and deployment of your new monitor/defibrillator.

Changing to a new product isn't always easy. ZOLL's staff, which includes trained EMS Paramedics, is here to help make that change as easy as possible by providing efficient and effective on-site training for you and your team. To date, ZOLL has trained thousands of EMS Services worldwide to successfully use their new ZOLL products.



**ZOLL is here to help. For more information, please visit
www.zoll.com, or contact your local representative.**



269 Mill Road
Chelmsford, Massachusetts 01824-4105
978-421-9655 (main)
978-421-0025 (fax)
www.zoll.com

October 24, 2019

Important Notification: FDA Final Order, M Series and E Series Defibrillators

Dear Valued Customer;

On February 3, 2015, the Food and Drug Administration (FDA) issued the Final Order requiring premarket approval (PMA) applications to be filed for defibrillators with an automated external defibrillator (AED) mode. Since the 2012 discontinuation of the M Series and E Series monitor/defibrillators ZOLL has made every effort to continue to support the operation of these legacy devices.

However, in a recent letter from the FDA, further clarification of this Order specifies that ZOLL will be unable to support these devices with service or accessories after February 3, 2021.

If you are on record as having a discontinued monitor/defibrillator from ZOLL, your local representative will contact you directly to assist you with this transition. To verify that your equipment is on the FDA-approved AED list, that includes both AEDs and professional defibrillators, please reference the following link: <https://www.fda.gov/medical-devices/cardiovascular-devices/automated-external-defibrillators-aeds>.

In order to make this transition simple and cost-effective, we currently have upgrade programs available for your consideration. For hospital customers and clinics, we offer the R Series® Monitor Defibrillator that can be configured similarly to your existing M Series. For EMS and Fire customers, we offer the X Series® Monitor/Defibrillator. For additional information regarding these programs, please contact your local sales representative.

If you have any questions or require additional information, please contact your local sales representative or our Customer Service Department at 800-348-9011.

Sincerely,

Paul Dias

Vice President, Quality and Regulatory Affairs
ZOLL Medical Corporation



Frequently Asked Questions

Question

What is the final order requiring premarket approval (PMA) from the U.S. Food and Drug Administration (FDA)?

Answer

Over the past several years, the FDA has increased its focus on ensuring that AEDs and professional defibrillators are safe and reliable. As part of this focus, the FDA has modified the approval process for these devices from the previous 510k approval to the more stringent PMA process.

From the FDA, effective April 2019:

"The FDA sent letters to all AED manufacturers who did not submit a premarket approval (PMA) application for their AEDs as required by the final order, reminding them they can no longer market their AED; the letters also informed the manufactures that necessary AED accessories may not be marketed if a PMA is not filed. Manufacturers were asked to provide a plan for these AEDs and necessary AED accessories, including a timeline for servicing and phase-out activities, a plan for communicating with their customers, and an estimate of the volume of AEDs and accessories that remain in the field."¹

In September 2019, the FDA announced that accessories (including, but not limited to, batteries, cables, hardware, and therapy electrodes) and service for any defibrillator that is not FDA-approved under premarket approval (PMA) will **no longer be available for sale** after February 3, 2021. This applies to all defibrillator manufacturers and distributors in the United States.

Question

Which ZOLL® defibrillators carry FDA premarket approval (PMA)?

Answer

- AED Plus® defibrillator
- Fully Automatic AED Plus defibrillator
- AED Pro® defibrillator
- ZOLL AED 3® BLS defibrillator
- R Series® monitor/defibrillator
- X Series® monitor/defibrillator
- Propaq® MD monitor/defibrillator

Question

Which ZOLL defibrillators do not carry FDA premarket approval (PMA)?

Answer

The ZOLL M Series® and ZOLL E Series® monitor/defibrillators are not FDA-approved under PMA. In 2012, sales of both the M Series and E Series monitor/defibrillators were discontinued and accordingly, no PMA application was filed with the FDA. The FDA recommends that defibrillator owners/users of non-approved devices begin making plans to transition to an FDA-approved defibrillator – see above for a list of ZOLL FDA-approved devices.

Question

Where can I get more information?

Answer

Visit the FDA website for up-to-date information and a complete list of FDA-approved devices.

For information on upgrade and financing options to support you during this transition:

- Contact your local ZOLL sales representative or authorized distributor
- Call ZOLL Customer Service at 800-348-9011
- Submit the PMA Information Request Form

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BID AND AUTHORIZING THE PURCHASE OF FOUR (4) CARDIAC MONITORS FROM ZOLL MEDICAL CORPORATION FOR USE BY THE FIRE DEPARTMENT IN THE AMOUNT OF \$147,965.92.

WHEREAS, in February 2021, the four (4) existing cardiac defibrillator/monitors located on the Advance Life Support (ALF) Engines will no longer be able to be certified, repaired, or updated with any new guidelines and will become obsolete; and

WHEREAS, the cardiac monitors have been a critical life saving device throughout their approximate fifteen (15) year life span with documented life saves; and

WHEREAS, cardiac monitors have also been utilized in response to COVID-19 and new replacement monitors will have additional capabilities to treat COVID-19 patients; and

WHEREAS, the Fire Department is seeking a waiver of the competitive bid process and selection of ZOLL Medical Corporation for the replacement cardiac monitors; and

WHEREAS, Fire Department personnel are already trained in the use of the ZOLL X Series cardiac monitor as this is the monitor purchased in 2018 and used on the ambulance, and consistency of devices eliminates the need for training in multiple manufacturer's devices; and

WHEREAS, additionally, the Fire Department already maintains supplies for the ZOLL X Series; and

WHEREAS, the City Manager recommends waiver of competitive bid process and award to ZOLL Medical Corporation to maintain consistency in training and supplies.

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

That the recommendation of the City Manager to waive the competitive bid process is approved and award is hereby made to ZOLL Medical Corporation, 269 Mill Road, Chelmsford, Massachusetts 01824-4105, for the purchase of four (4) cardiac monitors for the Fire Department in the amount of \$147,965.92.

This the 12th day of October 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
20-67**

DATE: October 5, 2020
TO: Dr. Mark S. Watson, PhD City Manager
FROM: Patrick Berge, P.E., Utility Manager
SUBJECT: COVID-19 RELATED WASTEWATER SAMPLING EXPENSES

Introduction

An item for City Council consideration is a resolution approving the expenditure of an amount not to exceed **\$70,000** on Covid-19 related wastewater sampling with Sirem, a division of Geosyntec Consultants, Inc. (Boca Raton, Florida).

Funding

Funding for this expense is available through COVID grant funding and the Water Works Fund.

Background

The City began testing wastewater samples for Covid-19 using Sirem/Geosyntec in July, 2020. Sirem/Geosyntec was chosen to provide this service due to their proximity to the City and the ability to begin providing results immediately. This sampling was used to set a baseline for Covid prior to the beginning of the school year. Sampling is regularly conducted at the Turtle Park Wastewater Plant, the Emory Valley Lift Station, the East Plant Lift Station, and at sites outside the preschool and the high school. The results of this sampling have indicated fluctuating but increasing levels of Covid in the City's wastewater. This data has been provided to the City Manager and to the Superintendent of Schools to help determine the proper response. This sampling costs \$450 per sampling event. Through the end of September the City has spent \$25,200 on Covid testing and at an average of six events per week will total an additional \$40,000 through the end of 2020. The total expenditure for Covid-19 wastewater sampling will be about \$70,000.

Recommendation

Staff recommends approving the expenditure of these funds.

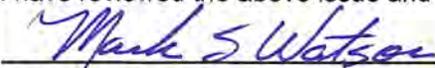


Patrick Berge, P.E.

Attachment:
Resolution

City Manager's Comments:

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



Mark S. Watson

10-7-2020

Date

RESOLUTION

A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$70,000.00 FOR COVID-19 RELATED WASTEWATER SAMPLING WITH SIREM, A DIVISION OF GEOSYNTEC.

WHEREAS, in July 2020, the City began testing wastewater samples for the coronavirus disease 2019 (COVID-19) using SiREM, a division of Geosyntec; and

WHEREAS, SiREM was the only company at the time available to provide immediate testing results for the City; and

WHEREAS, the sampling was used to set a baseline for COVID-19 prior to the beginning of the school year, and sampling is conducted on a regular basis at various locations to provide data to the City and the Oak Ridge school system; and

WHEREAS, each sampling event costs \$450.00 and, to date, the City has spent \$25,200.00 on COVID-19 wastewater testing and will expend approximately \$70,000.00 through the end of Calendar Year 2020; and

WHEREAS, the City desires to continue utilizing the services of SiREM to provide continuity in obtaining current data; and

WHEREAS, the City Manager recommends waiver of the formal bid process and authorization to expend up to \$70,000.00 for COVID-19 wastewater sampling through SiREM.

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

That the recommendation of the City Manager to waive the formal competitive bid process is approved and the City is authorized to continue to utilize SiREM, a division of Geosyntec, for wastewater COVID-19 sampling through Calendar Year 2020 at a cost not to exceed \$70,000.00.

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

This the 12th day of October 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
PLANNING DIVISION
20-75**

DATE: September 18, 2020
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director 
FROM: Nathalie A. Schmidt, Senior Planner
SUBJECT: PROPOSED TEXT AMENDMENT AND MAP AMENDMENT TO CREATE A NEW ZONING DISTRICT CALLED D-1, DOWNTOWN DISTRICT, AND TO REZONE TEN PARCELS (14.13 ACRES) ALONG WILSON STREET TO THE D-1 DESIGNATION

Introduction

An item for City Council's consideration is an ordinance to create a regulatory zoning district called D-1, Downtown District, in the Oak Ridge Zoning Ordinance, specifically amending Article II, Definitions; Article VII, Parking and Business Districts; Article XIV, Sign Regulations; and Article XVI, Administration and Enforcement; and to concurrently rezone the following ten parcels (14.13 acres total) along Wilson Street from B-2, General Business, and UB-2, Unified General Business, to the D-1, Downtown designation: Anderson County Tax Map 99L, Group A, Parcels 003.03, 006.00, 007.00, 018.00, 018.01, 018.02, 020.00, 039.00, 040.00, 041.00.

Funding

No funding is necessary to approve this request.

Background

The proposed Text and Map Amendment for a new Downtown District is an outcome of the recent vision and plan for Downtown Oak Ridge, which was well received by the community and adopted by City Council in January 2020. The vision is based on a transportation and land use study that illustrates the economic and quality of life benefits of walkable, mixed-use development on the Wilson Street corridor. The plan is also complementary to future mixed-use phases of the Main Street Oak Ridge PUD, located on Wilson Street. Property owners in and around the corridor were included in the planning process, and owners of included properties have been continually notified of progress via email, phone and US mail. No property owners have objected to the proposals.

Analysis

The need for zoning changes was recognized early in the process. Taking the land use study a step further, staff provided the Planning Commission with a zoning analysis for conceptual development and found that certain physical elements of the downtown vision would not be allowable under current

regulation. It became clear that new development standards were needed to encourage and guide the transformation of the existing business district to a more compact and urban type of development.

Staff studied potential development scenarios along Wilson Street, researched downtown standards in other communities, and tailored new standards and a development process to fit within established local procedures. The result is unique set of standards that have been reviewed by multiple City Departments as well as several design and development professionals with experience in the Knoxville region.

Much of the property in the area is currently zoned B-2, General Business District. For reference, the table below summarizes zoning for B-2 and D-1 districts.

	B-2, General Business	D-1, Downtown
General Character	General, broad commercial district	Mixed use, urban and walkable development
Allowed Uses	Section 7.03 of the Zoning Ordinance. Residential uses are not permitted unless part of a Mixed Use Development.	Basic retail, entertainment, and office uses. New permitted uses include multifamily and attached residential, taverns, and breweries. A compatible use not specifically listed may be approved by Special Exception.
Parking	Regulated by Article XI.	Reduced required amount for all uses. Improved standards for shared parking.
Site Standards	Citywide suburban standards, including landscaping, screening, and parking lots.	New urban design standards that attract and support pedestrian activity along Wilson Street. These include parking behind or beside buildings, sidewalk seating areas, and plaza features, as well as connecting each site to the overall streetscape design.
Building Standards	Minimal design standards	New design standards to ensure pedestrian-scale development, by addressing building articulation, massing, and orientation.

The proposed D-1 zoning enables compact development through new streetscape zone requirements, design parameters, and significant reduction of parking. These types of standards emphasize the quality of public use areas, such as sidewalks and open space as well as the orientation and ground-level features of buildings. In addition, a broader mix of uses is permitted.

Development in the D-1 District will be subject to Site Review by the Planning Commission, generally, and applications will involve more detailed review.

The attached Proposed Text Amendment presents all of the new zoning regulations for development in the Downtown District. The amendment includes:

- New Section 7.06, D-1 Downtown District (*Article VII, Parking and Business Districts*)
- New definition, 'Open Space, Urban' (*Article II, Definitions*)
- Add 'D-1' to Section 16.12, Uses Requiring Planning Commission Approval
- Add 'D-1' to Section 14.03, Sign Matrix
- New sign type, 'Sandwich Board/A-Frame' (*Article XIV, Sign Regulations*)
- New Section 14.13, Signs for the Downtown District (*Article XIV, Sign Regulations*)

Creating the Downtown District involves rezoning properties and amending the Zoning Map. To establish the district initially, ten (10) parcels or approximately 14 acres having frontage on Wilson Street are proposed to be rezoned from B-2 or UB-2 to D-1, as shown on the attached map.

Property owners of the ten parcels were first contacted by staff during the visioning workshop in 2019, and have received updates regarding the zoning change between April and September 2020. Their questions and informal comments have been either positive or neutral, with no stated objections with rezoning the properties. If the proposed rezoning is approved, any future requests to rezone, either to or from D-1, will be subject to the normal application procedure.

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

The Comprehensive Plan contains the City's land use, transportation, and economic development policies for future development. Though the plan's base data is no longer current (1988), several land use policies have remained relevant with regard to creating a dominant city center that supports business, residential, and civic activities.

In 2019, the community-supported City Blueprint Plan asserted that a downtown in Oak Ridge would help grow the City's population and economic sustainability, enhance the City's image and quality of place, and improve connectivity and mobility as a central destination and gathering place for residents and visitors.

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

Amendments to the adjacent Main Street Oak Ridge PUD, beginning in 2018, which reduced the mix of uses within the planned development, influenced the City to attempt to establish an economically viable, mixed-use district along Wilson Street. An apartment project currently under construction on the previous site of the American Museum of Science and Energy (AMSE) will provide new residents to support a walkable district and attract more businesses.

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

The larger area defined by Rutgers Ave, Tulane Ave, South Illinois Ave, and the Oak Ridge Turnpike is considered the city center, which has a mix of retail commercial, institutional, and residential uses. The D-1 district is intended to become a more compact version of the same types of uses, and to become a generator for greater economic activity. Therefore, the area is both suitable for D-1, and D-1 is compatible with existing surrounding zoning and uses.

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

The D-1 district will not be isolated or unrelated to adjacent districts. The D-1 is intended to be the central business district and will have similar uses as surrounding business districts (UB-2 and B-2), as well as additional compatible uses such as residential.

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

Existing public facilities and services are adequate to accommodate future development in the proposed district; however, a high-density scenario with several midrise buildings (between 4-12 stories) would require an assessment of sewer capacity.

6) Would the requested rezoning have environmental impacts?

The area has been developed for many decades and new environmental impacts are not expected. Redevelopment of the site will require compliance with state and local development regulations that protect public health, public safety and general welfare.

Planning Commission Recommendation

At their regular business meeting on September 17th, 2020, the Planning Commission voted unanimously (9-0) to recommend approval of the Text and Map Amendments.

The Planning Commission had their first focused discussion on downtown zoning in January 2020, to hone down the purpose and intent, and to identify the desired characteristics of the district. Almost every month since then, the Commission has discussed updates or reviewed draft amendments. In addition, public feedback about a future downtown have repeatedly surfaced during meetings and review of other projects over the past year.

Many of the owners of properties along the three blocks of Wilson Street chose to participate in the visioning study or acknowledged its positive significance, and staff has maintained communication with each of them to solicit comments and answer questions during the amendment process.

Recommendation

Approval of the attached ordinance is recommended.

Attachments:

1. Proposed Rezoning Map and property information
2. Proposed Zoning Ordinance Text Amendment – D-1, Downtown District
3. Ordinance

Nathalie Schmidt

Nathalie A. Schmidt, AICP, Senior Planner

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

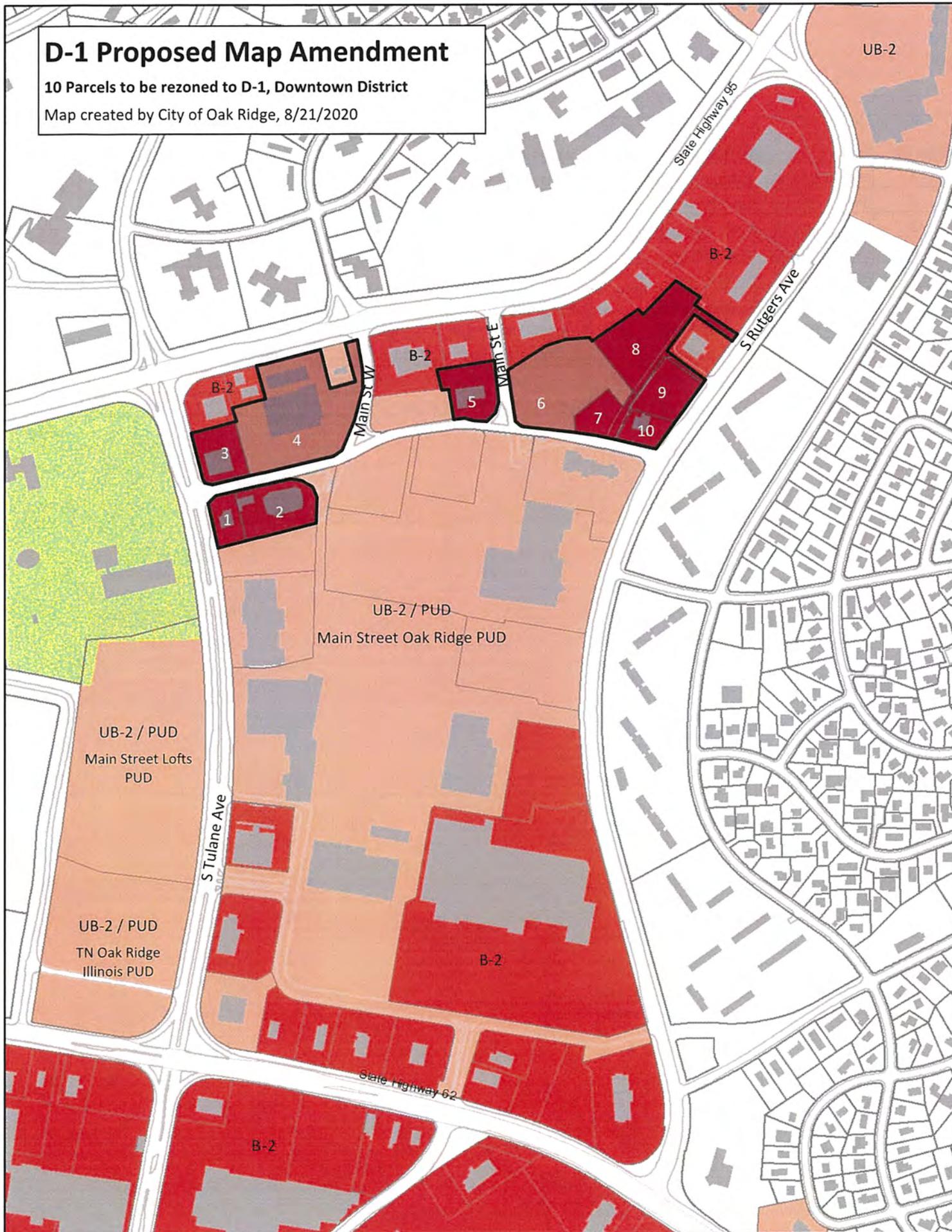
10-7-2020

Date

D-1 Proposed Map Amendment

10 Parcels to be rezoned to D-1, Downtown District

Map created by City of Oak Ridge, 8/21/2020



Map Ref.	Parcel	Street Address	Owner	Current Zoning	Acres
1	099L A 040.00	S TULANE AVE 201	HANRAHAN THOMAS P ETUX	B-2	0.51
2	099L A 039.00	MAIN ST W 795	BAXTER PROPERTIES LLC	B-2	1.30
3	099L A 041.00	S TULANE 199	A & M ENTERPRISES INC	B-2	0.82
4	099L A 003.03	E MAIN ST	ORCC-STAPLES LLC	UB-2 PUD	3.77
5	099L A 006.00	MAIN ST 110	AUSTIN THOMAS A	B-2	0.99
6	099L A 007.00	E MAIN ST 333	OAK RIDGE CITY CENTER LLC	UB-2 PUD	2.59
7	099L A 018.02	RUTGERS AVE	GLAZER GUILFORD NONEXEMPT MARTIAL TRUST	B-2	0.62
8	099L A 018.00	RUTGERS AVE	GLAZER GUILFORD NONEXEMPT MARTIAL TRUST	B-2	2.13
9	099L A 018.01	RUTGERS AVE	GLAZER GUILFORD NONEXEMPT MARTIAL TRUST	B-2	0.90
10	099L A 020.00	WILSON ST 100	CAPPIELLO ANTHONY P, JR	B-2	0.50

14.13

Zoning Ordinance Text Amendment – D-1, Downtown District
Recommended for approval by the Planning Commission, 9/17/2020

(New text is underlined)

ARTICLE VII
Parking and Business Districts

- Section 7.01** **P, Parking District**
Section 7.02 **B-1, Neighborhood Business Districts**
Section 7.03 **B-2, General Business Districts**
Section 7.04 **UB-2, Unified General Business Districts**
Section 7.05 **B-3, Roadside Business Districts**
Section 7.06 **D-1, Downtown District**

Section 7.06 D-1, Downtown District

(a) Statement of Purpose and Intent of the Downtown District

The Downtown District is intended to support a centrally located, walkable, urban district that generates daytime and evening activities for residents and visitors. These regulations are written in conformance with the City’s Comprehensive Plan and developed as a result of the City Blueprint (2019) and Wilson Street Corridor Study (2020) to promote the creation of downtown Oak Ridge. A degree of flexibility is inherent in this district to encourage entrepreneurial and innovative businesses and creative structures and spaces to form the downtown district.

The district shall be characterized by:

- Multiple-story buildings oriented towards the street
- Attractive streetscapes including generous sidewalk area for pedestrian circulation, street furniture, etc.
- Quality public space and community gathering space
- Compatible mix of uses, including retail, entertainment, restaurant, office, and residential, with residential uses being a critical component of the district
- Pedestrian and bicycle connections to surrounding development, neighborhoods, and parks

(b) Applicability

This section shall apply to properties having the D-1, Downtown District zoning designation. The boundary may change from time to time; however, the district is intended to be concentrated within one central location in the city. Initial establishment of the D-1 District is located along the three-block street corridor connecting S. Tulane Avenue at A.K. Bissell Park to S. Rutgers Avenue.

Owners of adjacent property, including directly across public right-of-way, may request to rezone property to D-1, Downtown District, by providing a description of how the change promotes the intent of the district, and is compatible with other surrounding properties.

(c) Procedural and Approval Requirements

This section in its entirety will be used by the City to review proposals for land use and development within the boundaries of the district. Proposed development shall also be consistent with the Comprehensive Plan and other adopted plans for the area.

1. All new development and redevelopment proposals require Site Review approval, other than the interior renovation of buildings. The Site Review process is guided by Sections 16.11-16.18. However, administrative review of a building permit for a change of use or occupancy of an existing building may require compliance with the parking standards in this section.
2. Proposals that require Planning Commission approval for Site Review are required to schedule a pre-application meeting with staff. Applications that are determined to be sufficient will be forwarded to the Planning Commission.
3. In addition to submittal requirements in Sec. 16.11, and on the application, all Site Plans for the Downtown District shall include, when applicable:
 - a. Description of use(s) of the property
 - b. Parking analysis and plan, including parking agreement(s)
 - c. Vehicular access and service areas, specifically in coordination with surrounding properties within the district
 - d. Streetscape Plan (see Section 7.06(f)(3))
 - e. Landscape Plan, including urban open space areas
 - f. Details for site specific lighting, furniture, or other site features that visibly contribute to the overall character of the district
 - g. Schematic drawings of building elevations
 - h. Other specific information that may be necessary to adequately describe the development proposal
4. Where there are conflicts between the special Downtown District regulations herein and general zoning, subdivision or other regulations or requirements, these regulations shall apply in the Downtown District.

5. Where any development proposal in the Downtown District is not in accordance with applicable zoning regulations, a request(s) for specific modification of the regulations may be submitted with the Site Plan to the Planning Commission. In order to grant the request, the Planning Commission shall make a finding in the particular case that public purposes for the district are satisfied to an equivalent or greater degree. Approved modifications shall be identified on the final Site Plan documents.
6. No permit for construction shall be approved unless plans for development are found to be in compliance with the requirements of the Subdivision Regulations and all relevant City codes.

(d) Uses Allowed

Multiple permitted uses may occupy a property.

1. Permitted Uses:

Multifamily and attached single-family residential

Mixed use development

Retail businesses

Professional and personal services

Offices

Hotel or motel

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

Night clubs, dance clubs, and taverns (see Section 3.14)

Theater, radio or television studio, concert hall, bowling alley, or similar indoor entertainment or place of assembly

Art and craft studio space

Light manufacturing in connection with a retail store, shop, or restaurant provided such manufacturing is incidental and accessory to the retail use (examples of manufactured products include but are not limited to food, alcoholic or other beverages, and artisan or other retail goods)

Municipal and public utility services

Parking lots and parking structures

Urban open space

Open-air businesses or sales, such as a farmers' market or bike rentals

Walk-up automated teller machines (ATMs) including those not connected to a bank or financial center

Street vendors, with a Temporary Use Permit (see Sec. 3.18)

The following permitted uses, subject to specific standards found in Article 3, shall comply with the parking and building setback standards in this section when located in the Downtown District:

Public, non-profit, community facilities, such as parks, libraries, museums

Private and public education facilities

Day care facilities

Religious institutions

2. Accessory Uses:

Accessory uses related to a permitted use are allowed, subject to the following:

a. Drive through facilities are generally discouraged in the Downtown District, but may be approved by the Planning Commission during the Site Review process.

b. Outdoor display of retail goods, provided:

i. Goods may only be displayed in the building transition zone, between the building face and street curb

ii. Display shall not interfere with pedestrian or vehicular traffic circulation

iii. Display shall not be located on required parking spaces

iv. Outdoor display is only permitted during business hours

3. Special Exception Requiring Approval:

Additional uses that may be compatible within the mixed-use Downtown District but are not included in the list of permitted uses shall require special approval.

A use that is proposed on a specific site as part of the Site Review process may be given special exception approval by the Planning Commission. Where Site Review is not required, an applicant may request special exception approval from the Board of Zoning Appeals.

Both the Planning Commission and Board of Zoning Appeals shall use the following criteria when determining the appropriateness of a use in the Downtown District:

a. The proposed use is consistent with the intended character of the district.

- b. The design or operation of the use does not cause substantial adverse impact to surrounding uses related to parking, traffic, noise, hours of operation, or other potential conflict.
- c. Auto-oriented uses or other uses that detract from an active pedestrian environment are generally discouraged, but not prohibited.
- d. The Board or Commission may impose conditions and restrictions deemed necessary to preserve and promote the character of the district and serve the interest of the general public.

(e) Dimensional Standards

The Downtown District has no minimum or maximum requirements for building setbacks, lot coverage, or building height. The orientation of buildings to public streets is regulated by Streetscape Zones and Development Standards in this section.

Buildings and appurtenances shall comply with applicable fire and building codes. No structure shall interfere with the required site distance at vehicle turning points onto streets.

(f) Development Standards

1. Access

New driveway access off Wilson Street is not allowed unless no alternative is available that does not create significant traffic or safety/fire protection issues. Vehicular access, subject to Sec. 11.01, should be provided from a side street, alley, or shared access easement. Minimize the number and dimensions of curb cuts and driveways to maintain the continuity of pedestrian and/or bikeways.

2. Parking

Proposed development shall provide parking calculations and analysis on the site plan or in a supplemental document. Analysis shall be based on the standards in this ordinance or on a parking demand study prepared by a qualified parking or traffic consultant or civil engineer, which substantiates the basis for granting alternative parking measures. Approved parking plans and studies shall be used administratively to monitor the overall parking capacity for the district.

- a. Quantity. To incentivize compact, walkable development and accommodate alternative modes of transportation in the downtown district, the minimum required amount of parking is significantly reduced from other districts, as follows:
 - i. Residential development. A minimum of 1.5 parking spaces per any type of residential unit shall be required. Multifamily development shall include bicycle storage areas. The Planning Commission may reduce the total number of spaces if the applicant provides analysis demonstrating that the reduction is sufficient for the proposed development.
 - ii. Nonresidential development. Up to fifty (50) percent reduction of the minimum required parking per use in Section 11.02(f) is permitted for nonresidential uses. At least one (1) bicycle parking space shall be provided for every 8 vehicle spaces eliminated.
 - iii. The maximum amount of parking shall be 100% of the minimum requirements in Sec. 11.02(f).
- b. Loading and unloading areas may be exempt from Sec. 11.04, but these areas shall be addressed on the Site Plan.
- c. Parking may be located off-site provided:
 - i. ADA standards for parking and accessibility must be maintained.
 - ii. The parking lot is located within 800 feet (3 to 5-minute walk) of the district and connected to the development by a continuous network of sidewalks and crosswalks.
 - iii. The parking lot is not located in a single-family residential district and the layout conforms to Sec. 11.03. Off-Street Parking Lot Layout, Construction, and Maintenance.
 - iv. The applicant must own the property, or provide a copy of a use-agreement, recorded in the Anderson County Register of Deeds office, with the owner of the off-site parking.
 - v. Sections 11.02(c), (l), and (m) for Required Off-Street Parking shall not apply to the district.
 - vi. Except for shared parking, as outlined below, the off-site parking area must satisfy the minimum amount of parking required for all uses it serves as outlined in this section.

- d. Shared parking allows for a reduction in the total number of parking spaces for complementary uses. This option may be used when two or more distinguishable uses in proximity to each other have peak parking demands that occur at different times of the day or days of the week, or when the mix of uses and design of the area allows users to park once and walk to multiple uses.

A shared parking plan, and any applicable property use-agreements, shall be approved with the Site Plan. Modification of a shared parking plan due to change of use (occupancy) or agreements with surrounding development shall be submitted for administrative approval in order to ensure compliance and fairness within the district. The plan for shared parking shall be evaluated based on the Table 7-1.

Land use	Weekday		Weekend		Nighttime 12 midnight — 6:00 a.m.
	Daytime 6:00 a.m. — 5:00 p.m.	Evening 5:00 p.m. — 12 midnight	Daytime 6:00 a.m. — 5:00 p.m.	Evening 5:00 p.m. — 12 midnight	
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Residential	30%	90%	80%	90%	100%
Restaurant	50%	100%	100%	100%	10%
Hotel/motel	75%	100%	75%	100%	75%
Entertainment	40%	100%	80%	100%	10%
Religious institution	10%	30%	100%	30%	5%

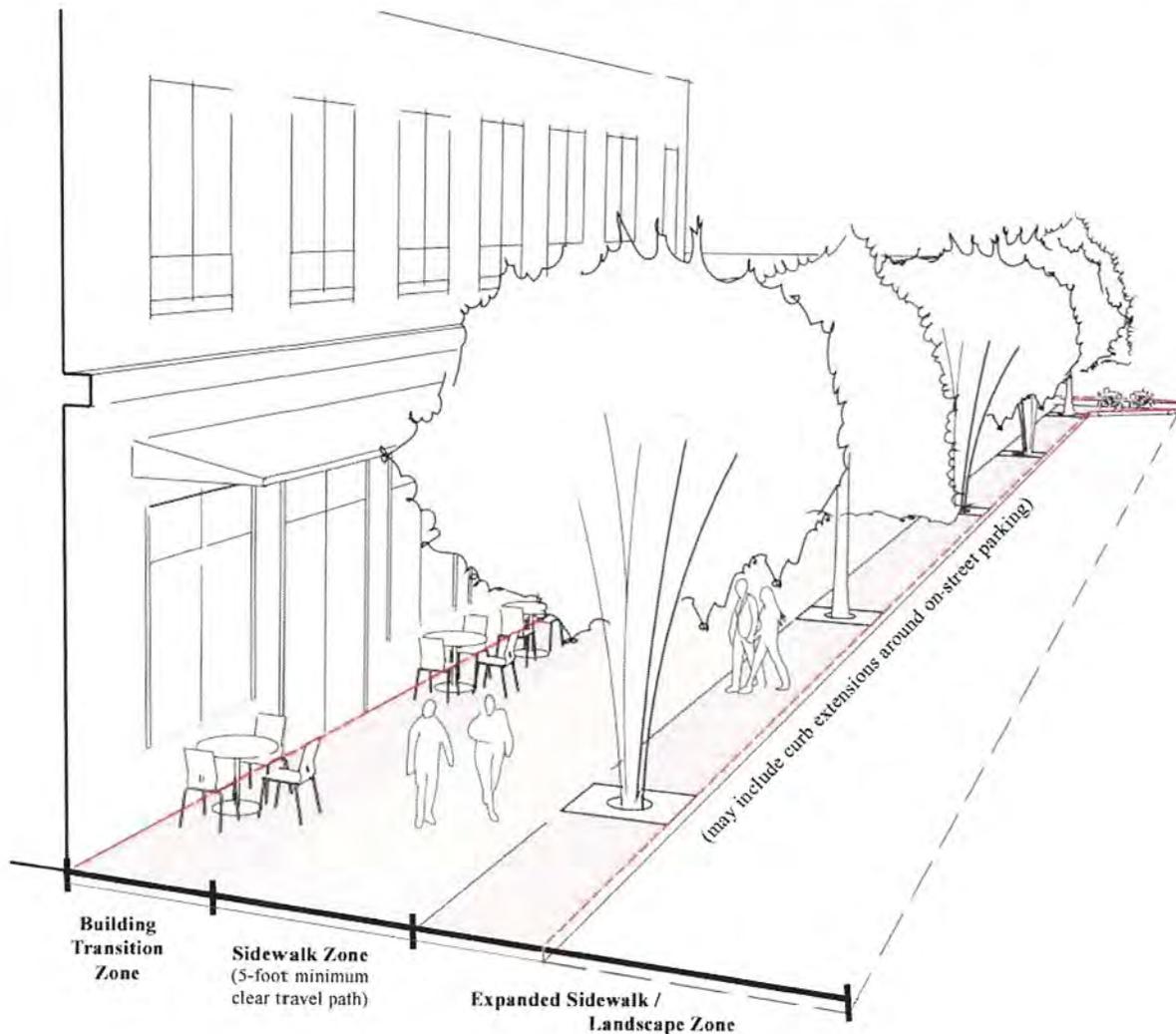
To use this Table:

- 1) Determine the minimum parking requirements in accordance with this Section and Sec. 11.02(f) for each land use separately.
- 2) Multiply each amount by the corresponding percentages for each of the five time periods.
- 3) Calculate the total for each time period.
- 4) Select the column with the highest total and use this number as the required minimum number of parking spaces.

3. Streetscape Zones

Streets in the downtown district are intended to accommodate mixed land uses, a variety of public open space, a network of bicycle and walking connections, and on-street parking. These various activities are linked together by the streetscape, which can be defined as the design quality and visual effect of the street.

The Downtown District establishes three streetscape zones between buildings and vehicle travel lanes (curb). Each zone has a specific purpose and composition that is regulated by the following descriptions and standards. Streetscape zones may be designed to be located partially in both public right-of-way and private property. In order to ensure consistency throughout the district, finish materials within these zones are subject to approval for appropriateness and durability.



Downtown District Streetscape Zones

Building transition zone describes the area between the face of a primary structure and the sidewalk zone, with clear routes between building entrances and the sidewalk. The building transition zone is appropriate for outdoor seating, dining, display of merchandise adjacent to business entrances, plazas with public features, public art, and plantings. In front of single family attached buildings, the building transition zone shall provide adequate width for a stoop, porch, and/or steps.

Sidewalk zone contains the primary pedestrian travel route through the Downtown District and should be designed to connect a network of pathways to buildings, open spaces, and parking areas. The sidewalk zone shall accommodate an unobstructed, minimum clear travel path at least five (5) feet wide. Sidewalk zones located on private property require a public access easement.

Expanded sidewalk or landscape zone is located closest to the street, between the sidewalk and vehicle travel lanes. Design and width will vary according to the design and width of the street right-of-way. The expanded sidewalk or landscape zone may include street trees and plantings, benches, bicycle parking, and safe areas for pedestrians near street corners and crosswalks.

4. General Streetscape Standards

- a. New sidewalks and pathways shall contribute to an overall safe and interconnected network of pedestrian pathways throughout the district.
- b. The clear travel path within the sidewalk zone, having a minimum width of five (5) feet, shall be unobstructed by permanent objects to a height of eight (8) feet.
- c. Features that are prohibited in streetscape zones include fences and walls greater than four feet in height; service elements such as dumpsters, loading docks and similar elements; and off-street parking.
- d. Seating areas used by individual businesses may be delineated by low walls, railings, or free-standing barriers constructed of attractive, durable materials.
- e. Plantings and street furniture near roadways should not interfere with sight lines to traffic, intersections, and signs.

- f. Street trees are required in the landscape zone, according to the following standards:
 - i. A combination of tree types is permitted, based on the City's list of acceptable species, minimum spacing requirements, and minimum planting areas for large, medium, and small street trees. These standard details for street trees are maintained by Recreation and Parks and Community Development Departments.
 - ii. The number and location of street trees shall be adjusted for considerations such as clearance with structures, utilities, and street signs.
 - iii. The planting area for street trees should be designed to ensure sufficient soil volume to support long-term plant health.
 - iv. Design alternatives to the City's standard details for street trees may be submitted by a licensed Landscape Architect or Certified Arborist for approval by the City.
- g. Development projects with street trees and plantings in the public right-of-way shall provide a maintenance agreement or assurance that satisfies the requirements of Section 13.02(f)(4)(4).
- h. Utility structures in streetscape zones should be screened with vegetation, art screen-printing, or visually incorporated with surroundings as much as possible.

5. General Site Standards

- a. The desired character of future development within the Downtown District requires certain modifications to the City's standard landscaping requirements. Development in the district is exempt from Sections 13.02(f)(2) Streetscape and 13.02(g)(3)(a) Transition Screening.
Sections 13.02(e)(2) Visibility of Parking Areas and 13.02(f)(1) Landscape Areas remain applicable in the district; however, alternative landscape and site design may be approved by the Planning Commission, particularly if the alternative demonstrates an overall well-designed urban development.
- b. On-site surface parking shall be located to the rear of buildings or integrated within buildings, and may be allowed on the side of buildings where any conflicts with pedestrian circulation have been minimized.

- c. Provide curbs or bumper stops in parking spaces to prevent vehicles from overhanging into walkways or landscaped areas.
- d. Screen service areas, trash storage, and surface parking lots from public view with built or landscaped buffering in a manner that complements the primary building design. Screening of waste collection shall be two feet taller than dumpsters. Parking areas only require partial screening, to a height that effectively blocks vehicle headlights.
- e. Plantings shall comply with Sec. 13.02(f)(3), Plant Materials, and (4), Maintenance, and shall also incorporate native species, seasonal variety, and be proven to thrive in urban conditions.
- f. Though impervious lot coverage is not limited, each site should attempt to maximize on-site water infiltration during rain events through planting areas and permeable surfaces.
- g. Exterior site lighting shall be pedestrian-scale, no more than 15 feet in height with cutoff fixtures.

6. Urban Open Space

Provision of publicly accessible open space is encouraged as part of all new development. Open space may be located on rooftops and on decks as well as in ground-level plazas, courtyards, lawns, and gardens. When urban open space is provided, the following shall apply, as applicable:

- a. Implement Crime Prevention Through Environmental Design (CPTED) principles, especially to maintain visibility into and throughout the space from the street and sidewalk, and adequate site lighting.
- b. When seating is provided, including a combination of the following types is encouraged: movable seating, fixed benches, seat walls, fixed individual seating, planter ledges and seating steps.
- c. Incorporate vegetation that provides shade and visual interest.
- d. Locate utility and mechanical equipment away from parks and plazas as much as possible.
- e. Ensure ongoing user stewardship of publicly accessible spaces by providing trash receptacles and other conveniences.
- f. Quasi-public space, located on private property, may require a cooperative agreement between the owner and the City to maintain public access from the public right-of-way, and shall be addressed as needed.

7. Building Standards
- a. Innovative and creative building design and materials are encouraged.
 - b. New buildings should be designed to complement the overall character of the district. That does not imply uniformity of architectural style; rather a sympathetic response to the height, scale, materials, color, site location and other aspects of nearby structures.
 - c. Orient building and business entrances to the primary street frontage; secondary entrances should be clearly defined and oriented to alleys or parking areas, as appropriate.
 - d. Activate street level, street-facing facades of nonresidential and mixed-use buildings by locating publicly accessible commercial spaces, not private spaces, along the ground floor.
 - e. The minimum height of the ground-floor, street-facing elevation for nonresidential and mixed-use buildings shall be fifteen (15) feet above the adjacent sidewalk.
 - f. Incorporate human-scale design elements, especially at the ground level. Recessed entries are encouraged. Ground floor elevations should consist of transparent entrances and windows, display windows, friezes, canopies or awnings, and pedestrian-scale signage. The use of darkly tinted and/or reflective glass is prohibited below eight (8) feet above street level.
 - g. Avoid extensive blank walls on sides of buildings facing streets and public open spaces
 - h. Articulate building facades using dimensions that promote a sense of human scale, particularly along the first two floor levels. Similarly, articulate larger buildings to help distribute the mass and scale into smaller parts. Some design methods that create depth or texture on building surfaces include:
 - i. recessed walls or panels
 - ii. vertical or horizontal banding
 - iii. decorative cornices
 - iv. plinth courses
 - i. Design roofs to enhance an urban skyline for the district through roof form, cornices, and other details.

- j. Screen building equipment and utilities, including rooftop mechanical equipment, from public view with built or landscaped buffering in a manner that contributes to the quality of the building design and public streetscape.
- k. Parking structures shall have activated street level uses, which may include retail or office space, or public art. Upper levels shall be screened or designed to minimize large façade openings and limit light trespass of garage interior lighting.
- l. On all buildings, use high quality materials that elevate the character of the district. Materials used within proximity to pedestrian areas must have the durability to withstand heightened activity and wear. Use light colored (high albedo) materials for roofing to reflect radiant heat.

ARTICLE II DEFINITIONS

OPEN SPACE, URBAN: Any parcel(s) or area of land, whether public or privately-owned, that may be improved and set aside, dedicated, or reserved for public use such as plazas, courtyards, or other gathering space, typically located in a commercial nonresidential or mixed use development.

ARTICLE XVI Administration and Enforcement

Section 16.12 Uses Requiring Planning Commission Approval

- (a) All proposed uses of a parcel/lot in the UB-2, B-1, O-2, D-1, and MH-1 zoning districts, except as identified in Sections 16.13 and 16.14 of this ordinance, shall only be permitted after a site plan showing the proposed development of the parcel/lot is reviewed by the City Manager for compliance with all ordinances and regulations and is approved by the Oak Ridge Municipal Planning Commission.

**ARTICLE XIV
SIGN REGULATIONS**

SECTION 14.03. MATRIX. The following matrix will be used in determining sign districts:

<u>ZONING DISTRICT</u>	<u>SIGN DISTRICT</u>
R-1-A, R-1-B, R-1-A/B, R-1-C, R-2, R-4-A, R-4-B, R-4-C, RG-1, G, P	RESIDENTIAL
E	EDUCATION
O-1, O-2, R-3	OFFICE-INSTITUTIONAL
B-1	NEIGHBORHOOD BUSINESS
B-2, B-3, UB-2	COMMUNITY BUSINESS
<u>D-1</u>	<u>DOWNTOWN</u>
IND-1, IND-2, IND-3, FIR	BUSINESS PARK AND GENERAL INDUSTRIAL
*Those properties as shown on the Medical Campus District Map	MEDICAL CAMPUS

SECTION 14.04. DEFINITIONS:

Sandwich Board/A-Frame Sign: A free standing temporary sign comprised of two sign faces diverging at an acute angle from their adjoined edge, with no moving parts or lights, displayed outside a business, during business hours, to advertise the business, hours of operation, to advertise an event, a promotion or offerings, etc.

SECTION 14.06. SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS).

The following signs shall be allowed in all zoning districts, provided that the following requirements are met or exceeded. A sign permit shall not be required for the following:

10. Sandwich Boards/A-Frame Signs. One sandwich board or A-frame sign per business may displayed in all commercial and office districts without a temporary sign permit, provided the sign may only be displayed during business hours, and shall be no taller than 42 inches. Signs must not interfere with pedestrian, vehicular, or emergency access to any building.

SECTION 14.13. SIGNS FOR THE DOWNTOWN DISTRICT.

Downtown signs further distinguish the mixed-use, walkable district through the identification of various types of uses and multi-tenant buildings, both visible from surrounding districts and people experiencing the district from the sidewalk. It is intended that development in the district shall achieve a high level of quality and design, and the same quality shall be reflected in signage and super graphics (as defined in the ordinance), in order to contribute to the vibrancy of the community and identity of downtown.

1. Types, Size and Location of Signs Allowed:

a. Ground Signs. Ground signs in the Downtown District are generally smaller than in other districts to cater to pedestrians. Ground signs which block vehicle and pedestrian movement or site lines will not be permitted.

(1) One identification ground sign is permitted per development and shall not exceed twenty-four (24) square feet in surface display area on each side. Ground signs to identify parking lots shall not exceed nine (9) square feet.

(2) The top of the ground sign shall be no higher than six (6) feet from ground level. (See definition for *Height of Sign*)

(3) Incorporation of animated signs or electronic message displays (subject to standards in Section 14.21) should be designed for pedestrian-scale communication rather than far-distance advertising.

(4) Illuminated or non-illuminated directional signs shall be allowed in off-street parking areas provided that the surface display area shall not exceed four (4) square feet and the height of the sign area shall be no higher than four (4) feet above ground level. Each sign may also bear the businesses' name, logo or trademark.

b. Building Signs (Wall Signs, Projecting Signs, and Awning Signs). To support a mix of uses in a walkable district, various types of building signs are permitted for individual uses. A comprehensive sign plan is recommended for multi-occupancy buildings, to reduce conflicts and inconsistencies over time.

(1) Each use within a building is allowed a primary identification wall sign, generally to be located on the same side of the building as the primary entrance to the building or tenant space. The maximum sign area for a single use having its own entrance shall be fifty (50) square feet. Multiple users that share an entrance may have a combined sign area not to exceed 100 square feet, or as otherwise regulated by an approved comprehensive sign plan.

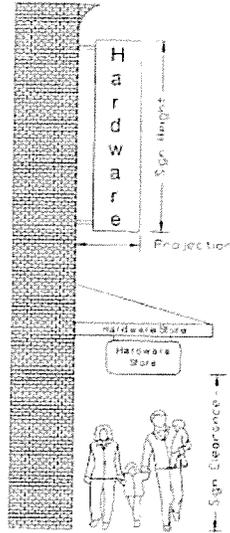
(2) Buildings or businesses that have multiple building entrances facing other streets or parking lots are allowed additional wall signage on those sides of the building, up to 75% of the maximum sign area allowed on the primary frontage.

(3) In the event the name and/or logo are located on an awning(s), the square footage shall be deducted from the allowable square footage for a wall sign.

(4) One (1) under canopy pedestrian sign is permitted per tenant entrance, with a maximum of four (4) square feet of sign area on each side and a 8-foot clearance from the ground. Under canopy signs shall project no further than edge of canopy.

(5) As an alternative to a wall sign, one (1) wall-mounted projecting sign is permitted per tenant entrance, with a maximum of twenty (20) square feet of sign area on each side, an 8-foot clearance from the ground, and maximum height of twenty (20) feet. The sign shall project no more than four (4) feet from the face of the building.

- (6) Placement of individual tenant signs should be coordinated to achieve a unified signage appearance.
- (7) Interior illuminated box (cabinet) signs with translucent acrylic faces shall not be permitted. Box signs may be permitted with an opaque background, allowing only letters and logo to light. Use of back-lighted (halo) lettering, or carved, routed, or sandblasted signs with a three-dimensional textured surface integral to the design is encouraged.



- (8) In addition to items 1-7 above, prominent building identification signs that are visible from a distance may be allowed when identifying a building name, logo, owner, or major tenant.
- Buildings at least four stories tall may incorporate a top of the wall sign near the roofline of any side(s) of the building, not to exceed a combined sign area of 200 square feet.
 - The top of identification signage shall be no higher than the apparent roofline or cornice of the building to which it is attached.
 - Animated or electronic message building identification signage is not permitted.
 - Buildings may have up to two projecting (blade) signs for prominent building identification, with a maximum sign area of 100 square feet on each side.

c. Window Signs

- (1) When visible from a public/private street or sidewalk, or from urban open space areas, one (1) illuminated or non-illuminated sign shall be allowed per tenant space in a building in which the permanent window copy, painted or otherwise attached to the window surface, shall be limited in area to twenty-five percent (25%) of the total surface area of windows for the tenant space.
- (2) The provisions stated above shall not restrict the reasonable application upon a window surface of lettering or decals giving the address, hours of business, entrance or exit information, professional or security information, and credit cards which are accepted; nor shall the surface area of such lettering or decals be included in the overall computation of allowable sign area.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW SECTION 7.06, TITLED "D-1, DOWNTOWN DISTRICT"; AMENDING ARTICLE II, TITLED "DEFINITIONS," TO ADD A DEFINITION OF "OPEN SPACE, URBAN"; AMENDING SECTION 16.12, TITLED "USE REQUIRING PLANNING COMMISSION APPROVAL," TO ADD D-1 AS A DISTRICT REQUIRING SITE PLAN REVIEW; AMENDING SECTION 14.03, TITLED "MATRIX," TO ADD THE D-1 DISTRICT; AMENDING SECTION 14.04, TITLED "DEFINITIONS," TO ADD A DEFINITION OF "SANDWICH BOARD/A-FRAME SIGN"; AMENDING SECTION 14.06, TITLED "SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS)," TO ADD A NEW SUBSECTION (10) PERTAINING TO SANDWICH BOARDS/A-FRAME SIGNS; AND CREATING A NEW SECTION 14.13, TITLED "SIGNS FOR THE DOWNTOWN DISTRICT," AND RENUMBERING THE EXISTING SECTION 14.13 TO BE SECTION 14.14 AND RENUMBERING ALL SUBSEQUENT SECTIONS ACCORDINGLY.

WHEREAS, by Resolution 1-7-2020, City Council endorsed a vision for the Wilson Street corridor, known as "Downtown Oak Ridge," as a guideline for the City; and

WHEREAS, part of the Downtown Oak Ridge vision includes the creation of a new, mixed-use, walkable district as part of an effort to address modern approaches for the successful future development of Oak Ridge; and

WHEREAS, in keeping with the Downtown Oak Ridge vision, a D-1 Downtown District was developed along with associated text amendments (ex. definitions and signage) as an addition to the Zoning Ordinance; and

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission unanimously 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 VII, titled "Parking and Business Districts," is hereby amended by creating a new Section 7.06, titled "D-1, Downtown District," which new section shall read as follows:

Section 7.06 D-1, Downtown District

(a) Statement of Purpose and Intent of the Downtown District

The Downtown District is intended to support a centrally located, walkable, urban district that generates daytime and evening activities for residents and visitors. These regulations are written in conformance with the City's Comprehensive Plan and developed as a result of the City Blueprint (2019) and Wilson Street Corridor Study (2020) to promote the creation of downtown Oak Ridge. A degree of flexibility is inherent in this district to encourage entrepreneurial and innovative businesses and creative structures and spaces to form the downtown district.

The district shall be characterized by:

- Multiple-story buildings oriented towards the street
- Attractive streetscapes including generous sidewalk area for pedestrian circulation, street furniture, etc.

- Quality public space and community gathering space
- Compatible mix of uses, including retail, entertainment, restaurant, office, and residential, with residential uses being a critical component of the district
- Pedestrian and bicycle connections to surrounding development, neighborhoods, and parks

(b) Applicability

This section shall apply to properties having the D-1, Downtown District zoning designation. The boundary may change from time to time; however, the district is intended to be concentrated within one central location in the city. Initial establishment of the D-1 District is located along the three-block street corridor connecting S. Tulane Avenue at A.K. Bissell Park to S. Rutgers Avenue.

Owners of adjacent property, including directly across public right-of-way, may request to rezone property to D-1, Downtown District, by providing a description of how the change promotes the intent of the district, and is compatible with other surrounding properties.

(c) Procedural and Approval Requirements

This section in its entirety will be used by the City to review proposals for land use and development within the boundaries of the district. Proposed development shall also be consistent with the Comprehensive Plan and other adopted plans for the area.

1. All new development and redevelopment proposals require Site Review approval, other than the interior renovation of buildings. The Site Review process is guided by Sections 16.11-16.18. However, administrative review of a building permit for a change of use or occupancy of an existing building may require compliance with the parking standards in this section.
2. Proposals that require Planning Commission approval for Site Review are required to schedule a pre-application meeting with staff. Applications that are determined to be sufficient will be forwarded to the Planning Commission.
3. In addition to submittal requirements in Sec. 16.11, and on the application, all Site Plans for the Downtown District shall include, when applicable:
 - a. Description of use(s) of the property
 - b. Parking analysis and plan, including parking agreement(s)
 - c. Vehicular access and service areas, specifically in coordination with surrounding properties within the district
 - d. Streetscape Plan (see Section 7.06(f)(3))
 - e. Landscape Plan, including urban open space areas
 - f. Details for site specific lighting, furniture, or other site features that visibly contribute to the overall character of the district
 - g. Schematic drawings of building elevations
 - h. Other specific information that may be necessary to adequately describe the development proposal

4. Where there are conflicts between the special Downtown District regulations herein and general zoning, subdivision or other regulations or requirements, these regulations shall apply in the Downtown District.
5. Where any development proposal in the Downtown District is not in accordance with applicable zoning regulations, a request(s) for specific modification of the regulations may be submitted with the Site Plan to the Planning Commission. In order to grant the request, the Planning Commission shall make a finding in the particular case that public purposes for the district are satisfied to an equivalent or greater degree. Approved modifications shall be identified on the final Site Plan documents.
6. No permit for construction shall be approved unless plans for development are found to be in compliance with the requirements of the Subdivision Regulations and all relevant City codes.

(d) Uses Allowed

Multiple permitted uses may occupy a property.

1. Permitted Uses:
 - a. Multifamily and attached single-family residential
 - b. Mixed use development
 - c. Retail businesses
 - d. Professional and personal services
 - e. Offices
 - f. Hotel or motel
 - g. Restaurant, tea room, cafe, or other place serving food or beverage
 - h. Night clubs, dance clubs, and taverns (see Section 3.14)
 - i. Theater, radio or television studio, concert hall, bowling alley, or similar indoor entertainment or place of assembly
 - j. Art and craft studio space
 - k. Light manufacturing in connection with a retail store, shop, or restaurant provided such manufacturing is incidental and accessory to the retail use (examples of manufactured products include but are not limited to food, alcoholic or other beverages, and artisan or other retail goods)
 - l. Municipal and public utility services
 - m. Parking lots and parking structures
 - n. Urban open space
 - o. Open-air businesses or sales, such as a farmers' market or bike rentals

- p. Walk-up automated teller machines (ATMs) including those not connected to a bank or financial center
- q. Street vendors, with a Temporary Use Permit (see Sec. 3.18)
- r. The following permitted uses, subject to specific standards found in Article 3, shall comply with the parking and building setback standards in this section when located in the Downtown District:
 - i. Public, non-profit, community facilities, such as parks, libraries, museums
 - ii. Private and public education facilities
 - iii. Day care facilities
 - iv. Religious institutions

2. Permitted Accessory Uses:

Accessory uses related to a permitted use are allowed, subject to the following:

- a. Drive through facilities are generally discouraged in the Downtown District, but may be approved by the Planning Commission during the Site Review process.
- b. Outdoor display of retail goods, provided:
 - i. Goods may only be displayed in the building transition zone, between the building face and street curb
 - ii. Display shall not interfere with pedestrian or vehicular traffic circulation
 - iii. Display shall not be located on required parking spaces
 - iv. Outdoor display is only permitted during business hours

3. Special Exception Requiring Approval:

Additional uses that may be compatible within the mixed-use Downtown District but are not included in the list of permitted uses shall require special approval.

A use that is proposed on a specific site as part of the Site Review process may be given special exception approval by the Planning Commission. Where Site Review is not required, an applicant may request special exception approval from the Board of Zoning Appeals.

Both the Planning Commission and Board of Zoning Appeals shall use the following criteria when determining the appropriateness of a use in the Downtown District:

- a. The proposed use is consistent with the intended character of the district.

- b. The design or operation of the use does not cause substantial adverse impact to surrounding uses related to parking, traffic, noise, hours of operation, or other potential conflict.
- c. Auto-oriented uses or other uses that detract from an active pedestrian environment are generally discouraged, but not prohibited.
- d. The Board or Commission may impose conditions and restrictions deemed necessary to preserve and promote the character of the district and serve the interest of the general public.

(e) Dimensional Standards

The Downtown District has no minimum or maximum requirements for building setbacks, lot coverage, or building height. The orientation of buildings to public streets is regulated by Streetscape Zones and Development Standards in this section.

Buildings and appurtenances shall comply with applicable fire and building codes. No structure shall interfere with the required site distance at vehicle turning points onto streets.

(f) Development Standards

1. Access

New driveway access off Wilson Street is not allowed unless no alternative is available that does not create significant traffic or safety/fire protection issues. Vehicular access, subject to Sec. 11.01, should be provided from a side street, alley, or shared access easement. Minimize the number and dimensions of curb cuts and driveways to maintain the continuity of pedestrian and/or bikeways.

2. Parking

Proposed development shall provide parking calculations and analysis on the site plan or in a supplemental document. Analysis shall be based on the standards in this ordinance or on a parking demand study prepared by a qualified parking or traffic consultant or civil engineer, which substantiates the basis for granting alternative parking measures. Approved parking plans and studies shall be used administratively to monitor the overall parking capacity for the district.

- a. Quantity. To incentivize compact, walkable development and accommodate alternative modes of transportation in the downtown district, the minimum required amount of parking is significantly reduced from other districts, as follows:
 - i. Residential development. A minimum of 1.5 parking spaces per any type of residential unit shall be required. Multifamily development shall include bicycle storage areas. The Planning Commission may reduce the total number of spaces if the applicant provides analysis demonstrating that the reduction is sufficient for the proposed development.
 - ii. Nonresidential development. Up to fifty (50) percent reduction of the minimum required parking per use in Section 11.02(f) is permitted for nonresidential uses. At least one (1) bicycle parking space shall be provided for every 8 vehicle spaces eliminated.

- iii. The maximum amount of parking shall be 100% of the minimum requirements in Sec. 11.02(f).
- b. Loading and unloading areas may be exempt from Sec. 11.04, but these areas shall be addressed on the Site Plan.
- c. Parking may be located off-site provided:
 - i. ADA standards for parking and accessibility must be maintained.
 - ii. The parking lot is located within 800 feet (3 to 5-minute walk) of the district and connected to the development by a continuous network of sidewalks and crosswalks.
 - iii. The parking lot is not located in a single-family residential district and the layout conforms to Sec. 11.03, Off-Street Parking Lot Layout, Construction, and Maintenance.
 - iv. The applicant must own the property, or provide a copy of a use-agreement, recorded in the Anderson County Register of Deeds office, with the owner of the off-site parking.
 - v. Sections 11.02(c), (l), and (m) for Required Off-Street Parking shall not apply to the district.
 - vi. Except for shared parking, as outlined below, the off-site parking area must satisfy the minimum amount of parking required for all uses it serves as outlined in this section.
- d. Shared parking allows for a reduction in the total number of parking spaces for complementary uses. This option may be used when two or more distinguishable uses in proximity to each other have peak parking demands that occur at different times of the day or days of the week, or when the mix of uses and design of the area allows users to park once and walk to multiple uses.

A shared parking plan, and any applicable property use-agreements, shall be approved with the Site Plan. Modification of a shared parking plan due to change of use (occupancy) or agreements with surrounding development shall be submitted for administrative approval in order to ensure compliance and fairness within the district. The plan for shared parking shall be evaluated based on the Table 7-1.

Land use	Weekday		Weekend		Nighttime 12 midnight — 6:00 a.m.
	Daytime 6:00 a.m. — 5:00 p.m.	Evening 5:00 p.m. — 12 midnight	Daytime 6:00 a.m. — 5:00 p.m.	Evening 5:00 p.m. — 12 midnight	
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Residential	30%	90%	80%	90%	100%
Restaurant	50%	100%	100%	100%	10%
Hotel/motel	75%	100%	75%	100%	75%

Entertainment	40%	100%	80%	100%	10%
Religious institution	10%	30%	100%	30%	5%

To use this Table:

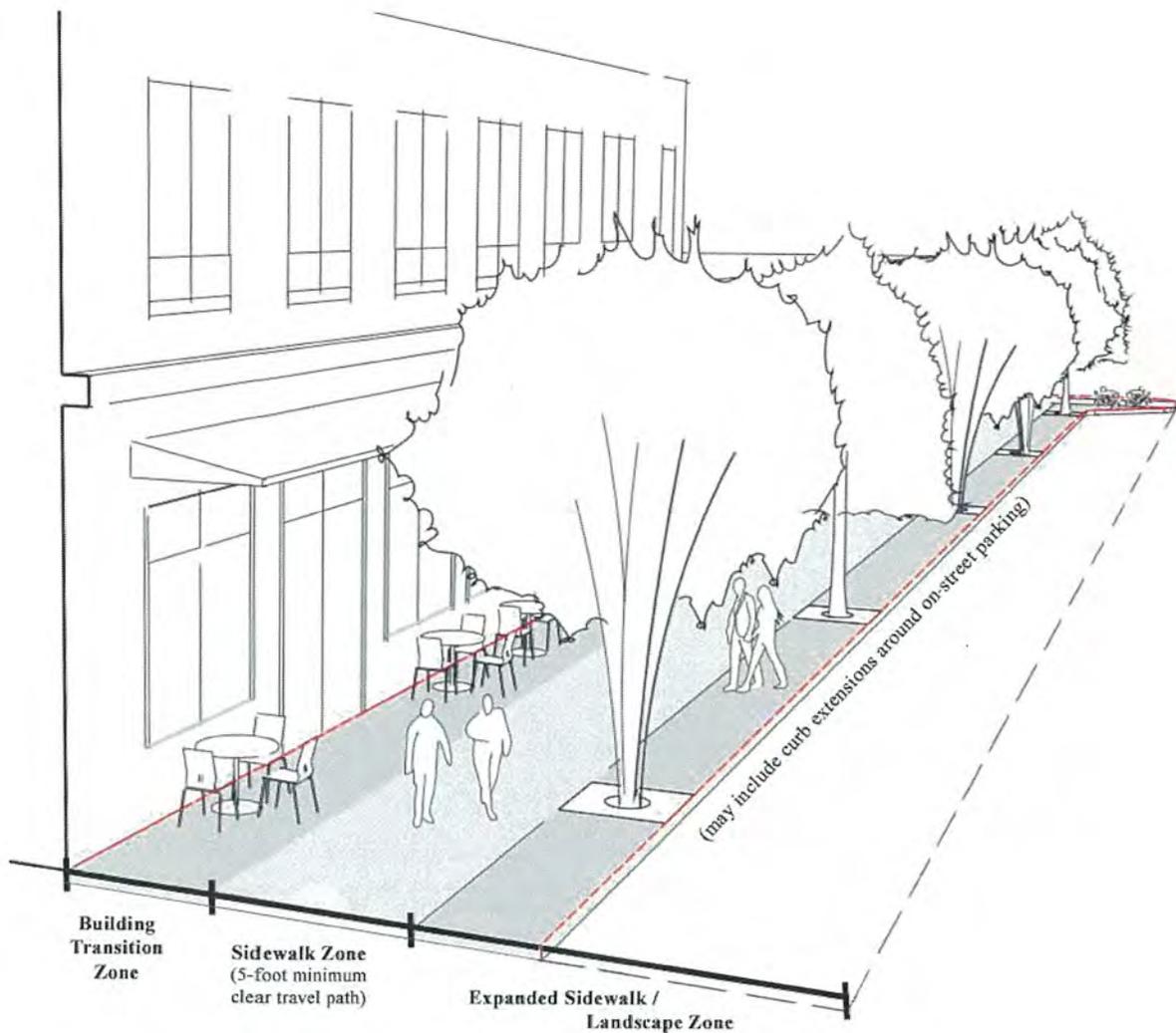
- 1) Determine the minimum parking requirements in accordance with this Section and Sec. 11.02(f) for each land use separately.
- 2) Multiply each amount by the corresponding percentages for each of the five time periods.
- 3) Calculate the total for each time period.
- 4) Select the column with the highest total and use this number as the required minimum number of parking spaces.

3. Streetscape Zones

Streets in the downtown district are intended to accommodate mixed land uses, a variety of public open space, a network of bicycle and walking connections, and on-street parking. These various activities are linked together by the streetscape, which can be defined as the design quality and visual effect of the street.

The Downtown District establishes three streetscape zones between buildings and vehicle travel lanes (curb). Each zone has a specific purpose and composition that is regulated by the following descriptions and standards. Streetscape zones may be designed to be located partially in both public right-of-way and private property. In order to ensure consistency throughout the district, finish materials within these zones are subject to approval for appropriateness and durability.

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Downtown District Streetscape Zones

Building transition zone describes the area between the face of a primary structure and the sidewalk zone, with clear routes between building entrances and the sidewalk. The building transition zone is appropriate for outdoor seating, dining, display of merchandise adjacent to business entrances, plazas with public features, public art, and plantings. In front of single family attached buildings, the building transition zone shall provide adequate width for a stoop, porch, and/or steps.

Sidewalk zone contains the primary pedestrian travel route through the Downtown District and should be designed to connect a network of pathways to buildings, open spaces, and parking areas. The sidewalk zone shall accommodate an unobstructed, minimum clear travel path at least five (5) feet wide. Sidewalk zones located on private property require a public access easement.

Expanded sidewalk or landscape zone is located closest to the street, between the sidewalk and vehicle travel lanes. Design and width will vary

according to the design and width of the street right-of-way. The expanded sidewalk or landscape zone may include street trees and plantings, benches, bicycle parking, and safe areas for pedestrians near street corners and crosswalks.

4. General Streetscape Standards

- a. New sidewalks and pathways shall contribute to an overall safe and interconnected network of pedestrian pathways throughout the district.
- b. The clear travel path within the sidewalk zone, having a minimum width of five (5) feet, shall be unobstructed by permanent objects to a height of eight (8) feet.
- c. Features that are prohibited in streetscape zones include fences and walls greater than four feet in height; service elements such as dumpsters, loading docks and similar elements; and off-street parking.
- d. Seating areas used by individual businesses may be delineated by low walls, railings, or free-standing barriers constructed of attractive, durable materials.
- e. Plantings and street furniture near roadways should not interfere with sight lines to traffic, intersections, and signs.
- f. Street trees are required in the landscape zone, according to the following standards:
 - i. A combination of tree types is permitted, based on the City's list of acceptable species, minimum spacing requirements, and minimum planting areas for large, medium, and small street trees. These standard details for street trees are maintained by Recreation and Parks and Community Development Departments.
 - ii. The number and location of street trees shall be adjusted for considerations such as clearance with structures, utilities, and street signs.
 - iii. The planting area for street trees should be designed to ensure sufficient soil volume to support long-term plant health.
 - iv. Design alternatives to the City's standard details for street trees may be submitted by a licensed Landscape Architect or Certified Arborist for approval by the City.
- g. Development projects with street trees and plantings in the public right-of-way shall provide a maintenance agreement or assurance that satisfies the requirements of Section 13.02(f)(4)(4).
- h. Utility structures in streetscape zones should be screened with vegetation, art screen-printing, or visually incorporated with surroundings as much as possible.

5. General Site Standards

- a. The desired character of future development within the Downtown District requires certain modifications to the City's standard landscaping requirements. Development in the district is exempt from Sections 13.02(f)(2) Streetscape and 13.02(g)(3)(a) Transition Screening.

Sections 13.02(e)(2) Visibility of Parking Areas and 13.02(f)(1) Landscape Areas remain applicable in the district; however, alternative landscape and site design may be approved by the Planning Commission, particularly if the alternative demonstrates an overall well-designed urban development.

- b. On-site surface parking shall be located to the rear of buildings or integrated within buildings, and may be allowed on the side of buildings where any conflicts with pedestrian circulation have been minimized.
- c. Provide curbs or bumper stops in parking spaces to prevent vehicles from overhanging into walkways or landscaped areas.
- d. Screen service areas, trash storage, and surface parking lots from public view with built or landscaped buffering in a manner that complements the primary building design. Screening of waste collection shall be two feet taller than dumpsters. Parking areas only require partial screening, to a height that effectively blocks vehicle headlights.
- e. Plantings shall comply with Sec. 13.02(f)(3), Plant Materials, and (4), Maintenance, and shall also incorporate native species, seasonal variety, and be proven to thrive in urban conditions.
- f. Though impervious lot coverage is not limited, each site should attempt to maximize on-site water infiltration during rain events through planting areas and permeable surfaces.
- g. Exterior site lighting shall be pedestrian-scale, no more than 15 feet in height with cutoff fixtures.

6. Urban Open Space

Provision of publicly accessible open space is encouraged as part of all new development. Open space may be located on rooftops and on decks as well as in ground-level plazas, courtyards, lawns, and gardens. When urban open space is provided, the following shall apply, as applicable:

- a. Implement Crime Prevention Through Environmental Design (CPTED) principles, especially to maintain visibility into and throughout the space from the street and sidewalk, and adequate site lighting.
- b. When seating is provided, including a combination of the following types is encouraged: movable seating, fixed benches, seat walls, fixed individual seating, planter ledges and seating steps.
- c. Incorporate vegetation that provides shade and visual interest.
- d. Locate utility and mechanical equipment away from parks and plazas as much as possible.

- e. Ensure ongoing user stewardship of publicly accessible spaces by providing trash receptacles and other conveniences.
 - f. Quasi-public space, located on private property, may require a cooperative agreement between the owner and the City to maintain public access from the public right-of-way, and shall be addressed as needed.
7. Building Standards
- a. Innovative and creative building design and materials are encouraged.
 - b. New buildings should be designed to complement the overall character of the district. That does not imply uniformity of architectural style; rather a sympathetic response to the height, scale, materials, color, site location and other aspects of nearby structures.
 - c. Orient building and business entrances to the primary street frontage; secondary entrances should be clearly defined and oriented to alleys or parking areas, as appropriate.
 - d. Activate street level, street-facing facades of nonresidential and mixed-use buildings by locating publicly accessible commercial spaces, not private spaces, along the ground floor.
 - e. The minimum height of the ground-floor, street-facing elevation for nonresidential and mixed-use buildings shall be fifteen (15) feet above the adjacent sidewalk.
 - f. Incorporate human-scale design elements, especially at the ground level. Recessed entries are encouraged. Ground floor elevations should consist of transparent entrances and windows, display windows, friezes, canopies or awnings, and pedestrian-scale signage. The use of darkly tinted and/or reflective glass is prohibited below eight (8) feet above street level.
 - g. Avoid extensive blank walls on sides of buildings facing streets and public open spaces
 - h. Articulate building facades using dimensions that promote a sense of human scale, particularly along the first two floor levels. Similarly, articulate larger buildings to help distribute the mass and scale into smaller parts. Some design methods that create depth or texture on building surfaces include:
 - i. recessed walls or panels
 - ii. vertical or horizontal banding
 - iii. decorative cornices
 - iv. plinth courses
 - i. Design roofs to enhance an urban skyline for the district through roof form, cornices, and other details.

- j. Screen building equipment and utilities, including rooftop mechanical equipment, from public view with built or landscaped buffering in a manner that contributes to the quality of the building design and public streetscape.
- k. Parking structures shall have activated street level uses, which may include retail or office space, or public art. Upper levels shall be screened or designed to minimize large façade openings and limit light trespass of garage interior lighting.
- l. On all buildings, use high quality materials that elevate the character of the district. Materials used within proximity to pedestrian areas must have the durability to withstand heightened activity and wear. Use light colored (high albedo) materials for roofing to reflect radiant heat.

Section 2. 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 in alphabetical order:

OPEN SPACE, URBAN: Any parcel(s) or area of land, whether public or privately-owned, that may be improved and set aside, dedicated, or reserved for public use such as plazas, courtyards, or other gathering space, typically located in a commercial nonresidential or mixed use development.

Section 3. Ordinance No. 2, titled “The Zoning Ordinance of the City of Oak Ridge, Tennessee,” Article XVI, titled “Administration and Enforcement,” Section 16.12, titled “Use Requiring Planning Commission Approval,” is hereby amended by deleting subsection (a) in its entirety and substituting therefor a new subsection (a), which new subsection shall read as follows:

Section 16.12 Uses Requiring Planning Commission Approval

- (a) All proposed uses of a parcel/lot in the UB-2, B-1, O-2, D-1, and MH-1 zoning districts, except as identified in Sections 16.13 and 16.14 of this ordinance, shall only be permitted after a site plan showing the proposed development of the parcel/lot is reviewed by the City Manager for compliance with all ordinances and regulations and is approved by the Oak Ridge Municipal Planning Commission.

Section 4. Ordinance No. 2, titled “The Zoning Ordinance of the City of Oak Ridge, Tennessee,” Article XIV, titled “Sign Regulations,” Section 14.03, titled “Matrix,” is hereby deleted in its entirety and substituting therefor a new Section 14.03, titled “Matrix,” which new section shall read as follows:

Section 14.03 **Matrix.** The following matrix will be used in determining sign districts:

<u>ZONING DISTRICT</u>	<u>SIGN DISTRICT</u>
R-1-A, R-1-B, R-1-A/B, R-1-C, R-2, R-4-A, R-4-B, R-4-C, RG-1, G, P	RESIDENTIAL
E	EDUCATION
O-1, O-2, R-3	OFFICE-INSTITUTIONAL
B-1	NEIGHBORHOOD BUSINESS
B-2, B-3, UB-2	COMMUNITY BUSINESS

D-1	DOWNTOWN
IND-1, IND-2, IND-3, FIR	BUSINESS PARK AND GENERAL INDUSTRIAL
*Those properties as shown on the Medical Campus District Map	MEDICAL CAMPUS

Section 5. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article XIV, titled "Sign Regulations," Section 14.04, titled "Definitions," is hereby amended by adding the following new definition in alphabetical order:

Section 14.04 Definitions

Sandwich Board/A-Frame Sign: A free standing temporary sign comprised of two sign faces diverging at an acute angle from their adjoined edge, with no moving parts or lights, displayed outside a business, during business hours, to advertise the business, hours of operation, to advertise an event, a promotion or offerings, etc.

Section 6. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article XIV, titled "Sign Regulations," Section 14.06, titled "Signs Allowed in All Districts (Exempt Signs)," is hereby amended by adding a new subsection (10), which new subsection shall read as follows:

Section 14.06 Signs Allowed in All Districts (Exempt Signs)

The following signs shall be allowed in all zoning districts, provided that the following requirements are met or exceeded. A sign permit shall not be required for the following:

- (10) Sandwich Boards/A-Frame Signs. One sandwich board or A-frame sign per business may displayed in all commercial and office districts without a temporary sign permit, provided the sign may only be displayed during business hours, and shall be no taller than 42 inches. Signs must not interfere with pedestrian, vehicular, or emergency access to any building.

Section 7. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article XIV, titled "Sign Regulations," to insert a new section as Section 14.13, titled "Signs for the Downtown District," and renumber all subsequent sections accordingly, which new section shall read as follows:

Section 14.13. Signs for the Downtown District.

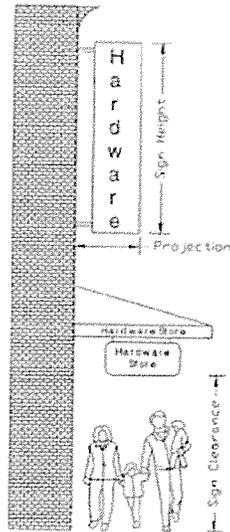
Downtown signs further distinguish the mixed-use, walkable district through the identification of various types of uses and multi-tenant buildings, both visible from surrounding districts and people experiencing the district from the sidewalk. It is intended that development in the district shall achieve a high level of quality and design, and the same quality shall be reflected in signage and super graphics (as defined in the ordinance), in order to contribute to the vibrancy of the community and identity of downtown.

1. **Types, Size and Location of Signs Allowed:**

- a. **Ground Signs.** Ground signs in the Downtown District are generally smaller than in other districts to cater to pedestrians. Ground signs which block vehicle and pedestrian movement or site lines will not be permitted.

- (1) One identification ground sign is permitted per development and shall not exceed twenty-four (24) square feet in surface display area on each side. Ground signs to identify parking lots shall not exceed nine (9) square feet.
 - (2) The top of the ground sign shall be no higher than six (6) feet from ground level. (See definition for *Height of Sign*)
 - (3) Incorporation of animated signs or electronic message displays (subject to standards in Section 14.21) should be designed for pedestrian-scale communication rather than far-distance advertising.
 - (4) Illuminated or non-illuminated directional signs shall be allowed in off-street parking areas provided that the surface display area shall not exceed four (4) square feet and the height of the sign area shall be no higher than four (4) feet above ground level. Each sign may also bear the businesses' name, logo or trademark.
- b. **Building Signs (Wall Signs, Projecting Signs, and Awning Signs).** To support a mix of uses in a walkable district, various types of building signs are permitted for individual uses. A comprehensive sign plan is recommended for multi-occupancy buildings, to reduce conflicts and inconsistencies over time.
- (1) Each use within a building is allowed a primary identification wall sign, generally to be located on the same side of the building as the primary entrance to the building or tenant space. The maximum sign area for a single use having its own entrance shall be fifty (50) square feet. Multiple users that share an entrance may have a combined sign area not to exceed 100 square feet, or as otherwise regulated by an approved comprehensive sign plan.
 - (2) Buildings or businesses that have multiple building entrances facing other streets or parking lots are allowed additional wall signage on those sides of the building, up to 75% of the maximum sign area allowed on the primary frontage.
 - (3) In the event the name and/or logo are located on an awning(s), the square footage shall be deducted from the allowable square footage for a wall sign.
 - (4) One (1) under canopy pedestrian sign is permitted per tenant entrance, with a maximum of four (4) square feet of sign area on each side and a 8-foot clearance from the ground. Under canopy signs shall project no further than edge of canopy.
 - (5) As an alternative to a wall sign, one (1) wall-mounted projecting sign is permitted per tenant entrance, with a maximum of twenty (20) square feet of sign area on each side, an 8-foot clearance from the ground, and maximum height of twenty (20) feet. The sign shall project no more than four (4) feet from the face of the building.

- (6) Placement of individual tenant signs should be coordinated to achieve a unified signage appearance.
- (7) Interior illuminated box (cabinet) signs with translucent acrylic faces shall not be permitted. Box signs may be permitted with an opaque background, allowing only letters and logo to light. Use of back-lighted (halo) lettering, or carved, routed, or sandblasted signs with a three-dimensional textured surface integral to the design is encouraged.



- (8) In addition to items 1-7 above, prominent building identification signs that are visible from a distance may be allowed when identifying a building name, logo, owner, or major tenant.
 - a) Buildings at least four stories tall may incorporate a top of the wall sign near the roofline of any side(s) of the building, not to exceed a combined sign area of 200 square feet.
 - b) The top of identification signage shall be no higher than the apparent roofline or cornice of the building to which it is attached.
 - c) Animated or electronic message building identification signage is not permitted.
 - d) Buildings may have up to two projecting (blade) signs for prominent building identification, with a maximum sign area of 100 square feet on each side.

c. Window Signs

- (1) When visible from a public/private street or sidewalk, or from urban open space areas, one (1) illuminated or non-illuminated sign shall be allowed per tenant space in a building in which the permanent window copy, painted or otherwise attached to the

window surface, shall be limited in area to twenty-five percent (25%) of the total surface area of windows for the tenant space.

- (2) The provisions stated above shall not restrict the reasonable application upon a window surface of lettering or decals giving the address, hours of business, entrance or exit information, professional or security information, and credit cards which are accepted; nor shall the surface area of such lettering or decals be included in the overall computation of allowable sign area.

Section 8. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

Publication Date: 09/25/2020
Public Hearing: _____
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

DEPARTMENT OF COMMUNITY DEVELOPMENT MEMORANDUM

20-64

DATE: August 20, 2020
TO: Mark S. Watson, City Manager
THROUGH: Wayne Blasius, Community Development Director 
FROM: Matthew Widner, Community Development Specialist 
SUBJECT: 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

Introduction

An item for City Council's discussion is the proposed adoption of the 2018 IPMC with amendments. The current property maintenance code is the 2012 version which was last amended in 2014. The City has already adopted the 2018 suite of construction codes causing the current IPMC to be outdated.

Funding

There are no additional funds required to enforce the provisions of this code.

Background/Analysis/Review/Consideration

Significant changes to proposed amendments modifies the current powers and duties of the Board of Building and Housing Code Appeals (BBHCA) to primarily serve as an appeals board only and reduces code enforcement time by at least thirty (30) days. It also reduces the number of board members from seven (7) to five (5) which more closely follows the un-amended version of the 2018 IPMC. At the November 14th, 2019 BBHCA meeting, board members unanimously voted to support this change. Two positions scheduled to expire this year, will not be filled in 2021 appointments. Other changes include language to authorize Animal Control to remove animals or pets from residential or commercial structures that have been found unfit for human occupation or use regardless of the animals' physical appearance (excluding ADA service animals); Adds definitions and aligns processes with regard to the recently adopted Junk Vehicle Ordinance. Note: Adoption of this code as proposed will further allow the use of "out of the box" code enforcement permit tracking software module (City View) without having to customize a new process at a substantial cost.

Recommendation

Proceed with actions to adopt the 2018 Property Maintenance Code as amended effective 1 January 2021

Attachment(s)

Proposed adoption of the 2018 International Property Maintenance Code with amendments
Letter of Support from the Board of Building & Housing Code Appeals

M. Widner

Matthew Widner

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

10-7-2020

Date

An Ordinance of the City of Oak Ridge, Tennessee adopting the 2018 edition of the *International Property Maintenance Code (IPMC)*, to include Appendix A Boarding Standard, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Oak Ridge, Tennessee; providing for the issuance of permits and collection of fees therefor; repealing Title 13 "Property Maintenance Regulations" Chapter 2 "Oak Ridge Property Maintenance Code" and all other ordinances or parts of laws in conflict therewith in its entirety and adopting a new Title 13 "Property Maintenance Regulations" Chapter 2 "Oak Ridge Property Maintenance Code" Ordinance in lieu thereof. By Ordinance No. _____ of the City of Oak Ridge, Tennessee.

The City Council of the City of Oak Ridge, Tennessee does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the City Clerk of The City of Oak Ridge, Tennessee being marked and designated as the *International Property Maintenance Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the "Oak Ridge Property Maintenance Code" of the City of Oak Ridge, in the State of Tennessee for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1 Title. Delete in its entirety and replace with a new section: "Section 101.1 Title. These regulations shall be known as the Oak Ridge Property Maintenance Code of the City of Oak Ridge, Tennessee, hereinafter referred to as "this code", "ORPMC" and/or "IPMC.""

Section 103 Department of Property Maintenance Inspection. Shall be renamed and known as the "Code Enforcement Division of the Community Development Department."

Section 103.1 General. Delete in its entirety and replace with a new section: "Section 103.1 General. "The Code Enforcement Division of the Community Development Department is hereby created and the City Manager or his/her duly authorized designee is in charge thereof shall also be known as the "code official" for the enforcement of the provisions of the Oak Ridge Property Maintenance Code."

Section 103.5 Fees. Delete in its entirety and replace with a new section: "Section 103.5 Conflict of Interest. No City employee having investigative or enforcement responsibilities under this code shall be financially benefited or involved in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or in the making of plans or specifications thereof, unless he or she is the owner of such building."

Section 104.5 Notices and Orders. Delete in its entirety and replace with a new section: "Section 104.5 Notices and Orders. The code official, or the Board of Building and Housing Code of Appeals (B.B.H.C.A.) and/or Administrative Hearing Officer (A.H.O.), shall have the authority to issue all necessary notices or orders to ensure compliance with this code."

Section 106 Violations. Insert a new sub-section: "Section 106.6 Repeat Violations. Owners, operators or legal occupants of any occupancy that previously violated provision(s) of this code which ultimately caused the City to abate such violation(s) any repeat or future violation(s) of the same provision(s) within twelve (12) calendar months shall give cause to the City to correct or abate the same violation(s) without further notice per § 107 of this code at the owners, operators or legal occupants expense and the City may assess unpaid expenses against the property as a lien.

Exception:

- (a) Violations of Unfit for Human Occupation or Use
- (b) Change of property ownership, operator or legal occupant"

Section 106 Violations. Insert a new sub-section: "Section 106.7 Recovery of Costs. If any person fails to comply with any order or notice given under the Oak Ridge Property Maintenance Code, the code official may cause such structure to be repaired, altered, improved, vacated, cleaned and sealed or closed, or demolished or removed and the cost of the same shall be assessed against the owner and shall, upon filing of a notice of lien on the property in the office of register of deeds in the county in which the property is located, constitute a lien on the property in favor of the city, second only to liens of the state, county and municipality for taxes, or any other special assessments and any other valid lien, right or interest in such property duly recorded or duly perfected prior to the filing of such notice. These costs shall be placed upon the tax roll of the city as a lien, and shall be added to the property tax roll to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes. Any cost recovered by the sale of any of the materials of a structure demolished or removed hereunder shall be credited to the cost of demolition or removal, and any balance remaining shall be deposited in the chancery court and shall be disbursed by such court to such person(s) found to be entitled thereto. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceeding or otherwise."

Section 106 Violations. Insert a new sub-section: "Section 106.8 Legal Action. The city attorney or the city attorney's duly authorized designee may institute appropriate action to compel necessary repairs, vacating or demolition as provided by notice or order of the code official under the Oak Ridge Property Maintenance Code."

Section 107 Notice and Orders. Insert a new sub-section: "Section 107.3.2 Presumption. There is hereby created a rebuttable presumption that the person listed upon the most recent city tax roll as the owner of a property, dwelling, dwelling unit or structure is the owner for purposes of enforcement of the Oak Ridge Property Maintenance Code."

Section 108.1.3 Structure Unfit for Human Occupancy. Delete in its entirety and replace with a new section: "Section 108.1.3 A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. Under Tennessee Code Annotated (T.C.A.), §13-21-102, the code official has the power to exercise its police powers to clean, repair, vacate, seal and/or demolish structures found to be unfit for human occupation or use.

Section 108 Unsafe Structures and Equipment. Insert new sub-section: "108.1.4 Property unfit for human occupation or use due to continued unmaintained presence of animals or pets. It shall be unlawful to allow the presence of any animals or pets in any commercial or residential structure intended for human occupation or use to cause an unhealthy condition or public nuisance in said structure. Whenever the code official finds that such structure is unsafe in this manner, the City of Oak Ridge, Police Department Animal Control Office shall have the authority to remove the animals or pets from the premises regardless of the physical appearance of the animals or pets.

Exception: Service Animals as defined by the U.S. Department of Justice, Americans with Disability Act (ADA) are exempt from this provision."

Section 108 Unsafe Structures and Equipment, Insert a new section: "Section 108.1.3.1 Structural Defects. Structures to be considered unfit for human occupation or use for structural defects, the following conditions apply but not limited to: those interior vertical walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base; or those which exclusive of the foundation show thirty-three percent (33%) or more of damage or deterioration of the supporting member(s) of fifty percent (50%) or more of damage or deterioration of the non-supporting portions of the structure or outside walls or coverings; or those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used."

Section 108 Unsafe Structures and Equipment, Insert new section: "Section 108.1.6 Extensive Alterations. When the total area of all the work areas included in an alteration or repair exceeds 50 percent of the total area of the structure or dwelling unit, the works shall be considered a reconstruction and shall comply with the requirements of the provision for new construction work."

"Exception: When the alteration or repair work is exclusively plumbing or mechanical or electrical, it shall not be considered reconstruction work that requires the entire structure to be updated."

Section 109.2 Temporary Safeguards. Modify section by inserting the phrase: "or the recognition of a public or attractive nuisance" after the existing "imminent danger due to an unsafe condition,..."

Section 111.2 Membership of board. Delete in its entirety and replace with a new section: "111.2 Membership of board. The board of appeals shall be known as the Board of Building and Housing Code of Appeals (BBHCA).

- (a) There is hereby created a board of building and housing code appeals consisting of five (5) members, which shall be residents of the City of Oak Ridge, Tennessee and shall consist of the following: one physician or person from a health related field; two building/trades related contractor or building supply dealer; and two members from the public at large; provided that, if no individuals meeting these criteria apply for appointment, City Council may appoint persons who do not possess such qualifications.
- (b) Appointment to the board shall be staggered three (3) year terms, provided the terms of members of the initial board shall be as follows:

	Initial Appointment
(i) Two (2) members from the public at large	3 years
(ii) One (1) Physician or other member from health related field	1 year
(iii) Two (2) Building/Trades related contractor or design professional	2 years
- (c) Members of the board may be removed by the City Council for good cause shown.
- (d) Vacancies on the board shall be filled by City Council for the unexpired term of such vacancy.
- (e) All members of the board shall serve without compensation.
- (f) As soon as practical after appointment, the members of the board shall meet and organize by electing a chairperson, vice-chairperson and secretary annually. The City Manager or his/her duly authorized designee shall serve as Ex-Officio. Thereafter, officers of the board shall be elected by the members at the first annual meeting of the board. Three (3) members shall constitute a quorum and the affirmative vote of at least three (3) members shall be required to take any action, except to continue a meeting where no quorum is present. A member shall not act in a case in which such member or his or her family member or employer has a personal or financial interest. The board shall establish such other written rules and regulation for its own procedure not inconsistent with the provisions of ORMPC and a copy shall be kept on file with the City Clerk.
- (g) Any reference in any provision of the Code of Ordinance, City of Oak Ridge, Tennessee to the board of building code appeals or the board of housing code appeals shall be deemed to refer to the Board of Building and Housing Code Appeals.

Section 111.2.1 Alternate members. Delete in its entirety.

Section 111.2.2 Chairman. Delete in its entirety.

Section 111.2.3 Disqualification of member. Delete in its entirety.

Section 111.2.4 Secretary. Delete in its entirety and replace with a new section: "Section 111.2.4 Secretary. The secretary shall file a detailed record of all proceedings to the City Manager or his/her duly authorized designee. The board may allow secretarial duties be shared with the designated city staff member serving as liaison to the board."

Section 111.2.5 Compensation of members. Delete in its entirety.

Section 112.4 Failure to Comply. Delete in its entirety and replace with a new: "Section 112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable and subject to penalties of not less than \$50.00 or more than \$500.00 dollars per violation as state and local laws allow."

Section 202 General Definitions. Delete title "General Definitions" and replace with a new title: "General Definitions and Phrases"; also insert new respectively:

"Abandoned Vehicle. A vehicle is classified as abandoned when the vehicle, trailer, or recreational vehicle designed to be towed by a separate power source that: (A) is otherwise in good working condition left unattended on public property or right-of-way for more than fifteen (15) calendar days; or (B) has remained illegally placed on public property for a period of more than forty-eight (48) hours; or (C) has remained on private property without the consent of the owner or person in control of the property for forty-eight (48) hours or more. Refer also to Property Maintenance Regulations, Title 13 of the City of Oak Ridge Code of Ordinances Chapter 3 Section 13-301 (4)."

"Antique Motor Vehicle. A motor vehicle over twenty-five (25) years old with a non-modified engine and body which is used for participation in club activities, exhibits, tours, parades and similar uses as a collector's item, but in no event used for general transportation."

"Any and all other objectionable, unsightly or unsanitary matter of whatever nature. means any condition, object, material or other matter that is dangerous or detrimental to human life or health; that renders the ground, the water, the air or food a hazard or likely to cause injury to human life or health; that is offensive to the senses; or that threatens to become detrimental to the public health. The term includes but is not limited to any abandoned wells, pools, landscape water features, shafts or basements; abandoned refrigerators; stagnant or unwholesome water; sinks; privies; filth; carrion; rubbish; junk, trash, debris or refuse; impure or unwholesome matter of any kind; and any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities."

"Attractive Nuisance. The doctrine in tort law which holds that one who maintains a dangerous instrumentality on his or her property which is likely to attract children is under a duty to reasonably protect those children against the dangers of that attraction."

"Bushes and Hedges. means vegetative growth or plant that includes but not limited to holly, box hedges, azaleas, roses, rhododendrons, laurel, lilac, hibiscus and evergreens."

"Corner Visibility Triangle. means a triangular area formed within a corner lot by the intersecting lot lines abutting the streets or the projections thereof and a straight line connecting them 7.5 meters (24.6 feet) from their point of intersection."

“Driveway Visibility Triangle. means a triangular area formed by the intersection of the lateral limit of the travelled portion of a driveway and a lot line abutting a street or the projections thereof and a straight line connecting them 4.57 meters (15 feet) from their point of intersection.”

Delete “Inoperable motor vehicle” and replace with definition: **“Inoperable, obsolete or in a state of disrepair.** Any vehicle or device in, upon or by which a person or property may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include, but not limited to, motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, camper, boat trailer or any combination thereof, which exhibits any one of the following characteristics is considered a public nuisance: (A) Any vehicle or part of a vehicle with a broken windshield beyond minor crack(s) or any other broken glass that constitutes a safety hazard; (B) Any vehicle or part of a vehicle with a broken or loose fender, door, bumper, hood, wheel, steering wheel, hood/trunk top or exhaust system; (C) Any vehicle lacking an engine, one or more wheels or other structural parts which renders such vehicle unsafe to operate; (D) Any vehicle or part of a vehicle which is a habitat for rats, mice or snakes or any other vermin or insects; (E) Any vehicle or part of a vehicle which, because of its defective or obsolete condition, constitutes a threat to the public health and safety; (F) Any vehicle that is not capable of moving by its own intended power source in both forward and reverse directions; (G) Any vehicle that is being used for excessive storage thereby causing unsafe operation or nuisance; (H) Any vehicle that cannot be driven legally on public streets under city ordinance and/or state law. Refer also to Property Maintenance Regulations, Title 13 of the City of Oak Ridge Code of Ordinances Chapter 3 Section 13-301 (3).”

“Junked Vehicle. Any motorized or non-motorized vehicle, including but not limited to campers, trailers, boats and semi-trailers, the condition of which is one or more of the following: wrecked, abandoned, discarded, in a state of disrepair, lacking vital component parts, economically impractical to restore to operating condition, poses a safety hazard, or declared a public nuisance. Refer also to Property Maintenance Regulations, Title 13 of the City of Oak Ridge Code of Ordinances Chapter 3 Section 13-301 (2) and enforcement laws contained therein.”

“Lot or parcel of real estate. includes, in addition to those grounds within their respective boundaries, all lots or parcels of ground lying and being adjacent thereto and extending beyond the property line of any such lot or parcel of real estate to the curb-line of adjacent streets where a curb-line has been established, and any abutting rights-of-way beyond the property line where no curb-line has been established and also to the center of adjacent alleys.”

“Natural Landscaped Area. Means natural landscaping, also called **Native Gardening**, is the use of native plants, including trees, shrubs, ground cover and grasses which are indigenous to the geographic area of the garden which is either naturally established or designated and cultivated that when established will sustain itself with minimal maintenance effort that do not contain noxious weeds or poisonous plants that cause a public nuisance.”

“Nuisance. Use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience which can also be considered an attractive or public nuisance.

“Parties of Interest. Means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof.”

“Permanent Heat Supply. Any listed and approved heat source permanently wired or piped, safely attached, sized and operating properly, not removable without the use of tools and capable of continuously maintaining a temperature of 68 degrees Fahrenheit at an approximate height of 3 feet above the floor in the center area of each habitable space as required.”

“Place of Public Accommodation. Means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.”

“Public Nuisance. Means a nuisance which affects numerous members of the public or the public at large (how many people it takes to make a public is unspecified), as distinguished from a nuisance which only does harm to a neighbor or a few private individuals. A public nuisance is an unreasonable interference with the public's right to property. It includes conduct that interferes with public health, safety, peace or convenience. The unreasonableness may be evidenced by statute, or by the nature of the act, including how long, and how bad, the effects of the activity may be. All structures and appurtenances which are found unfit for human occupation or use within the terms of § 108.1.3 as determined by the code official are also considered a public nuisance.”

“Rental Unit. Dwelling, dwelling unit, rooming unit, or sleeping unit or any part of a structure used as a home, residence, or sleeping unit by a single person, household unit by any person(s) other than the legal owner of the property which is leased, rented, or otherwise occupied from the owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange.”

“Swimming Pool. Means any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above ground and on-ground swimming pools, hot tubs and spas.”

“Trash and Debris. means all manner of refuse, including but not limited to mounds of dirt, compost, piles of leaves, grass and weed clippings, paper trash, useless fragments of building material, rubble, household items and appliances, items of salvage such as scrap metal and wood, barrels, tires, objects that hold water for an extended time, tree and brush trimmings, and other miscellaneous wastes or rejected matter.”

“Turf Grass. Refers to all species of grass that are perennial and are typically used for lawns.”

“Utility Trailers. Any wheeled structure, without motive power, designed to be towed by a separate power source and which is generally and commonly used to carry and transport personal effects and/or property.”

“Vines. means a vegetative growth or plant with a long stem that grows along the ground or climbs a support such as, but not limited to: Clematis, Climbing Roses, Honey Suckle, Ivy, Jasmine, Morning Glory, Trumpet Vines, and Wisteria.”

“Weeds. A plant other than trees, shrubs, turf grass and cultivated flowers or gardens that is not valued where it is growing and is usually of vigorous growth; especially on that tends to overgrow or choke out more desirable plants.”

Section 302.4 Weeds. Insert height in bracket: “10 inches”

Section 302.4 Weeds. Insert new sub-section: “302.4.1 Accumulation or Condition Declared Unlawful.

- (a) Whenever and wherever weeds, rubbish or any other objectionable, unsightly and unsanitary matter of whatever nature shall exist, covering or partly covering the surface of any lot or parcel of real estate within the city so as to produce an unsightly appearance or which may harbor reptiles or rodents, create a fire hazard or result in unsanitary conditions, such a condition is declared to be unlawful, the abatement of which shall be a public necessity.
- (b) Vines that cover 50 percent or more of the ground surface area in a residential front yard, to include side yards if visible from the street, shall not exceed 12 inches in height. Vines used as ground cover, shall be cut back so they do not grow onto any curb, sidewalk, or driveway.

- (c) Bushes and hedges shall be trimmed to prevent encroachment on any sidewalk, walk-way or extend over the curb or edge of a street. Bushes and hedges shall not be allowed to create a visibility triangle issue for vehicles or pedestrians.”

Section 302.4 Weeds. Insert new sub-section: “302.4.2 Natural Landscaped Area, Native Gardens shall be allowed for the purposes of vegetated buffers, stormwater retention and control, stabilizing slopes and preventing erosion, supporting birds and other desirable wildlife and establishment of plant communities’ native to this region. Natural landscaped areas and native gardens shall not violate the intent of this code or have a negative impact on any structure or appurtenances nor be permitted to become a public nuisance or fire hazard as determined by the authority having jurisdiction.”

Section 302.8 Motor Vehicles. Insert as the last sentence “Refer also to Property Maintenance Regulations, Title 13 of the City of Oak Ridge Code of Ordinances Chapter 3, and Titled “Junked Vehicles.”

Section 302.8 Motor Vehicles. Insert new sub-section: “302.8.1 Residential off-street parking. Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as approved parking surface). All approved parking surfaces shall be located on the lot it is intended to serve and there shall be vehicular access from each approved parking surface to the public street via an approved curb cut. The portion of the vehicular access to the public street (approved parking surface such as driveway, parking strip, etc.) that is located on the street right-of-way shall have a hard paved surface.”

Section 302.8 Motor Vehicles. Insert new sub-section: “302.8.2 Single family detached dwellings and duplexes. For single family detached dwellings and duplexes, the approved parking surface shall be a hard surface which is comprised of either gravel, asphalt, concrete, pavers, or some combination thereof.”

Section 302.8 Motor Vehicles. Insert new sub-section: “302.8.3 Attached or multifamily dwellings. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all approved parking surfaces shall be paved.”

Section 302.8 Motor Vehicles. Insert new sub-section: “302.8.4 Front yard parking. It shall be unlawful for any person to park or store any vehicle or trailer, including but not limited to recreational vehicles and utility trailers, within the front yard in any residential district unless such vehicle is parked on an approved parking surface. It shall also be unlawful for the registered owner of any such vehicle or trailer to allow another person to park or store a vehicle or trailer within the front yard in any residential district unless such vehicle is parked on an approved parking surface. No more than fifty percent (50%) of the required front yard shall be utilized for an approved parking space.

Exception: Parking in a front yard off of an approved parking surface will be allowed under these special circumstances:

1. Temporary loading or unloading
2. When construction, remodeling, maintenance or repairs are being performed on the property, provided a Temporary Use Permit is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the Temporary Use Permit.
3. Parking for isolated, non-recurring gatherings or parties or for visitors. This exception is not intended and shall not be used to provide permanent or semi-permanent parking for extra vehicles.”

Section 302.8 Motor Vehicles. Insert new sub-section: “302.8.5 Side & Rear yard parking. For single-family detached dwellings and duplexes, residential off-street parking is permitted outside of an approved parking surface only in the side and rear yard provided side and rear yard setbacks are met and remain clear of all vehicles.”

Section 302.8 Motor Vehicles. Insert new sub-section: "302.8.6 Attached multi-family dwelling parking. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all off-street parking shall be on an approved paved parking surface."

Section 302 Exterior Property Areas. Insert new section: "302.10 Dog to be controlled so as to not commit nuisances. It shall be unlawful for any person owning or having control or custody of any dog to permit the animal to defecate upon public property of this City or upon private property of another unless the person in control of said animal immediately remove the feces and properly dispose of it; provided however, that nothing herein contained authorizes such person to enter upon the private property of another without permission."

Section 302.10 Dog to be controlled.... Insert new subsection: "302.10.1 Suitable container or instrument for removal. It shall be unlawful for any person to walk a dog on public property of this City or upon the private property of another without carrying at all times a suitable container or other suitable instrument for the removal and disposal of dog feces."

Section 302.10 Dog to be controlled. Insert new sub-section: "302.10.2 Seeing Eye Dog. Visually handicapped persons who use Seeing Eye Guide Dogs are exempt from the provisions of Section 302.10 of this code."

Section 304.10 Stairways, decks, porches and balconies. Insert new language at the end of last sentence: "...and shall not be used for excessive storage of trash, junk, debris or hazardous items, furniture or appliances intended and designed for indoor use."

Section 304.14 Insect Screens. Insert dates in two brackets respectively: "April 1" ... "November 1"

Section 308.1 Accumulation of Rubbish or Garbage. Insert new language after ...premises, "including decks, porches, and open carports..."

Section 602.3 Heat Supply. Delete in its entirety. Replace with a new section: "602.3 Permanent Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish permanent heat supply as defined in Chapter 2 of this Code to the occupants thereof shall supply heat during the period from September 1 to May 1 to maintain a minimum temperature of 68 °F (20 °C) in all habitable rooms, bathrooms and toilet rooms. Temporary electrically plugged or fuel burning space heaters are prohibited to be used in place of permanent heat except in an emergency case by case basis."

Section 602.4 Occupiable Work Spaces. Insert dates in two brackets respectively: "September 1" ... "May 1"

APPENDIX A Boarding Standards – ORPMC / IPMC Amendments

Appendix A, Boarding Standards. A102 Materials insert new sub-section: "A102.4 Other approved method(s). The code official may allow alternative means or methods of boarding structures meeting the intent of this code in the event the requirement herein is determined to be impractical or cost infeasible."

Section 2. That Ordinance No. _____ of The City of Oak Ridge entitled [FILL IN HERE THE COMPLETE TITLE OF THE LEGISLATION OR LAWS IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 3. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Oak Ridge City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 5. That the Oak Ridge City Clerk is hereby ordered and directed to cause this legislation notification to be published on the City of Oak Ridge Website and in a newspaper having general circulation in the City of Oak Ridge.

Section 6. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **[TIME PERIOD]** from and after the date of its final passage and adoption.



September 10, 2020

Oak Ridge City Council
200 S. Tulane Ave.
Oak Ridge, TN 37830
Attention: Oak Ridge City Clerk, Beth Hickman

RE: Proposed Reorganization and Changes to the Duties & Powers of the BBHCA

Ms. Hickman,

The purpose of this letter is to acknowledge and support the proposed adoption of the 2018 Property Maintenance Code (IPMC) as amended for your consideration. I recognize the proposed adoption includes a reorganization and change of powers and duties for the Board of Building & Housing Code Appeals.

After two advertised BBHCA meetings regarding these proposed changes, on October 10, 2019 Mr. Joseph Lee made a motion to support the proposed adoption of the 2018 IPMC with amendments as presented; Seconded by Mr. Patrick McMillan; Discussion by Mr. Philip Nipper regarding board reorganization and importance of providing a means of appeal. The board further discussed the idea of reducing board size from 7 to 5 via attrition as terms expire; Motion passed unanimously.

As a point of reference, Philip Nipper and Amy Seiber both have terms set to expire 12/31/2020. They are aware of the proposed membership reorganization changes and have indicated their intention to not apply for reappointment.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce R. LeForce".

Chairman BBHCA, Bruce R. LeForce, MD, FAAN
The Pat Summitt Clinic
The University of Tennessee Medical Center
1932 Alcoa Highway, Suite C-150 | Knoxville, TN 37920
865-305-CARE (2273) | FAX: 865-305-7311

TITLE

AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "OAK RIDGE PROPERTY MAINTENANCE CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "OAK RIDGE PROPERTY MAINTENANCE CODE," TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING APPENDIX A, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge has adopted the International Property Maintenance Code, 2012 edition, establishing minimum standards for the condition of maintenance of all property, buildings, and structures within the City Limits of Oak Ridge for the protection and safety of the public; and

WHEREAS, the 2018 edition of the International Property Maintenance Code is now available for adoption; and

WHEREAS, the City desires to adopt the International Property Maintenance Code, 2018 edition, specifically including Appendix A, Boarding Structures, with any necessary amendments thereto.

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

Section 1. Title 13, titled "Property Maintenance Regulations," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 2, titled "Oak Ridge Property Maintenance Code," in its entirety and substituting therefor a new Chapter 2, titled "Oak Ridge Property Maintenance Code," which new chapter shall read as follows:

Chapter 2

Oak Ridge Property Maintenance Code

Sec. 13-201. International Property Maintenance Code Adopted.

The International Property Maintenance Code, 2018 edition, specifically including Appendix A, *Boarding Standard*, as published by the International Code Council, Inc., is hereby adopted by reference as the "Oak Ridge Property Maintenance Code" for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code; and shall become a part of this chapter as if copied herein verbatim, with the additions, insertions, deletions and changes prescribed in this chapter.

Sec. 13-202. Deletions and Insertions to the International Property Maintenance Code, 2018 Edition.

The City of Oak Ridge, Tennessee, hereby amends the International Property Maintenance Code, 2018 Edition, as follows:

Section 101.1 Title. Delete in its entirety and replace with a new section as follows:

Section 101.1 Title.

These regulations shall be known as the Oak Ridge Property Maintenance Code of the City of Oak Ridge, Tennessee, hereinafter referred to as "this code", "ORPMC" and/or "IPMC."

Section 103 Department of Property Maintenance Inspection. Shall be renamed and known as the "Code Enforcement Division of the Community Development Department."

Section 103.1 General. Delete in its entirety and replace with a new section as follows:

Section 103.1 General.

The Code Enforcement Division of the Community Development Department is hereby created and the City Manager or the City Manager's duly authorized designee is in charge thereof shall be known as the "code official" for the enforcement of the provisions of the Oak Ridge Property Maintenance Code.

Section 103.5 Fees. Delete in its entirety and replace with a new section as follows:

Section 103.5 Conflict of Interest.

No City employee having investigative or enforcement responsibilities under this code shall be financially benefited or involved in the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or specifications thereof, unless he or she is the owner of such building."

Section 104.5 Notices and Orders. Delete in its entirety and replace with a new section as follows:

Section 104.5 Notices and Orders.

The City Manager or the City Manager's duly authorized designee, the City of Oak Ridge Board of Building and Housing Code Appeals (BBHCA) or the Administrative Hearing Officer (AHO) shall have the authority to issue all necessary notices or orders as needed to ensure compliance with this code."

Section 106 Violations. Insert three (3) new subsections as follows:

Section 106.6 Repeat Violations.

Owners, operators or legal occupants of any occupancy that previously violated provision(s) of this code which ultimately caused the City to abate such violation(s) any repeat or future violation(s) of the same provision(s) within twelve (12) calendar months shall give cause to the City to correct or abate the same violation(s) without further notice per §107 of this code at the owners, operators or legal occupants expense and the City may assess unpaid expenses against the property as a lien.

Exception:

- (a) Violations of Unfit for Human Occupation or Use
- (b) Change of property ownership, operator or legal occupant

Section 106.7 Recovery of Costs.

If any person fails to comply with any order or notice given under the Oak Ridge Property Maintenance Code, the code official may cause such structure to be repaired, altered, improved, vacated, cleaned and sealed or closed, or demolished or removed and the cost of the same shall be assessed against the owner and shall, upon filing of a notice of lien on the property in the office of register of deeds in the county in which the property is located, constitute a lien on the property in favor of the city, second only to liens of the state, county and municipality for taxes, or any other special assessments and any other valid lien, right or interest in such property duly recorded or duly perfected prior to the filing of such notice. These costs shall be placed upon the tax roll of the city as a lien, and shall be added to the property tax roll to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes. Any cost recovered by the sale of any of the materials of a structure demolished or removed hereunder shall be credited to the cost of demolition or removal, and any balance remaining shall be deposited in the chancery court and shall be disbursed by such court to such person(s) found to be entitled thereto. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceeding or otherwise.

Section 106.8 Legal Action.

The City Attorney or the City Attorney's duly authorized designee may institute appropriate action to compel necessary repairs, vacating, or demolition as provided by notice or order of the code official under the Oak Ridge Property Maintenance Code.

Section 107 Notice and Orders. Insert a new subsection as follows:

Section 107.3.2 Presumption.

There is hereby created a rebuttable presumption that the person listed upon the most recent city tax roll as the owner of a property, dwelling, dwelling unit or structure is the owner for purposes of enforcement of the Oak Ridge Property Maintenance Code.

Section 108.1.3 Structure Unfit for Human Occupancy. Delete in its entirety and replace with a new section as follows:

Section 108.1.3 Structures Unfit for Human Occupation or Use.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. Under Tennessee Code Annotated (T.C.A.), §13-21-102, the code official has the power to exercise its police powers to clean, repair, vacate, seal and/or demolish structures found to be unfit for human occupation or use.

Section 108 Unsafe Structures and Equipment. Insert three (3) new subsections as follows:

Section 108.1.3.1 Structural Defects.

Structures to be considered unfit for human occupation or use for structural defects, the following conditions apply but not limited to: those interior vertical walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base; or those which exclusive of the foundation show thirty-three percent (33%) or more of damage or deterioration of the supporting member(s) of fifty percent (50%) or more of damage or deterioration of the non-supporting portions of the structure or outside walls or coverings; or those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.”

Section 108.1.6 Extensive Alterations.

When the total area of all the work areas included in an alteration or repair exceeds fifty percent (50%) of the total area of the structure or dwelling unit, the works shall be considered a reconstruction and shall comply with the requirements of the provision for new construction work.

Exception: When the alteration or repair work is exclusively plumbing or mechanical or electrical, it shall not be considered reconstruction work that requires the entire structure to be updated.

Section 108.1.7 Unmaintained presence of animals or pets.

Property unfit for human occupation or use due to continued unmaintained presence of animals or pets. It shall be unlawful to allow the presence of any animals or pets in any commercial or residential structure intended for human occupation or use to cause an unhealthy condition or public nuisance in said structure. Whenever the code official finds that such structure is unsafe in this manner, the City of Oak Ridge, Police Department Animal Control Office shall have the authority to remove the animals or pets from the premises regardless of the physical appearance of the animals or pets.

Exception: Service Animals as defined by the U.S. Department of Justice, Americans with Disability Act (ADA) are exempt from this provision.

Section 109.2 Temporary Safeguards. Modify section by inserting the phrase: “or the recognition of a public or attractive nuisance” after the existing “imminent danger due to an unsafe condition,…”

Section 111.2 Membership of board. Delete in its entirety and replace with a new section as follows:

Section 111.2 Membership of board.

The board of appeals shall be known as the Board of Building and Housing Code of Appeals (BBHCA).

- (a) There is hereby created a board of building and housing code appeals consisting of seven (7) members, which shall be residents of the City of

Oak Ridge, Tennessee and shall consist of the following: one physician or person from a health related field; one architect or engineer; one building-related contractor or building supply dealer; one realtor; and three members from the public at large; provided that, if no individuals meeting these criteria apply for appointment, City Council may appoint persons who do not possess such qualifications. Effective January 1, 2021, the Board of Building and Housing Code Appeals will reduce in membership to five (5) members by attrition. Members will continue to be residents of the City of Oak Ridge, Tennessee. When possible, the board will consist of the following: one physician or person from a health related field; two building/trades related contractor or building supply dealer; and two members from the public at large; provided that, if no individuals meeting these criteria apply for appointment, City Council may appoint persons who do not possess such qualifications.

- (a) Appointment to the board shall be staggered three (3) year terms. Effective January 1, 2021, , provided the terms of members of the initial board shall be as follows:
 - (i) Two (2) members from the public at large (initial appointment 3 years)
 - (ii) One (1) Physician or other member from health related field (initial appointment 1 year)
 - (iii) Two (2) Building/Trades related contractor or design professional (initial appointment 2 years)
- (b) Members of the board may be removed by the City Council for good cause shown.
- (c) Vacancies on the board shall be filled by City Council for the unexpired term of such vacancy.
- (d) All members of the board shall serve without compensation.
- (e) As soon as practical after appointment, the members of the board shall meet and organize by electing a chairperson, vice-chairperson and secretary annually. The City Manager or the City Manager's duly authorized designee shall serve as ex-officio. Thereafter, officers of the board shall be elected by the members at the first annual meeting of the board. Three (3) members shall constitute a quorum and the affirmative vote of at least three (3) members shall be required to take any action, except to continue a meeting where no quorum is present. A member shall not act in a case in which such member or his or her family member or employer has a personal or financial interest. The board shall establish such other written rules and regulation for its own procedure not inconsistent with the provisions of ORMPC and a copy shall be kept on file with the City Clerk.
- (f) Any reference in any provision of the Code of Ordinance, City of Oak Ridge, Tennessee to the board of building code appeals or the board of housing code appeals shall be deemed to refer to the Board of Building and Housing Code Appeals.

Section 111.2.1 Alternate members. Delete in its entirety.

Section 111.2.2 Chairman. Delete in its entirety.

Section 111.2.3 Disqualification of member. Delete in its entirety.

Section 111.2.4 Secretary. Delete in its entirety and replace with a new section as follows:

Section 111.2.4 Secretary.

The secretary shall file a detailed record of all proceedings to the City Manager or the City Manager's duly authorized designee. The board may allow secretarial duties be shared with the designated city staff member serving as liaison to the board.

Section 111.2.5 Compensation of members. Delete in its entirety.

Section 112.4 Failure to Comply. Delete in its entirety and replace with a new section as follows:

Section 112.4 Failure to Comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable and subject to penalties of not less than \$50.00 or more than \$500.00 dollars per violation as state and local laws allow.

Section 202 General Definitions. Delete the title of this section and rename it "General Definitions and Phrases" and insert the following new definitions:

Abandoned Vehicle. A vehicle is classified as abandoned when the vehicle, trailer, or recreational vehicle designed to be towed by a separate power source that: (A) is otherwise in good working condition left unattended on public property or right-of-way for more than fifteen (15) calendar days; or (B) has remained illegally placed on public property for a period of more than forty-eight (48) hours; or (C) has remained on private property without the consent of the owner or person in control of the property for forty-eight (48) hours or more. Refer also to Property Maintenance Regulations, Title 13 of the City of Oak Ridge Code of Ordinances Chapter 3 Section 13-301(4).

Antique Motor Vehicle. A motor vehicle over twenty-five (25) years old with a non-modified engine and body which is used for participation in club activities, exhibits, tours, parades and similar uses as a collector's item, but in no event used for general transportation.

Any and all other objectionable, unsightly or unsanitary matter of whatever nature means any condition, object, material or other matter that is dangerous or detrimental to human life or health; that renders the ground, the water, the air or food a hazard or likely to cause injury to human life or health; that is offensive to the senses; or that threatens to become detrimental to the public health. The term includes but is not limited to any abandoned wells, pools, landscape water features, shafts or basements; abandoned refrigerators; stagnant or unwholesome water; sinks; privies; filth; carrion; rubbish; junk, trash, debris or refuse; impure or unwholesome matter of any kind; and any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

Attractive Nuisance. The doctrine in tort law which holds that one who maintains a dangerous instrumentality on his or her property which is likely to attract children is under a duty to reasonably protect those children against the dangers of that attraction.

Bushes and Hedges means vegetative growth or plant that includes but not limited to holly, box hedges, azaleas, roses, rhododendrons, laurel, lilac, hibiscus and evergreens.

“Corner Visibility Triangle means a triangular area formed within a corner lot by the intersecting lot lines abutting the streets or the projections thereof and a straight line connecting them 7.5 meters (24.6 feet) from their point of intersection.

“Driveway Visibility Triangle means a triangular area formed by the intersection of the lateral limit of the travelled portion of a driveway and a lot line abutting a street or the projections thereof and a straight line connecting them 4.57 meters (15 feet) from their point of intersection.

Delete “Inoperable motor vehicle” and replace with definition: **“Inoperable, obsolete or in a state of disrepair.** Any vehicle or device in, upon or by which a person or property may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include, but not limited to, motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, camper, boat trailer or any combination thereof, which exhibits any one of the following characteristics is considered a public nuisance: (A) Any vehicle or part of a vehicle with a broken windshield beyond minor crack(s) or any other broken glass that constitutes a safety hazard; (B) Any vehicle or part of a vehicle with a broken or loose fender, door, bumper, hood, wheel, steering wheel, hood/trunk top or exhaust system; (C) Any vehicle lacking an engine, one or more wheels or other structural parts which renders such vehicle unsafe to operate; (D) Any vehicle or part of a vehicle which is a habitat for rats, mice or snakes or any other vermin or insects; (E) Any vehicle or part of a vehicle which, because of its defective or obsolete condition, constitutes a threat to the public health and safety; (F) Any vehicle that is not capable of moving by its own intended power source in both forward and reverse directions; (G) Any vehicle that is being used for excessive storage thereby causing unsafe operation or nuisance; (H) Any vehicle that cannot be driven legally on public streets under city ordinance and/or state law. Refer also to Property Maintenance Regulations, Title 13 of the City of Oak Ridge Code of Ordinances Chapter 3 Section 13-301(3).”

Junked Vehicle. Any motorized or non-motorized vehicle, including but not limited to campers, trailers, boats and semi-trailers, the condition of which is one or more of the following: wrecked, abandoned, discarded, in a state of disrepair, lacking vital component parts, economically impractical to restore to operating condition, poses a safety hazard, or declared a public nuisance. Refer also to Property Maintenance Regulations, Title 13 of the City of Oak Ridge Code of Ordinances Chapter 3 Section 13-301(2) and enforcement laws contained therein.

Lot or parcel of real estate includes, in addition to those grounds within their respective boundaries, all lots or parcels of ground lying and being adjacent thereto and extending beyond the property line of any such lot or parcel of real estate to the curb-line of adjacent streets where a curb-line has been established, and any abutting rights-of-way beyond the property line where no curb-line has been established and also to the center of adjacent alleys.

Natural Landscaped Area means natural landscaping, also called **Native Gardening**, is the use of native plants, including trees, shrubs, ground cover and grasses which are indigenous to the geographic area of the garden which is either naturally established or designated and cultivated that when established will sustain itself with minimal maintenance effort that do not contain noxious weeds or poisonous plants that cause a public nuisance.

Nuisance. Use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience which can also be considered an attractive or public nuisance.

Parties of Interest means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof.

Permanent Heat Supply. Any listed and approved heat source permanently wired or piped, safely attached, sized and operating properly, not removable without the use of tools and capable of continuously maintaining a temperature of 68 degrees Fahrenheit at an approximate height of 3 feet above the floor in the center area of each habitable space as required.

Place of Public Accommodation means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.

Public Nuisance means a nuisance which affects numerous members of the public or the public at large (how many people it takes to make a public is unspecified), as distinguished from a nuisance which only does harm to a neighbor or a few private individuals. A public nuisance is an unreasonable interference with the public's right to property. It includes conduct that interferes with public health, safety, peace or convenience. The unreasonableness may be evidenced by statute, or by the nature of the act, including how long, and how bad, the effects of the activity may be. All structures and appurtenances which are found unfit for human occupation or use within the terms of § 108.1.3 as determined by the code official are also considered a public nuisance.

Rental Unit. Dwelling, dwelling unit, rooming unit, or sleeping unit or any part of a structure used as a home, residence, or sleeping unit by a single person, household unit by any person(s) other than the legal owner of the property which is leased, rented, or otherwise occupied from the owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange.

Swimming Pool means any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above ground and on-ground swimming pools, hot tubs and spas.

Trash and Debris means all manner of refuse, including but not limited to mounds of dirt, compost, piles of leaves, grass and weed clippings, paper trash, useless fragments of building material, rubble, household items and appliances, items of salvage such as scrap metal and wood, barrels, tires, objects that hold water for an extended time, tree and brush trimmings, and other miscellaneous wastes or rejected matter.

Turf Grass. Refers to all species of grass that are perennial and are typically used for lawns.

Utility Trailers. Any wheeled structure, without motive power, designed to be towed by a separate power source and which is generally and commonly used to carry and transport personal effects and/or property.

Vines means a vegetative growth or plant with a long stem that grows along the ground or climbs a support such as, but not limited to: Clematis, Climbing Roses, Honey Suckle, Ivy, Jasmine, Morning Glory, Trumpet Vines, and Wisteria.”

Weeds. A plant other than trees, shrubs, turf grass and cultivated flowers or gardens that is not valued where it is growing and is usually of vigorous growth; especially on that tends to overgrow or choke out more desirable plants.

Section 302.4 Weeds. Insert height in bracket: “10 inches”

Section 302.4 Weeds. Insert two (2) new sections as follows:

302.4.1 Accumulation or Condition Declared Unlawful.

- (a) Whenever and wherever weeds, shrubbery, rubbish or any other objectionable, unsightly and unsanitary matter of whatever nature shall exist, covering or partly covering the surface of any lot or parcel of real estate within the city so as to produce an unsightly appearance or which may harbor reptiles or rodents, create a fire hazard or result in unsanitary conditions, such a condition is declared to be unlawful, the abatement of which shall be a public necessity.
- (b) Vines that cover fifty percent (50%) or more of the ground surface area in a residential front yard, to include side yards if visible from the street, shall not exceed 12 inches in height. Vines used as ground cover, shall be cut back so they do not grow onto any curb, sidewalk, or driveway.
- (c) Bushes and hedges shall be trimmed to prevent encroachment on any sidewalk, walk-way or extend over the curb or edge of a street. Bushes and hedges shall not be allowed to create a visibility triangle issue for vehicles or pedestrians.

302.4.2 Natural Landscaped Area, Native Gardens.

Natural landscaped areas and native gardens shall be allowed for the purposes of vegetated buffers, stormwater retention and control, stabilizing slopes and preventing erosion, supporting birds and other desirable wildlife and establishment of plant communities’ native to this region. Natural landscaped areas and native gardens shall not violate the provisions of this code or have a negative impact on any structures or appurtenances nor be permitted to become a public nuisance or fire hazard as determined by the authority having jurisdiction.

Section 302.8 Motor Vehicles. Insert as the last sentence “Refer also to Property Maintenance Regulations, Title 13 of the City of Oak Ridge Code of Ordinances Chapter 3, and Titled “Junked Vehicles.”

Section 302.8 Motor Vehicles. Insert six (6) new subsections as follows:

302.8.1 Residential off-street parking.

Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as approved parking surface). All approved parking surfaces shall be located on the lot it is intended to serve and there shall be vehicular access from each approved parking surface to the public street via an approved curb cut. The portion of the vehicular access to the public street (approved parking surface such as driveway, parking strip, etc.) that is located on the street right-of-way shall have a hard paved surface.

302.8.2 Single family detached dwellings and duplexes.

For single family detached dwellings and duplexes, the approved parking surface shall be a hard surface which is comprised of either gravel, asphalt, concrete, pavers, or some combination thereof.

302.8.3 Attached or multifamily dwellings.

For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all approved parking surfaces shall be paved.

302.8.4 Front yard parking.

It shall be unlawful for any person to park or store any vehicle or trailer, including but not limited to recreational vehicles and utility trailers, within the front yard in any residential district unless such vehicle is parked on an approved parking surface. It shall also be unlawful for the registered owner of any such vehicle or trailer to allow another person to park or store a vehicle or trailer within the front yard in any residential district unless such vehicle is parked on an approved parking surface. No more than fifty percent (50%) of the required front yard shall be utilized for an approved parking space.

Exception: Parking in a front yard off of an approved parking surface will be allowed under these special circumstances:

1. Temporary loading or unloading
2. When construction, remodeling, maintenance or repairs are being performed on the property, provided a Temporary Use Permit is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the Temporary Use Permit.
3. Parking for isolated, non-recurring gatherings or parties or for visitors. This exception is not intended and shall not be used to provide permanent or semi-permanent parking for extra vehicles.

302.8.5 Side & Rear yard parking.

For single-family detached dwellings and duplexes, residential off-street parking is permitted outside of an approved parking surface only in the side and rear yard provided side and rear yard setbacks are met and remain clear of all vehicles."

302.8.6 Attached multi-family dwelling parking.

For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all off-street parking shall be on an approved paved parking surface.”

Section 302 Exterior Property Areas. Insert a new section as follows:

302.10 Animal(s) to be controlled so as to not commit nuisances.

It shall be unlawful for any person owning or having control or custody of any animal to permit the animal to defecate upon public property of this City or upon private property of another unless the person in control of said animal immediately remove the feces and properly dispose of it; provided however, that nothing herein contained authorizes such person to enter upon the private property of another without permission.”

302.10.1 Suitable container or instrument for removal.

It shall be unlawful for any person to walk an animal on public property of this City or upon the private property of another without carrying at all times a suitable container or other suitable instrument for the removal and disposal of animal feces.

302.10.2 Visually disabled or impaired.

Visually disabled or impaired persons with a service animal are exempt from the provisions of Section 302.10 of this code.

Section 304.10 Stairways, decks, porches and balconies. Insert new language at the end of last sentence: “...and shall not be used for excessive storage of trash, junk, debris or hazardous items, furniture or appliances intended and designed for indoor use.”

Section 304.14 Insect Screens. Insert dates in two brackets respectively: “April 1”... “November 1”

Section 308.1 Accumulation of rubbish or garbage. Insert after “...property and premises,” new language to sentence: “including decks, porches, and open carports...”

Section 602.3 Heat Supply. Delete in its entirety and replace with the following new section:

602.3 Permanent Heat Supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish permanent heat supply as defined in Chapter 2 of this Code to the occupants thereof shall supply heat during the period from September 1 to May 1 to maintain a minimum temperature of 68 °F (20 °C) in all habitable rooms, bathrooms and toilet rooms. Temporary electrically plugged or fuel burning space heaters are prohibited to be used in place of permanent heat except in an emergency case by case basis.

Section 602.4 Occupiable Work Spaces. Insert dates in two brackets respectively: “September 1” ... “May 1”

Appendix A, Boarding Standards. A102 Materials insert new subsection as follows:

Section A102.4 Other approved method(s).

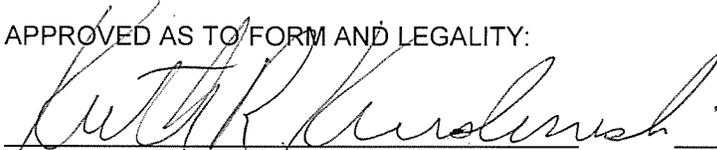
The code official may allow alternative means or methods of boarding structures meeting the intent of this code in the event the requirement herein is determined to be impractical or cost infeasible.

Section 2. All other ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Section 3. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

**FINAL ADOPTION
OF
ORDINANCES**

**COMMUNITY DEVELOPMENT MEMORANDUM
20-65**

DATE: August 25, 2020
TO: Mark S. Watson, City Manager
THROUGH: Wayne E. Blasius, Community Development Director **WB**
FROM: Jennifer L. Williams, Senior Planner
SUBJECT: ZONING ORDINANCE HOUSEKEEPING TEXT AMENDMENT

Introduction

An item for City Council's consideration is an ordinance to adopt seven 'housekeeping' zoning text amendments. These amendments are meant to correct errors or inconsistencies in the ordinance.

Funding

No funding is associated with this item.

Analysis

The seven proposed housekeeping amendments are described below.

1. **Section 3.02(a):** Keeping chickens in residential zoning districts.
 - **Explanation:** Section 3.02(a) states that the keeping of poultry is not allowed in any residential zoning district except RG-1. This is no longer true, chickens have been allowed in all residential districts since 2016. (See Oak Ridge City Code Title 10, Chapter 5)
 - **Proposed Change:** Add a sentence to this section referencing the chicken ordinance.

2. **Sections 3.10(a) and 3.11(b):** Reference to old numbering system.
 - **Explanation:** Sections 3.10(a) and 3.11(b) of the Ordinance reference 'Section 2.07' and 'Section 2.08(r)' of the Zoning Ordinance. These are references to an old numbering system in Article II Definitions. Article II no longer numbers individual definitions.
 - **Proposed Change:** Remove the old numbering reference and replace with a general reference to Article II.

3. **Sections 3.13 and 3.23** are nearly identical.
 - **Explanation:** Sections 3.13 and 3.23, which deal with different types of daycare homes, are nearly identical. The only apparent difference is that Section 3.23 includes adult day care and has one additional standard regarding modifications to dwelling units used as day care facilities. Section 3.23 was added to the Ordinance in a 2008 amendment. It appears to have been intended as an update to Section 3.13.
 - **Proposed Change:** Delete Section 3.13.

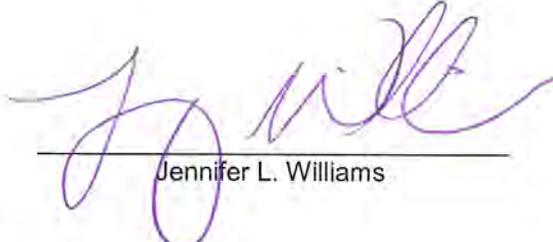
4. **Section 5.05**, the R-3 District, includes uses that are listed as both "permitted by right" and also listed "by special exception." Proposed change fixes this.
 - **Explanation:** "*Public, non-profit and community facilities; recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; community centers; libraries and museums*" are listed in the R-3 zone as a use permitted by right.

Uses not 'permitted by right' may be requested by petition to the the Board of Zoning Appeals. Other uses permitted by right in the R-3 district include government uses, schools, churches, assisted living facilities, offices, and hospitals. Many of the uses listed above are similar or overlap with other uses permitted by right.

- **Proposed Change:** Allow these uses by right and remove "by special exception."
5. **Section 7.03**, the B-2 District, includes uses that are listed as both "permitted by right" and also listed "by special exception." Proposed change fixes this.
- **Explanation:** "*Veterinary clinic and small animal hospital, provided there be no animal pens or runs outside the building*" is listed in the B-2 zone as a use permitted by right and a use that requires Special Exception approval from the Board of Zoning Appeals. The B-2 district permits a wide variety of other medical and services uses by right. In addition, the veterinary hospital use prohibits animals being kept outside, which could impact adjacent properties if allowed.
 - **Proposed Change:** Allow these uses by right and remove "by special exception."
6. **Section 8.01(b)** lists the same use twice.
- **Explanation:** Section 8.01(b) lists allowed uses in the IND-1 District. "*Offices, administrative, technical, and professional services*" is listed twice. Once as item 3, and once as item 10.
 - **Proposed Change:** Remove item 10.
7. **Section 16.16(a)** references an old numbering system and has a typo.
- **Explanation:** Section 16.16(a), which lists the evaluation standards for Site Plans, includes a reference to an old numbering system. In addition the word 'maxim' appears where 'maximum' should be.
 - **Proposed Change:** Remove the old numbering reference and fix the typo.

Recommendation

Approval of the attached ordinance is recommended.



Jennifer L. Williams

Attachments: ~~Bold/Strikethrough of Proposed Amendments~~
~~Proposed ordinance~~

City Manager's Comments:

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



Mark S. Watson 9/8/20
Date

1. Section 3.02(a)

- (a) No animals ~~or livestock, or poultry~~ of any kind shall be raised, bred or kept in any residential zoning district except RG-1 except that, subject to the provisions herein, dogs, cats or other customary pets may be kept provided that they are not kept, bred or maintained for any commercial purpose or in a manner constituting a public or private nuisance. In all cases, the Board of Zoning Appeals shall determine what is a customary pet in the event of dispute. **In addition, chickens shall be permitted in residential districts in accordance with Oak Ridge City Code Title 10, Chapter 5.** The provision shall in no way be construed to abrogate any person's responsibility or liability under this or any other city ordinance dealing with noise or nuisance.

2. Section 3.10(a) and 3.11(b)

3.10(a) Principal Building.

The required front, rear and side building setback shall be measured from the property line as set forth in **Article II Section 2.07** to the furthestmost projection of the exterior wall of the building nearest the point of measurement at the property line except as otherwise provided in this code.

- 3.11(b) Home occupations, as defined in **Article II Section 2.08(f)**, shall be allowed in all residentially zoned districts subject to all of the following regulations:

3. Section 3.13/3.23

~~Section 3.13 Family Day Care and Group Day Care Homes~~

~~The following supplementary provisions shall apply to family day care and group day care homes in each respective zone. All state licenses are required and need to be displayed on-site.~~

- ~~(a) The maximum number of children permitted in any family day care home or child care center shall be that number approved by the State of Tennessee for such facility; provided, however, that in the case of a family day care home operated in a dwelling unit, there shall be no more than seven (7) children in attendance at the facility at any given time including resident children aged five (5) years and younger. This number may be increased up to twelve (12) children in cases where the Board of Zoning Appeals determines that the additional children in attendance will have no material adverse impact on traffic or upon the value, use or enjoyment of any residential property within 500 feet of such facility.~~
- ~~(b) Each family day care home and group day care home shall be licensed by the State of Tennessee, and shall post such license or otherwise make it available for public inspection.~~
- ~~(c) No family day care home or group day care home proposed to be operated in a dwelling unit shall be located within 500 feet from the lot of an existing family day care home, child care center or private educational institution except in such cases where the Board of Zoning Appeals determines that a new family day care home or group day care home will have no material adverse impact on traffic or upon the value, use or enjoyment of any residential property within 500 feet of such facility.~~
- ~~(d) The owner/operator of any family day care home or group day care home operated in a dwelling unit shall be required to maintain actual residence in that dwelling unit, and is authorized to have additional employees as may be required by the State of Tennessee.~~

- ~~(e) Each child care center or private education institution shall provide a safe drop-off and pick-up area for children on the property, so that any vehicle using such drop-off area shall enter the property and return to the abutting public street by forward motion.~~
- ~~(f) Each family day care home and group day care home, licensed by the State of Tennessee and approved by the Board of Zoning Appeals, or approved as a use customarily incidental to the permitted principal use, on or before April 1, 1990, may continue to provide care for the number of children authorized under the current state license not to exceed the number approved under such license as of April 1, 1990, and shall continue to meet yard space standards and drop-off or pick-up space provisions required at the time of approval by the Board of Zoning Appeals. Such authorization shall continue so long as the facility remains in compliance with said standards and provisions.~~

Sec. 3.23 Family Day Care, Group Day Care Homes and Adult Day Care Facility

- (a) The maximum number of children permitted in any family day care home or child care center (which is inclusive of family day care, group day care homes and adult day care) shall be that number approved by the State of Tennessee for such facility; provided, however, that in the case of a family day care home operated in a dwelling unit, there shall be no more than seven (7) children in attendance at the facility at any given time including resident children aged five (5) years and younger. This number may be increased up to twelve (12) children in cases where the Board of Zoning Appeals determines that the additional children in attendance will have no material adverse impact on traffic or upon the value, use or enjoyment of any residential property within 500 feet of such facility.
- (b) Each family day care home and group day care home shall be licensed by the State of Tennessee, and shall post such license or otherwise make it available for public inspection.
- (c) No family day care home or group day care home proposed to be operated in a dwelling unit shall be located within 500 feet from the lot of an existing family day care home, child care center or private educational institution except in such cases where the Board of Zoning Appeals determines that a new family day care home or group day care home will have no material adverse impact on traffic or upon the value, use or enjoyment of any residential property within 500 feet of such facility.
- (d) The owner/operator of any family day care home or group day care home operated in a dwelling unit shall be required to maintain actual residence in that dwelling unit, and is authorized to have additional employees as may be required by the State of Tennessee.
- (e) Each child care center or private education institution shall provide a safe drop-off and pick-up area for children on the property, so that any vehicle using such drop off area shall enter the property and return to the abutting public street by forward motion.
- (f) Each family day care home and group day care home, licensed by the State of Tennessee and approved by the Board of Zoning Appeals, or approved as a use customarily incidental to the permitted principal use, on or before April 1, 1990, may continue to provide care for the number of children authorized under the current state license not to exceed the number approved under such license as of April 1, 1990, and shall continue to meet yard space standards and drop-off or pick-up space provisions required at the time of approval by the Board of Zoning Appeals. Such authorization shall continue so long as the facility remains in compliance with said standards and provisions.
- (g) The Board may limit either interior or exterior modifications of any structure built as a dwelling to those modifications which would not hamper reconversion of the dwelling to its original state upon cessation of the child care operation.

(Ord. No. 27-08 Revised Effective 10/2/08)

4. Section 5.05

(a) Permitted Principal Uses:

- 3. Public, non-profit and community facilities; recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; community centers; libraries and museums.

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

- ~~1. Public, non-profit and community facilities; recreation areas and uses and ancillary structures such as, but not limited to, picnic grounds, playgrounds, stadiums, swimming pools, tennis courts and baseball fields including stands and fences; community centers; libraries and museums.~~

5. Section 7.03

(a) Permitted Principal Uses:

- 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)

(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.

- ~~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)

6. Section 8.01(b)

(b) Permitted Principal Uses:

- 3. Offices, administrative, technical, and professional services.

(Ord. No. 11-06 Revised Effective 9/03/06)

- ~~10. Offices, administrative, technical and professional.~~

7. Section 16.16(a)

Section 16.16 Reviews and Performance Standards. The site plan and associated plans shall be evaluated for:

- (a) Provision and compliance with the various zoning ordinance and locational information requirements, including appropriate zoning, minimum building and parking setbacks, building height limitations, ~~maxim~~ **maximum** allowable floor area and other information specified in ~~Section 6-920~~ of this ordinance.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY DELETING SUBSECTION (A) OF SECTION 3.02, TITLED, "GENERAL LAND USE PROVISIONS," AND SUBSTITUTING THEREFOR A NEW SECTION 3.02(A) TO ADDRESS POSSESSION OF CHICKENS IN RESIDENTIAL AREAS; BY DELETING THE REFERENCE TO "SECTION 2.07" IN SECTION 3.10(A) AND THE REFERENCE TO "2.08(R)" IN SECTION 3.11(B) AND REPLACING BOTH WITH A REFERENCE TO "ARTICLE II" FOR CORRECTNESS; BY DELETING THE FOLLOWING SECTIONS WITHOUT REPLACEMENT: SECTION 3.13, SECTION 5.05(C)(1), SECTION 7.03(C)(7), AND SECTION 8.01(B)(10) TO REMOVE REDUNDANT PROVISIONS; AND BY DELETING SUBSECTION (A) OF SECTION 16.16, TITLED, "REVIEWS AND PERFORMANCE STANDARDS," AND SUBSTITUTING THEREFOR A NEW SECTION 16.16(A) TO CORRECT TYPOGRAPHICAL ERRORS.

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

WHEREAS, this amendment contains various housekeeping updates to correct errors and inconsistencies in the Zoning Ordinance including keeping chickens (hens) in residential districts for consistency with the City Code, removing references to the old numbering system, and removing redundant provisions; and

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

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

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article III, titled "General Provisions," Section 3.02, titled "General Land Use Provisions," is hereby amended by deleting subsection (a) and substituting therefor a new subsection (a) which shall read as follows:

Section 3.02 General Land Use Provisions

- (a) No animals or livestock of any kind shall be raised, bred or kept in any residential zoning district except RG-1 except that, subject to the provisions herein, dogs, cats or other customary pets may be kept provided that they are not kept, bred or maintained for any commercial purpose or in a manner constituting a public or private nuisance. In all cases, the Board of Zoning Appeals shall determine what is a customary pet in the event of dispute. In addition, chickens shall be permitted in residential districts in accordance with Oak Ridge City Code Title 10, Chapter 5. The provision shall in no way be construed to abrogate any person's responsibility or liability under this or any other city ordinance dealing with noise or nuisance.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article III, titled "General Provisions," Section 3.10, titled "Building Setback," Subsection (a), titled "Principal Building" is hereby amended by deleting the reference to "Section 2.07" and replacing it with "Article II" to eliminate the reference to an old numbering system.

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article III, titled "General Provisions," Section 3.11, titled "Home Occupations," is hereby amended by deleting the reference to "Section 2.08(r)" in Subsection (b) and replacing it with "Article II" to eliminate the reference to an old numbering system.

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article III, titled "General Provisions," Section 3.13, titled "Family Day Care and Group Day Care Homes," is

hereby deleted without replacement as these provisions are already addressed in Section 3.23, titled "Family Day Care, Group Day Care Homes and Adult Day Care Facility."

Section 5. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article V, titled "Residential Districts," Section 5.05, titled "R-3, Medium Density Residential District," Subsection (c), titled "Special Exceptions Requiring Board of Zoning Appeals Approval," is hereby amended by deleting subsection 1 without replacement as this use is already listed as a permitted principal use in Section 5.05(a)(3).

Section 6. 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 subsection 7 without replacement as this use is already listed as a permitted principal use in Section 7.03(a)(22).

Section 7. 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 subsection 10 without replacement as this use is already listed as a permitted principal use in Section 8.01(b)(3).

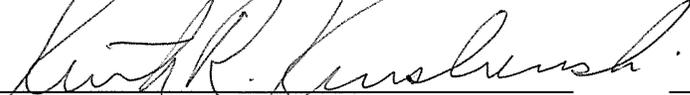
Section 8. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article XVI, titled "Administration and Enforcement," Section 16.16, titled "Reviews and Performance Standards," is hereby amended by deleting subsection (a) in its entirety and substituting therefor a new subsection (a), which new subsection shall read as follows:

Section 16.16 Reviews and Performance Standards

- (a) Provision and compliance with the various zoning ordinance and locational information requirements, including appropriate zoning, minimum building and parking setbacks, building height limitations, maximum allowable floor area and other information specified in this ordinance.

Section 9. 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: 09/14/2020
Publication Date: 09/17/2020
Publication Date: 09/25/2020
Public Hearing: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

RESOLUTIONS

**LEGAL DEPARTMENT MEMORANDUM
20-12**

DATE: September 30, 2020
TO: Honorable Mayor and Members of Council
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: A RESOLUTION APPROVING A SETTLEMENT IN THE AMOUNT OF \$175,000.00 WITH BILLY CASPER GOLF MANAGEMENT, INC. (BCGM) FOR TERMINATION OF THE MANAGEMENT AGREEMENT BETWEEN THE CITY OF OAK RIDGE AND BCGM

INTRODUCTION

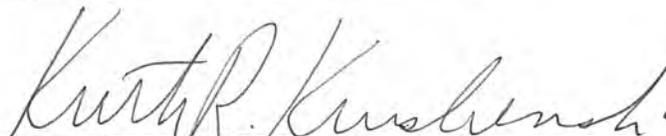
An item for the October 12th Council Meeting is a Resolution approving a settlement in the amount of \$175,000.00 with BCGM involving a dispute between the City and BCGM over the termination of the Management Agreement that the City had with BCGM for Centennial Golf Course.

FUNDING: Funds are available in the Insurance fund.

BACKGROUND: On October 18, 2017 the City notified BCGM of its intention to terminate for cause the Management Agreement it had with BCGM effective November 17, 2017 for its failure to manage Centennial Golf Course in a financially effective manner. BCGM retained legal counsel and contested the City's termination of the Management Agreement for cause. BCGM's attorney claimed that the City owed BCGM \$522,792.13 in termination fees pursuant to the terms of the Management Agreement. The City Attorney and BCGM's legal counsel exchanged settlement demands and in an effort to resolve the contract dispute, BCGM accepted the City's offer of \$175,000.00 to settle all claims that BCGM made against the City for improper termination of the Management Agreement.

RECOMMENDATION

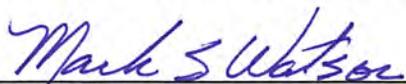
The City Attorney and City Manager agree that this settlement is in the best interest of the City and request City Council to approve the attached Resolution.


Kenneth R. Krushenski

Attachments: Resolution

City Manager's Comments:

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

 10-7-2020
Mark S. Watson Date

RESOLUTION

A RESOLUTION APPROVING A SETTLEMENT IN THE AMOUNT OF \$175,000.00 WITH BILLY CASPER GOLF MANAGEMENT, INC., TO RESOLVE AND SETTLE ALL CLAIMS RELATED TO THE TERMINATION OF THE MANAGEMENT AGREEMENT FOR TENNESSEE CENTENNIAL GOLF COURSE.

WHEREAS, on December 4, 2000, the City and Billy Casper Golf Management, Inc., (BCGM) entered into a management agreement for BCGM to manage the City's golf course, known as Tennessee Centennial Golf Course; and

WHEREAS, on October 18, 2017, the City notified BCGM of its intent to terminate the management agreement for failure to manage the golf course in a financially effective manner; and

WHEREAS, BCGM retained legal counsel and contested the City's termination of the management agreement for cause and claimed the City owed BCGM \$522,792.13 in termination fees; and

WHEREAS, the City Attorney and BCGM's legal counsel negotiated a settlement in the amount of \$175,000.00; and

WHEREAS, the City Manager and City Attorney recommend settlement of the contract dispute in full for the negotiated amount of \$175,000.00.

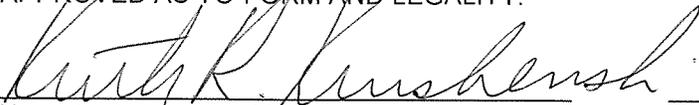
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager and the City Attorney is approved and the City hereby agrees to a settlement in the amount of \$175,000.00 to resolve and settle all claims between the City and Billy Casper Golf Management, Inc., with respect to termination of the management agreement for Tennessee Centennial Golf Course.

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 12th day of October 2020.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, City Attorney

Mary Beth Hickman, City Clerk

**PUBLIC WORKS DEPARTMENT MEMORANDUM
20-63**

DATE: September 28, 2020
TO: Dr. Mark S. Watson, PhD City Manager
FROM: Shira A. McWaters, P.E., Public Works Director
**SUBJECT: REPLACEMENT INFLUENT DRUM SCREENS AT THE TURTLE PARK
WASTEWATER TREATMENT PLANT**

Introduction

An item for City Council consideration is a resolution approving the purchase and installation of replacement influent drum screens at the Turtle Park Wastewater Treatment Plant awarded to Design and Construction Services, Inc. (Knoxville, TN) in a not to exceed amount of **\$1,293,000**.

Funding

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

Background

The current influent drum screens at the Turtle Park Wastewater Treatment Plant were installed during the most recent large scale plant upgrades in 2000. These screens have performed well and led to considerable cost savings by reducing plant loadings and the need for additional downstream processes. However, they have reached the end of their useful life and require significant repairs on an annual basis to prevent failure. Because the current screens have worked well and are determined to be the most practical method of continuing primary solids removal at the facility, Public Works staff in consultation with FOXPE has chosen to proceed with replacing the current screens with similar technology.

Bids were requested for the screens and proposals were evaluated based on capital costs, annual costs and system reliability. WesTech Engineering, Inc. (Salt Lake City, UT) screens were the lowest bid received and were determined to be the best option for the plant. The City requested bids for the purchase and installation of the WesTech screens. These bids were received by September 24, 2020. The lowest bid was received from Design & Construction Services, Inc. in an amount of \$1,193,000. This amount is approximately \$400,000 less than was anticipated, however, Desing & Construction Services, Inc. has performed work on three additional projects for the City at the Turtle Park Wastewater Treatment Plant and has been found to perform satisfactorily. An additional \$100,000 is being requested as a contingency in the event that unforeseen work is required.

Failure to replace the current influent screens may lead to increased costs to maintain compliance at the Turtle Park Wastewater Plant and possible noncompliance with TDEC and NPDES requirements.

Recommendation

Staff recommends awarding this bid to Design & Construction Services, Inc.. Sealed bids were requested with the bid request placed on the City website and Vendor Registry with the bid opening on September 24, 2020. Three bids were received from which Design & Construction Services, Inc., Knoxville, Tennessee proved the lowest responsive bid.

Shira A. McWaters

Shira A. McWaters, P.E.

Attachment:

WWTP Screen Replacement, FY 2020-006 Recommendation of Award

Abstract of Bids

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

10-7-2020

Date



September 25, 2020

Mrs. Shira McWaters
Director - Public Works
City of Oak Ridge
P.O. Box 1
Oak Ridge, TN 37831

Re: WWTP Screen Replacement, FY 2020-006
Recommendation of Award
FOXPE Project 4000-006

Dear Shira,

As you are aware, three (3) bids for the subject project was received and opened on September 24, 2020. A copy of the certified bid tabulation is enclosed for your use and consideration. The low bidder was Design and Construction Services, Inc. (DCSI) at the base bid price of \$1,193,000.00.

DCSI is properly licensed and bonded to perform this work and does not appear on any state or federal debarment or excluded contractors list. DCSI properly completed the required paperwork to submit their bid. Further, DCSI has successfully performed similar and larger projects in the past.

Therefore, FOXPE recommends that this project be awarded to Design and Construction Services, Inc. in the amount of \$1,193,000.00. I have attached a Notice of Award in anticipation of your concurrence. If you could please sign and date where indicated and return to my attention, I will prepare the contract paperwork for transmittal to DCSI.

If you have any comments or questions, please do not hesitate to call.

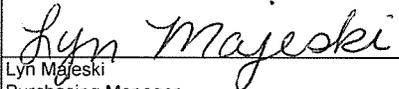
Sincerely,

Dudley Fox, P.E.
Principal

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

FY2021-006

OPENING DATE: September 24, 2020 2:00 P.M.

FOR --- WWTP Screen Replacement			BIDDER: Design and Construction Services, Inc. 6020 Industrial Heights Drive Knoxville, TN 37909		BIDDER: W & O Construction Company, Inc. 150 Construction Drive Livingston, TN 38570		BIDDER: Southern Constructors, Inc. 1150 Maryville Pike Knoxville, TN 37920		BIDDER:		
DESCRIPTION	ITEM		TOTAL		TOTAL		TOTAL		TOTAL		
THE FURNISHING OF ALL LABOR, MATERIALS, SUPPLIES, TOOLS, AND EQUIPMENT NECESSARY FOR THE CONSTRUCTION OF THE WWTP SCREEN REPLACEMENT AS REQUIRED FOR A COMPLETE OPERATING INSTALLATION PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE, PUBLIC WORKS DEPARTMENT	1	BASE BID	\$ 1,193,000.00		\$ 1,250,250.00		\$ 1,295,000.00				
TOTAL PRICE			\$ 1,193,000.00		\$ 1,250,250.00		\$ 1,295,000.00		\$ -		
TERMS			Net 30		Net 30		Net 30		Net 30		
DELIVERY			Per Contract		Per Contract		Per Contract		Per Contract		
F.O.B.			Oak Ridge		Oak Ridge		Oak Ridge		Oak Ridge		
VIA			Vendor		Vendor		Vendor		Vendor		
Advertised on the City's Website for 28 days OTHER BIDDERS CONTACTED: Smith Contractors, Inc. - Lawrenceburg, KY								BIDS OPENED AND RECORDED BY---  Lyn Majeski Purchasing Manager			
REASON FOR AWARD: ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>				RECOMMEND AWARD BE MADE TO: Design and Construction Services, Inc. 6020 Industrial Heights Drive Knoxville, TN 37909				BIDS REVIEWED BY---  Dallas Dyce Accounting Manager			

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (FY2021-006) TO DESIGN AND CONSTRUCTION SERVICES, INC., KNOXVILLE, TENNESSEE, FOR THE PURCHASE AND INSTALLATION OF REPLACEMENT INFLUENT DRUM SCREENS FOR THE TURTLE PARK WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$1,293,000.00.

WHEREAS, the City issued an invitation to bid for the furnishing of all labor, tools, materials, equipment, and supplies necessary for the purchase and installation of replacement influent drum screens for the Turtle Park Wastewater Treatment Plant; and

WHEREAS, bids were received and publicly opened on September 24, 2020, with Design and Construction Services, Inc., Knoxville, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to Design and Construction Services, Inc., 6020 Industrial Heights Drive, Knoxville, Tennessee 37909, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the purchase and installation of replacement influent drum screens for the Turtle Park Wastewater Treatment Plant; said award in strict accordance with FY2021-006, the required specifications, and the bid as publicly opened on September 24, 2020, and in an amount not to exceed \$1,293,000.00 which amount includes \$100,000.00 for contingencies.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute contract amendments for unforeseen events that arise during construction provided said amendments are within the additional funds allocated for contingencies.

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

This the 12th day of October 2020.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk