

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

November 15, 2010 – 7:00 p.m.

AGENDA

1. **INVOCATION**

The Reverend Brian Scott, Robertsville Baptist Church

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPEARANCE OF CITIZENS**

5. **APPROVAL OF AGENDA**

6. **RECOGNITION OF VISITORS**

7. **PROCLAMATIONS AND COURTESY RESOLUTIONS**

A proclamation to declare November 19, 2010 as *St. Mary's School Day* in honor of St. Mary's School's recognition as a National Blue Ribbon School.

8. **PUBLIC HEARING**

- a. Amendment to the Zoning Ordinance of the City of Oak Ridge, Article IX, Special Districts, to create a new Section 9.01, IND-2 Industrial Manhattan District Overlay (IMDO), to facilitate the reutilization of federal industrial buildings by the private sector.
- b. Amendment of the Zoning Ordinance of the City of Oak Ridge, Article XI, Off-Street Parking and Loading Requirements, Section 11.02, Required Off-Street Parking, Subsection (G), Handicapped Parking Spaces, and Section 11.03, Off-Street Parking Lot Layout, Construction and Maintenance, Subsection (F), Design Criteria, Paragraph (5), Minimum Parking Lot Dimensions, to update requirements pertaining to accessible parking spaces for disable drivers with particular focus on signage and van access.
- c. Amendment to the Zoning Ordinance of the City of Oak Ridge, Article XIII, Landscaping and Design Standards, Section 13.01, Introduction, Subsection (B), Actions Subject to Design Review, Paragraph (1); Section 13.02, Design Review Standards, Subsection (E), Parking Configurations, Paragraph (5), Compliance of Existing Sites; and Section 13.02, Design Review Standards, Subsection (F), Landscape, Paragraph (1), Landscape Areas, to update outdated provisions and improve existing provisions pertaining to landscaping and design.

9. **CONSENT AGENDA**

- a. Approval of the Minutes of the October 11-12, 2010 City Council regular meeting.
- b. Approval of the Minutes of the October 25, 2010 City Council special meeting.
- c. Adoption of a resolution awarding bids in the amount of \$52, 705.39 to Kathabar

Dehumidification Systems, Inc., for the furnishing of component parts and in the amount of \$29,357.00 to Shoffner Mechanical Services for the furnishing of labor and replacement parts, both for the purpose of refurbishing the dehumidification system at the Water Treatment Plant.

- d. Appointment of Councilman Tom Hayes (Chair), Councilman David Mosby, and Councilwoman Ellen Smith to the City Manager Evaluation Committee.
- e. Appointment of Councilwoman Jane Miller (Chair), Councilman Charlie Hensley, and Councilwoman Anne Garcia Garland to the City Attorney Evaluation Committee.

10. **SPECIAL REPORTS**

- a. Mayor and City Council
- b. Special Committees
- c. Boards and Commissions
- d. Other

11. **APPROVAL OF MINUTES**

12. **ORDINANCES**

- a. First Reading of New Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, ARTICLE IX, TITLED "SPECIAL DISTRICTS," TO CREATE A NEW SECTION 9.10, TITLED "IND-2 INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IMDO)," TO CREATE AN OVERLAY DISTRICT TO FACILITATE THE REUTILIZATION OF FEDERAL INDUSTRIAL BUILDINGS.

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, ARTICLE XI, TITLED "OFF STREET PARKING AND LOADING REQUIREMENTS," SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (G), TITLED "HANDICAPPED PARKING SPACES," AND SECTION 11.03, TITLED "OFF-STREET PARKING LOT LAYOUT, CONSTRUCTION AND MAINTENANCE," SUBSECTION (F), TITLED "DESIGN CRITERIA," PARAGRAPH (5), TITLED " MINIMUM PARKING LOT DIMENSIONS," TO UPDATE REQUIREMENTS PERTAINING TO ACCESSIBLE PARKING SPACES FOR DISABLED DRIVERS WITH PARTICULAR FOCUS ON SIGNAGE AND VAN ACCESS.

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," SECTION 13.01, TITLED "INTRODUCTION," SUBSECTION (B), TITLED "ACTIONS SUBJECT TO DESIGN REVIEW," PARAGRAPH (1); SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (E), TITLED "PARKING CONFIGURATIONS," PARAGRAPH (5), TITLED "COMPLIANCE OF EXISTING SITES"; AND SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (F), TITLED "LANDSCAPE," PARAGRAPH (1), TITLED "LANDSCAPE AREAS," TO UPDATE OUTDATED PROVISIONS AND IMPROVE EXISTING PROVISIONS PERTAINING TO LANDSCAPING AND DESIGN.

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-505, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – THIRTY-FIVE MILES PER HOUR," SUBSECTION (4); SECTION 15-506, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FORTY MILES PER HOUR," SECTION 15-507, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FORTY-FIVE MILES PER HOUR," SUBSECTION (4); AND SECTION 15-508, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FIFTY MILES PER HOUR," TO SET FORTH NEW SPEED LIMITS ALONG THE OAK RIDGE TURNPIKE (STATE ROUTE 95) AS INDICATED BY THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION.

b. Adoption of Ordinances (Second Reading)

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF THE BUILDINGS DESIGNATED AS PARCELS 1.01, 1.02, 1.03, AND 1.07, ROANE COUNTY TAX MAP 30, AND THE REAL PROPERTY DESIGNATED BY THE UNITED STATES DEPARTMENT OF ENERGY AS PARCELS ED-8A, ED-8B, ED-8C, ED-8D, AND ED-8E FROM FIR, FEDERAL INDUSTRY AND RESEARCH, TO IND-2, INDUSTRIAL.

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 1, TITLED "CITY COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 3-103, TITLED "TIME FOR SESSIONS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 3-103, TITLED "TIME FOR SESSIONS," FOR THE PURPOSE OF CHANGING THE DATES AND TIMES FOR SESSIONS OF CITY COURT AS WELL AS ESTABLISHING JUDICIAL AUTHORITY TO HOLD SPECIAL COURT SESSIONS.

13. RESOLUTIONS

a. General Resolutions

A resolution authorizing an expenditure of \$50,000.00 from the Economic Diversification Fund to provide a sponsorship grant to the Secret City Festival to help defray entertainment costs for 2011.

A resolution dissolving the Budget and Finance Special Committee that was created by Resolution 11-107-07.

A resolution dissolving the Intergovernmental Relations Special Committee that was created by Resolution 11-108-07.

b. Bids and Contracts

14. ELECTIONS

Election of two (2) members to the serve on the Traffic Safety Advisory Board for three years commencing on November 29, 2010.

Notice of Elections

Seven (7) elections are scheduled for the December 13, 2010 City Council meeting to appoint:

- One (1) member to the Highland View Redevelopment Advisory Board.
- One (1) member to the Board of Plumbing Examiners
- Two (2) members to the Traffic Safety Advisory Board, one of whom shall be an Oak Ridge High School student
- One (1) member to the Environmental Quality Advisory Board
- Two (2) members to the Oak Ridge Beer Permit Board

The deadline for filing is 5:00 p.m. on Tuesday, November 30, 2010.

15. **COMMUNICATIONS**
16. **CITY MANAGER'S REPORT**
17. **CITY ATTORNEY'S REPORT**
18. **UNFINISHED BUSINESS**
19. **NEW BUSINESS**
20. **MISCELLANEOUS**
21. **UPCOMING MEETINGS / MAJOR ISSUES**
22. **ADJOURNMENT**

PROCLAMATIONS
AND COURTESY
RESOLUTIONS

CITY CLERK MEMORANDUM

10-72

DATE: October 29, 2010

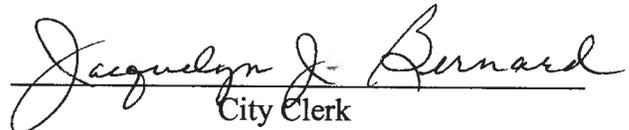
TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PROCLAMATION

St. Mary's School Day

The accompanying proclamation is presented for the Council's consideration at the request of Mayor Beehan. A representative of St. Mary's School will be present to accept the proclamation at the November 15th Council meeting.


City Clerk

Attachment

PROCLAMATION

WHEREAS, U.S. Secretary of Education Anne Duncan has recognized 304 schools as 2010 National Blue Ribbon Schools; and

WHEREAS, the schools – 254 public and 50 private – will be honored at an awards ceremony November 15-16, 2010 in Washington, D.C.

WHEREAS, St. Mary's School at 323 Vermont Avenue in Oak Ridge is among the 50 private schools to be honored as a Blue Ribbon School on those dates; and

WHEREAS, the Blue Ribbon Schools Program honors public and private schools based on one of two criteria:

1. Schools whose students, regardless of backgrounds, are high performing. These are schools ranked among the state's highest performing schools as measured by their performance on state assessments or in the case of private schools, that score at the highest performance level on tests referenced by national norms in at least the most recent year tested; and
2. Schools with at least 40 percent of their students from disadvantaged backgrounds that improve student performance to high levels as measured by the school's performance on state assessments or national-normed tests.

WHEREAS, the St. Mary's School in Oak Ridge opened its door to students on September 10, 1950, with grades one to six, and it now has grades seven and eight, a kindergarten, and a pre-kindergarten program, as well as an extended childcare program to meet the demands of an increasingly large proportion of working parents; and

WHEREAS, though a part of the Roman Catholic Diocese of Knoxville School System, St. Mary's welcomes children of all faith backgrounds; admission is open to children who can meet school standards of acceptance regardless of creed, race or national origin; and

WHEREAS, the City of Oak Ridge is proud to be the home of St. Mary's School and takes great pride in its national recognition as a Blue Ribbon School.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that November 19, 2010 be proclaimed

ST. MARY'S SCHOOL DAY

in the City of Oak Ridge, Tennessee, and that all citizens be urged to honor this worthy observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City to be affixed, this the 15th day of November in the year 2010.

Mayor

PUBLIC HEARING

CITY CLERK MEMORANDUM
10-71

DATE: October 29, 2010

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PUBLIC HEARING

A public hearing has been scheduled for the November 15, 2010 City Council meeting on the following:

1. Amendment of the Zoning Ordinance, Article IX, **Special Districts**, to create a new Section 9.10, titled *IND-2 Industrial Manhattan District Overlay (IMDO)*, to facilitate the reutilization of federal industrial buildings.
2. Amendment of the Zoning Ordinance, Article XI, **Off Street Parking and Loading Requirements**, Section 11.02, titled *Required Off-Street Parking*, Subsection (G), titled *Handicapped Parking Spaces*, and Section 11.03, titled *Off-Street Parking lot Layout, Construction and Maintenance*, Subsection (F), titled *Design Criteria*, Paragraph (5), titled *Minimum Parking Lot Dimensions*, to update requirements pertaining to accessible parking spaces for disabled drivers with particular focus on signage and van access.
3. Amendment of the Zoning Ordinance, Article XIII, **Landscaping and Design Standards**, Section 13.01, titled *Introduction*, Subsection (B), titled *Actions Subject to Design Review*, Paragraph (1); Section 13.02, titled *Design Review Standards*, Subsection (E), titled *Parking Configurations*, Paragraph (5), titled *Compliance of Existing Sites*; and Section 13.02, titled *Design Review Standards*, Subsection (F), titled *Landscape*, Subpart (1), titled *Landscape Areas*, to update outdated provisions and improve existing provisions pertaining to landscaping and design.

Supporting documentation for these items will be found under First Reading of New Ordinances.


City Clerk

CONSENT AGENDA

CITY COUNCIL MEMORANDUM
10-34

DATE: November 2, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CONSENT AGENDA

The following items are presented for the Council's consideration as the Consent Agenda for the November 15, 2010 Council meeting.

Approval of Minutes

Approval of the Minutes of the October 11-12, 2010 City Council regular meeting.

Approval of the Minutes of the October 25, 2010 City Council special meeting.

Resolutions – Bids and Contracts

A resolution awarding bids in the amount of \$52, 705.39 to Kathabar Dehumidification Systems, Inc., for the furnishing of component parts and in the amount of \$29,357.00 to Shoffner Mechanical Services for the furnishing of labor and replacement parts, both for the purpose of refurbishing the dehumidification system at the Water Treatment Plant.

Appointments

Appointment of Councilman Tom Hayes (Chair), Councilman David Mosby, and Councilwoman Ellen Smith to the City Manager Evaluation Committee.

Appointment of Councilwoman Jane Miller (Chair), Councilman Charlie Hensley, and Councilwoman Anne Garcia Garland to the City Attorney Evaluation Committee.

The documentation for these items follows this memorandum.



Mark S. Watson

MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

October 11 and 12, 2010

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:20 p.m. on October 11, 2010 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Reverend David Allred, High Places Community Church, gave the Invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was given by an Oak Ridge member of the Boy Scouts of America.

ROLL CALL

The following members of Council were present: Anne Garcia Garland, Thomas W. Hayes, L. Charles Hensley, D. Jane Miller, David N. Mosby, Ellen D. Smith, and Mayor Thomas L. Beehan.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins, Deputy City Manager; and Jacquelyn J. Bernard, City Clerk.

APPROVAL OF AGENDA

Councilman Hensley moved that the agenda be approved as published, seconded by Councilman Hayes.

The Mayor announced the following proposed amendments to the agenda:

- For addition under Proclamations and Courtesy Resolutions:
 - a. A resolution in tribute to Congressman Zach Wamp for his distinguished service to this community, this region, this state, and to the nation during his term as a member of the U.S. Congress.
 - b. A proclamation designating October 29, 2010 as "Jacquelyn J. Bernard Day."
- For addition under Special Reports:

A report on the activities of the Anderson County Board of Equalization by former Councilman Leonard A. Abbatiello who serves as the City's representative on that Board.

Councilwoman Miller moved that the agenda be amended as proposed. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The agenda was approved, as amended, by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

PROCLAMATIONS AND COURTESY RESOLUTIONS

Resolution No. 10-95-10

A resolution in tribute to Congressman Zach Wamp for his distinguished service to this community, this region, this state, and to the nation during his term as a member of the U.S. Congress.

Councilwoman Miller moved that the resolution be adopted. The motion was seconded by Councilman Hayes and was adopted by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Mayor Beehan expressed the Council's appreciation of Congressman Wamp's efforts on behalf of this city during his tenure as Representative of the Third Congressional District of Tennessee, which includes Oak Ridge, and presented him with a fully executed copy of this resolution, the Key to the City, and a gift of pottery created by Mr. Bill Capshaw, a local artist.

A proclamation designating October 29, 2010 as "Jacquelyn J. Bernard Day."

Councilman Hayes moved that the proclamation be adopted. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith and Mayor Beehan voting "Aye." The proclamation was presented to Ms. Bernard who is retiring as the City Clerk of the City of Oak Ridge, effective October 29, 2010.

Adjournment of Meeting to Another Time

Due to a power outage in the center city that included a loss of power in the Municipal Building Courtroom, Mayor Beehan recommended that this meeting be adjourned to another time.

Councilman Hensley moved that the meeting be adjourned to 7:00 p.m. on Tuesday, October 12, 2010, in the Municipal Building Courtroom. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith and Mayor Beehan voting "Aye."

October 12, 2010

The adjourned regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on October 12, 2010, in the Courtroom of the Municipal Building with Mayor Pro Tem D. Jane Miller presiding.

ROLL CALL

The following members of Council were present: Anne Garcia Garland, Thomas W. Hayes, L. Charles Hensley, David N. Mosby, Ellen D. Smith, and Mayor Pro Tem D. Jane Miller. Mayor Thomas L. Beehan was absent.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins; Deputy City Manager; and Jacquelyn J. Bernard, City Clerk.

APPEARANCE OF CITIZENS

Shooting Death of Mr. Rod Harris on July 18, 2010

Ms. Virginia Jones, 103 Burgess Lane, presented the following statement:

As a member of the public who is greatly interested in there being a fair and open discussion of events on July 18, 2010 when Rod Harris was killed, I want to express my appreciation for the City's response to requests from the neighbors of Mr. Harris who suffered property damage with the firing of multiple guns. As I understand it, three property damage reimbursement claims have been filed with the city. One has been taken care of and the other two are in the process of being negotiated. So, that's by way of follow up from the August 9th meeting.

And also, following up from that meeting, the Mayor suggested that night that more discussion of this event should be postponed until after the TBI (Tennessee Bureau of Investigation) report, which has happened; they have made their report. It has not been made available to the public but the Attorney General of Anderson County has summed it up, saying that those firing the weapons were not legally culpable. So it seems that the time has come to have a more general discussion.

Many communities have a police advisory and review board. Such a board is able to listen to the various accounts of an event and to ask any pertinent questions. In this case, it might be why there was apparently not awareness about Mr. Harris' mental illness and why de-escalation techniques were not used. Such a board can be very helpful in making sure all parties involved have a chance to be heard and there is a cooperative effort in resolving the problems created by the event. The very worst thing for communities, as well as individuals, is to refuse to acknowledge the aftermath of a traumatic occurrence and to leave questions and strong feelings unresolved.

One hopes the City's department – the Police Department – which is charged with protecting the public will look into the possibility of having such an advisory committee, viewing it as support for their carrying out their mission and as a valuable resource.

On inquiry by Councilwoman Smith, the City Manager commented briefly on the use of advisory committees as proposed by Ms. Jones, his conclusion being that Oak Ridge is small enough to be able to talk through such incidents without the use of advisory or review boards.

October 8, 2010 Traffic Accident (Child Struck by Car)

Ms. Kay Williamson, 420 Jefferson Avenue, commented on an accident that occurred on October 8, 2010, when an Oak Ridge child on a bicycle was struck by a car traveling on Iroquois Road. It was her contention that vehicles speed through this area to avoid the traffic enforcement (red light) cameras located at the intersection of Illinois Avenue and Robertsville Road. She suggested that "speed bumps" be installed on side streets such as Iroquois and Jefferson Avenues that are used by drivers to avoid the red light cameras.

On inquiry by Councilwoman Smith, the City Manager advised that the staff is already evaluating this area generally for possible traffic safety improvements and will look into Ms. Williamson's suggestions.

RECOGNITION OF VISITORS

The City Manager announced that the Oak Ridge Police Department recently won the "Rookie of the Year" category for the 6th annual Governor's Highway Safety Office Law Enforcement Challenge. He explained that the Law Enforcement Challenge is an annual competition designed to recognize and reward the best overall traffic safety programs across the state and across the country as judged by the International Association of Chiefs of Police. He advised that the Police Department received a plaque for its winning entry and he presented the plaque to Sergeant Robert Pitts, who was instrumental in the Department's achievement of this award.

PUBLIC HEARING

A public hearing was held on the rezoning from FIR, Federal, Industry and Research, to IND-2, Industrial, of approximately 83.3 acres within the Heritage Center identified as Parcels ED-8 A, ED-8 B, ED-8 C, ED-8 D, ED-8 E, and Parcels 1.01, 1.02, 1.03 and 1.07, Roane County Tax Map 30, located on the north side of State Route 58, east of Meritus Avenue.

The City Manager briefly reviewed this rezoning proposal which is part of a continuing process that the U.S. Department of Energy has undertaken to privatize property within the Heritage Center. The Planning Commission recommended approval by a vote of 9-0 at its regular meeting on September 23, 2010.

There were no citizen comments.

CONSENT AGENDA

Councilman Hensley moved that the Consent Agenda be approved as presented, seconded by Councilwoman Smith.

Councilman Mosby requested that the following items be removed from the Consent Agenda:

Adoption of a resolution approving the amended bylaws for the Health and Educational Facilities Board.

Approving the recommendation of the Youth Advisory Board Screening Panel and appointing Ms. Lisa Ebeler to serve on the Youth Advisory Board for the balance of an unexpired term of office ending on July 31, 2011.

Councilman Mosby requested that the appointment of Ms. Ebeler to serve on the Youth Advisory Board be considered immediately following the approval of the Consent Agenda, with the resolution to be considered at its proper location later in the agenda.

The Consent Agenda was then approved as amended, thereby:

- Approving the Minutes of the September 13, 2010 City Council meeting;
- Adopting **Resolution No. 10-96-10** authorizing the acceptance of an enforcement initiative grant from the State of Tennessee, Department of Transportation, Governor's Highway Safety Office, in the amount of \$24,597.98 to be used for authorized traffic enforcement and/or training purposes;

- Adopting **Resolution No. 10-97-10** approving the donation of one (1) 1984 GMC military ambulance (Unit 339) to the City of LaFollette, Tennessee, as authorized by Tennessee Code Annotated § 12-3-1005; and
- Adopting **Resolution No. 10-98-10** authorizing the City to enter into an amendment to the water services agreement between the City and the United States of America Department of Energy to extend the agreement through June 30, 2011.

The vote was unanimous with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

Deviating from the order of the agenda:

ELECTIONS

As requested by Councilman Mosby, the Council considered and approved the recommendation of the Youth Advisory Board Screening Panel and appointed Ms. Lisa Ebeler to serve on the Youth Advisory Board for the balance of an unexpired term of office ending on July 31, 2011. The vote was unanimous with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

Reverting to the order of the agenda:

SPECIAL REPORTS

Intergovernmental Relations Committee Report and Recommendation

In the absence of Mayor Beehan, who serves as the Chair of the Intergovernmental Relations Committee, its report and recommendation was presented by Mayor Pro Tem Miller, who serves as one of the committee members. She reported that the committee met on September 14, 2010, that all of the members – Mayor Beehan, Councilwoman Garcia Garland, and herself – were present, and that in addition to hearing the reports of Mr. Kareem Murphy of The Ferguson Group (the City's consultant on federal legislative and policy issues) and Mr. Bill Nolan (the consultant on State issues), by a vote of 2-1 it arrived at the following recommendation:

- That the City not take an official position on the Supreme Court decision in the matter of *Citizens United vs FEC*, as requested by Mr. Tim Holt of 1007 West Outer Drive in a communication presented at the August 9, 2010 City Council meeting.

Councilwoman Garcia Garland, as the committee member who cast the negative vote, elaborated on her position in this regard, stating "I do consider it the business of cities to comment on the business of the country."

Councilwoman Smith moved that the report be received for the record, seconded by Councilman Hayes.

Councilman Mosby moved that the motion to receive the report for the record be amended to include a directive that the City Manager provide the opportunity for reconsideration of a possible position on this matter in a work session following the National League of Cities Congress of Cities and Exposition in December 2010. The motion was seconded by Councilman Hensley and carried by electronic vote with

Council members Garcia Garland, Hayes, Hensley, Mosby, and Smith voting "Aye" and Mayor Pro Tem Miller voting "Nay." Mayor Beehan was absent.

The main motion was adopted, as amended, by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

Anderson County Board of Equalization Report - 2010

Former Councilman Leonard A. Abbatiello, who serves as the City's representative on the Anderson County Board of Equalization, briefly reviewed the board's primary activities for this year based on the blanket reappraisal of Anderson County properties.

Mr. Abbatiello then presented a summary of the State of Tennessee's Property Tax Freeze program, concluding with his recommendation that the City of Oak Ridge adopt this program, thereby making it available to Oak Ridge taxpayers who are 65 years of age or older with an annual income limit of \$37,620.

Councilwoman Smith moved that the report be received for the record and that the staff review the matter of the City's adoption of the property tax freeze program and present its report and recommendation in this regard to City Council for possible action. The motion was seconded by Councilman Hayes and was adopted by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

APPROVAL OF MINUTES

See Consent Agenda.

ORDINANCES

First Reading of New Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF THE BUILDINGS DESIGNATED AS PARCELS 1.01, 1.02, 1.03, AND 1.07, ROANE COUNTY TAX MAP 30, AND THE REAL PROPERTY DESIGNATED BY THE UNITED STATES DEPARTMENT OF ENERGY AS PARCELS ED-8A, ED-8B, ED-8C, ED-8D, AND ED-8E FROM FIR, FEDERAL INDUSTRY AND RESEARCH, TO IND-2, INDUSTRIAL.

Councilwoman Garcia Garland moved that the ordinance be approved on first reading. The motion was seconded by Councilwoman Smith and the proposed rezoning was deliberated at some length, with the City Manager, the City Attorney, the Community Development Director (Ms. Kathryn Baldwin), and Mr. Bill Biloski, Chairman of the City's Industrial Development Board, responding to the Council's questions and comments.

The ordinance was approved on first reading by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 1, TITLED "CITY COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 3-103, TITLED "TIME FOR SESSIONS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 3-103, TITLED "TIME FOR SESSIONS," FOR THE PURPOSE OF CHANGING THE DATES AND TIMES FOR SESSIONS OF CITY COURT AS WELL AS ESTABLISHING JUDICIAL AUTHORITY TO HOLD SPECIAL COURT SESSIONS.

Councilwoman Smith moved that the ordinance be approved on first reading. The motion was seconded by Councilwoman Garcia Garland and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

Adoption of Ordinances (Second Reading)

Ordinance No. 14-10

AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED BY DELETING ARTICLE 11, TITLED "LEAVE," IN ITS ENTIRETY AND BY ADDING A NEW ARTICLE 11, TITLED "LEAVE."

Councilwoman Smith moved that the ordinance be adopted. The motion was seconded by Councilwoman Garcia Garland and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

Ordinance No. 15-10

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 060.00, MAP 940, GROUP A, FROM R-1-C, ONE-FAMILY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY, TO B-2/PUD, GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY, AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCEL 060.00, MAP 940, GROUP A, FROM R, RESIDENTIAL TO B, BUSINESS.

Councilwoman Smith moved that the ordinance be adopted. The motion was seconded by Councilman Hayes and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

(Failed)

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-505, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – THIRTY-FIVE MILES PER HOUR," SUBSECTION (4); SECTION 15-506, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FORTY MILES PER HOUR," SECTION 15-507, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FORTY-FIVE MILES PER HOUR," SUBSECTION (4); AND SECTION 15-508, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FIFTY MILES PER HOUR," TO SET FORTH NEW SPEED LIMITS ALONG THE OAK RIDGE TURNPIKE (STATE ROUTE 95) AS INDICATED BY THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION.

Councilman Hayes moved that the ordinance be adopted, seconded by Councilman Mosby.

The ordinance was deliberated at great length with the City Manager, the City Attorney, and the City Engineer (Mr. Steve Byrd), responding to the Council's questions and comments. The opposition to the ordinance was led by Councilwoman Smith, and joining her were Council members Garcia Garland and Hensley. Council members Hayes, Mosby, and Mayor Pro Tem Miller indicated a preference for its adoption, with Councilman Mosby also suggesting that it should be postponed until all members of Council are present and voting. However, no postponing motion was offered.

The ordinance failed by tie vote with Council members Garcia Garland, Hensley, and Smith voting "Nay" and Council members Hayes, Mosby, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

RESOLUTIONS

General Resolutions

Resolution No. 10-99-10

A resolution approving the 2010 PILOT Reauthorization documents for use by the Industrial Development Board of the City of Oak Ridge (IDB) as a guideline for tax abatements and payments in lieu of taxes for qualifying entities in Oak Ridge through December 31, 2013, and terminating the *Suggested Revisions to Proposed Economic Development Incentives (PILOT) Adjustments* approved by City Council by Resolution 12-114-07 and replacing them with the attached 2010 PILOT Reauthorization documents.

Councilman Hayes moved that the resolution be adopted, seconded by Councilwoman Smith. The resolution was deliberated at great length with the City Manager; the City Attorney; the Deputy City Manager; Ms. Susan Fallon, the City's Contracts/Grants Coordinator; Mr. Bill Biloski, Chairman of the Industrial Development Board; Mr. Parker Hardy, President of the Oak Ridge Chamber of Commerce; and Ms. Kim Denton, President of the Oak Ridge Economic Partnership, responding to the Council's questions and comments. Council members offered amendments to the 2010 PILOT Reauthorization documents (Property Tax Incentive Program Policies and Procedures) as follows.

Councilman Mosby moved:

- That the first paragraph in Section 1. General Purpose and Objectives be rewritten for purposes of clarification.
- That guideline #2, Eligible Projects, on page 2 be amended by moving Item d, *Commercial and retail businesses that the Board determines will materially increase sales taxes for the Local Governments*, to the first position on the list of projects, so that it becomes Item "a".
- That Section III. Definitions be amended
 - to include under the definition of "Applicant" a clarification that this "person" must have the authority to legally bind the company and/or represent the project;
 - to provide the opportunity for use of other energy efficiency standards in the paragraph containing the definition of *LEED Certified Building*, and that an effort be made to identify "LEED" as a copywrited term;
 - by clarification of the term "ad valorem taxes";
 - by amplification of the definition for "Person" to clearly indicate that this person must have the legal authority to represent the applicant; and
 - by the insertion of the word "tax" between the words "in" and "years" as contained in the definition for "PILOT Term."

- That Section IV. PILOT Amount and Application of Evaluation Matrices be amended
 - by the deletion of the paragraph reading, *If a Project will be used as a National Corporate Headquarters, the Board, in its discretion, can agree to reduce the PILOT amount to \$0 for the PILOT Term, on page 5; and*
 - by revision of the **Jobs** criterion, also on page 5, to exclude any existing jobs of relocated companies.

Councilman Mosby also (1) questioned the need for a definition of the term “Greyfield,” (2) suggested that the fees should be used to offset the staff time invested in processing the PILOT applications, agreements, etc., (3) proposed that the term “Designated Brownfield” be clarified as to who makes such a designation, and (4) suggested that an inflation adjustment be applied to the Industrial/Office Evaluation Matrix. However, these items were not made a part of his motion.

Councilman Mosby’s motion was seconded by Councilman Hensley and was adopted by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting “Aye.” Mayor Beehan was absent.

Councilman Hensley moved that the policy be amended to provide an option for a declining rate approach to the abatement for both industrial/office projects and commercial/retail projects; for example, giving 100% on the front end and reducing it by 10% each year for 10 years. The motion was seconded by Councilman Mosby and was adopted by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting “Aye.” Mayor Beehan was absent.

Councilwoman Smith moved that the definitions of “Brownfield” and “Greyfield,” as contained in the Policies and Procedures document, be amended as follows:

- **“Brownfield Site”** means a parcel of property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- **“Greyfield”** means any previously developed property that does not have known environmental contaminants but is economically nonviable in its current state and has conditions that significantly complicate its redevelopment or reuse, as determined by the Board.

The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting “Aye.” Mayor Beehan was absent.

Councilwoman Smith then moved that the “Foreign Trade Zone (FTZ)” location be removed from the Industrial/Office Evaluation Matrix along with the 120% line from the Wages criteria. The motion was seconded by Councilwoman Garcia Garland but was withdrawn following a fairly lengthy discussion.

The resolution was adopted, as amended, by unanimous electronic vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting “Aye.” Mayor Beehan was absent.

Resolution No. 10-100-10

A resolution approving the recommendations of the City Manager and the Oak Ridge Municipal Planning Commission and abandoning the right-of-way located between Sanford Lane and Rand Circle in its entirety, and dedicating the same to abutting property owners conditioned upon the

abutting property owners being responsible for the costs associated with the required surveys and legal documents, as well as recording costs.

Councilman Hayes moved that the resolution be adopted. The motion was seconded by Councilman Mosby and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

Deviating from the order of the agenda:

Councilman Mosby moved that the agenda be amended to allow consideration of Elections at this time. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

ELECTIONS

Oak Ridge Convention and Visitors Bureau

On first ballot, Mr. Mark Harvey was elected to serve on the Board of Directors of the Oak Ridge Convention and Visitors Bureau for the balance of an unexpired term of office ending on June 30, 2012. He received the votes of Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller. Mayor Beehan was absent.

Highland View Redevelopment Advisory Board

Councilwoman Smith moved that Mr. Gerald L. Cooksey be elected by acclamation to serve on the Highland View Redevelopment Advisory Board for the balance of an unexpired term of office ending on March 31, 2013. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent. There were no other candidates.

Oak Ridge Heritage Railroad Authority

Councilman Hensley moved that Mr. Gordon Fee be elected by acclamation to serve as the Director at Large on the Board of Directors of the Oak Ridge Heritage Railroad Authority for three years commencing on October 10, 2010. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent. There were no other candidates.

Notice of Elections

The City Clerk announced that three (3) elections are scheduled for the November 8, 2010 City Council meeting to appoint:

- One (1) member to the Highland View Redevelopment Advisory Board
- One (1) member to the Board of Plumbing Examiners
- Four (4) members to the Traffic Safety Advisory Board, one of whom shall be an Oak Ridge High School student

The deadline for filing is 5:00 p.m. on Tuesday, October 26, 2010.

Reverting to the order of the agenda:

Resolution No. 10-101-10

A resolution approving the amended bylaws for the Health and Educational Facilities Board.

Councilman Mosby posed several questions about this board and it was agreed that the City Attorney would elaborate on his responses to those questions at a later time.

Councilman Hensley moved that the resolution be adopted. The motion was seconded by Councilman Hayes and carried by voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye" and Councilman Mosby voting "Nay." Mayor Beehan was absent.

Bids and Contracts

Resolution No. 10-102-10

A resolution extending the contract between the City and the State of Tennessee Local Government Health Insurance Program, Nashville, Tennessee, to provide employee medical insurance for the period January 1, 2011 through December 31, 2011 at an estimated cost of \$3,600,000.00.

Councilman Hensley moved that the resolution be adopted. The motion was seconded by Councilwoman Smith and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

Resolution No. 10-103-10

A resolution authorizing the City to enter into an agreement with Lamar Dunn & Associates, Inc., Knoxville, Tennessee, for the provision of professional engineering services to assist the City with various tasks required by the United States Environmental Protection Agency to improve the wastewater collection system to comply with the Administrative Order by the EPA, in the estimated amount of \$1,429,620.00.

Councilwoman Smith moved that the resolution be adopted, seconded by Councilman Hensley.

The resolution was deliberated at some length with the City Manager and the Director of Public Works, Mr. Gary Cinder, responding to the Council's questions and comments.

The resolution was adopted by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

ELECTIONS (considered earlier in the agenda)

COMMUNICATIONS - None

CITY MANAGER'S REPORT

I. Upcoming Council Meetings

The City Manager briefly reviewed the schedule of upcoming City Council meetings and work sessions.

II. 2009 Neighborhood Stabilization Program (NSP)

The City Manager reviewed his report on the 2009 Neighborhood Stabilization Program for which the City received a \$94,631.00 grant earlier in the year. The complete report, as contained in City Council Memorandum No. 10-28, was included in the agenda packet for this meeting.

CITY ATTORNEY'S REPORT

The City Attorney reported briefly on the delinquent property tax sales.

ADJOURNMENT

The meeting adjourned at 11:00 p.m.


City Clerk

MINUTES OF THE OAK RIDGE CITY COUNCIL SPECIAL MEETING

October 25, 2010

A special meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 6:30 p.m. on October 25, 2010 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Councilman David N. Mosby.

PLEDGE OF ALLEGIANCE

The City Clerk led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

The following members of Council were present: Anne Garcia Garland, Thomas W. Hayes, L. Charles Hensley, D. Jane Miller, David N. Mosby, Ellen D. Smith, and Mayor Thomas L. Beehan.

Also present were Mark S. Watson, City Manager; Tammy M. Dunn, Senior Staff Attorney; Steven W. Jenkins; Deputy City Manager; and Jacquelyn J. Bernard, City Clerk.

RESOLUTION

Resolution No. 10-104-10

A resolution amending Resolution Number 11-105-09 to provide that the regular meeting of City Council during the month of November 2010 shall be held on the third Monday, November 15, 2010, beginning at 7:00 p.m. in the Municipal Building Courtroom.

Councilwoman Miller moved that the resolution be adopted. The motion was seconded by Councilwoman Smith and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

ADJOURNMENT

The meeting adjourned at 6:40 p.m.


City Clerk

PUBLIC WORKS MEMORANDUM
10-28

DATE: October 20, 2010
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, Director of Public Works
SUBJECT: WATER TREATMENT PLANT DEHUMIDIFICATION SYSTEM REFURBISHMENT

The accompanying resolution authorizes the expenditure of funds in the estimated amount of \$82,062.39 for the purchase of replacement parts, equipment, and the labor to refurbish the Kathabar dehumidification system at the Water Treatment Plant. The current system was last refurbished in 1997 when the plant was owned by the Department of Energy.

The dehumidification system is an important component of the Water Treatment Plant which prevents condensation from forming on the pipelines carrying cold water through the pipe gallery and making the area extremely damp and humid. The damp, humid environment causes corrosion to equipment and is especially hard on electrical systems and controls.

During the spring of 2010, the maintenance staff had trouble keeping the dehumidification system operating properly. The manufacturer of the unit, Kathabar Dehumidification Systems, Inc. (KDS), was contacted to perform an inspection, which was completed on June 8, 2010 by a KDS technician. This inspection revealed a number of components deteriorated or fouled to the extent the system had to be shut down by the technician. Staff was advised not to operate the system until it was either refurbished or replaced.

On June 24, 2010, the City entered into a professional services agreement with Consolidated Technologies, Inc. (CTI) to provide an engineering study of the dehumidification system and evaluate alternatives to refurbish or replace the existing system. On August 26, 2010, CTI presented their analysis to staff, recommending refurbishment of the existing Kathabar system as the best alternative.

The Kathabar system is proprietary in nature; therefore, all the components needed for the refurbishment must be purchased from Kathabar Dehumidification Systems, Inc., Buffalo, NY at a cost of \$52,705.39. KDS requires that an authorized mechanical contractor provide the labor and small parts to complete this refurbishment, with the sole authorized contractor in this area being Shoffner Mechanical Services, Knoxville, TN at a cost of \$29,357. KDS will provide a technician to assist with the refurbishment of the system and to test all operations for compliance with the manufacturer's specifications prior to putting the system into service.

Funding for this project is available in the Waterworks budget. Staff recommends approval of the accompanying resolution.

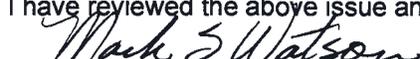


Gary M. Cinder

ks

City Manager's Comments:

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



Mark S. Watson

10/29/10

Date

RESOLUTION

WHEREAS, due to problems with the system, an inspection was conducted by Kathabar Dehumidification Systems, Inc., (KDS), the manufacturer of the dehumidification system at the Water Treatment Plant; and

WHEREAS, due to deteriorated component parts, City Staff was advised by KDS to not operate the system until the dehumidification system was either refurbished or replaced; and

WHEREAS, City Staff obtained an engineering study from Consolidated Technologies, Inc., (CTI), to evaluate the system and CTI recommended refurbishment of the dehumidification system as the best alternative to resolve the problem; and

WHEREAS, KDS is the sole provider of replacement component parts for the dehumidification system; and

WHEREAS, Shoffner Mechanical Services is the sole authorized contractor in the area for service to the dehumidification system; and

WHEREAS, the City Manager recommends awards be made to KDS and Shoffner Mechanical Services to refurbish the dehumidification system.

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

That the recommendation of the City Manager is approved and awards are hereby made as follows:

To Kathabar Dehumidification Systems, Inc., 673 Ontario Street, Buffalo, New York 14207, for the furnishing of component parts needed to refurbish the dehumidification system at the Water Treatment Plant in the amount of \$52,705.39.

To Shoffner Mechanical Services, 1010 Wilder Place, Knoxville, Tennessee 37915-1926, for the furnishing of labor and replacement parts to refurbish the dehumidification system at the Water Treatment Plant in the amount of \$29,357.00.

Said awards in the total amount of \$82,062.39.

This the 15th day of November 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

MAYOR'S MEMORANDUM
10-16

DATE: November 1, 2010

TO: Fellow Members of City Council

FROM: Mayor Thomas L. Beehan

SUBJECT: COMMITTEE APPOINTMENTS

It is time to appoint new committees to be in place for the annual evaluations of the City Attorney and City Manager. I recommend appointments as follows to oversee the FY 2011 evaluations:

City Manager Evaluation Committee

Councilman Tom Hayes, Chair
Councilman David Mosby
Councilwoman Ellen Smith

There was no FY 2010 evaluation of the City Manager because Jim O'Connor left before the time for his evaluation. Therefore, the constitution of this committee is based on the membership of the FY 2009 committee.

City Attorney Evaluation Committee

Councilwoman Jane Miller, Chair
Councilman Charlie Hensley
Councilwoman Anne Garcia Garland

These recommended appointments are in keeping with our policy which provides that each member of Council will be given the opportunity to serve on all of our regular committees, moving upward until all have served as chair.

Your appointment of these committees as presented is recommended.



Mayor

**ORDINANCES
FIRST READING**

COMMUNITY DEVELOPMENT MEMORANDUM
10-94

DATE: October 22, 2010

TO: Mark Watson, City Manager

FROM: Kathryn G. Baldwin, Community Development Director

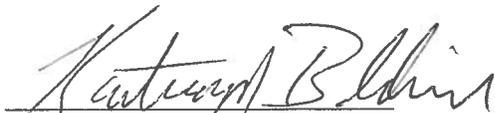
SUBJECT: Industrial Manhattan District Overlay (IMDO)

An item for consideration at the November City Council meeting is the creation of a new zone district titled Industrial Manhattan District Overlay (IMDO). The IMDO district is proposed to create a zone district which facilitates the transfer of property from the ownership and mission of the Department of Energy to the private sector, in keeping with the re-industrialization of the K-25 facility.

The proposed IMDO district applies only to existing buildings and deals strictly with bulk requirements and performance criteria. Due to sole ownership by DOE, the buildings as originally constructed did not conform to required performance criteria such as parking, landscaping, etc. In addition, there were no property lines to observe and full compliance now with current regulations is not possible. For these reasons the application of a standard industrial zone district would create nonconformity issues which could jeopardize the ability to obtain private funding for full utilization of the built environment.

The IMDO District does not waive bulk regulations or performance criteria, but rather provides alternative measures to achieve compliance through offsite improvements, cross access easements, and identification of shared parking facilities. Many of the offsite improvements will be held in common by a property owners' association with documented maintenance agreements, which must be verified prior to the creation of legal lots of record.

While this zone district is atypical of other industrial zones, this approach was utilized in the WWII-era housing with the Manhattan District Overlay (MDO) district and has proven to be very successful in addressing similar problems. In addition, the privatization of any DOE facility or campus-style environment will prove problematic when applying typical zoning treatment for continued utilization of the built environment. Aiding in the reindustrialization of this site and other potential sites within the City of Oak Ridge serves not only the needs of DOE, but delivers ready-built structures to facilitate economic development of the industrial and business community within our city.


Kathryn G. Baldwin
Community Development Director

City Manager's Comments:

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


Mark Watson
Date 10/29/10

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, ARTICLE IX, TITLED "SPECIAL DISTRICTS," TO CREATE A NEW SECTION 9.10, TITLED "IND-2 INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IMDO)," TO CREATE AN OVERLAY DISTRICT TO FACILITATE THE REUTILIZATION OF FEDERAL INDUSTRIAL BUILDINGS.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to improve provisions as needed; and

WHEREAS, it was determined that provisions pertaining to industrial districts were in need of amendment to address issues specific to federal industrial buildings being reutilized by the private sector; 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 IX, titled "Special Districts," is hereby amended by adding a new Section 9.10, titled "IND-2 Industrial Manhattan District Overlay (IMDO)," which new section shall read as follows:

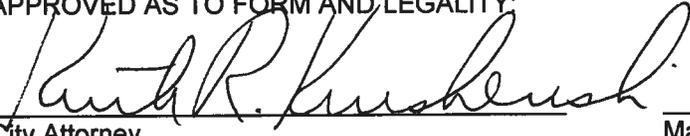
Section 9.01. IND-2 Industrial Manhattan District Overlay (IMDO)

- (a) Purpose Statement (Intent). The Industrial Manhattan District Overlay (IMDO) was created to utilize the broad extent of industrial buildings constructed as part of the federal government's war effort and subsequent processing and research activities in facilities that were never envisioned for reuse and redevelopment by the private sector. These buildings have remained under the auspices of the federal government or within the mission of the Department of Energy until the recent past. These buildings were constructed without typical reference to zoning and subdivision regulations. Now, through the transfer of property, these buildings have been turned over to private individuals or corporations. The IMDO is developed in an effort toward industrial sustainability and to further the private utilization of structures that are physically capable of housing current industrial activities. These structures are typically located within property owned at one time by the Department of Energy, but may exist outside the historic DOE Federal Reservation. This overlay district will promote, preserve, and protect the health and general welfare of employees and property within the original industrial areas and encourage respect for the existing built environment. The intent is to help maintain the general quality and appearance of our industrial areas; stabilize and improve property values; and utilize industrial spaces that remain viable.
- (b) Applicability. The IMDO shall apply to all IND-2 industrial zoned properties within the boundaries identified on the official zoning maps of Oak Ridge.

- (c) Permit/Procedural/Approval Requirements. Setback reductions shall not encroach upon prescribed easements or easements implied by existing utilities. In site-specific cases, the applicant may seek exception by requesting that the City approve an Easement Encroachment Form. A survey of the subject property showing all relevant information shall be submitted.
- (d) Overlay Criteria. All applicable rules and regulations (standards for density, lot size, height, etc.) for the base zone district shall apply. In the event the parcel abuts a residentially zoned district, the base zone district's setback requirements shall apply to the abutting lot line.
1. All existing principal buildings, additions, structures, or accessory buildings located within the IMDO shall conform to the following setback and bulk regulations:
 - a. Compliance of the building setbacks as identified for the base zone IND-2 district is strongly encouraged. In the event standard setbacks for the front, side, or rear of a building cannot be met, the setbacks shall be in compliance with fire and building codes as determined by the Building Code Official designated by the City Manager.
 - b. The minimum number of parking spaces shall meet the requirements identified for the IND-2 base zone district. However, the minimum number of spaces may be met off-site within the general walking vicinity of the principal building. A legal instrument must be filed in the Register of Deeds office encumbering these off-site parking facilities.
 - c. Allowable floor area to lot ratios shall be determined by the IND-2 base zone district. The entire footprint of the ground floor, which includes all areas under roof, shall determine the floor area.
 - d. All other performance criteria shall meet the requirements identified for the IND-2 base zone district. However, compliance may be met off-site within the general vicinity of the principal building. In the event an applicant achieves minimum performance criteria offsite on a privately held lot of record, a legal instrument must be filed in the register of deeds office encumbering the property on which the performance criteria is met in perpetuity. In the event an applicant achieves minimum performance criteria offsite on a private lot held in common, a property owners association must be chartered with the State of Tennessee, Covenants, Conditions and Restrictions (CC&Rs) must be recorded in the Register of Deeds office. The recording information for the Property Owners Association and the CC&Rs shall be referenced on the recorded plat creating a buildable lot within the IMDO.
- (e) General Compliance. These regulations shall not apply to a vacant tract of land or construction of a new principal building. In these instances, the requirements of the IND-2 base zone district shall apply.

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

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

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

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
10-93**

DATE: November 4, 2010

TO: Mark Watson, City Manager

THROUGH: Kathryn G. Baldwin, Community Development Director 

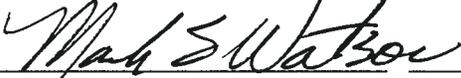
FROM: Monica Austin Carroll, AICP, Community Development Division Manager 

RE: **REVISIONS FOR THE ZONING ORDINANCE**

An upcoming item for the City Council agenda is revisions to the Zoning Ordinance. The amendments were reviewed by the Planning Commission at their regularly scheduled meeting on October 28, 2010 and were approved by a vote of 7 - 0. Planning staff continuously updates and amends our Zoning Ordinance to identify areas in the Zoning Ordinance that are not addressed, do not meet the criteria as prescribed in our Zoning Ordinance or state law, or needs additional language for clarification purposes. These revisions being proposed address several areas in our Landscaping and Design Standards section that need additional language for clarification, and update our parking requirement section to reflect recent changes in the state law regarding the American Disabilities Act (ADA). The changes for ADA compliance include addressing van accessibility, width of parking aisles for van accessibility, and required signage for van accessible parking spaces.

City Manager's Comments:

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


Mark Watson 11/5/10
Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, ARTICLE XI, TITLED "OFF STREET PARKING AND LOADING REQUIREMENTS," SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (G), TITLED "HANDICAPPED PARKING SPACES," AND SECTION 11.03, TITLED "OFF-STREET PARKING LOT LAYOUT, CONSTRUCTION AND MAINTENANCE," SUBSECTION (F), TITLED "DESIGN CRITERIA," PARAGRAPH (5), TITLED " MINIMUM PARKING LOT DIMENSIONS," TO UPDATE REQUIREMENTS PERTAINING TO ACCESSIBLE PARKING SPACES FOR DISABLED DRIVERS WITH PARTICULAR FOCUS ON SIGNAGE AND VAN ACCESS.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to improve provisions as needed; and

WHEREAS, it was determined that provisions pertaining to signage and van accessibility by disabled persons were in need of amendment; and

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

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

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.02, titled "Required Off-Street Parking," is hereby amended by deleting Subsection (g), titled "Handicapped Parking Spaces," in its entirety and substituting therefore a new Subsection (g), titled "Accessible Parking Spaces for Disabled Drivers," which new subsection shall read as follows:

Section 11.02. Required Off-Street Parking

(g) Accessible Parking Spaces for Disabled Drivers

All off-street parking lots are required to provide accessible parking space for disabled drivers, sized in accordance with Section 11.03(f)(5). The required number of accessible parking spaces for disabled drivers shall be based on the total spaces required for the building or use. Accessible parking spaces for disabled drivers shall be placed within the parking lot layout at locations near entrance(s) of the building or use with convenient access to the building via curb ramps or similar means. Each accessible parking space for a disabled driver shall be marked and maintained with the stylized wheelchair symbol designated by Tennessee Code Annotated §55-21-105. The required marking may be by a sign on a pole. Signs designating disabled parking shall indicate that unauthorized or improperly parked vehicles may be towed and the driver fined two hundred dollars (\$200). Signs designating disabled parking shall also provide the name and telephone number of the towing company or the name and telephone number of the property owner, lessee or agent in control of the property. The following table shall be used in computing the required number of accessible parking spaces for disabled drivers:

Space width, Parallel to Aisle	C	9.0	18.0	12.7	10.4	9.3	9.0
Space Length	D	22.0	34.0	27.5	23.7	20.9	18.5
Aisle Width – One-Way Traffic except for 90° angle	E	12.0	11.0	12.0	16.0	23.0	26.0
Module, Wall to Interior Space	F	30.0	41.0	48.0	55.0	62.0	63.0
Module, Interior to Interior Spaces	G	30.0	38.0	45.0	53.0	61.0	63.0
Module, Interior to Edge of Curb	H	30.0	40.0	46.0	53.2	59.5	60.5
Interior Access Drives							
One Way	I	14.0	14.0	14.0	14.0	14.0	14.0
Two Way		24.0	24.0	24.0	24.0	24.0	24.0
Bumper Overhang (Typical)	J	----	2.0	2.0	2.3	2.5	2.5

- a. If there are no less than four (4) parking spaces designated with the wheelchair disabled sign, then at least one (1) of the parking spaces shall be van accessible. If more than four (4) spaces are designated as disabled parking spaces, then at least two (2) spaces per eight (8) disabled parking spaces shall be van accessible.
- b. The access aisle shall be located on the passenger side of the parking space except that two (2) adjacent accessible parking spaces may share a common access aisle.
- c. Van accessible parking spaces shall have an additional sign marked "Van Accessible – Priority for Wheelchair User" mounted below the sign marked with the stylized wheelchair symbol. The van accessible parking spaces may have an additional sign marked "Priority Should Be Given to Disabled Van Access. Other Disabled Vehicles Should Use Only If No Other Available Disabled Spaces" mounted below other required signs. Van accessible parking spaces are not restricted to disabled van access; provided, that disabled vehicles other than vans should not use van accessible parking spaces when another accessible disabled parking space is available.

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

APPROVED AS TO FORM AND LEGALITY:

Kurt R. Kushenish

City Attorney

Mayor

City Clerk

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

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS," SECTION 13.01, TITLED "INTRODUCTION," SUBSECTION (B), TITLED "ACTIONS SUBJECT TO DESIGN REVIEW," PARAGRAPH (1); SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (E), TITLED "PARKING CONFIGURATIONS," PARAGRAPH (5), TITLED "COMPLIANCE OF EXISTING SITES"; AND SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (F), TITLED "LANDSCAPE," PARAGRAPH (1), TITLED "LANDSCAPE AREAS," TO UPDATE OUTDATED PROVISIONS AND IMPROVE EXISTING PROVISIONS PERTAINING TO LANDSCAPING AND DESIGN.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to improve provisions as needed; and

WHEREAS, it was determined that some provisions pertaining to landscaping and design were in need of amendment; and

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

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

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.01, titled "Introduction," Subsection (b), titled "Actions Subject to Design Review," Paragraph (1) is hereby amended by adding a new Subparagraph (e) which new subparagraph shall read as follows:

Section 13.01. Introduction

(b) Actions Subject to Design Review

- (1) (e) Change or expansion in the off-street parking layout of an existing building on legal lot(s) of record. If the change or expansion results in a twenty-five percent (25%) or more increase in spaces then the entire parking lot shall be brought into compliance with the current regulations.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (e), titled "Parking Configurations," Paragraph (5), titled "Compliance of Existing Sites," is hereby amended by inserting a new sentence at the end of the existing paragraph, which new sentence shall read as follows:

Section 13.02. Design Review Standards

(e) Parking Configurations

5. Compliance of Existing Sites

.... However, continuous compliance of the entire site once the initial site review process is completed is mandatory.

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (f), titled "Landscape," Paragraph (1), titled "Landscape Areas," is hereby amended by inserting a new sentence between the first and second sentences in the existing first paragraph, which new sentence shall read as follows:

Section 13.02. Design Review Standards

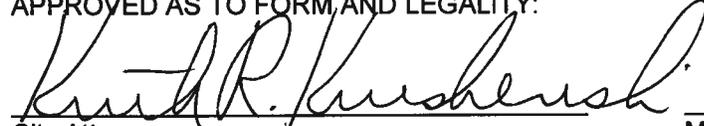
(f) Landscape

1. Landscape Areas

.... Such landscape areas shall be comprised of grass and/or a combination of grass with mulch or decorative landscape elements; however, the landscape areas shall not be more than fifty percent (50%) mulch or decorative landscape elements. ...

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:


City Attorney

Mayor

City Clerk

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

MAYOR'S MEMORANDUM
10-15

DATE: October 27, 2010

TO: Mark S. Watson, City Manager

FROM: Mayor Thomas L. Beehan

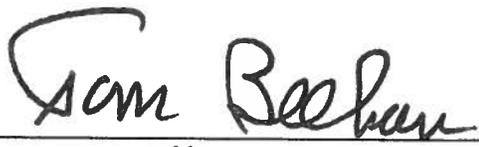
SUBJECT: RECONSIDERATION OF TURNPIKE SPEED LIMIT ORDINANCE

Please consider this memorandum as my formal request that the following ordinance be placed on the agenda for reconsideration during the November 15, 2010 regular meeting of City Council:

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-505, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – THIRTY-FIVE MILES PER HOUR," SUBSECTION (4); SECTION 15-506, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FORTY MILES PER HOUR," SECTION 15-507, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FORTY-FIVE MILES PER HOUR," SUBSECTION (4); AND SECTION 15-508, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FIFTY MILES PER HOUR," TO SET FORTH NEW SPEED LIMITS ALONG THE OAK RIDGE TURNPIKE (STATE ROUTE 95) AS INDICATED BY THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION.

I understand that due to its failure on second reading at the October 12, 2010 continuation of the October 11th regular meeting of City Council, consideration of this ordinance will have to begin again on first reading.

As you know, I was absent from Oak Ridge on October 12th on official business in my capacity as Vice Chairman of the Energy Communities Alliance, on whose board I serve as a representative of the City of Oak Ridge. I delayed this trip by one day in order to be present for the October 11th meeting, not knowing that a power outage would result in its adjournment to the next day. I believe this "speed limit" issue is of some importance, too important to be allowed to fail with a tie vote, and I wish to claim my right to be heard on the subject.



Mayor

cc: City Council

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-505, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – THIRTY-FIVE MILES PER HOUR," SUBSECTION (4); SECTION 15-506, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FORTY MILES PER HOUR," SECTION 15-507, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FORTY-FIVE MILES PER HOUR," SUBSECTION (4); AND SECTION 15-508, TITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – FIFTY MILES PER HOUR," TO SET FORTH NEW SPEED LIMITS ALONG THE OAK RIDGE TURNPIKE (STATE ROUTE 95) AS INDICATED BY THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, specifies a maximum speed limit for all roads, streets and lanes open to public travel within the city limits; and

WHEREAS, the Oak Ridge Turnpike (State Route 95) has recently undergone construction by the State of Tennessee Department of Transportation (TDOT) and the project is nearing completion; and

WHEREAS, TDOT has the authority to set the speed limit on state routes and has supplied project design plans to the City indicating the speed limit along this portion of the Oak Ridge Turnpike.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 5, titled "Speed Regulations," Section 15-505, titled "Maximum speed limits on specific streets – thirty-five miles per hour," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting subsection (4) in its entirety and substituting therefor a new subsection (4) which shall read as follows:

Sec. 15-505. Maximum speed limits on specific streets – thirty-five miles per hour.

- (4) Oak Ridge Turnpike from a point thirteen hundred (1300) feet west of Illinois Avenue to a point three hundred (300) feet east of Georgia Avenue.

Section 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 5, titled "Speed Regulations," Section 15-506, titled "Maximum speed limits on specific streets – forty miles per hour," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new subsection (5) which shall read as follows:

Sec. 15-506. Maximum speed limits on specific streets – forty miles per hour.

- (5) Oak Ridge Turnpike from a point thirteen hundred (1300) feet west of Illinois Avenue to a point seven hundred (700) feet west of Jefferson Avenue.

Section 3. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 5, titled "Speed Regulations," Section 15-507, titled "Maximum speed limits on specific streets – forty-five miles per hour," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting subsection (4) in its entirety and substituting therefor a new subsection (4) which shall read as follows:

Sec. 15-507. Maximum speed limits on specific streets – forty-five miles per hour.

- (4) Oak Ridge Turnpike between the L & N Railroad underpass and a point three hundred (300) feet east of Georgia Avenue; and from a point three hundred and eighty (380) feet

west of Oklahoma Avenue to a point two hundred (200) feet west of the west Rarity Oaks Parkway access; and from a point twenty-eight hundred (2800) feet west of Blair Road to a point eight thousand feet (8,000) west of Blair Road.

Section 4. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 5, titled "Speed Regulations," Section 15-508, titled "Maximum speed limits on specific streets – fifty miles per hour," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting this section in its entirety and substituting therefor a new section which shall read as follows:

Sec. 15-508. Maximum speed limits on specific streets – fifty miles per hour.

A maximum speed limit of fifty (50) miles per hour is hereby established on the following streets or portions thereof, and it shall be unlawful for any person to operate a vehicle at a speed in excess of such limits:

- (1) South Illinois Avenue beginning five hundred and fifty (550) feet south of its intersection with Union Valley Road to a point three thousand five hundred and eighty (3580) feet south of its intersection with Union Valley Road.
- (2) Oak Ridge Turnpike from a point seven hundred (700) feet west of Jefferson Avenue to a point three hundred and eighty (380) feet west of Oklahoma Avenue.

Section 5. 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:



 City Attorney

Mayor

 City Clerk

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

ORDINANCES
SECOND READING

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
10-86

DATE: September 24, 2010

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Request to Rezone, Parcels ED-8A, ED-8B, ED-8C, ED-8D, ED-8E, and Parcels identified on Roane County Tax Map 30 as 1.01, 1.02, 1.03 and 1.07.**

An item for the City Council agenda is a request to rezone approximately 83.3 acres within the Heritage Center from F.I.R., Federal Industry and Research to IND-2, Industrial. The property is located east of ED-5, an area of approximately 45 acres within Heritage Center that was rezoned from F.I.R. to IND-2 in 2009. This rezoning is part of a continuing process that the U.S. Department of Energy (D.O.E.) has undertaken to privatize property within the Heritage Center. At their regular meeting on September 23, 2010, the Planning Commission recommended approval of the rezoning by a vote of 9-0.

The F.I.R., Federal Industry and Research zoning district is only applicable to the D.O.E. Reservation. When property is transferred from the federal government to enable private development, rezoning to an appropriate district is required. The subject property has been transferred from D.O.E. to Heritage Center LLC, JMM Realty LLC and Manhattan Project, LLC. Staff finds the rezoning to be in compliance with the Land Use Plan, consistent with the existing uses within the area and appropriate for the proposed use. Approval of the rezoning is recommended.

Kahla Gentry

City Manager's Comments:

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

Mark S. Watson 9/28/10
Mark S. Watson Date

Staff Review of Rezoning Request

Location & Approximate Area: Roane County Tax Map 30, Parcels ED-8 A, B, C, D and E, and Parcels 1.01, 1.02, 1.03, 1.07 located within the Heritage Center. Approx. 83.3 acres in area.

Date: September 14, 2010

Owner: Heritage Center LLC
107 Lea Way
Oak Ridge, TN 37830

JMM Realty LLC, Manhattan Project LLC
21312 Catawba Avenue
Cornelius, NC 28301

Request Rezoning

From: F.I.R., Federal Industry and Research
To: IND-2, Industrial

Purpose: Property has been transferred to private ownership and F.I.R. zoning is no longer appropriate. The proposed use is industrial.

Site Characteristics: About same elevation as adjacent lands. Site is generally level.

Existing Land Use: Industrial, includes buildings K-1007, K-1000, K-1580, K-1320, K-1330

Adjacent Land Uses & Zoning:

North: F.I.R., Federal Industry and Research, Heritage Center industrial area
East: F.I.R., Federal Industry and Research, open space within Heritage Center
South: F.I.R. Federal Industry and Research, State Route 58, D.O.E.
West: IND-2, Industrial, ED-5, site of two industrial spec buildings

Previous Rezoning Requests: None

2. **Conformity with 1988 Comprehensive Plan:** The Land Use Plan designates this area as I, Industrial. The proposed zone is in conformance with the Land Use Plan.

Applicable Policies:

Policy E-3: The City will attempt to strengthen a coordinated, business-like, public-private approach to retain, develop and recruit targeted businesses that broaden the tax base, particularly those which maintain or increase per capita and family income.

POLICY E-4: In a joint public-private partnership approach, the City will work with the community to nurture spin-off industries and stimulate the formation of affinity industries in Oak Ridge.

POLICY L-11: The City will locate new industrial and office areas and enforce site design standards to ensure that residential neighborhoods are protected from the adverse effects of those activities.

3. **Applicable Regulations:**

Setbacks: IND-2, Industrial setbacks are as follows: Front – 30 feet; Side –25 feet;
Rear – 25 feet
Maximum Usable Floor Area to Lot Area Ratio: 60%

Analysis:

The following criteria were used to evaluate the rezoning request.

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

Yes.

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

The property has become privately owned and made available by D.O.E for economic development.

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?** Yes, the property is within an industrial area without close proximity to residential uses. There is nearby access to S.R. 58, S.R. 95 and Interstate 40.

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

The ED-8 parcels are the second group of parcels within the Heritage Center to be rezoned. ED-5 was rezoned from FIR to IND-2 in September 2009. Additional rezonings from F.I.R. will occur as the redevelopment and privatizing of the Heritage Center continues.

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

Public utilities and road capacity are adequate.

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

The Heritage Center is already an industrial site. Changing the zoning from F.I.R. to IND-2 will not change the environmental impacts.

Neighborhood Position: No comments have been received. The surrounding property is held either by Heritage Center LLC or the U.S. D.O.E.

Landscaping/Buffering requirements: The landscaping and design standards within Article XIII of the Zoning Ordinance will apply at final site review stage.

Notification of Property Owners Within 200': September 14, 2010

Conclusion and Planning Staff Recommendation: Staff recommends approval of the rezoning to IND-2, Industrial finding the proposed zoning consistent with existing uses and the character of development within the area and in compliance with the Comprehensive Plan.

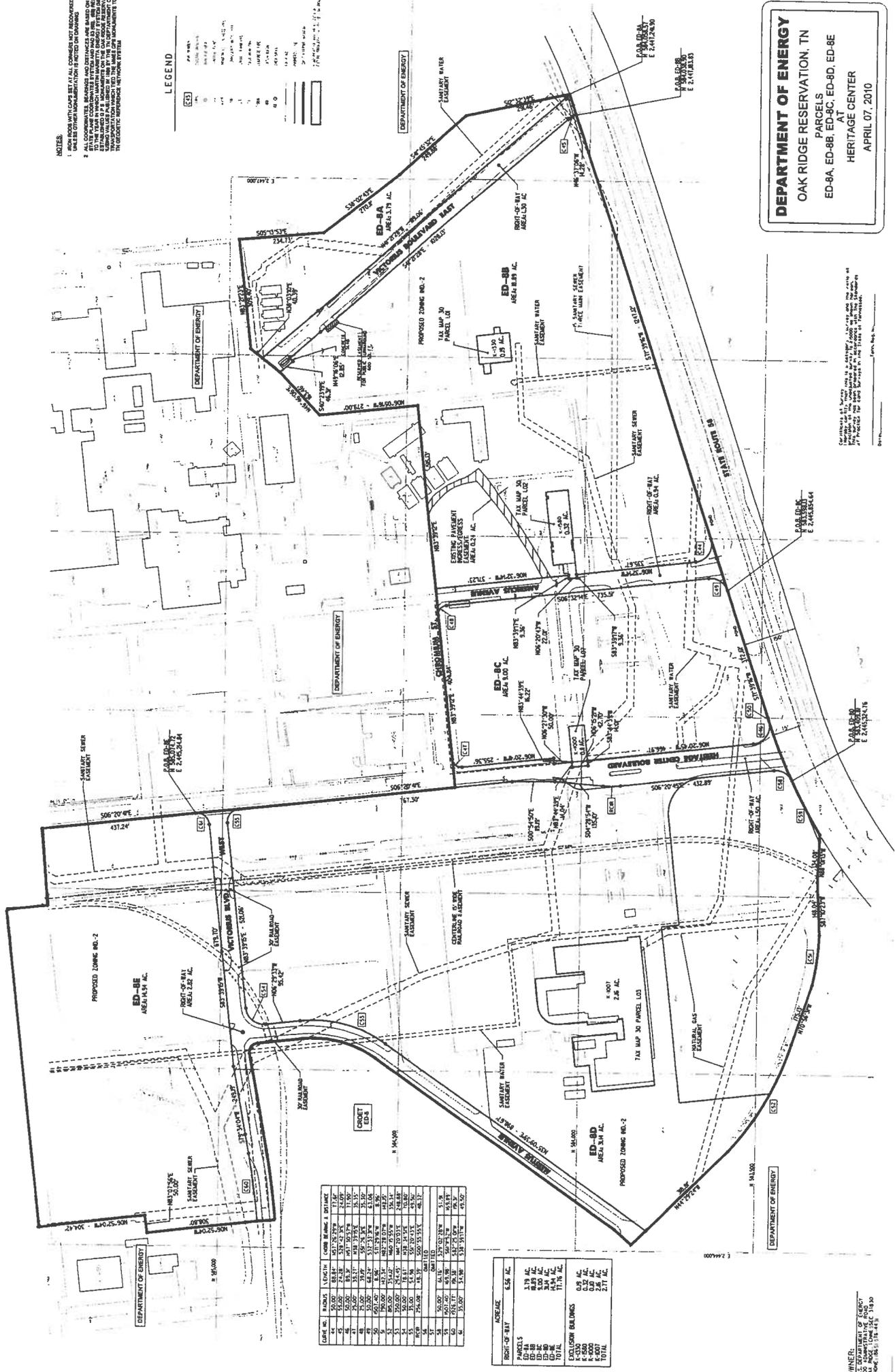
Planning Commission Recommendation: September 23, 2010 – recommended approval by a vote of 9-0.

REZONE FROM F.I.R. TO IND-2

- NOTES:
1. ALL EXISTING PARCELS, BUILDINGS AND DISTANCES ARE BASED ON THE 1998 AERIAL PHOTOGRAPHY AND THE 1998 SURVEY DATA.
 2. ALL COORDINATES, BEARINGS AND DISTANCES ARE BASED ON THE 1983 NAD 83 DATUM.
 3. THE 1998 AERIAL PHOTOGRAPHY AND THE 1998 SURVEY DATA ARE THE BASIS FOR THE 1998 ZONING MAP AND THE 1998 ZONING ORDINANCE.
 4. THE 1998 ZONING MAP AND THE 1998 ZONING ORDINANCE ARE THE BASIS FOR THE 1998 ZONING MAP AND THE 1998 ZONING ORDINANCE.
 5. THE 1998 ZONING MAP AND THE 1998 ZONING ORDINANCE ARE THE BASIS FOR THE 1998 ZONING MAP AND THE 1998 ZONING ORDINANCE.

LEGEND

CS1	EXISTING PARCELS
CS2	EXISTING BUILDINGS
CS3	EXISTING UTILITIES
CS4	EXISTING STREETS
CS5	EXISTING ZONING
CS6	PROPOSED ZONING
CS7	PROPOSED PARCELS
CS8	PROPOSED BUILDINGS
CS9	PROPOSED UTILITIES
CS10	PROPOSED STREETS
CS11	PROPOSED ZONING
CS12	PROPOSED PARCELS
CS13	PROPOSED BUILDINGS
CS14	PROPOSED UTILITIES
CS15	PROPOSED STREETS



DEPARTMENT OF ENERGY
 OAK RIDGE RESERVATION, TN
 PARCELS
 ED-8A, ED-8B, ED-8C, ED-8D, ED-8E
 AT
 HERITAGE CENTER
 APRIL 07, 2010

GRID NO.	RECORDS	LENGTH	CORN BEARING & DISTANCE
44	50.000	62.81'	S87°25'27.8" E 17.52'
45	50.000	24.38'	S87°42'31.5" E 24.00'
46	50.000	31.37'	S87°42'31.5" E 24.00'
47	25.000	31.37'	S87°42'31.5" E 24.00'
48	50.000	24.38'	S87°42'31.5" E 24.00'
49	50.000	24.38'	S87°42'31.5" E 24.00'
50	50.000	24.38'	S87°42'31.5" E 24.00'
51	50.000	24.38'	S87°42'31.5" E 24.00'
52	50.000	24.38'	S87°42'31.5" E 24.00'
53	50.000	24.38'	S87°42'31.5" E 24.00'
54	50.000	24.38'	S87°42'31.5" E 24.00'
55	50.000	24.38'	S87°42'31.5" E 24.00'
56	50.000	24.38'	S87°42'31.5" E 24.00'
57	50.000	24.38'	S87°42'31.5" E 24.00'
58	50.000	24.38'	S87°42'31.5" E 24.00'
59	50.000	24.38'	S87°42'31.5" E 24.00'
60	50.000	24.38'	S87°42'31.5" E 24.00'
61	50.000	24.38'	S87°42'31.5" E 24.00'
62	50.000	24.38'	S87°42'31.5" E 24.00'
63	50.000	24.38'	S87°42'31.5" E 24.00'
64	50.000	24.38'	S87°42'31.5" E 24.00'

ACREAGE	6.58 AC.
RIGHT-OF-WAY	6.58 AC.
PARCELS	
ED-8A	3.79 AC.
ED-8B	3.00 AC.
ED-8C	3.00 AC.
ED-8D	3.00 AC.
ED-8E	3.00 AC.
ED-8F	3.00 AC.
ED-8G	3.00 AC.
ED-8H	3.00 AC.
ED-8I	3.00 AC.
ED-8J	3.00 AC.
ED-8K	3.00 AC.
ED-8L	3.00 AC.
ED-8M	3.00 AC.
ED-8N	3.00 AC.
ED-8O	3.00 AC.
ED-8P	3.00 AC.
ED-8Q	3.00 AC.
ED-8R	3.00 AC.
ED-8S	3.00 AC.
ED-8T	3.00 AC.
ED-8U	3.00 AC.
ED-8V	3.00 AC.
ED-8W	3.00 AC.
ED-8X	3.00 AC.
ED-8Y	3.00 AC.
ED-8Z	3.00 AC.
ED-8AA	3.00 AC.
ED-8AB	3.00 AC.
ED-8AC	3.00 AC.
ED-8AD	3.00 AC.
ED-8AE	3.00 AC.
ED-8AF	3.00 AC.
ED-8AG	3.00 AC.
ED-8AH	3.00 AC.
ED-8AI	3.00 AC.
ED-8AJ	3.00 AC.
ED-8AK	3.00 AC.
ED-8AL	3.00 AC.
ED-8AM	3.00 AC.
ED-8AN	3.00 AC.
ED-8AO	3.00 AC.
ED-8AP	3.00 AC.
ED-8AQ	3.00 AC.
ED-8AR	3.00 AC.
ED-8AS	3.00 AC.
ED-8AT	3.00 AC.
ED-8AU	3.00 AC.
ED-8AV	3.00 AC.
ED-8AW	3.00 AC.
ED-8AX	3.00 AC.
ED-8AY	3.00 AC.
ED-8AZ	3.00 AC.
ED-8BA	3.00 AC.
ED-8BB	3.00 AC.
ED-8BC	3.00 AC.
ED-8BD	3.00 AC.
ED-8BE	3.00 AC.
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ED-8BG	3.00 AC.
ED-8BH	3.00 AC.
ED-8BI	3.00 AC.
ED-8BJ	3.00 AC.
ED-8BK	3.00 AC.
ED-8BL	3.00 AC.
ED-8BM	3.00 AC.
ED-8BN	3.00 AC.
ED-8BO	3.00 AC.
ED-8BP	3.00 AC.
ED-8BQ	3.00 AC.
ED-8BR	3.00 AC.
ED-8BS	3.00 AC.
ED-8BT	3.00 AC.
ED-8BU	3.00 AC.
ED-8BV	3.00 AC.
ED-8BW	3.00 AC.
ED-8BX	3.00 AC.
ED-8BY	3.00 AC.
ED-8BZ	3.00 AC.
ED-8CA	3.00 AC.
ED-8CB	3.00 AC.
ED-8CC	3.00 AC.
ED-8CD	3.00 AC.
ED-8CE	3.00 AC.
ED-8CF	3.00 AC.
ED-8CG	3.00 AC.
ED-8CH	3.00 AC.
ED-8CI	3.00 AC.
ED-8CJ	3.00 AC.
ED-8CK	3.00 AC.
ED-8CL	3.00 AC.
ED-8CM	3.00 AC.
ED-8CN	3.00 AC.
ED-8CO	3.00 AC.
ED-8CP	3.00 AC.
ED-8CQ	3.00 AC.
ED-8CR	3.00 AC.
ED-8CS	3.00 AC.
ED-8CT	3.00 AC.
ED-8CU	3.00 AC.
ED-8CV	3.00 AC.
ED-8CW	3.00 AC.
ED-8CX	3.00 AC.
ED-8CY	3.00 AC.
ED-8CZ	3.00 AC.
ED-8DA	3.00 AC.
ED-8DB	3.00 AC.
ED-8DC	3.00 AC.
ED-8DD	3.00 AC.
ED-8DE	3.00 AC.
ED-8DF	3.00 AC.
ED-8DG	3.00 AC.
ED-8DH	3.00 AC.
ED-8DI	3.00 AC.
ED-8DJ	3.00 AC.
ED-8DK	3.00 AC.
ED-8DL	3.00 AC.
ED-8DM	3.00 AC.
ED-8DN	3.00 AC.
ED-8DO	3.00 AC.
ED-8DP	3.00 AC.
ED-8DQ	3.00 AC.
ED-8DR	3.00 AC.
ED-8DS	3.00 AC.
ED-8DT	3.00 AC.
ED-8DU	3.00 AC.
ED-8DV	3.00 AC.
ED-8DW	3.00 AC.
ED-8DX	3.00 AC.
ED-8DY	3.00 AC.
ED-8DZ	3.00 AC.
ED-8EA	3.00 AC.
ED-8EB	3.00 AC.
ED-8EC	3.00 AC.
ED-8ED	3.00 AC.
ED-8EE	3.00 AC.
ED-8EF	3.00 AC.
ED-8EG	3.00 AC.
ED-8EH	3.00 AC.
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TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF THE BUILDINGS DESIGNATED AS PARCELS 1.01, 1.02, 1.03, AND 1.07, ROANE COUNTY TAX MAP 30, AND THE REAL PROPERTY DESIGNATED BY THE UNITED STATES DEPARTMENT OF ENERGY AS PARCELS ED-8A, ED-8B, ED-8C, ED-8D, AND ED-8E FROM FIR, FEDERAL INDUSTRY AND RESEARCH, TO IND-2, INDUSTRIAL.

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

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

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

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

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 1.01, Map 30 (± 0.19 Acres)	North side of State Route 58 west of Victorious Boulevard East	FIR, Federal Industry and Research	IND-2, Industrial
Parcel 1.02, Map 30 (± 0.32 Acres)	North side of State Route 58 east of Americus Avenue	FIR, Federal Industry and Research	IND-2, Industrial
Parcel 1.03, Map 30 (± 2.16 Acres)	North side of State Route 58 east of Meritus Avenue	FIR, Federal Industry and Research	IND-2, Industrial
Parcel 1.07, Map 30 (± 0.11 Acres)	North side of State Route 58 east of Heritage Center Boulevard	FIR, Federal Industry and Research	IND-2, Industrial
Parcel ED-8A (+ 3.79 Acres)	North side of State Route 58 east of Victorious Boulevard East	FIR, Federal Industry and Research	IND-2, Industrial
Parcel ED-8B (+ 18.89 Acres)	North side of State Route 58 east of Americus Avenue	FIR, Federal Industry and Research	IND-2, Industrial
Parcel ED-8C (+ 9.00 Acres)	North side of State Route 58 east of Heritage Center Boulevard	FIR, Federal Industry and Research	IND-2, Industrial
Parcel ED-8D (+ 31.14 Acres)	North side of State Route 58 east of Meritus Avenue	FIR, Federal Industry and Research	IND-2, Industrial
Parcel ED8-E (+ 14.94 Acres)	North side of State Route north of Victorious Boulevard West	FIR, Federal Industry and Research	IND-2, Industrial

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

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

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Mayor

City Clerk

Public Hearing: 10-12-10
First Reading: 10-12-10
Publication Date: 10-18-10
Second Reading: _____
Publication Date: _____
Effective Date: _____

CITY COURT MEMORANDUM
10-01

DATE: September 24, 2010
TO: Mark S. Watson, City Manager
FROM: Robert A. McNees, III, City Judge
SUBJECT: CITY CODE AMENDMENT – CHANGE COURT DATES AND TIMES

An item for the agenda is an ordinance to amend City Code §3-103 pertaining to city court session dates and times.

City Code §3-103 states that city court sessions shall be at 8:00 a.m. on Mondays and Fridays, and at 6:00 p.m. on Wednesdays. In an effort to address some concerns regarding the current court schedule, it is proposed to change the court dates and times to Mondays and Thursdays at 9:00 a.m. and Wednesdays at 5:00 p.m.

The proposed new court dates and times will help alleviate some concerns. Many people believe in error that city court begins at 9:00 a.m. because the other local courts begin their morning sessions at 9:00 a.m., which results in many people arriving late to court or even missing their court date altogether. Changing the morning session times will also allow greater opportunity for the court clerk to assist individuals who come into court the morning of their court date to post bond in lieu of a court appearance. Changing evening court to 5:00 p.m. will address some complaints currently received by individuals about their work schedule and church attendance. It will also alleviate potential overtime for officers in evening court.

The proposed ordinance specifies that the city judge may change the regular court dates and times and may establish court dates for special hearings, as well as close court for city holidays, conferences, emergencies and other purposes. Any changes to court hearings will, of course, be done with notice to the Police Department.

The proposed changes have been discussed with the departments who will be impacted. The Legal Department and Police Department are agreeable to the changes. In order to transition the proposed new dates and times, the ordinance, if passed, will go into effect on January 1, 2011.

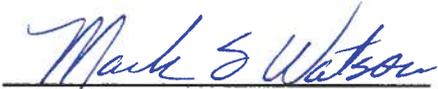
My office recommends approval of the attached ordinance.



Robert A. McNees

City Manager's Comments:

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


Mark S. Watson

Date

TITLE

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 1, TITLED "CITY COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 3-103, TITLED "TIME FOR SESSIONS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 3-103, TITLED "TIME FOR SESSIONS," FOR THE PURPOSE OF CHANGING THE DATES AND TIMES FOR SESSIONS OF CITY COURT AS WELL AS ESTABLISHING JUDICIAL AUTHORITY TO HOLD SPECIAL COURT SESSIONS.

WHEREAS, City Court is currently held on Mondays and Fridays at 8:00 a.m. and on Wednesdays at 6:00 p.m.; and

WHEREAS, the city judge proposes to change morning court sessions to Mondays and Thursdays at 9:00 a.m. and evening court sessions to Wednesdays at 5:00 p.m.; and

WHEREAS, changing the time for morning court sessions will potentially cut down on the amount of people who miss their court date due to the misconception that court begins at 9:00 a.m., which is the start time of all other local courts, and will provide time for people to post bond immediately prior to their court date in lieu of coming to court; and

WHEREAS, changing the time for evening court sessions will cut down on the potential for officer overtime for evening court sessions that last over one hour; and

WHEREAS, the city judge proposes to include judicial authority to close court on regular court dates for city holidays and other designated dates, such as judicial conferences and emergencies, as well as to hold court on dates and times outside regular hours for special hearings which will free up the regular docket; and

WHEREAS, the city judge also proposes to provide authority for the city judge to change the dates and times of regular court sessions at his discretion.

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

Section 1. Title 3, titled "Municipal Court," Chapter 1, titled "City Court," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section is hereby amended by deleting Section 3-103, titled "Time for Sessions," in its entirety and substituting therefor a new Section 3-103, titled "Time for Sessions," which new section shall read as follows:

Sec. 3-103. Time for sessions.

Effective January 1, 2011, sessions of city court shall be held at 9:00 a.m. on Monday and Thursday, and at 5:00 p.m. on Wednesday of each week, except on city holidays and other days as designated by the city judge. The city judge is authorized to change the regular court session dates and time and is authorized to establish other court dates and times for special hearings.

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

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Mayor

City Clerk

First Reading: 10-12-10
Publication Date: 10-18-10
Second Reading: _____
Publication Date: _____
Effective Date: _____

RESOLUTIONS GENERAL

RECREATION AND PARKS MEMORANDUM
10-11

DATE: October 18, 2010
TO: Mark S. Watson, City Manager
FROM: Josh Collins, Recreation and Parks Director
SUBJECT: SECRET CITY FESTIVAL FUNDING



The accompanying Resolution authorizes an expenditure of \$50,000 from the City's Economic Diversification Fund to provide a sponsorship grant to the Secret City Festival to help defray entertainment costs for Friday and Saturday nights.

The Secret City Festival Steering Committee is requesting City support for the June 17-18, 2011, event to assist with activity and entertainment expenses. The festival continues to grow and expand each year as it attracts visitors from throughout the region. The festival provides the public with an opportunity to learn about the history of the City and the sacrifices that were made during the Manhattan Project days. The festival also showcases the diversity and community pride of the City. The festival steering committee is composed of representatives from City staff, the Arts Council of Oak Ridge and the Convention and Visitors Bureau.

Last year over 20,000 residents and visitors from 39 states attended the festival and enjoyed a variety of entertainment opportunities. The committee anticipates an even larger crowd in 2011 for activities such as:

- Live Friday and Saturday Night Entertainment
- World War II Reenactment
- Fine Arts Show
- ORHPA's Historical Displays
- Antiques and Arts & Crafts
- Historical Tours
- Expanded Children's Area
- Lots of Food

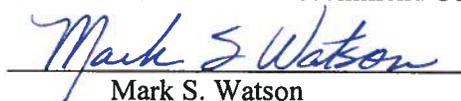
The proposed budget for the 2011 Secret City Festival is \$200,000. City funding will defray the costs for the Friday and Saturday night entertainment. The committee has contracted for 25 billboards throughout the area in an effort to market the event as a regional attraction. Festival brochures and posters will also be included in the marketing package and will be distributed to publicize the activities. Negotiations are underway for the Friday and Saturday night entertainment, and entertainers should be selected in December.

City support and funding for the festival will send a clear message to the community and will encourage financial support from our corporate partners. Staff recommends approval of the accompanying Resolution as submitted. Funding will come from the Economic Diversification Fund.

Attachment

City Manager's Comments:

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


Mark S. Watson


Date

2010 Secret City Festival Labor Costs

		Funding Source
RECREATION & PARKS DEPT		
Labor Costs	\$ 31,497.98	General Fund
PUBLIC WORKS DEPT		
Labor & Equipment Costs	\$ 64,303.90	E. D. Fund
ELECTRIC DEPT		
Labor, Equipment & Materials Costs	\$ 52,471.91	E. D. Fund
FIRE DEPT		
Labor & Equipment Costs	\$ 16,000.00	General Fund
POLICE DEPT		
Labor Costs	\$ 6,637.26	General Fund
OTHER DEPARTMENTS		
Labor Costs	\$ 6,116.42	General Fund
TOTAL	\$ 177,027.47	

Number _____

RESOLUTION

WHEREAS, the City's annual Secret City Festival continues to grow and expand in an effort to attract visitors from throughout the region; and

WHEREAS, the Secret City Festival Steering Committee has marketed the festival as an opportunity to learn about the history of Oak Ridge and the sacrifices that were made during the days of the Manhattan Project; and

WHEREAS, the festival also showcases community pride and the diversity of Oak Ridge; and

WHEREAS, the proposed budget for the 2011 festival is \$200,000; and

WHEREAS, funds in the amount of \$50,000 are available in the Economic Diversification Fund to help cover the costs associated with festival expenses; and

WHEREAS, the City Manager recommends authorization to expend \$50,000 from the Economic Diversification Fund for expenses associated with the 2011 Secret City Festival.

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 an expenditure of \$50,000 from the Economic Diversification Fund for 2011 Secret City Festival expenditures is hereby approved.

This the 15th day of November 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

CITY COUNCIL MEMORANDUM
10-30

DATE: October 28, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CHANGE FOR COUNCIL COMMITTEES

In 2007, the City Council adopted Resolution No. 11-107-07 establishing a Budget and Finance Special Committee. This created one of several subcommittees on various City topics. This committee met 17 times during the course of budgeting last year, creating a large commitment of time and resources by City staff and the City Council.

As the new City Manager for Oak Ridge, I believe we can be more efficient with our time by using a Committee of the Whole process where the use of special work sessions will accomplish the same purposes and keep the entire Council engaged and the public informed. The new process will involve all Council members and will allow decisions to be made in a timely manner.

Using this approach, it is no longer necessary to have the established Budget and Finance subcommittee of the Council. To avoid confusion by the public as to our governance process, I recommend that Resolution No. 11-107-07 be rescinded to dissolve the Budget and Finance Special Committee.


Mark S. Watson

Attachments

RESOLUTION

WHEREAS, on November 18, 2002, City Council adopted Resolution No. 11-152-02 creating a Budget and Finance Committee whose mission was driven by the Oak Ridge City Council's Strategic Plan, *the Path Forward: 2003 – 2007*; and

WHEREAS, said committee became dormant as a result of the Council's adoption of the revised *Oak Ridge City Council Strategic Plan, Fiscal Years 2006 – 2009*; and

WHEREAS, on September 24, 2007, City Council appointed a Committee Structure Review Committee (the Committee) with the charge to *review all current committees of City Council, both active and dormant, including their missions, functionality, method of appointment, and compliance with the Oak Ridge City Charter*, and

WHEREAS, the Committee has completed its review of current committees and recommends that the Council retain a Budget and Finance Committee as a special committee which shall assist the Council in fulfilling its role of providing guidance to the City Manager with respect to the City budget that is required by Charter to be submitted prior to each fiscal year.

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

That the Budget and Finance Committee created by Resolution No. 11-152-02 is hereby dissolved and a new Budget and Finance Special Committee is created whose mission shall be to assist City Council in providing guidance to the City Manager with respect to budget preparation, as required by the Oak Ridge City Charter.

BE IT FURTHER RESOLVED that the Budget and Finance Special Committee shall be composed of three (3) members of City Council who shall be appointed annually in September in accordance with City Council's policy for the appointment of its members to serve on Council committees.

BE IT FURTHER RESOLVED that in fulfilling its mission, the charge of the Budget and Finance Special Committee shall be:

1. To work with the staff to maintain the City's fiscal responsibility.
2. To develop budgeting and finance policy recommendations for City Council's consideration.
3. To develop recommended strategies for funding City services and employee raises.
4. To work with the staff in actively seeking expanded revenue streams.
5. To develop strategies for communicating factual information to the public about the financial position of the City and the elements that drive the tax rate.

BE IT FURTHER RESOLVED that the City Manager shall provide staff support for the Budget and Finance Special Committee.

BE IT FURTHER RESOLVED that this Special Committee shall continue to exist until August 31, 2009 unless extended or dissolved prior to that time by action of City Council.

BE IT FURTHER RESOLVED that any resolution heretofore adopted by City Council in conflict with this resolution is hereby rescinded.

This the 19th day of November 2007.

APPROVED AS TO FORM AND LEGALITY:

/s/ Kenneth R. Krushenski
City Attorney

/s/ Thomas L. Beehan
Mayor

/s/ Jacquelyn J. Bernard
City Clerk

NUMBER _____

RESOLUTION

WHEREAS, on November 19, 2007, City Council adopted Resolution 11-107-07 creating the Budget and Finance Special Committee whose mission was to assist City Council in providing guidance to the City Manager with respect to budget preparation; and

WHEREAS, the City Manager desires to conduct an examination of the City's policies and procedures as they related to such matters, with said examination to include review of the need for a committee of Council to function as currently provided in Resolution 11-107-07; and

WHEREAS, the City Manager recommends dissolution of the Budget and Finance Special Committee.

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

That the Budget and Finance Special Committee created by Resolution 11-107-07 is hereby dissolved.

BE IT FURTHER RESOLVED that any resolution heretofore adopted by City Council in conflict with this resolution is hereby rescinded.

This the 15th day of November 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

CITY COUNCIL MEMORANDUM
10-31

DATE: October 28, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CHANGE FOR COUNCIL COMMITTEES

In 2007, the City Council adopted Resolution No. 11-108-07 establishing an Intergovernmental Relations Special Committee whose mission was to assist City Council in matters relating to intergovernmental agreements and contracts, cooperative actions, etc.

As the new City Manager for Oak Ridge, I believe we can be more efficient with our time by using a Committee of the Whole process where the use of special work sessions will accomplish the same purposes and keep the entire Council engaged and the public informed. The new process will involve all Council members and will allow decisions to be made in a timely manner.

Using this approach, it is no longer necessary to have the established Intergovernmental Relations subcommittee of the Council. To avoid confusion by the public as to our governance process, I recommend that Resolution No. 11-108-07 be rescinded to dissolve the Intergovernmental Relations Special Committee.



Mark S. Watson

Attachments

RESOLUTION

WHEREAS, on November 18, 2002, City Council adopted Resolution No. 11-153-02 creating an Intergovernmental Relations Committee whose mission was driven by the Oak Ridge City Council's Strategic Plan, *The Path Forward 2003 – 2007*; and

WHEREAS, said committee became dormant as a result of the Council's adoption of the revised *Oak Ridge City Council Strategic Plan, Fiscal Years 2006 – 2009*; and

WHEREAS, on September 24, 2007, City Council appointed a Committee Structure Review Committee (the Committee) with the charge to *review all current committees of City Council, both active and dormant, including their missions, functionality, method of appointment, and compliance with the Oak Ridge City Charter*; and

WHEREAS, the Committee has completed its review of current committees and recommends that the Council retain an Intergovernmental Relations Committee as a special committee which shall assist the Council in matters relating to intergovernmental agreements and contracts, cooperative actions, etc., as authorized by Article III, Section 7 of the Oak Ridge City Charter.

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

That the Intergovernmental Relations Committee created by Resolution No. 11-153-02 is hereby dissolved and a new Intergovernmental Relations Special Committee is created whose mission shall be to assist City Council in matters relating to intergovernmental agreements and contracts, cooperative actions, etc., as authorized by Article III, Section 7 of the Oak Ridge City Charter.

BE IT FURTHER RESOLVED that the Intergovernmental Relations Special Committee shall be composed of three (3) members of City Council and shall include the Mayor, who will serve as the Committee Chair, the Council's representative on the Board of Directors of the Energy Communities Alliance (ECA) if such representative is not the Mayor, and a third member who shall be recommended by the Mayor and appointed annually in September in accordance with the Council's policy for the appointment of its members to serve on Council committees; provided, however, that if the Mayor is serving as the City's representative on the ECA Board, that seat shall also be filled by a member of the Council who is recommended by the Mayor and appointed annually by City Council.

BE IT FURTHER RESOLVED that in fulfilling its mission, the charge of the Intergovernmental Relations Special Committee shall be:

1. To participate in the development of State and Federal Legislative Agendas for the City and to recommend such agendas for adoption by City Council.
2. To orchestrate advocacy efforts in support of the City's Legislative Agendas.
3. To maintain liaison with the East Tennessee Economic Council, the Chamber of Commerce, and other local organizations engaged in activities for the benefit of the City.
4. To work toward the enhancement of communications with the Oak Ridge Board of Education and the School Administration with a goal of working together for the benefit of the community as a whole.
5. To work toward the enhancement of communications within the surrounding region, particularly with the Anderson and Roane County Commissions and the County Mayors, with a goal of working together for the benefit of this region as a whole.
6. To foster active participation in the Energy Communities Alliance.

7. To encourage and support, as appropriate, Mutual Aid Agreements, Memorandums of Understanding and Memorandums of Cooperation with other governmental entities and agencies to maximize area resources and to create a spirit of cooperation at all levels.

BE IT FURTHER RESOLVED that the City Manager shall provide staff support for the Intergovernmental Relations Special Committee.

BE IT FURTHER RESOLVED that this Special Committee shall continue to exist until August 31, 2009 unless extended or dissolved prior to that time by action of City Council.

BE IT FURTHER RESOLVED that any resolution heretofore adopted by City Council in conflict with this resolution is hereby rescinded.

This the 19th day of November 2007.

APPROVED AS TO FORM AND LEGALITY:

/s/ Kenneth R. Krushenski
City Attorney

/s/ Thomas L. Beehan
Mayor

/s/ Jacquelyn J. Bernard, City Clerk
City Clerk

RESOLUTION

WHEREAS, on November 19, 2007, City Council adopted Resolution 11-108-07 creating the Intergovernmental Relations Special Committee whose mission was to assist City Council in matters relating to intergovernmental agreements and contracts, cooperative actions, etc.; and

WHEREAS, the City Manager desires to conduct an examination of the City's policies and procedures as they related to such matters, with said examination to include review of the need for a committee of Council to function as currently provided in Resolution 11-108-07; and

WHEREAS, the City Manager recommends dissolution of the Intergovernmental Relations Special Committee.

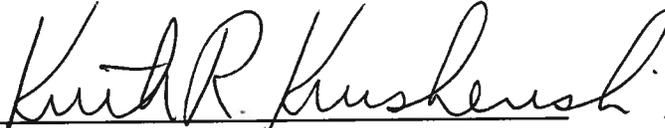
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the Intergovernmental Relations Special Committee created by Resolution 11-108-07 is hereby dissolved.

BE IT FURTHER RESOLVED that any resolution heretofore adopted by City Council in conflict with this resolution is hereby rescinded.

This the 15th day of November 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ELECTIONS

**TRAFFIC SAFETY
ADVISORY
BOARD**

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Thomas M. Jelinek

BOARD OR COMMISSION: Traffic Safety Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 1/7/02

Number of Terms Served 2 2/3

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 10

Number of Absences 0

Date Prepared 11/2/10

Attachment: Resume

12-22-01

City Clerk Jacqueline Bernard
City of Oak Ridge
Oak Ridge, TN

RECEIVED
OFFICE OF CITY CLERK

DEC 26 8 10 AM '01

Dear Ms. Bernard

I hereby apply for a position on the Traffic Safety Advisory Board for the City of Oak Ridge. A brief resume follows.

Born - June 17, 1941; New Prague, Minnesota

Education - B.S. Degree, St. John's University, Collegeville, MN - 1963
M.S. Degree (Physics), Vanderbilt University, 1965

Work History - Joined the Atomic Energy Commission in 1965 and retired from Department of Energy in 1996. For the first third of that period I work in the Health & Safety field starting as a health physicist and ending as the Chief of the Nuclear Safety Branch. I worked as a Development Engineer in the Gas Centrifuge Uranium Enrichment Program and then finished my government career as Director of the Research and Development Division overseeing work being conducted at the Oak Ridge National Laboratory.

Personal - Resides at 103 Norway Lane, Oak Ridge since 1971
Married; two children; four grandchildren
Member of St. Marys Church
Past president of St. Marys School Board
Past Grand Knight of Knights of Columbus Council 3175
Active member and volunteer for the Oak Ridge Institute of Continued Learning.

References can be provided on request.

Thank you for the opportunity to give back to the City of Oak Ridge.

Sincerely
Thomas M. Jelinek
THOMAS M. JELINEK
103 NORWAY LN
OAK RIDGE, TN 37830

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Phil Wallace

BOARD OR COMMISSION: Traffic Safety Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 11/19/07

Number of Terms Served 1

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 9

Number of Absences 0

Date Prepared 11/2/10

Attachment: Resume

Phil Wallace

**101 Capital Circle
Oak Ridge, TN 37830**

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OFFICE OF THE CITY CLERK

Oak Ridge Associated Universities 1984–present

Oak Ridge
Manager, Information Technology,
Center for Epidemiologic Research

- Successfully directing and managing the IT effort on the NIOSH Dose Reconstruction project. Includes:
 - Meeting needs and goals of NIOSH's Office of Compensation Analysis and Support (OCAS)
 - Meeting the needs of the Advisory Board on Radiation Worker Health (ABRWH) and Sanford Cohen & Associates (auditing contractor)
 - Supporting project staff dispersed across the country
 - Ensuring data integrity and security
 - Integration across all tasks in the project
 - Ensuring compliance with cybersecurity requirements, HIIPA, and protection of "personally identifiable information"
- Hands-on experience supporting epidemiologic studies through software development and data manipulation
- Directing and overseeing work of programmer/analysts
- Maintaining validity and integrity of data on over 400,000 DOE workers
- Creating tables containing over 4,000,000 dosimetry records, ensuring quality for use in health studies

Lockheed Missiles and Spacecraft Corporation 1983–1984

Oak Ridge
Manager, Space Telescope Management Information System Project

- Directed computer science efforts on project for building NASA Hubbel Space Telescope

Systems Development Corporation 1980–1983

Oak Ridge
Manager, Computer Systems

- Directed programming efforts on project management for DOE's Gas Centrifuge Enrichment project

Union Carbide Corporation, Nuclear Division 1978–1980

Oak Ridge Gaseous Diffusion Plant
Programmer/Analyst

- Responsible for software that tracked nuclear material shipments across DOE and NRC facilities

Burroughs Corporation 1975–1978

Knoxville
Programmer/Analyst and Software/Technical Representative

- Provided technical assistance to sales force

Education

- M.B.A., Management, University of Tennessee, 1975
- B.S., Industrial Management, University of Tennessee, 1974
- Graduate – Oak Ridge High School, 1970

Past City Service

2007 – Elected by City Council to Charter Review Committee

2001 - Elected by City Council to Traffic Safety Advisory Board

Publications

Wallace PW. Project management using information systems. Presented at the American Society for Engineering Management 4th Annual Meeting, October 1983.

Dupree EA, J Watkins, JN Ingle, P Wallace, and C West. Risk of lung cancer among uranium processing workers. *American Journal of Epidemiology*, 138:640 (abstract).

Groer PG, CA Pereira, and PW Wallace. 1989. Weight of evidence analysis of lung cancer in Colorado Plateau uranium miners. In: *Proceedings of the 14th L. H. Gray Conference on Low Dose Radiation: Biological Bases of Risk Assessment*.

Payne D, J Reagan, and P Wallace. Data Modeling of Scientific Data. In: *Proceedings of the 1991 International Oracle Users Group Conference*.

Fry SA, EA Dupree, AH Sipe, DL Seiler, and PW Wallace. 1992. A study of mortality and morbidity among persons occupationally exposed to >5 rem (>50 mSv) in a Year. Phase I: Mortality, through 1984. *Applied Occupational and Environmental Hygiene suppl.*, to be published March 1996.

Dupree EA, JP Watkins, JN Ingle, PW Wallace, CM West, and WG Tankersley. Uranium Dust Exposure and Lung Cancer Risk in Four Uranium Processing Operations. *Epidemiology*, 6:370-375, 1995.

John D. Boice, Jr., Richard W. Leggett, Elizabeth Dupree Ellis, Phillip W. Wallace, Michael Mumma, Sarah S. Cohen, A Bertrand Brill, Bandana Chadda, Bruce B. Boecker, R. Craig Yoder, and Keith F. Eckerman, *A Comprehensive Dose Reconstruction Methodology for Former Rocketdyne/Atomic International Radiation*. *Health Physics*, April 2006

**NOTICE
OF
ELECTIONS**

CITY COUNCIL MEMORANDUM

10-33

DATE: November 2, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: ELECTIONS – December 13, 2010

The following elections are scheduled for the December 13, 2010 City Council meeting:

Highland View Redevelopment Advisory Board

One (1) seat remains vacant on the Highland View Redevelopment Advisory Board. This seat is designated for either a social services representative or a realtor; however, if no individual meeting these criteria apply, the Council may appoint a person who does not possess such qualifications. As of this date, there are no candidates. The term of office is three years.

Board of Plumbing Examiners

One (1) seat remains vacant on the Board of Plumbing Examiners. There are no special qualifications for this seat and as of this date, there are no candidates. This unexpired term of office will end on March 10, 2012.

Traffic Safety Advisory Board

On May 31, 2010, the seat designated for an Oak Ridge High School student became vacant on the Traffic Safety Advisory Board, and on November 29, 2010 one (1) regular seat will become vacant. In the event Council does not elect the two candidates – Thomas Jelinek and Phil Wallace – at the November 15, 2010 meeting for the remaining regular seats that will become vacant on November 29, 2010, two (2) other regular seats will become vacant as well. As of this date, there are no candidates for the student seat or the remaining regular seat. The term of office is one year for the student and three years for the regular seat.

Environmental Quality Advisory Board

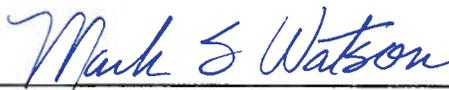
There is one (1) vacant seat on the Environmental Quality Advisory Board due to the resignation of Joseph G. Wood, Jr. There are no special qualifications for this seat and as of this date, there is one candidate. This unexpired term of office will end on September 29, 2012.

Oak Ridge Beer Permit Board

On January 3, 2011, there will be two (2) vacant seats on the Oak Ridge Beer Permit Board. Candidates must be at least twenty-two (22) years of age and must reside in Oak Ridge for at least two (2) years immediately preceding their election. As of this date, there are no candidates; however, letters will be sent to the incumbent members to determine if they wish to serve again. The term of office for both seats is three years.

Deadline for Filing

The deadline for filing is 5:00 p.m. on Tuesday, November 30, 2010.



Mark S. Watson