

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

December 13, 2010 – 7:00 p.m.

AGENDA

1. **INVOCATION**

Oak Ridge Police Department Chaplain Myra Mansfield

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPEARANCE OF CITIZENS**

5. **APPROVAL OF AGENDA**

6. **RECOGNITION OF VISITORS**

Dr. Ken Luckman, Secretary of the Oak Ridge Sister City Support Organization (SCSO), has requested time to introduce five Russian delegates visiting Oak Ridge in connection with SCSO's Open World Grant Program.

Dr. Peggy Bertrand, Oak Ridge High School Teacher, will be present to comment on the Lemelson-MIT based high school invention education initiative – InvenTeams™

7. **PROCLAMATIONS AND COURTESY RESOLUTIONS**

A resolution recognizing Jim Hackworth's distinguished service to this community as Thirty-Third District Representative in the Tennessee General Assembly for the past eight (8) years.

8. **PUBLIC HEARING**

9. **CONSENT AGENDA**

- a. Approval of the Minutes of the November 15, 2010 City Council regular meeting.
- b. Adoption of a resolution establishing the schedule of meetings of the Oak Ridge City Council during calendar year 2011 and providing that regular meetings shall be held on the second Monday of each month at 7:00 p.m. in the Municipal Building Courtroom, except during the month of March when the meeting shall be held on the first Monday.
- c. Adoption of a resolution supporting the submittal of a grant application by the Industrial Development Board of the City of Oak Ridge (IDB) to the State of Tennessee Department of Economic and Community Development for assistance in sewer improvements at Horizon Center Business Park under the provisions of the FastTrack Infrastructure Development Program; said grant requiring a twenty-six percent (26%) local match by the IDB.
- d. Adoption of a resolution authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Pamla Ann Morton, the City Council having made investigation into the general character of Ms. Morton and from such investigation her character is found to be good.

- e. Adoption of a resolution authorizing the City to enter an agreement with the Tennessee Valley Authority to amend the *energy right*® agreement to include the In-Home Energy Evaluation Pilot Program.
- f. Adoption of a resolution accepting the proposal of The Mercer Group, Inc., Atlanta, Georgia, to conduct a Police Chief search for the City of Oak Ridge, and authorizing the City Manager to enter into a contract with The Mercer Group, Inc., for services and expenses associated with this search.

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
- b. Adoption of Ordinances (Second Reading)

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.

13. **RESOLUTIONS**

a. **General Resolutions**

A resolution adopting a property tax freeze program for the City in accordance with Tennessee Code Annotated §67-5-705 and the applicable rules developed by the State Board of Equalization.

A resolution adopting EQAB's Climate Action Plan as a guideline for present and future capital projects.

A resolution granting an access to East Tulsa Road from Anderson County Tax Map 99M Group A Parcel 20.00, said access being located approximately 165 feet west of the East Tulsa Road/Wilberforce Avenue intersection.

b. **Bids and Contracts**

14. **ELECTIONS**

Election of two (2) members to the serve on the Oak Ridge Beer Permit Board for three years commencing on January 3, 2011.

Election of one (1) member to serve on the Environmental Quality Advisory Board for the remainder of a vacant term expiring on September 29, 2012.

Notice of Elections

Six (6) elections are scheduled for the January 10, 2011 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
- Two (2) members to the Oak Ridge Municipal Planning Commission

The deadline for filing is 5:00 p.m. on Tuesday, December 28, 2010.

15. **COMMUNICATIONS**

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

**RECOGNITION
OF
VISITORS**

CITY COUNCIL MEMORANDUM
10-41

DATE: December 2, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: RECOGNITION OF VISITORS

Dr. Ken Luckman, Secretary of the Oak Ridge Sister City Support Organization (SCSO), has requested time on the agenda to introduce five Russian delegates visiting Oak Ridge in connection with SCSO's Open World Grant Program.



Mark S. Watson

CITY COUNCIL MEMORANDUM
10-42

DATE: December 2, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: RECOGNITION OF VISITORS

Dr. Peggy Bertrand, Oak Ridge High School Teacher, will be present at Monday night's Council meeting to comment on the Lemelson-MIT based high school invention education initiative—InvenTeams. Dr. Bertrand and students, Matt Lloyd, Sam Snodgrass and Sonja Soloman, recently visited the White House to participate in a science fair and present their work to President Obama.


Mark S. Watson

**PROCLAMATIONS
AND COURTESY
RESOLUTIONS**

CITY COUNCIL MEMORANDUM
10-37

DATE: December 2, 2010

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: RESOLUTION IN TRIBUTE TO JIM HACKWORTH

The attached resolution is in tribute to former State Representative Jim Hackworth, who has completed his term in the Tennessee General Assembly. Mr. Hackworth has been invited to attend the December 13, 2010 City Council meeting. It is planned to present him with this resolution, along with a gift, in appreciation for his service to the Thirty-Third Representative District in the General Assembly, which includes the City of Oak Ridge.



Mark S. Watson

Attachment

CITY OF OAK RIDGE, TENNESSEE

RESOLUTION NUMBER 12-109-10

WHEREAS, Jim Hackworth has served the Thirty Third Representative District in the General Assembly of the State of Tennessee, which includes the City of Oak Ridge, for 8 years; and

WHEREAS, he was first elected to the General Assembly in 2002, began his service in January 2003, and completed his term in office in November 2010; and

WHEREAS, he has shown leadership in critical areas such as business and commerce, consumer affairs, education, energy and environment, housing, job creation, public safety, and transportation; and

WHEREAS, of particular note is his leadership on issues affecting Oak Ridge such as funding for State Route 95/58, widening of Edgemoor Road, funding for utility relocation on state projects, uniformity of reappraisals for federal facilities, and full funding for the Basic Education Program; and

WHEREAS, because of his expertise with the federal facilities in Oak Ridge, Representative he was appointed to represent the Tennessee General Assembly on the National Conference of State Legislatures Environmental Management Legislative Roundtable and the High Level Waste Working Group; and

WHEREAS, his accomplishments in office are too numerous to mention; suffice it to say that his record is one of working diligently with his fellow members of the General Assembly and his constituents throughout the Thirty Third District to address complex challenges at both the local and state levels; and

WHEREAS, he exercised his political leadership wisely and in so doing has earned the respect and gratitude of those who worked with him throughout the Thirty Third District; and his outstanding representation of this District, including the City of Oak Ridge, will be long remembered; and

WHEREAS, his strong support and visionary leadership has helped position Oak Ridge for much success in the future.

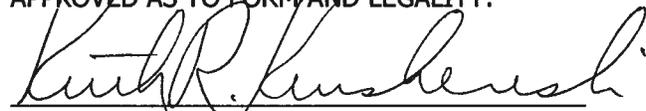
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That in recognition of his distinguished service to this community, this region, this state, and to our great nation, the Oak Ridge City Council pays tribute to former Representative Jim Hackworth and accords him an honored place in the history of this city.

BE IT FURTHER RESOLVED that this resolution shall be affixed with the Great Seal of the City of Oak Ridge, Tennessee, and presented to former Representative Hackworth as a token of this Council's esteem and on behalf of all citizens of the City of Oak Ridge.

This the 13th day of December 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

CONSENT AGENDA

CITY COUNCIL MEMORANDUM
10-39

DATE: December 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 December 13, 2010 Council meeting.

Approval of Minutes

Approval of the Minutes of the November 15, 2010 City Council regular meeting.

Resolution – General

Adoption of a resolution establishing the schedule of meetings of the Oak Ridge City Council during calendar year 2011 and providing that regular meetings shall be held on the second Monday of each month except during the month of March when it shall be held on the first Monday.

Adoption of a resolution supporting the submittal of a grant application by the Industrial Development Board of the City of Oak Ridge (IDB) to the State of Tennessee Department of Economic and Community Development for assistance in sewer improvements at Horizon Center Business Park under the provisions of the FastTrack Infrastructure Development Program; said grant requiring a twenty-six percent (26%) local match by the IDB.

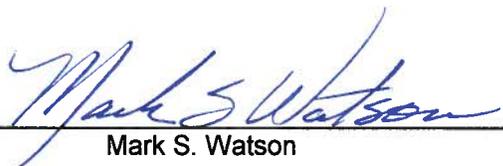
Adoption of a resolution authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Pamla Ann Morton, the City Council having made investigation into the general character of Ms. Morton and from such investigation her character is found to be good.

Resolutions – Bids and Contracts

Adoption of a resolution authorizing the City to enter an agreement with the Tennessee Valley Authority to amend the *energy right*® agreement to include the In-Home Energy Evaluation Pilot Program.

Adoption of a resolution accepting the proposal of The Mercer Group, Inc., Atlanta, Georgia, to conduct a Police Chief search for the City of Oak Ridge, and authorizing the City Manager to enter into a contract with The Mercer Group, Inc., for services and expenses associated with this search.

The documentation for these items follows this memorandum.


Mark S. Watson

MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

November 15, 2010

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on November 15, 2010 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by the Reverend Brian Scott of Robertsville Baptist Church.

PLEDGE OF ALLEGIANCE

Kay Williamson, 420 Jefferson Avenue, 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; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins, Deputy City Manager; and Sandy Sexton, Administrative Assistant to the City Clerk.

APPEARANCE OF CITIZENS

Ms. Lynda Lewis, 430 Villanova Road, spoke about the Spurgeon Chapel Community Support and Research Group and the Group's interest in problems existing in the community. Ms. Lewis spoke in favor of a human relations council or committee that existed in the 1960s or 1970s. Ms. Lewis also stated the Group had contacted the Department of Justice community relations services, which provides mediation when local problems arise, and the Department is willing to meet with the Group and others; such as, City Council and administration.

Fred Stout, 161 S. Purdue Avenue, spoke in support of additional study for the waterfront project and voiced his concerns regarding potential impact of alcohol being served at a venue where NCAA and other youth rowing events are held.

Leon May, 1721 Huntwood Lane, Knoxville, Tennessee, spoke on behalf of the Anderson County Remote Area Medical in which he advised that the Remote Area Medical organization will hold an "expedition" on April 30, 2011 and May 1, 2011 at the First Baptist Church in Clinton, Tennessee.

Kay Williamson, 420 Jefferson Avenue, spoke about traffic and debris in her neighborhood. Ms. Williamson also requested monthly debris and junk pickup in addition to leaf pickup. Ms. Williamson also spoke about red light/speed traffic enforcement camera funds being used for speed bumps.

Joseph Lee, 99 East Pasadena Road, spoke in support of mini nuclear reactors he heard might be locating on the old Breeder site and urged the City to support this effort. Mr. Lee also stated he has noticed traffic slowing down throughout the city and appreciates City Council's efforts in traffic safety through the use of red light/speed traffic enforcement cameras.

APPROVAL OF AGENDA

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

The Mayor reported that subsequent to the distribution of the agenda for this meeting a request was received from the Oak Ridge Unitarian Universalist Church for a proclamation designating December 30, 2010 as “Oak Ridge Unitarian Universalist Church Recognition Day.” He recommended its addition to the agenda under Proclamations and Courtesy Resolutions.

Councilman Hensley moved that the agenda be so amended. 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 agenda was approved, as amended, by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

RECOGNITION OF VISITORS

Councilman Hensley moved, seconded by Councilwoman Miller, to hear the Oak Ridge Heritage Railroad Authority's annual report and the motion carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

Oak Ridge Heritage Railroad Authority

Mr. Gordon Fee, Chair of the Oak Ridge Heritage Railroad Authority, gave the board's Annual Report for 2010.

Councilman Hensley moved that the report be received for the record. 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.”

PROCLAMATIONS AND COURTESY RESOLUTIONS

A proclamation designating November 19, 2010 as “St. Mary's School Day” in honor of St. Mary's School's recognition as a National Blue Ribbon School.

Councilwoman Miller moved that the proclamation be adopted. The motion was seconded by Councilman Hensley 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 Anne Garrett, Vice Principal of St. Mary's School.

A proclamation designating December 30, 2010 as “Oak Ridge Unitarian Universalist Church Recognition Day” in honor of the 60th anniversary of the founding of the Oak Ridge Unitarian Universalist Church.

Councilwoman Smith moved that the proclamation be adopted. The motion was seconded by Councilman Hensley 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 the founding members, Mr. and Mrs. Bob Stone and Mr. and Mrs. Hank McKown.

PUBLIC HEARING

A public hearing was held on the following:

1. 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.

There were no citizen comments with reference to this proposed amendment of the Zoning Ordinance.

2. 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.

There were no citizen comments with reference to this proposed amendment of the Zoning Ordinance.

3. 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.

There were no citizen comments with reference to this proposed amendment of the Zoning Ordinance.

CONSENT AGENDA

Councilman Hensley moved that the Consent Agenda be approved as presented. The motion was seconded by Councilman Hayes and was adopted, thereby:

- Approving the Minutes of the October 11-12, 2010 City Council meeting;
- Approving the Minutes of the October 25, 2010 City Council meeting;
- Adopting **Resolution No. 11-105-10** 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;
- Confirming the appointment of Councilman Tom Hayes (Chair), Councilman David Mosby, and Councilwoman Ellen Smith to the City Manager Evaluation Committee; and

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

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

SPECIAL REPORTS

America Recycles Day

Councilwoman Smith spoke "America Recycles Day" held at the Oak Ridge Wal-Mart on Saturday, November 13, 2010, where Keep Anderson County Beautiful and Anderson County Solid Waste were collecting fluorescent light bulbs, batteries, and cell phones for recycling. Councilwoman Smith stated this was a worthwhile event.

Oak Ridge Police Department's Operation Medicine Cabinet

Councilwoman Smith spoke about "Operation Medicine Cabinet" conducted by the Oak Ridge Police Department on Saturday, November 13, 2010, where residents could drop off any old and/or expired drugs no questions asked. Councilwoman Smith stated this was a worthwhile event.

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, 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.

Councilman Hayes moved that the ordinance be approved on first reading. The motion was seconded by Councilman Hensley 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."

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.

Councilwoman Miller moved that the ordinance be approved on first reading. The motion was seconded by Councilwoman Smith. After brief deliberation, Councilman Hensley moved, seconded by Councilwoman Smith, to amend the ordinance to delete the phrase "no less than four (4) parking spaces"

in the first sentence of §11.03(f)(5)(a) and replace it with the phrase “four (4) parking spaces or less,” and the motion carried unanimously by voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

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

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.

Councilwoman Miller moved that the ordinance be approved on first reading. The motion was seconded by Councilman Hayes 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.”

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 approved on first reading. The motion was seconded by Councilwoman Miller.

Councilwoman Smith stated that it is her understanding that the City will be required to conduct a traffic study in order to implement enforceable speed limits that vary from the TDOT-recommended design speeds.

The ordinance was deliberated at length with the City Manager and the City Attorney responding to the Council’s questions and comments. The City Manager stated staff plans to conduct a traffic study on this roadway, with an estimated completion date of February 2011.

The ordinance was approved on first reading by electronic vote with Council members Hayes, Miller, Mosby, Smith and Mayor Beehan voting “Aye” and Council members Garcia Garland and Hensley voting “Nay.”

Adoption of Ordinances (Second Reading)

Ordinance No. 16-10

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 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 Miller 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, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Ordinance No. 17-10

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.

Councilman Hayes moved that the ordinance 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."

RESOLUTIONS

General Resolutions

Resolution No. 11-106-10

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.

Councilman Hensley moved that the resolution 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, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

During deliberation, Councilwoman Smith and Councilwoman Garcia Garland spoke on the local return on investment for the Secret City Festival. Additionally, they urged that a greater level of accounting was needed to help in this determination.

Resolution No. 11-107-10

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

Councilman Hayes moved that the resolution 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, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 11-108-10

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

Councilwoman Smith moved that the resolution 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, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Bids and Contracts – None

ELECTIONS

Traffic Safety Advisory Board

Councilwoman Smith moved that Mr. Thomas M. Jelinek and Mr. Phil Wallace be elected by acclamation to serve on the Traffic Safety Advisory Board for three-year terms of office commencing on November 29, 2010. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." There were no other candidates.

Notice of Elections

Mayor Beehan announced that 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.

COMMUNICATIONS – None

CITY MANAGER'S REPORT – None

CITY ATTORNEY'S REPORT – None

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

On behalf of the City Clerk's Office

APPROVED BY CITY COUNCIL
December 13, 2010

Mayor

CITY COUNCIL MEMORANDUM
10-38

DATE: December 2, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SCHEDULE FOR CALENDAR YEAR 2011 COUNCIL MEETINGS

The attached resolution will adopt the schedule of City Council meetings for calendar year 2011.

Article II, Section 1, of the Oak Ridge City Charter requires the Council to hold regular meetings at least once monthly. Therefore, it is recommended that this once-monthly schedule be repeated in 2011 for regular meetings of the Council, with the practice of holding the meeting on the second Monday of each month to be continued.

Attached is the proposed City Council Meeting Schedule for 2011. It contains the dates recommended for regularly scheduled meetings, the proposed FY 2012 budget schedule, and the dates of major conferences. The schedule provides for regular meetings on the second Monday of each month and the work sessions on the fourth Monday with no planned work session for the months of May and December. It is recommended that the Agenda Review meetings be discontinued and any items that would be discussed at an Agenda Review meeting would be included in the Work Session meetings.

While changes in the regular meeting schedule, once adopted, can only be accomplished by resolution, the work sessions can be rescheduled or canceled at will (either the City Manager's or the Council's). Furthermore, the City Manager, the Mayor or any two members of the Council may call a special meeting on 24 hours' notice if such an action is indicated, and other topic-specific workshops may be scheduled as desired. For example, if a budget work session is needed, it can be easily added. The adoption of this schedule at this time simply allows the Council, the staff, and the public to plan their schedules accordingly.

Adoption of the attached resolution is recommended.



Mark S. Watson

Attachments

RESOLUTION

WHEREAS, Article II, Section 1, of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall hold regular meetings in Oak Ridge at least once monthly, and that increased frequency, time of day, and place of its meetings shall be established by resolution; and

WHEREAS, City Council meetings have traditionally been held in the Municipal Building Courtroom at 7:00 p.m.; and

WHEREAS, the City Manager has prepared a proposed schedule for calendar year 2011 which reflects the dates recommended for regularly scheduled meetings of City Council.

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

That regular meetings of City Council during calendar year 2011 shall be held on the second Monday of each month beginning at 7:00 p.m. in the Municipal Building Courtroom, except during the month of March when the meeting shall be held on the first Monday, as set forth on the attached schedule.

BE IT FURTHER RESOLVED that in the event it becomes necessary or desirable to change the schedule of regular meetings or the time of day or place of such meetings during calendar year 2011, a resolution shall be adopted to accomplish such changes.

BE IT FURTHER RESOLVED that other meetings at which no formal action can be taken by City Council shall be held as indicated on the attached schedule, but may be canceled or rescheduled as needed or desired by City Council or the City Manager.

This the 13th day of December 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

2011 City Council Meeting Schedule

City of Oak Ridge

JANUARY							FEBRUARY							MARCH							APRIL						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1				1	2	3	4	5														
2	3	4	5	6	7	8	6	7	8	9	10	11	12	6							3	4	5	6	7	8	9
9	10	11	12	13	14	15	13	15	16	17	18	19	13	14	15	16	17	18	19	10							
16	17	18	19	20	21	22	20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28						27	28	29	30	31	24	25							
30	31																										

MAY							JUNE							JULY							AUGUST								
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7								
15	16	17	18	19	20	21	12	14	15	16	17	18	10							14	15	16	17	18	19	20			
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22							
29	30	31					26	27	28	29	30	24	25	26	27	28	29	30	28	29	30	31							

SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER									
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S			
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7						4	5	6	7	8	9	10			
11							9							13							11									
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24			
25	26	27	28	29	30	23	24	25	26	27	28	29	27	28	29	30	25	26	27	28	29	30	31							

BUDGET SCHEDULE

- May 9
Regular meeting including Formal Budget Presentation (City and Schools)
- May 16
Public Hearing on Budget and Special Meeting for First Reading of the Appropriations Ordinance

- May 23
Regular Meeting and Second Reading of Appropriations Ordinance

CONFERENCES

- February 17-18
ECA 2011 Annual Conference, Washington, D.C.
- March 12-16
NLC Congressional-City Conference, Washington, D.C.
- June 12-14
TML Annual Conference, Murfreesboro, TN
- November 8-12
NLC Congress of Cities & Exposition, Phoenix, Arizona

Regular Meeting
 Work Session
 Special Meeting
 Conference

ECONOMIC DEVELOPMENT MEMORANDUM
10-02

DATE: November 29, 2010

TO: Mark S. Watson, City Manager

FROM: Susan Fallon, Contracts/Grants Coordinator

**SUBJECT: Support of the Industrial Development Board Application
FastTrack Infrastructure Development Program (FIDP) Grant**

The accompanying resolution supports the application and acceptance of FastTrack Infrastructure Development Program (FIDP) grant funds by the Industrial Development Board of the City of Oak Ridge (IDB) for sewer improvements located at Horizon Center Business Park, to be provided by the State of Tennessee, Department of Economic and Community Development (ECD).

The grant funds will assist with the cost of extending the sewer and construction of a sewer lift station for the north and eastern parcels of Horizon Center Business Park, as indicated on the attached drawing. The total project costs are estimated to be \$416,691.00, with ECD providing 74% of the funds of \$308,351.00, per the attached letter, and the IDB providing the 26% matching funds of \$108,340.00. The grant application was discussed by the IDB during their special called meeting on November 19, 2010. Included on the December 6, 2010, IDB meeting agenda will be a resolution for the board to approve the application and acceptance of the FIDP grant funds.

As the applicant, the grant funds will be awarded to the IDB. City staff will provide assistance with execution of the engineering agreement to design the project, the bid process for the construction of the project and execution of the construction contract. Consistent with City development practices, the Public Works Department will be responsible for the review and approval of engineering plans and specifications, as well as the inspection of the sewer construction. Upon completion, the new infrastructure will be dedicated to and accepted by the City of Oak Ridge.

The East Tennessee Development District (ETDD) is preparing the grant application and will provide administrative oversight for the IDB. Staff recommends approval of the attached resolution as submitted.



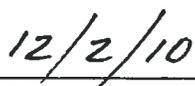
Susan Fallon

City Manager's Comments:

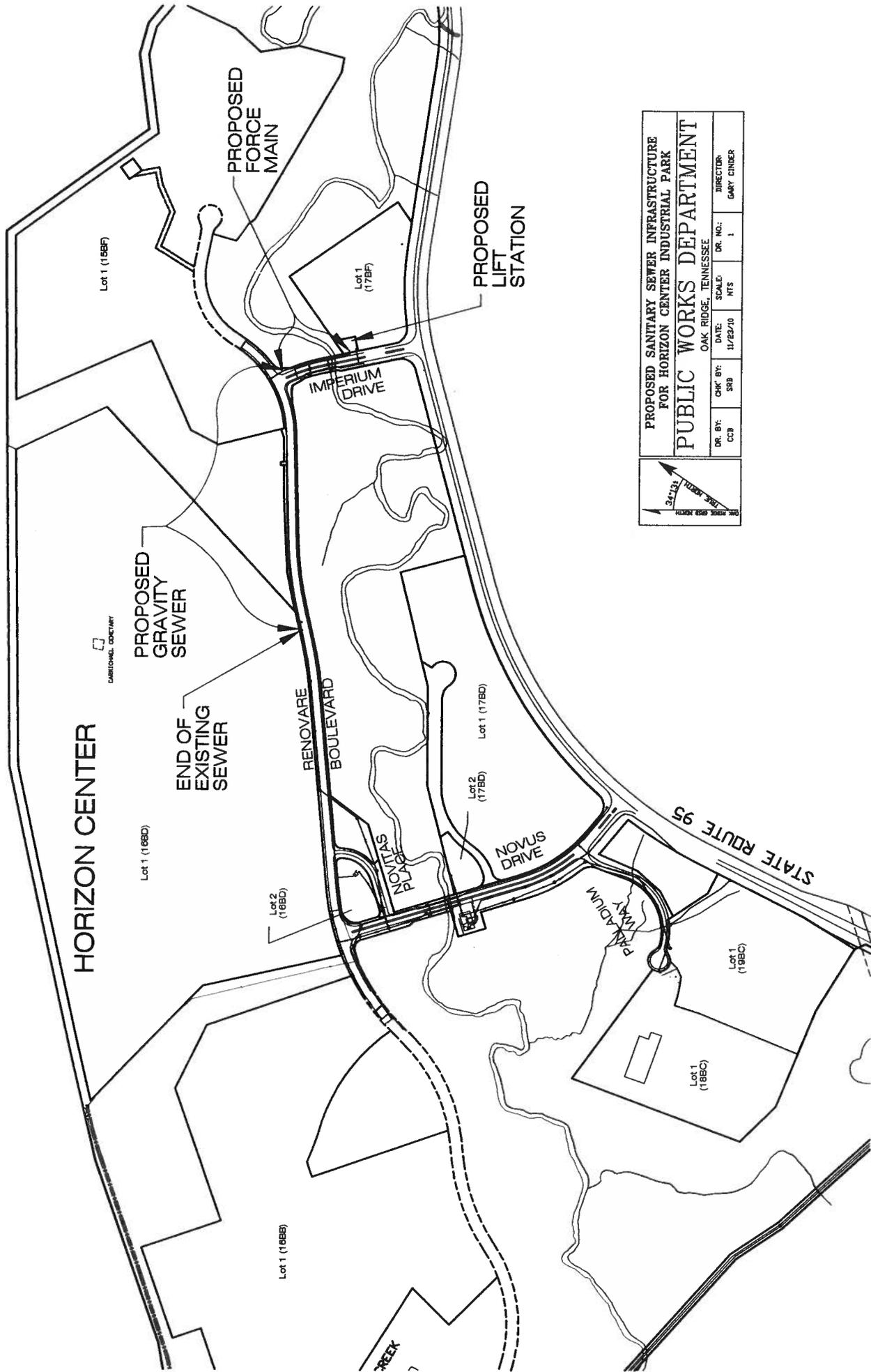
I have reviewed the above issue and recommend council action as outlined in this document.



Mark S. Watson, City Manager



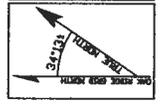
Date



PROPOSED SANITARY SEWER INFRASTRUCTURE FOR HORIZON CENTER INDUSTRIAL PARK
PUBLIC WORKS DEPARTMENT

DR. BY:	CHK' BY:	DATE:	SCALE:	DR. NO.:	DIRECTOR:
CCB	SRB	11/22/10	MTS	1	GARY CINDER

OAK RIDGE, TENNESSEE





STATE OF TENNESSEE
ECONOMIC & COMMUNITY DEVELOPMENT

OFFICE OF THE COMMISSIONER

November 8, 2010

Mr. Rick Ferguson
Vice President
Restoration Services, Inc.
Highway 58 and Flannigan's Loop Road
Oak Ridge, TN 37830

Dear Mr. Ferguson:

The Tennessee Department of Economic & Community Development is excited to learn of Restoration Services, Inc.'s expansion in Oak Ridge, Tennessee. We appreciate you providing us projections on the capital investment and job creation associated with this expansion, and we are pleased to provide information on our infrastructure programs that will be available through the State of Tennessee. The expansion of your operations in Tennessee will be of tremendous benefit to our state, and we are anxious to assist you with this project.

Our FastTrack Infrastructure Development Program is based on the job creation and capital investment estimates that are provided to our department. We understand that the company plans to expand its operations generating a capital investment of \$4,500,000 and 110 new full-time jobs.

The Tennessee FastTrack Infrastructure Development Program provides funding to communities to assist in providing the public infrastructure to support industrial expansions and relocations. ECD will work with local officials to identify and support eligible infrastructure improvements for this project. The FastTrack Infrastructure Development Program will commit up to \$308,351 for the sewer line extension needs.

Value of FastTrack Infrastructure:

\$308,351

I want to again express our appreciation for the opportunity to submit information for this project. As you consider this information, please feel free to contact my office or project leader, Paul LaGrange, if we can be of any assistance.

Sincerely,

Matthew Kisber
Commissioner

MK/pl

RESOLUTION

WHEREAS, the City of Oak Ridge is vitally interested in the economic welfare of its citizens and wishes to provide the necessary leadership to enhance capabilities for growth and development; and

WHEREAS, the provision of jobs to area citizens by local industry is both necessary and vital to the economic well-being of the City; and

WHEREAS, the Tennessee Department of Economic and Community Development's FastTrack Infrastructure Development Program has grant funds available for infrastructure improvements; and

WHEREAS, the Industrial Development Board of the City of Oak Ridge (IDB) is eligible to receive grant funds for sewer improvements at Horizon Center Business Park; and

WHEREAS, said funding will require a local match of twenty-six percent (26%) by the IDB; and

WHEREAS, the City Manager recommends support of the IDB's submittal of a grant application and acceptance of said funding upon approval by the State.

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

That the recommendation of the City Manager is approved and the City hereby supports submittal of a grant application by Industrial Development Board of the City of Oak Ridge (IDB) to the State of Tennessee Department of Economic and Community Development for assistance in sewer improvements at Horizon Center Business Park under the provisions of the FastTrack Infrastructure Development Program; said grant requiring a twenty-six percent (26%) local match by the IDB.

BE IT FURTHER RESOLVED that if said application is approved by the State of Tennessee, Department of Economic and Community Development, the City supports the IDB's acceptance of said funding.

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

This the 13th day of December 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

LEGAL MEMORANDUM
10-52

DATE: November 30, 2010

TO: Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: CERTIFICATE OF GOOD MORAL CHARACTER –
PAMLA ANN MORTON

The accompanying resolution is presented for City Council's consideration. State statute requires that as a condition for any club seeking a license to sell alcoholic beverages for consumption on the premises, the person in the actual charge of the sale of alcoholic beverages shall submit to the State a certificate stating that he is of good moral character.

A request for a Certificate of Good Moral Character for Pamla Ann Morton, Oak Ridge Moose Lodge #1316, has been submitted and a notice has been published in The Oak Ridger advising that consideration of the issuance of a certificate would be made at the December 13, 2010, Council meeting. A police background check on this individual has been conducted and previously provided to the Council.



Kenneth R. Krushenski

Attachment

NUMBER _____

RESOLUTION

WHEREAS, Tennessee Code Annotated, Section 57-4-201(c)(2), requires that as a condition for obtaining a license to sell alcoholic beverages for consumption on the premises that a club obtain a Certificate of Good Moral Character for the person who will be responsible for the operation of the establishment, and

WHEREAS, Pamla Ann Morton, on behalf of the Oak Ridge Moose Lodge #1316, has made application to the City of Oak Ridge for such Certificate of Good Moral Character.

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

That the Mayor is hereby authorized to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Pamla Ann Morton, the City Council having made an investigation of the general character of Ms. Morton and from such investigation her character is found to be good.

This the 13th day of December 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**ELECTRIC DEPARTMENT MEMORANDUM
10-34**

DATE: December 1, 2010
To: Mark Watson, City Manager
From: Jack L. Suggs, Electrical Director
SUBJECT: ENERGY RIGHT IN-HOME EVALUATION PILOT AGREEMENT

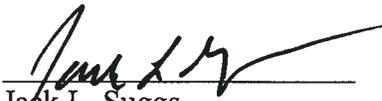
The attached resolution approves participation in the Energy Right In-Home Energy Evaluation Pilot Program (IHEE) by the City effective January 1, 2011.

On September 14, 2009, the Council approved resolution number 9-87-09 which allowed the City to participate in the IHEE Pilot Program that was available at that time. Under the program, homeowners of single-family homes could pay \$150.00 to have a TVA contractor perform an extensive evaluation of their home's energy efficiency.

If the homeowner made suggested energy related improvements to the home, TVA would reimburse them for 50% of the cost of the improvements, up to \$500, in accordance with a specific schedule. Other requirements included inspection of all recommended improvements.

The approved program expires at the end of the calendar year. The attached resolution approves an essentially similar program that begins on January 1, 2011 and continues until September 30, 2011, in essence extending the other program.

Staff recommends approval of the attached resolution.



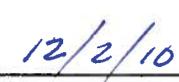
Jack L. Suggs
Electric Director

City Manager's Comments:

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



Mark Watson



Date

RESOLUTION

WHEREAS, by Resolution 5-55-02, City Council approved an agreement between the City and the Tennessee Valley Authority (TVA) for the *energy right*® Program; and

WHEREAS, the City participates in the *energy right*® Program as a service to its citizens and to promote the efficient use of electric power; and

WHEREAS, by Resolution 9-87-09, City Council approved the City's participation in the In-Home Energy Evaluation Program designed to provide in-home energy audits to promote efficient utilization of energy in residential homes, which program expires on December 31, 2010; and

WHEREAS, TVA has created another program, called the *energy right*® In-Home Energy Evaluation Pilot Program (IHEE), which begins January 1, 2011 and ends on September 30, 2011; and

WHEREAS, the City desires to offer the IHEE program to its customers; and

WHEREAS, offering this program requires an amendment to the *energy right*® agreement between the City and TVA, and TVA has prepared an agreement to amend and supplement the agreement to include this program; and

WHEREAS, the City Manager recommends approval the agreement.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter an agreement with the Tennessee Valley Authority to amend the *energy right*® agreement to include the In-Home Energy Evaluation Pilot Program.

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

This the 13th day of December 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

CITY COUNCIL MEMORANDUM
10-43

DATE: December 3, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: POLICE CHIEF RECRUITMENT

With the announced retirement of Police Chief David H. Beams effective March 5, 2011, the City needs to begin recruitment for a replacement. Since this is one of the most important hires that a City Manager makes, I am asking for approval to utilize an executive search firm to get the right person for the City's team.

The City has received and reviewed three proposals from professional executive search firms who have expressed interest in assisting us with this project. The firms considered are the Executive Search Services of the International Association of Chiefs of Police, Voorhees Associates LLC, and The Mercer Group, Inc. All three firms have similar methods of helping the City find a Police Chief including position analysis, which involves extensive consultation with the City Manager, key staff members, Police Department personnel and community leaders and groups. Other steps will include preparation of a recruitment brochure, checking various data bases, advertising; reviewing and screening applications; background investigations; interviewing assistance; and negotiation of an employment agreement and follow-up. The City will of course be involved in each step of the process.

The International Association of Chiefs of Police proposal was essentially not as seriously considered because of the cost of \$24,500.00 plus expenses. While the proposals from Voorhees Associates LLC and The Mercer Group, Inc. are similar, the Voorhees Associates LLC cost estimate is \$21,400.00 plus advertising costs and travel and accommodations for candidates that are interviewed. The Mercer Group, Inc., normally charges \$16,500.00 plus out-of pocket expenses not-to-exceed \$8,000.00 for such a search, but because the firm has assisted the City in the past, they are offering a discount of \$2,500.00 on the basic fee and a discount of \$1,500.00 on the expenses making the estimated total cost \$20,500.00 plus newspaper advertising and final candidate interview expenses. The Mercer Group, Inc., will also redo the search for expenses only if the selected candidate leaves within the first two years while Voorhees Associates LLC will redo the search for the cost of expenses and announcements if the new Police Chief leaves within the first twelve months of appointment. The Mercer Group, Inc., is also familiar with Tennessee's open records law and has recently completed a search for a Public Safety Director for North Myrtle Beach, South Carolina, so they have a recent data base of possible candidates.

Contact was also made with the Municipal Technical Advisory Service. While some of the costs associated with a nationwide recruitment would be free if MTAS handled this project, recruitment is not their number one priority and rather than tapping into an existing data base of potential candidates, the City would be expected to prepare recruitment materials, accept and review all applications as well as pay for all advertising costs. MTAS is also not geared up to perform the extensive background investigations required for a Police Chief candidate.

Based on a review of the three proposals and recognizing the past familiarity with Oak Ridge and willingness to offer a discounted rate as well as the successful results of previous searches conducted for the City by The Mercer Group, Inc., I am asking to be authorized to enter into detailed negotiations with The Mercer Group, Inc. to provide search services to fill the soon to be vacant position of Police Chief at a total cost not to exceed \$25,000.00.


Mark S. Watson

Attachments

RESOLUTION

WHEREAS, after a forty-year career in law enforcement with the City of Oak Ridge, Police Chief David H. Beams has announced his retirement, effective March 5, 2011; and

WHEREAS, to begin the process of recruiting and ultimately hiring an individual to serve as Police Chief, the City Manager recommends the City engage an executive search firm to conduct a Police Chief search given the high level of public interest in the position; and

WHEREAS, the City Manager requested and received proposals from various executive search firms, with The Mercer Group, Inc., headquartered in Atlanta, Georgia, submitting the most responsive proposal; and

WHEREAS, based upon the conditions outlined in the proposal and the City's previous past successes with The Mercer Group, Inc., the City Manager recommends the City engage the services of The Mercer Group, Inc., to conduct a Police Chief search.

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

That the recommendation of the City Manager is approved and the attached proposal of The Mercer Group, Inc., Atlanta, Georgia, to conduct a Police Chief search for the City of Oak Ridge is hereby accepted.

BE IT FURTHER RESOLVED that the City Manager is authorized to enter into a contract with The Mercer Group, Inc., for the provision of said executive search services for the City of Oak Ridge, and to execute the appropriate legal instruments to accomplish the same for services and expenses associated with this search.

This the 13th day of December 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**CITY OF OAK RIDGE,
TENNESSEE**

Proposal for Executive
Search Services for
the Position of

CHIEF OF POLICE

November 30, 2010



The Mercer Group, Inc.

Consultants To Management



The Mercer Group, Inc.

Consultants To Management

551 W Cordova Road, #726

Santa Fe, New Mexico 87505

505-466-9500

FAX 505-466-1274

E-mail: jmercer@mercergroupinc.com

November 30, 2010

VIA E-MAIL: mwatson@kortn.gov

Mr. Mark Watson
City Manager
City of Oak Ridge
200 S Tulane Ave
Oak Ridge TN 37830

Dear Mr. Watson:

The Mercer Group, Inc. is most pleased to submit this proposal to assist the City of Oak Ridge to recruit nationally and to develop exceptionally well-qualified candidates for the position of Chief of Police. We are most interested in assisting the City of Oak Ridge with this critical project, and if selected to conduct the search, would have no difficulty beginning the project immediately and expediting our work to ensure a smooth process. The Mercer Group, Inc. has extensive experience in conducting police chief searches locally and nationally. Our firm conducts many police chief searches each year throughout the United States. We are especially well qualified to conduct this search for the City of Oak Ridge. We have recently conducted similar searches and have a good database of candidates and sources for this search.

The purpose for engaging the services of an executive search firm is to seek out and recruit experienced candidates and to assist the City of Oak Ridge in selecting highly qualified individuals who meet the profile and needs of the City and who might not otherwise apply. We have conducted recent searches for police chief for several communities your size. We are quite familiar with the candidate pool and the local needs.

PINPOINTING WORKABLE SOLUTIONS FROM OUR OFFICES NATIONWIDE

www.mercergroupinc.com

Mr. Mark Watson
City of Oak Ridge
Page Two
November 30, 2010

This proposal from our firm should provide you with the overview information that you need relative to our firm's qualifications to conduct an executive search for an Chief of Police for the City of Oak Ridge.

Our Approach

After reviewing written materials provided by City and meeting with you and others of your choice to determine their objectives relative to the search, we would conduct the following steps:

1. Analyze the position and draft a Position Profile/Recruitment Brochure.
2. Recruit for the position on a regional and national basis.
3. Invite potential candidates to apply who meet the criteria established by the City.
4. Review and screen applications.
5. Conduct interviews and background checks of selected candidates.
6. Recommend a list of final candidates with reports suggested questions and forms.
7. Coordinate final interviews, conduct final background checks, negotiation and follow-up.

1. Position Analysis

We will have extensive consultation with the City Manager, other key City staff and local leaders selected by them, as well as other individuals or groups (if you wish) to determine City's vision/mission, goals and objectives, the needs and issues, requirements of the job, and to obtain information about the environment within which the position functions. In addition, we will spend a considerable amount of time at the beginning of the process with the appropriate City of Oak Ridge personnel in order to determine the level of experience and training needed.

During this process, we will initiate individual interviews with the City Manager, citizen organizations, department heads and key staff, and others of your choice to identify expectations, perceptions, and concerns regarding the position.

Based on those meetings, we will prepare a draft position profile and review it with the City Manager in order to arrive at a general agreement regarding the specifications for the position. The final position profile will include information about the community, major issues to be faced, the position, and the selection criteria established.

2. Recruitment Process

Because we have recently completed similar searches, we will first review our database to determine those candidates whom we may already know and/or already have on file who may meet the City's specifications.

Although this process is valuable, we will rely most heavily on our own contacts in the chief of police field and on our own experience. In other words, through "networking", we will conduct a nation-wide professional search for the best qualified candidates and invite them to apply for the position.

We will provide the City Manager with several advertising alternatives with varying degrees of cost and their associated benefits. Based on our discussions with the City Manager, we will place ads in professional journals, in national, in-state and local newspapers, and in various minority and women's publications to encourage applicants to apply.

3. Resume Review

We will review and analyze each applicant's background and experience against the position description criteria.

We will acknowledge all resumes received and keep candidates informed of their status.

4. Candidate Screening

Criteria for the preliminary screening will be contained in the approved "Recruitment Profile/Recruitment Brochure". They may include such items as education, technical knowledge, experience, accomplishments, management style, personal traits, etc. Screening of candidates against those criteria will be based on data contained in the resumes and other data provided by the candidates and on our knowledge of the organizations in which they work. At this stage, each must meet the minimum qualifications specified in the Recruitment Profile.

We will be responsible for screening the applications received. This initial screening will be conducted by telephone and/or interactive video with the prospective candidate. We will conduct interviews with references who may know the candidate's background and expertise by telephone. Where feasible, we will also conduct personal interviews with top candidates.

Once the initial screening is completed, we will select the prospective candidates who most closely match the criteria established by the City Manager. The output of this step in the process will be a matrix display of the top candidates showing how each rates against the selection criteria established by the City Manager. This matrix will be reviewed with the City Manager in meetings and guidance will be obtained prior to proceeding. One contingency here is that the City Manager may not approve of any of the candidates. If that should occur, we would, of course, keep searching until the City's needs are clearly met.

After review by the City Manager, we will personally interview each candidate using various interview techniques. We will closely examine their experience, qualifications and achievements in view of the selection criteria and our professional expertise in evaluating the quality of such qualifications and achievements.

We also request that all candidates provide us, in writing, substantial information about their accomplishments and their management style and philosophy. This information will be verified and, at the City Manager's option, may be further tested by having the finalists complete management and leadership style inventories. We interpret these instruments for the City Manager as well.

5. Background Investigations

As part of our process in evaluating top candidates, we make detailed and extensive reference checks. In conducting these, it is our practice to speak directly to individuals who are now or have previously been in a position to evaluate the candidates' job performance.

We ask each candidate to provide us with a large number of references. We then network these references to other persons who know the candidate. In this way, we thoroughly evaluate each candidate. We have talked to as many as 23 references concerning a single finalist candidate. These references and evaluations are combined to provide frank and objective appraisals of the top candidates. We also verify past employment difficulties, if any, including any legal action filed against former employers.

As part of our evaluation process, we verify undergraduate and graduate college degrees. We arrange for credit checks, criminal checks, and, as an additional option, can arrange for psychological (or similar) testing of the candidates that may be desired. As a part of this project we can provide the results of a Teleometrics Management Style Inventory on the finalist candidates. We can also conduct a Myers-Briggs analysis of the team with the new team member for team building purposes. (These may be extra cost items.) We will recommend background investigation criteria to the City Manager who will make the final decision on the specifics of the background check.

6. Interview Process

Based on the preceding steps, a recommended list of finalists for the position of Chief of Police will be compiled. We will prepare a written summary on each finalist. The information will cover, but not be limited to, 1) present position, 2) total years experience, 3) salary requirements, 4) education, 5) previous positions held, 6) notable projects, 7) management style, 8) skills and abilities, 9) interests, and 10) professional goals.

This information will be presented to the City Manager in a detailed written format combined with the results of the background investigation and candidate screening. We will make a recommendation on a group of five (5) to seven (7) finalists. The City Manager shall make the final decision on which and how many candidates will be interviewed.

Our report will be presented in a meeting with the City Manager in which we will discuss our recommendations and provide background information, sample questions and a rating form for the interviews. We can also assist the City Manager at no extra charge in conducting targeted selection and/or simulation processes with finalists, if desired.

In particular, we will explain which, if any, of the applicants specifically meet the total criteria established by the City Manager or whether the final group simply represents the best available talent.

We will also provide the City Manager with our recommendations relative to timing, sequencing, location, setting, format, and conduct of interviews with the finalists. We will provide information about trends in employment, employment contracts and agreements, relocation expenses, perquisites, appropriate role for spouses, receptions, etc. We will arrange schedules for top candidate interviews with the City Manager and will coordinate the process.

7. Negotiation and Follow-up

We will also assist in the negotiation process relative to salary, benefits and other conditions of employment. We feel that we can be especially helpful because we have proposed a fixed fee rather than one based on a percentage of salary. One contingency here is that an agreement may not be able to be arranged. If that is the case, we will work with the City Manager to select an alternate candidate.

We will properly handle any and all media relations. Unless otherwise directed, it is our standard practice to tell all media that we are working on behalf of the City Manager and that any public statement should come directly from the City Manager. We will maintain confidentiality of candidate information, to the degree possible, under Tennessee law.

Finally, we will notify by letter all unsuccessful candidates who were not recommended for interview with the City Manager of the final decision reached. We suggest, however, that it is more proper for the City Manager to directly notify all unsuccessful candidates whom they interviewed of the final result.

Once the new Chief of Police has been on board for 30 days or so, we will conduct a session with the City Manager and with the new Chief of Police in order to establish mutual performance criteria and goals for the position. In this regard, we will work with the City Manager to define the role of the new Chief of Police within the City of Oak Ridge.

We will follow-up periodically with the City Manager and the new Chief of Police during the first year in order to make any adjustments that may be necessary.

We will keep the City Manager closely informed and involved in decisions concerning the search process at all times. We will prepare and send to the City Manager bi-weekly e-mail updates and a formal progress report at the mid-point of the search. These reports will contain a progress report on the recruitment and specific steps to be taken to meet the City Manager's deadlines and an itemization of expenses incurred-to-date and expected to be incurred during each succeeding project step.

Support from the City Manager will be needed, as follows:

- Arranging interviews with the City Manager and key City staff
- Providing budget, organization charts and other documents
- Place of contact for the search
- Processing invoices for payment

Our approach is highly interactive and significantly involves the client in all important steps of the process.

Schedule

Our search process normally takes about 90 to 120 days from date of approval of the Position Profile by the client. The more time we have, within reason, of course, the more effectively we can conduct thorough evaluation and background checks on finalist candidates.

Firm Qualifications and Staffing

Our firm is headquartered in the Atlanta Metropolitan area and has 19 branch offices throughout the United States. We will work from the Santa Fe office.

Mr. Mark Watson
City of Oak Ridge
Page Seven
November 30, 2010

The principal consultant to be utilized for this engagement would be Mr. James L. Mercer, President of our firm. In total, Mr. Mercer has completed over 2000 searches for executives in the public sector and private sectors. The quality of our work is evidenced by the amount of repeat business which we receive from our clients.

Mr. Mercer possesses Bachelor of Science and Master of Business Administration degrees and is a former Assistant City Manager of Raleigh, North Carolina. He is a Certified Management Consultant, and previously served as a Partner with Korn/Ferry International (the world's largest executive search firm) and as Director of Management Consulting Services for Coopers & Lybrand. Mr. Mercer is President of The Mercer Group, Inc., a firm which he founded.

Mr. Mercer will be lead consultant and project manager on this project. Mr. Wurzberger and Ms. Prince-Mercer will serve as co-consultants on the search. Mr. Wurzberger has over twenty years of public sector experience. Mr. Wurzberger holds a Bachelor's Degree in English from San Diego State University. Mr. Wurzberger served for seven years as Senior Associate with Hughes, Perry & Associates (formerly Hughes, Heiss & Associates), a highly regarded California-based public sector management consulting firm providing executive search and other consulting services to local government clients in California and other states since 1974. Mr. Wurzberger specializes in public sector executive search. Mr. Wurzberger has recently completed a search for a new Police Chief for the City of Tracy, California.

Ms. Prince-Mercer received her Bachelor of Arts degree in History with minors in Art, Political Science and Education from the University of Nevada. She received her Doctor of Jurisprudence degree from Woodrow Wilson College of Law. She is licensed to practice law in New Mexico and in Georgia. Ms. Prince-Mercer is MBTI qualified. Ms. Prince-Mercer has been in management consulting for 18 years and has worked with Mr. Mercer on several police chief searches. She has also successfully conducted several city manager searches. She has experience working in executive search, compensation and classification, and organization and management studies.

We have a number of minority and women placements in key executive positions and are proud of that record.

Code of Ethics

Mr. Mercer is a Member and subscribes to the Code of Ethics of the International City and County Management Association and to the Institute of Management Consultants.

Guarantees

We offer several guarantees of our work. The four most important are:

1. We will keep working until the placement is made.

Mr. Mark Watson
City of Oak Ridge
Page Eight
November 30, 2010

2. We will not recruit the placement for other positions without your permission.
3. We will not recruit any of your staff for two years from the date of the placement, without your permission.
4. If the selected candidate leaves your employ within the first two years, we will redo the search for expenses only.

Reasonable Fees

Our fees to conduct a search of this type are competitive and are \$16,500, plus out-of-pocket expenses not-to-exceed \$8,000. Because our firm has conducted prior searches for the City of Oak Ridge we are giving a \$2,500 discount to \$14,000 for the professional fee a discount of \$1,500 on the out-of-pocket expenses not-to-exceed \$6,500 if no more than two (2) trips to Oak Ridge are made by consultant. Items typical of a similar search with their typical costs are broken down below. Since we are conducting other consulting work around the country, expenses can be kept to a minimum.

Position Analysis	\$ 2,000
Advertising Campaign	3,000
Resume Review	1,750
Candidate Screening	4,500
Background Investigation	4,750
Interview Process	1,000
Negotiation and Follow-up	<u>500</u>
TOTAL FEE	\$16,500
DISCOUNT FOR REPEAT BUSINESS	\$2,500
TOTAL DISCOUNTED FEE	\$14,000

Expenses, not-to-exceed out-of-pocket in the amount of \$6,500.00 are for consultant travel (for not more than 2 trips to Oak Ridge), lodging and per diem, telephone, correspondence, advertising, research, sourcing, data assemblage, reference and background investigation, and report preparation. Newspaper advertising is not included in the above maximum expense and can sometimes run as high as \$2500 for one ad.

Because of our other ongoing consulting and search work and our experience, expenses should be kept to a minimum. The cost for final candidates to travel to interview with the City Manager is not included. Such costs are typically paid by the client on a reimbursement basis, directly to the candidates. These costs are extremely difficult to estimate because they depend on where the candidates are located. Typically, out-of-state costs run about \$750 to \$1,000 per person.

Mr. Mark Watson
City of Oak Ridge
Page Nine
November 30, 2010

The City of Oak Ridge's liability to The Mercer Group, Inc. for services rendered under this agreement will not exceed the agreed upon price unless an increase is authorized by the City Manager in writing.

We will submit regular invoices for fees and expenses. It is our practice to bill one-third at the start of the search, one-third at the end of 30 days, and one-third upon delivery of the Final Report. Expenses will be billed in addition and shown as a separate figure.

We will comply with all applicable laws, rules and regulations of federal, state and local government entities.

Our ability to carry out the work required will be heavily dependent upon our past experience in providing similar services to others, and we expect to continue such work in the future. We will, to the degree possible, preserve the confidential nature of any information received from you or developed during the work in accordance with our professional standards.

We assure you that we will devote our best efforts to carrying out the engagement. The results obtained, our recommendations and any written material provided by us will represent our best judgment based on the information available to us. Our liability, if any, will not be greater than the amount paid to us for the services rendered.

This proposal constitutes the agreement between us. It cannot be modified except in writing by both parties. Our agreement will be interpreted according to the laws of the State of Tennessee.

References

We have provided local and national references of our work below. You may contact any of the following clients and placements for references on the executive search work of Mr. Mercer:

David Deutsch
City Manager
City of Bowie; population: 55,000
2614 Kenhill Drive
Bowie MD 20715
301-809-3030
Police Chief Search

Mr. Mark Watson
City of Oak Ridge
Page Ten
November 30, 2010

Mr. Quinn Bennion
City Administrator
City of Prairie Village; population: 15,000
7700 Mission Road
Prairie Village, KS 66208
913-385-4601
Police Chief Search for two communities, Prairie Village and Mission Hills, Kansas

Ms. Barbara Matthews
City Manager
City of Takoma Park; population:
7500 Maple Ave
Takoma Park, MD 20912
301-891-7268
Police Chief Search

Mayor Marilyn Hatley
City of North Myrtle Beach; population: 15,000
1018 Second Ave
North Myrtle Beach, SC 29582
843-280-5555
Public Safety Director Search

Please contact me at 505-466-9500 if you have questions.

Thank you for the opportunity to present our qualifications. I will look forward to hearing from you.

Sincerely yours,

THE MERCER GROUP, INC.

James L. Mercer

James L. Mercer, President/CEO
Certified Management Consultant (CMC)

APPENDIX

APPENDIX: PREVIOUS SEARCHES

The list below shows our firm's experience in conducting city manager/administrator searches over the past 27+ years.

Examples of our executive search experience follow:

- * Executive search work performed by a current staff member while working for another firm.

1. PUBLIC SECTOR

Public Safety

*Anaheim, California - Chief of Police - 1999
Ann Arbor, Michigan - Fire Chief - 2002
*Barstow, California - Chief of Police - 1998
Belding, Michigan - Chief of Police - 1998
Boulder, Colorado - Communications Center Manager - 2004
Bowie, Maryland - Chief of Police - 2010
Bowie, Maryland - Chief of Police - 2006
Bozeman, Montana - Chief of Police - 2010
Bryan, Texas - Chief of Police - 2003
Camden, New Jersey - Director of Public Safety - 2001
*Carlsbad, California - Chief of Police - 2000
*Carlsbad, California - Fire Chief - 2001
Champaign, Illinois - Fire Chief - 2004
Champaign, Illinois - METCAD Director - 2004
Charter Township of Meridian, Michigan - Chief of Police - 1998
Chesapeake, Virginia - Fire Chief - 1998
Dane County, Wisconsin - Director of Public Safety Communications - 2009
Davenport, Iowa - Chief of Police - 2000
Davenport, Iowa - Fire Chief - 2000
Daytona Beach, Florida - Fire Chief - 2006
Daytona Beach, Florida - Police Chief - 2006
Des Moines, Iowa - Fire Chief - 2009
Des Moines, Iowa - Chief of Police - 2007
Douglas County, Nebraska - Director of County Corrections Center - 2006
Douglas County, Nebraska - Director of County Corrections Center - 2005
Douglas County, Nebraska - Director of County Corrections Center - 2003
East Lansing, Michigan - Chief of Police - 1991
Edmond, Oklahoma - Chief of Police - 2003
Eloy, Arizona - Chief of Police - 2000
*El Segundo, California - Fire Chief - 2001
Fredericksburg, Virginia - Chief of Police - 2004
Gladstone, Missouri - Director of Public Safety - 2008
Glendale, Arizona - Chief of Police (Limited Scope Search) - 2004
Goodyear, Arizona - Deputy Fire Chief - 2007
Greeley, Colorado - Chief of Police - 2005
*Greenfield, California - Chief of Police - 1999
*Greenfield, California - Chief of Police - 1997
Greensboro, North Carolina - Chief of Police - 1998
Greensboro, North Carolina - Fire Chief - 1998
Hampton, Virginia - Fire Chief - 1986
Hanover Park, Illinois - Fire Chief - 2002

Hanover Park, Illinois - Fire Chief - 2000
Hanover Park, Illinois - Chief of Police - 1998
Hanover Park, Illinois - Chief of Police - 1996
*Hayward, California - Chief of Police - 1995
*Healdsburg, California - Chief of Police - 2001
Holly Springs, Georgia - Chief of Police (Limited Scope) - 2005
Huber Heights, Ohio - Fire Chief - 2001
Huber Heights, Ohio - Deputy Chief of Police - 2003
Jackson County, Missouri - Director of Corrections - 2007
Jackson, Michigan - Chief of Police - 1996
Jackson, Michigan - Fire Chief - 1996
Jacksonville, North Carolina - Chief of Police - 2004
Jacksonville, North Carolina - Chief of Police - 1996
Key West, Florida - Chief of Police - 1998
Laredo, Texas - Chief of Police - 2008
*Kirkland, Washington - Fire Chief - 1997
*Livermore, California - Chief of Police - 2002
*Livermore-Pleasanton Fire Department, California - Fire Chief - 2001
Longboat Key, Florida - Chief of Police - 1996
Manatee County, Florida - Director of Public Safety - 1987
*Manhattan Beach, California - Chief of Police - 1999
Melbourne, Florida - Fire Chief - 2004
Meridian, Michigan - Fire Chief - 1998
Meridian Township, Michigan - Police Chief (Assist) - 2004
Mission Hills, Kansas - Chief of Police - 2007
*Mountain View, California - Police Captain - 1999
Newport, Oregon - Police Chief - 2002
Newport News, Virginia - Chief of Police - 2004
Newport News, Virginia - Chief of Police - 1997
Newport News, Virginia - Chief of Police - 1983
Norfolk, Virginia - Chief of Police - 1993
Norfolk, Virginia - Director of Fire and Paramedical Services - 1996
Northglenn, Colorado - Chief of Police - 2001
North Huntingdon Township, Pennsylvania - Chief of Police - 2004
North Little Rock, Arkansas - Chief of Police - 1988
North Myrtle Beach, South Carolina - Public Safety Director - 2010
North Myrtle Beach, South Carolina - Public Safety Director - 2006
North Port, Florida - Fire Chief (Limited Scope Search) - 2002
*Oakland Park, Florida - Fire Chief - 2003
Orange County, North Carolina - Emergency Services Director - 2007
Owosso, Michigan - Chief of Police - 2003
Papillion, Nebraska - Chief of Police - 2000
*Pasadena, California - Fire Chief - 1998
Pinellas County, Florida - Undersheriff for Administration - 1986
*Pleasanton, California - Chief of Police - 1999
*Pleasanton, California - Police Lieutenant - 2002
Portsmouth, Virginia - Chief of Police - 1997
Prairie Village, Kansas - Chief of Police - 2007
Raleigh, North Carolina - Chief of Police - 1971
Raleigh, North Carolina - Fire Chief - 1973
*Reno, Nevada - Chief of Police - 1997
*Reno, Nevada - Fire Chief - 1996
Rhode Island Airport Corporation - Airport Chief of Police - 2009
Rio Rancho, New Mexico - Director of Public Safety (Limited Scope Search) - 2004
Rio Rancho, New Mexico - Director of Public Safety - 2001
Riverdale, Georgia - Chief of Police - 2000

Sacramento Metropolitan Fire District, Sacramento, California - Chief Deputy - 2009
*San Mateo, California - Chief of Police - 2000
*Santa Rosa, California - Chief of Police - 1996
Sarasota, Florida - Chief of Police - 1987
*Silicon Valley Animal Control Authority, California - General Manager - 2000
*Simi Valley, California - Chief of Police - 1995
Southlake, Texas - Police Chief - 2005
Spartanburg County, South Carolina - Communications Director - 1997
Suffolk, Virginia - Chief of Police - 2001
Takoma Park, Maryland - Chief of Police - 2006
Taos, New Mexico - Chief of Police - 2002
 Police Lieutenant - 2002
 Police Sergeant (2) - 2002
 Police Patrol Officers (2) - 2002
Tracy, California - Chief of Police - 2008
Tracy, California - Fire Chief - 2010
*Tracy, California - Chief of Police - 1997
Trumbull County, Ohio - 911 Director - 2005
Western Tidewater Regional Jail Authority - Virginia - Superintendent - 2002
Wilmington, North Carolina - Chief of Police - 1997
Winchester, Virginia - Chief of Police (Limited Scope) - 2005

ORDINANCES
SECOND READING

COMMUNITY DEVELOPMENT MEMORANDUM
10-94

DATE: October 22, 2010

TO: Mark Watson, City Manager

FROM: Kathryn G. Baldwin, Community Development Director

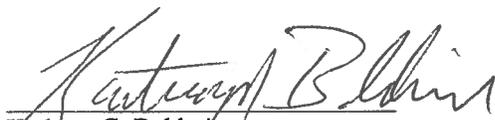
SUBJECT: Industrial Manhattan District Overlay (IMDO)

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.

 10/29/10
Mark Watson Date

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: 11-15-10
First Reading: 11-15-10
Publication Date: 11-22-10
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
10-101**

DATE: November 29, 2010
TO: Mark Watson, City Manager
FROM: Kathryn G. Baldwin, Community Development Director
RE: **ZONING ORDINANCE AMENDMENT**

An item for consideration on second reading is the amended ordinance regarding handicapped parking spaces. During review on first reading, the ordinance was amended to clarify language on page 3, section "a". The ordinance under review for second reading contains this amendment. Two questions were asked during consideration on first reading for staff to research prior to second reading:

The first: Is there a conflict between the proposed amendments to the Zoning Ordinance and the North Carolina Accessibility Code? The North Carolina Code is adopted by reference and all amendments through 2004 are included. However, the code is not being updated and may soon cease to exist. Either this winter or early next spring the city will need to adopt another accessibility code. Staff is currently reviewing the International Code Council's accessibility code known as ICC A 117.1 as a replacement code. However, staff did examine the North Carolina Code to determine if there were conflicts and two were identified. These dealt with the number and signage for "Van Accessible" spaces. In both instances, the proposed Zoning Ordinance amendments were more restrictive.

The second question was about the minimum height of a disabled parking sign in addition to a van accessible sign. This information is contained in the Manual on Uniform Traffic Control Devices (MUTCD), which is a part of Tennessee Code Annotated. Staff will evaluate site plans for compliance with MUTCD standards during review and ensure installment prior to issuance of occupancy permits.

At this time staff recommends adoption of the attached ordinance as presented.


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 12/2/10

**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**

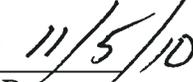
An upcoming item for the City Council agenda is revisions to the Zoning Ordinance. The amendments were reviewed by the Planning Commission at their regularly scheduled meeting on October 28, 2010 and were approved by a vote of 7 - 0. Planning staff continuously updates and amends our Zoning Ordinance 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



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 four (4) parking spaces or less 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:



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," SUBPART (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: 11-15-10
First Reading: 11-15-10
Publication Date: 11-22-10
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:	11-15-10
Second Reading:	_____
Publication Date:	11-22-10
Effective Date:	_____

RESOLUTIONS GENERAL

ADMINISTRATIVE SERVICES MEMORANDUM
10-10

DATE: November 23, 2010
TO: Mark S. Watson, City Manager
FROM: Steven W. Jenkins, Deputy City Manager
SUBJECT: **Tax Freeze**

In November 2006, Tennessee voters approved an amendment to Article II, Section 28 of the Tennessee Constitution giving the General Assembly the authority by general law to authorize counties and/or municipalities to implement a local option property tax freeze for taxpayers 65 years of age or older.

In its 2007 session, the 105th General Assembly enacted the Property Tax Freeze Act which establishes the tax freeze and authorizes the legislative body of any county and/or municipality to adopt the property tax freeze program, which is attached. The Act became effective on July 1, 2007.

Homeowners qualifying for the program will have the property taxes on their principal residence frozen at a base tax amount, which is the amount of taxes owed in the year they first qualify for the program. Thereafter, as long as the owner continues to qualify for the program, the amount of property taxes owed for that property will not change, even if there is a property tax rate increase.

In order to qualify, the homeowner must file an application annually and must:

- Own their principal place of residence in a participating county and/or city. The tax freeze is available only on the principal place of residence of the qualifying homeowner located in a participating county or city.
- Be 65 years of age or older by the end of the year in which the application is filed
- Have an income from all sources that does not exceed the county income limit established for that tax year. For 2010, the maximum income to qualify for the tax freeze in Anderson County is \$35,560. In Roane County, the maximum qualifying income is \$28,670. The state Comptroller's Office calculates the income limit for each county annually using a formula outlined in state law.

For Oak Ridge homeowners, the application will be made to the county Trustee. The application has to be submitted annually. If the resident fails to apply in any year, their base tax would be re-established during the year that they reapply.

Situations where the base tax amount would change for a homeowner that is participating in the tax freeze program are:

- When improvements are made to the property resulting in an increase in its value
- When the homeowner sells their home and purchases another residence

Although it is difficult to determine the exact number, it is estimated that 800 Oak Ridge homeowners would qualify for the tax freeze. Anderson County has had the tax freeze in effect since 2007 and less than 200 Oak Ridge citizens have participated in the County's program.

If the program is adopted by City Council, there is a potential financial impact to the City. Assuming 200 Oak Ridge participants remains constant and a 3% annual tax rate increase, the growth in the City's tax revenues would be reduced by an estimated amount of \$4000 in the first year growing to \$49,000 annually over a 10 year period. In addition, the City will pay the County \$5,000 annually for processing the applications. In the worst case scenario (all 800 eligible Oak Ridge residents apply), the lost revenue would be approximately \$14,000 in the first year growing to \$197,000 annually over the next 10 years. It is very unlikely that the worst case scenario will occur.

Using the assumptions above, an individual resident living in a \$120,000 house would save approximately \$22 in the first year growing to \$300 in year 10. It is important to emphasize that if there is no increase in the property tax rate, there is no gain to the resident or impact on the City's revenues. In any case, the City would still have to pay the County for its services.

When the tax freeze program was initiated, there were significant concerns about the financial impact. However, after 4 years of operation, the analysis indicates there will be a minimal financial impact for the program. Based on this data, staff is recommending approval of the attached resolution, which authorizes the City to participate in the program beginning in 2011.


Steven W Jenkins

Attachments

City Manager's Comments:

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


Mark S. Watson.

11/23/2010
Date

67-5-705. Property Tax Freeze Act. —

- (a) This section shall be known and may be cited as the “Property Tax Freeze Act.”
- (b) The purpose of this section is to provide for uniform and orderly administration of the property tax freeze program for eligible taxpayers in those jurisdictions adopting it. This section is not intended to displace other forms of property tax relief available at the time of its passage except as expressly provided in this section.
- (c) As used in this section, unless the context otherwise requires:
- (1) “Base tax” means the property tax due on the principal residence of a qualifying taxpayer at the time the jurisdiction levying the tax adopts a resolution or ordinance approving the property tax freeze under this section. If the taxpayer did not qualify or did not own an eligible residence when the freeze was adopted, “base tax” means the maximum property tax due on the taxpayer's eligible residence for the year in which the taxpayer became eligible on the basis of an approved application. If a taxpayer reapplies after acquiring a new residence or after a period of ineligibility, the base tax shall be recalculated for the year of reapplication and reestablishment of eligibility;
- (2) “Collecting official” means the county trustee or, in the case of taxes due a municipality, the county trustee or other official responsible for collection of property taxes;
- (3) “Improvement” means any change to a dwelling or dwelling lot that would properly warrant a change by the assessor in the assessed value of the property for the year or portion of the year in which the improvement is made; and
- (4) “Principal residence” means the dwelling owned by the taxpayer and eligible as the taxpayer's legal residence for voting purposes. Program rules shall establish the maximum size limits for land that may qualify as a taxpayer's principal residence. The rules shall take into consideration lot size requirements under applicable zoning, as well as property actually used to support residential structures; provided, however, that the size limit shall not exceed five (5) acres. The tax freeze granted by this section shall only apply to the residence and no more than the maximum limit for land established by the rules.
- (d) The legislative body of any county or municipality may by resolution or ordinance adopt the property tax freeze program provided in this section. The county or municipality may thereafter terminate the freeze program by resolution or ordinance; provided, however, that the resolution or ordinance terminating the program shall not have the effect of terminating the program until the following tax year.

(e) (1) Taxpayers seeking the property tax freeze shall apply annually to the collecting official by the deadline established in program rules, and applicants must qualify on the basis of age, income and ownership of eligible property. The collecting official shall determine whether requirements for eligibility have been met, and the collecting official's determination shall be final, subject to audit and recovery of taxes, including penalty and interest at the rates otherwise provided for delinquent taxes under § 67-5-2010, if the applicant is later determined to have not been eligible. Any taxpayer who knowingly provides false information concerning the taxpayer's income or other information relative to eligibility for the program, commits a Class A misdemeanor.

(2) If the collecting official approves the application, property taxes due on the applicant's principal residence shall be the lesser of:

(A) The actual tax due; or

(B) The base tax; provided, that the base tax shall be adjusted to reflect any percentage increase in the value of the property determined by the assessor to be attributed to improvements made or discovered after the time the base tax was established.

(f) (1) To qualify for the property tax freeze, the applicant shall be sixty-five (65) years of age by the end of the year in which the application is filed. The applicant shall further own and use the property as the applicant's principal residence for which the freeze is sought in the year of application or reapplication and through the deadline date for application or reapplication.

(2) In addition to the qualifications stated in subdivision (f)(1), the applicant's income, combined with the income of any other owners of the property, the income of applicant's spouse and the income of any owner of a remainder or reversion in the property if the property constituted the person's legal residence at any time during the year, may not exceed the limit stated in subdivision (f)(3). Income for purposes of qualification means income from all sources as defined by program rules.

(3) The income limit for the property tax freeze program shall be the greater of the weighted average of the median household income for age groups sixty-five (65) years of age to seventy-four (74) years of age and seventy-five (75) years of age or over who resided within the county as determined in the most recent federal decennial census, or the applicable state tax relief income limit established under § 67-5-702. This limit shall be adjusted by the comptroller of the treasury to reflect the cost of living adjustment for social security recipients as determined by the social security administration and shall be rounded to the nearest ten dollars (\$10.00). The adjusted weighted average median household income level for each county shall be published annually by the comptroller of the treasury.

(g) (1) The comptroller of the treasury is authorized to perform income verification or

other related services or assistance at the request of a county or municipality, if the county or municipality agrees to pay fees sufficient to reimburse the actual costs to the comptroller in providing such services or assistance, unless or to the extent not appropriated by the general assembly.

(2) Financial records filed for purposes of income verification shall be confidential and shall not be subject to inspection under the Tennessee public records law, compiled in title 10, chapter 7, but shall be available to local or state officials who administer or enforce this section or requirements imposed pursuant to this section.

(h) The property tax freeze program shall conform to any uniform definitions, application forms and requirements, income verification procedures and other necessary or desirable rules, regulations, policies and procedures not in conflict with this section, as may be adopted by the state board of equalization through the division of property assessments.

[Acts 1979, ch. 407, §§ 1, 2; T.C.A., §§ 67-649, 67-674; Acts 2007, ch. 581, § 1; 2009, ch. 68, § 3.]

**RULES
OF THE
STATE BOARD OF EQUALIZATION**

**CHAPTER 0600-9
PROPERTY TAX FREEZE PROGRAM**

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0600-9-.01 PURPOSE.

The purpose of these rules is implementation of the provisions of Public Chapter 581, Acts of 2007 which enacted the Property Tax Freeze Act. The Act allows the legislative body of any county or municipality to adopt a property tax freeze program under the provisions of the Act. The Act provided for the State Board of Equalization, through the Division of Property Assessments, to establish rules and regulations to provide uniform definitions, application forms, income verification procedures and other necessary or desirable rules, regulations, policies and procedures for the implementation of the Property Tax Freeze Program.

Authority: Public Act 581, Acts of 2007, T.C.A. §§67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

0600-9-.02 DEFINITIONS.

For purposes of the tax freeze rules and regulations:

- (1) "Act" or "Tax Freeze Act" means the law codified as Tenn. Code Ann. § 67-5-705.
- (2) "Affidavit" is hereby defined as a notarized statement under oath which specifies all pertinent data and contains the valid signature of all parties thereto.
- (3) "Base Assessment" means the assessment as determined by the assessor of property used to determine the base tax.
- (4) "Base Tax" as defined by Tenn. Code Ann. § 67-5-705(c)(1)
- (5) "Collecting official" as defined by Tenn. Code Ann. § 67-5-705(c)(2).
- (6) "Division" or "Division of Property Assessments" shall mean the Division of Property Assessments in the Office of the Comptroller of the Treasury created by Tenn. Code Ann. § 67-1-201.
- (7) "Improvement" as defined by Tenn. Code Ann. § 67-5-705(c)(3).
- (8) "Owner" means a person that has a present possessory interest in the property fee or life estate, but for the purposes of the income requirement, "owner" includes persons of any interest in the property, including holders of remainder interest, who use the property as their principal residence at any time during the year

(Rule 0600-9-.02, continued)

- (9) "Principal residence" as defined by Tenn. Code Ann. § 67-5-705(c)(4). Principal residence shall be determined and limited as provided for in Rule 0600-9-.04.
- (10) "Tax year" means the period of January 1 through December 31 of the year in which property taxes become due.
- (11) "Taxpayer" is hereby defined to be the applicant, except for determination of income.

Authority: Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

0600-9-.03. ADOPTION AND TERMINATION OF PROGRAM BY LOCAL GOVERNMENT

- (1) Adoption of Tax Freeze Program. The legislative body of any county or municipality adopting the property tax freeze program provided in Tenn. Code Ann. § 67-5-705 must do so by either resolution or ordinance. Upon adoption of such a resolution or ordinance, the clerk of the legislative body shall file a copy of the resolution or ordinance with the Division of Property Assessments within 45 days of adoption.
- (2) Termination of Tax Freeze Program. The legislative body of any county or municipality which has adopted the property tax freeze program provided in Tenn. Code Ann. § 67-5-705 may terminate the program by adopting a resolution or ordinance terminating the program. The clerk of the legislative body must file a copy of the resolution or ordinance terminating the program with the Division of Property Assessments within 45 days of adoption. The collecting official shall remove all taxpayers under the tax freeze program for the tax year subsequent to the year in which the resolution or ordinance terminating the program is adopted.

Authority: Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

0600-9-.04 PRINCIPAL RESIDENCE CONSIDERATIONS.

- (1) Maximum Land Size. The land subject to the tax freeze shall be limited to the portion of land used to support residential structures but no less than the minimum residential lot size required by applicable zoning. In no event may the land portion subject to the tax freeze exceed five (5) acres. For property not used exclusively for residential purposes, including farm, agriculture, forest or open space, only the portion of the land used to support the residential structures, such as that designated as the home site or improvement site on the assessment records, shall be eligible for the tax freeze; however, such land shall not exceed five (5) acres.
- (2) Principal Residence. Collecting officials shall determine a taxpayer's principal residence in accordance with the principles set forth by Tenn. Code Ann. § 2-2-122. The tax freeze is limited to one qualifying property constituting the principal residence of the taxpayer. The taxpayer shall sign a statement that the property for which the tax freeze is sought is the taxpayer's principal residence for voting purposes and that the taxpayer has not submitted another property as the taxpayer's principal residence for any purpose in the jurisdiction, the State of Tennessee or any other state.

Authority: Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

0600-9-.05 AGE REQUIREMENT AND VERIFICATION.

- (1) A taxpayer, in order to satisfy the property tax freeze minimum age requirement, must attain age sixty-five (65) on or before December 31 of the tax year for which the property tax freeze is requested.
- (2) Acceptable evidences are:
 - (a) copy of birth certificate,
 - (b) copy of driver license,
 - (c) copy of Medicare card,
 - (d) copy of marriage certificate which states the taxpayer's age,
 - (e) copy of passport,
 - (f) copy of military id,
 - (g) copy of valid census record, or
 - (h) other evidence submitted and approved by the collecting official that offers reasonable proof of age of the applicant.
- (3) Qualification under the state tax relief program provided for in Tenn. Code. Ann. § 67-5-702 shall be acceptable evidence of age.

Authority: *Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. Administrative History: Original rule filed November 13, 2007; effective January 27, 2008.*

0600-9-.06 INCOME REQUIREMENT.

- (1) A taxpayer, in order to satisfy the income requirement, must not receive a yearly income in excess of the statutory limit. The yearly income will be the total combined income of all property owners for the calendar year required for qualification or re-qualification.
- (2) The annual income declared by the taxpayer is subject to audit control which will include, but is not limited to, comparison of the income amount to social security benefits received for the prior year. The collecting official must place emphasis on the declaration of *ALL* income.
- (3) Annual income from all sources shall include, but is not limited to, social security payments after the medicare deduction, social security disability, supplemental security income, retirement and pension benefits after deduction of healthcare insurance premiums, veteran's benefits, worker's compensation, unemployment compensation, salaries and wages, alimony, total interest and total dividends. For income from a business, farm, rental property, estate settlement, sale of securities, or other comparable source, include only the net income or loss after expenses. Documentation of the loss must be provided with the application. Gain or loss from the sale of a principal residence, AFDC, child support, food stamps, and VA aid and attendance shall not be considered income. Except as otherwise provided by statute or these rules, determinations regarding the income of an applicant or owners of property shall be guided by the federal income tax requirements for determining

(Rule 0600-9-.06, continued)

income. When determining the income using a tax return, the adjusted gross income amount is used. This amount is added to any income sources specified above which may not be taxable by IRS standards.

- (4) Social Security, railroad retirement benefits, and Veterans Administration benefits that are required to be paid to a nursing home for the care of the taxpayer, or co-owner(s), shall not be considered as income. Documentation completed by the nursing home administrator or person handling the taxpayer's business must be provided.

Authority: Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

0600-9-.07 INCOME VERIFICATION.

- (1) Evidence of income is required and must accompany the application. Acceptable evidence of income shall be the following for applications:
 - (a) A copy of the taxpayer's federal income tax return for the year in which the qualifying income must be determined,
 - (b) An affidavit or a certified statement from the taxpayer given under penalty of perjury, that the taxpayer was not required to file a federal income tax return, or
 - (c) Qualification under the state tax relief program provided for in Tenn. Code. Ann. § 67-5-702.
- (2) Evidence of income may also include other evidence submitted and approved or required by the collecting official such as bank statements or interest earned statements.
- (3) The collecting official may require the taxpayer to sign any income verification authorization statement or form required by the division, Social Security Administration or the Internal Revenue Service.

Authority: Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

0600-9-.08 VERIFICATION OF OWNERSHIP AND RESIDENCY.

- (1) Evidence of ownership and residency is required and must accompany the application. Acceptable evidence of ownership shall include, but not be limited to, a copy of the current year tax notice or receipt for each jurisdiction for which the tax freeze is requested. Acceptable evidence of residency shall include, but not be limited to, a copy of the taxpayer's voter registration card, if available. The collecting official may consider other evidence submitted by the taxpayer that offers reasonable proof of ownership and residency.
- (2) For a new application, before completing the certification, the collecting official must establish that the taxpayer is an owner as shown on the current year tax notice or receipt and the type of ownership interest; or if the taxpayer's name does not appear on the tax notice or receipt, the qualifications of the individual to apply for the tax freeze and the type of ownership must be evidenced. In the event the deed cannot be located, the taxpayer must submit an affidavit explaining the circumstances under which the applicant became the owner of the property.

(Rule 0600-9-.08, continued)

- (3) The taxpayer must establish ownership by evidence submitted no later than the deadline for filing the application or reapplication established under Rule 0600-9-.09.
- (4) Other considerations of ownership verification are as follows:
 - (a) **Life Estate.** A holder of a life estate may be eligible for the tax freeze program. If the life estate is not shown on the tax notice/receipt, acceptable evidence must be provided. Acceptable evidence will be a recorded property deed, probated will or other legal instrument conveying the life estate.
 - (b) **Mobile Home Owner.** An eligible taxpayer owning and whose principal residence is a mobile home may qualify for the tax freeze program if the following is provided in addition to the taxpayer's application.
 1. A title or bill of sale (if a title or bill of sale is not available, an affidavit of purchase or inheritance may be provided.);
 2. In the event the taxpayer does not own the land, information from the assessor showing the assessment value of the mobile home; and
 3. A copy of the tax receipt.
 - (c) If an eligible property tax freeze taxpayer is relocated due to illness or disability, the property tax freeze may continue if the recipient intends to return to the home when recovered sufficiently. In determining whether the recipient intends to return to the home, rental of the home does not of itself evidence an intent not to return. If the rental is month-to-month or otherwise short-term consistent with the expected absence, the recipient may nevertheless be deemed to have an intent to return to the home.

Authority: Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

0600-9-.09 APPLICATION PROCESS AND DEADLINES.

- (1) The taxpayer must apply within thirty-five (35) days from the date taxes in the jurisdiction of the collecting official become delinquent for the tax year for which the freeze is sought to establish an initial base tax. A taxpayer who has established an initial base tax must reapply and re-qualify within thirty-five (35) days from the date taxes in the jurisdiction of the collecting official become delinquent for the year preceding the tax year for which the freeze is sought. Provided, however, that if the county trustee acts as the agent for receiving and approving applications on behalf of the municipality, the delinquency date for the county taxes shall be used in determining the deadline for the municipal application or reapplication. A taxpayer who fails to reapply or re-qualify within the time established forfeits eligibility for the program.
- (2) For a new application, before completing the certification, the collecting official must establish through application the following:
 - (a) That the taxpayer is an owner and ownership has been established pursuant to Rule 0600-9-.08.
 - (b) That the taxpayer is 65 years or older or will be 65 years or older by the end of the year for which the tax freeze is sought.

(Rule 0600-9-.09, continued)

- (c) That the property for which the tax freeze is sought is the principal residence of the taxpayer.
 - (d) That the taxpayer's income does not exceed the maximum income level for the jurisdiction as determined by the Comptroller of the Treasury.
 - (e) That the taxpayer was told to report the income of all owners.
 - (f) That the authority to sign for the owner was established if someone other than the property owner applied or signed the application and a copy of the documentation of authority was provided.
- (3) For a reapplication, before completing the certification, the collecting official must establish through ownership, income, and residency information that the taxpayer reported information consistent with that of prior years and there is no reason to believe the taxpayer misunderstood the instructions.
 - (4) A municipality may authorize and appoint the county trustee to act as its agent for receiving applications and determining eligibility for its tax freeze program. Such agency shall be subject to the county trustee agreeing to act as such agent in writing. Such authorization shall be established through the resolution or ordinance provided for under Rule 0600-9-.03 or a subsequent resolution or ordinance. If such agency is authorized, the county trustee may rely on one application from the taxpayer in determining the qualifications and eligibility of the taxpayer for both county and municipality purposes.
 - (5) The Division shall develop and furnish forms for the application and reapplication process. A substantially equivalent form may be used, provided that such form is approved by the Division. The Division may make such application and reapplication process available electronically.

Authority: *Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. Administrative History: Original rule filed November 13, 2007; effective January 27, 2008.*

0600-9-.10 BASE TAX AMOUNT DETERMINATION

- (1) The collecting official shall furnish each applicant's name, property address and parcel identification to the assessor of property on or before the fifteenth (15) day after the deadline date for filing the application or reapplication. Within sixty (60) days after the deadline date the assessor shall certify the base assessment for each applicant. Nothing herein shall prevent the collecting official and assessor from exchanging information prior to these deadlines.
- (2) The tax rate for the year for which the base assessment is determined shall be applied to the base assessment to determine the base tax.
- (3) The base tax shall be adjusted when an improvement is made to the structures or land designated a part of the property in determining the base assessment. Such adjustment shall be determined by the assessor of property in accordance with procedures developed by the Division.
- (4) The base tax or adjusted base tax shall be used on the tax roll.
- (5) The base assessment and base tax shall be redetermined when the property is transferred to a new qualifying owner and shall be subject to the application of the

(Rule 0600-9-.10, continued)

new owner. The base assessment and base tax of the new owner shall be determined as of the tax year for which the new owner establishes eligibility.

Authority: Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

0600-9-.11 REMOVAL FROM PROGRAM.

Taxpayers that fail to continue to qualify for the tax freeze shall be removed from the program. Upon removal from the program, taxes shall be determined using the current assessment and tax rate for the property.

Authority: Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

0600-9-.12 RECORDS AND REPORTING TO STATE.

- (1) All documents and records of the tax freeze program shall be maintained by the collecting official for a period of five (5) years from the deadline date for the application or reapplication.
- (2) Collecting officials may store the application and any documentation submitted for purposes of verification of income, age, residency, ownership, or other documentation necessary to qualify for the tax freeze in an electronic format and storage medium
- (3) Pursuant to Tenn. Code Ann. § 67-5-705(g)(2) the financial records obtained by the collecting official shall be considered confidential but shall be available to local or state officials who administer or enforce the provisions of the tax freeze program.
- (4) The collecting official shall furnish the following information to the Division on or before December 15 of each year:
 - (a) the total number of taxpayers on the tax freeze program by jurisdiction,
 - (b) the aggregate amount of actual taxes subject to the tax freeze,
 - (c) the aggregate amount of the frozen taxes; and
 - (d) other such information required by the Division.

Authority: Public Chapter 581, Acts of 2007, T.C.A. §67-5-705. **Administrative History:** Original rule filed November 13, 2007; effective January 27, 2008.

RESOLUTION

WHEREAS, through Tennessee Code Annotated §67-5-705, the State adopted the Property Tax Freeze Act to provide for uniform and orderly administration of a property tax freeze program for eligible taxpayers; and

WHEREAS, counties and cities are authorized to adopt the program by resolution or ordinance; and

WHEREAS, the Property Tax Freeze Act sets forth certain age, income and ownership requirements, which requirements must be followed by any county or city adopting a tax freeze program; and

WHEREAS, the City Manager recommends adoption of the property tax freeze program as authorized by Tennessee Code Annotated §67-5-705 and the applicable rules developed by the State Board of Equalization.

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

That the recommendation of the City Manager is approved and the City hereby adopts the property tax freeze program as authorized by Tennessee Code Annotated §67-5-705 and the applicable rules developed by the State Board of Equalization.

This the 13th day of December 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

COMMUNITY DEVELOPMENT MEMORANDUM

10-81

DATE: November 29, 2010
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director 
FROM: Athanasia Senecal, Community Development Specialist 
SUBJECT: CLIMATE ACTION PLAN

The accompanying resolution provides for adoption of a Climate Action Plan (CAP) for the City of Oak Ridge.

This plan is the result of a directive, issued in July 2008, to the Environmental Quality Advisory Board (EQAB) to develop a CAP for the City of Oak Ridge. This plan is intended to further the City's sustainability initiative and assist with future planning initiatives. The ICLEI Milestone process was used throughout the development of this CAP. The City joined ICLEI—Local Governments for Sustainability (ICLEI) in June 2008. ICLEI is an international association of local, regional and national governments who have made a commitment to sustainable development.

The ICLEI Milestone Process:

- Milestone 1. Conduct a baseline emissions inventory and forecast
- Milestone 2. Adopt an emissions reduction target for the forecast year
- Milestone 3. Develop a Local Action Plan
- Milestone 4. Implement policies and measures
- Milestone 5. Monitor and verify results

This CAP includes an emissions inventory for the baseline year of 2004, a list of the Council-adopted emissions reduction targets, and mitigation measures that reduce greenhouse gas emissions and promote sustainability. In addition, estimated cost savings and potential financing options are discussed.

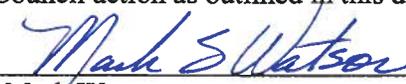
EQAB adopted this CAP by unanimous vote at a special called meeting held in the Municipal Building Training Room on September 22, 2010.

Completion of this CAP fulfills a commitment to ICLEI. Resolution No. 5-47-08 provides (1) that the City of Oak Ridge, as a full member, will pledge to take a leadership role in promoting public awareness about the causes and impacts of climate change, (2) that the City will undertake ICLEI's five milestones to reduce both greenhouse gas and air pollution emissions throughout the community; and (3) that the City of Oak Ridge Environmental Quality Advisory Board will advise the City in the development and implementation of ICLEI's milestones and request assistance from ICLEI's Cities for Climate Protection Campaign as it progresses through the milestones.

Staff recommends approval of the accompanying resolution.

City Manager's Comments:

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


Mark Watson

12/2/10
Date

RESOLUTION

WHEREAS, by Resolution 5-47-08, City Council approved the City's participation in the International Council for Local Environmental Initiatives (ICLEI) and pledged to take a leadership role in promoting public awareness about the causes and impacts of climate change; and

WHEREAS, said resolution committed the City to undertake ICLEI's five milestones to reduce greenhouse gas and air pollution emissions throughout the community; and

WHEREAS, said resolution also directed the City's Environmental Quality Advisory Board (EQAB) to advise the City in the development and implementation of ICLEI's milestones and to request assistance from ICLEI's Cities for Climate Protection® Campaign as EQAB progressed through the milestones; and

WHEREAS, utilizing ICLEI's milestone process, EQAB has developed a Climate Action Plan to further the City's sustainability initiative and assist with future planning initiatives; and

WHEREAS, the Climate Action Plan was unanimously adopted by EQAB on September 22, 2010 and presented to City Council at work sessions held on October 25, 2010 and November 1, 2010; and

WHEREAS, the City Manager recommends adoption of the findings and approval of the suggestions in the Climate Action Plan as a guideline for present and future capital projects.

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

That the recommendation of the City Manager is approved and the Climate Action Plan, dated September 21, 2010, developed by the City's Environmental Quality Advisory Board, is hereby adopted as a guideline for present and future capital projects.

This the 13th day of December 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**PUBLIC WORKS MEMORANDUM
10-30**

DATE: November 29, 2010
TO: Mark S. Watson, City Manager
THROUGH: Gary M. Cinder, P.E., Director of Public Works 
FROM: Steven R. Byrd, P.E., City Engineer
SUBJECT: **DeltaCom, Inc. Project - Proposed East Tulsa Road Access**

The accompanying resolution authorizes approval of an access to East Tulsa Road, which will serve a proposed DeltaCom, Inc. project located on Anderson County Tax Map 99M, Group A, Parcel 20, as shown on the enclosed drawings. DeltaCom, Inc. has leased the property for 20 years from A & M Enterprise, Inc. and has requested City Council approval of the access to East Tulsa Road, an arterial street.

A 12' by 36' building will be constructed on the 0.13 acre site to accommodate fiber optic transmission equipment. The East Tulsa Road access is located approximately 165 feet west of the East Tulsa Road/Wilberforce Avenue intersection. DeltaCom, Inc. estimates traffic trips to the site at no more than 52 per year by a technician for equipment checks and service. There will be no large truck traffic to the site after construction completion. An access gate to the site will be closed and locked year-round with the exception of site visits. Staff has determined that the sight distance along East Tulsa Road at the access location is more than adequate for the East Tulsa Road posted 35 MPH speed limit.

To meet deadlines required for this federally funded Tennessee Stimulus project, DeltaCom, Inc. has requested the City's consideration to expedite the project. To facilitate the request and based on the very low projected traffic trips, staff felt that it was not necessary for the Traffic Safety Advisory Board (TSAB) to review the access for a recommendation to City Council. Staff will inform TSAB of action taken by City Council on this matter at their next scheduled meeting.

Staff recommends approval of the access to East Tulsa Road from Anderson County Tax Map 99M, Group A, Parcel 20 located approximately 165 feet west of the East Tulsa Road/Wilberforce Avenue intersection as shown on the enclosed drawings dated November 24, 2010.



Steven R. Byrd

ks

Enclosures

pc: David H. Beam, Chief of Police

City Manager's Comments:

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



Mark S. Watson

12/2/10

Date



November 24, 2010

Mr. Steve Byrd
City Engineer
The City of Oak Ridge
200 South Tulane Ave
Oak Ridge, TN 37830

Dear Mr. Byrd,

Per our conversation and correspondence, The ComTran Group is providing the following information concerning the driveway access for the proposed property at 120 East Tulsa Road.

1. The Lessee for the property is :
DeltaCom, Inc.
7037 Old Madison Pike
Huntsville, AL 35806
2. The Lessor for the property is:
A & M Enterprises, Inc.
110 S. Illinois Ave.
Oak Ridge, TN 37830
Entire parcel owned by A & M is 2.68 acres (Map 99M Group A Parcel 20). Deltacom lease portion is shown on the drawing provided.
Lease terms:
Term: 20 years
Renewals: 2 terms of 5 years each.
3. The gate for the property will be closed and locked year-round with the exception of site visits by DeltaCom technicians.
4. The number of visits to the property are estimated by DeltaCom to be no more than fifty-two (52) per year by a technician for equipment checks and service.
5. There will be no large truck traffic to the site after completion.

6. The distance from the centerline of Wilburforce Avenue to the centerline of the proposed driveway is +/- 165.0 feet, as noted on the drawing provided.

The ComTran Group, Inc. thanks you for your assistance in this project. If you need any additional information, please contact me at (770) 904-4444.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay L. Phillips". The signature is written in a cursive, flowing style.

Clay L. Phillips
Senior Sales Engineer



PARCEL 20.00

TUSKEGEE DRIVE

PROPOSED ACCESS

LEASED PROPERTY

EAST TULSA ROAD

165'

WILBERFORCE AVENUE

DELTACOM, INC. OAK RIDGE					
PROPOSED ACCESS TO EAST TULSA ROAD					
PUBLIC WORKS DEPARTMENT					
OAK RIDGE, TENNESSEE					
DR. BY:	CHK' BY:	DATE:	SCALE:	DR. NO.:	DIRECTOR:
CCB	SRB	11/24/10	1"=80'	1	GARY ORDER

NUMBER _____

RESOLUTION

WHEREAS, A & M Enterprises, Inc., owner of Anderson County Tax Map 99M Group A Parcel 20.00 (former Parcel 4.00 Block 19-BZ), has leased approximately 0.13 acres of said parcel to DeltaCom, Inc., and DeltaCom, Inc., as lessee, has requested an access to East Tulsa Road to serve their proposed project; and

WHEREAS, the requested access is located approximately 165 feet west of the East Tulsa Road/Wilberforce Avenue intersection; and

WHEREAS, East Tulsa Road is an arterial road requiring City Council approval of access; and

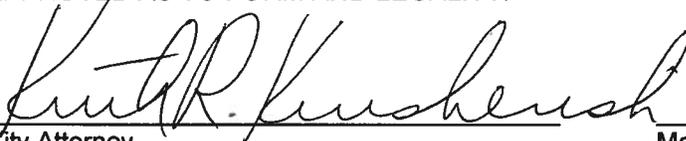
WHEREAS, the proposed access location is recommended by the City Manager.

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

That the recommendation of the City Manager is accepted and the access to East Tulsa Road from Anderson County Tax Map 99M Group A Parcel 20.00 as shown on the drawings attached hereto, dated November 24, 2010, is hereby approved.

This the 13th day of December 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ELECTIONS

BEER PERMIT BOARD

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: William Barton Bailey

BOARD OR COMMISSION: Beer Permit Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 11/20/06

Number of Terms Served 1

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 31

Number of Absences 4

Date Prepared 11/29/10

Attachment: Resume

RECEIVED

2010 NOV -8 PM 12: 32

OFFICE OF THE CITY CLERK

William Barton Bailey
128 Chestnut Hill Rd.
Oak Ridge, TN 37830

The Honorable Mayor and Members of City Council
City of Oak Ridge
PO Box 1
Oak Ridge, TN 37831

11/5/2010

Dear Mr. Mayor,

Please consider me for re-election to the Oak Ridge Beer Permit Board. I have been a member of the Beer Board since November 2006 and I was elected Secretary of the Board in February of 2008 and continue to serve in that post having been re-elected by the members of the Board in February of 2009 and January of 2010.

Over the past four years I feel the Board has become more proactive in its dealings with businesses that fail to operate properly under city codes regarding the sale of beer. During my time on the Board we have held four Show Cause hearings involving four different businesses. Two of these hearings resulted in a revocation of the business's beer permit. We as a Board have worked closely with the police department to address problem areas promptly, calling several businesses in to discuss with the Board police reports associated with their establishments.

Being a member of the Beer Permit Board gives me an opportunity to serve my community. I appreciate you considering my re-election and allowing me to continue that service.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Barton Bailey', with a large, sweeping flourish at the end.

William Barton Bailey

William Barton Bailey

128 Chestnut Hill Rd
Oak Ridge, TN 37830
(803) 467-8030 cell, (865) 483-6966 home, (865) 241-9800 work

RECEIVED

2010 NOV -8 PM 12: 32

Email: bbailey49@hotmail.com

OFFICE OF THE CITY CLERK

Objective To be reelected by the Oak Ridge City Council to a position on the Beer Permit Board

Education

University of South Carolina Master of Science in Mechanical Engineering Overall GPA: 3.714	Columbia, SC 2001 - 2005
University of South Carolina Bachelor of Science in Mechanical Engineering Magna Cum Laude with Honors from South Carolina Honors College Overall GPA: 3.794	Columbia, SC 1997 - 2001
Oak Ridge High School Overall GPA: 4.19	Oak Ridge, TN 1993 - 1997

Honors and Activities

Phi Beta Kappa
Tau Beta Pi Engineering Honor Society (USC Engineering Joint Council Rep. 2000-2001)
Pi Tau Sigma Mechanical Engineering Honor Society (USC Chapter President 2000-2001)
Member, City of Oak Ridge, TN Beer Permit Board (January 2007-Present)
- Board Secretary (February 2008-Present)

Work Experience

Oak Ridge National Laboratory Oak Ridge, TN
Mechanical Design Engineer, UT-Battelle December 2007-Present

- Responsible for design, fabrication, and installation of neutron scattering instruments at the Spallation Neutron Source and the High Flux Isotope Reactor
- Responsible for ensuring that design, fabrication, and installation of other systems (electrical, water, vacuum, personnel protection, etc) on instruments is properly integrated
- Responsible for ensuring that designs comply with various ORNL and SNS/HFIR safety guidelines

Research Associate - Post Masters, ORAU February 2006-December 2007

- Instrument Engineer for Neutron Residual Stress Facility at High Flux Isotope Reactor.
- Designed components to be used on neutron residual stress instrument with supervision and hands-on participation in fabrication, assembly, and commissioning.
- Ensured instrument system and operation compliance with various ORNL and HFIR safety guidelines, including hoisting and rigging.
- Design of new seven detector array for neutron residual stress instrument was project for Masters thesis

Intern – ORAU Higher Education Research Experience, March 2004-February 2006

- Instrument Engineer for Neutron Residual Stress Facility at High Flux Isotope Reactor.
- Designed components to be used on neutron residual stress instrument with supervision and hands-on participation in fabrication, assembly, and commissioning.
- Ensured instrument system and operation compliance with various ORNL and HFIR safety guidelines.

Intern – ORAU Energy Research Undergraduate Laboratory Fellowship, May-August 2000
Higher Education Research Experience, August 2000-March 2001

- Designed and supervised fabrication and assembly of a gantry system for three-axis translation of an X-ray diffraction machine as part of the Metals and Ceramics Division Staff
- Designed miscellaneous parts for use within the Residual Stress User Center for x-ray residual stress study

Intern – ORAU Energy Research Undergraduate Laboratory Fellowship, June-August 1999

- Experimented with water retention properties of various soils as part of the Environmental Sciences Division staff
- Researched and developed experimental procedures and fabricated experimental apparatus

Intern – ORAU Professional Internship Program, May-August 1998

- Worked within the Environmental Sciences Division with responsibilities for computer modeling of subsurface water flow data
- Work is included in several research publications

University of South Carolina

Columbia, SC

Graduate Research Assistant, July 2001-October 2003

- Performing research studying microvoid nucleation under mixed mode (I/II) loading in aircraft aluminum as part of the requirements for the Master of Science program
- Research involved sample design, machining, and mechanical testing as well as finite element analysis using ANSYS

Undergraduate Research Assistant, January 1999-May 2001

- Performed tasks to aid in research of Friction Stir Welding research, such as preparing specimens for examination and aiding in the actual welding process

Sears, Roebuck, and Co.

Oak Ridge, TN

Sales Associate, May 1995-January 2000

- Served customers in various departments (Shoes, Men's, Women's, Children's, and Sporting Goods)
- Maintained and Organized merchandise for effective sales

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Joseph M. Valentino

BOARD OR COMMISSION: Beer Permit Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 5/21/07

Number of Terms Served 1

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 31

Number of Absences 16

Date Prepared 11/29/10

Attachment: Resume

Rec'd - 10/11/11
Office of City Clerk

Joseph M. Valentino

jvalentinoj@earthlink.net

P.O. Box 4314 • Oak Ridge, TN 37831

(865) 680-7821

Marketing • Communications • Operations

PROFESSIONAL EXPERIENCE

August 2006 – Present

Director of Operations, Hampton Inn and Days Inn, Oak Ridge

Primary responsibility is to increase revenue and streamline operations for two aging properties while assisting owner with compliance and construction of several new hotel properties.

- Implemented front desk incentive program increasing walk-in conversions from 8% to 22%.
- Increased average daily rate more than 10% through aggressive sales and positioning.
- Directed \$500,000 renovation program for aging properties.
- Developed a regional marketing program for properties www.casttennesseehotels.com.
- Developed program to maximize revenue for potential sell out dates.
- Assisted owner with the political process to rezone property to build new HI Express.

March 2006 – July 2006

Temporarily relocated to Florida to assist a family member.

May 1999 – February 2006

Executive Director, Oak Ridge Convention & Visitors Bureau

Primary responsibility was to direct tourism-marketing program for the city of Oak Ridge to increase the economic impact of travel to the community.

- Increased tourism revenues in the community more than 20% during my tenure generating more than \$120 million in revenue.
- Reversed a five-year trend of negative tourism-related tax collections through the development and implementation of a research-based marketing plan.
- The organization's revenue tripled in less than three years through effective relationship-building with political parties and members of the community.
- Featured speaker for Destination Marketing Organization University, January 2004. Subject: "The New Wave of Destinations Tech Tours."
- Planned media tours that have generated more than \$100,000 in advertising equivalent editorial.
- Directed the redevelopment of all marketing materials including brochures, website, letterhead and business cards in an effort to more effectively promote the community to visitors.
- Tripled the distribution of brochures through effective design and message of marketing materials.
- OakRidgeVisitor.com – Directed the development of website for the Oak Ridge Convention & Visitors Bureau that has been nationally recognized as one of the top tourism websites in the nation.
- Implemented web-based database for inquiries to capture psychographic information.
- Instrumental in planning an award winning advertising/promotions campaign for the Secret City Festival that generated more than \$200,000 in editorial reaching more than 5.8 million people.
- Initiated the "City Services Team" in an effort to streamline event planning in the community.
- Responsible for presentations on the Oak Ridge CVB's progress to local, regional and state organizations.

July 1996 – May 1999

General Manager / Lead Sales Manager, Comfort Inn, Oak Ridge, Tennessee

Responsibilities included maximizing the profitability and return on investment of a \$1.8 million hotel for the ownership. Developed budgetary plan to ensure gross operating profits were met in a volatile market through effective communication, marketing, sales, and cost control.

- Directed operations to consistently earn market penetration of more than 125% and out-perform competition on a monthly basis.

MORE

- Directed daily activities for four managers and 30 employees.
- Through effective leadership. The hotel earned the prestigious hospitality *Gold Award* from Choice Hotels International in 1998 and 1999.
- Achieved 105% of room revenue projections during the first year in the position.
- Only GM in the company to earn a perfect score in annual employee audit.
- Received award for achieving the lowest annual employee turnover.
- Developed a creative marketing plan to capture revenue from new and unique sources.

June 1994 – June 1996

Marketing Manager, World Ventures Tours & Travel, Inc., Knoxville, Tennessee

Responsibilities included recruiting, maintaining and servicing corporate accounts for a full service travel agency.

- Designed and analyzed primary research to focus the direction of marketing efforts to increase revenues.
- Developed a creative trade show display to recruit new client base.
- Generated publicity for the organization through a variety of media.

SPECIAL PROJECTS

- Oak Ridge Audio Tour – Led the development of comprehensive CD driving tour to guide visitors to attractions throughout the community. Status: This project has received two national awards for effective communication.
- Southern Appalachian Railway Museum – Guided local organization through grant application process as part of Secret City Excursion Train. Status: Successful grant, construction pending.
- Secret City Commemorative Walk – Team member for the development of scenic monument that tells the story of WWII Oak Ridge to visitors. Status: Dedicated walk in June 2005.
- Oak Ridge Visitors Center – Led the development and TEA 21 grant proposal for \$1 million visitor center for the community. Status: Grant being re-submitted in FY 2007.
- Heritage Tourism Implementation Plan – Led the research and development of a unifying implementation plan for heritage tourism. Status: Plan complete, implementation pending.
- Way-finding System – Team member with City staff to develop a comprehensive standard way finding system for the community. Status: Implementation complete.
- From Battlefields to Bombs n East TN – Led the development of regional tourism piece that involved 11 counties.
- Events – Worked with local organizations to secure several national sporting events, including but not limited to archery, four wheeling and rowing, with a tremendous economic impact on the community.

EDUCATION

University of Tennessee at Knoxville

Bachelor of Science Degree in Communications, December 1995

Emphasis: Public Relations

Mercer County Community College

Associate of Science in General Business, August 1992

ACTIVITIES & HONORS

- Oak Ridge Rowing Association, Board Member 2007
- Rotary International Member, 2004-2006
- Secret City Festival Board Member, 2002-2005
- East Tennessee Marking Partnership, Chairman 2003 – 2005
- 2002 Southeast Tourism Society Marketing College
- 2001 Certified Tennessee Tourism Professional
- Middle East Tennessee Tourism Council, Chairman 2001 – 2002
- Oak Ridge City Center Master Plan Staff Member, 2000

MORE

REFERENCES

City of Oak Ridge
David Bradshaw, Mayor
116 Pratt Lane
Oak Ridge, TN 37830
Hm: (865) 483-3343
Wk: (865) 220-2025

City of Oak Ridge
Jim O'Connor, City Manager
P.O. Box 1
Oak Ridge, TN 37831-0001
Wk: (865) 425-3550
Cell: (865) 806-0236

Georgia Turner Group
Georgia Turner, President
PMB 341, 226 Nova Road
Ormond Beach, FL 32174
Wk: (386) 673-7594

Tennessee Department of Tourist Development
Susan Whitaker, Commissioner
312 Eighth Avenue North, Twenty- Fifth Floor
William Snodgrass Tennessee Tower
Nashville, TN 37243
Wk: (615) 741-9016

City of Oak Ridge
Frank Robinson, Economic Development Director
P.O. Box 1
Oak Ridge, TN 37831
Wk: (865) 483-1321

Randall Travel Marketing
Judy Randall, President
116 Malibu Road
 Mooresville, NC 28117
Wk: (704) 799-6512

Joe Valentino
104 E. Magnolia
Lane

**ENVIRONMENTAL
QUALITY ADVISORY
BOARD**

102 Wilderness Lane
Oak Ridge, TN 37830

October 19, 2010

Oak Ridge City Council
P.O. Box 1, Oak Ridge, TN 37830

Attention: Jacquelyn Bernard, City Clerk

Dear Mayor Beehan and Honorable Members of Council,

I am submitting my name for your consideration for a post on EQAB. In accordance with the procedures for that, I have attached my resume. Not only am I a current city resident, but also a native Oak Ridger: I was born in Oak Ridge Hospital and graduated from Oak Ridge High School. Professionally, I am an MBA and a PMP (professionally certified project manager). I have had an extended career in the consulting sector. I am currently engaged in writing.



As a volunteer heavily engaged in public education about global climate change, I am well qualified for the position. Additionally, as an MBA I would bring a keen insight into the economic viability of proposals under discussion. For these reasons I encourage the City Council to select me for a seat on EQAB.

Respectfully submitted,

Mr. Leslie E. Agron
leslie_agron@yahoo.com
(865) 482-2087

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OFFICE OF THE CITY CLERK

Leslie Agron

2010 NOV 29 PM 3: 07

102 Wilderness Lane • Oak Ridge, Tennessee 37830

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OFFICE OF THE CITY CLERK

SUMMARY OF QUALIFICATIONS

- Results-oriented, strategic thinker with strong problem-solving capability
- Proven ability to foster innovation and out-of-the-box thinking with teams and clients
- Entrepreneurial experience as principal in start-up ventures
- Extensive technical background comprising more than 20 years' experience as a senior IT consultant in numerous industries, including financial services, oil & gas, retail, electronics, business equipment and services, healthcare and publishing
- High degree of comfort and effectiveness working in a variety of geographical and cultural environments
- Excellent written and oral communication and persuasive skills

AREAS OF EXPERTISE

Experience, accomplishments and training in the following areas:

- | | |
|---------------------------------------|---|
| ▪ Strategic Planning | ▪ Full-range of IT Languages & Hardware/Operating Systems |
| ▪ Business Development | ▪ Theatrical Production |
| ▪ Account Management/Client Interface | ▪ Acting & Radio/Television |
| ▪ Multi-Faceted Project Management | ▪ Voiceover |
| ▪ Television Broadcast Operations | |

MBA – TOP 20 PROGRAM

SOUTHERN METHODIST UNIVERSITY
Dallas, TX

2003-2005

- Enrolled in the Cox School of Business Executive MBA program
- Business Week ranked the Cox EMBA program 11th in the world
- Degree conferred May 2005

PROFESSIONAL EXPERIENCE**Senior Systems Analyst/Programmer/Project Professional**

1979-present

As an in-demand independent IT contractor, provided consulting services and project expertise including systems analysis, systems engineering, technical writing and programming to more than 20 companies in a wide range of industries throughout the U.S.

- Clients included Intel, Prudential, The Gap, Nordstrom, Apple Computer, MOBIL Oil, *The Seattle Times*, McCaw Cellular, 3M Corporation, Regence Blue Cross Blue Shield/HMO Oregon and multiple assignments for Hewlett Packard and Hughes Aircraft.
- Application environments included finance/accounting/tax, telecommunications, insurance, human resources, mail/phone order, general circulation, inventory management, commercial purchasing, shipping and manufacturing.
- Specialized in trouble-shooting/cleaning up/updating the design of older, inefficient or poorly maintained legacy systems.
- Called upon extensively to serve as liaison between client senior management and system users, as well as between system users and client IT departments.

CONCURRENT ENTREPRENEURIAL EXPERIENCE

SECRET CITY ENTERTAINMENT
Oak Ridge, TN

2004-present

Principal/Producer/Writer

Authored several theatrical plays, one of which was included in Tennessee Stage Company's New Play Festival in 2010.

CONCORDE VENTURES, LTD.

1997-2002

Bellingham, WA

(Venture enterprise to establish a regional independent broadcasting network)

Principal/CEO

Formed a company to develop a system of low-power television stations serving Washington State.

- Obtained Federal loan funding, FCC pre-licensing and tower construction permits.
- Secured programming commitments from America One Television, a national network of 100+ low-power affiliates, and from a nationwide online shopping network.
- Project ultimately halted due to inability to obtain additional financing in face of economic conditions.

PALINDROME SYSTEMS

1988

Los Angeles, CA

Principal/Producer

Produced and performed in an independent theater comedy production that completed a successful 25-performance run.

EDUCATION & CERTIFICATION

PMP Certification

Caltech, Pasadena, CA – Project Management certificate

Southern Methodist University, Dallas, Texas - MBA

Sonoma State University, Rohnert Park, California—Business

Merritt College, Oakland, California—Data Processing

Antioch College, Yellow Springs, OH—Data Processing Management

CIVIC & PROFESSIONAL ORGANIZATIONS/PROFESSIONAL DEVELOPMENT

Member of Project Management Institute (PMI)

2006-8

Member of American Federation of Radio & Television Artists (AFTRA)

since 1987

Helpline volunteer for AIDS organizations in Los Angeles, San Francisco,

Bellingham, Santa Rosa, and Vancouver

various times

Completed the Landmark Education Curriculum for Living,

2001

including the Self-Expression & Leadership Program

Sexton, Sandy

From: Tague, Thomas J [taguet@oro.doe.gov]
Sent: Tuesday, November 30, 2010 2:05 PM
To: Sexton, Sandy
Cc: Baldwin, Kathryn
Subject: Environmental Quality Advisory Board
Attachments: Tague_Resume_pdf.pdf
November 30, 2010

Oak Ridge City Council

Gentlemen,

Oak Ridge is a community committed to maintaining its environmental heritage. The clean air, the park system, and the wonderful trail and greenway system are testaments to Oak Ridge's environmental stewardship. That commitment separates our city from many other municipalities. As a concerned citizen, I am interested in becoming more involved in that tradition. I understand that you have some openings on the city Environmental Quality Advisory Board. After you review the attached resume, we should discuss how I might assist in this effort. Briefly, I have been involved in environmental related work activities for the last ten years. I was trained as an environmental engineer (masters degree), and I have worked in several capacities under the DOE Environmental Management program.

I look forward to hearing from you,

Thomas Tague

103 Adelphi Road
Oak Ridge, Tennessee 37830

Thomas J. Tague

103 Adelphi Road
Oak Ridge, TN 37830

Phone: (H) 865-425-0336
email: ttague1@comcast.net

PROFESSIONAL QUALIFICATIONS

- Over twenty-five years experience in Project Controls, Project Engineering, Planning, Scheduling, Estimating, and Regulatory Affairs. This experience spans the Proposal, Project Engineering, Construction, Plant Startup, Operations, Outage, Regulatory Affairs, Waste Management, Transportation, and Site Remediation phases of a project.
- Project management software proficiency includes Primavera (P3) & Primavera Enterprise (P6). Also proficient in P/2, PREMIS, and Microsoft Project.
- Trained in OSHA 1910.120 (HAZWOPER 40 Hour Training).
- Trained in DOT Hazardous Waste/Materials Transportation (CFR49).
- Trained as Nevada Test Site Package Certifier.
- DOE 'L' Clearance (Deactivated - JAN07)

EDUCATION:

Master of Engineering in **Environmental Controls**, Penn State University, 1994
Bachelor of Science in **Electrical Engineering**, Point Park College, Pittsburgh, 1985
Bachelor of Science in **Mechanical Engineering**, Point Park College, Pittsburgh, 1981
Master of Arts in **English**, Indiana University of Pennsylvania, 1975
Bachelor of Arts in **English**, Indiana University of Pennsylvania, 1971

EXPERIENCE CHRONOLOGY:

- Oct-08 **Senior Project Controls Specialist, US Dept. of Energy, (Contract Position)**
Present *Department of Energy Oak Ridge Office, Environmental Management*
- Function as the **Liaison** between DOE Headquarters and Oak Ridge Field Office for the Primavera P6 Enterprise implementation and the Environmental Management database. **Risk Manager** for the P6 development initiative. HQ Scheduling Subject Matter Expert assigned to Oak Ridge. Support DOE Oak Ridge in EVMS audits, schedule reviews, and special projects. Participate as a reviewer on Independent Project Reviews.
- Jan-08 **Lead Scheduler, American Electric Power, Kammer Plant, (Contract Position)**
Oct-08 - Developed and managed the Outage Plan/Schedule for the Kammer Plant in Moundsville, West Virginia. Responsible for long range planning and level four outage schedules for the multi-unit coal fired generating station. Duties included developing logic, maintaining schedules, reporting progress, representing corporate project controls in onsite meetings, reporting costs, and projecting project completion for Grid Dispatch.
- Oct-06 **Scheduling Supervisor, Energy Solutions Corporation (Contract Position)**
Dec-07 *Commercial Nuclear D&D Department, Oak Ridge, TN Office.*
- Developed resource projections and project controls products for Bid and Proposal Initiatives. Responsible for due diligence analysis of technical and budgetary assumptions on nuclear power plant D&D. Responsible for time phasing financial inputs and estimates. Responsible for earned value reporting for ongoing projects. Projects involved the demolition of commercial and government nuclear facilities. Supervised staff of (4).

- Sep-04 **Lead Scheduler for Remedial Actions Project, Bechtel-Jacobs**
 Oct-06 *Department of Energy, ETPP (K-25), Oak Ridge, TN,*
 - Lead Project Controls Engineer (scheduling) for Remedial Action Division. Provided planning and scheduling support to for groundwater and soils cleanup. Planner for Criticality-Incredible engineering program. Supported staff with trend analysis, cost and schedule analysis, SPI/CPI earned value analysis, and re-baseline of projects.
- Apr-03 **Engineering Specialist /Claims Specialist, British Nuclear Fuels (Contract)**
 Aug-04 *DOE Three Buildings Demolition Project, ETPP- Oak Ridge, TN*
 -Provided Engineering support for Request for Equitable Adjustment (REA) Program in the Contacts/Claims Department. Developed Technical Approaches, Analyzed Deviations in End-Point criteria, and Prepared Scoping Documents. Supported Estimate Development on Fire Protection, PCB Contamination, and Type B Exothermic Reactions.
- Feb-03 **Project Controls Engineer, First Energy, Perry Nuclear Power Plant (Contract)**
 Apr-03 -Provided Project Controls support for the maintenance contractor (DZ-NPS) at Perry Power Plant, Refueling Outage-13. Provided baseline manpower projections, estimating, and project proposal support. Represented contractor in project review meetings with the Client.
- Jul-02 **Outage Scheduler, First Energy, Davis-Besse Nuclear Plant (Contract Position)**
 Dec-02 - Workweek Scheduler for the restart of Davis-Besse Nuclear Power Plant with full responsibility for activities and production for a given weekly period (1 in 4). Project Planner for Boric Acid Inspections and System Health Readiness Review.
- May-01 **Project Manager, Informatics Corporation, North Coast Division**
 Apr-02 *Department of Energy's Battelle West Jefferson Site, Columbus, Ohio*
 -Provided Project Management leadership on Cesium groundwater/soil remediation project (Budget of approximately \$4.5M) using Well Injection Depth Extraction technology. Responsible for completion of engineering design tasks, deliverables, purchasing, and regulatory interfaces. Supervised technical staff (6).
- Aug-96 **Project Engineer / Master Scheduler, RMI Environmental Services (Contract)**
 May-01 *Department of Energy Ashtabula Environmental Management Project, Ohio*
 -Responsible for D&D project design, Work Instructions, Requests for Proposal, and direct craft supervision. Specific projects included the design and construction of a Soils Washing Laboratory, Evaporation of Process Water, Shipment of Oversized Bulk Commodities, Uranium Residues Packaging, and Wastewater Filter Cake Packaging and Shipping. Performed Pyrophoricity Testing and Absorbent testing for shipments. **Waste Package Certifier for Nevada Test Site** designated shipments. Additionally functioned as Master Scheduler for two years.
- Aug-95 **Lead Scheduler/SPOC Manager, Exelon, Dresden Nuclear Power Plant**
 Aug-96 -Lead Scheduler for preparation of Unit 3-14th Refueling Outage. Responsible for the long range planning of electrical systems and bus outages with integration into the site work control process. Identification of materiel and manpower resources. Supervised Project Controls staff of (8).

- Sep-94 **Senior Engineer, TVA, Watts Bar Nuclear Plant (Contract Position)**
 Aug-95 -Provided Project Management support including full responsibility for the integrity and production of the Plan of the Day. Lead Scheduler, Second shift. Provided project support for Startup Testing and Refueling Floor activities.
- Jan-93 **Grad Student:** Enrolled full time in Masters of Engineering (Environmental) program at
 Aug-94 Penn State University. Coursework included Environmental Chemistry, Bioremediation, Waste Management, Wastewater Treatment, and Environmental Risk Analysis.
- Nov-92 **Planning Engineer, GPU, Three Mile Island Nuclear Plant (Contract Position)**
 Dec-93 - Senior Planner in the Outage Control Center. Prepared Level III schedule maintenance logic in preparation for the Refueling Outage. Emphasis was electrical bus outages and valve maintenance.
- Feb-92 **Senior Planning Engineer, Comanche Peak Electric Station–Nuclear (Contract)**
 Nov-92 *Startup Department, Unit 2, Granbury, Texas*
 -Developed detailed Level III logic for NSSS and HVAC testing. Tracked construction open items required for startup testing and coordinated with Construction for timely completion of preoperational restraints.

ADDITIONAL EXPERIENCE:

- Dec-91 thru Feb-92 **Project Engineer, Calvert Cliffs Nuclear Power Plant**
- Apr-90 thru Dec-91 **Lead Production Scheduler, Trojan Nuclear Power Plant**
- Aug-89 thru Mar-90 **Outage Scheduler (Modifications), Three Mile Island Nuclear Power Plant**
- Oct-87 thru Jul-89 **Project Controls Engineer, Watts Bar Nuclear Plant, TVA**
- Apr-83 thru Oct-87 **Planning Engineer, Beaver Valley Power Station**
- Nov-82 thru Apr-83 **Expediter, Purchasing, Dravo Corporation, Chemical Plants Division**
- Feb-82 thru Sep-82 **Scheduler, Rust International Corporation (Pittsburgh Office)**
- Jul-79 thru Dec-81 **Associate Engineer, R&D Department, Pittsburgh-Des Moines Corporation**
- Sep-74 thru Jul-79 **Assistant Instructor, English, Community College of Allegheny County**

PATENTS:

United States # 4,339,052 - Secondary Seal for Floating Roof Tank

PUBLICATIONS:

“Einstein’s Percent Complete,” Cost Engineering, Vol. 49/No. 9, SEPTEMBER 2007

**NOTICE
OF
ELECTIONS**

CITY COUNCIL MEMORANDUM
10-36

DATE: December 2, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: ELECTIONS – JANUARY 10, 2011

The following elections are scheduled for the January 10, 2011 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

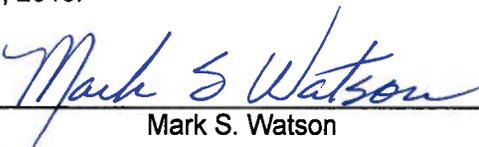
On May 31, 2010, the seat designated for an Oak Ridge High School student became vacant on the Traffic Safety Advisory Board, and on November 29, 2010 one (1) regular seat became vacant. As of this date, there are no candidates for the student seat or the remaining regular seat. The term of office is one year for the student and three years for the regular seat.

Oak Ridge Municipal Planning Commission

On February 11, 2011, there will be two vacant seats on the Oak Ridge Municipal Planning Commission. As of this date, there are no candidates. The term of office for both seats is four years.

Deadline for Filing

The deadline for filing is 5:00 p.m. on Tuesday, December 28, 2010.



Mark S. Watson

CITY MANAGER'S REPORT

CITY COUNCIL MEMORANDUM
10-40

DATE: December 2, 2010
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CITY MANAGER'S REPORT

Smoke Detector Program

Council Action Recommended: None, information only.

The Oak Ridge Firefighters Association has donated 120 smoke detectors with an approximate value of \$1,800 to the Fire Department to be installed in homes in Oak Ridge. The Fire Department has had some form of smoke detector program for as long as any current staff member remembers.

Responding companies on all types of calls routinely test smoke detectors in homes, and replace batteries and detectors as needed. Additionally, smoke detectors are checked, installed, and batteries are replaced on request. More than 1,700 detectors have been installed and more than 1,500 batteries have been replaced in the last five years. In addition to the donation by the Firefighters Association, grants have been received from the Federal government and Factory Mutual Insurance Company. Numerous citizens have donated to the program, and several local merchants have extended generous discounts in the purchase of the detectors.


Mark S. Watson