

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

April 14, 2014—7:00 p.m.

AGENDA

I. INVOCATION

Mr. Joe Westfall, West Village Christian Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

- a. A proclamation designating April 2014 as *Child Abuse and Neglect Prevention Month* in Oak Ridge.
- b. A proclamation paying tribute to the Oak Ridge Children's Museum.
- c. A proclamation designating April 14, 2014 as *Oak Ridge Woman's Day* in Oak Ridge.
- d. A proclamation designating April 14, 2014 as *Oak Ridge High School's Boys Basketball Team*.
- e. A proclamation designating April 13-19, 2014 as *Library Week* in Oak Ridge.
- f. A proclamation designating April 2014 as *Fair Housing Month* in Oak Ridge

VI. SPECIAL REPORTS

Presentation of a special award to the City of Oak Ridge by Ms. Jenny Wright, Green Power Switch Product Manager, Tennessee Valley Authority (TVA).

VII. CONSENT AGENDA

- a. Approval of the February 21, 2014 Joint Work Session of the Oak Ridge City Council with the Board of Education Meeting minutes.
- b. Approval of the February 24, 2014 City Council Work Session minutes.
- c. Approval of the February 27, 2014 City Council Special Meeting minutes.
- d. Approval of the March 3, 2014 City Council Meeting minutes.
- e. Approval of the March 24, 2014 City Council Special Meeting minutes.
- f. Approval of the March 24, 2014 City Council Work Session minutes.
- g. Approval of the Administrative Professional Week/Day Proclamation.
- h. Adoption of a resolution approving bylaws for the Youth Advisory Board, as required by Resolution 6-54-08.

- i. Adoption of a resolution awarding a contract (FY2014-126) to Rogers Group, Inc., Oak Ridge, for street milling and resurfacing of designated city streets in the estimated amount of \$898,361.90.
- j. Adoption of a resolution awarding a bid in the estimated amount of \$67,000.00 to Nedrow & Associates, Inc., Murfreesboro, Tennessee, for the furnishing of two replacement pumps for the Palisades #4 Sewer Pump Station.
- k. Adoption of a resolution authorizing the purchase of a portable emergency generator from Nixon Power Services Company, Blountville, Tennessee, for use at sewer pump stations in the estimated amount of \$63,150.00.
- l. Adoption of a resolution authorizing the purchase of a replacement generator from Nixon Power Services Company, Blountville, Tennessee, for the Emory Valley Sewer Pump Station in the estimated amount of \$37,985.00.
- m. Adoption of a resolution awarding a contract to Irby Company, Laverne, Tennessee, to provide required materials for the fiber optic cable splicing project in an amount not to exceed \$85,000.00, and awarding a contract to Southeast Power Corporation, Spartanburg, South Carolina, to provide required labor, tools, equipment, and supplies necessary for the fiber optic cable splicing project in the estimated amount of \$86,100.00.

VIII. RESOLUTIONS

- a. A RESOLUTION TO CREATE AN ADVENTURE TOURISM DISTRICT IN OAK RIDGE, TENNESSEE, AND TO DEVELOP AN ADVENTURE TOURISM DISTRICT PLAN FOR SUBMISSION TO THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT AND TO THE TENNESSEE DEPARTMENT OF REVENUE FOR JOINT APPROVAL AS AN ADVENTURE TOURISM DISTRICT PURSUANT TO THE TENNESSEE ADVENTURE TOURISM AND RURAL DEVELOPMENT ACT OF 2011.
- b. A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT AMENDMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) TO REMOVE EMORY VALLEY ROAD FROM THE PROJECT APPROVED BY RESOLUTION 11-105-11 AND AUTHORIZING THE CITY TO ENTER INTO TWO NEW AGREEMENTS WITH TDOT FOR THE RESURFACING OF PORTIONS OF DESIGNATED CITY STREETS UTILIZING APPROXIMATELY \$1,091,310.00 OF THE CITY'S ALLOCATED SURFACE TRANSPORTATION PROGRAM FUNDS TO BE MATCHED WITH APPROXIMATELY \$217,862.00 IN CITY FUNDS.
- c. A RESOLUTION APPROVING A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE CITY OF OAK RIDGE, TENNESSEE AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR INSTALLATION OF A TRAFFIC SIGNAL WITH GEOMETRIC IMPROVEMENTS AT THE INTERSECTION OF STATE ROUTE 95 (WHITE WING ROAD) AND BETHEL VALLEY ROAD.
- d. A RESOLUTION AWARDED A BID IN THE ESTIMATED AMOUNT OF \$33,000.00 TO LAKEVIEW K-9 SERVICES, LOUDON, TENNESSEE, FOR THE FURNISHING OF TWO (2) TRAINED POLICE SERVICE DOGS AND ASSOCIATED HANDLER TRAINING FOR THE POLICE DEPARTMENT.
- e. A RESOLUTION REMOVING JOSEPH LEE AS A MEMBER OF THE BOARD OF BUILDING AND HOUSING CODE APPEALS AND FROM ANY OTHER CITY COUNCIL-APPOINTED/ELECTED BOARD, COMMISSION, OR COMMITTEE.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 05-2013, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY AMENDING SAID APPROPRIATIONS.
- b. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING THE FOLLOWING: ARTICLE II, TITLED "DEFINITIONS" TO UPDATE THE DEFINITION OF "BUSINESS SERVICES" AND TO ADD DEFINITIONS FOR "SPORT SHOOTING RANGE, INDOOR," "SPORT SHOOTING RANGE, OUTDOOR," AND "TRANSITIONAL HOUSING"; SECTION 3.24, TITLED "PERMANENT AND TRANSIENT GROUP CARE FACILITIES," TO CHANGE THE TITLE TO "PERMANENT AND TRANSIENT GROUP CARE FACILITIES AND TRANSITIONAL HOUSING"; ARTICLE III, TITLED "GENERAL PROVISIONS," TO ADD A NEW SECTION 3.26, TITLED "SPORT SHOOTING RANGES"; SUBSECTIONS 5.07(C), 5.08(C), 6.01(C), 6.02(C), 7.01(C), 7.02(C), 7.03(C), 7.04(C), 7.05(C), 8.01(D), 8.02(D), 8.03(D), 9.02(C), 9.03(C), AND 9.04(F) TO CHANGE THE PHRASE "USES REQUIRING BOARD OF APPEALS PERMIT" TO "SPECIAL EXCEPTION REQUIRING BOARD OF ZONING APPEALS APPROVAL"; SECTION 5.04, TITLED "R-2, LOW DENSITY RESIDENTIAL DISTRICT" TO ADD "TRANSITIONAL HOUSING" AS A NEW USE CATEGORY REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; SECTION 5.05, TITLED "R-3, MEDIUM RESIDENTIAL DISTRICT" TO CHANGE THE TITLE TO "R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT," TO REVISE THE PERMITTED PRINCIPAL USE OF BUSINESS AND PROFESSIONAL OFFICES IN SUBPART 4, AND TO ADD "TRANSITIONAL HOUSING" AS A NEW USE CATEGORY REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; SECTION 5.06, TITLED "R-4, HIGH DENSITY RESIDENTIAL DISTRICT," TO ADD "TRANSITIONAL HOUSING" AS A NEW USE CATEGORY REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; SECTION 5.07, TITLED "ONE-FAMILY RESIDENTIAL DISTRICTS, R-1-A/B," TO DELETE A PERMANENT GROUP CARE FACILITIES AS A USE REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," TO REVISE THE PERMITTED PRINCIPAL USE OF OFFICE BUILDINGS; SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," TO REVISE THE PERMITTED PRINCIPAL USE OF OFFICE BUILDINGS AND TO ADD "SPORT SHOOTING RANGES" AS A USE REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; AND SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," TO CLARIFY THE SIDE AND REAR SETBACK REQUIREMENTS FOR R-1-C AND R-2 IN SUBSECTION (E)(2)(A); ALL FOR THE PURPOSES OF ADDRESSING ITEMS THAT WERE ABSENT FROM THE ORDINANCE AND TO UPDATE PROVISIONS IN NEED OF CLARIFICATION.

X. FINAL ADOPTION OF ORDINANCES

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

- a. Elections/Appointments
 - i. Appoint one (1) of the six (6) applicants for the Administrative Hearing Officer Position for a four year term.

- ii. Adoption of a resolution approving a salary of \$2,000.00 per month for the Administrative Hearing Officer position.
(following appointment of Administrative Hearing Officer)

- b. Announcements

Brief report to council and the people on the National League of Cities Congressional Conference 2014 from Councilmember Garcia Garland
(No action to be taken; informational purposes only)

- c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

- a. CITY MANAGER'S REPORT

- b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

**CITY CLERK MEMORANDUM
14-22**

DATE: April 1, 2014
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: PROCLAMATIONS AND PUBLIC RECOGNITIONS FOR APRIL CITY COUNCIL AGENDA

The following proclamations are presented for the April 14, 2014 City Council meeting for City Council's consideration:

Child Abuse and Neglect Prevention Month

Ms. Susan Moore with Healthy Start of Anderson County requested the proclamation for the April 14 City Council agenda. Ms. Moore will be in attendance to accept the proclamation and represent Healthy Start of Anderson County.

Tribute to the Children's Museum

Oak Ridge Children's Museum Executive Director Carol Welch requested the proclamation for the April 14 City Council agenda. Ms. Welch will be in attendance to accept the proclamation, along with some visiting children.

Oak Ridge Woman's Day

The Oak Ridge Woman's Club requested the proclamation for the April 14 City Council agenda to celebrate their 70th Anniversary. Ms. Joyce Reedy with the Oak Ridge Woman's Club will be in attendance to accept the proclamation.

Oak Ridge Boys Basketball Team Day

Ms. Kathy Moore requested a proclamation in recognition of the Oak Ridge Boys Basketball Team's accomplishment at the State Championship Game.

The proclamation will be accepted by Head Coach Aaron Green.

National Library Week

Virginia Spence, Reference Assistant for the Oak Ridge Public Library, requested the proclamation for the April 14 City Council agenda.

Library Director Kathy McNeilly will be in attendance to accept the proclamation.

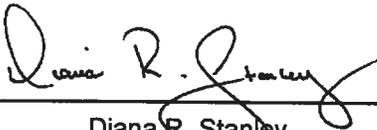
Fair Housing Month

Community Development Director Kathryn Baldwin requested the proclamation for the April 14 City Council agenda.

Attachment(s)

Child Abuse and Neglect Prevention Month Proclamation
Tribute to the Children's Museum Proclamation

Oak Ridge Woman's Day Proclamation
Oak Ridge Boys Basketball Day Proclamation
National Library Week Proclamation
Fair Housing Month Proclamation



Diana R. Stanley

PROCLAMATION

WHEREAS, child abuse and neglect is a community condition and problem, and finding solutions depends on involvement among people in the community; and

WHEREAS, approximately 3 million children are reported abused and neglected in this country each year with nearly 17,000 children in Tennessee each year; and

WHEREAS, the effects of child abuse and neglect are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS, Prevent Child Abuse Tennessee, the Tennessee Child Abuse Prevention Network, and the Tennessee Children's Trust Fund are sponsoring several events throughout the month to heighten public awareness of abuse and neglect in communities around the state; and

WHEREAS, these events will provide information and materials that support families to prevent child maltreatment and celebrate people who work with and support children and families; and

WHEREAS, a statewide "Pinwheels for Prevention" campaign has been launched through the media, public schools, libraries, social service agencies, and businesses during the month of April to celebrate and bring awareness of the great potential of all children in Rhode Island and the need to strengthen all families with support and nurturing; and

WHEREAS, the "Pinwheels for Prevention" campaign includes the planting of "Pinwheel Gardens" statewide celebrating community partnerships for strengthening the family and protecting all children from abuse and neglect; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS, all citizens should become more aware of the negative effects of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that April 2014 be proclaimed

CHILD ABUSE AND NEGLECT PREVENTION MONTH

in the City of Oak Ridge, Tennessee, and that all citizens, community agencies, religious organizations, medical facilities, and businesses increase their participation in efforts to prevent child abuse, thereby strengthening the communities in which we live.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 14th day of April in the year 2014.

**THOMAS L. BEEHAN
MAYOR**

PROCLAMATION

WHEREAS, all young children and their families across the country, and in Oak Ridge, deserve access to high-quality early education and care; and

WHEREAS, the Children's Museum of Oak Ridge offers unique opportunities to young children for discovery and enrichment in a playful environment; and

WHEREAS, the Children's Museum supports the family's crucial role in early education, providing opportunities for families to come together to play and learn through many exhibits, festivals, classes, and activities; and

WHEREAS, high-quality early childhood services represent a worthy commitment to our children's future; and

WHEREAS, public policies that support early learning for all young children are crucial to young children's futures.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that in recognition of the work that the Children's Museum of Oak Ridge performs for the young children of the community and the impact that the organization makes in their lives and those of their families, the Oak Ridge City Council pays tribute to the

CHILDREN'S MUSEUM OF OAK RIDGE

BE IT FURTHER RESOLVED that all citizens be urged to support the needs of young children in our community and to recognize teachers, organizations, and others who make a difference in the lives of our young children and applaud the on-going efforts of the Children's Museum of Oak Ridge in planning activities and events for children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 14th day of April in the year 2014.

THOMAS L. BEEHAN
MAYOR

PROCLAMATION

WHEREAS, during the day of April 16, 2014, the Oak Ridge Woman's Club will celebrate its 70th anniversary with a reception at the Double Tree Hotel; and

WHEREAS, the Oak Ridge Woman's Club was formed on April 21, 1944; and

WHEREAS, the Woman's Club formed with the objective of creating a recognized nonprofit organization for social and cultural interest whose goals would be to stimulate, awaken, and promote the educational, literary, and civic betterment of the City of Oak Ridge; and

WHEREAS, the Club also sought to encourage each woman in the art of homemaking, and to foster a generous and cooperative spirit among the women of the community; and

WHEREAS, throughout its history the Oak Ridge Woman's Club has been a positive force in the community, attracting broad participation by women who shared its objectives and were willing to work diligently toward the achievement of its worthwhile goals; and

WHEREAS, the Oak Ridge Woman's Club membership has grown throughout the years and on April 16, 2014, 89 members will come together to celebrate their success in the community.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that April 14, 2014 be proclaimed

OAK RIDGE WOMAN'S DAY

in the City of Oak Ridge, Tennessee, and that all citizens congratulate the Oak Ridge Woman's Club on its 70th anniversary and set aside a time for special recognition of its valuable contribution to the quality of life in Oak Ridge.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 14th day of April in the year 2014.

THOMAS L. BEEHAN
MAYOR

PROCLAMATION

WHEREAS, the 2013-2014 Oak Ridge High Schools Boys Basketball Team is composed of 12 players including Seniors - Jaylin Henderson, Isaac Merian, Seth Davis, Xavier Maddox, Kevin Steen and Tim Grabenstein; Juniors – Ted Mitchell; Sophomores – Geevantay Gee, Jordan Dunbar and Javien Johnson; Freshmen – Tee Higgins and DeAndre Gibson; and

WHEREAS, the Oak Ridge High School Boys Basketball Team is coached by Aaron Green, Assistant Coaches Dyron Birdwell, Denard Bertram and Jeremy Carringer; and

WHEREAS, Coach Green's experience and enthusiasm for the sport helped to develop this winning team; and

WHEREAS, this season, the Basketball Team finished their regular season with an overall record of 32-8 and winning the District Regular Championship with a record of 15-1; District Tournament Champions, Regional Runner-Up and Sectional Champions; and

WHEREAS, this team had an exceptional performance in the TSSAA AAA State Championship at Middle Tennessee State University's Murphy Center finishing Runner-Up; and

WHEREAS, this is the first time since 1963 that the Oak Ridge Boys Basketball Team played in the State Championship Game, and the school's first State Runner-Up; and

WHEREAS, the City of Oak Ridge is proud of the accomplishments of this basketball team and commends them for their hard work and dedication to basketball.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that April 14, 2014 be proclaimed

OAK RIDGE HIGH SCHOOL'S BOYS BASKETBALL TEAM DAY

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to join in the observance of this special day recognizing the Oak Ridge Boys Basketball Team and applauding their hard work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 14th day of April in the year 2014.

THOMAS L. BEEHAN
MAYOR

PROCLAMATION

WHEREAS, libraries help lives change in their communities, campuses and schools; and

WHEREAS, libraries work to meet the changing needs of their users, including building collections, expanding outreach services and increasing programming; and

WHEREAS, our nation's libraries provide a forum for diverse ideas and points of view that help us better understand each other and ourselves; and

WHEREAS, librarians are trained, tech-savvy professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, librarians design and offer programs, facilities, and resources to meet their community's needs, providing residents with access to computers, Wi-Fi, and technology assistance, job seeking tools, homework help, Electronic Databases, story times, periodicals, E-Books, and genealogy resources; and

WHEREAS, libraries are part of the American dream, places for education, opportunity and lifelong learning; and

WHEREAS, libraries continuously grow and evolve in how they provide for the needs of every member of their communities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the week of April 13-19, 2014 be proclaimed

LIBRARY WEEK

in the City of Oak Ridge, Tennessee, libraries continuously grow and evolve in how they provide for the needs of every member of their communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 14th day of April in the year 2014.

THOMAS L. BEEHAN
MAYOR

PROCLAMATION

WHEREAS, each year since the enactment of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, the Federal Government designates April, the anniversary month of said law, as "Fair Housing Month"; and

WHEREAS, because fair housing is consistent with the principle of equality and justice for all – a principle upon which our nation was founded – all of us should share in the fight to ensure that fair housing is a reality for all Americans; and

WHEREAS, fair housing is the policy of the City of Oak Ridge. On April 21, 1969, the Oak Ridge City Council adopted a Fair Housing Ordinance, which was one of the first of its kind in the State of Tennessee; and

WHEREAS, implementation of that policy requires the continuing positive commitment, involvement, and support of each one of our citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the month of April 2014 be proclaimed

FAIR HOUSING MONTH

in the City of Oak Ridge, Tennessee, and that all Oak Ridgers be urged to join in reaffirming the obligation and commitment to fair housing opportunities for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 14th day of April in the year 2014.

THOMAS L. BEEHAN
MAYOR

SPECIAL REPORTS

ELECTRIC DEPARTMENT MEMORANDUM

14-08

DATE: March 27, 2014
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: SPECIAL PRESENTATION BY TVA

Introduction

An item for City Council's consideration is a presentation of a Special Award to the City of Oak Ridge by Ms. Jenny Wright of Tennessee Valley Authority (TVA).

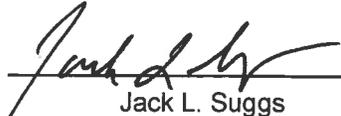
Discussion

Ms. Jenny Wright, Green Power Switch Product Manager from TVA, has requested time on the agenda to make a special presentation to the City of Oak Ridge.

Ms. Wright has been managing the design, marketing and delivery of TVA's voluntary Green Power Program for four years. She works with 118 participating local power companies, including the City of Oak Ridge Electric Department, to make locally generated renewable energy accessible to residents and business owners across the Tennessee Valley.

She will be announcing the award as well as TVA's continuing efforts to assist the City of Oak Ridge with obtaining national recognition for their leadership in sustainability through the support of renewable energy. The presentation will highlight achievements that resulted from and are aligned with Council adopted policies and goals.

Accompanying Ms. Wright will be Ms. Patty West, the Director of Renewable Energy Solutions at TVA. Ms. West is responsible for setting the agency's renewable energy strategy as well as managing the various renewable energy programs available to Tennessee Valley residents.



Jack L. Suggs

City Manager's Comments:

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



Mark S. Watson

4-2-14

Date

CONSENT AGENDA

**OAK RIDGE CITY COUNCIL
WORK SESSION MINUTES**

February 21, 2014

The Joint Work Session of the Oak Ridge City Council and the Board of Education convened at 12:00 noon on February 21, 2014 in the Training Room of the Municipal Building.

Present: Trina Baughn, Councilmember
Tom Beehan, Mayor
Anne Garcia Garland, Councilmember
Charlie Hensley, Councilmember
Chuck Hope, Councilmember
Jane Miller, Mayor Pro Tem
David Mosby, Councilmember

Also Present: Mark Watson, City Manager
Ken Krushenski, City Attorney
Diana Stanley, City Clerk
Bruce Borchers, Superintendent
Angie Agle, Board Member for the Board of Education
Dan DiGregorio, Board Member for the Board of Education
Robert Eby, Board Member of the Board of Education
Keys Fillauer, Chairman for the Board of Education

PARTNERSHIP BETWEEN THE OAK RIDGE SCHOOLS AND THE OAK RIDGE POLICE DEPARTMENT

Oak Ridge Police Chief James Akagi and Crime Analyst Dave Gordon provided information for School Year 2013 and School Year 2014 regarding service stats, incident reports, cooperation efforts between school staff and the police department, and initiatives and improvements for SROs for 2014.

During the presentation, city staff noted that the department had increased their property checks and the number of incidents/calls for service between the two school years had reduced.

FIBER OPTIC NETWORK UPDATE

Electric Department Director Jack Suggs provided an update on the Oak Ridge Fiber Optic Network which is cooperative project between the City and the Schools. Mr. Suggs noted reliable, flexible, and cost saving advantages of this system to the parties involved and provided an update on the progress of the project from items completed to those remaining while noting a completion date of spring 2015.

REVIEW OF PROPOSED RESOLUTION FROM THE CITY MANAGER AND THE SCHOOL SUPERINTENDENT ABOUT CITY/SCHOOLS DEBT FINANCING AND JOINT ANNUAL CAPITAL IMPROVEMENTS PLAN

City Manager Mark Watson provided an overview of the work performed by himself and the Superintendent to bring a draft resolution that offers a compromise on the debt repayment of the Oak Ridge High School renovation given that there was limited records from the past regarding the specifics of repayment.

The City Manager noted the following key components of the draft resolution:

- Sales tax collected inside city limits would be spent on repayment of the renovation debt
- Sales tax collected outside city limits would be spent on one of the four (4) education components listed in the resolution

- A community priority aspect is being included as part of a joint Capital Improvement Program with a list of overall community priorities as established by the City Manager and the School Superintendent
- The two elected bodies will jointly establish and coordinate long-term and strategic priorities for the entities they represent

Councilmember Baughn expressed concerns related to the future cost of the debt, specifically over the repayment of the debt. Councilmember Mosby inquired about the future of the school debt service as it relates to sales tax growth and property taxes.

Based on discussions and comments of the Board of Education and the City Council, the general consensus was support for the joint resolution and moving forward.

OAK RIDGE SCHOOLS DIGITAL TRANSFORMATION — PLANS FOR THE FUTURE

Oak Ridge Superintendent Dr. Bruce Borchers provided some brief highlights regarding the School's "Digital Transformation" and STEM initiative which will utilize technology to advance the knowledge and skills of the students. Dr. Borchers noted that the biggest element of this project would be to infrastructure improvements to support the enhancement associated with the initiative.

BLANKENSHIP FIELD BLEACHER UPDATE

Dr. Borchers noted that the visitors' bleachers at Blankenship field was out of sequence in terms of priority and the Oak Ridge Municipal Planning Commission had recommended considering it a priority project for FY2015.

Supervisor of Maintenance and Custodial Operations Alan Thacker provided a timeline of the Blankenship Bleacher Replacement Project being pursued by the schools. Mr. Thacker noted that the bleachers were deemed condemned by an engineer firm and the bleachers were in the process of being demolished. Mr. Thacker further explained that other site issues would also be addressed, such as ADA compliance, storm drainage, and replacement to the retaining wall. The project completion date for this project was anticipated to be August 29, 2014 for the first home game.

The meeting adjourned at 1:45 p.m.

Diana R. Stanley, City Clerk
CITY OF OAK RIDGE, TENNESSEE

**OAK RIDGE CITY COUNCIL
WORK SESSION MINUTES**

February 24, 2014

The Work Session of the Oak Ridge City Council convened at 7:00 p.m. on February 24, 2014 in the Multipurpose Room of the Central Services Complex.

Present: Trina Baughn, Councilmember (arrived later in the meeting)
Tom Beehan, Mayor
Anne Garcia Garland, Councilmember
Charlie Hensley, Councilmember
Chuck Hope, Councilmember
Jane Miller, Mayor Pro Tem
David Mosby, Councilmember

Also Present: Mark S. Watson, City Manager
Ken Krushenski, City Attorney
Diana Stanley, City Clerk

PRESENTATION BY JEFF WELCH, DIRECTOR, KNOXVILLE REGIONAL TRANSPORTATION PLANNING ORGANIZATION (TPO), ON TRANSPORTATION PLANNING PROCESS, VARIOUS FEDERAL AND STATE FUNDING OPPORTUNITIES WITH EMPHASIS ON CONGESTION MITIGATION FOR AIR QUALITY (CMAQ) PROGRAM.

(During this discussion topic, Councilmember Baughn arrived at the meeting.)

Jeff Welch provided an overview of the TPO and the CMAQ program for City Council, highlighting:

- The creation of the TPO in relation to census data of the Knoxville Urbanized Area
- Commuter data
- Membership participants
- The administration of the organization
- Long Range Planning which includes a Mobility Plan and a Transportation Improvement Plan
- Future Priorities
- Air Quality Overview in the Knoxville Region
- CMAQ elements, project funding, project examples, and strategic initiatives

Throughout the presentation Mr. Welch provided explanations to inquiries of the City Council.

DISCUSSION ON RED LIGHT CAMERAS

The City Manager noted that the City Council would be considering the presence of the red light cameras in the City of Oak Ridge at the next City Council meeting.

Finance Director Janice McGinnis provided a presentation on data of the Photo Enforcement Cameras beginning with the proceeds received from the last five (5) fiscal years (including the fund recordings), expenditures of the Special Programs Fund for three (3) fiscal years, and the current cash balance of the Special Programs Fund.

Oak Ridge Chief of Police James Akagi discussed administrative procedures for the oversight and duties associated with the Photo Enforcement Cameras, particularly the impact of staff time within the department.

Mr. Lee Buckles, Account Manager for Redflex (Southeastern United States), responded to inquiries regarding the enforcement at the Oak Ridge High School, collection rates versus those of the national average, and definition of non-resident (those residing outside of Oak Ridge zip code).

During these discussions, city staff and Mr. Buckles responded to inquiries of the City Council, particularly with regard to location of traffic cameras, safety, alternatives to photo enforcement cameras, the inclusion of a mobile unit, and consideration of other vendors.

The meeting adjourned at 8:30 p.m.

Diana R. Stanley, City Clerk
CITY OF OAK RIDGE, TENNESSEE

**MINUTES OF THE
OAK RIDGE CITY COUNCIL
SPECIAL MEETING**

February 27, 2014

The special meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 6:00 p.m. on February 27, 2014, in the Courtroom of the Municipal Building with Councilmember David N. Mosby presiding during the initial portion of the meeting, until Mayor Pro Tem Miller arrived assuming the chair.

ROLL CALL

Upon roll call, the following councilmembers were present: Councilmember Trina Baughn; Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; and Councilmember David N. Mosby.

Mayor Pro Tem D. Jane Miller was absent during roll call, but arrived later in the meeting. Mayor Thomas L. Beehan was absent for the meeting.

Also present were Jack L. Suggs, Acting City Manager serving in the absence of Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; and Diana R. Stanley, City Clerk.

City Manager Mark S. Watson participated in the meeting via conference call.

ITEMS FOR DISCUSSION

AN ORDINANCE TO AMEND ORDINANCE NO. 05-2013, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY AMENDING SAID APPROPRIATIONS.

Finance Director Janice McGinnis explained that the increase of approximately \$1.7 million was a transfer from the fund balance of the Oak Ridge Schools to fund technology infrastructure improvements and the Discovery Professional Development and Discovery Ed Partnership contract for the School's STEM initiative.

Discussions were held amongst the City Council regarding the growth of the School's reserves and the source of funding for those reserves, as well as the City's process for approving funding for the school that requires an amendment to the appropriation ordinance.

The City Manager remarked that the school is under a tight deadline for implementation of this program and that he was not aware of any additional partnership elements or monetary requests with regards to the partnership between the City and the School.

Acting City Manager Jack Suggs clarified that the letter received from Maryanne Durski, Executive Director, Office of Local Finance for the Department of Education was indicating that the fund balance transfer would not impact the Maintenance of Effort formula given that it is a fund balance available in coffers and is not considered an obligation to match the funding request since it is currently available in the School's funds. Finance Director Janice McGinnis clarified that the Maintenance of Effort formula is based on local revenue funding level per pupil and that the total appropriations will be not be affected as it is a one-time, fund balance transfer.

(Mayor Pro Tem Miller arrived during discussion of this item and assumed chairmanship.)

Inquiries were presented by City Council regarding the maintenance of the agreement and any future funding that would be required as a function or term of that agreement.

A JOINT RESOLUTION BETWEEN THE OAK RIDGE CITY COUNCIL AND THE OAK RIDGE BOARD OF EDUCATION RELATIVE TO RETIREMENT OF THE DEBT FOR THE OAK RIDGE HIGH SCHOOL DEBT AND FUTURE INITIATIVES INVOLVING OAK RIDGE AND ANDERSON COUNTY LOCAL OPTION SALES TAXES.

The City Manager noted that this resolution was a plan to determine how the debt would be paid until 2041.

Councilmember Baughn requested that the following statement, as provided by her, be noted for inclusion in the minutes:

First, that the schools, to date, have withheld approximately \$1.54 million from debt payment since discontinuing payment of the entire sales tax increase. Second, that it is anticipated that a difference of approximately \$10.3 million is being remitted from payment of the debt.

(Councilmember Hope was absent during this discussion and remainder of the meeting.)

In response to inquiries of the City Council regarding the approximate \$10.3 million formula referenced during discussions, the Finance Director explained that the differential is based on a modeling perspective of sales tax remitted by the Oak Ridge Schools based on county-wide collections compared to Oak Ridge only sales tax collections.

ADJOURNMENT

The meeting adjourned at 7:15 p.m.

Diana R. Stanley, City Clerk
CITY OF OAK RIDGE, TENNESSEE

CITY CLERK MEMORANDUM
14-23

DATE: April 3, 2014
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: AMENDMENT TO MARCH 3, 3014 CITY COUNCIL MEETING MINUTES

Per the discussions that occurred during the March 3, 2014 City Council meeting regarding including a communication from Councilwoman Baughn as part of the minutes of said meeting during discussions of the joint resolution (Resolution No. 03-16-2014), please find a document provided by Councilwoman Trina Baughn titled "Oak Ridge High School Debt Chronology and Impact Statements provided by Councilwoman Trina Baughn for inclusion in the 3-3-14 Meeting Minutes" for Council's review.

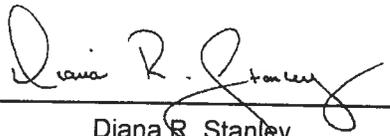
The recommendation during the March 3, 2014 City Council meeting was for the communication to be reformatted, included in the April 14, 2014 agenda packet, and be considered by City Council with a motion to amend the minutes by accepting the communication for the record.

Attached is the document that was received from Councilmember Baughn following the March 3, 2014 City Council meeting as received.

Minutes of a governing body are a reflection of the action that is performed during a meeting. Brief additional content is only provided in the minutes so as to better frame discussions held for future reference. In accordance with the City's policies and practices, and those of Parliamentary Procedures, verbatim minutes of City Council meetings are not recorded.

If City Council wishes to accept the communication as part of the March 3, 2014 City Council meeting minutes, a motion would need to be introduced to amend the minutes of the March 3 meeting by accepting the communication titled "Oak Ridge High School Debt Chronology and Impact Statements provided by Councilwoman Trina Baughn for inclusion in the 3-3-14 Meeting Minutes."

Attachment



Diana R. Stanley

Oak Ridge High School Debt Chronology and Impact Statements provided by Councilwoman Trina Baughn For inclusion in the 3-3-14 Meeting Minutes

If passed, this resolution will allow the BOE to retain the portion of the half-cent sales tax revenues collected outside of the City of Oak Ridge and will accomplish the following:

1. From 2012 forward, the BOE will retain about 1/3 of the annual sales tax revenue (equaling roughly \$284,000-\$300,000) generated specifically for the high school project. According to the city finance director's best projections, with interest, this will create an additional burden to the taxpayer in the amount of \$10,300,000.
2. The BOE will retain one-third (approximately **\$513,333**) of the funds that they've been withholding (**\$1,540,000** according to Mark Watson) since initially announcing the issue in 2011.
3. Though city manager Mark Watson has stated that the UPF project and new Kroger sales tax will make up the **\$10.3 million** difference, the resolution in no way binds him to those claims.
4. The total principal cost of the high school project was originally projected to be around **\$40 million**. According to memo 12-03 dated January 26, 2012 from the city attorney, the actual principal peaked at **\$67 million**. Calculations based on the October 2013 Debt Summary, appear to show that principal and interest balances totaled **\$106 million**. As best as I can tell, debt payments made to date total at least **\$10.4 million**. However, with the passage of this resolution, one can deduct that the total cost of this project to the tax payers will easily exceed **\$126 million** (\$106M + \$10.3M + 10.4M).

The following chronicles the Oak Ridge High School Renovation Debt debate from the time of the 2004 referendum through February 25, 2014.

2004

Members on council at that time were: David Bradshaw, Tom Beehan, Leonard Abbatiello, Louise Dunlap, Jane Miller, Willie Golden and David Mosby. On the BOE were John Smith, Keys Fillauer, Angi Agle, Jenny Richter, and CPA Tracy Larabee.

After over two years of both documented and undocumented discussions, on **May 17, 2004** council voted in favor of an ordinance to allow an increase in the local sales tax by a half cent to appear on the August ballot. According to a May 4th article published in the Oak Ridger, "The additional funding would go solely toward paying off new high school debt that could run as high as \$58 million."

In **August 2004**, Oak Ridgers residing in Anderson County generously voted to increase the local sales tax rate from 2.25% to 2.75% in order to fund the high school project. The verbiage of that referendum states that "...the revenue from such increase shall be appropriated and expended for the purpose of funding and paying for construction, renovation, purchase of capital equipment, and/or retirement of school construction debt service for the Oak Ridge High School, and at such time as the high school debt service is paid in full, the sales tax proceeds collected as a result of this increase shall be distributed as prescribed by state law, except as modified or limited by statute become operative"

2005

Members on council: David Bradshaw, Tom Beehan, Leonard Abbatiello, Lou Dunlap, Jane Miller, Willie Golden and David Mosby. BOE members: John Smith, Keys Fillauer, Angi Agle, Jenny Richter, and Dan DiGregorio

An article entitled, "School bids \$10 million over expectation" runs in the Oak Ridger on **November 10, 2005** stating that, "The lowest bid for the Oak Ridge High School renovation project came in almost \$10 million over what officials thought would be needed to build the new school." The cause was attributed to Hurricane Katrina.

A **November 17, 2005** Oak Ridge article entitled “New ORHS still waiting in the wings states” states that “Bids for the \$40.6 million construction, which is part of a \$55 million total project budget, were opened last week.”

A **November 29, 2005** Oak Ridge article entitled “ORHS debt repayment extended” states that “The city staff on Monday said they plan to fund the increased construction cost at the new Oak Ridge High School by increasing bond repayment times. Some bonds will now be repaid in 30 years instead of 25.”

2006

Members on council: David Bradshaw, Tom Beehan, Leonard Abbatiello, Lou Dunlap, Jane Miller, Willie Golden and David Mosby. BOE members: John Smith, Keys Fillauer, Angi Agle, Jenny Richter, and Dan DiGregorio

On **May 30, 2006**, as expected, Anderson County passed a referendum superseding the Oak Ridge sales tax increase effectively elevating the tax rate for the entire county to the same rate as Oak Ridge (2.75%).

As the past BOE Vice Chair had previously stated, this action was to benefit Oak Ridge in that the revenues collected from outside of the city would also help pay for the high school debt:

In a video dated May 17, 2004 and uploaded to the city website, at approximately 37 minutes in, Tracy Larabee says in reference to the anticipated county move to supersede, “Half of this debt won’t even be paid by residents of Oak Ridge....a lot of the funding will come from people outside of the City of Oak Ridge.” In that same video at approximately 44 minutes in, then Chair John Smith says that the BOE “fully supports the proposed funding model.” That funding model included monies collected from outside of Oak Ridge after the county superseded and is demonstrated on page 8 of Exhibit H also uploaded to the city website, where those monies were represented by the blue portion of the bar graph entitled “New Sales Tax Schools” and began in 2010 when the superseding was expected to occur. A link entitled “See ORHS Bond Issue/Sales Tax Referendum Info” provides additional supporting documentation from the city at our home page, oakridgetn.gov.

2011

Members on council: Tom Beehan, Jane Miller, David Mosby, Tom Hayes, Ellen Smith, Anne Garcia Garland and Charlie Hensley.

BOE members: Keys Fillauer, Angi Agle, Jenny Richter, Bob Eby and Dan DiGregorio.

During the **May 9, 2011** City Council meeting, BOE Chairman, Keys Fillauer, makes the first announcement that they no longer feel obligated to pay any monies towards the high school debt, “The close of FY2007 should end annual payments. It was the BOE’s understanding that this was to be a temporary arrangement with funding from this source returning to the schools after 5 years...” Mr. Fillauer did not provide any evidence of his claims during this meeting or any time thereafter. The meeting minutes are paraphrased in the June 13, 2011 council meeting agenda and video footage containing the precise quote is available on the city’s website as well.

2012

Members on council: Tom Beehan, Jane Miller, David Mosby, Tom Hayes, Ellen Smith, Anne Garcia Garland and Charlie Hensley. BOE members were: Keys Fillauer, Angi Agle, Jenny Richter, Bob Eby and Dan DiGregorio.

On **February 6, 2012** a joint work session between council and the BOE was held. *Note: Minutes were not kept of this meeting. These following comments represent what I personally heard stated and were at least partially reported on by the local press.* The school attorney and the BOE publicly acknowledged their responsibility and conceded that they did, in fact, owe the city money for the high school project and that it was simply a matter of putting it in writing. The meeting concluded with an understanding that City Manager Mark Watson, Mayor Tom Beehan, Superintendent Tom Bailey and BOE Chairman Keys Fillauer would all hold another joint, but private, meeting to hash out the details.

The meeting between Watson, Beehan, Bailey and Fillauer occurred in private over a month later and the results were provided to city council in an untelevised work session on **March 26, 2012** (agenda linked here) Mr. Watson and Mayor Beehan both stated that the schools had explicitly agreed to the same terms as before. Mr. Watson explained that the schools would resume making the same level of payments and would repay the past due amount in full upon finalization of the new written agreement. Again, minutes were not kept of this meeting. These comments represent what I personally heard stated and were at least partially reported on by the local press.

In the **April 9, 2012** city council meeting (video is viewable at oakridgtn.gov), Mr. Watson and Mayor Beehan reaffirmed that the schools were agreeable to the original terms of the referendum and assured council that a final agreement would be forthcoming. The mayor stated that the schools would “uphold the terms of the referendum... in essence will follow the ballot... the ballot rules.” When pressed by council as to why an agreement hadn’t been reached if all were agreeable, neither Watson nor Beehan responded.

Less than five days later, Mr. Watson sent out an email to council informing them that two additional meetings about the matter had since been held: one on **April 11, 2012** with Mayor Beehan and Mr. Fillauer and one on **April 12, 2012** with Councilman David Mosby and BOE Secretary, Angi Agle. In the end, Mr. Watson states that “No final resolution was made, but the attached document is a final version that is potentially approvable with the School... Please note that the dollars available from the .25% Anderson County sales for debt reduction would be reduced, thus causing a cost shift to the City.”

On **April 23, 2012**, the BOE passed the proposed resolution. However, on **April 24, 2012**, council discussed the proposed resolution in an untelevised work session (agenda and the resolution can be found at oakridgtn.gov) and it was learned that the impact of the resolution would essentially shift \$10 million of the schools’ obligation over to the city. A majority of council rejected the resolution and it was never brought forward for a vote.

During a **May 29, 2012** meeting, council voted unanimously to attribute a portion (\$766,470) of their annual contribution to the schools to pay the school’s obligated portion of the high school debt since they had yet to turn over those funds. The BOE responded with threats of going to the state comptroller.

2013

Members on council: Tom Beehan, Jane Miller, David Mosby, Chuck Hope, Trina Baughn, Anne Garcia Garland and Charlie Hensley. BOE members: Keys Fillauer, Angi Agle, Jenny Richter, Bob Eby and Dan DiGregorio.

At the **September 9, 2013** regular city council meeting, BOE Chairman Keys Fillauer addressed council during the public forum. He asked that council address a Maintenance of Effort (MOE) problem with their budget. He stated that the school system would close down if council did not give them \$250,000 by October 1, 2013. He provided no documentation nor had council received any communications regarding a problem with the MOE prior to his statement. Note: This amount is approximately the amount in question that the schools have claimed entitlement to out of the \$766,470 that council withheld.

Over the next few days, a flurry of columns were published in the local press by past and present BOE and council member with both sides acknowledging that the problem was linked to the high school mortgage issue. The crux of the BOE argument, as stated by *BOE treasurer, Angi Agle* on her website, *citizenetmom.com* in a January 5, 2012 post and re-stated by Dr. Bruce Borchers in a **September 10, 2013** press release was a “gentleman’s agreement” as well as a “handshake agreement”. To directly quote Ms. Agle, the gentleman’s agreement was “between the mayor of Oak Ridge (at that time, David Bradshaw) and the Anderson County mayor (at that time, Rex Lynch) about when or if the County planned to supersede the sales tax. That particular gentleman’s agreement was that the County would not do so for at least five years... if the County superseded the sales tax rate before five years elapsed, that the school system would remit its portion of the new dollars from the County share of sales taxes to the City, to go toward bond repayment on the high school. But only until the five year period was up, when the City had assumed they’d lose that money anyway. This too, was a handshake deal — there was never a Board vote, nothing signed.”

The gentlemen in question, have never publicly affirmed these claims. Both men are still here in the area, are very aware of this problem and yet, since Ms. Agle first attributed this agreement to them two years ago, neither have verified her claim.

The reason these men have not spoken up could be that doing so would prove self-incriminating. According to the Oak Ridger article dated **June 5, 2006**, entitled 'Schools won't lose money?', the BOE fully expected the county to supersede: "Oak Ridge schools won't really lose money – at least not from the general operating budget – because of the county's newly-increased sales tax. **'I really don't see that money coming into the school's general operating fund,'** Superintendent Tom Bailey said last week. **'Most of the money that would have been designated for schools has been deferred,'** Bailey said, **to help pay off debt incurred by the city and its financial plan for the Oak Ridge High School project.** City and school officials knew the county sales tax might someday increase, Oak Ridge Board of Education Chairman John Smith Jr. said Wednesday, but they thought it would happen a few years down the road. 'We knew they'd supersede us eventually. We just didn't think it would be this soon,' Smith said of last Tuesday's voter approval of a half-cent sales tax increase in rural parts of Anderson County.'"

On **September 11, 2013**, City Council met in Executive Session with the city attorney and city manager to discuss the MOE issue. (NOTE: Executive Sessions are legally private meetings. No minutes of the discussion were kept.) During this meeting, finance director Janice McGinnis explained that the reason that the MOE was out of kilter was because until this year, the schools had been recording the high school sales tax monies in a liability account that is not factored into the MOE equation. This year, however, the schools chose to record those monies in their revenue stream. The result artificially impacted the MOE formula, which provided the spark needed to send our community into a state of panic.

Council directed the city manager to immediately send a certified or hand-delivered letter to the school superintendent, Dr. Bruce Borchers, indicating our willingness to cooperate upon receipt of a written response validating their claims that the state would permit the BOE to shut down the schools and that they would withhold \$1.87 M per month if we did not provide them with the \$250,000.

On **September 16, 2013**, the city received a response (contained within the agenda packet located at oakridgetn.gov) from Dr. Borchers. The documentation included a letter from the Department of Education dated **September 11, 2013** and stated that the school budget did fail "the MOE test" and that they had until October 1st to submit a budget that would pass that test. It did not specify that the state would withhold \$1.87 M per month nor did it reference a school shutdown. However, in an email to all of council dated **February 24, 2013** those claims were finally and explicitly confirmed by Maryanne Durski from the Tennessee Department of Education.

At a special called meeting held on **September 17, 2013**, council voted on a resolution authorizing a one-time transfer of \$250,000 to the Oak Ridge Schools. Mayor Tom Beehan stated just prior to the vote, "*We will allocate this money.*" It passed 4-1-1 with Beehan, Hope, Miller and Hensley voting "Aye," Baughn voting "Nay" and Garcia Garland abstaining. Mosby was absent. While the resolution stipulated a one-time funds transfer, because of MOE laws, it further obligated the taxpayers to an indefinite increase in funding.

Near the end of the **October 14, 2013** city council meeting (the minutes are available as is video at oakridgetn.gov), a discussion ensued regarding courses of action that the city could pursue regarding the MOE debacle and the high school mortgage debate. Those options were as follows: Pursue legislative changes regarding MOE; pursue charter changes that would give council some ability to hold the schools accountable for their budgeting practices; and/or pursue arbitration or remedy through the courts. Baughn and Garcia Garland pushed for the legal route given the definitive case that our city attorney had made. Hensley pushed for binding arbitration. Council instructed the city manager to set up a special meeting to discuss the matter further.

On **November 22, 2013**, City Council met again in Executive Session with the city attorney and city manager. During that meeting, the options that had been previously discussed were dismissed by most of council. Instead, Mayor Beehan directed the city manager to once again resume discussions with the school superintendent and bring back a new resolution.

2014

Members on council: Tom Beehan, Jane Miller, David Mosby, Chuck Hope, Trina Baughn, Anne Garcia Garland and Charlie Hensley. BOE members: Keys Fillauer, Angi Agle, Jenny Richter, Bob Eby and Dan DiGregorio.

On **February 19, 2014** a public notice is issued that a joint meeting between the BOE and City council would occur on February 21, 2014 with one of the agenda items being a review of a new resolution on the high school debt financing. The agenda packet was published to the city website making it the first time that the resolution was made available to the public.

On **February 21, 2014** the joint meeting occurred and was attended by all councilmembers and four BOE members (Jenny Richter was absent). The meeting was also heavily attended by various staff, press and citizens. The meeting was audio recorded.

Mark Watson and Dr. Borchers talked about “moving forward” and how they’d spent 100’s of hours crafting this resolution (found in the same agenda packet). Watson explained that the resolution would allow the BOE to retain about 1/3 of the annual sales tax revenue generated outside of the city limits by the half-cent increase from 2012 forward. That amount will fluctuate, but equates to roughly \$284K per year. Councilmember Trina Baughn asked how much that equaled when compounded with interest over the life of the bonds, but neither the city manager nor the finance director could provide an estimate. Baughn stated that by her calculations, the principal alone would amount to nearly \$8 Million. Watson claimed that the UPF and new Kroger sales tax would make up the difference.

Concluding the discussion, most of the BOE expressed their support for the resolution as did Mayor Beehan, Council Members Chuck Hope, Jane Miller and Charlie Hensley citing their desire to “move forward.”

The resolution passed by unanimous vote of the BOE on **February 24, 2014**. City Council will vote on it on **March 3, 2014**.

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING**

March 3, 2014

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on March 3, 2014, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

Jake Morrill of the Universalist Unitarian Church delivered the Invocation.

PLEDGE OF ALLEGIANCE

Ms. Melinda Hillman led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Mayor Thomas L. Beehan; Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; and Councilmember David N. Mosby.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; Diana R. Stanley, City Clerk.

Agenda Amendment

The Mayor noted that City Council had received a communication from the City Clerk regarding adding an additional item to the March 3, 2014 City Council Agenda for consideration, at the request of the Board of Education, for the following:

AN ORDINANCE TO AMEND ORDINANCE NO. 05-2013, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY AMENDING SAID APPROPRIATIONS.

Additionally, since the Board of Education and school staff were present at the City Council meeting, the Mayor requested that the item be considered immediately following consideration of the joint resolution on the agenda in the interest of their time. Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to amend the agenda as referenced above. The motion was approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

APPEARANCE OF CITIZENS

During the Appearance of Citizens, several residents spoke to their enthusiasm of the football program of the Oak Ridge Schools, the importance of football to the community, and the achievements of the High School Wildcats. Additionally, these residents requested that City Council work, in conjunction with the Board of Education, to pursue means to begin replacement/upgrade of adequate visitor bleachers. The list below provides the names and addresses of those who spoke to this topic:

Mr. Joe Gaddis, 107 Bradley Avenue

Mr. Mike Mullins, 118 Claremont Road

Mr. Tim Waddell, 110 Newport Drive

Mr. Jim Powers, 103 Center Park Lane

Mr. Rick Chinn, 101 Stonebridge Way

Mr. Chris Corrigan (no address provided)

Mr. Chuck Agle, 101 West Melbourne

Mr. Keith Hyatt, 62 Outer Drive

Ms. Kay Williamson, 420 Jefferson Avenue, recommended that City Council review "Project Phoenix" for consideration of funding football upgrades.

At the request of Councilmember Hensley, and as part of the general consensus of the City Council, Mr. Alan Thacker, Operations and Maintenance Services Supervisor, presented an overview of the conditions of the demolished bleachers and the school's process moving forward with design and replacement.

Mr. Keys Fillauer, 17 Palisades Parkway, Chairman of the Board of Education, responded to inquiries of Councilmember Baughn regarding the Board of Education's intent to fund visitor bleacher replacement explaining that the Board had requested that Mr. Thacker move forward with the replacement process, and that the Board hopes to be able to make a decision regarding funding possibilities when Mr. Thacker returns with bid information at the Board's March meeting.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating Tuesday, April 8, 2014 as Equal Pay Day in the City of Oak Ridge, Tennessee.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller to adopt the proclamation. The proclamation was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

The proclamation was accepted by Ms. Virginia Jones who noted that she was accepting the proclamation on behalf of the American Association of University Women (AAUW).

SPECIAL REPORTS

City Manager Mark Watson requested to make a special announcement from Oak Ridge Fire Chief Darryl Kerley regarding the City's ISO ratings. The Fire Chief announced that the City would be receiving an ISO (Insurance Service Office) Class 2 rating for fire protection making the City the top 1% of the nation who receive such rating. The Fire Chief attributed this success to efforts of the firefighters and the support of the Oak Ridge City Council, dispatchers, and the Public Works Department.

CONSENT AGENDA

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley to approve the Consent Agenda as presented. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby:

Approving the February 10, 2014 City Council meeting minutes.

Adopting **Resolution No. 03-14-2014** granting renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waiving the residency requirement for nonresident applicants.

Adopting **Resolution No. 03-15-2014** to apply for and accept set-aside Emergency Solutions Grant (ESG) program funds from the Tennessee Housing Development Agency, through the U.S. Department

of Housing and Urban Development Emergency Solutions Grant Program, in the estimated amount of \$52,492.00, to fund ESG activities.

RESOLUTIONS

Resolution No. 03-16-2014

A JOINT RESOLUTION BETWEEN THE OAK RIDGE CITY COUNCIL AND THE OAK RIDGE BOARD OF EDUCATION RELATIVE TO RETIREMENT OF THE DEBT FOR THE OAK RIDGE HIGH SCHOOL DEBT AND FUTURE INITIATIVES INVOLVING OAK RIDGE AND ANDERSON COUNTY LOCAL OPTION SALES TAXES.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the joint resolution be adopted.

City Manager Mark Watson provided a history leading up to the consideration of the joint resolution. Mr. Watson explained that in order to pay for the approximate \$58 million renovation of the Oak Ridge High School, a referendum was approved for an additional ½% sales tax. Upon Anderson County superseding the sales tax, a new formula was initiated for ¼% to the bond and the ¼% for school systems in Anderson County. Mr. Watson commented that a disagreement developed between the Board of Education and City Council about the dedication of the sales tax generated outside of the city limits.

The City Manager further explained that he and Superintendent of Schools Dr. Bruce Borchers have been working to develop a solution for the above described situation which was being presented to City Council for their consideration where the Board of Education would have discretion on the use of sales tax generated outside of the city limits for one of the following four (4) components: Technology Enhancements, Capital Repairs/Equipment, Educational Innovation Projects/Grant match, and Debt Reduction. Additionally, Mr. Watson explained that sales tax generated inside city limits would be used for debt servicing.

Councilmember Baughn inquired about a document that was submitted to the City Council and the City Clerk, via e-mail the morning of March 3, 2014, for inclusion in the minutes. Discussions were held amongst the City Council and the City Clerk regarding procedure to have the document defined and included in the minutes to which the City Clerk recommended the following: (1) if the document was a report then it would need to be reformatted to remove all the hyperlinks included for its completion, given that it would be a permanent record, and a motion would be necessary to accept the report; (2) if the document was to be submitted as a communication, it should be addressed to City Council signed by herself, and that the communication could be considered by City Council with a motion to amend the minutes at the following meeting so as to accept the communication with the hyperlinks being removed as well. Councilmember Baughn indicated that she would have it considered as a communication. The City Clerk recommended Councilmember Baughn redraft/reformat the document as a communication and it be included as part of the agenda for the April City Council meeting as an amendment for the March 3, 2014 minutes to be considered by the City Council for its inclusion.

Councilmember Mosby moved to amend the joint resolution to include the plan/model, developed by the Finance Director, as part of the resolution that shows the retirement of this debt with no impact to the property tax rate as a means of permanency for the City's records as of March 3, 2014.

Both the City Manager and the Finance Director commented that the model is more of a planning tool to best evaluate the pressure points of the debt, particularly based on projections of sales tax. The Finance Director stressed that the model, referred to by Councilmember Mosby, was not a definitive plan on the exact payment of the debt and that the City would be contributing sales tax for the debt payments until such that it is was extinguished.

The motion introduced by Councilmember Mosby was seconded by Councilmember Garcia Garland. Following discussions of City Council, the motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor

Beehan voting "Aye."

The resolution, as amended, was approved by board vote with Councilmembers Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn and Garcia Garland voting "Nay."

Consideration of an Ordinance on First Reading

AN ORDINANCE TO AMEND ORDINANCE NO. 05-2013, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY AMENDING SAID APPROPRIATIONS.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope to approve the ordinance on first reading.

The City Manager explained that the budget amendment was a request from the Board of Education for the Oak Ridge School to implement the Discovery Education Program in the fall for a \$1,750,864.00 increase to the School's General Purpose School Fund with \$1,000,000.00 going toward technology capital improvements.

The City Attorney clarified, at the request of Councilmember Mosby, that the opinion received from the Oak Ridge School Attorney Chris Cagle explained that the contract for the Discovery Education Program does not have an impact on the Maintenance of Effort formula as funds are already appropriated and the School is not seeking additional funds. Additionally, the City Attorney explained that the communication indicated that the contract is cancellable if no sufficient funds exist.

School Superintendent Dr. Bruce Borchers explained that the purpose for the one-time costs was for implementing the program noting that much of the cost are associated with staff development, and the on-going costs was for curriculum and text book packages available through their Text Book Fund. Dr. Borchers clarified that approximately \$1,000,000.00 of the \$1,750,864.00 was for the capital improvements for technology, and the remainder was for teacher learning.

In response to inquiries regarding the school's fund balance, Chairman of the Board of Education Keys Fillauer explained that the Schools are required to keep a certain amount of funding reserves.

The ordinance was approved on first reading by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

Redflex Traffic Solutions, Inc. Agreement

- Option 1) A RESOLUTION EXTENDING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS FOR AN ADDITIONAL TWO-YEAR TERM ENDING APRIL 21, 2016.
- Option 2) A RESOLUTION TERMINATING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS ON APRIL 21, 2014.

The Mayor suggested that staff present information related to the item for consideration, discussions take place, and then a request for a motion be made for approval of either Option 1 or Option 2.

Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan presented their opinions for support for or against the cameras. During these comments, the Council discussed alternative usage with the utilization of mobile units, change in locations, reduction in quantity,

renegotiation of payment received by the City, traffic management studies and data, and the use of police officers as an alternative to issuing tickets.

(Councilmember Hope was absent during discussion of this item and for the remainder of the meeting.)

Mr. T.J. Garland, 120 Outer Drive, expressed his opposition to the traffic cameras.

Mr. Aditya Savara, 109 Trenton Drive, encouraged City Council to contact the Traffic Safety Advisory Board given that the Board has held some discussions regarding changes in traffic behavior as a result of the cameras, and noted that the City has been relying on the monies generated by said cameras for several projects.

Ms. Kay Williamson, 420 Jefferson Avenue, discussed the potential of changing traffic patterns and measures as a matter of safety for the community.

Mr. Dale Gadcke, 1033 West Outer Drive, commented about taking time to analyze the situation to determine the City's needs in regards to traffic cameras and vendors.

Ms. Sharon Crane, 107 Wakefield Road, expressed her opposition the cameras as a revenue source and their locations in the community.

Mr. Joe Lee, 99 East Pasadena Road, expressed his support for the cameras and their impact on traffic safety. Mr. Lee encouraged City Council to renew the cameras.

Mr. David Mast, West Paducah, Kentucky, representative of the American Traffic Solutions, spoke regarding the services offered by his organization.

Following clarifications from the City Clerk regarding procedures to consider one (1) of the two (2) options for the Redflex agreement with an amendment, Mayor Pro Tem Miller moved to consider Option 1 titled "a resolution extending the agreement (COR 08-01) between the City and Redflex Traffic Solutions, Inc., for automated red light and speed cameras for an additional two-year term ending April 21, 2016" (Option 1). The motion was seconded by Councilmember Hensley.

Mayor Pro Tem Miller moved to amend the resolution (Option 1) by including some revisions, such as location changes, fee renegotiations, consideration of mobile units, and consideration of a Request for Proposal (RFP). The City Attorney clarified that a motion to consider an RFP would cancel the contract thus making the request null. Mayor Pro Tem Miller agreed to remove the consideration for the RFP, but keep the remaining three (3) revisions as part of the amendment. The motion was seconded by Councilmember Hensley.

The City Attorney noted that, according to new changes in State law, a traffic study would have to be performed, at the expense of the City, before consideration of new locations of cameras since that would institute a change in the existing contract.

Following discussions on the proposed amendment, the amendment passed by board vote with Councilmembers Garcia Garland, Hensley, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," Councilmember Mosby voting "Nay," and Councilmember Baughn abstaining.

Councilmember Hensley moved to postpone consideration of the item, seconded by Mayor Pro Tem Miller. Additionally, during discussions regarding postponement, it was noted that since the following resolution for a traffic signal at the intersection of the Oak Ridge Turnpike and the Oak Ridge High School was contingent on consideration of the traffic cameras then it would need to be considered at a later time.

The motion to postpone consideration of Option 1, as amended, was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor

Beehan voting "Aye."

A RESOLUTION TO AUTHORIZE THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF THE OAK RIDGE TURNPIKE AND THE OAK RIDGE HIGH SCHOOL SUBJECT TO APPROVAL OF THE TRAFFIC SIGNAL DESIGN BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT), AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND TDOT TO ASSIGN PERPETUAL MAINTENANCE RESPONSIBILITY OF SAID TRAFFIC SIGNAL TO THE CITY.

Councilmember Baughn moved to remove the item from the agenda until the next City Council meeting. The motion was seconded by Councilmember Hensley and approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 03-17-2014

A RESOLUTION AWARDED A BID IN THE ESTIMATED AMOUNT OF \$154,620.00 TO GUTHRIE SALES & SERVICES, INC., BRENTWOOD, TENNESSEE, FOR THE FURNISHING OF TWO REPLACEMENT MOTORS FOR THE EAST PLANT PUMP STATION.

Councilmember Hensley moved, seconded by Councilmember Baughn that the resolution be approved. The resolution was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 03-18-2014

A RESOLUTION AWARDED A CONTRACT (FY2014-103) TO DAVIS H. ELLIOT COMPANY, INC., LEXINGTON, KENTUCKY, TO PROVIDE AS NEEDED LABOR AND EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE OF UNDERGROUND AND OVERHEAD ELECTRIC POWER LINES IN THE ESTIMATED AMOUNT OF \$3,357,782.00.

Mayor Pro Tem Miller moved, seconded by Councilmember Garcia Garland that the resolution be approved.

Electric Department Director Jack Suggs explained that sufficient funds existed for this item as it is an individual line items as submitted through Capital Improvement Program (CIP) and approved as part of the budget process. The resolution was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Resolution No. 03-19-2014

A RESOLUTION APPROVING AN ADMINISTRATIVE HEARING OFFICER AGREEMENT.

Councilmember Hensley moved, seconded by Councilmember Garcia Garland that the resolution be approved. The City Manager explained that the funding for this position was coming from funds available from a vacant position at the library that has now been eliminated as it is no longer warranted as service levels are being maintained.

The resolution was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of an Ordinance

AN ORDINANCE TO AMEND TITLE 5, TITLED "MUNICIPAL FINANCE AND TAXATION," CHAPTER 1, TITLED "MISCELLANEOUS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 5-102, TITLED "WHEN DUE, DELINQUENT," AND

SUBSTITUTING THEREFOR A NEW SECTION 5-102, WITH THE SAME TITLE, TO CHANGE THE DUE DATE AND DELINQUENT DATE FOR TAXES.

(Public Hearing scheduled for March 24, 2014 special meeting of City Council.)

Councilmember Hensley moved, seconded by Councilmember Garcia Garland that the ordinance be approved on first reading.

The City Manager provided the benefits of moving the due and delinquent date for taxes, and noted that the City had enough fund balance to maintain services for that additional month.

Following additional discussions with staff and Council regarding the date change for tax collection, the ordinance was approved on first reading by board vote with Councilmembers Garcia Garland, Hensley, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn and Mosby voting "Nay."

FINAL ADOPTION OF ORDINANCES

Ordinance No. 01-2014

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 6, TITLED "ADMINISTRATIVE HEARING OFFICER," TO CREATE AN ADMINISTRATIVE HEARING OFFICER POSITION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §6-54-1001 ET SEQ.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the ordinance be adopted.

The ordinance was adopted by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

The Mayor noted that a citizen has contacted himself and Councilmember Hensley and that he would forward the citizen's contact information to staff.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

Grant to Promote the Oak Ridge Farmers Market

The information regarding the grant for the Oak Ridge Farmers Market was for informational purposes of the City Council. No action was taken regarding this item.

The City Manager also explained that he would like to follow-up on the recent Energy Communities Alliance (ECA) Peer Exchange with the Council.

CITY ATTORNEY'S REPORT

(NONE)

ADJOURNMENT

The meeting adjourned at 10:20 p.m.

**MINUTES OF THE
OAK RIDGE CITY COUNCIL
SPECIAL MEETING**

March 24, 2014

The special meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on March 24, 2014, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

At the request of the Mayor, Councilmember David N. Mosby led the Invocation, and Mr. Waldemar Kaczocha led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Mayor Thomas L. Beehan; Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; and Councilmember David N. Mosby.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; Diana R. Stanley, City Clerk.

SPECIAL REPORTS

Presentation and public meeting to provide information concerning the City of Oak Ridge's application for a Clean Water State Revolving Loan Fund (SRF) in the amount of \$3,000,00.00 for the City's remediation plan.

Public Works Director Gary Cinder provided an overview to the City Council regarding the \$3,000,000.00 Clean Water State Revolving Loan Fund (SRF) including project description, project schedule, EPA sewer projects status as of the March 24, 2014 date, long-term benefits, and short term impacts. Finance Director Janice McGinnis provided advantages of the SRF loan and impact of wastewater rates. Both the Finance Director and the Public Works Director responded to questions and comments of the City Council.

Councilmember Baughn requested that a statement that was included as part of the October 14, 2013 City Council meeting minutes also be included into the record of the March 24, 2014 City Council meeting regarding the October 2013 increase in the water and wastewater rates as was presented by the City Manager. That statement reads:

A better representation for the rates would be a range of percentages beginning with first rate increases experienced in May of 2012. The impact on the rate increases would range from 66% to 101% for water and 102% to 135% for wastewater, with the combined utilities impact ranging from 95% to 106% as the level of usage would cause the percent increase to vary.

The Mayor opened the floor to receive public comments:

Ms. Ellen Smith, 116 Morningside Drive, encouraged City Council to support the loan and noted that the City of Oak Ridge does not have a combined wastewater system as compared to other cities in the nation.

The Mayor closed the floor for public comments.

RESOLUTIONS

Resolution No. 03-20-2014

RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND

OAK RIDGE CITY COUNCIL SPECIAL MEETING

MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING.

Councilmember Hensley moved, seconded by Councilmember Hope to approve the resolution.

The motion was approved by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn voting "Nay."

Redflex Traffic Solutions, Inc. Agreement:

Option 1) A RESOLUTION EXTENDING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS FOR AN ADDITIONAL TWO-YEAR TERM ENDING APRIL 21, 2016.
(pending approval as amended)

Option 2) A RESOLUTION TERMINATING THE AGREEMENT (COR 08-01) BETWEEN THE CITY AND REDFLEX TRAFFIC SOLUTIONS, INC., FOR AUTOMATED RED LIGHT AND SPEED CAMERAS ON APRIL 21, 2014.

The City Manager noted that City Council would be considering Option 1, to renew the contract for an additional two-year term, as amended by City Council during the March 3, 2014 City Council meeting. Mr. Watson noted that the three (3) amendments were—location changes, fee renegotiations, and consideration of mobile units. The City Manager explained that if the City were to renegotiate the contract, City Council would have an opportunity to approve the final contract.

The City Attorney clarified his understanding of the new state requirements that new consideration of placements of cameras or change in quantity would require a traffic study beforehand; however, a renewal of the contract without changes would not require said study.

City staff provided explanations and clarifications regarding the proposed resolution as amended, what variables would prompt a traffic study under the state requirements, and other alternatives for consideration of traffic cameras, such as a new Request for Proposal.

City Council discussed either their support or opposition to the traffic cameras at length, as city staff continued to respond to inquiries and comments of the City Council.

Ms. Mary Ann Wildgruber, 122 Connors Drive, asked City Council to keep the traffic cameras as a matter of safety in the community for pedestrians.

Ms. Kay Williamson, 420 Jefferson Avenue, commented that the traffic cameras divert revenues from Oak Ridge, does not assist with traffic safety, and urged City Council to consider different safety options.

Ms. Sharon Crane, 107 Wakefield Road, expressed her opposition to the cameras in regards to their location in Oak Ridge, the expenditure of funds from the cameras for projects located in particular areas of the City, and inquired about obtaining suggestions and input from the Traffic Safety Advisory Board.

Mr. David Mast, West Paducah Kentucky, American Traffic Solutions, explained his understanding that traffic studies are only required by state law for the expansion of a traffic system and requested that City Council consider different companies and technologies offered by different companies.

Mr. Aditya Savara, 109 Trenton Drive, commented about conducting studies for traffic patterns and considering different traffic controlling alternatives.

Mr. Gene Dunaway, 125 Vienna Road, commented about the insurance savings that he has experienced with the traffic cameras being utilized in Oak Ridge.

Mr. Joseph Lee, 99 East Pasadena Road, expressed his support for the traffic cameras and the extension of the contract.

The resolution, as amended, failed by board vote with Councilmembers Hensley, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn, Garcia Garland, Hope, and Mosby voting "Nay."

(Option 2 was not considered by City Council given that the Council had voted not to provide a contract extension thus making consideration of this item unnecessary as the contract would expire April 21, 2014.)

A RESOLUTION TO AUTHORIZE THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF THE OAK RIDGE TURNPIKE AND THE OAK RIDGE HIGH SCHOOL SUBJECT TO APPROVAL OF THE TRAFFIC SIGNAL DESIGN BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT), AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND TDOT TO ASSIGN PERPETUAL MAINTENANCE RESPONSIBILITY OF SAID TRAFFIC SIGNAL TO THE CITY.

Councilmember Baughn moved, seconded by Councilmember Hensley to approve the resolution.

Discussions occurred amongst the City Council about obtaining additional information or data regarding traffic at this location and the need for traffic signalization of this location. As a result of those discussions, Councilmember Hensley moved to refer the item to the Traffic Safety Advisory Board (TSAB) prior to consideration by City Council and return with information in four (4) months. The motion was seconded by Mayor Pro Tem Miller.

Following additional discussions, the motion passed with Councilmembers Baughn, Garcia Garland, Hensley, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Hope and Mosby voting "Nay."

Councilmember Garcia Garland requested that Council hear from present TSAB members to ensure that the Board would understand the instructions based on discussions held, Mr. Bill Polfus, 110 Victoria Road, commented that the Board would consider alternatives for the Council's approval.

FINAL ADOPTION OF ORDINANCES

Public Hearing and Final Adoption of an Ordinance

Ordinance No. 02-2014

AN ORDINANCE TO AMEND ORDINANCE NO. 05-2013, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY AMENDING SAID APPROPRIATIONS.

Councilmember Hensley moved, seconded by Councilmember Hope that the ordinance be adopted on second reading.

The City Manager explained that the ordinance was under consideration as part of a request from the Board of Education to transfer funds of \$1,750,864 from their fund balance to approve technological infrastructure improvements as part of the school's STEM initiative.

Mayor Beehan opened the floor to receive comments as part of the public hearing for the ordinance:

No citizens participated in the public hearing.

The ordinance was adopted by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

Final Adoption of an Ordinance (cont.)

Ordinance No. 03-2014

AN ORDINANCE TO AMEND TITLE 5, TITLED "MUNICIPAL FINANCE AND TAXATION," CHAPTER 1, TITLED "MISCELLANEOUS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 5-102, TITLED "WHEN DUE, DELINQUENT," AND SUBSTITUTING THEREFOR A NEW SECTION 5-102, WITH THE SAME TITLE, TO CHANGE THE DUE DATE AND DELINQUENT DATE FOR TAXES.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the ordinance be adopted on second reading.

The City Manager noted the benefits of moving the tax date collection which included more accuracy in tax collections and in the budget of the Oak Ridge Schools. Mar. Watson also pointed out that the City is the only city in Tennessee collecting taxes beginning June 1. Mr. Watson also noted that the appropriation ordinance would be considered by City Council in June as opposed to May.

In response to inquiries of Council, Finance Director Janice McGinnis explained that the only losses experienced by the City as a result of this change would occur in the interest earnings as part of the transition of moving tax collection one (1) month and that the City would not have to raise fund balance as a result of this change in tax collection. Additionally, she explained that the fund balance would only be impacted if the collection date were moved further.

Following discussions between city staff and City Council regarding this proposed change, the ordinance was adopted by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Diana R. Stanley, City Clerk
CITY OF OAK RIDGE, TENNESSEE

**OAK RIDGE CITY COUNCIL
WORK SESSION MINUTES**

March 24, 2014

The Work Session of the Oak Ridge City Council convened at 9:20 p.m. on March 24, 2014 in the Courtroom of the Municipal Building.

Present: Trina Baughn, Councilmember
Tom Beehan, Mayor
Anne Garcia Garland, Councilmember
Charlie Hensley, Councilmember
Chuck Hope, Councilmember
Jane Miller, Mayor Pro Tem
David Mosby, Councilmember

Also Present: Mark S. Watson, City Manager
Ken Krushenski, City Attorney
Janice E. McGinnis, Finance Director
Diana Stanley, City Clerk

DISCUSSION AND CONSIDERATION OF APPLICATION FOR TENNESSEE ADVENTURE TOURISM DISTRICT IN THE CITY OF OAK RIDGE

The City Manager noted that that the Tennessee Adventure Tourism District would be considered by City Council during the April City Council meeting.

Mr. Ray Evans, City Consultant, explained that the City was exploring the presented "O" ring boundary as it aligned with the application's consideration of economic, recreational, and community elements.

Both the City Manager and Mr. Evans responded to comments and questions of City Council regarding this item.

DISCUSSION ON CITY OF OAK RIDGE FY 2015 BUDGET AND REVIEW OF STRATEGIC PRIORITIES/CONCERNS OF THE CITY COUNCIL

Discussions to occur at another scheduled meeting.

UPDATES FROM CITY MANAGER

Information to be provided at another scheduled meeting.

The meeting adjourned at 9:40 p.m.

Diana R. Stanley, City Clerk
CITY OF OAK RIDGE, TENNESSEE

PROCLAMATION

WHEREAS, Administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations; and

WHEREAS, The work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities; and

WHEREAS, Administrative Professionals Week® is observed annually in workplaces around the world to recognize important contributions of administrative support staff and is sponsored by the International Association of Administrative Professionals®; and

WHEREAS, the theme of 2014 Administrative Professionals Week is reflecting how today's career-minded administrative professionals are handling increasingly advanced roles and looking toward the future by recognizing the importance of life-long learning.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the week of April 21-25, 2014, be observed as

ADMINISTRATIVE PROFESSIONALS WEEK

&

Monday, April 21, 2014 also be observed as

ADMINISTRATIVE PROFESSIONALS DAY®

in the City of Oak Ridge, Tennessee and that all citizens salute the valuable contributions of administrative professionals in the workplace. And we call on all employers to support continued training and development for administrative staff, recognizing that a well-trained workforce is essential for success in today's business world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 14th day of April in the year 2014.

THOMAS L. BEEHAN
MAYOR

RECREATION AND PARKS MEMORANDUM

14-01

DATE: March 28, 2014
TO: Mark S. Watson, City Manager
FROM: Matt Reedy, Recreation Program Supervisor
THROUGH: Josh Collins, Director of Recreation and Parks
SUBJECT: APPROVAL OF YOUTH ADVISORY BOARD BYLAWS

Introduction

At item for City Council's consideration is a resolution to approve Youth Advisory Board Bylaws.

Consideration

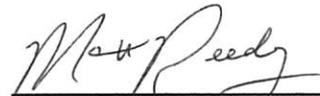
During preparations for the Youth Advisory Board (YAB) membership recruitment, city staff noticed some discrepancies in the file copy of the YAB Bylaws and Resolution No. 6-54-08 that reestablished the purpose and function of the YAB. Upon this discovery, city staff began to research those bylaws and could not find evidence that bylaws had been submitted to City Council for approval. City staff has worked to correct this oversight, and at the March 26, 2014 meeting of the City Youth Advisory Board, members voted unanimously to approve the attached set of Bylaws.

Recommendation

City Staff is recommending approval of the City of Oak Ridge Youth Advisory Board Bylaws.

Attachment(s)

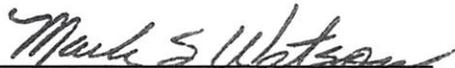
Youth Advisory Board Memorandum from Chairwoman, Kelsey Warmbrod
Youth Advisory Board Bylaws



Matt Reedy

City Manager's Comments:

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



Mark S. Watson

4-2-14

Date

YOUTH ADVISORY BOARD MEMORANDUM

DATE: March 27, 2014
TO: Diana Stanley, City Clerk
THROUGH: Matt Reedy, Advisor to the YAB
FROM: Kelsey Warmbrod, YAB Chairwoman
SUBJECT: Youth Advisory Board Bylaws

At the March 26, 2014 meeting of the Oak Ridge Youth Advisory Board, YAB members approved a new set of Bylaws. Board members voted unanimously to approve the attached Bylaws and they are submitted for approval of the Oak Ridge City Council.

If there are any questions about this statement from the Youth Advisory Board, I can be reached during after-school hours at 425-0651.

Thank you,

A handwritten signature in black ink, appearing to read 'Kelsey Warmbrod', written in a cursive style.

**Kelsey Warmbrod
YAB Chairwoman**

RESOLUTION

A RESOLUTION APPROVING BYLAWS FOR THE YOUTH ADVISORY BOARD, AS REQUIRED BY RESOLUTION 6-54-08.

WHEREAS, by Resolution 6-54-08, City Council set forth the purpose and function of Youth Advisory Board (YAB) and established a procedure for the selection of members; and

WHEREAS, said resolution requires YAB to adopt bylaws and submit them to City Council for approval; and

WHEREAS, at their March 26, 2014 meeting, YAB unanimously approved a set of bylaws.

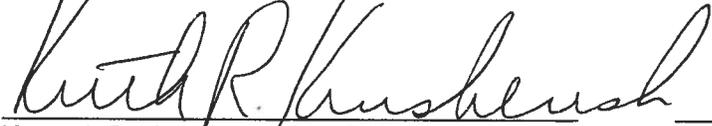
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the attached Bylaws of the Youth Advisory Board are hereby approved and shall become effective immediately.

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

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

City of Oak Ridge, Tennessee
BYLAWS
of the
YOUTH ADVISORY BOARD

Article I. Name

The name of the organization shall be the Youth Advisory Board (YAB) of Oak Ridge, hereinafter referred to as the Board. The YAB was originally established by City Council Resolution No. 12-159-91 on, and was recreated by Resolution No. 6-54-08 to better clarify the YAB's purpose, function, and procedure for selection of its members.

Article II. Function

The function of the Board shall be to serve as a liaison between City Council and the youth of the Oak Ridge community on issues affecting youth, and to encourage the positive growth and development of youth by involving them in healthy social, cultural, recreational, and other activities. In the performance of its function, the Board is authorized to:

- a) Make recommendations to City Council and the City Manager on matters affecting the youth of the community.
- b) Plan, organize, coordinate, and carry out drug- and alcohol-free activities for the youth of the Community.
- c) Enter into agreements with entertainers, concessionaires, and other third parties as may be deemed desirable by the Board within available funds and in accordance with applicable State and City laws and procedures.

Article III. Participation

All community and area youth are eligible to participate in activities arranged or organized by the Board, subject to the rules and regulations established by the Board for such activities.

Article IV. Membership, Elections, and Officers

1. The Youth Advisory Board shall be comprised of sixteen (16) members, all of whom shall be students in the eighth through twelfth grade levels and residents of the City of Oak Ridge. The members of the Youth Advisory Board (YAB) shall be appointed by the Oak Ridge City Council upon recommendation by a YAB Screening Panel which shall be composed of one member of City Council, one member of the faculty of the Oak Ridge Schools, and the City staff member assigned to work with the Board. Contingent upon the availability of applicants, the Screening Panel shall strive to recommend at least two (2) students each from the 8th, 9th, 10th, 11th, and 12th grade levels.
2. All members shall serve a one-year term of office commencing August 1 and ending July 31 of the following year. Whenever a vacancy occurs prior to the expiration of a term of office, the Screening Panel shall recommend a replacement for consideration of appointment by City Council to serve the remainder of the term.
3. No later than September 1 of each year, the Board shall elect from its members a Chair, Vice-Chair, Secretary, and Treasurer whose terms shall end on July 31 of the following year. The duties of the Officers shall be as follows:

Chairperson: The Chairperson shall preside at meetings of the Board, prepare the agenda for the meetings and make a copy available to the Secretary; call special meetings; call special elections; sign, together with the Secretary or other designated officer of the Board, any documents or instruments authorized to be executed by the Board, except in those cases where such execution has been expressly delegated by the Board or by these bylaws to another officer or is required by law to be otherwise handled; and in general

shall perform all duties as may be prescribed by the Board from time to time, in accordance with all applicable State and City laws and procedures.

Vice-Chairperson: The Vice-Chairperson shall preside at meetings in the absence of or at the request of the Chairperson and shall become Chairperson for the remainder of the term in the event of the resignation, death, or removal of the Chairperson. In the temporary absence or disability of the Chairperson, the Vice-Chairperson shall assume the duties of the Chair and in that event shall have all the powers of and be subject to all the restrictions of that office. The Vice-Chairperson shall perform such other duties as may be assigned from time to time.

Secretary: The Secretary shall be responsible for the preparation of minutes of the meetings of the Board and upon their approval, shall provide a signed copy to the City Clerk for filing and distribution to City Council. The Secretary shall keep a copy of the Board's minutes in a record book which shall be passed on to his or her successor; shall have custody of all important records of the Board, excluding financial records; shall sign with the Chairperson or Vice-Chairperson any documents or instruments which the Board has so authorized to be executed; shall assure that all notices are duly given as required by law, these bylaws, or the Board; shall call the meetings of the Board to order in the absence of the Chairperson or Vice-Chairperson and shall conduct an election for a temporary presiding officer for that meeting; and shall perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Board. In the absence of the Secretary, the Chairperson shall appoint another member to be responsible for the preparation of the minutes of the meeting.

Treasurer: The Treasurer shall be responsible for reviewing the records of all financial transactions of the Board; shall process, collect, and remit all fees and charges and deposit all funds with the City of Oak Ridge; shall report on the financial condition of the Board; and shall perform such other duties as from time to time may be assigned by the Board.

4. Chairpersons of specialized areas (events, publicity, concessions, etc.) may be appointed by the Chairperson with the consent of the Board.

Article V. Meetings

1. The Board shall conduct public, general purpose meetings at least twice each month except for the months of June, July and December. In December, meetings will be held once a month. Regular meetings shall commence at such time and dates designated by the Board and will be held at the Oak Ridge Civic Center or at such other location as may be designated by the Board. Special meetings shall be called as necessary to carry out the functions of the Board. The Board shall give proper notice of all meetings in accordance with the laws of the State of Tennessee. All meetings of the Board shall be open to the public and all regular and special meeting notices shall be provided to the local newspaper and the Oak Ridge City Council, as well as announced during school announcements at Oak Ridge High School, Jefferson Middle School, and Robertsville Middle School.
2. Any business may be brought by the Board at a regular meeting, whether or not that business is set forth in the agenda.
3. Special meetings may be called by the Chairperson or upon request of at least three (3) members of the Board.
4. Written notice of a special meeting shall be given to all Board members, the local newspaper, and schools at least 24 hours prior to the meeting, stating the business to be considered. Any member may waive notice of a special meeting. The attendance of a member at a special meeting shall constitute waiver of notice, except where such member attends the meeting for the express purpose of objecting to the transaction of business because the meeting was not lawfully called or convened.
5. To the extent possible, the following order of business shall be observed at regular meetings of the Board:

- a. Roll call
 - b. Reading and approval of the minutes of the preceding meeting
 - c. Reports of officers
 - d. Reports of committees
 - e. Unfinished business
 - f. New business
 - g. Adjournment
6. At least a majority of the members then in office shall be a quorum for the transaction of business at all Board meetings, and the affirmative vote of at least a majority of the members then in office shall be required to take any action.
 7. The Youth Advisory Board will follow the Oak Ridge School System schedule. For example, if school is canceled due to weather conditions and the Board was scheduled to meet that same day, their meeting will also be canceled and rescheduled at a later date. If a regular meeting of the Board is scheduled on a given school holiday, it will also be rescheduled to a later date.
 8. Absences shall be treated in accordance with the established City Council attendance policy for boards and commissions.

Article VI. Reports to Council

By September 30 of each year, the Board shall submit to City Council an annual plan of work for its ensuing term. The Board shall also submit a written report of its activities at the conclusion of its term, preferably by July 1.

Article VII. Amendments to the Bylaws

1. Subject to the approval of the Oak Ridge City Council, these bylaws may be amended or repealed in whole or in part at any meeting of the Board, provided that written notice of the proposed amendment or repeal is given in the notice of such meeting and at least one week in advance of the meeting.
2. If an occasion arises that a question is not specifically covered by these bylaws, the latest edition of Robert's Rules of Order will apply.

Approved this 26th day of March 2014.

Chairman, Youth Advisory Board

Secretary, Youth Advisory Board

**PUBLIC WORKS MEMORANDUM
14-07**

DATE: March 25, 2014
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: STREET RESURFACING CONTRACT

Introduction

An item for City Council's consideration is a resolution authorizing a contract in the estimated amount of \$898,361.90 to Rogers Group, Inc., Oak Ridge, TN for street resurfacing.

Funding

Funds for the subject contract are available in the FY14 budget.

Background

Each year the Public Works Department prepares a list of streets to resurface. Streets are selected based on condition and traffic volume. When preparing the list an effort is made to make the number of center line miles resurfaced match funds available based on anticipated annual cost increases.

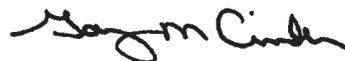
This year staff let for bid a project containing 6.989 miles of streets and received a bid price of \$795,788.90. This bid price was less than expected leaving funds available in the FY14 resurfacing budget. Staff contacted Rogers Group, Inc. and requested they add quantities at the bid unit cost sufficient to resurface Providence Road at an additional cost of \$102,574.80 bringing the total miles to 7.598 and the total contract to \$898,361.90.

Recommendation

This project was publically advertised and solicitation for bids were provided to four local firms qualified to provide street resurfacing services. Only one bid was received; however, the bid was less than anticipated and Public Works is pleased with the contractor's past performance. Staff recommends approval of this contract.

Attachment

A list of streets to be resurfaced.



Gary M. Cinder

City Manager's Comments:

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



Mark S. Watson

4-2-2014

Date

PUBLIC WORKS MEMORANDUM
14-07

PAGE 2

Name	From street	To street
BELGRADE ROAD (EAST)	CAIRO LANE	WAREHOUSE ROAD
BRIARCLIFF AVENUE	DANBURY DRIVE	SOUTH COLUMBIA DRIVE
BRIARCLIFF AVENUE	SOUTH COLUMBIA DRIVE	EMORY VALLEY ROAD
POTOMAC CIRCLE	SOUTH PURDUE AVENUE	SOUTH PURDUE AVENUE
ROBERTSVILLE ROAD	MISSISSIPPI AVENUE	SALEM ROAD
ROBERTSVILLE ROAD	SALEM ROAD	SENECA ROAD
ROBERTSVILLE ROAD	SENECA ROAD	LOUISIANA AVENUE
BALBOA CIRCLE	BAYLOR DRIVE	BAYLOR DRIVE
BAYLOR DRIVE.	EMORY VALLEY ROAD	BALBOA CIRCLE
AMANDA DRIVE	ADELPHI ROAD	DEAD END
NORTHWESTERN AVENUE	RUTGERS AVENUE	GETTYSBURG AVENUE
EAST ARROWOOD ROAD	ARKANSAS AVENUE	ATHENS ROAD
WEST ARROWOOD ROAD	CALIFORNIA AVENUE	ARKANSAS AVENUE
ALDER LANE	WEST ARROWOOD ROAD	DEAD END
BALTIMORE DRIVE	EMORY VALLEY ROAD	BAYLOR DRIVE
PHILLIPS LANE	SOUTH PURDUE AVENUE	DEAD END
DANIEL LANE	DAYTON ROAD	DEAD END
ENDICOTT LANE	EAST DRIVE	SCENIC DRIVE
SCENIC DRIVE	ENDICOTT LANE	BRIARWOOD DRIVE
ORAU Way	OAK RIDGE TURNPIKE	BADGER AVENUE
ORAU Way	BADGER AVENUE	SOUTH ILLINOIS AVENUE
WAKEFIELD ROAD	WEST WADSWORTH CIRCLE	WAKEMAN LANE
PROVIDENCE ROAD	ROBERTSVILLE ROAD	PENNSYLVANIA AVENUE

**CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids**

FY2014-126
OPENING DATE: March 20, 2014 2:30 P.M.

FOR — Street Milling and Resurfacing Project			BIDDER: Rogers Group, Inc. 250 Union Valley Road Oak Ridge, TN 37830		BIDDER:		BIDDER:		BIDDER:	
DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR STREET MILLING AND RESURFACING PROJECT PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT				\$ 795,788.90						
ADDITIONAL STREET WORK NEGOTIATED WITH THE BIDDER AFTER BID OPENING BASED ON UNIT PRICES SUBMITTED IN ORIGINAL BID				\$ 102,573.00						
TOTAL PRICE				\$ 898,361.90						
TERMS				Net 30						
DELIVERY				per Contract						
F.O.B.				Oak Ridge						
VIA				Best Way						

OTHER BIDDERS CONTACTED:
Blalock Companies - Sevierville, TN
Harrison Construction Company - Knoxville, TN
Duracap Asphalt Paving Co., Inc. - Knoxville, TN

BIDS OPENED AND RECORDED BY—
Lyn Majeski
Lyn Majeski
Accounting Division Manager

BIDS REVIEWED BY—
Dallas Dyce for
Janice McGinnis
Finance Director
Janice McGinnis

REASON FOR AWARD

ONLY BID RECEIVED	<input checked="" type="checkbox"/>
LOW PRICE	<input type="checkbox"/>
BETTER OR REQUIRED DESIGN	<input type="checkbox"/>
EARLY DELIVERY	<input type="checkbox"/>
LOWEST TOTAL COST	<input type="checkbox"/>

RECOMMEND AWARD BE MADE TO:

Rogers Group, Inc.
250 Union Valley Road
Oak Ridge, TN 37830

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (FY2014-126) TO ROGERS GROUP, INC., OAK RIDGE, FOR STREET MILLING AND RESURFACING OF DESIGNATED CITY STREETS IN THE ESTIMATED AMOUNT OF \$898,361.90.

WHEREAS, the City of Oak Ridge has issued an invitation to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for a street milling and resurfacing project; and

WHEREAS, bids were received and publicly opened on March 20, 2014, with Rogers Group, Inc., submitting the sole bid, which bid the City Manager recommends be accepted; and

WHEREAS, due to the favorable bid price, City Staff negotiated with Rogers Group for one (1) additional street under the contract.

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

That the recommendation of the City Manager is approved and award is hereby to Rogers Group, Inc., 250 Union Valley Road, Oak Ridge, Tennessee 37830, for the furnishing of all labor, tools, materials, equipment and supplies necessary to perform all work and services for the milling and resurfacing of designated city streets; said award in strict accordance with contract number FY2014-126, the required specifications, the bid as publicly opened on March 20, 2014, and the additional negotiated work, and in the estimated amount of \$898,361.90.

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

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM
14-08

DATE: March 26, 2014
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E, Director of Public Works
SUBJECT: REPLACEMENT PUMPS FOR THE PALISADES #4 SEWER PUMP STATION

Introduction

An item for City Council's consideration is a resolution authorizing the expenditure of funds in the estimated amount of \$67,000.00 to Nedrow & Associates, Inc., Murfreesboro, TN for the purchase of two replacement pumps for the Palisades #4 sewer pump station located behind 140 Palisades Parkway.

Funding

Funding for this project is available in the Water Works budget.

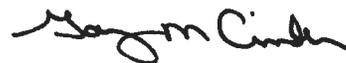
Background

The two pumps are major components of the station's operation for the City's wastewater collection system. They are used to transfer raw wastewater from the neighborhood to the East Plant Pump Station and then to the Wastewater Treatment Plant on Monterey Road and have been in service since 1991. They are part of the station's upgrade deemed necessary by the City staff engineer and the pump station maintenance crew. Upgrades to sewer pump stations are made as needed to help prevent overflows due to equipment failures. City forces will be installing these pumps upon delivery.

Sealed bids were solicited from several vendors for these pumps with Nedrow & Associates, Inc. submitting the low bid.

Recommendation

Staff recommends approval of the accompanying resolution.



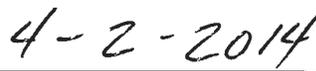
Gary M. Cinder, P.E.

City Manager's Comments:

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



Mark S. Watson



Date

**CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids**

RFQ #137863

OPENING DATE: March 20, 2014 2:00 P.M.

FOR --- Duplex Above Ground Valve Access Station with Pumps			BIDDER: Nedrow & Associates, Inc. 2233 Southpark Drive Murfreesboro, TN 37128		BIDDER: Water & Waste Equipment, Inc. 720 S. Church Street Murfreesboro, TN 37130		BIDDER:		BIDDER:		
DESCRIPTION	ITEM	Qty	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
DUPLEX ABOVE GROUND VALVE ACCESS STATION WITH PUMPS PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	1	\$ 67,000.00	\$ 67,000.00	\$ 79,900.00	\$ 79,900.00					
TOTAL PRICE			\$ 67,000.00		\$ 79,900.00		\$ -		\$ -		
TERMS			Net 30 days		Net 30 days						
DELIVERY DATE			8-10 WEEKS ARO		6-8 WEEKS ARO						
F.O.B.			Oak Ridge		Freight Included						
VIA			Truck		Motor Freight						
OTHER BIDDERS CONTACTED:							BIDS OPENED AND RECORDED BY--- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager				
REASON FOR AWARD:			RECOMMEND AWARD BE MADE TO:				BIDS REVIEWED BY--- <i>Dallas Dyce</i> Janice McGinnis Finance Director <i>Janice McGinnis</i>				
ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>			Nedrow & Associates, Inc. 2233 Southpark Drive Murfreesboro, TN 37128								

NUMBER _____

RESOLUTION

A RESOLUTION AWARDING A BID IN THE ESTIMATED AMOUNT OF \$67,000.00 TO NEDROW & ASSOCIATES, INC., MURFREESBORO, TENNESSEE, FOR THE FURNISHING OF TWO REPLACEMENT PUMPS FOR THE PALISADES #4 SEWER PUMP STATION.

WHEREAS, the City issued an invitation to bid for the purchase of two replacement pumps for the Palisades #4 Sewer Pump Station; and

WHEREAS, bids were received and publicly opened on March 20, 2014, with Nedrow & Associates, Inc., Murfreesboro, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

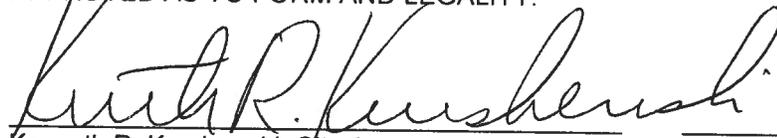
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Nedrow & Associates, Inc., 2233 Southpark Drive, Murfreesboro, Tennessee 37128, for the purchase of two replacement pumps for the Palisades #4 Sewer Pump Station; said award in strict accordance with Requisition No. 137863, the required specifications, and the bid as publicly opened on March 20, 2014, and in the estimated amount of \$67,000.00.

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

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

**PUBLIC WORKS MEMORANDUM
14-09**

DATE: March 26, 2014
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: PORTABLE EMERGENCY GENERATOR FOR SEWER PUMP STATIONS

Introduction

An item for City Council's consideration is a resolution authorizing the expenditure of funds in the estimated amount of \$63,150.00 to Nixon Power Services Company, Blountville, TN for the purchase of a portable emergency generator to use at sewer pump stations.

Funding

Funding for this project is available in the Water Works budget.

Background

The portable generator is another part of the City's sewer system upgrade. It is sized to supply power to any sewer pump station in the system that does not have a permanent generator in the event of a power outage. This helps prevent sewer overflows in these situations. Each station has a power supply connection to allow the generator to quickly be connected when needed.

Sealed bids were solicited from several vendors for this generator with Nixon Power Services Company submitting the low bid.

Recommendation

Staff recommends approval of the accompanying resolution.



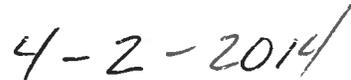
Gary M. Cinder, P.E.

City Manager's Comments:

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



Mark S. Watson



Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

RFQ #137864

OPENING DATE: March 21, 2014 2:00 P.M.

FOR ---			BIDDER:		BIDDER:		BIDDER:		BIDDER:		
Portable Generator			Nixon Power Services Company 1612 Hwy 75 Blountville, TN 37617		Lightning Power Electric Industry, Inc. 1429 Blue Road Coral Gables, FL 33146		Stowers CAT 6301 Old Rutledge Pike Knoxville, TN 37914		Stowers CAT 6301 Old Rutledge Pike Knoxville, TN 37914		
DESCRIPTION	ITEM	QTY	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
PORTABLE GENERATOR PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	1	\$ 63,150.00	\$ 63,150.00	\$ 72,961.00	\$ 72,961.00	\$ 88,000.00	\$ 88,000.00	\$ 124,762.00	\$ 124,762.00	
							Used generator with 1300 hours				
TOTAL PRICE			\$ 63,150.00		\$ 72,961.00		\$ 88,000.00		\$ 124,762.00		
TERMS			Net 30 days		Net 30 days		Net 30 days		Net 30 days		
DELIVERY DATE			12-14 Weeks ARO				2 Days		Depends on Order Date		
F.O.B.			Freight Collect, Unloading by COR				Job Site		Job Site		
VIA			Motor Freight				Stowers		Stowers		
OTHER BIDDERS CONTACTED:							BIDS OPENED AND RECORDED BY---				
							<i>Lyn Majeski</i>				
							Lyn Majeski Accounting Division Manager				
REASON FOR AWARD:							RECOMMEND AWARD BE MADE TO:				
ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>							Nixon Power Services Company 1612 Hwy 75 Blountville, TN 37617				
							BIDS REVIEWED BY---				
							<i>Dallas Dyce for</i>				
							Janice McGinnis Finance Director				
							<i>Janice McGinnis</i>				

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF A PORTABLE EMERGENCY GENERATOR FROM NIXON POWER SERVICES COMPANY, BLOUNTVILLE, TENNESSEE, FOR USE AT SEWER PUMP STATIONS IN THE ESTIMATED AMOUNT OF \$63,150.00.

WHEREAS, the City of Oak Ridge has issued an invitation to bid for the purchase of a portable emergency generator for use at the sewer pump stations; and

WHEREAS, bids were received and publicly opened on March 21, 2014, with Nixon Power Services Company, Blountville, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

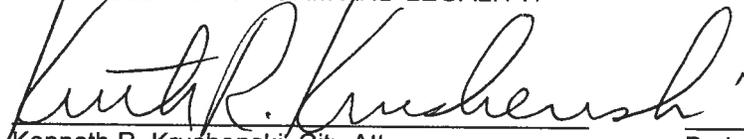
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby to Nixon Power Services Company, 1612 Hwy 75, Blountville, Tennessee 37617, for the purchase of a portable emergency generator for use at the sewer pump stations; said award in strict accordance with Requisition No.137864, the required specifications, and the bid as publicly opened on March 21, 2014, and in the estimated amount of \$63,150.00.

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

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

**PUBLIC WORKS MEMORANDUM
14-10**

DATE: March 26, 2014
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: REPLACEMENT GENERATOR FOR EMORY VALLEY SEWER PUMP STATION

Introduction

An item for City Council's consideration is a resolution authorizing the expenditure of funds in the estimated amount of \$37,985 to Nixon Power Services Company, Blountville, TN for the purchase of a replacement generator at the Emory Valley sewer pump station.

Funding

Funding for this project is available in the Water Works budget.

Background

The existing generator is a 125 KW unit. It is original equipment installed around 1983 and is used to keep the pump station running in the event of a power outage. Parts have gotten hard to find and it has reached its useful life expectancy. The replacement generator is comparable in size to the original and will supply power to the sewer pump station to help prevent overflows. It is a permanent, fixed in place generator. The supplier will remove the existing generator and place the new unit. City forces will perform the installation.

Sealed bids were solicited from several vendors for this generator with Nixon Power Services Company submitting the low bid.

Recommendation

Staff recommends approval of the accompanying resolution.



Gary M. Cinder, P.E.

City Manager's Comments:

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



Mark S. Watson



Date

**CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids**

RFQ #137865

OPENING DATE: March 20, 2014 2:10 P.M.

FOR --- Emory Valley Pump Station Generator			BIDDER: Nixon Power Services Company 1612 Hwy 75 Blountville, TN 37617		BIDDER:	BIDDER:	BIDDER:	
DESCRIPTION	ITEM	QTY	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
EMORY VALLEY PUMP STATION GENERATOR PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	1	\$ 37,985.00	\$ 37,985.00				
TOTAL PRICE			\$ 37,985.00		\$ -		\$ -	
TERMS			Net 30 days					
DELIVERY DATE			10-12 Weeks ARO					
F.O.B.			KOHLER					
VIA			Best Way					
OTHER BIDDERS CONTACTED: Stowers CAT - Knoxville, TN						BIDS OPENED AND RECORDED BY--- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager		
REASON FOR AWARD: ONLY BID RECEIVED <input checked="" type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input type="checkbox"/>			RECOMMEND AWARD BE MADE TO: Nixon Power Services Company 1612 Hwy 75 Blountville, TN 37617			BIDS REVIEWED BY--- <i>Dallas Duce for</i> Janice McGinnis Finance Director <i>Janice McGinnis</i>		

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT GENERATOR FROM NIXON POWER SERVICES COMPANY, BLOUNTVILLE, TENNESSEE, FOR THE EMORY VALLEY SEWER PUMP STATION IN THE ESTIMATED AMOUNT OF \$37,985.00.

WHEREAS, the City of Oak Ridge has issued an invitation to bid for the purchase of a replacement generator at the Emory Valley Sewer Pump Station; and

WHEREAS, bids were received and publicly opened on March 20, 2014, with Nixon Power Services Company, Blountville, Tennessee, submitting the sole bid, which bid the City Manager recommends be accepted.

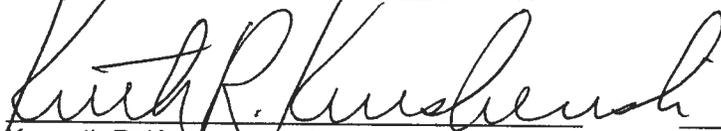
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby to Nixon Power Services Company, 1612 Hwy 75, Blountville, Tennessee 37617, for the purchase of a replacement generator for the Emory Valley Sewer Pump Station; said award in strict accordance with Requisition No.137865, the required specifications, and the bid as publicly opened on March 20, 2014, and in the estimated amount of \$37,985.00.

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

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krusnenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM

14-07

DATE: March 27, 2014
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: FIBER OPTICS SPLICING CONTRACTS

Introduction

An item for City Council's consideration is a resolution awarding bids to Irby Company, La Vergne, Tennessee, for the provision of fiber optic splicing materials in the not to exceed amount of \$85,000.00 and to Southeast Power Corporation, Spartanburg, South Carolina, for provision of labor, equipment and supplies necessary for fiber optic splicing in the estimated amount of \$86,100.00.

Funding

Funding is available in the Electric Fund and was presented in the Budget and Capital Improvements Program documents.

Review

On January 14, with resolution number 1-06-2014, Council approved the Memorandum of Understanding with the Oak Ridge Schools which will result in the construction of the Oak Ridge Fiber Optics Communication System (Fiber Optic System). As discussed in the attached Electric Department Memorandum 13-30, the City committed to supporting the splicing of the fiber optic cables. In that memorandum, staff presented an estimate of \$210,000.00 for the work, including materials.

On March 1, staff opened sealed bids for the labor and equipment, and for the materials involved. The total cost is below budget and the low bidder submitted acceptable bids in both cases.

Since materials will vary from site to site based on the conditions encountered and the particular interfaces desired, a bid for materials was prepared with a not to exceed price of \$85,000.00. In order to evaluate the bids, the bidders were given a list of materials from which the final orders would be made and asked to quote the anticipated materials. Irby Company submitted the low bid for these materials. There was a comment on the bid that the prices would be held only until December 31, 2014 which was not acceptable, but the company has since submitted a letter stating that the remark was made in error, with accompanying evidence of the error, and that the prices will be held until April of 2015 as requested. Staff believes it is in the best interest of the City to accept this letter and make the award to the low bidder.

The second bid was for the labor contract, which actually covers labor, equipment and supplies (defined as any item needed to complete the work not included in the material contract- such as tapes, glues, etc.). The low bid was submitted by Southeast Power Corporation at \$74,867.94. Staff contacted the designer of the project, Fiber Planners, and they have submitted a written recommendation that the award be made to Southeast Power Corporation.

It is anticipated that some minor additions or modifications to the Southeast Power Corporation work may occur during the construction. Staff is therefore requesting that a fifteen percent overage be allowed in this contract, making the award for \$86,100.00. This will permit modifications, which allow future expansion of the system to occur, as the work progresses. Even allowing for this, the contracts total is well under budget.

Recommendation

Staff recommends approval of the attached Resolution awarding a contract to Irby Company in the not to exceed amount of \$85,000.00 and to Southeast Power Corporation in the estimated amount of \$86,100.00

Attachment(s)

Electric Department Memorandum 13-30



Jack L. Suggs

City Manager's Comments:

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



Mark S. Watson

4-2-14
Date

ELECTRIC DEPARTMENT MEMORANDUM

13-30

DATE: December 13, 2013
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: MEMORANDUM OF UNDERSTANDING FOR A FIBER OPTIC NETWORK

Introduction

An item for City Council's consideration is a resolution approving a Memorandum of Understanding with the Oak Ridge School Board of Education concerning the installation and operation of a fiber optic ring designed to meet the technological needs of both the City of Oak Ridge and the Oak Ridge School System.

Funding

The approval of this resolution binds the City into an agreement to construct the fiber ring described in the paragraphs that follow. The total cost of that project is estimated to be \$1,440,000. The Board of Education has committed \$367,000 to the project. The balance of the monies is included in the Capital Improvements Program, and the current year amounts are included in the current budget for the Electric Fund. Cost sharing and impact aspects of the project for the other funds are included in the paragraphs below, but involve no issuance of debt by any party.

Review

The Memorandum of Understanding under consideration establishes the framework upon which a City-wide fiber optic network can be constructed which will meet the foreseeable needs of the School System, the City's utilities and other communication and data transmittal needs. The project has been discussed with the Council in work sessions and at City Council meetings.

The project genesis was approximately three years ago, when meetings at the staff level between employees of the Schools and the City revealed that the parties shared a need for high speed fiber optic communications across much of the City. The physical layout of the school's facilities, the location of the City's electrical substations, water and sewer facilities and other data end points, such as fire stations, strongly suggested that dynamic synergies were available from which all parties could benefit.

As such, a staff level working group with representatives from both the Schools and multiple City departments was formed to develop the idea into a workable plan and explore implementation strategies. As the plan showed promise, a specialty design firm, Fiber Planners was retained to aid in developing a fiber layout plan and to design the loop and prepare cost estimates.

The layout design consists of a main loop around the City or "backbone" which will include fibers for all of the users. The attached map shows the approximate route. Note that, at this time, facilities at the far west end of the City are not included in the system. From the main loop, laterals will branch to individual user facilities, each carrying extra fibers that other users could reserve and use. The system will be constructed in the "utility zone" of the power poles. This means that the system will need to be owned and operated by the City of Oak Ridge Electric Utility.

There are four primary user groups of the proposed system: Oak Ridge Schools, Oak Ridge Electric Department, Oak Ridge Water utilities and Oak Ridge General Fund functions. The users are discussed in the paragraphs that follow.

Electric System

The fiber system is the backbone for two portions of the Utility Modernization Program. First is the Supervisory Control and Data Acquisition (SCADA) system for our substations. Having SCADA available will allow implementation of a dynamic demand response system, monitoring of the system condition for load adjustment, and aid in outage response. The Automated Meter Infrastructure (AMI) system will allow not only remote meter reading and control, but also provide the mechanism for future rate structures, including those that feature demand response programs and direct load control to the extent that the City and their customers choose to take place in these programs. It will allow the City to participate in TVA programs both in place now and coming on line which provide substantial savings to utility customers and in some cases to the utility itself, based on load shifting and electric peak shaving.

In preparation for the Utility Modernization Program, cash reserves have been developed which are sufficient to install this portion of the program. As such, the system is anticipated to be paid for from the Electric Fund with monies on hand. Cost will be allocated to other users of the system in accordance with the MOU.

The entire Utility Modernization Program will require the addition of two employees, one for the SCADA system and one for the AMI system. Our current estimates are that after these and other costs are in and the systems complete, the City will save over \$300,000 per year.

Oak Ridge Water and Wastewater Utilities

Neglecting the AMI aspects, the Water and Wastewater Utility will benefit in communications and in operation of their SCADA system. Currently, the water SCADA system is being operated from the Water Plant and communications are provided through a mix of mediums.

The new system will allow better functioning of these complex systems and eliminate the existing need to lease new lines.

Oak Ridge General Fund Activities

Currently, the City pays over \$50,000 a year in leased data lines. Even at these costs, communications between facilities such as fire stations, the animal shelter and even the Central Services Facility are sometimes inadequate. The new system will enhance efficiencies across the City's information network and streamline costs by eliminating the need to lease and add lines.

Oak Ridge School System

The school system has a need for high speed data links between its facilities for many reasons, including communication and record keeping, but also the administration of state mandated student tests which are administered electronically. In meeting those needs, the Schools now spend approximately \$95,000 per year on leased data lines which will be eliminated once the project is complete.

The school system will use one third of the fibers in the main fiber backbone. They are prepared to make a total contribution of \$367,000 toward the project, plus a proportioned share of ongoing maintenance and operation costs as outlined in the MOU. The School Board has approved purchase of materials for the project in the amount of \$298,752.31, subject to execution of the attached Memorandum of Understanding. The remainder of their contribution will be a direct transfer to help offset splicing and other costs.

Third Party Users

It is not staff's intent to enter the fiber optic communication business. Some utilities do provide this service, while others lease "dark fibers" to other companies. Staff has not explored these uses and does not wish to compete with existing service providers. Should such an interest develop, the MOU specifically states that such uses require the approval of all users.

Future Actions of Council

Upon approval of this MOU, City Staff will develop a contract for cable acceptance and splicing of the new system. These costs are considerable, but are included in the estimate of the overall system cost. The cost of the initial splicing will require a contract estimated to be \$210,000. Additionally, staff will develop an emergency splicing agreement at a cost to be determined. This will provide emergency repairs to the fiber without the City investing in equipment or training.

Installation of the system will be primarily made by the City Electric system's labor and material contractor, currently Service Electric Company. The contract provides supplemental labor and emergency response capabilities. Companies, such as Service Electric Company, have extensive experience in this fiber optic installation. Several City Electric Department employees also have experience in fiber optic cable installation which will be further developed over time.

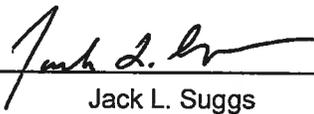
As a side issue, this contract is expiring soon. Staff plans on re-bidding over the next few weeks. We will insure that any successful bidder has experience and equipment required for fiber optic installation.

Overall installation will be monitored by Fiber Planners to insure quality control while the City Staff develops its expertise.

Recommendation

The development of a fiber optic system for Oak Ridge is a significant step forward for the community. It will provide a stable, cost effective platform for the future communication needs of the City and its School System. Staff recommends approval of the attached resolution and with it, endorsement of the project by the City Council.

Attachment(s): Maps
Resolution
Memorandum of Understanding



Jack L. Suggs

cc: Gary Cinder, Public Works Director
Amy Fitzgerald, Government Affairs and Information Services Director

<p>City Manager's Comments:</p> <p>I have reviewed the above issue and recommend Council action as outlined in this document.</p> <p>_____ Mark S. Watson</p> <p>_____ Date</p>
--

RESOLUTION

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OAK RIDGE, TENNESSEE, AND THE OAK RIDGE SCHOOL BOARD OF EDUCATION CONCERNING THE INSTALLATION AND OPERATION OF A FIBER OPTIC NETWORK DESIGNED TO MEET THE TECHNOLOGICAL NEEDS OF BOTH PARTIES.

WHEREAS, the City of Oak Ridge and the Oak Ridge School Board of Education have negotiated a memorandum of understanding concerning the installation and operation of a fiber optic network designed to meet the technological needs of both parties; and

WHEREAS, the City Manager recommends approval of the memorandum of understanding.

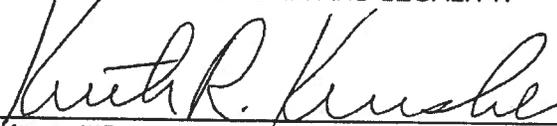
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

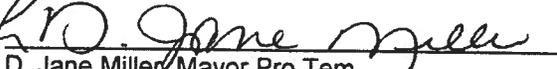
That the recommendation of the City Manager is approved and the attached Fiber Optics Communication System Memorandum of Understanding between the City of Oak Ridge, Tennessee, and the Oak Ridge School Board of Education concerning the installation and operation of a fiber optic network designed to meet the technological needs of both parties is hereby approved.

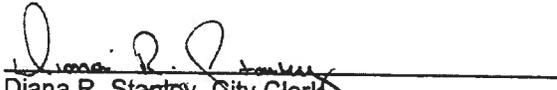
BE IT FURTHER RESOLVED that said memorandum of understanding binds the City to construct the fiber optic network, which has an estimated total project cost of \$1,440,000.00, with the Oak Ridge School Board of Education committing \$367,000.00 toward project costs.

This the 13th day of January 2014.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney


D. Jane Miller, Mayor Pro Tem


Diana R. Stanley, City Clerk

**FIBER OPTICS COMMUNICATION SYSTEM
MEMORANDUM OF UNDERSTANDING**

Regarding the Funding, Installation, Ownership, Operation and Maintenance of a Fiber Optic Communications Backbone in the City of Oak Ridge, Tennessee

This Memorandum of Understanding is between the City of Oak Ridge, Tennessee, ("City") and the Oak Ridge Schools Board of Education and is governed by the Laws of State of Tennessee.

WITNESSETH

WHEREAS, the City of Oak Ridge working through its Electric Department (hereinafter referred to as "Electric Department") has need for communications between and among its substations, meters and various control points, which need can best be satisfied by the installation of a fiber optic system which connects these various points; and

WHEREAS, the Oak Ridge Board of Education (hereinafter referred to as "School Board") also has a need for high speed communications between, among and within its facilities, including, but not limited to, school buildings, the Administration Building and the new data center currently under construction which needs can best be met using fiber optic communication systems; and

WHEREAS, other departments and functions of the City of Oak Ridge operating through its City Manager have also expressed a need for high speed communications between and among various City facilities and utility infrastructure which needs can best be met using fiber optic communication systems; and

WHEREAS, the City of Oak Ridge Electric Department, acting as a distributor of TVA power under the TVA contract and in accordance with its Rules and Regulations has determined that cooperation with the School Board and the non-electric functions of the City best serves the needs of the electric customer through reduction of cost, and enhancement of economic development opportunity in addition to improvement of education and City supplied services without negatively affecting the electrical system from either an operational or financial perspective; and

WHEREAS, the School Board has expressed interest in funding the initial costs for acquiring the materials necessary to establish a fiber optic communications backbone for the collaborative use of these expected users.

NOW, THEREFORE, in consideration of the mutual promises and representations contained herein, the City and the School Board do hereby agree as follows:

- 1.0 To cooperate and collaborate in the design, installation, operation, maintenance and repair of a fiber optic communications system designed and constructed to meet both the shared and individual needs of the participants.
 - 1.1 This joint project will be called the Oak Ridge Fiber Optics Communications System (hereinafter referred to as the "Fiber Optics Communications System" or the "System").
 - 1.2 The backbone of the System shall be installed by or at the direction of the Electric Department within spaces and areas of owned or shared facilities reserved exclusively for electric utility equipment, including such area on utility poles covered by joint use agreements, but not necessarily owned by the City, commonly referred to as the "electric utility zone" on overhead infrastructure and utilize utility clearances for qualified high-voltage utility employees. Any System extension that utilizes the "electric utility zone" shall be installed by or at the direction of the Electric Department. Individual entities may extend specific taps in the communication zone of pole lines without the involvement of the Electric

Department, should they so desire, but such lines shall be subject to a joint use pole agreement and be owned and maintained outside of this MOU.

- 1.3 The design and layout shall be collaboratively developed by the parties and a formal letter of agreement will be executed by all parties for any change, addition or deletion to any section of the System, excepting only additions that are fully funded by a particular party and which are isolated from the System in total.
- 1.4 That this MOU does not include any reference to the electronics installed except that no equipment will be installed which adversely impacts the ability of the other parties to use their fiber and no participant may sub-let or sub-contract any portion of their System use rights to any other party who is not a party to this document without the written consent of all participants named above.
- 2.0 That fiber will be identified in buffer tubes as being dedicated to each particular participant and that no party will have the right to use or interfere with the use of fibers that are not initially assigned to them without the written consent of the affected parties.
 - 2.1 The fiber buffer tubes of the Electric Department shall not be cut by any party for any reason except under the direction of the Electric Director.
 - 2.2 The fiber buffer tubes of the School Board shall not be cut by any party for any reason except under the direction of the Superintendent.
 - 2.3 The fiber buffer tubes specified as "all other City uses" shall be shared among various City organizations and users, with specific assignments and reservations being an internal matter of the City.
 - 2.4 Unless agreed to in writing by the affected parties, the following rights are granted to users:

Principal Fiber Participant	Fibers in Cable			
	288 - Joint	48 - School Tap	48 - City Tap	48 - Electric Tap
School Board	96	24	12	0
City Electric Department	96	12	12	48
All other City Uses	96	12	24	0

Fibers used by any Automated Meter Infrastructure which collects data through electric meters will be counted against the Electric Department totals.

- 2.4 Any participant intending to access the shared tap fibers assigned above to any other participant ("Principal Fiber Participant") shall first provide reasonable notice to all other participants of its intent to access and use the shared fibers and all sharing shall be implemented by the use of mid-cable access techniques outside of the perimeter walls of the Principal Fiber Participant's physical structures. No participant will accrue any right of access or use to the interior spaces of any other participant's buildings without the Principal Fiber Participant's express written permission and no participant shall have any right to store, use or maintain shared fibers or related equipment of any description in any other participant's facility, however described, except with the express written permission of the owner.
- 3.0 Costs of Construction/Installation (including splicing):

- 3.1 The School Board will contribute the total amount of Three Hundred Sixty-seven Thousand Dollars (\$367,000.00) for the materials, construction and installation of the Fiber Optic Communications System's backbone. The School Board's contribution shall be used exclusively to purchase necessary materials and to pay for splicing contracts incurred during the construction of the Fiber Optics Communications System backbone. Prioritization of funds shall occur so as to provide the School Board with dark fiber that is operational and ready for use.
- 3.2 The School Board's contribution described in Section 3.1 will be the School Board's entire financial contribution to the Fiber Optic Communications System and the School Board will, thereafter, have the right to use the System at no additional cost, however described, for the entire life of the System except for maintenance and repair obligations described in Section 4.0 below.
- 3.3 The Electric Department shall be solely responsible for the construction and installation of the Fiber Optic Communications System's backbone and all necessary splice costs not covered by the School Board's contribution described above.
- 3.4 Allocation of cost for installation and additionally required splicing between the Electric Fund and other City funds shall be an internal matter of the City of Oak Ridge.
- 3.5 Any remaining materials left over from the initial construction of the project shall be stored for future use as follows: (1) remaining 288 strand fiber will be stored by the City's Electric Department for use on future repairs to the ring; and (2) remaining 48 strand fiber will be divided equally between the City and the School Board and stored for use on future repairs to their respective taps.

4.0 Operation, Maintenance & Repair

- 4.1 For any cable installed in the utility zone or within limited clearances of electrical equipment, plus any cable which contains fiber reserved for use by more than one party, operation, maintenance and repair will be the responsibility of the Electric Department.
 - 4.1.1 System operation costs, such as transfers between poles and other non-maintenance, no-repair items necessary for the continuity of the system will be the responsibility of the Electric Department.
 - 4.1.2 Cost of repairs will be recorded and maintained by the Electric Department in a work order system on a section by section basis.
 - 4.1.3 The costs of maintenance and repair to the System will be assessed to and shall be verified by all parties on an annual basis in amounts determined on a section by section basis proportioned by the number of fibers used or reserved by the various parties. [For example, repairs on a 288 fiber line in the main loop would be normally charged 33 1/3 % to each party.]
 - 4.1.4 Cost billed will be net cost after recovery of any payment due from any third party (insurance, court settlement, etc.). Payments received toward the cost of repairs after a settlement is made or a judgment is collected will be credited to the next settlement as appropriate.
 - 4.1.5 Should there be a case where additions or modifications to the fiber optic ring design/layout/implementation are required or desired, all three participating parties must agree to the addition or modification and the costs related to the addition or modification will be divided equally among the participants unless otherwise agreed in writing.

4.1.6 Necessary repairs will be promptly reported to the Electric Department by the participants and the Electric Department, wherever possible, shall, if possible, complete necessary repairs within twenty-four hours after its receipt of the repair report.

5.0 Tree Trimming

5.1 Tree trimming for any fiber that contains multiple users shall be at the expense of the Electric Department and shall be subsidiary to other trimming work.

5.2 Tree trimming of a line which crosses a non-Right of Way area to serve a particular user shall be at the expense of that user.

6.0 Service Delivery Points

6.1 This MOU covers only cable to a specified service delivery point after which the cable becomes the property and responsibility of the party receiving service. If no service delivery point is specified, it shall be considered a point fifteen feet from the last attachment to a utility pole.

7.0 Upgrade and Replacement

7.1 If, during the service life of the System any party determines more capacity is needed, or, as the end of the service life of the installation approaches, all parties must be permitted to participate in all plans for adding to or replacing the installation.

8.0 Failure to Perform

It is the intent of this document that the parties will work together in resolution of disputes. However, it is understood that the City of Oak Ridge, operating through its Electric Department is solely responsible for the maintenance and operation of lines in the "utility space" of its infrastructure and, as such, failure of the City's electric function to adequately operate, repair and maintain the System could have significant impact on the other entities. Likewise actions by the other parties could negatively affect users of this shared resource.

8.1 Notice of Failure to Perform: If either party to this MOU believes that the other party is not performing its duties within the spirit and intent of this MOU, including providing access to properties, performing maintenance and repair in a timely manner or other such items, notice shall be served in the form of a letter outlining the deficiencies noted and specifying the required corrective actions. The receiving party shall respond within ten working days with an explanation, plan for corrective action, or other response, but shall address the concerns of the first party.

8.2 In the event that the failure to perform involves the Electric Department failing to meet reasonable standards for maintenance and repair of the System and the response from the City does not satisfy the complaints against the Electric Department, the School Board shall request and the City shall supply within five working days a list of three independent qualified electric line contractors who, having met requirements of insurance, licensing, and experience are authorized to work on the Electric System inside the utility zone. The School Board shall then have the right to cause such repairs or maintenance be performed by one of the three independent contractors with cost being charged among the parties as specified in Section 4.1.3. The Electric Department maintains the right to inspect the work being conducted for compliance with the published standards of the Electric Department, the requirements of the code and quality of workmanship.

8.3 Should actions of the parties, including those specified in Section 8.2 not resolve the aggrieved party; the grievance shall be elevated to the heads of the governing bodies who shall seek an amicable resolution to the matter through the process of the boards.

9.0 Modifications to this MOU

9.1 Modifications to the terms of this MOU must be in writing and must be approved by all parties.

10.0 Termination

10.1 Once executed by the participants named above, this MOU shall endure for the life of the Fiber Optic Communication System and no party's participation may be terminated except with the written consent of all parties to this understanding. If a party voluntarily surrenders its rights hereunder, it shall not be entitled to any compensation or to any refund of any portion of its contribution.

NOW, THEREFORE, this MOU has been agreed to by the parties as indicated by the authorized signatures below.

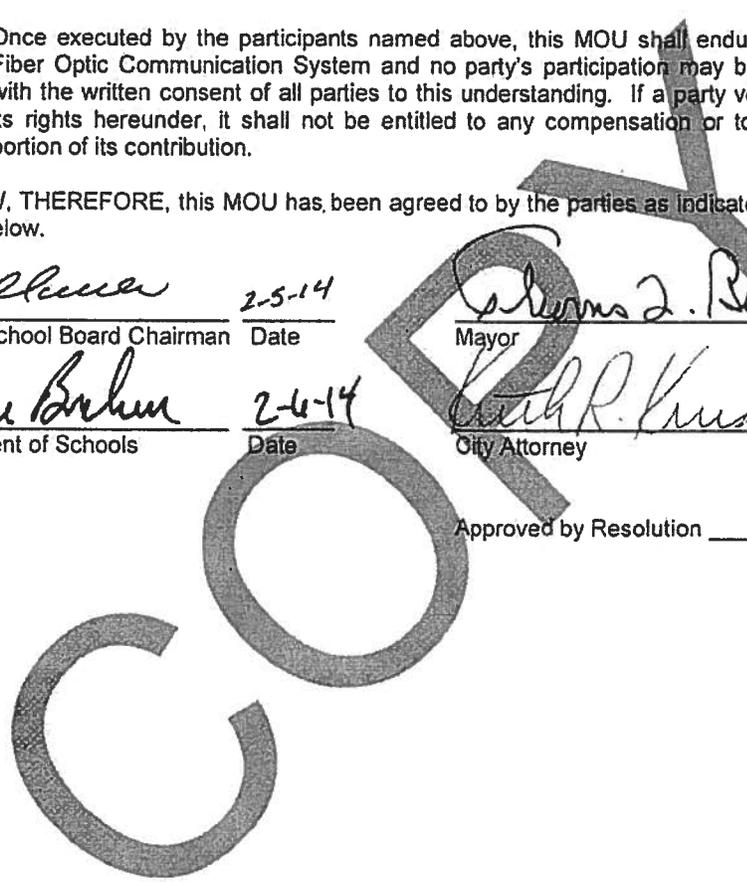
[Signature] 2-5-14
Oak Ridge School Board Chairman Date

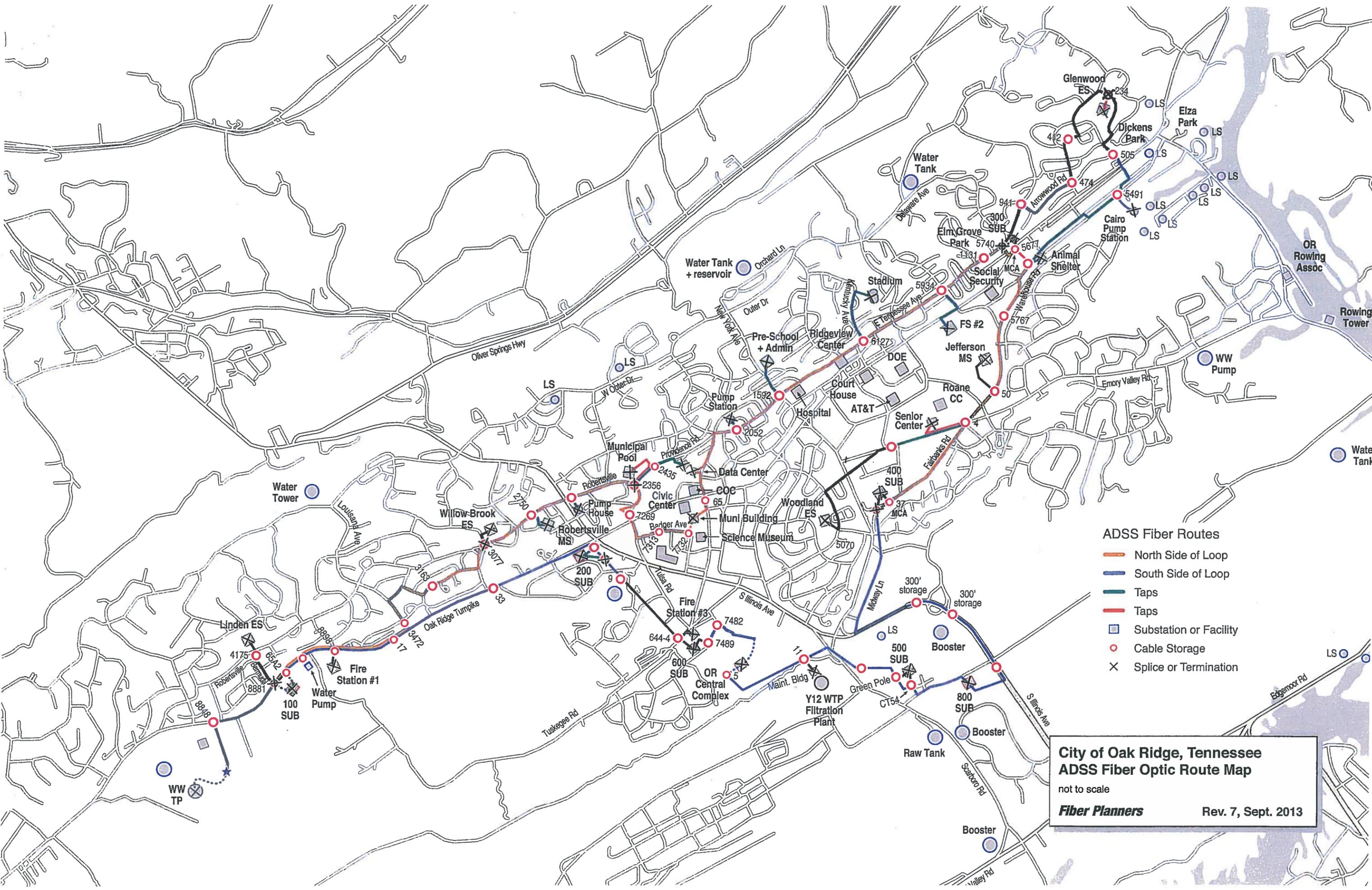
[Signature] 2/6/14
Mayor Date

[Signature] 2-6-14
Superintendent of Schools Date

[Signature] 2-6-14
City Attorney Date

Approved by Resolution 01-06-2014





- ADSS Fiber Routes**
- North Side of Loop
 - South Side of Loop
 - Taps
 - Taps
 - Substation or Facility
 - o Cable Storage
 - x Splice or Termination

City of Oak Ridge, Tennessee
ADSS Fiber Optic Route Map
 not to scale
Fiber Planners Rev. 7, Sept. 2013

**CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids**

RFQ 137670

OPENING DATE: March 11, 2014 2:30 P.M.

FOR ---			BIDDER:		BIDDER:		BIDDER:		BIDDER:	
Fiber Optic Closures and Hardware			Irby Company 1284 Heil Quaker Blvd. La Vergne, TN 37086		WESCO 1709 North Orchard Knob Avenue Chattanooga, TN 37406		Power & Telephone Supply Company 23673 Yale Avenue Memphis, TN 38112		GraybaR 3020 North Central Avenue Knoxville, TN 37917	
DESCRIPTION	ITEM	QUANTITY	UNIT COST TOTAL*	TOTAL	UNIT COST TOTAL*	TOTAL	UNIT COST TOTAL*	TOTAL	UNIT COST TOTAL*	TOTAL
THE FURNISHING OF ALL MATERIALS AS SPECIFIED IN THE FIBER OPTIC CLOSURES AND HARDWARE BID PACKAGE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE ELECTRIC DEPARTMENT	1	30	\$ 8,437.64	NTE \$85,000	\$ 8,811.04	NTE \$85,000	\$ 9,677.34	NTE \$85,000	\$ 10,546.32	NTE \$85,000
MANUFACTURER:			PERFORMED LINE PRODUCTS		PERFORMED LINE PRODUCTS		PERFORMED LINE PRODUCTS		PERFORMED LINE PRODUCTS	
* REPRESENTS THE UNIT COST TOTAL OF ALL THIRTY (30) ITEMS ON BID FORM. ACTUAL QUANTITIES OF EACH ITEM WILL BE ORDERED BASED ON NEED OF THE FIBER OPTIC PROJECT OVER 365 DAYS.										
TOTAL PRICE			NTE \$85,000		NTE \$85,000		NTE \$85,000		NTE \$85,000	
TERMS			Net 30		Net 30		Net 30		Net 30	
DELIVERY			1-4 WEEKS ARO		2-3 WEEKS ARO		1-4 WEEKS ARO		STOCK - 2 WEEKS ARO	
F.O.B.			Oak Ridge		Oak Ridge		Oak Ridge		Oak Ridge	
VIA			Vendor		Vendor		Vendor		Vendor	
OTHER BIDDERS CONTACTED: Edwards Supply Co., Inc. - Oak Ridge, TN Customer Service Electric Supply - Knoxville, TN Kendall Electric - Knoxville, TN (Non-Responsive Bid) Border States Electric Supply - Nashville, TN Stokes Electric Company - Knoxville, TN							BIDS OPENED AND RECORDED BY-- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager			
REASON FOR AWARD:			RECOMMEND AWARD BE MADE TO:				BIDS REVIEWED BY--			
ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>			Irby Company 1284 Heil Quaker Blvd. La Vergne, TN 37086				<i>Dallas Duce per</i> Janice McGinnis Finance Director <i>Janice McGinnis</i>			

**CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids**

FY2014-115

OPENING DATE: March 11, 2014 2:00 P.M.

FOR ---			BIDDER:		BIDDER:		BIDDER:		BIDDER:	
Fiber Optic Cable Splicing and Testing Labor Contract			Southeast Power Corporation 125 Best Drive Spartanburg, SC 29303		Owens Telecom Services, Inc. 204 Revere Court Smyrna, TN 37167		The ComTran Group, Inc. 5036 B.U. Bowman Drive Buford, GA 30518		Star Construction, LLC 6621 Asheville Hwy Knoxville, TN 37924	
DESCRIPTION			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
THE FURNISHING OF ALL LABOR, TOOLS, EQUIPMENT AND SUPPLIES NECESSARY TO PERFORM ALL WORK AND SERVICES NECESSARY FOR THE FIBER OPTIC SPLICING AND TESTING LABOR CONTRACT PER THE SPECIFICATIONS PROVIDED FOR THE CITY OF OAK RIDGE ELECTRIC DEPARTMENT				\$ 74,867.94		\$ 90,204.00		\$ 128,238.00		\$ 129,889.00
TOTAL PRICE				\$ 74,867.94		\$ 90,204.00		\$ 128,238.00		\$ 129,889.00
TERMS				Net 30		Net 30		Net 30		Net 30
DELIVERY				Per Contract		Per Contract		Per Contract		Per Contract
F.O.B.				Oak Ridge		Oak Ridge		Oak Ridge		Oak Ridge
VIA				Vendor		Vendor		Vendor		Vendor
OTHER BIDDERS CONTACTED: Network Cabling Infrastructures Inc. - Buford, GA Emerald Resource - Nashville, TN (Non-Responsive Bid) ADA Station Communication, Inc. - Crossville, TN (Non-Responsive Bid) Celerity Integrated Services, Inc. - McLean, VA Fiber Link, Inc. - Lapeer, MI							BIDS OPENED AND RECORDED BY--- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager			
REASON FOR AWARD: ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>							RECOMMEND AWARD BE MADE TO: Southeast Power Corporation 125 Best Drive Spartanburg, SC 29303 ³ 			
							BIDS REVIEWED BY--- <i>Dallas Dyer for</i> Janice McGinnis Finance Director <i>Janice McGinnis</i>			

RESOLUTION

A RESOLUTION AWARDING A CONTRACT TO IRBY COMPANY, LAVERGNE, TENNESSEE, TO PROVIDE REQUIRED MATERIALS FOR THE FIBER OPTIC CABLE SPLICING PROJECT IN AN AMOUNT NOT TO EXCEED \$85,000.00, AND AWARDING A CONTRACT TO SOUTHEAST POWER CORPORATION, SPARTANBURG, SOUTH CAROLINA, TO PROVIDE REQUIRED LABOR, TOOLS, EQUIPMENT, AND SUPPLIES NECESSARY FOR THE FIBER OPTIC CABLE SPLICING PROJECT IN THE ESTIMATED AMOUNT OF \$86,100.00.

WHEREAS, by Resolution 1-06-2014, City Council approved a Memorandum of Understanding between the City of Oak Ridge, Tennessee, and the Oak Ridge School Board of Education concerning the installation and operation of a fiber optics network designed to meet the technological needs of both parties; and

WHEREAS, the City issued two invitations to bid for the fiber optic cable splicing project, one for materials and one for labor, tools, equipment, and supplies; and

WHEREAS, bids were received and publicly opened on March 11, 2014, with Irby Company, LaVergne, Tennessee, submitting the lowest and best bid for materials, and Southeast Power Corporation, Spartanburg, South Carolina, submitting the lowest and best bid for labor, equipment, tools, and supplies, which bids the City Manager recommends be accepted.

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

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

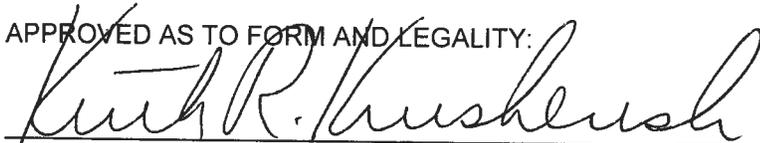
To Irby Company, 1284 Heil Quaker Boulevard, LaVergne, Tennessee 37086, for the furnishing of materials as specified in the fiber optic closures and hardware bid package; in accordance with its bid as submitted and publicly opened on March 11, 2014, as shown on Request No. 1437670, and in the not to exceed amount of \$85,000.00.

To Southeast Power Corporation, 125 Best Drive, Spartanburg, South Carolina 29303, for the furnishing of labor, tools, equipment, and supplies to perform all work and services necessary for the fiber optic splicing and testing labor contract; said award in strict accordance with contract number FY2014-115, the required specifications, and the bid as publicly opened on March 11, 2014, and in the estimated amount of \$86,100.00, which includes a fifteen percent (15%) overage for contract contingencies.

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

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

RESOLUTIONS

CITY COUNCIL MEMORANDUM
14-12

DATE: April 3, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: ADVENTURE TOURISM DISTRICT

Introduction:

An item for City Council's consideration is a resolution to create an Adventure Tourism District in Oak Ridge and to develop an Adventure Tourism District Plan for submission to the Tennessee Department of Economic and Community Development and to the Tennessee Department of Revenue for joint approval as an Adventure Tourism District pursuant to the Tennessee Adventure Tourism and Rural Development Act of 2011.

Finance:

The accreditation requires no local match, but does require in-kind staff time to develop a local adventure tourism business plan, annual report, and GIS delineation of the district in detail.

Background:

The Tennessee Adventure Tourism and Rural Development Act of 2011 identified the need for further tourism development in Tennessee. Recognizing the popularity and growth of "extreme" sports and outdoor activities, the State of Tennessee developed an approach that created defined Adventure Tourism Districts to support activities such as mountain biking and rowing. This fits Oak Ridge to a "T."

The City is required to develop an Adventure Tourism District plan, as well as a defined district. If approved, private sector development supporting such adventure activities will be able to take advantage of a credit on Tennessee excise tax of up to \$4,500 for each job created in the adventure tourism industry for up to three years. To qualify, the private developer must create \$500,000 in investment. These investments also include such support entities as hotels, restaurants and retail establishments.

The City Council should adopt a resolution approving submittal of an application for the City of Oak Ridge to establish a three-year certification as an Adventure Tourism District to be submitted to the Tennessee Department of Economic and Community Development.

Recommendation:

The City Manager's office is recommending the application for this designation, which must be filed by April 15, 2014, for the present year or we shall have to wait until the following year. This has an ability to assist in the redevelopment of the city's center with retail as well as support services in the community. Approval by a 2/3 vote (5) by the local governing body is required.

Approval of the attached resolution is recommended.


Mark S. Watson

Attachments

Tennessee Adventure Tourism Program Now Accepting Applications for Community Certification

Thursday, February 13, 2014 | 02:59 pm

Program Designed to Promote Job Growth in Rural Areas

NASHVILLE – The Tennessee Department of Economic and Community Development and Department of Revenue announced today that applications are now available for communities seeking to become certified as adventure tourism districts pursuant to the Tennessee Adventure Tourism and Rural Development Act of 2011. The act allows certain tourism-related businesses within adventure tourism districts to qualify for a jobs tax credit.

“Adventure tourism is an industry gaining popularity throughout the world, and it is only fitting that Tennessee’s abundance of natural resources would lend the ideal setting to support this segment of the tourism industry,” TNECD Commissioner Bill Hagerty said. “In addition to the business-friendly advantages our state offers, we are proud to showcase Tennessee’s innate geographical strengths in a way that will help generate job opportunities in rural areas of the state.”

“We are pleased to be involved with a program that should bring more jobs in a growing industry to our state,” Revenue Commissioner Richard Roberts said.

“The Tennessee Adventure Tourism and Rural Development Act establishes a plan to promote outdoor recreational opportunities statewide, particularly in those rural counties with high unemployment. The Act authorizes a local-state partnership which will promote our beautiful state and create needed jobs,” Sen. Ken Yager said.

In a bill sponsored by Sen. Yager, the Tennessee Adventure Tourism and Rural Development Act of 2011 defines Adventure Tourism as outdoor recreational opportunities such as equine and motorized trail riding, white water rafting and kayaking, rappelling, road biking, rock climbing, hang-gliding, spelunking, shooting sports, mountain biking, canoeing, paragliding, zip lining and other such tourist and recreational activities.

All interested local governments must submit their completed applications to TNECD by April 15, 2014. Applications and additional information can be found at <http://www.tn.gov/ecd/AdventureTourism.shtml>, including a guidance document for local governments.

Approved applications will receive certification for a period of three years. Upon expiration of the three year period, local governments must submit a new application for certification.

In Tennessee, the U.S. Travel Association reported that domestic and international travel accounted for a direct spend of \$15.3 billion in 2011 with estimated federal, state and local tax receipts of \$2.5 billion. Outdoor recreation in Tennessee is particularly strong, generating \$8.2 billion annually in direct consumer spending, sustaining 83,000 direct jobs and generating \$535 million in state and local tax revenue.

About the Tennessee Department of Economic and Community Development

Tennessee was named “2013 State of the Year” for economic development by Business Facilities magazine. The Tennessee Department of Economic and Community Development’s mission is to

develop strategies which help make Tennessee the No. 1 location in the Southeast for high quality jobs. The department seeks to attract new corporate investment in Tennessee and works with Tennessee companies to facilitate expansion and economic growth. Find us on the web: tn.gov/e.cd. Follow us on Twitter: @tne.cd. Like us on Facebook: facebook.com/tne.cd.

About the Tennessee Department of Revenue

The Department of Revenue is responsible for the administration of state tax laws and motor vehicle title and registration laws and the collection of taxes and fees associated with those laws. The Department collects about 87 percent of total state revenue. During the 2013 fiscal year, it collected \$11.7 billion in state taxes and fees and more than \$2.2 billion in taxes and fees for local governments. To learn more about the Department, visit www.TN.gov/revenue.

Tennessee Adventure Tourism and Rural Development Act of 2011

Tennessee Code Annotated Title 11, Chapter 11, Part 2

GUIDANCE DOCUMENT FOR LOCAL GOVERNMENTS

PART I: OVERVIEW AND LEGAL REQUIREMENTS

The “Tennessee Adventure Tourism and Rural Development Act of 2011” creates a mechanism by which communities can apply to be certified as an adventure tourism district (“district”). Certification as a district allows certain businesses to qualify for a jobs tax credit specific to the Adventure Tourism Act. Certification of a district must be obtained by receiving approval from both the commissioner of the Department of Revenue (“DOR”) and the commissioner of the Department of Economic and Community Development (“ECD” or “the department”) (collectively, “the departments”). This approval is based on a “best interests of the state” determination made by DOR and approved by ECD.

To apply for certification as a district, a local governing body must authorize the creation of a district by a 2/3 vote. Alternatively, two or more local governing bodies may enter into an intergovernmental agreement for a district that contains area within the boundaries of more than one local government. Adventure tourism professionals may petition local governing bodies for creation of a district. Such petition must include specific business plans based on quantifiable data demonstrating that the creation of an adventure tourism district would enhance sustainable economic development in the area. Upon approval by the local governing body(ies) as may be required, the district plan must be submitted to DOR and ECD.

Upon receipt of the district plan by DOR and ECD, the departments must make a determination as to whether the allocation of franchise and excise tax credits is in the “best interests of the state.” This determination consists of three criteria:

- 1) That the qualified business enterprise or enterprises made within an adventure tourism district are a result of the special allocation and tax credits provided for in § 67-4-2109(b)(2)(C);
- 2) That the adventure tourism district is a result of such qualified business enterprise or enterprises; and
- 3) That the district is not structured to create a competitive advantage for one business.

A “qualified business enterprise” is defined as “an enterprise in which the business has made the required capital investment necessary [*\$500,000 in accordance with § 67-4-2109(a)(7)*] to permit the creation or expansion of [...] **tourism related businesses, including, but not limited to, restaurants, lodging establishments, or other tourism related attractions.**” Accordingly, any “tourism related business” including restaurants, lodging establishments and other tourism related attractions may form the basis of a local governing body’s application for creation of a district and

may benefit from the tax credits provided for in the Act once a district is certified by DOR and ECD.

If a district is certified by DOR and ECD, “qualified business enterprises” in the district may receive special tax credits which are administered by DOR. The requirements to be eligible for the credit vary based upon the tier designation of the county in which the business resides. If the qualified business enterprise is located in a Tier 1 enhancement county, the business must create 25 qualified jobs as defined in § 67-4-2109(a)(6). If the qualified business enterprise is in a Tier 2 enhancement county, the business must create 19 qualified jobs as defined in § 67-4-2109(a)(6). If the qualified business enterprise is in a Tier 3 enhancement county, the business must create 13 qualified jobs as defined in § 67-4-2109(a)(6). If these requirements are met, a credit of \$4,500 per qualified job will be allowed. This credit may offset the business’s franchise and excise tax liability. These credits can be carried forward for three years for businesses in Tier 1 and Tier 2 counties and five years for businesses in Tier 3 counties. Additionally, businesses in certified districts may receive promotional support from the Department of Tourism through its existing resources.

PART II: ECD APPLICATION PROCESS

Application Requirements. Interested local governments will find ECD’s streamlined application for certification of an adventure tourism district online at <http://tn.gov/ecd>. The application will require local governments to provide ECD with certain information regarding the proposed district. All questions on the application must be answered thoroughly and completely in order to be considered for certification.

All interested local governments must submit their completed applications to ECD by *April 15, 2014*. The department will then review all completed applications. **Approved applications will receive certification for a period of three (3) years. Upon expiration of the three (3) year period, a local government must submit a new, complete application for certification.**

Filling Out the Application. Local governments should fill out the application thoroughly and completely. The preparer should provide the name of the mayor or executive as well as contact information for the local government. If the local government was petitioned by an adventure tourism professional, the preparer will be required to provide information concerning that professional, including the company’s FEIN and headquarters address. The application will require the local government to list one or more eligible adventure tourism activities that can or will be conducted in the proposed district. The list of eligible activities can be found at T.C.A. § 11-11-203.

The local government will also be required to upload four supporting documents in order to complete its application. The first is a copy of the resolution from the local governing body authorizing creation of the district (please see T.C.A. § 11-11-204). The second is a parcel map of the proposed district. In order to administer tax credits if a district is approved, the Department of Revenue requires a parcel map of the proposed district. The third is a business plan. The business

plan must be based on “quantifiable data demonstrating that the creation of an adventure tourism district would enhance sustainable economic development in the area” (T.C.A. § 11-11-204(b)). Finally, the application must be accompanied by a notarized letter from the local government mayor or executive which contains the following statement:

“I, [local government mayor or executive], hereby confirm that this application, including all attachments, does not contain any representations of fact which are false or misleading in any respect.”

PART III: POST-CERTIFICATION REPORTING AND PROCEDURES

Annual Report. Each local government which has received certification of an adventure tourism district must submit an annual report to the department which includes the following information: a complete list of businesses in the district, including the location of incorporation of those businesses; the number of jobs created by each entity; and the capital investment by each entity. **This report is due to the department on July 1st of the year following certification and on July 1st of each year thereafter throughout the period of certification.**

Redrawn Districts. Once certified, a district will not be redrawn or altered during the three (3) year period. A district may only be redrawn or altered in a new application for certification following the end of the three (3) year period.

Revocation of Certification. If at any time during the three (3) year period the department finds that any of the representations made by the local government in its application were false or misleading, the department may, in its discretion, revoke the certification of the district.

PART IV: NEED ASSISTANCE?

If you have any questions regarding ECD’s role in the Adventure Tourism and Rural Development Act of 2011 or the application process, please contact Ted Townsend, Assistant Commissioner of Strategy for ECD, at 615.532.9060 or ted.townsend@tn.gov.



State of Tennessee
PUBLIC CHAPTER NO. 383

SENATE BILL NO. 1205

By Yager, Bell, Burks, Gresham, Faulk

Substituted for: House Bill No. 1278

By Matheny, Powers, Campbell, Faison, Shipley, Kevin Brooks, Roach, Ford, Hawk, McManus,
Montgomery, Fitzhugh, Butt, Don Miller, Holt, Evans, Sanderson

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 11; Title 54; Title 55;
Title 67; Title 68 and Title 70, relative to the development of adventure tourism in Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 11, is amended by adding the following language as a new, appropriately designated part:

11-11-201.

This part shall be known and may be cited as the "Tennessee Adventure Tourism and Rural Development Act of 2011".

11-11-202.

The Department of Economic and Community Development, in cooperation with the Department of Environment and Conservation, is directed to study and develop a plan for the promotion and development of adventure tourism and other recreational and economic development activities in rural areas of Tennessee. Such study and plan shall be developed within existing departmental resources. The departments are directed to consider natural areas, best available science, existing recreational opportunities, economic conditions, including, but not limited to, persistent high unemployment, safety and environmental issues, and community interest in developing such plan. Such plan should include recommendations on whether and to what extent existing laws should be amended and any new laws should be enacted in order to encourage development of adventure tourism in Tennessee. The departments are authorized to promulgate rules and regulations in order to effectuate the purposes of this part.

11-11-203.

As used in this part, unless the context otherwise requires:

(1) "Adventure tourism" means outdoor recreational opportunities such as equine and motorized trail riding, white water rafting and kayaking, rappelling, road biking, rock climbing, hang-gliding, spelunking, shooting sports, mountain biking, canoeing, paragliding, zip lining and other such activities;

(2) "Adventure tourism district" means a defined geographic area identified and authorized by a two-thirds (2/3) vote of a local governing body and approved by the department and the Department of Environment and Conservation as an area where the promotion of adventure tourism is encouraged;

(3) "All-terrain vehicle" means either:

(A) A motorized vehicle with no less than four (4) non-highway tires, but no more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight to less than one thousand five hundred pounds (1,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control;

(B) A motorized vehicle with not less than four (4) non-highway tires, nor more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight up to two thousand pounds (2,000 lbs.), and that has a non-straddle seating and a steering wheel;

(C) A motor vehicle as defined in § 55-1-103, which possesses a four (4) wheel drive capability and that is designed and suitable for operation off the highway on natural terrain; or

(D) A motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads traveling on two (2) wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control;

(4) "Best interests of the state" means a determination by the Commissioner of Revenue, with approval by the Commissioner of Economic and Community Development, that:

(A) The qualified business enterprise or enterprises made within or adjacent to an adventure tourism district is a result of the special allocation and tax credits provided for in Section 5; and

(B) The adventure tourism district is a result of such qualified business enterprise or enterprises.

(5) "Canoeing" means the use of canoe for navigation of waterways;

(6) "Department" means the Department of Economic and Community Development;

(7) "Hang-gliding" means an air sport in which a pilot flies a light and un-motorized aircraft launched by foot;

(8) "Kayaking" means the use of a kayak for navigations of waterways;

(9) "Local governing body" means the elected legislative body of a municipal, metropolitan or county government;

(10) "Motorized trail riding" means the exploration of trails and natural areas by use of all-terrain vehicles;

(11) "Mountain biking" means the exploration of trails and natural areas by the use of bicycles;

(12) "Paragliding" means the air sport in which a pilot flies a light motorized aircraft that uses a parachute to stay airborne;

(13) "Rappelling" is the controlled descent down a rope by climbers used to explore cliffs or slopes that are too steep to descend without protection;

(14) "Road biking" means both non-competitive and competitive bicycling events that take place on improved roads;

(15) "Rock climbing" means the recreational sport of climbing up or across natural rock formations;

(16) "Shooting sports" means the recreational sport of firing handguns, rifles or shotguns at moving or fixed targets;

(17) "Spelunking" means the recreational sport of exploring noncommercial cave systems;

(18) "Triathlon" means the recreational activity of sporting contests involving open waters swimming, bicycle riding, and running, whether on trails or improved roads;

(19) "White water rafting" means the recreational activity of using an inflatable raft or kayak to navigate rough water; and

(20) "Zip lining" means the exploration of natural areas by use of above-ground cable systems.

11-11-204.

(a) A local governing body may, by a two-thirds (2/3) vote of its governing body, authorize the creation of a district within the boundaries of such governing body as an adventure tourism district by developing an adventure tourism district plan. Alternatively, one (1) or more counties or one (1) or more municipalities may enter into an intergovernmental agreement pursuant to the Interlocal Cooperation Act, compiled in Title 12, Chapter 9, to designate jointly an adventure tourism district that contains area within the boundaries of more than one (1) local government.

(b) Adventure tourism professionals may petition local governing bodies to authorize the creation of an adventure tourism district. Such petition shall be accompanied by specific business plans based on quantifiable data demonstrating that the creation of an adventure tourism district would enhance sustainable economic development in the area.

(c) Upon a local governing body or bodies authorizing the creation of an adventure tourism district, the adventure tourism district plan shall be submitted to the Department of Economic and Community Development and the Department of Revenue for joint approval as an adventure tourism district. Such approval shall be granted if the Commissioner of Economic and Community Development and the Commissioner of Revenue determine that the allocation of franchise and excise tax credits are in the best interest of the state.

(d) Following the approval of the Department of Economic and Community Development and the Department of Revenue for an adventure tourism district pursuant to subsection (c), a local governing body may submit the adventure tourism district plan to:

(1) The Department of Revenue and the Department of Economic and Community Development for approval of tax credits pursuant to § 67-4-2109; and

(2) The Department of Tourist Development for promotional support through use of the department's existing resources.

11-11-205.

(a) Unless an adventure tourism professional or business acts intentionally or with gross negligence or is in violation of this part, or any other laws, ordinances, resolutions, rules or regulations pertaining to adventure tourism, which intentional or grossly negligent act or omission or violation is causal of the injury complained of, no action shall lie against any such professional or business by any adventure tourism activity participant or representative of an adventure tourism activity participant; this prohibition shall not, however, prevent the maintenance of an action against an adventure tourism professional or business for negligent design construction or operation maintenance.

(b) Each adventure tourism professional or business shall maintain general liability insurance with limits of not less than one million dollars (\$1,000,000) per occurrence.

(c) Each adventure tourism professional or business shall post and maintain signs that contain the warning notice specified in subsection (d). The signs shall be placed in clearly visible locations at such businesses. The warning notice specified in subsection (d) shall appear on the sign in black letters, with each letter to be a minimum of one inch (1") in height. In addition to any other waivers or warnings signed by participants, every written contract entered into by an adventure tourism professional or business for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves activities on or off the location or site of the adventure tourism professional's business, shall contain in clearly readable print the warning notice specified in subsection (d).

(d) The signs and contracts described in subsection (c) shall contain the following warning notice:

WARNING

Under Tennessee Law, an adventure tourism professional is not liable for an injury to or the death of a participant in adventure tourism activities resulting from the inherent risks of such activities, pursuant to Tennessee Code Annotated, Title 11, Chapter 11.

(e) No action shall be maintained against an adventure tourism professional or business complying with this section unless such action is commenced within one (1) year from the date of injury.

11-11-206.

The Department of Environment and Conservation and the Department of Economic and Community Development may work together to provide assistance as deemed appropriate by the departments to encourage the development of adventure tourism within those regions of the state designated as suitable for such activities and where persistent high unemployment exists.

SECTION 2. Tennessee Code Annotated, Section 55-8-101, is amended by adding the following language as a new, appropriately designated subdivision:

() "All-terrain vehicle" means either:

(1) A motorized non-highway tire vehicle with no less than four (4) non-highway tires, but no more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight to less than one thousand five hundred pounds (1,500 lbs.), and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control;

(2) A motorized vehicle with not less than four (4) non-highway tires, nor more than six (6) non-highway tires, that is limited in engine displacement to one thousand cubic centimeters (1,000 cc) or less and in total dry weight up to two thousand pounds (2,000 lbs.) and that has a non-straddle seating and a steering wheel; or

(3) A motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads traveling on two (2) wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control;

SECTION 3. Tennessee Code Annotated, Section 55-8-185, is amended by adding the following as new, appropriately designated subsections:

(e) In addition to the provisions above, notwithstanding any provision of law to the contrary, an all-terrain vehicle as defined in § 55-8-101 may be operated or driven upon any unpaved streets, roads, or highways, as designated specifically for such purpose upon two-thirds (2/3) vote by the local governing body, and included within the boundaries of an adventure tourism district established pursuant to Section 1 of this act, if such all-terrain vehicle complies with the following:

(1) The governing body of a municipality or metropolitan government may regulate in any manner, by lawfully enacted ordinance, the operation of any all-terrain vehicle crossing of a street, road or highway solely under the municipality's jurisdiction; provided, that such municipality provides written notification to the Department of Safety prior to the effective date of the ordinance and posts appropriate signage designating such all-terrain vehicle crossing on such street, road or highway;

(2) The governing body of any county may by lawfully enacted resolution regulate the operation of all-terrain vehicles on any street, road or highway solely under the county's jurisdiction; provided, that such county provides written notification to the Department of Safety prior to such resolution becoming effective and posts appropriate signage designating such street, road or highway for all-terrain vehicle use;

(3) An all-terrain vehicle is specifically restricted to only between one-half (1/2) hour after sunrise and one-half (1/2) hour before sunset, and the headlight and taillight shall be illuminated during such operation;

(4) The operator and all passengers of an all-terrain vehicle shall wear a helmet while driving or operating such vehicle on a street, road or highway;

(5) Any additional safety requirements imposed by the local governing body for all-terrain vehicle operation on streets, roads or highways in such municipality, metropolitan government or county; and

(6) No all-terrain vehicles shall be operated on any state highway or any highway that is a part of the interstate and defense highway system.

(f) Operation of the following all-terrain vehicles shall be exempt from subsection (e):

(1) All-terrain vehicles operated for agricultural purposes; and

(2) Publicly-owned and operated all-terrain vehicles that are used for management, law enforcement, emergency services and other such purposes.

SECTION 4. Tennessee Code Annotated, Section 67-4-2109(a)(5)(A), is amended by deleting the language "or convention or trade show facilities;" in its entirety and by substituting instead the following language:

convention or trade show facilities, or tourism related businesses including, but not limited to, restaurants, lodging establishments, or other tourism related attractions;

SECTION 5. Tennessee Code Annotated, Section 67-4-2109(b)(2), is amended by adding the following language as a new subsection:

(C) If the qualified business enterprise is located in area designated as an adventure tourism zone pursuant to § 11-11-204(c), an annual credit shall be allowed as follows:

(i) The additional annual credit shall be allowed for a period of three (3) years beginning with the first tax year after the initial job tax credit is created;

(ii) The additional annual credit shall equal four thousand five hundred dollars (\$4,500) for each qualified job; provided, that the job remains filled by employees during the year in which the credit is being taken. This annual credit may be used to offset up to one hundred percent (100%) of the taxpayer's franchise and excise tax liability for that year. Any unused annual credit, however, shall not be carried forward beyond the year in which the credit originated;

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1205

PASSED: May 21, 2011

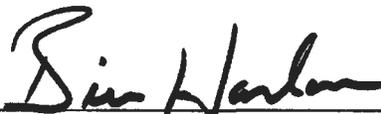


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1 day of June 2011



BILL HASLAM, GOVERNOR

RESOLUTION

A RESOLUTION TO CREATE AN ADVENTURE TOURISM DISTRICT IN OAK RIDGE, TENNESSEE, AND TO DEVELOP AN ADVENTURE TOURISM DISTRICT PLAN FOR SUBMISSION TO THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT AND TO THE TENNESSEE DEPARTMENT OF REVENUE FOR JOINT APPROVAL AS AN ADVENTURE TOURISM DISTRICT PURSUANT TO THE TENNESSEE ADVENTURE TOURISM AND RURAL DEVELOPMENT ACT OF 2011.

WHEREAS, the Tennessee Adventure Tourism and Rural Development Act of 2011 (Tennessee Code Annotated §11-11-201 et seq.) directs the Tennessee Department of Economic and Community Development to study and develop a plan for the promotion and development of adventure tourism and other recreational and economic development activities in rural areas; and

WHEREAS, the Tennessee Adventure Tourism and Rural Development Act of 2011 further creates a mechanism by which local communities can apply to be certified as an adventure tourism district; and

WHEREAS, the Tennessee Department of Economic and Community Development and the Tennessee Department of Revenue have announced applications are available for communities seeking to receive the three-year certification as an adventure tourism district, with said applications being due by April 15, 2014; and

WHEREAS, creation of an adventure tourism district requires the approval of a local governing body by two-thirds vote and requires the development of an adventure tourism plan, which plan must be submitted as part of the application packet to the Tennessee Department of Economic and Community Development and the Tennessee Department of Revenue for joint approval for certified as an adventure tourism district; and

WHEREAS, after approval, the local governing body may submit the adventure tourism district plan to the Tennessee Department of Revenue and the Tennessee Department of Economic and Community Development for approval of tax credits pursuant to Tennessee Code Annotated §67-4-2109 and to the Tennessee Department of Tourism Development for promotional support; and

WHEREAS, the application packet must include a parcel map showing the boundaries of the proposed district (attached as Exhibit A) and an adventure tourism district plan (attached as Exhibit B); and

WHEREAS, it is in the best interests of Oak Ridge to support local tourism and tourism related businesses and to encourage the creation of jobs in the community through the creation of an adventure tourism district, which is recommended by the City Manager.

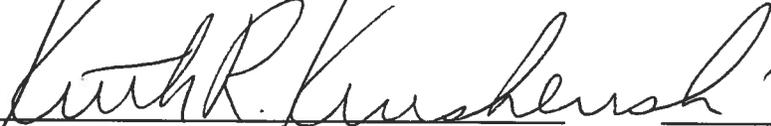
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and, pursuant to the requirements of the Tennessee Adventure Tourism and Rural Development Act of 2011, the City hereby creates an Adventure Tourism District in Oak Ridge, Tennessee, with the boundaries of said district being as set forth in the attached parcel map (Exhibit A), and further authorizes the submission of the attached adventure tourism district plan (Exhibit B), with both documents being required as part of the application packet to the Tennessee Department of Economic and Community Development and the Tennessee Department of Revenue.

BE IT FURTHER RESOLVED that the Mayor may execute the appropriate legal instruments to accomplish the same.

This the 14th day of April 2014.

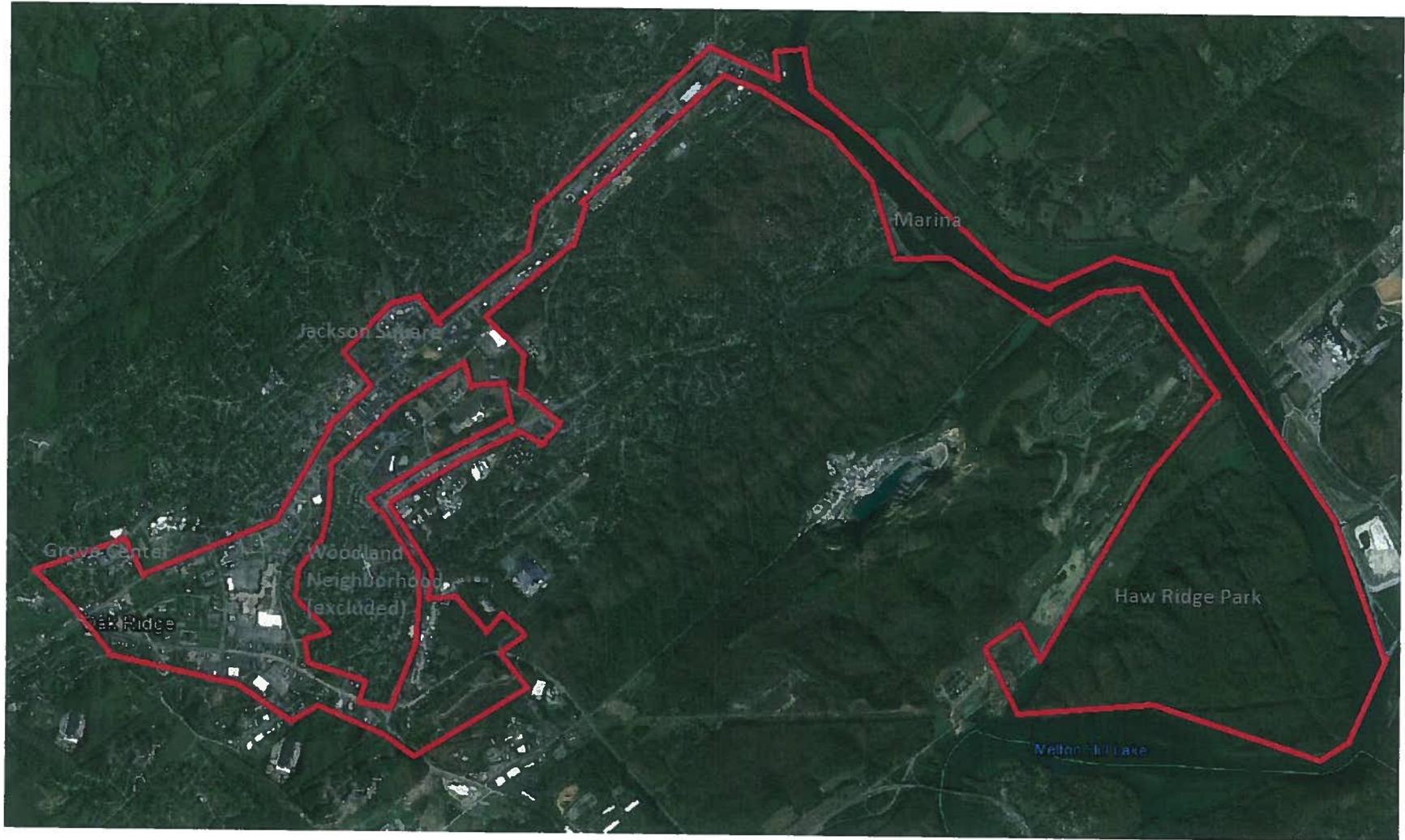
APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk



City of Oak Ridge Adventure Tourism District

Exhibit A



Business Plan Adventure Tourism District City of Oak Ridge

Oak Ridge and the surrounding area have long been associated for adventure tourism activities. On the eastern edge of Oak Ridge, Melton Hill Lake is nationally known as one of the best 2,000 meter rowing courses in the United States. Oak Ridge's Melton Hill Park is home to the Oak Ridge Rowing Association which hosts a number of regattas including the US Rowing National Championships. Oak Ridge is one of only three cities to host this prestigious event since 1983. Every March to April, thousands of rowers from across the US and Canada descend on Oak Ridge for spring training. In 2014, beginning in mid-April, Oak Ridge will host five regattas including the Conference USA Championships.

Haw Ridge is a 780-acre City owned rustic park with five miles of shoreline along Melton Hill Lake. Weaving through the park, the almost 30 miles of single track/dirt road trails accommodate trail runners, hikers, mountain bikers and canoers. Haw Ridge attracts thousands of visitors to Oak Ridge each year. The 5.6 mile Melton Lake Greenway connects Haw Ridge to the Marina and the rowing venue.

The Oak Ridge Sportsmen's Association has 850 acres of land devoted to the shooting sports including skeet, trap, rifle, and pistol. ORSA has both indoor and outdoor ranges that accommodate archery as well as the other shooting sports. ORSA hosts numerous competitions each year.

Near Oak Ridge, the 72,000 acre Windrock Mountain Park offers over 300 miles of trails for off road vehicles such as motorcycles, trail bikes and ATVs. The facilities at Windrock Mountain Park bring several thousand enthusiasts to the area each year many of whom lodge and dine in Oak Ridge.

In 2013, recognizing the potential of even more adventure tourism and the associated economic benefit to the community, the City of Oak Ridge engaged a group of University of Tennessee MBA students in a Human Powered Sports study to determine how to maximize these opportunities. That study revealed that, while Oak Ridge does have sound core of adventure tourism opportunities, it lacks the support facilities for such activities, namely restaurants and other directly related retail facilities. The study found the lack of these amenities to be especially impactful when trying to attract the "Gen-Y and Millennial" age groups to the community.

The study suggested the creation of an "O", a circular transportation route that connected the activities at Haw Ridge and the Marina area to the retail center such as Jackson Square and the existing/planned facilities in the center of the city. The study further suggests the creation or expansion of other activities such as canoeing, kayaking, triathlons and bicycle racing. Since the completion of the study a business has opened at the Marina which offers paddle boards, canoes and kayaks for rent.

In keeping with the study results, the City of Oak Ridge proposes to create an Adventure Tourism District as depicted in the accompanying map. That district would connect the areas of the city most directly related to adventure tourism to the support retail areas along the Oak Ridge Turnpike and South Illinois Avenue. Those support retail areas include the near vacant 60 acres former Oak Ridge Mall property as well as numerous other smaller vacant or underutilized properties. The tax credits which would be available to eligible enterprises under the Tennessee Adventure Tourism and Rural Development Act of 2011 would be a valuable tool in the recruitment of new businesses and a much needed stimulus to the Oak Ridge economy.

PUBLIC WORKS MEMORANDUM
14-05

DATE: March 24, 2014
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Public Works Director
SUBJECT: TDOT CONTRACTS FOR STREET RESURFACING

Introduction

An item for City Council's consideration is a resolution authorizing an amendment to an existing contract between the City of Oak Ridge and the State of Tennessee Department of Transportation (TDOT) for resurfacing portions of City streets and the approval of the associated two new contracts authorizing payment in the estimated amount of \$217,862.00.

Funding

Funding for the resurfacing contracts is available from the Surface Transportation Program (STP) administered by TDOT. The current STP available balance for the City of Oak Ridge is \$1,108,879.00. The City is required to match the STP funds by adding 20 percent to the STP funds used for a project. The attached resolution authorizes City funding for the following items:

• Emory Valley Road – Final Engineering and Construction Deposit	\$120,400.00
• Various Streets – Engineering (Prelim & Final) and Construction Deposit	<u>\$ 97,462.00</u>
	\$217,862.00

Funding for the City required match is budgeted in FY 2014 and available in the State Street Aid Fund.

Consideration

Three TDOT contracts are included in the attached resolution with information provided below on each contract. The construction amounts included in the contracts are estimated only. Once TDOT completes the design of the projects and bids the projects, additional action may be required by City Council prior to the start of the resurfacing work.

- TDOT Contract #110146
This contract was originally approved by City Council Resolution 11-105-11 approved November 14, 2011, authorizing the resurfacing of three sections of Emory Valley Road as well as several other city streets. Due to the delay in reaching an agreement with CSX for the removal of the signalized railroad crossing, the Emory Valley Road sections of roadway were deleted from the project. All other streets in this contract were resurfaced as planned in 2012. An amendment to this contract will officially delete the Emory Valley Road work from this contract and allow TDOT to close the contract.
- TDOT Contract #120058
This contract is for the resurfacing of three sections of Emory Valley Road (1.37 miles) that were deleted from TDOT Contract #110146. The City and CSX have reached an agreement for the removal of the railroad signal equipment and crossing. TDOT is requesting the matching payment of the final engineering and estimated construction.
 - Emory Valley Road from Lafayette Drive to Fordham Road (.104 miles)
 - Emory Valley Road from Fordham Road to Briarcliff Avenue (.818 miles)
 - Emory Valley Road from Briarcliff Avenue to Davidson Lane (.43 miles)

The total cost of this project is estimated to be \$604,000.00 with the City share estimated to be \$120,400.00. TDOT is estimating a July bid date with construction to begin in September.

PUBLIC WORKS MEMORANDUM
14-05

- TDOT Contract #130314
This contract is for resurfacing an estimated total of streets (1.12 miles) listed below and the subgrade repair needed on Manhattan Avenue. At this time TDOT is requesting payment for preliminary engineering only.
 - Briarcliff Avenue from Emory Valley Road to Danbury Drive (.49 miles)
 - California Avenue from East Tennessee Avenue to Cedar Lane (.40 miles)
 - Manhattan Avenue from North Purdue Avenue to Northwestern Avenue (.23 miles)

The total cost of this project is currently estimated to be \$487,310.00 with the total City share estimated to be \$97,462.00. Due to uncertainty in the needed base repairs to Manhattan Avenue, this project cost estimate may increase once final engineering is completed. An appropriate amendment to this resolution will be presented to Council should the need arise with design work yet to be completed. TDOT has no projected bid date at this time.

This will be the sixth time the City has utilized the STP program for resurfacing work. By approving the attached resolution and submitting the required payment, TDOT will complete the engineering design and bid the projects using TDOT specifications.

Recommendation

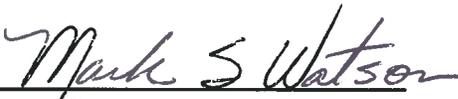
Staff recommends approval of the accompanying resolution.



Gary M. Cinder, P.E.

City Manager's Comments:

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



Mark S. Watson

4-2-2014

Date

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT AMENDMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) TO REMOVE EMORY VALLEY ROAD FROM THE PROJECT APPROVED BY RESOLUTION 11-105-11 AND AUTHORIZING THE CITY TO ENTER INTO TWO NEW AGREEMENTS WITH TDOT FOR THE RESURFACING OF PORTIONS OF DESIGNATED CITY STREETS UTILIZING APPROXIMATELY \$1,091,310.00 OF THE CITY'S ALLOCATED SURFACE TRANSPORTATION PROGRAM FUNDS TO BE MATCHED WITH APPROXIMATELY \$217,862.00 IN CITY FUNDS.

WHEREAS, federal Surface Transportation Program funds are available to municipalities through the Tennessee Department of Transportation (TDOT) on an 80/20 match for various street improvements; and

WHEREAS, the City of Oak Ridge seeks approval to utilize approximately \$1,091,310.00 of TDOT's allocated Surface Transportation Program funds for improvements to City streets; and

WHEREAS, by Resolution 11-105-11, City Council authorized the City to enter into an agreement with TDOT for the resurfacing of designated City streets utilizing approximately \$1,203,365.00 of the City's allocated State Transportation Program funds, to be matched with approximately \$300,841.00 City funds which funding is available from the State Street Aid Fund, which project included three sections of Emory Valley Road; and

WHEREAS, due to a delay in reaching an agreement with CSX regarding the removal of the out-of-service signalized railroad crossing, Emory Valley Road had to be removed from the project; and

WHEREAS, TDOT has provided an agreement amendment to formally remove Emory Valley Road from the project approved by Resolution 11-105-11, which will enable TDOT to close out this project; and

WHEREAS, the City and CSX have since reached an agreement regarding the removal of the out-of-service signalized railroad crossing and can move forward with resurfacing portions of Emory Valley Road; and

WHEREAS, TDOT has submitted an agreement for this work with an estimated project cost of \$604,000.00, with the City's share estimated at \$120,400.00; and

WHEREAS, the City is also ready to move forward with resurfacing portions of Briarcliff Avenue and California Avenue along with subgrade repair on Manhattan Avenue; and

WHEREAS, TDOT has submitted an agreement for this work with an estimated project cost of \$487,310.00, with the City's share estimated at \$97,462.00; and

WHEREAS, all projects will be designed, bid and constructed by TDOT using TDOT's specifications; and

WHEREAS, the City Manager recommends approval of the agreement amendment and two new agreements with TDOT for resurfacing 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 City is hereby authorized to enter into an agreement amendment with the Tennessee Department of Transportation (TDOT) for the

agreement approved by Resolution 11-105-11 (TDOT Agreement #110146) to formally delete Emory Valley Road from the project.

BE IT FURTHER RESOLVED that the recommendation of the City Manager is approved and the City is hereby authorized to enter into an agreement (TDOT Agreement #120058) with TDOT for the resurfacing of portions of Emory Valley Road utilizing approximately \$604,000.00 of the City's allocated State Transportation Program funds, to be matched with approximately \$120,400.00 in City funds which funding is available from the State Street Aid Fund.

BE IT FURTHER RESOLVED that the recommendation of the City Manager is approved and the City is hereby authorized to enter into an agreement (TDOT Agreement #130314) with TDOT for the resurfacing of portions of Briarcliff Avenue and California Avenue, along with subgrade repair on Manhattan Avenue, utilizing approximately \$487,310.00 of the City's allocated State Transportation Program funds, to be matched with approximately \$97,462.00 in City funds which funding is available from the State Street Aid Fund.

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

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM
14-06

DATE: March 13, 2014

TO: Mark S. Watson, City Manager

FROM: Steven R. Byrd, P.E., City Engineer

THROUGH: Gary M. Cinder, P.E., Director of Public Works 

SUBJECT: **Proposed State Route 95/Bethel Valley Road Traffic Signal**
Federal Project No. STP-SIP-95(9)
State Project No. 73017-1221-94

Introduction

An item for City Council's consideration is a resolution approving a Proposal of the Department of Transportation of the State of Tennessee (TDOT) to the City of Oak Ridge and a Local Agency Program Agreement for the installation of a traffic signal and geometric improvements at the State Route 95 (White Wing Road) intersection with Bethel Valley Road. TDOT requires that the Proposal and Agreement be approved by City Council Resolution. The intersection location is shown on the enclosed drawing.

The enclosed Proposal of the Department of Transportation of the State of Tennessee to the City of Oak Ridge is an agreement that outlines the conditions that the City must cooperate with to support the project. The enclosed Local Agency Program Agreement is a contract between the State and City that assigns the perpetual maintenance responsibility of the traffic signal to the City.

Funding

TDOT is funding the project through a Federal Highway Administration Highway Safety Project at an estimated construction cost of \$200,000. This type of safety project qualifies for 100 percent federal funding. The annual maintenance cost for the City is expected to be approximately \$1,500.

Background

The Oak Ridge National Laboratory (ORNL) has been working with TDOT to improve safety at the intersection. In 2012, TDOT reviewed the intersection and determined that vehicle crashes were occurring due to insufficient traffic control devices, combined with heavy turning movements during peak traffic periods. TDOT performed a traffic study and determined that a traffic signal and other geometric improvements on SR 95 are needed to improve capacity and safety. The geometric improvements include a right-turn deceleration lane from SR 95 onto Bethel Valley Road.

City staff participated in early review meetings on the proposed intersection improvements and worked with TDOT during the traffic signal design process to assure that several concerns were addressed. Resolution of the concerns resulted in the addition of the following traffic control measures:

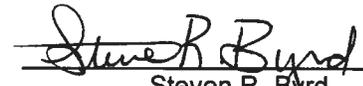
- A traffic signal flashing warning beacon on the southbound downgrade approach to the intersection to provide advance warning of the traffic signal
- Vehicle radar detection system in lieu of pavement loop detection to minimize signal maintenance
- A battery backup system to the electric power source provided by ORNL

The enclosed letter dated February 6, 2012 from Mr. Johnny O. Moore, Manager ORNL Site Office, to Mark S. Watson, City Manager, requests support from the City for the project and memorializes their responsibility to provide the electrical power to the traffic signal. The power source responsibility has also been included in the Local Agency Program Agreement.

TDOT plans to bid the construction project in May 2014. Completion of the project is estimated at six months from bid approval. TDOT will administer the construction of the project with City oversight. The project design plans can be reviewed at the Public Works Department, Engineering Division.

Recommendation

Staff recommends approval of the accompanying resolution authorizing approval of a Proposal of the Department of Transportation of the State of Tennessee to the City of Oak Ridge and a Local Agency Program Agreement for the installation of a traffic signal with geometric improvements at the State Route 95 (White Wing Road) intersection with Bethel Valley Road.



Steven R. Byrd

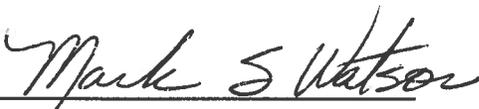
SRB/cw

Enclosures (4)

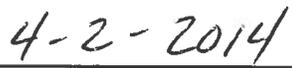
cc: Jack Suggs, Electric Department Director
Ken Krushenski, City Attorney

City Manager's Comments:

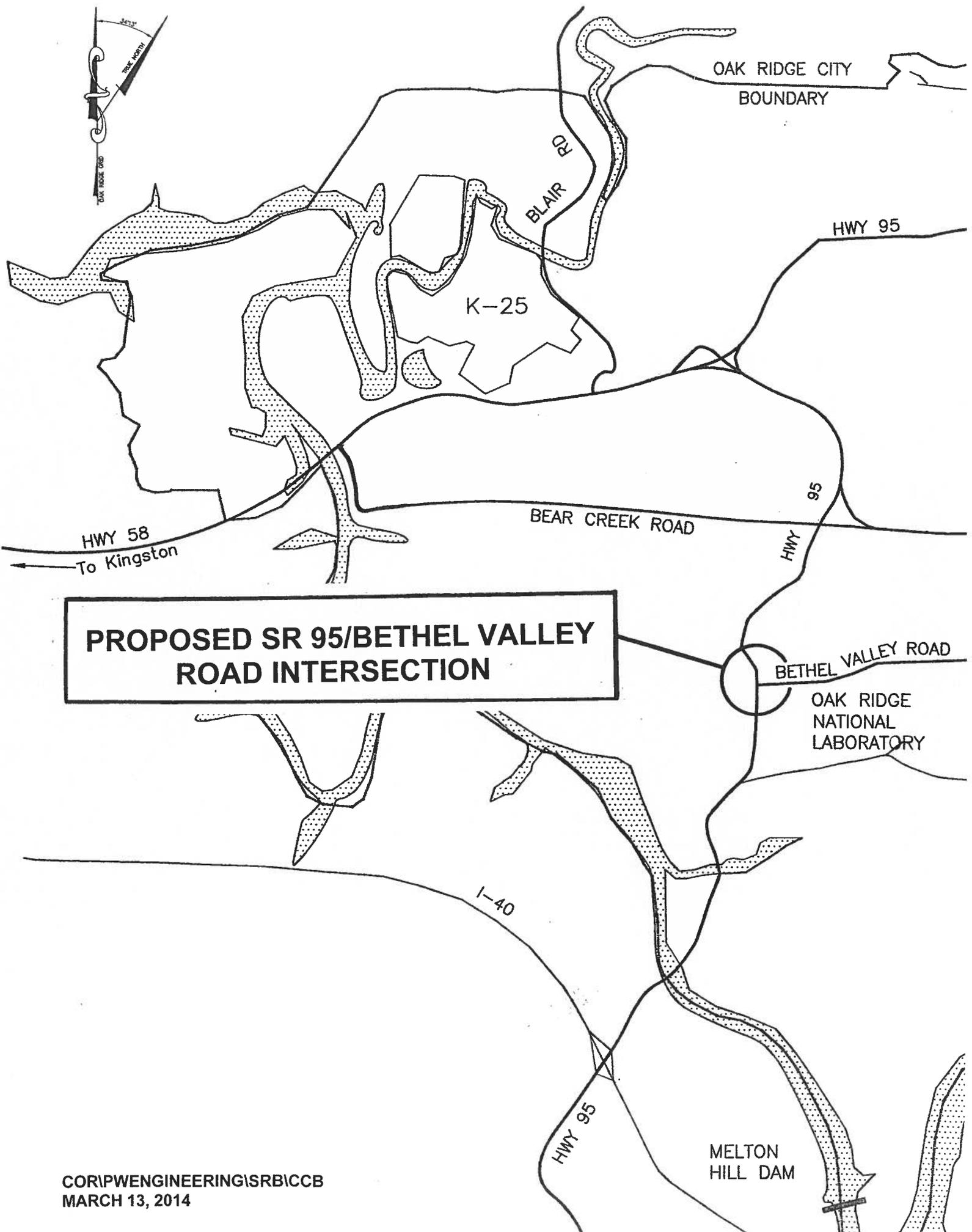
I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson



Date



PROPOSED SR 95/BETHEL VALLEY ROAD INTERSECTION



Department of Energy

RECEIVED

Oak Ridge Office
P.O. Box 2001
Oak Ridge, Tennessee 37831

2012 FEB -8 PM 12: 24

CITY MANAGER'S OFFICE

February 6, 2012

Mr. Mark S. Watson
City Manager
City of Oak Ridge
Post Office Box 1
Oak Ridge, Tennessee 37831

Dear Mr. Watson:

**SUPPORT FOR IMPROVEMENTS TO INTERSECTION OF STATE ROUTE 95
AND BETHEL VALLEY ROAD**

The State of Tennessee, Department of Transportation (TDOT), Region 1, is preparing an application for funding to the TDOT Spot Safety Improvement Program for a signal project at the intersection of State Route (SR) 95 and Bethel Valley Road just west of the Oak Ridge National Laboratory (ORNL). This project will include the installation of a signal and minor geometric improvements on SR-95. As part of the application package, the state is requesting a formal letter of recommendation for this project from the City of Oak Ridge and the Department of Energy (DOE). This intersection poses safety problems for the general public, as well as employees of ORNL and these proposed improvements would be greatly appreciated. DOE supports this application and will agree to provide power for the signal through ORNL.

Therefore, we request that the City of Oak Ridge join us in support of this application through the submittal of a letter of recommendation to Mr. Nathan Vetter of TDOT Region 1.

Thank you for your continued support and partnership.

If there are any questions or additional information is required, please contact me at 576-4444 or Chuck Spoons 241-5869.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnny O. Moore".

Johnny O. Moore, Manager
ORNL Site Office

cc:

Michele G. Branton, SC-10, ORO
Larry C. Kelly, M-2, ORO
Johnny O. Moore, SC-10, ORO
Charles (Chuck) A. Spoons, AD-41, ORO

PROPOSAL
OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE CITY OF OAK RIDGE, TENNESSEE

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project designated as No. STP-SIP-95(9); 73017-1221-94 that is described as S.R. 95 (White Wing Road) Intersection with Bethel Valley Road: Signalization and Intersection Improvements in the CITY of Oak Ridge, hereinafter CITY, provided the CITY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, if the CITY will agree:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right of way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 404 James Robertson Parkway, Nashville, Tennessee 37243-0487, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense; and

2. To close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law; and

3. To transfer or cause to be transferred to the DEPARTMENT without cost to it, all land owned by the CITY or by any of its instrumentalities as required for right of way or easement purposes, provided such land is being used or dedicated for road or other public way purposes; and

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right of way of any road or other public way owned by the CITY, or any of its instrumentalities, the CITY agrees that it will take action necessary to require the removal or adjustment of any of the above described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the CITY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the CITY.

The foregoing does not apply to those utility facilities which are owned by the CITY or one of its instrumentalities, it being understood that the CITY has the duty to relocate or adjust such facilities, if required, provided the CITY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the CITY; and

5. To maintain any frontage road to be constructed as part of the project; and

6. That after the project is completed and open to traffic, to accept for jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map; and

7. That the CITY will make no changes or alter any segment of a road on its road system that lies within the limits of the right of way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right of way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT; and

8. That no provision hereof shall be construed as changing the maintenance responsibility of the CITY for such part of the project as may presently be on its highway, street, road or bridge system; and

9. That it is understood and agreed between the DEPARTMENT and the CITY that all traffic control signs for the control of traffic on a street under the jurisdiction of the CITY and located within the DEPARTMENT's right of way shall be maintained and replaced by the CITY; and

10. That when traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the CITY.

11. If, as a result of acquisition and use of right of way for the project, any structures that become in violation of a CITY setback/building line requirement, the CITY agrees to waive

enforcement of the CITY setback/building line requirement and take other proper governmental action therefore.

12. To prohibit encroachments of any kind upon the right of way and easements for the project; and

13. To prohibit the servicing of motor vehicles within the right of way and easements for the project; and

14. To obtain the approval of the DEPARTMENT before authorizing parking on the right of way and easements for the project and before installing any device for the purpose of regulating the movement of traffic; and

15. The DEPARTMENT will maintain the completed project if it is classified as full access control (i.e. a project which has no intersecting streets at grade), and it will maintain the pavement from curb to curb where curbs exist or the full width of the roadway where no curbs exist on non-access control projects. The CITY agrees to maintain other parts of non-access control projects.

16. That when said project is completed, it thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation or governmental agency, without first obtaining the approval of the DEPARTMENT.

The acceptance of this proposal shall be evidenced by the passage of an ordinance, or by other proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto. Thereafter, the DEPARTMENT will acquire the right of way and easements, construct the project and defend any inverse condemnation or damage civil actions of which the Attorney General has received the notice and pleadings provided for herein.

The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the CITY.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this _____ day of _____, 20_____.

THE CITY OF OAK RIDGE

BY: _____ **DATE:** _____
Mayor

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

BY: _____ **DATE:** _____
**John C. Schroer
Commissioner**

APPROVED AS TO FORM AND LEGALITY:

BY: _____ **DATE:** _____
**John Reinbold
General Counsel**

AGREEMENT NO: 120103
PROJECT IDENTIFICATION NO: 117139.00
FEDERAL PROJECT NO: STP-SIP-95(9)
STATE PROJECT NO: 73017-3221-94
State of Tennessee Department of Transportation

LOCAL AGENCY PROGRAM AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20____ by and between the STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, an agency of the State of Tennessee (hereinafter called the "Department") and the City of Oak Ridge (hereinafter called the "Agency").

W I I N E S S E I H :

WHEREAS, the Department desires to install a traffic signal within the jurisdictional limits of the Agency and

WHEREAS, the Agency, in recognition of the benefits to be received from the installation of said traffic signal desires to cooperate with the Department such that the traffic signal may be installed, operated and maintained.

NOW THEREFORE, in consideration of these premises, the Department and the Agency hereby enter into agreement to provide performance of the project.

SECTION I: The Project to be performed is described as follows:

"Signal on SR-95 intersection at Bethel Valley Rd, LM 2.50"

SECTION II: The Agency shall be solely responsible for and pay all costs associated with maintenance and operation of all electrically operated devices together with the related equipment, wiring and other necessary appurtenances, and the Agency, via a separate agreement with Oak Ridge National Laboratory, shall furnish electrical current to all such devices which may be installed as part of the project. Additionally, the Agency shall be solely responsible for and pay all costs associated with the maintenance and operation of solar-powered devices, including, but not limited to, replacement of solar panels, batteries, lights and lenses.

SECTION III: The Agency agrees to comply with all applicable federal and state laws and regulations in the performance of its duties under this contract. The parties hereby agree that failure of the Agency to comply with this provision shall constitute a material breach of this agreement and subject the Agency to the repayment of all state funds expended, or expenses incurred, under this agreement.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their respective authorized officials on the date first above written.

CITY OF OAK RIDGE

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

By: _____
Mayor

_____ Date

By: _____
John C. Schroer
Commissioner

_____ Date

APPROVED AS TO
FORM AND LEGALITY
By: *Kurt R. Kushech*
Attorney

_____ Date
4-3-14

APPROVED AS TO
FORM AND LEGALITY
By: _____
John Reinbold
General Counsel

_____ Date

RESOLUTION

A RESOLUTION APPROVING A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE CITY OF OAK RIDGE, TENNESSEE AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR INSTALLATION OF A TRAFFIC SIGNAL WITH GEOMETRIC IMPROVEMENTS AT THE INTERSECTION OF STATE ROUTE 95 (WHITE WING ROAD) AND BETHEL VALLEY ROAD.

WHEREAS, the Tennessee Department of Transportation (TDOT) has presented a proposal to the City concerning Federal Project No. STP-SIP-95(9), State Project No. 73017-1221-94, which involves traffic safety improvements at the intersection of State Route 95 (White Wing Road) and Bethel Valley Road; and

WHEREAS, City Council has determined that the above referenced project will benefit the City of Oak Ridge, Tennessee, and the citizens thereof; and

WHEREAS, one hundred percent (100%) funding for this project is available from Highway Safety Funds through the U.S. Department of Transportation Federal Highway Administration.

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

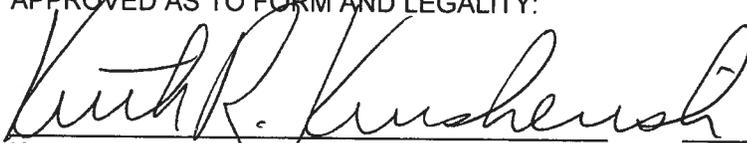
That the City is hereby authorized to enter into a Local Agency Program Agreement with the Tennessee Department of Transportation, for the installation of a traffic signal with geometric improvements at the intersection of State Route 95 (White Wing Road) and Bethel Valley Road, with said project being paid for entirety from Highway Safety Funds through the U.S. Department of Transportation Federal Highway Administration.

BE IT FURTHER RESOLVED that the City will be responsible for maintenance of the traffic signal after construction.

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

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

POLICE DEPARTMENT MEMORANDUM

14-03

DATE: March 28, 2014
TO: Mark S. Watson, City Manager
FROM: James T. Akagi, Chief of Police
SUBJECT: PURCHASE OF TWO (2) POLICE SERVICE DOGS AND ASSOCIATED HANDLER TRAINING

Introduction

An item for City Council's consideration is a resolution to approve the purchase of two (2) police service dogs and associated handler training from Lakeview K-9 Services, Loudon, Tennessee, in the estimated amount of \$33,000.

Funding

Funds for this purchase are available through a grant from the U.S. Department of Energy. The grant will cover the entire cost of the two (2) police service dogs and the associated handler training.

Background

The Police Department has maintained a K-9 Unit consisting of four (4) K-9 teams that provide 24/7 support to patrol operations and narcotics interdiction. All of the Police Department's service dogs are dual purpose dogs, meaning they are trained in criminal apprehension and narcotics detection. The K-9 Unit regularly deploys to search for, and support the apprehension of, serious or violent suspects. The K-9 Unit conducts regular narcotics interdicting traffic stops, narcotics search warrants, and narcotic searches for the Oak Ridge City Schools.

Due to the retirement of two (2) police service dogs because of age or injury, the K-9 Unit has been reduced to two (2) active service dogs. The procurement of two (2) additional police service dogs will bring the K-9 Unit back up to 100% staffing and coverage. One current K-9 officer, whose police service dog was recently retired will, if approved, receive one (1) of the two (2) new police service dogs. The additional dog will be assigned to a current patrol officer who will be trained as a designated K-9 officer. Each officer will require training to become a handler for their assigned police service dog.

Analysis

The City issued a formal competitive bidding process to procure two (2) police service dogs and the associated handler training. Six (6) responses were received and evaluated on the basis of cost, the nature of dog breeding, personal trait evaluation, training philosophy, and training facilities. The Police Department has history with three (3) of the vendors and on March 3, 2014 staff traveled to Maysville Georgia and Custom Canine, nearest out of State responding vendor. The remaining two (2) vendors were in California and Kansas. Custom Canine staff conducted a demonstration with several of their dogs, their facilities, explained their training philosophy and discussed various aspects of their business and services. For reasons explained below, the Police Department recommends Lakeview K-9 Services instead of the lowest or other bidders.

Lakeview K-9 Services was selected as the vendor for the procurement of the requested police service dogs and associated handler training because of their training methods, superior dog selection, and local training facilities. In making this decision, the Police Department looked first at the K-9 handler school and associated training. Using a local vendor allows the selected employees to stay in their homes during the 5-week training program. This relieves the fiscal impact on the City of Oak Ridge from the expense of travel, lodging, food, and fuel costs for out of state travel. Another non-monetary benefit of a

local vendor is the convenient access to the vendor in the event of an unacceptable issue with a dog, training issue, or replacement of a handler during the training program. Using a local vendor also allows the K-9 Unit to take full advantage of available follow-up training, including Lakeview K-9 Services' no cost weekly maintenance training for the working life of the dogs. Further, Lakeview K-9 Services has extended this invitation to our entire K-9 unit including the existing service dogs. We currently use their facilities with our existing K-9 teams, training alongside other local agencies and at no additional cost. The value of this access to master trainers and Lakeview K-9 Services facilities is exceptional.

Researching the facilities, training methods, and additional benefits of available programs found that Lakeview K-9 Services met or exceeded all of the requirements of the Oak Ridge K-9 Unit and is the most compatible with Police Department training philosophy. As listed in the bid request document, Lakeview K-9 Services includes a certification by the National Narcotics Detection Dog Association (NDDA). Lakeview K-9 Services additionally included a secondary narcotics detection certification through the International Forensics Research Institute (IFRI). The Oak Ridge K-9 Unit currently maintains certifications with both of these organizations on all active police service dogs. This certification is important because the U.S. Supreme Court's most recent decision on the reliability of narcotic detection dogs weighed heavily on "certification by a bona fide organization" and regular maintenance training. In addition to numerous trainer/handler certifications, the Lakeview K-9 Services trainer is certified and has testified as an expert in reference to police service dogs in the 6th Circuit federal court. This has obvious benefit in being local and accessible should there be a need. The Police Department believes Lakeview K-9 Services' certifications and access to local weekly training is the most beneficial program that meets the K-9 Unit's requirements.

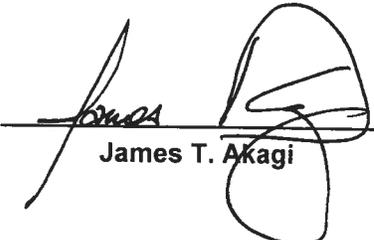
The second evaluation was the cost and quality of the canines and references. All of the bid vendors stated they selected dogs through European sources. The most telling reference came from the Knox County Sheriff Office (KCSO) K-9 Unit, which recently procured six (6) police service dogs with handler training courses from Lakeview K-9 Services. KCSO gave an exceptional reference, specifically stating that the quality of canine was superior to other sourcing they had made in the past. Lakeview K-9 Services obtains dogs through Metro Dade K-9 in Florida, which in turn selects dogs from Europe. Lakeview K-9 Services has V.I.P. access at Metro Dade K-9 and personally selects from the kennels those dogs that possess drives, instincts, and temperament specific to work as a police service dog. The Oak Ridge K-9 Unit trainer evaluated Lakeview K-9 Services dogs and found them to be exceptionally suited for Oak Ridge.

Lakeview K-9 Services selects dogs with the best traits and then finishes the training at their facility. This is in contrast to the general practice of selecting titled or untitled dogs from Europe. A titled dog is one that has been trained and passed a series of tests set by a European training organization. The benefit of Lakeview K-9 Services is that the dog can be trained, or customized, to whatever the agency wants the dog's response to be. In contrast, a titled dog that was trained with an undesirable response will have to have the trained response extinguished, through training, and then the desired response trained. This is a time consuming process and during a stressful situation, like a suspect apprehension, the dog may revert to the original undesirable response. This training philosophy and utilization of a younger dog also contributes to a longer service life and greater benefit for the Police Department. Lakeview K-9 Services was selected because their system will provide a high quality dog that will be customized to the training and response that the City of Oak Ridge selects. Lakeview K-9 Services' canine price reflects the quality of their dogs, and customized training, and the Police Department feels that it is in the best interests of the City of Oak Ridge to purchase the highest quality animal possible.

Recommendation

Approval of the attached resolution is recommended.

Attachment(s): Resolution
Bid Abstract



James T. Akagi

City Manager's Comments:

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

Mark S. Watson

Mark S. Watson

4-2-2014

Date

**CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids**

FY2014-108

OPENING DATE: January 31, 2014 2:00 P.M.

FOR --Two Trained Police Service Dogs & Associated K-9 Handler Training			BIDDER: Lakeview K9 Services, LLC 1700 Jacobs Road Loudon, TN 37774		BIDDER: Cobra Canine, LLC 1599 Old McTeer Road Loudon, TN 37774		BIDDER: Custom Canine Unlimited, LLC 672 Porter Road Maysville, GA 30558-4303		BIDDER: Vigilant Canine Services International 1015 Anderson Street Red Bluff, CA 96080		
DESCRIPTION	ITEM*	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES FOR TWO TRAINED POLICE SERVICE DOGS AND ASSOCIATED K-9 HANDLER TRAINING PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE POLICE DEPARTMENT	1			\$ 27,000.00		\$ 19,000.00		\$ 13,000.00		\$ 17,000.00	
	2			\$ 6,000.00		\$ 3,000.00		\$ 11,000.00		\$ 9,000.00	
	3					451.98					
Item* Item 1 - Two Trained Police Service Dogs Item 2 - Training for two K-9 handlers (include lodging and meal costs, if provided) Item 3 - Training Supplies											
TOTAL PRICE			\$ 33,000.00		\$ 22,451.98		\$ 24,000.00		\$ 26,000.00		
TERMS			NET 30		NET 30		NET 30		NET 30		
DELIVERY			PER CONTRACT		PER CONTRACT		PER CONTRACT		PER CONTRACT		
F.O.B.			PER CONTRACT		PER CONTRACT		PER CONTRACT		PER CONTRACT		
VIA			VENDOR		VENDOR		VENDOR		VENDOR		
OTHER BIDDERS CONTACTED: Vohne Liche Kennels, Inc. - Denver, IN K9 Working Dogs International, LLC - Longford, KS							BIDS OPENED AND RECORDED BY-- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager				
REASON FOR AWARD:			RECOMMEND AWARD BE MADE TO:				BIDS REVIEWED BY--				
ONLY BID RECEIVED <input type="checkbox"/> BETTER FIT OF DEPARTMENTAL NEEDS <input checked="" type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input type="checkbox"/>			Lakeview K9 Services, LLC 1700 Jacobs Road Loudon, TN 37774				<i>Dallas Duce for</i> Janice McGinnis Finance Director <i>Janice McGinnis</i>				

RESOLUTION

A RESOLUTION AWARDING A BID IN THE ESTIMATED AMOUNT OF \$33,000.00 TO LAKEVIEW K-9 SERVICES, LOUDON, TENNESSEE, FOR THE FURNISHING OF TWO (2) TRAINED POLICE SERVICE DOGS AND ASSOCIATED HANDLER TRAINING FOR THE POLICE DEPARTMENT.

WHEREAS, the City of Oak Ridge has a need to purchase two (2) specially trained, dual purpose, police service dogs to perform drug detection activities and patrol activities; and

WHEREAS, the City of Oak Ridge has issued an invitation to bid for the purchase of two (2) police service trained dogs and associated handler training; and

WHEREAS, grant funds are available from the U.S. Department of Energy for this purchase; and

WHEREAS, bids were received and publicly opened on January 31, 2014, and evaluated on the basis of cost, training facilities, training philosophy, available certifications, quality of canines, and references; and

WHEREAS, based upon the evaluations and a determination of the best canines, training, and value for the City, the City desires to award the bid to Lakeview K-9 Services; and

WHEREAS, Lakeview K-9 Services, Loudon, Tennessee, submitted the best overall bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to Lakeview K-9 Services, 1700 Jacobs Road, Loudon, Tennessee 37774, for the furnishing of two (2) police service trained dogs and associated handler training; said award in strict accordance with the bid as received and publicly opened on January 31, 2014, and the required specifications, and in the estimated amount of \$33,000.00.

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

CITY COUNCIL MEMORANDUM
14-13

DATE: April 4, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: REMOVAL OF JOSEPH LEE FROM CITY COUNCIL APPOINTED/ELECTED BOARDS,
COMMISSIONS, AND COMMITTEES

Introduction

An item for the agenda is a resolution removing Joseph Lee from the Board of Building and Housing Code Appeals and any other City Council-appointed/elected board, commission, or committee.

Background

On March 28, 2014, Joseph Lee submitted an email communication to Councilmember Anne Garcia Garland with a copy to the remainder of City Council and various City employees. In this email, Mr. Lee expressed his criticism of the councilmembers who voted to not renew the Redflex contract. A copy of this email is attached.

Councilmember Anne Garcia Garland has requested the removal of Mr. Lee from all city boards, commissions, and committees due to Mr. Lee's contempt for councilmembers at whose pleasure he serves as evidenced by his email communication on March 28, 2014. Councilmember Anne Garcia Garland's request is attached.

Recommendation

The attached resolution is submitted for Council's consideration.



Mark S. Watson

Attachments: Email Communications
Resolution

Krushenski, Ken

From: Anne Garcia Garland <agg@bellsouth.net>
Sent: Friday, April 04, 2014 10:18 AM
To: Krushenski, Ken
Cc: Watson, Mark
Subject: Fw: THANKS FOR NOTHING

Ken,
I think Mark asked me to write the request to you. Inasmuch as Joe Lee has shown by the attached email his contempt for the council which appointed him and at whose pleasure he serves, I would like a resolution for the April council agenda removing Joe Lee from any and all appointed positions on city boards, commissions, or committees.
Call me if you need further information.

Thanks.

Anne (755-2433)

----- Original Message -----

From: Joe Lee
To: Anne Garcia Garland
Cc: [Trina Baughn](#) ; [David Mosby](#) ; [Chuck Hope](#) ; [Mayor Tom Beehan](#) ; [Jane Miller](#) ; [Charlie Hensley](#) ; [Alan Massengill](#) ; [Diana Stanley](#) ; [Mark Watson](#) ; [Karen Hendrix](#) ; [Kathryn Baldwin](#) ; [Susan Fallon](#) ; [Jack Suggs](#) ; [Janice McGinns](#) ; [Darryl Kerley](#) ; [Amy Fitzgerald](#) ; [Ken Krushenski](#) ; [Kathy McNeilly](#) ; [Penelope Sissom](#) ; [James Akagi](#) ; [Gary Cinder](#) ; [Josh Collins](#)
Sent: Friday, March 28, 2014 3:44 PM
Subject: THANKS FOR NOTHING

Dear Councilwomen Garcia Garland,

I wanted to send you a brief note to congratulate you on killing the Redflex camera contract. I can not find the words to adequately express my thoughts regarding your accomplishment. I know that for years you and others have been focused on nothing else. I can just imagine the celebration that took place Monday evening between you, Kay the city moron, TJ the village idiot and other like minded individuals. I would have loved to have been a fly on that wall.

I was not at all surprised by the 4/3 vote. After all, it was not about safety or the money, it is about the votes. Take the fact that your entire campaign to be elected to city council and combine that with the nut jobs that you are aligned with and cater to, it has been obvious for a very long time that we were never going to hear the end of your whining until you got another shot at this issue. The opening line of your Monday monologue said just that. There was no need to lie to us that evening about how this issue has divided the city. This city is divided over the cameras because you and your clan of camera crazies have intentionally split this city apart in order to stir up the electorate and turn out votes for your twisted positions. You know that is true. To deny it only speaks volumes to the level of intelligence at which you function.

One thing that did surprise me was to learn that the clown car has a comfortable seating capacity of four. You and the clowns put on quite a show. I have always enjoyed going to council meetings because it's the best show in town. You kids put on the most pathetic display of lack of leadership and vision that I have ever seen. Not since a previous council years ago started the Mall Wars and damaged retail sales tax revenue in this town have I seen such foolishness. What I saw Monday was not people working together to move our city forward or even sideways but one big giant step in reverse. This was small ball being played in a big way and I am not a happy camper. It would be illogical for any of these characters to think they have done the right thing for our city.

Now, what I find most amazing is that you jokers just blew a \$500,000 hole in the annual city budget and not one of you even mentioned that fact. You can cry and complain all you want day and night about debt, taxes

and spending but when you cut revenue without even acknowledging what you have done you are not qualified to be a council member.

It will be entertaining to to listen to the twisted logic that will be coming from you and your colleagues to try to justify the damage that you have just done to the financial health of my city. City Council, the best show in town.

Again, congratulations and thanks for nothing.

Sincerely,
Joseph Lee

Sent from my iPad

Electronic communications with officials and employees of the City are subject to Tennessee's Public Records Act.

RESOLUTION

A RESOLUTION REMOVING JOSEPH LEE AS A MEMBER OF THE BOARD OF BUILDING AND HOUSING CODE APPEALS AND FROM ANY OTHER CITY COUNCIL-APPOINTED/ELECTED BOARD, COMMISSION, OR COMMITTEE.

WHEREAS, City Council elected Joseph Lee to serve on the Board of Building and Housing Code Appeals; and

WHEREAS, Mr. Lee's term expires on December 31, 2015; and

WHEREAS, on March 28, 2014, Mr. Lee submitted an email communication to City Council expressing his criticism of councilmembers who voted against renewing the Redflex contract; and

WHEREAS, due to Mr. Lee's contempt for a majority of City Council members, at whose pleasure he serves, City Council hereby removes Mr. Lee from the Board of Building and Housing Code Appeals as well as from any other City Council-appointed/elected board, commission, or committee.

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

That Joseph Lee is hereby removed as a member of the Board of Building and Housing Code Appeals as well as from any other City Council-appointed/elected board, commission, or committee.

This the 14th day of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

**PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES**

CITY COUNCIL MEMORANDUM
14-11

DATE: April 3, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SCHOOLS APPROPRIATION REQUEST – BLEACHERS

Introduction:

An item for City Council's consideration is an ordinance to amend Ordinance No. 05-2013, which ordinance imposes a tax on all property within the City, fixes the rate of the tax, adopts a budget, and adopts appropriations for the fiscal year beginning July 1, 2013, by amending said appropriations.

Funding:

The Oak Ridge Board of Education has requested the approval of the City Council to amend the FY 2014 budget in an amount of \$454,940 for the replacement of the Blankenship Field visitor bleachers. The Board has appropriated \$454,940 from its unappropriated fund balance for payment of the bid awarded to contractor Dant Clayton Corporation of Louisville, Kentucky.

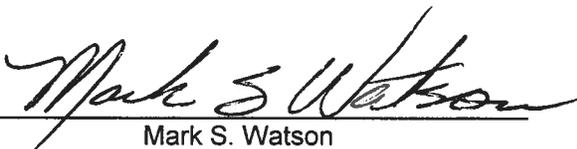
Background:

The original bid was for \$523,940, which included a \$69,000 ramp for ADA access from the lower parking lot side. That amount has been excluded from the appropriation. Pat Fallon of City staff has worked with the City Manager and is exploring a less expensive alternative than the proposed ramp. Further deliberations will occur with Allen Thacker, Supervisor of Maintenance and Operations of the Oak Ridge Schools. With a present effort beginning to restore Blankenship Field, permanent construction such as the ramp that will affect the view scape requires further discussion. Although, ADA access to the visitors side and lower levels will need to be addressed.

Due to the timeliness of the bleacher construction for the Fall football season, the bleachers were approved for immediate construction pending Council outcome.

Recommendation:

The Oak Ridge Board of Education requests favorable consideration of this request.


Mark S. Watson

Attachment

FY 14 FYTD Revised Budget Request Summary

Fund	FY14 FYTD Revised Budget	Changes In Budget Budget Revision	FY14 Revised Budget Total
Fund 141 (General Fund)	\$ 51,208,320.63	\$ 454,940.00	\$ 51,663,260.63
Fund 142 (Federal)	\$ 3,375,935.37	\$ -	\$ 3,375,935.37
Fund 143 (Food Service)	\$ 1,954,004.00	\$ -	\$ 1,954,004.00
Fund 145 (Other Education)	\$ 110,567.00	\$ -	\$ 110,567.00
Fund 146 (Extended Child Care)	\$ 447,351.00	\$ -	\$ 447,351.00
Fund 262 (Equip. Rental/Replacement)	\$ 139,838.00	\$ -	\$ 139,838.00
TOTAL All Funds	\$ 57,236,016.00	\$ 454,940.00	\$ 57,690,956.00

FUND 141 Revision - Blankenship Field - Visitor Bleacher Replacement from Fund Balance

Account	Description	FY14 FYTD Approved Budget	Budget Amendment Change/ Transfers	Proposed FY14 Revised Budget
REVENUE Account Changes (To be used from Fund Balance)				
141-39000	Undesignated Fund Balance & Other LEA Reserves	\$ 2,682,261.00	\$ 454,940.00	\$ 3,137,201.00
(Proposed Budget increase by using transfer from Fund Balance)				
Expenditure Account Increases				
141-76100-707-000-00000-246	Fiber Optics	\$ 175,000.00		
141-76100-707-000-00600-246	Fiber Optics Project (State Funding)	\$ 192,276.00		
141-76100-707-000-00000-401	Security Fence Installation	\$ 85,246.64		
141-76200-707-000-00000-402	PA System for Preschool	\$ 14,000.00		
141-76100-707-000-00000-403	Building Improvement Contingency	\$ 52,112.54		
141-76100-707-000-00000-404	Upgrade Bell Systems/Elementary & Middle Schools	\$ 12,386.52		
141-76100-707-000-00000-405	Clock System Replacement- Preschool/SAB	\$ 10,000.00		
141-76100-707-000-00000-406	Skyward Hosting Servers	\$ 18,000.00		
141-76100-707-000-00000-407	Contingency/Damaged/ Lost/Stolen Equipment	\$ 1,254.30		
141-76100-707-000-00000-408	Technology Infrastructure 1:1	\$ 1,000,000.00		
141 E 76100 707 000 00000-409	Replacement of visitor bleachers at Blankenship Field	\$ -	\$ 454,940.00	
Total budget for building improvement expenditures		\$ 1,560,276.00	\$ 454,940.00	\$ 2,015,216.00

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 05-2013, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY AMENDING SAID APPROPRIATIONS.

WHEREAS, there exists a need to amend the amended appropriations for Fiscal Year 2014 and for the accomplishment of the same, a public hearing will be scheduled during first reading of the ordinance, scheduled for April 14, 2014, before the City Council after ten (10) days' notice thereof published in The Oak Ridger, the official newspaper, as provided by law; and

WHEREAS, the need to amend the appropriations of the General Purpose School Fund for Fiscal Year 2014 is at the request of the Board of Education in the amount of \$454,940.00 for the replacement of visitor bleachers at Blankenship Field.

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

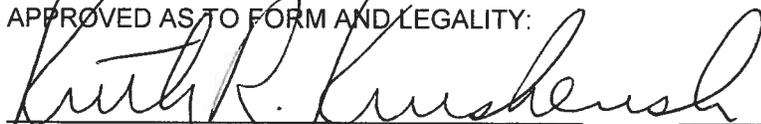
Section 1. Ordinance No. 05-2013, which adopts appropriations for Fiscal Year 2014, is hereby amended by revising Section 3 so that the same, as revised, will read as follows:

Section 3. In accordance with Article V, Section 14, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2014:

General Fund, Municipal Operations	\$ 20,245,788
Debt Service (Bond and Interest Redemption Fund)	\$ 8,212,544
State Street Aid Fund	\$ 2,210,450
Streets and Public Transportation Fund	\$ 260,000
Drug Enforcement Program Fund	\$ 255,200
Grant Fund	\$ 2,179,401
General Purpose School Fund	\$ 57,690,956
Golf Course Fund	\$ 1,385,000
Capital Projects Fund	\$ 3,030,000
Solid Waste Fund	\$ 2,682,000
West End Fund	\$ 2,568,000
Special Programs Fund	\$ 1,120,000

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:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 04/14/2014
 Publication Date: 04/04/2014
 First Reading: 04/14/2014
 Publication Date: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
14-11**

DATE: March 21, 2014
TO: Mark Watson, City Manager
FROM: Monica Austin Carroll, Community Development Division Manager *MAC*
THROUGH: Kathryn Baldwin, Community Development Director *KB*
SUBJECT: Zoning Ordinance Amendments

Introduction

An item for City Council's consideration is an ordinance to amend several housekeeping items within the Zoning Ordinance. Over the past few months, Planning staff has identified areas in the Zoning Ordinance that were either not addressed, did not meet the criteria as prescribed in our Zoning Ordinance, or needed clarification. Staff felt the issues needed to be addressed in a housekeeping ordinance to formally amend the Zoning Ordinance.

Funding

No funding is necessary for this item.

Analysis

The following is a summary of the changes to the Zoning Ordinance:

- 1. The current Zoning Ordinance does not address sport shooting ranges. Currently, the only similar use located within the City is the Oak Ridge Sportsman Association site, which is zoned RG-1. However, adequate safeguards are needed to address commercial sport shooting ranges, including defining such uses. Add the following definitions to Article II:**

◆ **Outdoor Sport Shooting Range**

An outdoor area, not enclosed in a building, designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military firing ranges operated by any level of government, and does not include occasional not-for-profit charitable events (commonly called "turkey shoots").

◆ **Indoor Sport Shooting Range**

A fully enclosed building or part of building specifically designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military indoor firing ranges operated by any level of government. As used in this section, means any public place or range for shooting and discharging firearms.

- 2. Add the following supplementary regulations to Article III General Provisions regarding commercial indoor sport shooting ranges. Currently the Zoning Ordinance does not address this use.**

- (a) License Required.

No person shall conduct, maintain, operate, or cause to be conducted, maintained or operated, any indoor or outdoor sport shooting range without being licensed through the State of Tennessee Department of Safety and Homeland Security and meet all other

applicable state and federal regulations for operating a sport shooting range. Any license or permits required for shooting range activity by any level of government shall be submitted as supporting documentation with the site plan.

(b) All sport shooting ranges shall be planned, constructed and maintained according to standards that are at least as stringent as the standards contained in the National Rifle Association range manual and the standards set forth by the State of Tennessee Department of Safety and Homeland Security *Handgun Safety School Firing Range Requirements*. The proposed sport shooting range shall be shown on a site plan showing all buildings, firing lines or stations, shooting related activity areas and other areas or structures.

(c) Location.

Sport shooting range shall be designed to minimize noise to surrounding properties. No indoor sport shooting range shall be located closer than 1,000 feet (measured from property line to property line) from any school, church, hospital, or other indoor sport shooting range, nor in any location that would constitute a nuisance under the Municipal Code, common law or any other applicable law, statute or regulation, or in a location such that the noise from the indoor sport shooting range would constitute such a nuisance or other violation under the Municipal Code.

(d) Hours of Operation.

No indoor sport shooting range shall be operated between the hours of 10:00 p.m. and 7:00 a.m. These hours of operation coincide with allowable decibel levels as defined in Section 12.04 of the Zoning Ordinance.

(e) Safety Rules. In the operation of any sport shooting range, the following safety rules shall at all times be observed:

1. Sport shooting ranges shall contain all projectile and shot fall within the property of the sport shooting range.
2. A lead mitigation plan meeting requirements of the Environmental Protection Agency (EPA) shall be submitted with the site plan.
3. It is the sport shooting range operator's responsibility to determine if a shooter is of appropriate age and has the physical and mental ability to safely utilize the sport shooting range and provide their shooters with appropriate qualified supervision.
4. The sport shooting range shall be properly and adequately ventilated and filtered at all times and comply with all applicable OSHA, NIOSH, EPA standards and any other applicable local, state or federal codes, standards, laws and regulations.

3. Amend Section 7.04 (c) to add the *Indoor Sport Shooting Range* as a use requiring Board of Zoning Appeals (BZA) approval.

Staff felt the UB-2 Unified General Business District was an appropriate zoning district for the location of commercial indoor sport shooting ranges because similar uses, such as recreation uses, are allowed with BZA approval. Of the existing commercial districts, this district tends to require additional buffers between non-compatible uses, requires additional setback requirements, and more restrictive allowable uses.

4. The terminology for the list of permitted uses within similar zoning districts is inconsistent; therefore, it creates confusion when determining whether or not similar uses are allowed. The permitted uses identified in the current Zoning Ordinance also still utilize terminology that is no longer applicable with current market trends. The following amendments related to “business services” clarify the definition and ensure that the language is consistent.

Business Services: Establishments primarily engaged in providing assistance, as opposed to products *to other* individuals, business, industry, government, and other enterprises, including hotels and other lodging places; personal, business, repair, and ~~amusement services~~; health, legal, engineering, and other professional services; educational services; membership organizations; and other miscellaneous services.

5. **Amend Section 7.03 B-2 General Business Districts (a) Permitted Principal Uses**

3. Office building uses resulting from any of the following occupations: ~~executive, administrative, professional services, business services,~~ accounting, banking, ~~writing, clerical, stenographic, drafting, and~~ graphic arts ~~and sales~~.

6. **Amend Section 7.04 UB-2 Unified General Business Districts (a) Permitted Principal Uses**

2. Office building uses resulting from any of the following occupations: ~~executive, administrative, professional services, business services,~~ accounting, banking, ~~writing, clerical, stenographic, drafting, and~~ graphic arts ~~printing, and sales, including computer, electronic and video sales and services~~.

7. **Amend Section 5.05 R-3 Medium Residential District (a) Permitted Principal Uses**

4. Business and professional offices; *including office building uses resulting from professional services, business services, accounting, banking, drafting, and graphic arts.*

8. The current Zoning Ordinance does not address transitional housing; however, adequate safeguards are needed to address transitional housing, including defining the use. Add the following new definition to Article II

Transitional Housing: A facility operated by a non-profit agency providing temporary housing to indigent, homeless, or transient persons during crisis intervention; may also be integrated with other social services and programs to provide ancillary services such as counseling, vocational training, etc. to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

9. **Amend Section 3.24 Title to include Transitional Housing for the supplementary regulations listed for permanent and transient group care facilities**

Permanent and Transient Group Care Facilities *and Transitional Housing*

10. **Add Transitional Housing as a Special Exception Requiring Board of Zoning Appeals (BZA) approval in the following zoning districts: R-2, R-3, and R-4**

11. **Amend Section 5.07 One-Family Residential Districts, R-1-A/B (c) Use ~~Special Exceptions Requiring Board of Zoning Appeals Approval Permit~~ to have consistent language throughout the Zoning Ordinance and eliminate the following use as a Special Exception in its entirety**

2. ~~Permanent and transient group care facilities~~

12. The current Not In Our City (NIOC) regulations state that the off-street parking is permitted outside of an approved parking surface only in the side and rear yard provided such side and rear yard setbacks are met. This is problematic when implementing, especially in areas where multiple zoning districts exist. For example, the side and rear setback requirements could vary for houses located on the same street. This can be addressed by amending Section 11.02 (e) Required Yard Parking Regulations Subsection 2. Parking in Side and Rear Yard as follows:

- a. For single-family detached dwellings and duplexes, residential off-street parking is permitted outside of an approved parking surface only in the side and rear yard provided side and rear yard setbacks are met and the setback area shall remain clear of all vehicles. *For the purpose of this subsection, all R-1-C and R-2 side and rear setbacks shall be five (5) feet.*

Recommendation

The aforementioned changes regarding the proposed amendments to the Zoning Ordinance were discussed and recommended to City Council for approval by a vote of 7 – 0 for the first four (4) amendments and by a vote of 8 – 0 for the remaining amendments due to one member arriving to the meeting late during the regularly scheduled Planning Commission meeting on March 13, 2014.

City Manager's Comments:

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

Mark S. Watson 4-2-2014
Mark S. Watson Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING THE FOLLOWING: ARTICLE II, TITLED "DEFINITIONS" TO UPDATE THE DEFINITION OF "BUSINESS SERVICES" AND TO ADD DEFINITIONS FOR "SPORT SHOOTING RANGE, INDOOR," "SPORT SHOOTING RANGE, OUTDOOR," AND "TRANSITIONAL HOUSING"; SECTION 3.24, TITLED "PERMANENT AND TRANSIENT GROUP CARE FACILITIES," TO CHANGE THE TITLE TO "PERMANENT AND TRANSIENT GROUP CARE FACILITIES AND TRANSITIONAL HOUSING"; ARTICLE III, TITLED "GENERAL PROVISIONS," TO ADD A NEW SECTION 3.26, TITLED "SPORT SHOOTING RANGES"; SUBSECTIONS 5.07(C), 5.08(C), 6.01(C), 6.02(C), 7.01(C), 7.02(C), 7.03(C), 7.04(C), 7.05(C), 8.01(D), 8.02(D), 8.03(D), 9.02(C), 9.03(C), AND 9.04(F) TO CHANGE THE PHRASE "USES REQUIRING BOARD OF APPEALS PERMIT" TO "SPECIAL EXCEPTION REQUIRING BOARD OF ZONING APPEALS APPROVAL"; SECTION 5.04, TITLED "R-2, LOW DENSITY RESIDENTIAL DISTRICT" TO ADD "TRANSITIONAL HOUSING" AS A NEW USE CATEGORY REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; SECTION 5.05, TITLED "R-3, MEDIUM RESIDENTIAL DISTRICT" TO CHANGE THE TITLE TO "R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT," TO REVISE THE PERMITTED PRINCIPAL USE OF BUSINESS AND PROFESSIONAL OFFICES IN SUBPART 4, AND TO ADD "TRANSITIONAL HOUSING" AS A NEW USE CATEGORY REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; SECTION 5.06, TITLED "R-4, HIGH DENSITY RESIDENTIAL DISTRICT," TO ADD "TRANSITIONAL HOUSING" AS A NEW USE CATEGORY REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; SECTION 5.07, TITLED "ONE-FAMILY RESIDENTIAL DISTRICTS, R-1-A/B," TO DELETE A PERMANENT GROUP CARE FACILITIES AS A USE REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," TO REVISE THE PERMITTED PRINCIPAL USE OF OFFICE BUILDINGS; SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," TO REVISE THE PERMITTED PRINCIPAL USE OF OFFICE BUILDINGS AND TO ADD "SPORT SHOOTING RANGES" AS A USE REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; AND SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," TO CLARIFY THE SIDE AND REAR SETBACK REQUIREMENTS FOR R-1-C AND R-2 IN SUBSECTION (E)(2)(A); ALL FOR THE PURPOSES OF ADDRESSING ITEMS THAT WERE ABSENT FROM THE ORDINANCE AND TO UPDATE PROVISIONS IN NEED OF CLARIFICATION.

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

WHEREAS, the amendments will update the Zoning Ordinance to address items that were absent, did not meet the prescribed criteria, and were in need of clarification; and

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

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

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article II, titled "Definitions," is hereby amended by deleting the definition for "Business Services" in its entirety and substituting therefor a new definition (still in alphabetical order), which new definition shall read as follows:

**ARTICLE II
DEFINITIONS**

BUSINESS SERVICES: Establishments primarily engaged in providing assistance, as opposed to products to other individuals, business, industry, government, and other enterprises, including hotels and other lodging places; personal, business, repair, health, legal, engineering, and other professional services; educational services; membership organizations; and other miscellaneous services.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article II, titled "Definitions," is hereby amended by adding the following new definitions in alphabetical order, which new definitions shall read as follows:

ARTICLE II DEFINITIONS

SPORT SHOOTING RANGE, INDOOR: A fully enclosed building or part of building specifically designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military indoor firing ranges operated by any level of government. As used in this section, means any public place or range for shooting and discharging firearms.

SPORT SHOOTING RANGE, OUTDOOR: An outdoor area, not enclosed in a building, designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military firing ranges operated by any level of government, and does not include occasional not-for-profit charitable events (commonly called "turkey shoots").

TRANSITIONAL HOUSING: A facility operated by a non-profit agency providing temporary housing to indigent, homeless, or transient persons during crisis intervention; may also be integrated with other social services and programs to provide ancillary services such as counseling, vocational training, etc. to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article III, titled "General Provisions," is hereby amended by changing the title of Section 3.24 from "Permanent and Transient Group Care Facilities," to "Permanent and Transient Group Care Facilities and Transitional Housing."

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article III, titled "General Provisions," is hereby amended by adding a new Section 3.36, titled "Sport Shooting Ranges," which new section shall read as follows:

Section 3.36. Sport Shooting Ranges

(a) License Required

No person shall conduct, maintain, operate, or cause to be conducted, maintained or operated, any indoor or outdoor sport shooting range without being licensed through the State of Tennessee Department of Safety and Homeland Security and meet all other applicable state and federal regulations for operating a sport shooting range. Any license or permits required for shooting range activity by any level of government shall be submitted as supporting documentation with the site plan.

(b) Standards, Site Plan

All sport shooting ranges shall be planned, constructed and maintained according to standards that are at least as stringent as the standards contained in the National Rifle Association range manual and the standards set forth by the State of Tennessee Department of Safety and Homeland Security *Handgun Safety School Firing Range Requirements*. The proposed sport shooting range shall be shown on a site plan showing all buildings, firing lines or stations, shooting related activity areas and other areas or structures.

(c) Location

A sport shooting range shall be designed to minimize noise to surrounding properties. No sport shooting range shall be located closer than 1,000 feet (measured from property line to property line) from any school, church, hospital, or other indoor sport shooting range, nor in any location that would constitute a nuisance under the City Code, common law or any other applicable law, statute or regulation, or in a location such that the noise from the indoor sport shooting range would constitute such a nuisance or other violation under the City Code.

(d) Hours of Operation

No sport shooting range shall be operated between the hours of 10:00 p.m. and 7:00 a.m. These hours of operation coincide with allowable decibel levels as defined in Section 12.04 of the Zoning Ordinance.

(e) Safety Rules

In the operation of any sport shooting range, the following safety rules shall at all times be observed:

1. Sport shooting ranges shall contain all projectile and shot fall within the property of the sport shooting range.
2. A lead mitigation plan meeting requirements of the Environmental Protection Agency (EPA) shall be submitted with the site plan.
3. It is the sport shooting range operator's responsibility to determine if a shooter is of appropriate age and has the physical and mental ability to safely utilize the sport shooting range and provide their shooters with appropriate qualified supervision.
4. The sport shooting range shall be properly and adequately ventilated and filtered at all times and comply with all applicable OSHA, NIOSH, EPA standards and any other applicable local, state or federal codes, standards, laws and regulations.

Section 5. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article V, titled "Residential Districts," Article VI, titled "Office Districts," Article VII, titled "Parking and Business Districts," Article VIII, titled "Industrial Districts," and Article IX, titled "Special Districts," are hereby amended by changing the phrase "Uses Requiring Board of Appeals Permit" to "Special Exception Requiring Board of Zoning Appeals Approval," in the following subsections: 5.07(c), 5.08(c), 6.01(c), 6.02(c), 7.01(c), 7.02(c), 7.03(c), 7.04(c), 7.05(c), 8.01(d), 8.02(d), 8.03(d), 9.02(c), 9.03(c), and 9.04(f).

Section 6. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article V, titled "Residential Districts," Section 5.04, titled "R-2, Low Density Residential District," Subsection (c), titled "Special Exceptions Requiring Board of Zoning Appeals Approval," is hereby amended by adding a new subpart 6, which new subpart shall read as follows:

Section 5.04. R-2, Low Density Residential District

- (c) Special Exceptions Requiring Board of Zoning Appeals Approval:
 - 6. Transitional housing.

Section 7. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article V, titled "Residential Districts," Section 5.05, titled "R-3, Medium Density Residential District," is hereby amended by changing the title to "R-3, Medium Density Residential District."

Section 8. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article V, titled "Residential Districts," Section 5.05, titled "R-3, Medium Density Residential District," Subsection (a), titled "Permitted Principal Uses," is hereby amended by deleting subpart 4 in its entirety and substituting therefor a new subpart 4, which subpart shall read as follows:

Section 5.05. R-3, Medium Density Residential District

- (a) Permitted Principal Uses:
 - 4. Business and professional offices; including office building uses resulting from professional services, business services, accounting, banking, drafting, and graphic arts.

Section 9. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article V, titled "Residential Districts," Section 5.05, titled "R-3, Medium Density Residential District," Subsection (c), titled "Special Exceptions Requiring Board of Zoning Appeals Approval," is hereby amended by adding a new subpart 5, which new subpart shall read as follows:

Section 5.05. R-3, Medium Density Residential District

- (c) Special Exceptions Requiring Board of Zoning Appeals Approval:
 - 5. Transitional housing.

Section 10. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article V, titled "Residential Districts," Section 5.06, titled "R-4, High Density Residential District," Subsection (c), titled "Special Exceptions Requiring Board of Zoning Appeals Approval," is hereby amended by adding a new subpart 3, which new subpart shall read as follows:

Section 5.06. R-4, High Density Residential District

- (c) Special Exceptions Requiring Board of Zoning Appeals Approval:
 - 3. Transitional housing.

Section 11. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article V, titled "Residential Districts," Section 5.07, titled "One-Family Residential Districts, R-1-A/B," Subsection (c), titled "Special Exception Requiring Board of Zoning Appeals Approval," is hereby amended by deleting subpart 7 in its entirety without replacement.

Section 12. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.03, titled "B-2, General Business Districts," Subsection (a), titled "Permitted Principal Uses," is hereby amended by deleting subpart 3 in its entirety and substituting therefor a new subpart 3, which subpart shall read as follows:

Section 7.03. B-2, General Business Districts

(a) Permitted Principal Uses:

3. Office building uses resulting from any of the following occupations: professional services, business services, accounting, banking, drafting, and graphic arts.

Section 13. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.04, titled "UB-2, Unified General Business Districts," Subsection (a), titled "Permitted Principal Uses," is hereby amended by deleting subpart 2 in its entirety and substituting therefor a new subpart 2, which subpart shall read as follows:

Section 7.04. UB-2, Unified General Business Districts

(a) Permitted Principal Uses:

2. Office building uses resulting from any of the following occupations: professional services, business services, accounting, banking, drafting, and graphic arts.

Section 14. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.04, titled "UB-2, Unified General Business Districts," Subsection (c), titled "Uses Requiring Board of Appeals Permit," is hereby amended by adding a new subpart 11, which subpart shall read as follows:

Section 7.04. UB-2, Unified General Business Districts

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

11. Indoor Sport Shooting Range.

Section 15. 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 (e), titled "Required Yard Parking Regulations," Subpart 2, titled "Parking in Side and Rear Yard," Subparagraph a is hereby deleted in its entirety and substituting therefor a new Subparagraph a, which new subparagraph shall read as follows:

Section 11.02. Required Off-Street Parking

e. Required Yard Parking Regulations

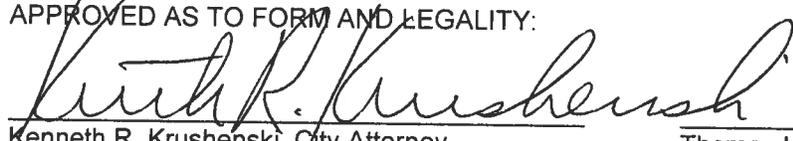
2. Parking in Side and Rear Yard.

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

subsection, all R-1-C and R-2 side and rear setbacks shall be five (5) feet.

Section 16. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 04/14/2014
Publication Date: 03/24/2014
First Reading: 04/14/2014
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

ELECTIONS
&
APPOINTMENTS
ANNOUNCEMENTS
SCHEDULING

LEGAL DEPARTMENT MEMORANDUM
14-13

DATE: April 4, 2014
TO: Honorable Mayor and Members of City Council
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: ADMINISTRATIVE HEARING OFFICER – APPOINTMENT AND SALARY

Introduction

Items for the agenda are (1) appointment of an Administrative Hearing Officer and (2) a resolution approving a salary of \$2,000.00 per month for the Administrative Hearing Officer.

Funding

Funds are currently available in the FY14 Budget.

Applications for Consideration

After approval of Ordinance 01-2014 which created the position of Administrative Hearing Officer, the City advertised for interested individuals to fill the part time position (copy of advertisement attached). Per city ordinance and state law, the Administrative Hearing Officer must be either a licensed building inspector, plumbing inspector, electrical inspector, attorney, architect, or engineer. Further, the Administrative Hearing Officer must comply with the training and education requirements set forth by state law. The advertisement requested Oak Ridge residency, three references, and a copy of the individual's applicable license.

The following applications were received by the deadline (Friday, April 4, 2014 at 12:00 noon): Bruce Alldredge of Knoxville, Attorney; Jason Davis of Knoxville, Attorney; Richard Giannelli of Oak Ridge, Engineer; Amanda McCulloch of Clinton, Attorney; Paul Spite of Cookeville, Architect; and Hugh Ward, Jr., of Oak Ridge, Attorney. Copies of the applications are included for Council's consideration.

Salary Level

By Resolution 3-19-2014, Council approved the agreement between the City and the appointed Administrative Hearing Officer. At the time of approval, the compensation level was left blank and Council was informed a salary recommendation would be made by the City Manager. The City Manager recommends a salary level of \$2,000.00 per month. By the terms of the approved agreement, the compensation level may be adjusted on a yearly basis by Council based upon the recommendation of the City Manager and budgeting constraints.

Recommendation

After appointment of an individual to serve as the Administrative Hearing Officer, it is recommended that the attached resolution be approved to set the compensation level.


Kenneth R. Krushenski

Attachments: Advertisement
Applications
Resolution



City of Oak Ridge

ADMINISTRATIVE HEARING OFFICER

In accordance with State law and the *Not in Our City* conceptual plan, the City of Oak Ridge is accepting applications for the newly created position of Administrative Hearing Officer to hear certain building and property maintenance code violations. The individual selected to fill this part time position will be appointed by City Council on a contractual basis for a four year term. This individual will serve at the pleasure of City Council; and the salary offered will be based on qualifications and experience. The Administrative Hearing Officer must be an Oak Ridge resident, must complete the required State training and must be one of the following: licensed building inspector, licensed plumbing inspector, licensed electrical inspector, licensed attorney, licensed architect or licensed engineer. Additional information about this position can be found in Tennessee Code Annotated. Interested individuals should submit their applications/resumes by 12:00 noon on Friday, April 4, 2014 and must include at least three references as well as proof of the applicable professional license. Please send to the Personnel Department, Municipal Building, 200 S. Tulane AVE, P. O. Box 1, Oak Ridge, TN 37831-0001.

THE CITY OF OAK RIDGE IS AN EQUAL OPPORTUNITY EMPLOYER
INCLUDING THE DISABLED

BRUCE A. ALLDREDGE
3101 Essary Drive, Knoxville, Tennessee 37918
Telephone: (602) 820-8622, Facsimile: (866) 882-2318
Email: bruce.alldredge@gmail.com

PROFILE

Accomplished trial attorney with a strong background in criminal law, family law, and personal injury. Proven ability to handle complex matters. Admitted to the State Bar of Arizona, Tennessee, the U.S. District Court of Arizona and Tennessee, and the U.S. Court of Appeals for the Ninth Circuit.

LEGAL EXPERIENCE

Law Office of Bruce A. Alldredge
Sole Proprietor, 1997-Present

- Handled complex criminal defense, family law, and personal injury cases.
- Manage all aspects of cases from inception through completion.

Maricopa County Legal Defender's Office
Deputy Legal Defender, 1995-1997

- Handled complex criminal defense cases.
- Manage all aspects of cases from inception through completion.

Pima County Legal Defender's Office
Deputy Legal Defender, 1992-1995

- Handled complex criminal defense cases, including death penalty cases.
- Manage all aspects of cases from inception through completion.

Santa Cruz County Attorney's Office
Deputy County Attorney, 1989-1992

- Prosecuted felony and misdemeanor criminal cases.
- Manage all aspects of cases from inception through completion.

EDUCATION

University of Arizona School of Law
Juris Doctor, 1988

Northern Arizona University
B.S. Accounting, 1983

✓
APR 02 2014

BRUCE A. ALLDREDGE

3101 Essary Drive, Knoxville, Tennessee 37918
Telephone: (602) 820-8622, Facsimile: (866) 882-2318
Email: bruce.alldredge@gmail.com

References:

The Honorable Cynthia E. Gonzales
Judge of the Phoenix Municipal Court
300 W. Washington Street
Phoenix, AZ 85003
(602) 261-8162

Dr. Pamela Bingham, M.D.
Northwest Clinic for Children
15420 N. 32nd Street
Phoenix, AZ 85053
(602) 866-1974
drbingham@cox.net

Richard G. Zielinski, Esq.
Law Office of Richard Zielinski
1 E. Camelback, Suite 550
Phoenix, AZ 85012
(602) 920-5090
rich@phxcriminallaw.com

The Honorable Christopher Whitten
Judge of the Maricopa County Superior Court
201 W. Jefferson Street
Phoenix, AZ 85003
(602) 372-1164

Jaime Hindmarch, Esq.
Office of the Legal Advocate
3800 N. Central Avenue, Suite 1500
Phoenix, AZ 85012
(602) 506-4111
hindmarch@hotmail.com

Michael Whalen, Esq.
905 Locust St
Knoxville, TN 37902
(865) 525-1393
whalenlaw@bellsouth.net

Christopher Irwin, Esq.
P.O. Box 20363
Knoxville, TN 37920
(865) 257-4029
christopherscottirwin@gmail.com

The Honorable Steven W. Sword
Judge of the Knox County Criminal Court
City Co. Building, Suite 162
400 Main Avenue
Knoxville, TN 37902
(865) 215-2508

LAW OFFICE OF BRUCE ALLDREDGE

ATTORNEY AT LAW
3101 Essary Drive
Knoxville, TN 37918
TELEPHONE (865) 292-0044
FAX (866) 882-2318
EMAIL bruce.alldredge@gmail.com

April 1, 2014

Personnel Department
Municipal Building
200 S. Tulane Ave.
P.O. Box 1
Oak Ridge, TN 37831-0001

RE: Administrative Hearing Officer

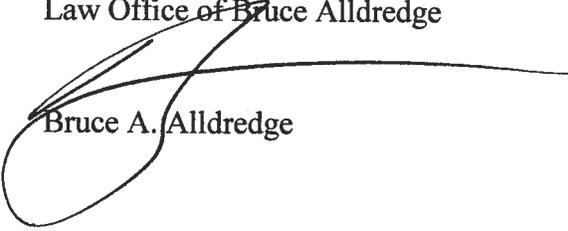
Dear All:

I am interesting in your Administrative Hearing Officer position. I have been in many administrative hearings in my career and have had some involvement in zoning matters with the Metro Planning Commission in Knoxville. I look forward to any opportunity to speak with you about the position.

Thank you for your attention to this matter.

Sincerely,

Law Office of Bruce Alldredge



Bruce A. Alldredge

BAA/av

CITY OF OAK RIDGE, TENNESSEE

Municipal Building, 200 S. Tulane Avenue
P.O. Box 1
Oak Ridge, Tennessee 37831 - 0001

The City of Oak Ridge considers applicants for positions on the basis of merit, without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or other legally protected status.

This application is just one part of the selection process for employment with the City. Other parts may include an interview, examination or test, and a demonstration of your ability to perform the essential functions of the job. If you need accommodation in order to complete any part of the hiring and employment process, please call the City's Disabilities Coordinator at 482-8463.

INSTRUCTIONS: PLEASE TYPE OR PRINT CLEARLY. ALL QUESTIONS MUST BE ANSWERED. YOU MAY ATTACH A RESUME, BUT ALL REQUESTED INFORMATION MUST BE PROVIDED. IF ADDITIONAL SPACE IS NEEDED, USE ITEM 10 OR ATTACH A SEPARATE SHEET.

Position(s) Applying For: Administrative Hearing Officer

How Did You Learn About Us? Web Search

Employment Agency Friend or Relative Walk-in City Employee Newspaper Ad

If in the newspaper, which one? _____

1. Name LAST FIRST MIDDLE
Davis Jason Patrick

2. MAILING ADDRESS (Street Address or P.O. Box, City, State, Zip Code)
930 Webster Groves Lane, Knoxville, TN 37909

3. STREET ADDRESS (If different than above; Address, City, State, Zip Code)
Same as above

4. HOME PHONE (865) 368-5556 WORK PHONE (865) 522-4191

5. Please answer the following questions. This information is essential in determining your eligibility for employment in the position for which you are applying.

a. Are you under 16 years of age? Yes No

b. Are you prevented from lawfully becoming employed in the United States because of Visa or Immigration Status? Yes No

DO NOT WRITE IN THIS SPACE

NAME _____
FILE DATE MAR 17 2014

DATE OF INQUIRY _____
TEST SCORES _____



c. Are any of your relatives (by blood or by marriage) employed by the City? Yes No

If yes, state their name(s), position(s) held and employing department(s) in item 10.

d. Have you ever been employed by us before? Yes No

If yes, please state the dates and employing department in item 10.

e. Since age 18, have you been convicted of violating any law including minor traffic offenses? Yes No

If yes, please state the date, place and action taken by the Court in item 10.

PLEASE NOTE: A conviction does not mean that you cannot be hired. The violation and how recently will be evaluated in relation to the position for which you are applying.

f. Have you ever been discharged, fired or forced to resign from any position? Yes No

If yes, please explain the circumstances in item 10.

EDUCATION	SCHOOL NAME CITY & STATE	DIPLOMA OR DEGREE	MAJOR FIELD	DATES ATTENDED	
				FROM	TO
HIGH SCHOOL	Farragut High School Knoxville, TN	H.S. Diploma	N/A	1994	1998
COLLEGE	University of Tennessee Knoxville, TN	Bachelor's	Journalism	1998	2002
OTHER (VOCATIONAL, MILITARY, BUSINESS, TRADE, ETC.)	University of Tennessee College of Law Knoxville, TN	Juris Doctorate	Law	2008	2011

7. **OTHER QUALIFICATIONS.** List here any job related certifications, training or skills including computer, micro computer, typing and office machines which you believe we should consider and are not readily apparent in the other parts of the application. If you have computer experience, please list the names of all software you can use. Also list professional, trade, business, or civic memberships or activities which have given you relevant experiences.

Licensed to practice law in Tennessee. (2011 - present)

8. **EXPERIENCE:** IN THE SPACE PROVIDED BELOW, GIVE A COMPLETE RECORD OF EMPLOYMENT FOR THE LAST FOUR (4) POSITIONS YOU HAVE HELD, BEGINNING WITH YOUR PRESENT OR MOST RECENT EMPLOYMENT. INCLUDE SELF-EMPLOYMENT. PLEASE EXPLAIN ANY GAPS IN EMPLOYMENT IN THE SPACE PROVIDED AFTER ITEM 10.

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: TYPICAL DUTIES		
Jason Davis Attorney - At-Law 930 Webster Groves Lane Knoxville, TN 37909		Attorney - Proprietor Legal practice		
DATE EMPLOYED MO. YR.	NAME OF SUPERVISOR	SALARY	CIRCLE ONE HR. WK. MO.	REASON FOR LEAVING OR CONSIDERING CHANGE
FROM 10/2011 TO present	Self	START FINAL	Varied	Searching for more gainful/steady employment.

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: TYPICAL DUTIES		
Pryor, Flynn, Priest, & Harber 625 S. Gay Street Knoxville, TN 37902		Legal Clerk Legal research, legal document drafting, general office work		
DATE EMPLOYED MO. YR.	NAME OF SUPERVISOR	SALARY	CIRCLE ONE HR. WK. MO.	REASON FOR LEAVING OR CONSIDERING CHANGE
FROM 05/2009 TO present	Robbie Pryor	START \$16.00 FINAL \$18.00	(HR) WK. MO.	Searching for more gainful employment

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: TYPICAL DUTIES		
Sterling Global Operations 2229 Old Highway 95 Lenoir City, TN 37771		Geophysical Data Processor processing of geological data, training new hires, surveying, logistic work		
DATE EMPLOYED MO. YR.	NAME OF SUPERVISOR	SALARY	CIRCLE ONE HR. WK. MO.	REASON FOR LEAVING OR CONSIDERING CHANGE
FROM 12/07 TO 08/08	Richard Perry	START \$17.00 FINAL \$17.00	(HR) WK. MO.	Began law school

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: TYPICAL DUTIES		
DATE EMPLOYED MO. YR.	NAME OF SUPERVISOR	SALARY	CIRCLE ONE HR. WK. MO.	REASON FOR LEAVING OR CONSIDERING CHANGE
FROM TO		START FINAL		

9. May inquiry be made of your present employer?
 Yes No Would Prefer You Wait Until Final Stages Of Hiring

(A No Answer Will Not Affect Your Consideration For Employment)

10. This space may be used to explain your answers to any items on this application, or to add anything which you feel might be helpful to us in our evaluation.

Regarding my answer to 5. f., I was let go from a sales associate position when I was nineteen years old. I neglected to call in sick until after my shift began, unaware of the company policy regarding such matters. I was then made aware of the company policy upon calling my ~~supervisor~~ supervisor.

*** IMPORTANT ***

11. I hereby affirm that the information provided on this application (and accompanying resume, if any) is true and complete to the best of my knowledge. I understand that falsified information or significant omissions may disqualify me and my application from further consideration for employment and may be considered justification for dismissal if discovered at a later date.

I waive any right of privilege, privacy, and/or confidentiality I may have in the information provided by references or others whom I have indicated may be contacted.


Applicant Signature

3/17/2014
Date

Jason Davis
930 Webster Groves Lane
Knoxville, TN 37909
865-368-5556
JasonDavis.Esq@gmail.com

REFERENCES:

H. Stephen Gillman
Attorney
Pryor, Flynn, Priest & Harber
625 S. Gay St.
Knoxville, TN 37902
865-522-4191
hsgillman@pfph-law.com

Relationship: Attorney-supervisor at Pryor, Flynn, Priest & Harber from May 2009 - Present

Richard Perry, III
Staff Geophysicist
Sterling Global Operations
2229 Old Highway 95
Lenoir City, TN 37771
865-988-6063
Richard.Perry@sterlinggo.com

Relationship: Supervisor at Sterling Global from December 2007 – August 2008

Robert Downs
Attorney
Legal Aid of East Tennessee (Knoxville)
502 S. Gay St.
Knoxville, TN 37902
865-215-6833
rdowns@laet.org

Relationship: Professional colleague/friend

Ryan Jerrard
Attorney
Jenkins & Jenkins
800 S. Gay St.
Knoxville, TN 37902
865-524-1873
rej@qcflaw.com

Relationship: Professional colleague/friend

Jason P. Davis, Esq.
930 Webster Groves Lane
Knoxville, Tennessee 37909
(865) 368-5556
JasonDavis.esq@gmail.com

Mar. 17, 2014

Re: Administrative Hearing Officer Position

Dear Sir or Madam:

I am writing to you in regard to your recent job posting for an administrative hearing officer. After reviewing the necessary qualifications, I believe that I would make a great asset to the City of Oak Ridge and would like to submit my application for your review.

I graduated cum laude (ranking in the top-third of my class) from the University of Tennessee College of Law in May of 2011, obtaining a Doctorate in Jurisprudence. I was admitted to the Tennessee Bar in October of the same year.

I work as a solo-practitioner, specializing in transactional and immigration law, but offering other generalized legal services as well. As a practicing attorney, I have gained experience that will aid me as an administrative hearing officer for Oak Ridge. Specifically, as a lawyer, I am particularly acquainted with the application of legal doctrine and equity to specific factual situations, so as to ensure that proper decisions are made. No doubt this is a fundamental duty of the position for which I am applying. Certain specific examples of the work that I do as an attorney include assisting clients with legal document drafting and contract analysis/interpretation. Additionally, I have offered counsel to clients regarding deferred action applications, inadmissibility waivers, provisional hardship waivers (I-601A), and attaining legal permanent residency.

I am also employed as a legal clerk with Pryor, Flynn, Priest & Harber, a well-established general practice firm located in Knoxville, Tennessee. I have held this position since May of 2009. This job has also provided me experience that would be both relevant as well as useful to me as a hearing officer for the City of Oak Ridge. Specifically, as a legal clerk, I conduct detailed research and analysis involving a multitude of legal areas, which include: building codes; construction law; workers' compensation; employment law; personal injury law; wrongful death law; medical malpractice law; insurance law; criminal law; domestic/family law; immigration law; products liability; contract law; conflicts of law; civil procedure; evidence; and class action lawsuits. I frequently provide interpretation of such law and analysis of specific factual situations in light of such law to senior attorneys via detailed inter-office memoranda. Additionally, I have extensive experience in both drafting and reviewing numerous types of legal documents. My other relevant duties include: conducting potential client interviews, responding to interrogatories, supervising runners/interns, providing assistance to litigating attorneys in their trial work, and drafting client letters.

I have included a resume, proof of licensure, application for employment and reference list for your review. I appreciate your consideration and thank you for your time.

Jason P. Davis

OBJECTIVE

- To obtain employment as an immigration, transactional, research, or corporate attorney, or an equivalent position, where I can fully utilize my legal knowledge, research skills, interpersonal communication experience, and attention to detail.

PROFESSIONAL LICENSURE:

- Licensed to practice law in Tennessee

EDUCATION

- **Doctorate of Jurisprudence**, University of Tennessee College of Law, Knoxville (Class of 2011)
 - Awarded with Diversity Scholarship
 - GPA 3.4 – **Cum Laude**
 - Dean's List honoree for three out of six semesters of law school
- **Bachelor of Science in Journalism**, University of Tennessee, Knoxville
 - Awarded with Herbert S. Walters Scholarship
 - GPA 3.39

LEGAL EXPERIENCE

Oct 2011 – Present **JASON DAVIS ATTORNEY-AT-LAW** – Knoxville, TN
ATTORNEY-PROPRIETOR

- I am a solo-practitioner, focusing on transactional and immigration matters, but also offering assistance with other generalized legal work.
- I have experience assisting clients with legal document drafting, contract review/analysis, deferred action for childhood arrivals applications, inadmissibility waivers, provisional waivers, and attaining legal permanent residency.

May 2009 – Present **PRYOR, FLYNN, PRIEST & HARBER** – Knoxville, TN (865) 522-4191
LEGAL CLERK

- As a legal clerk, my main duties are research of various legal issues; memo writing; drafting, review, and filing of legal documents; assistance with trial work; hand delivery of correspondence; supervising interns and runners; and other general office tasks.
- Relevant experience and skills gained in this position are as follows:
 - Experience working and researching with Westlaw and Lexis
 - Experience drafting and reviewing numerous types of legal documents including: trial briefs, appellate briefs, client letters, and memoranda of law
 - Experience assisting litigating attorneys at trial
 - Experience using Bluebook citations
 - Experience in a supervising capacity

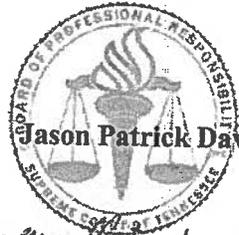
PROFESSIONAL EXPERIENCE

Dec 2007-Aug 2008 **EOD Technology, Inc. (Now Sterling Global Operations)** – Lenoir City, TN
GEOPHYSICAL DATA PROCESSOR

Oct 2004-Jan 2005 **EOD Technology, Inc. (Now Sterling Global Operations)** – Lenoir City, TN
GEOPHYSICAL DATA PROCESSOR

- As a data processor, my main duties included the processing of geological data.
- My other duties included building maintenance, light logistics work, inventory, delivery of equipment to out-of-state work sites, equipment/process testing, training and supervising new hires, and surveying work.
- Relevant skills gained in this position are as follows:
 - Experience in interpersonal communications and teamwork skills

Supreme Court of Tennessee



Attorney Reg. No.

30512

Jason Patrick Davis

Jason Patrick Davis

Effective 5/1/2013-5/1/2014

Attorney's
Signature

CITY OF OAK RIDGE, TENNESSEE

Municipal Building, 200 S. Tulane Avenue
P.O. Box 1
Oak Ridge, Tennessee 37831 - 0001

NAME _____
FILE DATE APR 08 2013

DO NOT WRITE IN THIS SPACE

The City of Oak Ridge considers applicants for positions on the basis of merit, without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or other legally protected status.

This application is just one part of the selection process for employment with the City. Other parts may include an interview, examination or test, and a demonstration of your ability to perform the essential functions of the job. If you need accommodation in order to complete any part of the hiring and employment process, please call the City's Disabilities Coordinator at 482-8463.

INSTRUCTIONS: PLEASE TYPE OR PRINT CLEARLY. ALL QUESTIONS MUST BE ANSWERED. YOU MAY ATTACH A RESUME, BUT ALL REQUESTED INFORMATION MUST BE PROVIDED. IF ADDITIONAL SPACE IS NEEDED, USE ITEM 10 OR ATTACH A SEPARATE SHEET.

5/10/13 Reject

Position(s) Applying For: Facility Monitor

How Did You Learn About Us?

--- Employment Agency --- Friend or Relative --- Walk-in --- City Employee Newspaper Ad

If in the newspaper, which one? Oak Ridger

1. Name LAST FIRST MIDDLE
Giannelli Richard L.

2. MAILING ADDRESS (Street Address or P.O. Box, City, State, Zip Code)
104 Hendrix Dr., Oak Ridge, TN 37830

3. STREET ADDRESS (If different than above; Address, City, State, Zip Code)

4. HOME PHONE (865) 481-0387 WORK PHONE () 604-0246

5. Please answer the following questions. This information is essential in determining your eligibility for employment in the position for which you are applying.

a. Are you under 16 years of age? _____ Yes No

b. Are you prevented from lawfully becoming employed in the United States because of Visa or Immigration Status? _____ Yes No

DATE OF INQUIRY
TEST SCORES

3/25/14 Adm. Hearing [Signature]

c. Are any of your relatives (by blood or by marriage) employed by the City? Yes No

If yes, state their name(s), position(s) held and employing department(s) in item 10.
 Lisa Waraksa - Teachers Assistant - Linwood School

d. Have you ever been employed by us before? Yes No

If yes, please state the dates and employing department in item 10.

e. Since age 18, have you been convicted of violating any law including minor traffic offenses? Yes No

If yes, please state the date, place and action taken by the Court in item 10.

PLEASE NOTE: A conviction does not mean that you cannot be hired. The violation and how recently will be evaluated in relation to the position for which you are applying.

f. Have you ever been discharged, fired or forced to resign from any position? Yes No

If yes, please explain the circumstances in item 10.

EDUCATION	SCHOOL NAME CITY & STATE	DIPLOMA OR DEGREE	MAJOR FIELD	DATES ATTENDED	
				FROM	TO
HIGH SCHOOL	Platt High School Meriden, CT		College Rep	1961	1965
COLLEGE	Univ. of New Haven New Haven, CT	B.S.	Civil Engineering	1972	1975
OTHER (VOCATIONAL, MILITARY, BUSINESS, TRADE, ETC.)	Hartford State Tech Hartford, CT	A.S.	Civil Tech.	1965	1967

7. **OTHER QUALIFICATIONS.** List here any job related certifications, training or skills including computer, micro computer, typing and office machines which you believe we should consider and are not readily apparent in the other parts of the application. If you have computer experience, please list the names of all software you can use. Also list professional, trade, business, or civic memberships or activities which have given you relevant experiences.

8. **EXPERIENCE:** IN THE SPACE PROVIDED BELOW, GIVE A COMPLETE RECORD OF EMPLOYMENT FOR THE LAST FOUR (4) POSITIONS YOU HAVE HELD, BEGINNING WITH YOUR PRESENT OR MOST RECENT EMPLOYMENT. INCLUDE SELF-EMPLOYMENT. PLEASE EXPLAIN ANY GAPS IN EMPLOYMENT IN THE SPACE PROVIDED AFTER ITEM 10.

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: TYPICAL DUTIES		
Mesa Associates, Inc. Scarboro Road Oak Ridge, TN 37830		Director of Government & Office Mgr. Managed office of engineers & Prog. Mgr. on Gov. Contract		
DATE EMPLOYED MO. YR. FROM 05/2010 TO 11/2012	NAME OF SUPERVISOR Gary Guyette	SALARY START 62.98 FINAL 65.19	CIRCLE ONE <input checked="" type="radio"/> HR. WK. MO.	REASON FOR LEAVING OR CONSIDERING CHANGE Lack of Work

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: TYPICAL DUTIES		
Barge, Waggoner, Sumner & Cannon Knoxville, TN 37830		Vice-President & Office Manager Manage office of engineers.		
DATE EMPLOYED MO. YR. FROM 11/2007 TO 11/2009	NAME OF SUPERVISOR Jim Downing	SALARY START 69.71 FINAL 69.71	CIRCLE ONE <input checked="" type="radio"/> HR. WK. MO.	REASON FOR LEAVING OR CONSIDERING CHANGE Lack of Work

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: TYPICAL DUTIES		
Jacobs Engineering Broadway Ave. Oak Ridge, TN		Chief Engineer		
DATE EMPLOYED MO. YR. FROM 11/2002 TO 11/2007	NAME OF SUPERVISOR Steve Richardson	SALARY START 62.50 FINAL 81.73	CIRCLE ONE <input checked="" type="radio"/> HR. WK. MO.	REASON FOR LEAVING OR CONSIDERING CHANGE More challenging position

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: TYPICAL DUTIES		
IT Corp / Shaw E&I Knoxville, TN		U.P. of Technical Services Supervised a cadre of engineers, geologists & scientists.		
DATE EMPLOYED MO. YR. FROM 02/1992 TO 11/2002	NAME OF SUPERVISOR Joe Beck	SALARY START 62.50 FINAL 62.50	CIRCLE ONE <input type="radio"/> HR. WK. MO.	REASON FOR LEAVING OR CONSIDERING CHANGE Career Opportunity

9. May inquiry be made of your present employer?

Yes No Would Prefer You Wait Until Final Stages Of Hiring

(A No Answer Will Not Affect Your Consideration For Employment)

10. This space may be used to explain your answers to any items on this application, or to add anything which you feel might be helpful to us in our evaluation.

I am recently retired and looking for
some supplemental income.

***** IMPORTANT *****

11. I hereby affirm that the information provided on this application (and accompanying resume, if any) is true and complete to the best of my knowledge. I understand that falsified information or significant omissions may disqualify me and my application from further consideration for employment and may be considered justification for dismissal if discovered at a later date.

I waive any right of privilege, privacy, and/or confidentiality I may have in the information provided by references or others whom I have indicated may be contacted.

Richard L. Hannell
Applicant Signature

04/05/2013
Date

CITY OF OAK RIDGE, TENNESSEE

Municipal Building, 200 S. Tulane Avenue
P.O. Box 1
Oak Ridge, Tennessee 37831 - 0001

DO NOT WRITE IN THIS SPACE

NAME _____

FILE DATE _____

MAR 20 2014

TEST SCORES _____

DATE OF INQUIRY _____

The City of Oak Ridge considers applicants for positions on the basis of merit, without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or other legally protected status.

This application is just one part of the selection process for employment with the City. Other parts may include an interview, examination or test, and a demonstration of your ability to perform the essential functions of the job. If you need accommodation in order to complete any part of the hiring and employment process, please call the City's Disabilities Coordinator at 482-8463.

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Position(s) Applying For: Administrative Hearing Officer.
How Did You Learn About Us?
---- Employment Agency ---- Friend or Relative ---- Walk-in ---- City Employee ---- Newspaper Ad
If in the newspaper, which one? _____

1. Name LAST FIRST MIDDLE
McCulloch Amanda Bleu Turner

2. MAILING ADDRESS (Street Address or P.O. Box, City, State, Zip Code)
137 Lost Ridge RD, Clinton, TN 37716

3. STREET ADDRESS (If different than above; Address, City, State, Zip Code)

4. HOME PHONE (865) 335 7822 WORK PHONE () _____

5. Please answer the following questions. This information is essential in determining your eligibility for employment in the position for which you are applying.

- a. Are you under 16 years of age? _____ Yes No
- b. Are you prevented from lawfully becoming employed in the United States because of Visa or Immigration Status? _____ Yes No



c. Are any of your relatives (by blood or by marriage) employed by the City? Yes No

If yes, state their name(s), position(s) held and employing department(s) in item 10.

d. Have you ever been employed by us before? Yes No

If yes, please state the dates and employing department in item 10.

e. Since age 18, have you been convicted of violating any law including minor traffic offenses? Yes No

If yes, please state the date, place and action taken by the Court in item 10.

PLEASE NOTE: A conviction does not mean that you cannot be hired. The violation and how recently will be evaluated in relation to the position for which you are applying.

f. Have you ever been discharged, fired or forced to resign from any position? Yes No

If yes, please explain the circumstances in item 10.

EDUCATION	SCHOOL NAME CITY & STATE	DIPLOMA OR DEGREE	MAJOR FIELD	DATES ATTENDED	
				FROM	TO
HIGH SCHOOL	Clinton Clinton, TN	✓		2000	2004
COLLEGE	University of TN Knoxville	BA	Political Science	2004	2008
OTHER (VOCATIONAL, MILITARY, BUSINESS, TRADE, ETC.)	University of SC School of Law Columbia, South Carolina	JD	Law	2008	2011

7. **OTHER QUALIFICATIONS.** List here any job related certifications, training or skills including computer, micro computer, typing and office machines which you believe we should consider and are not readily apparent in the other parts of the application. If you have computer experience, please list the names of all software you can use. Also list professional, trade, business, or civic memberships or activities which have given you relevant experiences.

Licensed Attorney, State of Tennessee

8. **EXPERIENCE:** IN THE SPACE PROVIDED BELOW, GIVE A COMPLETE RECORD OF EMPLOYMENT FOR THE LAST FOUR (4) POSITIONS YOU HAVE HELD, BEGINNING WITH YOUR PRESENT OR MOST RECENT EMPLOYMENT. INCLUDE SELF-EMPLOYMENT. PLEASE EXPLAIN ANY GAPS IN EMPLOYMENT IN THE SPACE PROVIDED AFTER ITEM 10.

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: Associate Attorney		
Stokes, Williams, Sharp & Davies 920 Volunteer Landing Lane, Suite 100 Knoxville, TN 37915		TYPICAL DUTIES: legal research, drafting, and court appearances		
DATE EMPLOYED	NAME OF SUPERVISOR	SALARY	CIRCLE ONE	REASON FOR LEAVING OR CONSIDERING CHANGE
MO. YR.		HR. WK. MO.		
FROM May 2013	Sandy Sharp	START \$55,000	Annual	Not a good fit.
TO Nov. 2013		FINAL		

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: Compliance Specialist & In House Counsel		
Child & Family Tennessee No longer exists		TYPICAL DUTIES: Ensured compliance with all relevant kw, regulation, contract, & accreditation requirements.		
DATE EMPLOYED	NAME OF SUPERVISOR	SALARY	CIRCLE ONE	REASON FOR LEAVING OR CONSIDERING CHANGE
MO. YR.		HR. WK. MO.		
FROM June 2012	Martha Shirk	START \$58,500	Annual	Merger with another org. & uncertainty about job
TO May 2013		FINAL		

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: Rescue Facilitator		
Pawnetto Lifeline 1275 Bower Parkway Columbia, SC 29215		TYPICAL DUTIES: Photographed & evaluated animals in municipal animal shelter.		
DATE EMPLOYED	NAME OF SUPERVISOR	SALARY	CIRCLE ONE	REASON FOR LEAVING OR CONSIDERING CHANGE
MO. YR.		HR. WK. MO.		
FROM Feb. 2012	Amanda Hamilton	START \$2,083.33	MO.	Moved home to East Tennessee
TO April 2012		FINAL		

NAME AND COMPLETE ADDRESS OF EMPLOYER		YOUR POSITION TITLE: Research Assistant		
American Law Institute 4025 Chestnut Street Philadelphia, PA 19104		TYPICAL DUTIES: Research & editing work on book titled: Principles of Nonprofit Law		
DATE EMPLOYED	NAME OF SUPERVISOR	SALARY	CIRCLE ONE	REASON FOR LEAVING OR CONSIDERING CHANGE
MO. YR.		HR. WK. MO.		
FROM Sept 2011	Jaclyn Cherry	START By Project Section		Focus on job at law firm.
TO Aug. 2013		FINAL ≈ \$25/hr.		

9. May inquiry be made of your present employer?

Yes No Would Prefer You Wait Until Final Stages Of Hiring

(A No Answer Will Not Affect Your Consideration For Employment)

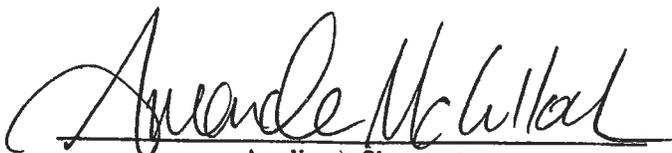
10. This space may be used to explain your answers to any items on this application, or to add anything which you feel might be helpful to us in our evaluation.

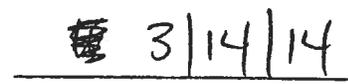
My most recent employer terminated me. However, they said they would be happy to provide references. That phone number is 544-3833.

*** IMPORTANT ***

11. I hereby affirm that the information provided on this application (and accompanying resume, if any) is true and complete to the best of my knowledge. I understand that falsified information or significant omissions may disqualify me and my application from further consideration for employment and may be considered justification for dismissal if discovered at a later date.

I waive any right of privilege, privacy, and/or confidentiality I may have in the information provided by references or others whom I have indicated may be contacted.


Applicant Signature


Date

Amanda Bleu Turner McCulloch, Esq.

(865) 335 – 7822

amandabtmcculloch@gmail.com

Education **The University of South Carolina School of Law, Columbia, SC**

Juris Doctor, May 2011, Cum Laude

GPA: 3.53/4.0, Class Rank: 40/222 – Top 20%

The University of South Carolina School of the Environment, Columbia, SC

Masters of Earth and Environmental Resource Management, December 2011

GPA: 3.94/4.0

The University of Tennessee, Knoxville, TN

B.A. in Political Science, May 2008

GPA: 3.92/4.00, Honors: Summa cum Laude

Professional License

State Bar of Tennessee, 2012

Awards **CALI Excellence for the Future Award**, for excellent achievement in the study of Land Use Planning, from the Center for Computer-Assisted Legal Instruction, Spring 2010.

Graduate Fellowship, University of South Carolina School of the Environment, 2010-2011.

Publications *Throwdown at Sundown*, Hellbender Press, November/December 2007, Volume 9, Issue 5.

Note: The South Carolina Conservation Bank: A Commitment to Conservation, Southeastern Environmental Law Journal, 18.1.

Coal Ash Law and Regulation in the United States: An Overview, Southeastern Environmental Law Journal, 18.2.

Experience **Stokes, Williams, Sharp & Davies, Knoxville, TN**

May 2013 – November 2013, *Associate Attorney*

Child & Family Tennessee, Knoxville, TN

June 2012 – May 2013, *Compliance Specialist and In-House Counsel*

Pawmetto Lifeline, Columbia, SC

February 2012 – April 2012, *Rescue Facilitator*

American Law Institute

September 2011 – August 2013, *Research Assistant*

Environment and Sustainability Program, University of South Carolina, Columbia, SC

Fall 2011, *Instructional Assistant*

Department of Clinical Legal Studies, University of South Carolina School of Law, Columbia, SC

Fall 2009 – Spring 2010 and Fall 2010 – Summer 2011, *Clerk*

Amanda Bleu Turner McCulloch, Esq.

Thompson West, Columbia, SC
Fall 2010 – Spring 2011, *Student Representative*

National Parks Conservation Association, Clean Air and Climate Program, Knoxville, TN
Summer 2010, *Clean Air and Climate Program Intern*

University of South Carolina School of Law, Columbia, SC
Summer 2010 & Summer 2009, *Research Assistant*

Howard H. Baker Jr. Center for Public Policy, The University of Tennessee, Knoxville, TN
September 2007 – August 2008 *Archives Assistant*

Keep Knoxville Beautiful, Knoxville, TN
May 2007 – August 2007 *Intern*

Cherokee Country Club, Knoxville, TN
July 2005 – April 2007 *Senior Server/Bartender*

Dollywood, Sevierville, TN
March 2002 – July 2005 *Assistant Sales Lead, Amusements*

Amanda Bleu Turner McCulloch

(865) 335 – 7822

amandabtmcculloch@gmail.com

References:

Donna Morris

Helen Ross McNabb Center
201 W Springdale Avenue
Knoxville, TN 37917
(865) 637-9711

Stephanie Edwards

Social Marketer
K-Town Youth Empowerment Network
901 E Summit Hill Drive
Knoxville, TN 37902
(865) 523-0701

Jaclyn Cherry

Assistant Professor of Law
Department of Clinical Legal Studies
University of South Carolina School of Law
701 Main Street
Columbia, SC 29208
(803) 777-2278

Gordon, Cindi

From: Paul Spite <afd1@frontiernet.net>
Sent: Thursday, March 20, 2014 4:30 PM
To: Gordon, Cindi
Subject: Position of Administrative Hearing Officer
Attachments: Paul F Spite experience profile.pdf; Paul F Spite resume.pdf; reference letters.pdf

Ms. Cindi Gordon
City of Oak Ridge

March 20, 2014

Dear Ms. Gordon,

This letter is in response to the position of "Administrative Hearing Officer" in Oak Ridge, TN, posted on your website. I appreciate the opportunity to submit information and express an interest in the position as described. If you will take the time to study the attached material, you will see that my training and previous experience directly lend themselves to the job responsibilities and requirements mentioned.

I believe I would fit into your organization for a variety of reasons. Besides a wide range of private experience in the design, construction, and development industries, I also held a facilities position with Biomet, Inc., a fast growing international company headquartered in Warsaw, IN. I understand facility concerns and issues faced by organizations. In addition, I am familiar with concerns faced by those with multiple locations. I dealt with new construction, renovations, remodeling, additions, warehousing, maintenance, and many other issues at Biomet. As a result, I am well equipped to work with labor forces, both internal and external, as well as the various engineering disciplines that are occasionally called upon. Having worked closely with upper management at Biomet, I am also familiar with management, and specifically public corporation concerns regarding renovation, relocation, and other facility issues.

In addition to over thirty years of experience as an architect, I have also acted as a construction manager for seven of those years on various projects. I understand the needs and desires of those facing the need to expand. I have also been before many municipal commissions and understand their concerns and the duties with which they have been charged.

I read the requirement for residency in Oak Ridge, understand it, and agree with it. If hired for this position, I would immediately secure a place of residence in Oak Ridge.

In addition to the reference letters included in the attached materials, I would like to add the following:

1. Mr. Frank Ross - Former and current client - Business Manager at Ross Family Medicine in Cookeville, TN - (931) 528-2557 - cfross@charter.net
2. Mr. Keith Tidrick - Former board member of client and now friend - Engineer at Parker Seals - Katy, TX - (931) 260-8878 - kbtidrick@gmail.com
3. Mr. Gary Bouton - Former employer and now friend - Structural engineer - Cookeville, TN - (931) 252-2147 -

If possible, I would like an opportunity to speak directly with you regarding my potential involvement with your group. If you would like to discuss how my project management, problem solving, and organizational skills could contribute to your management team. I can be reached at 950 Helen Court, Cookeville, TN 38501, at (931) 261-3269, or at afd1@frontiernet.net. I look forward to hearing from you.

Sincerely,

Paul Spite
AFD Consulting

✓
MAR 20 2014

950 Helen Court
Cookeville, TN 38501
(931) 261-3269
afd1@frontiernet.net

A compilation of projects on which I have served as job captain, project architect, or principle architect

Biomet Experience	Contact Bill Hamman - (219) 372-1515	1990-1995
Design and Construction Management of six buildings: 22,000 s.f. manuf. building infill at west end 43,000 s.f. 3-story Office \$2,840,000.(13 mo) 11,000 s.f. U.S. Surgical \$700,000 (3 mo) 26,000 s.f. Soft Goods \$840,000. (2 mo) California Arthrotek relocation Assessed options, Assisted in negotiation of shell purchase, Preliminary design		Purchased building materials Negotiated with & coordinated with local Architects & Contractors Harrison Log Schoolhouse - Biomet Foundation community project - relocation and restoration of 1843 schoolhouse
Internal projects: Storage mezzanine and flow racks in warehouse Loaner dept. relocation X 2 Personnel department relocation Shipping office renovations X 2 Medical room, smoker's break room & new kitchen South side manufacturing office renovation - often Lorenz manufacturing & packaging area Total 2 story office renovation Work team area demolition & renovation New laboratory construction w/ mezzanine above Old laboratory renovation X 2 New packaging, conveyor & clean room entry construction Coordination of the laboratory move		Coordination of the soft goods move Reorganization of the blast area Relocation of the EP and hydroflouric acid systems Relocation of the calibration lab Relocation of the assembly area Plasma spray office construction Removal of the "Ivory Tower" from shop floor PMI renovation & relocation X 2 Biomet Medical renovations Special Projects workshop Water equipment lean-to construction New sales training facility & laboratory Airport hangar
Projects on the site: Expansion of the sewage storage capacity Relocation of the county ditch Landscaping the east end - team effort coordination Four parking lots Removal of the pole barn (no cost to Biomet)		Relocation of the service drive Foot bridge construction Preparation of six more building sites for future use
Misc: Redistribution of the CV Laser Assets National buying contracts for office & laboratory furniture. New workstation standards (decreased costs from \$5,000. to \$3200 per station) Acquisition of computer drawing skills Establishing a facility database on CAD Central clearinghouse for facility information Negotiation for purchase of a new phone system for corp.		Master planning input for Biomet and subsidiaries Database creation for and assistance in tax assessment evaluation Assistance in planning of numerous maintenance projects Creation of new open work team office areas Coordination of industrial park efforts to obtain municipal sewage service - ongoing Investigation of Florida sites and government incentive programs for relocation / consolidation of Lorenz

Medical Experience

Bayfront Medical Pathology Lab - St Petersburg, FL
Bayfront Medical Emergency Room renovations - St Petersburg, FL
Suncoast Medical Facility - St Petersburg, FL
Bayfront Medical Blood Bank - St Petersburg, FL
Bayfront Medical Surgery Wing - St Petersburg, FL
Ross-Chapman Clinic - Cookeville, TN
Med-management Clinic - Cookeville, TN

Ft Wayne Medical Society Clinic - Ft Wayne, IN
Comprehensive Dentistry Clinic - Ft Wayne, IN
Preliminary drawings - Addition to The Spectacle Shop - Warsaw, IN
Footco Medical Clinic - Cookeville, TN
Cookeville Pediatrics - Acoustic control design - Cookeville, TN

Office Experience

Lincoln Life Insurance Corp - Ft Wayne, IN
Disaster Recovery Center (200 Stations)
401K Area Renovations
Training Area Renovations
Park Lake Coldwell Bankers - Ft Wayne, IN
Gregor Office Building - St Petersburg, FL
Grueninger Travel Headquarters - Ft Wayne, IN
Interior offices in College Park in Ft Wayne, IN for:
Robert Cockrun, Inc.
National Property Tax Review
Howard Properties
Stewart Brimner Insurance

403B Renovations and Relocation
Fixed Assets Renovation and Relocation
4RQ Executive Area Renovation / Relocation

Connie Moore Accounting
Trinity Mortgage
Western Temporaries
Counseling Associates

Hair Gallery / Offices - Ft Wayne, IN
Star Builders Hobson Rd Offices - Ft Wayne, IN
Star Builders Syracuse Offices - Ft Wayne, IN
Star Builders Trier Commons Offices - Ft Wayne, IN
Villages of North Oak Sales Office - Ft Wayne, IN
Ideal Suburban Homes Sales Office - Decatur, IN
Bob List Photography - Warsaw, IN
Geberin Law Firm Renovations - Warsaw, IN
K & K Insurance Headquarters - Ft Wayne, IN

Restaurant / Dining Experience

Hall's Gas House Restaurant addition - Ft Wayne, IN
Hall's Triangle Park dining deck - Ft Wayne, IN
Hall's Orchard Mall Deli - Ft Wayne, IN
Hall's Sandwich Factory Restaurant - Ft Wayne, IN
Hall's Pizza Express - Ft Wayne, IN
Carrier Corporation Servery renovations - Collierville, TN
Parkview Huntington Hospital Servery renovations - Huntington, IN
Parkview Noble Hospital Servery renovations - Kendallville, IN
Parkview Hospital Servery renovations - Fort Wayne, IN

Hall's Guesthouse Restaurant renovations - Ft Wayne, IN
Arby's contract administration - Bluffton, IN
Biomet commercial kitchen - Warsaw, IN
Pano's Pizza South - Cookeville TN
Carolinas Hospital Servery Renovations - Florence, SC
Carolinas Hospital Physician's Lounge Renovations - Florence, SC
Oconee Memorial Hospital Servery renovations - Seneca, SC

Religious Experience

First Baptist Church - St Cloud, MN
Mount Pilgrim Missionary Baptist - St Petersburg, FL
Holy Family Catholic Church - St Petersburg, FL
Grabill Missionary Church addition - Grabill, IN
Saudi Naval Academy Mosque - Saudi Arabia
Colony Heights Church of Christ addition - Ft Wayne, IN
New Life Assembly - preliminary design - Rush, NY
Canaan Baptist Church - Ft Wayne, IN
New Life United Methodist - Mexico, IN US 31 and 400 N., Mexico, IN 46958 - (765) 985-3172 - Pastor Bergstrom
Calvary Baptist - 27664 C.R. 24, Elkhart, IN 46517 - (219) 296-9902 - Pastor Hewitt
Christ Temple - Matthews, NC (704) 845-0624 - Pastor Jim Thornton
Life Tabernacle renovations - 1135 Middlebury St., Elkhart, IN 46516 - (219) 293-9332 - Pastor Roger Feiler
House of Prayer master plan assessment - Plymouth, IN
House of Prayer first phase and construction management - 12450 Plymouth-Goshen Trail, Plymouth, IN 46563 - (219) 784-2005 - Pastor Ronald Humphrey
United Presbyterian Church - Options analysis / master plan - 25 Church St., Amsterdam, NY 12010 - (518) 842-6890 - Pastor Dan Wheeler
Morehead First Apostolic Church - Master plan - 2750 U.S. Hwy 60 W., Morehead, KY 40351 - (606) 784-7436 - Pastor Binion
Pierceton United Methodist Church -renovations - 502 N. 1st St., Pierceton, IN 46562 - (219) 594-2941 - Mr. Harold Barker - project coordinator
LaPorte Missionary Church – Master plan, preliminary first phase – LaPorte, IN
Sunrise Chapel - Classroom addition - Harlan, IN
Tabernacle of Pentecost – Multi-purpose – WPB, FL
Tabernacle of Pentecost – master plan – WPB, FL
Tabernacle of Pentecost Day Care – WPB, FL
Church Alive – new worship facility – Mt. Juliet, TN
First United Pentecostal – Master plan – Cookeville, TN
First United Pentecostal – Pavilion – Cookeville, TN
First United Pentecostal – New worship facility – Cookeville, TN
Cookeville Christian fellowship – Master Plan – Cookeville, TN
First Christian Church – New family life preliminaries – Livingston, TN
United Methodist Church – Multi-purpose preliminaries – Livingston, TN
St. John’s Episcopal - Master-planning consultation - 705 W. Aurora Ave., Naperville. IL 60540 - (630) 355-0467 - Rev. Jeffrey Liddy
Church of the Nazarene - Facility assessment prior to purchase - Columbia City, IN (219) 327-3400 - Mr. Robert Murphy - project coordinator
Indiana District U.P.C. Campgrounds - Hospitality House - Fortville, IN
Indiana District U.P.C. Campgrounds - New Boy’s Dormitory - Fortville, IN
Indiana District U.P.C. Campgrounds - As Built Site Plan - Fortville, IN
Indiana District U.P.C. Campgrounds - Storage Building - Fortville, IN
Indiana District U.P.C. Campgrounds – Preliminaries for multi-purpose recreational facility (812) 358 3887 - Rev. Glenn Seaman - District Secretary
United Presbyterian Church - Options analysis / master plan - Lemars, IA
St. Mark’s Missionary Church - New Worship Facility - Mishawaka, IN - in process
Bourbon United Pentecostal Church – New worship facility –201 N. Bourbon St., Bourbon, IN 46504 – 219-342-8535 - Pastor Mark Cottrill
Grace Bible Baptist Church - Master plan, preliminary first phase – Syracuse, IN
New Life Tabernacle - New worship facility - Lebanon, IN
Cornerstone Pentecost – alterations – Portage, MI
Pentecostals of Murfreesboro – master plan- Murfreesboro, TN
Pentecostals of Murfreesboro – Sanctuary addition- Murfreesboro, TN
Pentecostals of Murfreesboro –Pavilion Murfreesboro, TN
The River – Master Plan – Cookeville, TN
Faith Chapel – New worship Facility – Baxter, TN
Caney Fork Baptist – New worship Facility – Cookeville, TN
New Life Lutheran – Master Plan – Miramar, FL
New Life Lutheran – New worship facility – Miramar, FL
Woodcliff Baptist – Education addition – Monterey, TN

Municipal Projects

HRS Client Services Center - St Petersburg, FL
St Petersburg City Hall Renovations - St Petersburg, FL
Starkey Elementary School Renovations - Clearwater, FL
Tyrone Elementary School Renovations - Clearwater, FL
St Petersburg Catholic High - Master Plan - St Petersburg, FL
St Petersburg Catholic High - Renovations - St Petersburg, FL
St Petersburg Catholic High - Temp Classrooms - St Petersburg, FL
University of Florida Marine Shop - St Petersburg, FL
City Auditorium Renovations - Pinellas Park, FL
Downtown Livingston – parking lots – Livingston, TN
Downtown Livingston – Performance pavilion – Livingston, TN
Downtown Livingston – streetscape plan – Livingston, TN

St Petersburg Police Firing Range - St Petersburg, FL
Syracuse Town Hall (working and design drawings) - Syracuse, IN
Coesse School Renovations - Coesse, IN
Harrison Elementary Log School Restoration - Warsaw, IN
Woodburn Community Center Renovations - Woodburn, IN
Redesign of home affected by road widening - Warsaw, IN
Design of temporary EMS facility - Leesburg, IN

Municipal Projects in conjunction with R.P Murphy

- Beginnings Subdivision - Housing design - Claypool IN
- Beginnings Subdivision - Subdivision engineering drawings - Claypool IN
- Beginnings Subdivision - Construction management on homes (ongoing) - Claypool IN
- Highway survey prior to town acceptance - Osceola, IN
- Drainage study to determine additional catch basin locations - Osceola, IN
- Community building w/ senior citizen center, police, EMS, and street departments - Pierceton, IN
- Bid documents for removal of underground tanks - Pierceton, IN
- Bid documents for demolition of abandoned buildings - Pierceton, IN
- Design of senior housing units - North Webster, IN
- Sizing of municipal catch basins - Osceola, IN
- Redesign of North St. - Larwill, IN
- Greenway trail and improvements – Columbia City, IN
- Canoe launch ramp – Columbia City
- Renovations to motel for homeless shelter – Columbia City, IN
- Fire station design – Silver Lake, IN

Retail Experience

Big Ten Shopping Center - Columbia City, IN
Willies Wachum Mini-Golf - Warsaw, IN
Tenant space layout for Pier One – Warsaw, IN
Prelim. drawings for Oriental Rug store – Mishawaka, IN
Preliminary drawings Kosciusko Fairgrounds multi-purpose building – Warsaw, IN
Auto Alter Center – Bob Petro – Warsaw, IN
Payless Pharmacy – Sparta, TN
Landmark Square – UCHRA offices – Cookeville, TN
Landmark Square – front retail facility – Cookeville, TN

Preliminary drawings – Sounds of the Southwest Restaurant – Warsaw, IN
Preliminary drawings – Addition to Lucas Realty – Warsaw, IN
Challenger Rental Renovations – Mishawaka, IN
Airstream Exterior Renovations
Long Branch Lakes – General store and Restaurant – Spencer, TN

Banking Experience

First Federal of Largo - Largo, FL
Searstown Branch
Jasmine Plaza Branch
Palmetto Branch

River Bend Federal Credit Union - South Bend, IN

Industrial Experience

Additions and renovations to Biomet – see above
Carey Excavation Maintenance Garage - Warsaw, IN
G & G Hauling Storage Facility - Warsaw, IN
Danco Manufacturing Plant – Warsaw, IN
Master plan for SUS Diecast products – Logansport, IN
Mc-Donald-Carter Corporation – Warsaw, IN
Norcom Industries Addition – Sparta, TN
Multi-family Housing / Development

Forest Hills Condominiums - Clearwater, FL
Oakborough Villaminiums and Clubhouse - Ft. Wayne, IN
Jefferson Place / Plaza - Master Plan and Models - Ft. Wayne, IN
Glen Eagles Condominiums - Ft. Wayne, IN
Colonial Village West Apartments - Ft. Wayne, IN
Delagrangre Townhouse Condominiums - preliminaries - Ft. Wayne, IN
Arlington Park entry design - Ft. Wayne, IN
Byrer Manor Group Home - Warsaw, IN
Cherry Creek Condominium Master Plan - Warsaw, IN
Selina Motel Master Site Plan - Selina, OH
Cherry Creek Phase 1 Plat Plan and Models - Warsaw, IN
Stille Woods Condominiums - Site Plan and Models - Ft. Wayne, IN
Koenigshof Apartments - Warsaw, IN
Village of North Oak Sales Office - Ft. Wayne, IN
Cross Creek Condominiums - Decatur, IN
Miller's Merry Manor – renovations –Middletown, IN
24 Unit Nursing Home – Whitehouse, TN

Schuell Fencing Storage Facility – South Bend, IN
Slinkard Warehouse – Elkhart, IN
Gano Plywood – Storage Facility – Elkhart, IN
Brookwood Golf Course Storage Facility –
Buchanan, MI
Office Addition – Premier Bandag – Mishawaka, IN

Pine Valley Condominiums - model design - Ft. Wayne, IN
Olde Canal Place - Master Plan - Ft. Wayne, IN
Decatur Inn Motel - Decatur, IN
Kensington Downs Villaminiums - Models and Entry Design - Ft. Wayne, IN
Deusenburg Village - Models and Entry Design - Auburn, IN
Tree Harbor Master Development Plan - Angola, IN
Tree Harbor Phase 1 Models - Angola, IN
Beginnings Subdivision - Engineering drawings - Claypool IN
Walls Building – Duplex subdivision and model – Pierceton, IN
Larson / Griffeth Four-plex Apartment – Warsaw, IN
Gallatin Health Care addition – Gallatin, TN
84 Unit Assisted Living – Whitehouse, TN
Riverwalk Townhouses – Electrical design – Mishawaka, IN

Writing Experience

Books

From A To Z on Church Building and Remodeling,
Avoidable Mistakes in Church Building and Remodeling
"Plays on the Word, Acts 1-2, Acts 3-4"
Loving Choices
Life Choices
A Climate Crisis a la Gore
Not Yet Reel – short story collection
Spirits of Christmas – short story collection

Articles

Various inspirational articles for Christian newsletters and regional publications
Build Right From the Start, Your Church, Inc. Magazine
If We Need To Build, Net Results Magazine
Church Building and Remodeling, N.C.A.B.A.

Multiple bible studies

Multiple screenplays

Volunteer Experience

U.P.C. church - 200 seats- Dunedin, FL, Pastor Paul Laughlin – 1981- Volunteer labor for building project
Fort Wayne Chapter A.I.A. - Program chairman -, 1985
Calvary U.P.C. - Pastor David Keller – 1985 - 90
Numerous renovation and work projects -
Crestwood Neighborhood Association cookouts, 1988, 1989
Warsaw U.P.C. - Pastor Dan Cox 1990 - present
Numerous renovation and work projects -
Work Days, platform renovations, build storage room, annual cleanup, sound system redesign, drama props,
sanctuary redesign, reproofing of church, phone line to basement, entry ramp,
new lights in auditorium, misc.
Harrison School Log Cabin Restoration - 1993-94
Warsaw Noon Optimist Club – 1990 - present
Past President, Past Program Chairman
Chairman for State Convention Planning Committee 2002
Annual Atwood Elem Bike Safety Day,
Kos Co Safety Day, 95,96,
Organized Circus,
1993, Assist w/ annual Pancake breakfast,
Assist w/ annual Christmas party,
Poinsettia sales, Secretary's day flower sales,
Fairgrounds haunted house, Youth shelter landscaping
Boy Scouts of America - Cub Scout den leader, 1996-2000, Asst. Cub Master 1997-2000. Assist with Boy Scout
Troop Outings and Fundraisers, 2001 - present
YMCA Property Committee chairman, 1993-1996
Warsaw U.P.C. Bible Quizzing Coordinator/Coach - 1996-2000
KCHE Lady Eagles basketball / volleyball coach 2000-2001
HELPS – Homeschool support group – Co-chairman for Field Day 1999-2001
Kosciusko County Fairgrounds – Long range planning committee – 2002 – present
Kosciusko County disaster preparedness committee – 2002 – present
Licensed Foster Parent – 1999 – present
God's Jail Ministry – Putnam County – conduct services weekly
Alcohol Chemical Treatment Series – Faith base drug rehabilitation program – teach bi-weekly
Brighter Paths Board of Directors – Putnam County – two years
First United Pentecostal Church – Cookeville – teacher, usher, greeter, musician, elder board
Cookeville Breakfast Rotary Club – community service committee

Paul F. Spite

950 Helen Court
Cookeville, TN 38501
(931) 261-3269
afd1@frontiernet.net

Objective	Utilizing teaching, problem solving, communication, project management, and organizational skills to benefit a stable organization, while becoming an integral part of its growth and success
Skills Summary	Design, problem solving, teaching, negotiation, project management, computer literacy, and communication
Related Experience	<p>AFD Consulting - Warsaw, IN, Cookeville, TN – Principal 2011-Present Directing a full service architectural firm, space planning, project design and management, various writing projects</p> <p>Maffett-Bouton & Assoc – Cookeville, TN – Staff Architect 2008-2011 Providing all architectural services to clients, project coordination</p> <p>AFD Consulting - Warsaw, IN, Cookeville, TN – Principal 1995-Present Directing a full service architectural firm, space planning, project design and management, various writing projects</p> <p>Biomet, Inc. - Warsaw, IN - Facility Manager 1990-1995 Assigning department space, negotiating purchasing agreements with vendors, coordinating inside / outside expertise / labor in numerous renovation / relocation projects, space planning for all departments / individuals, master planning for land and building use, design and construction management for manufacturing / offices / additions, providing design and budget analysis on facility impact of possible acquisitions and new industrial processes, coordinating with Plant Engineering and Maintenance to address the ongoing needs of all departments</p> <p>Advocate for Design - Fort Wayne, IN – Principal 1985-1990 Directing a full service architectural firm offering design services ranging from detailing to space planning, master planning to project closeout, managing construction / negotiation with contractors and governmental agencies, coordinating the efforts of consultants and staff</p> <p>Internship – Three small offices in Florida, Indiana – Intern Architect 1981-1985 Design, drafting, and office work, managing numerous commercial design projects, custom home and mixed use development master plans</p>
Education	<p>Ball State University - Muncie, Indiana 1976-1981 Bachelor of Science in Environmental Design / Bachelor of Architecture</p>
Related Data	<p>Registered Architect - State of Indiana, Tennessee, Florida, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Michigan, Maryland, N.C.A.R.B. Certification – Nationwide</p> <p>Accepted life member of the National Registry of Who's Who for church design</p> <p>Autocad proficient</p> <p>Mishawaka High School valedictorian – 1976</p> <p>Top Twenty Hoosier Scholars</p> <p>Ball State University - Whitenger Scholar</p> <p>Previous Y.M.C.A. Property Committee Chairman</p> <p>Previous real estate sales training and licensing</p> <p>God's Jail Ministry – 2007 – present</p> <p>Alcohol Chemical Treatment Series instructor – 2008 - present</p> <p>Warsaw Optimist Club - Past President (two times Optimist of the Year)</p> <p>Cookeville Breakfast Rotary Club – past member, active in committees</p> <p>Special interests - Art, Writing, Screenwriting, Bible Quizzing</p> <p>Author - "From A To Z on Church Building and Remodeling", "Avoidable Mistakes in Church Building and Remodeling", "Plays on the Word - Acts 1-4", "Life Choices", "Loving Choices", various works of fiction, screenplays, and various magazine articles</p>

LETTER OF RECOMMENDATION

April 13, 2011

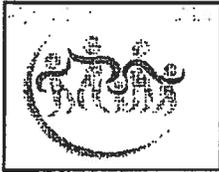
To Whom it May Concern:

During the last two years, our firm has had the privilege of employing Mr. Paul Spite as a licensed architect. Mr. Spite has fulfilled his responsibilities as an employee of the firm, and has done it with integrity and hard work. Because of cutbacks due to lack of design work, we were forced to release Mr. Spite. However, I highly recommend Mr. Spite in any kind of position of management or design.

Regards,



Gary Bouton, PE



ROSS FAMILY MEDICINE

Carolyn Ann Ross, D.O.

*120 Walnut Commons Ln Ste B
Cookeville, Tennessee 38501*

April 21, 2011

To whom it may concern,

The person presenting this letter is known to me and comes highly recommended by me. I have known Paul Spite for the past three years as we have worked together and become good friends.

I first became acquainted with Paul during the course of an architectural project he had been assigned by his firm. The project was to design a new medical complex for the Chapman & Ross Partnership, of which I am a partner. The project was started in late 2008 and lasted through the first quarter of 2010. It involved both the structural and interior design of a 13,000 sq ft medical complex that would house four separate medical groups when it was completed.

Paul played a vital role in the success of our project, since he was both the lead architect and engineer. This required his involvement in all aspects of the project including the structural, electrical, mechanical and landscape designs. I met with Paul weekly for over a year and due to his excellent organizational skills, we were able to bring our project in on time and under budget.

I also can speak for Paul's personal character. In my day to day dealings with him, he has always been forthright and honest in matters concerning the meeting of commitments, both personal and professional. I have found him to be a person who is easy to know and open to new ideas and conversation. His willingness to explore and comprehend ideas, no matter how technically complex, is very appealing and makes him a very effective communicator. I came to find the time I spent with him not only enjoyable, but extremely stimulating.

In closing, I would like to say that Paul is, in my opinion, the type of individual that will do well in any undertaking that he chooses. His skills as an architect are exceptional as well as his immeasurable personality.

Best Regards,

C. Frank Ross

General Manager
Ross Family Medicine



Corporate
Headquarters

Mailing Address:
P.O. Box 587
Warsaw, IN 46581-0587

Shipping Address:
Airport Industrial Park
Warsaw, IN 46580

(219) 267-6639 Office
(219) 267-8137 FAX

January 5, 1995

To Whom It May Concern:

Paul Spite was the Architect on our personal residence. In my opinion, he did an outstanding job coordinating the design and construction of our home. During the building process, Paul always maintained my interest as if it was his own. He ensured we received the most economical pricing on materials and labor. Paul's pragmatic approach to the construction of our house ensured my wife and I received our money's worth on the project. I would not hesitate to utilize Paul for any of my future building plans.

Several years ago Paul left his independent architecture practice for a position with Biomet, Inc. His duties were initially related to his Architectural skills. Unfortunately, we presently do not need to maintain a full time architect on staff. We have no future building plans and are utilizing Paul well below his talent level. In a short period of time he will be leaving Biomet, Inc.

I have extreme admiration for Paul; he possesses a high degree of integrity and loyalty. I give him my strongest recommendation for employment consideration. I am confident he will work diligently for whoever decides to employ him. I will miss Paul and I am disappointed he is leaving.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Niemier".

Charles E. Niemier
Senior Vice President
International Operations

CEN/nwh



Corporate
Headquarters

Mailing Address:
P.O. Box 587
Warsaw, IN 46581-0587

Shipping Address:
Airport Industrial Park
Warsaw, IN 46580

(219) 267-6639 Office
(219) 267-8137 FAX

March 17, 1995

To Whom It May Concern:

I am writing this letter of recommendation on behalf of Paul Spite, Architect. Paul was employed full time, by Biomet, for a number of years and did an excellent job in both architectural and construction management duties. I have had an opportunity, over the last several years, to work closely with Paul and I am impressed with his thoroughness and creativity in carrying out the above duties.

Paul is hard working and diligent in his activities and has a suburb work ethic.

Paul left Biomet by mutual consent do to the fact that our new construction and facilities expansion activities in Warsaw had come to a halt for the foreseeable future.

Since Paul's departure I have worked with Paul on several personal projects and would strongly recommend Paul for architectural related projects or employment.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dane A. Miller".

Dane A. Miller, Ph.D.
President & CEO
Biomet, Inc.

Warsaw United Pentecostal Church

825 N. Harrison St. - Warsaw, IN 46580

Office (219) 269-1478 Fax (219)269-3227

If you are considering a building program of any kind, then you know the need for a person to give insight, direction, and experience to fulfill the dream of the pastor and the local church.

Paul Spite knows and understands that building for growth in a church can consume the time of a pastor, as well others in the church. During the past seven years, he has demonstrated a deep love for design that will help Apostolic churches to flow in the will of God, and ability to work with people, and he patiently and skillfully handles situation in a flexible, innovative and dynamic manner.

Perhaps more importantly, Paul and his wife Sally, along with their three children are committed Christians who are faithful servants to their Lord and local church. As Paul's pastor I would with enthusiasm recommend his ability as an design architect who can understand the needs, goals, visions, corporate structure and decision making of a church body.

Sincerely in Christ,

**Dan L. Cox
Senior Pastor**

February 21, 2000

To Whom It May Concern:

The Town Council of Claypool has had the pleasure of working with Mr. Paul Spite on the New Beginnings Subdivision. He was the Project Manager. He over saw the infrastructure. He exhibited great professionalism.

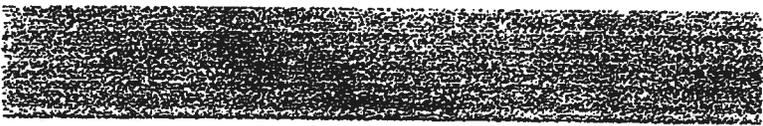
We highly recommend his services to you.

Sincerely yours,

Donald R. Miller

Town Council of Claypool

John K. Allen
John L. Lincoln





Corporate
Headquarters

Mailing Address:
P.O. Box 587
Warsaw, IN 46581-0587

Shipping Address:
Airport Industrial Park
Warsaw, IN 46580

(219) 267-6639 Office
(219) 267-8137 FAX

January 3, 1995

To Whom It May Concern:

It has been my pleasure to work very closely with Paul Spite during the four years he has been employed at Biomet, Inc. Paul joined Biomet at a time of tremendous growth which required a great deal of expansion at our Corporate Headquarters and primary manufacturing facility located in Warsaw, Indiana.

During his four years at Biomet, Paul was responsible for four major construction projects, totaling over 104,000 square feet. Paul managed these projects from design through construction at a substantial saving compared to contracting these services.

Additionally, Paul coordinated many internal renovations within Biomet which were completed efficiently and economically.

Paul has been a valuable asset to Biomet and I highly recommend him for a position of responsibility in the area of architectural design and construction management.

Most Sincerely,

A handwritten signature in cursive script that reads "Garry L. England".

Garry L. England
Senior Vice President - Operations
BIOMET, INC.

GLE/nwh

1300 South Clinton Street
P.O. Box 1110
Fort Wayne, Indiana 46801



January 22, 1996

To Whom It May Concern:

Paul Spite has been doing contract space planning work for us for the past year. The last large project he completed involved an internal move of approximately 40 people.

Paul's space planning skills are excellent. He is a very detailed person. We look forward to working with him in the future.

A handwritten signature in cursive script that reads "Julie Swihart".

Julie Swihart
Project Manager
219-455-4539



*Rev. Daniel R. Kyle
Pastor*

*Rev. G. Larry Cummins
Associate Pastor*

*Rev. Vernon Wabcott
Assistant Pastor*

T abernacle O f P entecost

**A U nited P entecostal Church
3899 Forest H ill B oulevard
West P alm B each, FL 33406**

June 30, 2005

To Whom It May Concern:

Please let it be known that the Tabernacle of Pentecost United Pentecostal Church of West Palm Beach has retained AFD Consulting to work on our building project. We agreed to have Mr. Paul Spite handle the architectural and MEP engineering.

The scope of work for which Mr. Spite is doing for us is as follows: Our site plan, master plan and our first two phases which will be a Daycare and Family Life Center.

We have been extremely pleased with the professionalism which Mr. Spite has continuously displayed and the quality of work which AFD Consulting has produced. I highly recommend AFD Consulting and Mr. Paul Spite for any project your company may need.

If you need further information please contact me at the number listed below.

Sincerely,

**Daniel R. Kyle
Pastor**

**Phone: (561) 965-1823
e-mail: topwpb@juno.com**

**Fax: (561) 965-8313
www.tabernacle-of-pentecost.org**



**St. Mark
Missionary
Church**

11805 Loughlin Drive
Mishawaka, IN 46545
(219) 255-9416

May 15, 2000

To: Churches Considering Future Building Projects
Re: Mr. Paul Spite, architect; AFD Consulting

In 1999 Paul Spite was employed by our congregation to complete a master plan for the development of 31 acres of land to which our church anticipated relocating. This was a large project that needed to be broken down into "phases" of construction, with the first being a 40,000 square foot multi-purpose facility.

Paul was very knowledgeable and practical as he guided us through the development of our master plan. He was sensitive to our vision and goals while at the same time being cost efficient in his proposals. Our building committee found him to be very easy to work with and cooperative during this entire phase of design.

In 2000 the church asked Paul to begin work on the actual construction plans for our project. Again his expertise and demeanor served our congregation well, as he developed a rapport with our county building officials and other key members of various construction trades. Our "working drawings" were completed in a timely manner and successfully passed state and local approval. His fees for this stage of design, as well as the master plan phase, were reasonable and allowed us to be good stewards of our financial resources.

We are grateful and indebted to Paul for helping us achieve a goal we have sensed God leading us toward. He is a Christian brother in the truest sense of the word. Not only do we give him our highest recommendation but we certainly will not hesitate to employ his services again in the future.

Sincerely,

Rev. John Gregory

Rev. John Gregory, Senior Pastor
St. Mark Missionary Church

YOUNG WILLIAMS

YOUNG WILLIAMS LAW FIRM, PC

ROBERT S. YOUNG, JR. (1913-2009)
LINDSAY YOUNG (1913-2006)

800 SOUTH GAY STREET, SUITE 2021
KNOXVILLE, TENNESSEE 37929-2021
www.ywlawfirm.com

TELEPHONE (865) 637-1440
FACSIMILE (865) 546-9808
EMAIL hugh@ywlawfirm.com

MARK K. WILLIAMS+†
J. CHRISTOPHER KIRK*
KATHERINE M. HAMILTON*
HUGH B. WARD, JR.◊
BENÉT S. THEISS
WALTER T. PARTAIN‡

+RULE 31 LISTED GENERAL
CIVIL MEDIATOR
†ALSO ADMITTED IN NORTH CAROLINA
◊ALSO ADMITTED IN DISTRICT OF COLUMBIA
‡ALSO ADMITTED IN MASSACHUSETTS
*OF COUNSEL

March 13, 2014

City of Oak Ridge, Tennessee
Personnel Department
Municipal Building
200 Tulane Avenue
P.O. Box 1,
Oak Ridge, Tennessee 37830

Re: Administrative Hearing Officer

Personnel Department:

Enclosed, please find materials for consideration of my qualifications for appointment as an Administrative Hearing Officer for the City of Oak Ridge.

First, please find a resume of my professional and personal experiences. I am a natural born United States citizen and a resident of Oak Ridge since 1991. I have no blood or by marriage relatives who are (or have ever been) employed by the City of Oak Ridge. I have never been employed by the City of Oak Ridge. I do not have a misdemeanor or felony criminal history or record. I have not been fired or forced to resign from a professional position.

Second, please find copies of my active (and in good standing) attorney license registration for the State of Tennessee (since 1991) and the District of Columbia (since 1989). I originally received my license to practice law in the Commonwealth of Pennsylvania in 1988 but requested inactive status some years ago. I have requested that the State of Tennessee and District of Columbia Boards of Professional Responsibility send me statements of my good standing and I will forward them upon receipt.

Third, please find a copy of my attendance, successful completion and thereby certification as an Administrative Hearing Officer, in the State of Tennessee, issued by the Municipal Technical Advisory Service (MTAS) in cooperation with the Tennessee Municipal League, on December 5, 2013.

MAR 13 2014

Fourth, please find names and contact information of requested references.

Mark K. Williams
Shareholder
Young Williams Law Firm, P.C.
800 South Gay Street, Suite 2021
Knoxville, Tennessee 37929
865-637-1440

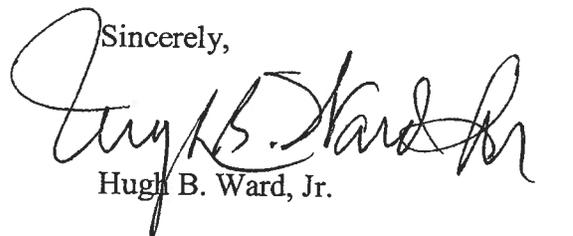
Charles E. Atchley, Jr.
Assistant United States Attorney,
Deputy Chief, Criminal Division
800 Market Street, Suite 211
Knoxville, Tennessee 37902
865-545-4167

Gary Gilmartin
BUS:
President,
Gilmartin Engineering Works, Inc.
Suite 201
40 New York Avenue
Oak Ridge, Tennessee, 37831
865-360-8689

RES:
176 Whipporwill Drive,
Oak Ridge, Tennessee 37830

Fifth, please find a completed City of Oak Ridge Equal Employment Opportunity Information form.

Sincerely,

A handwritten signature in black ink, appearing to read "Hugh B. Ward, Jr.", written in a cursive style.

Hugh B. Ward, Jr.

HBW/em

Hugh B. Ward, Jr.
27 Montclair Road
Oak Ridge, TN 37830

Young Williams Law Firm, PC
www.ywlawfirm.com
hugh@ywlawfirm.com
865-740-1003 (mobile) 865-637-1440 (office)

In 2010, I concluded twenty-years of federal service to resume private law practice. My tenure as a federal prosecutor offers diverse experience for a range of legal services, including: corporate compliance and governance; government relations; regulatory affairs; civil litigation; white collar criminal defense; municipal law; tax controversies; real estate litigation; intellectual property; estate matters; fraud, identity theft and cyber security investigations.

Federal Service:

United States Department of Justice (1990-2009), Assistant United States Attorney. Represented the United States in investigations and prosecutions of violations of federal criminal laws in the Eastern District of Tennessee; national security, anti-terrorism, white collar crimes, organized crimes, Top Secret, SCI security clearance. Counsel to the Executive Office for United States Trustees.

United States Consumer Product Safety Commission (1985-1988), Congressional Relations.

United States House of Representative (1975-1978), Legislative Analyst.

Private Sector:

Gilmartin Engineering Works, Inc., General Counsel
Tennessee Tech University, Adjunct Professor
City of Oak Ridge, Land Bank Corporation, Board of Directors
City of Oak Ridge, Convention and Visitors Bureau, Board of Directors
State of Tennessee Board of Professional Responsibility, Hearing Panel Member
Institute for Nuclear Security, University of Tennessee, Commentator
WUOT, University of Tennessee, National Public Radio, Commentator
City of Oak Ridge, Board of Building and Housing Code Appeals (2010-2014)
Bernstein, Stair, McAdams, LLP (2010-2013)
Bush-Cheney Transition (2000-2001), Transition Advisory Committee.
Roane State Community College (1998), Adjunct Professor
Kramer Rayson, LLP (1991-1992)
Hotel Association of New York City (1988-1989), Counsel
Reagan-Bush Campaign (1984), Assistant Director

Education:

George Mason University School of Law, Arlington, Virginia, Juris Doctor, 1987.
The American University, Washington, D.C. Master of Arts, School of International Service, 1980.
L'Universite de Franche-Comte, Besancon, France
Shippensburg University, Shippensburg, Pennsylvania, Bachelor of Arts, 1975.

Professional Affiliations:

Admitted to practice in all state courts of Tennessee, and the District of Columbia.
Admitted to practice in United States District Courts in Tennessee and Pennsylvania.
Admitted to practice in the United States Court of Appeals for the Fourth and Sixth Circuits.
State of Tennessee, Certified Administrative Hearing Officer
East Tennessee Economic Council (ETEC), Oak Ridge Tennessee
Oak Ridge Rotary Club, Oak Ridge, Tennessee

Supreme Court of Tennessee

Attorney Reg. No.

15071



Hugh B. Ward Jr.

Effective November 1, 2013 - November 1, 2014

Attorney's
Signature

The District of Columbia Bar



MEMBERSHIP CARD

Hugh B. Ward, Jr.

Active

419853

MEMBERSHIP CATEGORY

BAR NO.



The University of Tennessee

Municipal Technical Advisory Service

Official Student Transcript

Name: Ward, Hugh

1/21/2014

Attorney

Page 1

Address: 800 South Gay Street

Knoxville, Tennessee 37929

Young, Williams & Kirk, PC

Completed Courses:

Course Date

Credit Hrs

CEU

CLE

Administrative Hearings Officer 2013

12/5/2013

8

YOUNG WILLIAMS

YOUNG WILLIAMS LAW FIRM, PC

ROBERT S. YOUNG, JR. (1913-2009)
LINDSAY YOUNG (1913-2006)

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HUGH B. WARD, JR.◊
BENÉT S. THEISS
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+RULE 31 LISTED GENERAL
CIVIL MEDIATOR
†ALSO ADMITTED IN NORTH CAROLINA
◊ALSO ADMITTED IN DISTRICT OF COLUMBIA
‡ALSO ADMITTED IN MASSACHUSETTS
*OF COUNSEL

March 31, 2014

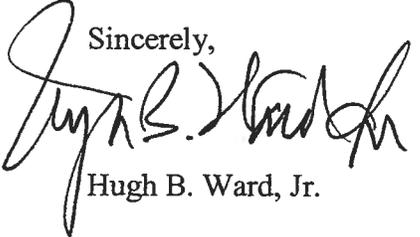
City of Oak Ridge, Tennessee
Personnel Department
Municipal Building
200 Tulane Avenue
P.O. Box 1,
Oak Ridge, Tennessee 37830

Re: Administrative Hearing Officer

Personnel Department:

Enclosed, please find copies of statements of good standing from the State of Tennessee and District of Columbia Boards of Professional Responsibility to supplement my previously submitted application for the Administrative Hearing Officer.

Sincerely,



Hugh B. Ward, Jr.

HBW/em

APR 01 2014



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

SANDY L. GARRETT
CHIEF DISCIPLINARY COUNSEL
KRISANN HODGES
DEPUTY CHIEF DISCIPLINARY COUNSEL – LITIGATION
JAMES A. VICK
DEPUTY CHIEF DISCIPLINARY COUNSEL - INVESTIGATION
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ELIZABETH C. GARBER
ALAN D. JOHNSON
WILLIAM C. MOODY
PRESTON SHIPP
EILEEN BURKHALTER SMITH
A. RUSSELL WILLIS
DISCIPLINARY COUNSEL

March 17, 2014

TO WHOM IT MAY CONCERN:

Re: Hugh B. Ward Jr.
BPR No. 015071

On December 18, 1975, the Tennessee Supreme Court established the Board of Professional Responsibility of the Supreme Court of Tennessee to supervise the conduct of attorneys licensed to practice law in this state.

This is to certify that the attorney referenced above was issued a license to practice law in the State of Tennessee on November 1st, 1991. This attorney's license is currently active and in good standing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristi Astafan".

Kristi Astafan
Registration Manager

KA/re



District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that

HUGH B. WARD JR.

was on AUGUST 14, 1989 duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on March 25, 2014

JULIO A. CASTILLO
Clerk of the Court

By: _____

Christina A. Henders
Deputy Clerk

**Voting Ballot for Administrative Hearing
Officer Position
Appoint One (1) Applicant**

Four Year Term

Applicants

Bruce Alldredge, Attorney

Abstain

Jason Davis, Attorney

Richard Giannelli, Engineer

Amanda McCulloch, Attorney

Paul Spite, Architect

Hugh Ward, Attorney

Member, Oak Ridge City Council
4/14/2014

Round 1

RESOLUTION

A RESOLUTION APPROVING A SALARY OF \$2,000.00 PER MONTH FOR THE ADMINISTRATIVE HEARING OFFICER POSITION.

WHEREAS, in accordance with the *Not in Our City* conceptual plan and applicable State law, City Council adopted Ordinance 01-2014 (City Code §6-101 et seq.) which created the position of an Administrative Hearing Officer; and

WHEREAS, by Resolution 3-19-2014, City Council approved an Administrative Hearing Officer Agreement for use for the appointed Administrative Hearing Officer, with the compensation level to be determined based upon the successful applicant's qualifications and experience; and

WHEREAS, City Council has appointed _____ (insert name of selected applicant) to be the Administrative Hearing Officer for a four year term per the requirements of applicable State law; and

WHEREAS, the City Manager recommends a salary of \$2,000.00 per month for the Administrative Hearing Officer which compensation level may, by terms of the approved agreement, be adjusted on a yearly basis by City Council based upon the recommendation of the City Manager and budgeting constraints.

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 establishes a salary of \$2,000.00 per month for the Administrative Hearing Officer, which amount shall be incorporated into the Administrative Hearing Officer Agreement approved by Resolution 03-19-2014.

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

This the 14th of April 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

D. Jane Miller, Mayor Pro Tem

Diana R. Stanley, City Clerk

ANNOUNCEMENTS

Brief report to council and the people on the National League of Cities Congressional Conference 2014

An NLC conference offers an opportunity to talk with and hear from officials from across the entire nation, to hear in person how other people approach similar city issues and trade success and failure stories. This, more than any other aspect of the conference is its greatest value for me. Because I feel most effective and best able to learn in open discussion, meeting with other city officials who are equally engaged in their roles is reinvigorating. In addition, conversations at the conference are free of some of the emotional biases that local discussions can be prone to.

David Mosby and I got a chance to meet with Karl Kalbacher, the city's new direct contact in The Ferguson Group. Mr. Kalbacher seems to be as experienced, knowledgeable and enthusiastic as was Kareem Murphy, the former direct contact. After an hour of update with Mr. Kalbacher, it seemed clear that it would not be a useful time for additional Oak Ridge officials to meet with the senators' staffs.

The selection of workshops and informational meetings is always difficult to choose from: an embarrassment of riches.

In line with Oak Ridge's recent concerns with addressing violence at school, I attended the workshop *Preventing Juvenile Violence for Safer Communities*. I followed that with the *Afterschool Policy Advisors' Network* luncheon meeting. Reports from the Department of Justice confirm that Oak Ridge is not unusual in having a disproportionate number of suspensions among males of color. A number of public and private responses to both that imbalance and to juvenile violence in general focused on the role of fathers and father figures in children's well-being. John James from Cleveland spoke on the efforts and successes of the Cuyahoga County Fatherhood Initiative. A representative spoke about the national My Brother's Keeper initiative. The role of school resource officers was presented as integrated into the school's culture to help prevent and to solve problems as opposed to putting more juveniles into the justice system.

The Afterschool Policy Advisor's meeting offered updates on potential changes in federal funding streams. People interested in this topic will find more at afterschoolalliance.org.

Other workshops included *Integrated Planning, Federal Partners for Consumer Financial Protection*, and *Creating a Federal Job Training Program for the Future*. In the latter, discussion focused on the need to engage industry in the discussion and find out what kinds of jobs will need training for. Oak Ridge is in better than average position given our close association with the Roane State complex and our multitudinous contacts with UT and the members of ORAU. Among the fast growing job and career sectors is senior care and the home care industry.

One of the most often repeated themes I heard was the continued importance of creating pathways to engage citizens in local government and to accept the advantage of diversity for problem solving locally.

Anne Garcia Garland April 14, 2014