

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

October 22, 2012—7:00 p.m.

AGENDA

- I. INVOCATION
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPEARANCE OF CITIZENS
- V. PROCLAMATIONS AND PUBLIC RECOGNITIONS
- VI. SPECIAL REPORTS
- VII. CONSENT AGENDA
 - a. Approval of the October 8, 2012 City Council meeting minutes.
 - b. Adoption of a resolution approving a grant agreement with Prevent Child Abuse Tennessee for use in the Healthy Start of Anderson County Program and authorizing the disbursement of budgeted funds in the amount of \$31,850.00 for this purpose.
- VIII. RESOLUTIONS
 - a. Adoption of a resolution setting forth non-refundable fees for solicitor permits and a fee for obtaining replacement credentials for solicitors.
 - b. Adoption of a resolution authorizing the Industrial Development Board of the City of Oak Ridge to enter into a ten-year payment in lieu of tax agreement with Family Pride Corporation of Loudon, Tennessee, for the Alexander Inn and Guest House.
 - c. Adoption of a resolution approving accesses to Oak Ridge Turnpike (SR95), Illinois Avenue (SR62), and Robertsville Road, and approving a traffic signal at the intersection of Illinois Avenue and Ivanhoe Road, as shown on the Preliminary PUD Master Plan for a proposed grocery and retail development project; said accesses and signal subject to approval by the Tennessee Department of Transportation.
 - d. Adoption of a resolution abandoning rights-of-way for Iris Circle and Robin Lane, and abandoning the sewer, water, and electric easements and associated utility services on the future Kroger Center Site as shown on the Preliminary PUD Master Plan.
- IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)
- X. FINAL ADOPTION OF ORDINANCES

Public Hearing and Final Adoption of an Ordinance

 - a. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP

WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-1-C MDO, ONE-FAMILY RESIDENTIAL MANHATTAN DISTRICT OVERLAY, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; PARCELS 13 AND 15 AND A PORTION OF PARCEL 14, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 58-59, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM O-2, OFFICE, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND PARCELS 53-57, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-2 MDO, LOW DENSITY RESIDENTIAL MANHATTAN DISTRICT OVERLAY TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR SAID PARCELS.

(The public hearing is on the PUD Preliminary Master Plan)

Final Adoption of Ordinances

- b. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "BUILDING CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "BUILDING CODE," TO ADOPT THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- c. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 11, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 11, TITLED "RESIDENTIAL CODE," TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- d. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 10, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 10, TITLED "MECHANICAL CODE," TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- e. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 3, TITLED "TRADE LICENSING BOARD," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," AND SUBSTITUTING THEREFOR A NEW SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," TO DESIGNATE TWO MEMBERS AS MECHANICAL LICENSE HOLDERS AND STAGGERING THE TERMS OF THOSE TWO MEMBERS.
- f. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; AND BY DELETING TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC." IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "ALCOHOL," ALL FOR THE PURPOSES OF SETTING FORTH REGULATIONS CONCERNING THE PRACTICE

COMMONLY REFERRED TO AS "BROWN BAGGING."

- g. AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESSES, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," AND SUBSTITUTING THEREFOR A NEW CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," IN ORDER TO UPDATE THE PROVISIONS.

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

- a. Elections/Appointments
- b. Announcements
- c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

- a. CITY MANAGER'S REPORT
- b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

October 8, 2012

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on October 8, 2012 in the Courtroom of the Municipal Building with Mayor Pro Tem D. Jane Miller presiding.

INVOCATION

The Invocation was delivered by Minister Larry Tate, Associate Minister of the House of Worship.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Mr. Brian Sutherland.

ROLL CALL

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

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

Agenda Amendment

Mayor Pro Tem Miller explained that staff had a recommendation to amend the agenda to consider the first ordinance under "Final Adoption of Ordinances" titled "an ordinance to amend Ordinance No. 2, titled "the Zoning Ordinance of the City of Oak Ridge, Tennessee," by amending the zoning map which is made a part of the ordinance by changing the zoning district of Parcel 41.00, Map 100p, Group F, (formerly lot 19, block 21-CB) from O-2/PUD, Office Planned Unit Development to UB-2, Unified General Business" immediately following consideration of the resolution under "Resolutions" titled "adoption of a resolution approving two accesses to South Illinois Avenue from Anderson County Tax Map 100p, Group F, Parcel 41.00, subject to approval by the Tennessee Department of Transportation" given that the two items are related in business.

Hensley moved, seconded by Councilmember Hope to amend the agenda as indicated above. The motion was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

APPEARANCE OF CITIZENS

Mr. Martin McBride, 954 West Outer Drive, noted that there was a steady decline in Oak Ridge residency among Department of Energy employees and the organization's contractors, and that this was due to a decline in nuclear operations by the federal government.

Ms. Joy Henderson, 103 Paris Lane, inquired about the possibility of opening the new road to allow access into the Woodland neighborhood, prior to the installation of the traffic light.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

(NONE)

SPECIAL REPORTS

Special Report to Council on Environmental Protection Agency (EPA) Administrative Order (AO)

Acting City Manager Gary Cinder reviewed the highlights of the special report and responded to questions of City Council. No action was taken on this item as it was for informational purposes for Council and the public.

CONSENT AGENDA

Councilmember Smith requested to remove the September 10, 2012 City Council meeting minutes from the Consent Agenda. Councilmember Hope moved to approve the remainder of the Consent Agenda, which was seconded by Councilmember Hensley. The motion was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye," thereby approving:

Adoption of Resolution No. 10-75-2012 reappointing Dr. Pete Craven to serve as the Mayor's designee on the Board of Directors of the Oak Ridge-Heritage Railroad Authority for a three-year term of office ending on October 9, 2015.

Adoption of Resolution No. 10-76-2012 to extend the employee medical insurance contract between the City of Oak Ridge and the State of Tennessee Local Government Health Insurance Program for the period of January 1, 2013 through December 31, 2013 at an estimated cost of \$4,300,000.00.

Adoption of Resolution No. 10-77-2012 to accept a grant from the State of Tennessee, Department of Transportation, Governor's Highway Safety Office, in the amount of \$24,610.40 to be used for authorized traffic enforcement and/or training purposes.

Adoption of Resolution No. 10-78-2012 awarding a contract (COR 12-16-E5) to Hurst Excavating, LLC, Knoxville, Tennessee, and a contract (COR 12-17-E6) to A & M Contractors, Inc., Tullahoma, Tennessee, for the rehabilitation of portions of the wastewater collection and transportation system as required for compliance with the U.S. Environmental Protection Agency Administrative Order, said contracts in the estimated amount of \$946,352.50 and \$709,265.00, respectively.

Adoption of Resolution No. 10-79-2012 to amend Resolution 12-117-11 to add an additional regular City Council meeting – October 22, 2012 – to the City Council meeting schedule.

In response to Councilmember Smith's inquiries regarding actual bid amounts versus the estimated amounts of the wastewater projects, Acting City Manager Gary Cinder explained that staff had made adjustments to one bid to better match the budgeted amount, and that the second bid received was below staff's estimate for the rehabilitation of the wastewater systems.

In regard to the September 10, 2012 City Council meeting minutes, Councilmember Smith moved that the minutes be amended to add the following language to the fourth sentence to the first resolution under "Resolutions:" "and is included in the current year budget for golf course maintenance." The motion was seconded by Councilmember Hensley and approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

Councilmember Smith moved, seconded by Councilmember Hensley to approved the minutes as amended, and the motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

RESOLUTIONS

Resolution No. 10-80-2012

Adoption of a resolution approving two accesses to South Illinois Avenue from Anderson County Tax Map 100p, Group F, Parcel 41.00, subject to approval by the Tennessee Department of Transportation.

Councilmember Smith moved, seconded by Councilmember Hope that the resolution be adopted.

Following brief discussion, the resolution was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

(Diverting from the original order of the agenda)

Ordinance No. 10-2012

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED “THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE,” BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 41.00, MAP 100P, GROUP F, (FORMERLY LOT 19, BLOCK 21-CB) FROM O-2/PUD, OFFICE PLANNED UNIT DEVELOPMENT TO UB-2, UNIFIED GENERAL BUSINESS.

Councilmember Hope moved, seconded by Councilmember Smith that the ordinance be adopted.

Councilmember Garcia Garland commented for the record that Weigel’s had been agreeable in working with the neighborhood so as to not allow rear access from Potomac Circle.

The ordinance was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

(Reverting back to the original order of the agenda)

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED “THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE,” BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-1-C MDO, ONE-FAMILY RESIDENTIAL MANHATTAN DISTRICT OVERLAY, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; PARCELS 13 AND 15 AND A PORTION OF PARCEL 14, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 58-59, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM O-2, OFFICE, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND PARCELS 53-57, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-2 MDO, LOW DENSITY RESIDENTIAL MANHATTAN DISTRICT OVERLAY TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR SAID PARCELS.

(The public hearing on the PUD Preliminary Master Plan will occur on October 22, 2012)

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

Councilmember Hope moved, seconded by Councilmember Hensley to open the floor for the public hearing.

Mr. Chuck Agle, representative of the Planning Commission, 101 West Melbourne Road, commented that the Planning Commission voted unanimously to approve the ordinance.

Ms. Paul Xhajanka, Kroger Real Estate Manager, reviewed the project history, highlights, development, design, completion timeline, and the positives of the project for the community. Mr. Xhajanka indicated that Parcel 14 (Union Hall) has now requested to be included in the rezoning. Mr. Xhajanka responded to comments and questions from City Council.

Councilmember Hensley moved, seconded by Councilmember Smith to close the public hearing which was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

Community Development Director Kathryn Baldwin explained that since the lot line separating the two-acre parcel had not yet been recorded, the entire two acres of Parcel 14, 133 Raleigh Road, had been included in the rezoning legal notice, even though Kroger was planning to purchase only one (1) of the two (2) acres.

Councilmember Hope moved to amend the PUD Preliminary Master Plan by removing the verbiage in the parenthesis "Excluded from Project," for 133 Raleigh Road. The motion was seconded by Councilmember Hensley and approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

The ordinance, as amended, was unanimously approved on first reading with Councilmember Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

First Reading of Ordinances

Code Enforcement Supervisor Denny Boss briefly reviewed key elements and changes of the four new code amendments to Title 12 of the Code of Ordinances titled "Building, Utility, Etc. Codes" as presented below, and responded to questions of City Council.

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "BUILDING CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "BUILDING CODE," TO ADOPT THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

Councilmember Hope moved, seconded by Councilmember Hensley that the ordinance be approved on first reading, and was carried unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 11, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 11, TITLED "RESIDENTIAL CODE," TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

Councilmember Smith moved, seconded by Councilmember Hope that the ordinance be approved on first reading, and was carried unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 10, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 10,

TITLED “MECHANICAL CODE,” TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

Councilmember Hope moved, seconded by Councilmember Hensley that the ordinance be approved on first reading, and was carried unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

AN ORDINANCE TO AMEND TITLE 12, TITLED “BUILDING, UTILITY, ETC. CODES,” CHAPTER 3, TITLED “TRADE LICENSING BOARD,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-301, TITLED “ESTABLISHED; COMPOSITION,” AND SUBSTITUTING THEREFOR A NEW SECTION 12-301, TITLED “ESTABLISHED; COMPOSITION,” TO DESIGNATE TWO MEMBERS AS MECHANICAL LICENSE HOLDERS AND STAGGERING THE TERMS OF THOSE TWO MEMBERS.

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

The City Clerk responded to inquiries and comments from the City Council about fulfilling the positions of the Trade Licensing Board at the end-of-year elections within this newly proposed board structure.

Code Enforcement Supervisor Denny Boss confirmed that the board members were aware of the changes in composition and the members were supportive of the new structure.

The ordinance was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED “DRUGS OR LIQUOR ON PREMISES,” AND SETTING FORTH A NEW SECTION 8-805, TITLED “DRUGS ON PREMISES”; AND BY DELETING TITLE 11, TITLED “MUNICIPAL OFFENSES,” CHAPTER 2, TITLED “ALCOHOL, DRUGS, ETC.” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED “ALCOHOL,” ALL FOR THE PURPOSES OF SETTING FORTH REGULATIONS CONCERNING THE PRACTICE COMMONLY REFERRED TO AS “BROWN BAGGING.”

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

Senior Staff Attorney Tammy Dunn summarized the recommendations and considerations of the Beer Permit Board, and reviewed the key elements of the ordinance.

Following discussions regarding the new proposed amendments, Councilmember Smith moved to not include the following: Section 11-201 titled “Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public;” omit the verbiage “without sleeping accommodations” in Section 11-203(2) titled “Exceptions;” and exclude the last sentence in Section 11-203(2) regarding establishing a permit fee for “brown bagging” prohibition by resolutions. The motion was seconded by Councilmember Garcia Garland.

Mr. Martin McBride, 954 West Outer Drive, commented that he believed the expansion of the ordinance to be unnecessary, and asked that City Council consider additions at a milder pace.

Oak Ridge Police Chief James Akagi commented that he was in favor of Section 11-201 for better enforcement by the Police Department.

The Police Chief and Senior Staff Attorney continued to respond to questions and comments from the

City Council.

Councilmember Hensley requested that staff clarify the language in Section 11-202 regarding transportation of alcoholic beverages. Senior Staff Attorney Tammy Dunn recommended keeping Section 11-201 in the ordinance and providing additional information for the second reading given its importance to brown bagging.

Councilmember Smith indicated that she favored a narrower focus of the prohibitions to brown bagging that was discussed during the September Work Session, and that the discussions of the other issues be addressed as separate items.

Councilmember Hensley recommended withdrawing the amendment to give staff time to provide additional information and language. Councilmember Smith agreed provided that “without sleeping accommodations” in Section 11-203(2) be removed and to include the recommendation of the Beer Permit Board as follows: to add in the first sentence of proposed Code Section 11-203(2) the word “permanent” in between the words “valid” and “on-premises.” Councilmember Smith and Councilmember Garcia Garland both agreed to withdraw their original motion to amend the ordinance.

Councilmember Smith moved, seconded by Councilmember Hensley to amend the ordinance as presented above, and the motion carried unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

The ordinance, as amended, was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

AN ORDINANCE TO AMEND TITLE 9, TITLED “BUSINESSES, PEDDLERS, SOLICITORS, ETC.,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 1, TITLED “PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS,” AND SUBSTITUTING THEREFOR A NEW CHAPTER 1, TITLED “PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS,” IN ORDER TO UPDATE THE PROVISIONS.

Councilmember Smith moved, seconded by Councilmember Hope that the ordinance be approved on first reading.

Electric Department Director Jack Suggs described the current process of issuing solicitors permit, as well as explained the proposed process and qualifications.

Councilmember Smith requested that the permit process for all high school students who are participating in a school activity be the same as it is for non-profits. Additionally, she requested that consideration be given for a multi-year approval process for non-profits.

Following additional discussions of staff and City Council, the ordinance was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

FINAL ADOPTION OF ORDINANCES

Ordinance No. 11-2012

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING TITLE 7, TITLED “FIRE PROTECTION AND FIREWORKS,” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW TITLE 7, TITLED “FIRE PROTECTION AND FIREWORKS,” IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

Councilmember Hope moved, seconded by Councilmember Hensley that the ordinance be adopted which was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

Ordinance No. 12-2012

AN ORDINANCE TO AMEND TITLE 12, TITLED “BUILDING, UTILITY, ETC. CODES,” CHAPTER 4, TITLED “ELECTRICAL CODE,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED “NATIONAL ELECTRICAL CODE ADOPTED,” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED “NATIONAL ELECTRICAL CODE ADOPTED,” IN ORDER TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE.

Councilmember Hensley moved, seconded by Councilmember Hope that the ordinance be adopted which was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

Ordinance No. 13-2012

AN ORDINANCE TO AMEND TITLE 12, TITLED “BUILDING, UTILITY, ETC. CODES,” CHAPTER 7, TITLED “PLUMBING CODE - GENERALLY,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED “INTERNATIONAL PLUMBING CODE ADOPTED,” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED “INTERNATIONAL PLUMBING CODE ADOPTED,” AND BY DELETING SECTION 12-706, TITLED “INTERNATIONAL PLUMBING CODE – AMENDMENTS,” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-706, TITLED “INTERNATIONAL PLUMBING CODE – AMENDMENTS,” IN ORDER TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PLUMBING CODE AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

Councilmember Smith moved, seconded by Councilmember Hope that the ordinance be adopted which was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

Ordinance No. 14-2012

AN ORDINANCE TO AMEND TITLE 12, TITLED “BUILDING, UTILITY, ETC. CODES,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY RENUMBERING CHAPTER 12, TITLED “CITATIONS AND ORDINANCE SUMMONSES,” TO BE CHAPTER 16 WITH THE TITLE REMAINING THE SAME; BY DESIGNATING CHAPTERS 13, 14, AND 15 AS “RESERVED FOR FUTURE USE”; AND BY CREATING A NEW CHAPTER 12, TITLED “INTERNATIONAL ENERGY CONSERVATION CODE,” TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS REQUIRED BY THE STATE OF TENNESSEE.

Councilmember Smith moved, seconded by Councilmember Hope that the ordinance be adopted which was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

Ordinance No. 15-2012

AN ORDINANCE TO AMEND TITLE 12, TITLED “BUILDING, UTILITY, ETC. CODES,” CHAPTER 1, TITLED “BUILDING ACCESSIBILITY BY PHYSICALLY DISABLED PERSONS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-103, TITLED “MINIMUM SPECIFICATIONS,” AND SUBSTITUTING THEREFOR A NEW SECTION 12-103, TITLED “MINIMUM SPECIFICATIONS,” IN ORDER TO ADOPT THE ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES ICC A117.1-2009 CODE.

Councilmember Hope moved, seconded by Councilmember Hensley that the ordinance be adopted which

was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

Ordinance No. 16-2012

AN ORDINANCE TO AMEND TITLE 9, TITLED “BUSINESS, PEDDLERS, SOLICITORS, ETC.,” CHAPTER 7, TITLED “ADULT ENTERTAINMENT ESTABLISHMENTS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE,” BY AMENDING SECTION 9-703, TITLED “LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS,” TO ADD ADDITIONAL LOCATION RESTRICTIONS, INCREASE THE DISTANCE PROVISION FOR RESIDENTIAL AREAS, AND ALTER THE DISTANCE MEASUREMENT METHOD FOR COMPLIANCE WITH TENNESSEE CODE ANNOTATED §7-51-1407.

Councilmember Hensley moved, seconded by Councilmember Hope that the ordinance be adopted which was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Establishment of the City Judge Salary Review Committee

Councilmember Smith moved, seconded by Councilmember Mosby to accept the City Clerk's recommendation to establish the City Judge Salary Review Committee with Mayor Beehan, Councilmember Garcia Garland, and Councilmember Mosby serving. The motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, and Mayor Pro Tem Miller.

2012 Election Notice

The City Clerk referenced the 2012 Election Notice that was included in the agenda packet for the end-of-year scheduled for December 17, 2012.

Councilmember Smith requested that the verbiage for the qualifications for the Trade Licensing Board and Highland View Redevelopment Board be clarified so as to include the public-at-large.

Announcements

(NONE)

Scheduling

Mayor Pro Tem Miller announced that there would be a regular meeting of the Oak Ridge City Council on October 22, 2012, as well as November 5, 2012.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Garcia Garland requested that staff consider numbering the pages of the agenda packet. Additionally, she requested the approximate cost for relocating the sewer line on the Alexander Inn property, as well as information of arrangements other cities have made with the Alexander Inn developer, prior to consideration of the Alexander Inn project.

Councilmember Hensley gave a report on a recent meeting he attended regarding the proposed Oak Ridge airport.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

(NONE)

CITY ATTORNEY'S REPORT

The City Attorney announced that the tax sale for Anderson County delinquent property taxes was scheduled for October 13, 2012.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

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

CITY CLERK MEMORANDUM

12-46

DATE: October 12, 2012

TO: Mark S. Watson, City Manager

FROM: Diana R. Stanley, City Clerk

SUBJECT: PREVENT CHILD ABUSE TENNESSEE, HEALTHY START OF ANDERSON COUNTY

An item for City Council's consideration is a resolution approving a grant agreement and authorizing the disbursement of \$31,850.00 to Prevent Child Abuse Tennessee for use in the Healthy Start of Anderson County Program. City Council approved funding for the grant with the adoption of the FY 2013 Budget. This is the 12th year that a grant for the Healthy Start Program has been included in the City budget.

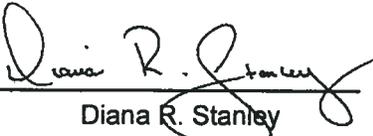
Originally, Healthy Start was a program of the Anderson County Health Council which served as its 501(c)(3) umbrella agency that dissolved on June 30, 2010 due to funding losses, but later became a program under Prevent Child Abuse Tennessee on July 1, 2010.

Prevent Child Abuse Tennessee has 501(c)(3) status and will provide oversight of financial matters, including yearly audits as required by the City's guidelines. A funding request was submitted to the City in December 2011 for inclusion in the FY 2013 Budget and is attached in its entirety.

Healthy Start is requesting a grant of \$35,000.00 as this was the amount awarded in FY 2002 and FY 2003. It was reduced, however, to \$31,850.00 in FY 2004 when other budget reductions were being made across the board, and it has remained \$31,850.00 in subsequent years. This is the grant amount contained in the FY 2013 budget.

A copy of the organization's financial statements and independent auditors' report ending June 30, 2011 are on file in the City Clerk's Office and are available for the Council's review. Updated documentation must be received by the organization prior to disbursement of funds under the grant agreement for FY 2012.

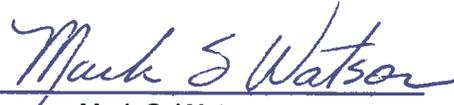
Staff recommends approval of the attached resolution.


Diana R. Stanley

Attachments

City Manager's Comments:

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


Mark S. Watson


Date

RECEIVED
2011 DEC 16 AM 9:52
OFFICE OF THE CITY CLERK

City of Oak Ridge

Not-for-profit Organization

Funding Request

December 16, 2011

Agency Making Request: Prevent Child Abuse TN (Healthy Start/Healthy Families of Anderson County)

Address: PO Box 6245
Oak Ridge, TN 37831-6245

Telephone: (865) 483-7377

Fax: (865) 483-7377

Contact Person: Marcia Slagle
Program Manager
Healthy Families TN
Prevent Child Abuse TN

Healthy Start of Anderson County Funding Request

Funding Request: Continuation of **\$35,000** annual funding from Oak Ridge City Council.

Purpose of Funding Request:

Healthy Start/Healthy Families of Anderson County has had a busy year of providing services to high risk first time parents and re-engaging local agencies to increase referral numbers. We are one of two home visitation programs managed by Prevent Child Abuse TN.

In 1998 a three year demonstration grant from Covenant Health was received to implement Healthy Start/Healthy Families of Anderson County. In 1995 and 1998 Anderson County did not qualify for funding from the Division of Maternal and Child Health (Tennessee Dept of Health) because money was directed to areas with the lowest income and highest minority population. Although Anderson County's average income looks high (due to Oak Ridge), many areas of the county reflect the surrounding area's isolation, poverty of income and opportunity. It is interesting to note that since the inception of the Healthy Start program in Anderson County, 52% of our families have been residents of Oak Ridge. This past year 50% of the families served are residents of Oak Ridge. This reflects the continued funding support we have received from the city of Oak Ridge that enables us to continue to serve high risk parents living in Oak Ridge.

Healthy Start/Healthy Families of Anderson County is credentialed by Healthy Families America, the parent organization. The goals are set by the national organization and are as follows:

- promote positive parenting
- encourage and improve child health and development
- prevent and/or reduce child abuse and neglect.

These goals are met by providing in-home education for the parents. The weekly visits involve teaching age appropriate curriculum for the baby, mentoring of good parenting skills, monitoring the baby's growth and development, and providing referrals for community resources. Parents at greater risk to use inappropriate child rearing techniques are those who lack basic resources, support and information about effective child-rearing and have limited educational and work experiences. When children from these families grow up, they are at increased risk to develop serious problems with truancy, drug abuse, delinquency or mental illness. The positive outcomes of prevention programs, with even relatively small reductions in the rate of child maltreatment, demonstrate that **prevention can be cost-effective**. Most of the investments in prevention, particularly as they apply to investments in families with young children, are likely to have "payback curves" that extend over a long period of time, with much of the savings occurring when the child reaches a healthy, productive and nonviolent adulthood.

Research shows that about 25,000 children are abused or neglected every year in Tennessee. The Department of Children's Services recently stated that "every foster child in state's custody costs the state \$50,000 a year." A recent news article stated that Tennessee taxpayers pay approximately

\$850,000,000 yearly in costs related to child abuse. President Obama requested funding through his health initiative that would fund evidence based home visitation programs. Tennessee received monies from this initiative to fund (expand) home visitation in the state. Prevent Child Abuse TN was awarded one of the 5 grants in the state. Healthy Start/Healthy Families of Anderson County will not receive any of this money because it was awarded for the Davidson County home visitation program that Prevent Child Abuse TN also oversees. Healthy Start/Healthy Families of Anderson County will be following all of the new guidelines and using the tools required by this new grant. Only programs that were evidence based curriculum received this grant. Anderson County has had an evidence based home visitation program for **13 years** and that program is **Healthy Start/Healthy Families!**

The Healthy Start Advocacy Committee was formed in 2007. This committee has helped introduce the residents of Anderson County to the important work of Healthy Start/Healthy Families. The committee, now known as the Advisory Committee, has completed the 5th annual letter writing campaign to residents of Anderson County to raise funds. For the third year, the Advisory committee has collaborated with the Oak Ridge Youth Advisory Board at the Breakfast with Santa event. The Advisory committee provides photos with Santa for the children at the event. In 2011, the Anderson County Commissioners removed the non-profit grant from their budget so our program lost important dollars from the county to support the work we do with our families.

Appropriate prenatal care and parenting education is essential for positive childhood outcomes. According to the Tennessee Department of Health, Tennessee has one of the highest rates for low birth weight babies (9.2%) in the nation. Prenatal care is one of the best ways to reduce this number. Healthy Start begins working with families prenatally, assuring that mothers get proper prenatal care. The Annie B. Casey 2011 KIDS COUNT ranks Tennessee as 39th in the nation in their overall care of children. There will always be parents having their first baby that need the support and guidance of Healthy Start/Healthy Families. The program brings a team of caring people to the assistance of the young family so they can learn the necessary skills to parent more effectively. Through Healthy Start/Healthy Families, the Family Support Workers identify parent needs, support families with regular visits, teach parents primary care-giving and basic life skills, model parent-child bonding behaviors, provide group support so moms can interact and learn from peers, coordinate community services to strengthen families, and intervene in the event of a crisis. Healthy Start/Healthy Families ensures that all of its children will have a safe, secure, and healthy childhood.

Description of Agency:

Prevent Child Abuse Tennessee was originally established in 1984 as Parents Anonymous, providing parent support through weekly groups and a statewide 24-hour Helpline. In 1998 they became the Tennessee chapter of Prevent Child Abuse America. In 2000, Prevent Child Abuse Tennessee became a founding member of the National Family Support Roundtable and brought the Circle of Parents concept to Tennessee. As a chapter of Prevent Child Abuse America and Family Support America, they received national support in the areas of advocacy, public awareness and research. In 2011, Prevent Child Abuse TN was one of 5 agencies in Tennessee to receive federal monies to expand evidenced based home visitation programs. Prevent Child Abuse America is also the parent

organization for Healthy Families America, which credentialed the home visitation programs in Anderson and Davidson County in 2011. It was noted that, despite being a relatively small agency, the two programs provide excellent home visitation services to their target populations.

Prevent Child Abuse TN goals include the development of a prevention network through out the state of Tennessee, to educate the public about the prevalence of child abuse and their role in child abuse prevention and to facilitate the development and support of community-based programs throughout the state. The volunteer Board of Directors consists of 11 members, who serve on different committees which give focus and determine the direction of the Prevent Child Abuse Tennessee's efforts. There are two board members from Anderson County who represent Healthy Start/Healthy Families. Prevent Child Abuse Tennessee receives funding from private foundations, individual and corporate donations, state and federal grants and two signature fund raising events. Partnerships with Kappa Delta Sororities on campuses across Tennessee as their national philanthropy and partnership with the Tennessee Employee Giving Campaign, Board of Regents Giving Campaign, and Tennessee Combined Federal Campaigns provides strong community giving relationships. Prevent Child Abuse Tennessee was impressed with the community support Healthy Start has managed to secure over the years. They are providing management of all financial matters, using an accounting firm to oversee their financial matters. They also have a 501 (c) 3 status and yearly independent audits.

Services Offered:

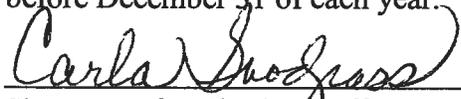
To qualify for the Healthy Start/Healthy Families program a family must be a first time parent, meet the risk assessment that documents need for the program, and be a resident of Anderson County. Services include, but are not limited to: educational and supportive home visits; developmental testing of babies; group support meetings; parent and baby transportation to health and social services; used maternity and children's clothing; emergency formula, diapers and food; lending library of baby equipment and car seats; monthly age-appropriate children's books; referrals to community services; and staff attendance at birth of baby when appropriate.

After the family is assessed to determine risk, they must voluntarily agree to participate in the program. The Family Support Worker meets with the parents weekly to discuss the age appropriate curriculum for their baby (or prenatal curriculum prior to the birth). The Family Support Worker interacts with the baby, modeling proper bonding and parenting skills. The parents are observed by the Family Support worker to determine if they have good interaction with their baby. Any needs the family has is discussed with the worker in an effort to find solutions. The worker is able to refer the family for a variety of resources available in Anderson County. Each family works on goals they have written and these are re-evaluated every six months. The Family Support Worker becomes a mentor for the young family and is available by telephone 24 hours a day.

Audit Requirements:

Current funding requirements mandate that Prevent Child Abuse Tennessee undergoes an annual full compliance audit.

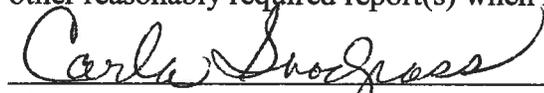
Prevent Child Abuse Tennessee agrees to provide future audit reports to the City of Oak Ridge before December 31 of each year.



Signature of Authorized Official

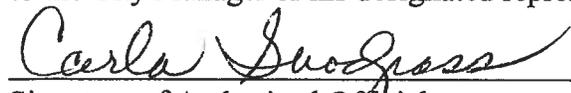
Reporting Requirements:

Prevent Child Abuse Tennessee agrees to provide quarterly reports describing program activities and other reasonably required report(s) when requested by the City of Oak Ridge.



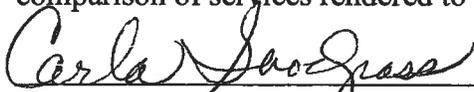
Signature of Authorized Official

Prevent Child Abuse Tennessee agrees to make available for inspection all of its books and records to the City Manager or his designated representative at all reasonable times.



Signature of Authorized Official

Prevent Child Abuse Tennessee agrees to submit with its annual audit a statement which reflects a comparison of services rendered to residents of Oak Ridge and all other persons served.



Signature of Authorized Official

PROGRAM HISTORY

Healthy Start/ Healthy Families of Anderson County is part of the state and national organization of Healthy Families America. Twenty-nine counties in Tennessee currently receive state funding for their Healthy Start programs. This resulted from two Oak Ridge residents - Janie Hiserote and Virginia Coleman- championing the Healthy Start program at the state level. Anderson County was excluded from this funding opportunity due to a relatively high per capita income (Oak Ridge is high while rural areas are extremely low) and lack of significant minority population..

Janie and Virginia along with several other notable Oak Ridge and Anderson County citizens continued to pursue avenues to launch the program. They were driven in large part by the success of the original program in Hawaii: a 5-year study in 1998 reported 99.3% non-abuse and 98.8% non-neglect rates for these high risk families served by Healthy Start/Healthy Families. This reflects an 80% decrease in severe child abuse rates. **In our thirteen years, out of 363 families only 7 children have been removed from the home for neglect, and none were removed for abuse.**

Every Healthy Start program is required by Healthy Families America to go through a rigorous credentialing inspection. In 2003, the Healthy Start/Healthy Families of Anderson County successfully completed this process and was hailed as "one of the elite programs in the United States" by the credentialing team. In October 2010 Prevent Child Abuse Tennessee's two home visiting programs (Healthy Start/Healthy Families of Anderson Co. and Healthy Families of Davidson Co.) were reviewed for credentialing by peer reviewers from Healthy Families America. Prevent Child Abuse TN was awarded credentialing for both programs in January 2011. It was noted by the peer reviewers that both programs provide outstanding programs for their select population.

2011 was a year of change for Healthy Start. There was significant staff changes made to improve the program. Marcia Slagle became the program manager of both home visitation programs (Anderson and Davidson Co); Renee Tackett, a former employee, returned to serve as the home visitor; and Tanya Brown became the operations manager for Prevent Child Abuse TN, working out of the Oak Ridge office. A successful effort was made to re-engage agencies, schools, court systems, doctor offices and local non-profits regarding Healthy Start's commitment to serve the high risk families in Anderson County. In 2011, we served 18 families with 18 children (one baby is due in 2012). The goal of Prevent Child Abuse Tennessee for Healthy Start in 2012 is to secure funding for a second Family Support Worker and a part-time assessment worker that will enable us to serve **all** of Anderson County again.

PROGRAM RESULTS

The following data are for all Healthy Start/Healthy Families clients: (using the national guidelines for evidenced based programs set up by the federal Maternal, Infant, and Early Childhood Home Visitation Program) Benchmarks are used to define short and long-term outcomes.

Benchmark # 1 – Improved maternal, newborn and child health

PROGRESS MADE TOWARD ACHIEVING Benchmark

Current Report Period: (2011)

During the months of **January - December 2011**, all families were given the following evaluation tools to measure this benchmark: Life Skills Progression, Edinburgh Postnatal Depression Scale, and Healthier Beginnings Intake and Assessment. By using these tools, such things as prenatal care, prenatal use of illicit drugs, maternal depression, well child visits and insurance health status was determined. 9 new families were assessed and admitted to the program. Referrals on 6 families residing in the rural areas of Anderson County had to be referred to other agencies due to our lack of staff to serve this area. We also were unable to assess 4 other referrals from the Oak Ridge area due to lack of staff and high retention rate of our current families in the program. According to Healthy Families America guidelines, each Family Support worker can serve 12-15 families at one time. Out of the 18 families served this year, 10 remain active at this time.

Cumulative: (1998-2011)

- Total Target Population screened
A total of 3,399 families have been screened since the program began. There were 86 screened in 1998, 177 screened in 1999, 191 in 2000, 508 in 2001, 415 in 2002, and 470 in 2003, 697 in 2004, 317 in 2005, 178 in 2006, 112 in 2007, 116 in 2008, 98 in 2009, 23 in 2010, and 11 in 2011. (Significant drop in screens in 2010 and 2011 due to high retention rate of families in program and only assessment worker located in Nashville)
- Positive screens assessed
Of the 3,399 families screened, 376 were appropriate to be assessed. All 376 families were assessed.
- Families enrolled with less than 1% refusal rate
Of the 376 families assessed, 363 assessed positive and entered the program, 8 assessed positive and refused the program, 5 assessed negative. The refusal rate for the program to date is less than 1%.

NARRATIVE.

Current Report Period: (2011)

All but one of our babies received timely well baby examinations. The mother with that one baby is homeless and has had trouble keeping appointments for her baby. Only **one** of our moms evaluated **had signs of maternal depression**. She was immediately referred to counseling. Eleven of our families this year entered the program prenatally. All of them received prenatal medical care. Our newest mom had difficulty keeping prenatal appointments due to being homeless and lack of transportation. Their baby was born premature and remains in the NICU at UT Hospital. They accepted Healthy Start services after the birth of their baby. **All of our babies have health insurance.** 2 of our **moms do not have health insurance**. One of our moms was referred from the MIST program (Ridgeview) which serves moms with babies born addicted to drugs. This mom is working hard in drug rehab and continues to demonstrate that she wants to be a good mom.

Cumulative:(1998-2011)

- A medical home - 100% of Healthy Start babies have had a medical home.
- Well baby check-ups - 95% of Healthy Start babies have completed EPSD&T well checks.
- Maternal depression – statistics have only been kept for 2011; one mom in 2011
- Prenatal care – 97% of the moms in Healthy Start prenatally received prenatal care.
- Illicit Drug Use – approximately 85% of our parents report using drugs/alcohol at some point

Benchmark # 2 – reductions in child maltreatment

PROGRESS MADE TOWARD ACHIEVING Benchmark

Current Report Period: (2011)

During **January - December 2011**, reporting of enrolled children with suspected/substantiated maltreatment was made to the home visitor. During this time frame, only **one** report of suspected neglect was reported on a family. At this time, the investigation is pending. The child remains with the mother in her home.

Cumulative: (1998-2011)

Tennessee state law requires anyone with knowledge of possible child abuse/neglect must report it to DCS. All families are made aware of this law when they enroll in the program. Since the program began in April 1998, there have been less than 10 reports of child neglect made on families participating in the program. Of the 363 families involved in the program, only 7 children have been removed from the home due to neglect, a rate of 1%; none have been removed for abuse.

NARRATIVE.

Current Report Period: (2011)

This year there was one report of child neglect made on a current family. At this time, it is the program's guidelines to drop any family when a substantiated report of child abuse has been made against the parent(s). The guidelines will be re-evaluated to determine if placement of child will alter this guideline (ie-parents have custody then remains in program; removed from parents custody then family will be dropped from program). It is a Healthy Families America guideline that the child has to be in the home for the parent to participate in the program.

Cumulative: (1998-2011)

To date, there has not been a substantiated report of child abuse on a Healthy Start parent; only reports of neglect. There have been **7 children removed from parents care due to child neglect during the past 13 years.**

Benchmark # 3 – Improved child development and school readiness.

PROGRESS MADE TOWARD ACHIEVING Benchmark.

Current Report Period: (2011)

The results of the yearly evaluations completed between Jan.- Dec. 2011.

100% of children in the program showed age appropriate scores on the **Ages and Stages Questionnaire**. This evaluation is to measure the child's communication, language and emergent literacy.

The **HOME Inventory** is also done with the parents. It evaluates the parents' knowledge of child development, parenting skills and bonding with their children. **96%** of our families who were retested at the end of the year had **improved scores** on this evaluation tool.

The **Protective Factors Survey** is administered yearly. It gives the worker knowledge about the parent's emotional well-being or stress levels. **Two of our parents** this year **had a decrease in their scores**; one was homeless and the other was suffering suicidal thoughts. The homeless family is currently staying with family members. The mom who was suicidal is receiving mental health services.

Cumulative: (1998-2011)

This is the first year we have used this combination of evaluation tools. All of them are evidence based and use a pre and post test tool to measure success.

NARRATIVE.

Current Report Period: (2011)

Parents are provided with appropriate activities to help their infant develop age appropriate skills. Every month the parents receive age appropriate books to read to their babies. At home visits, new parents are strongly encouraged and taught how to bond with their babies. At each stage of the baby's development, appropriate methods of interaction are "role modeled" by the Family Support worker, then taught to the parent. The parents are monitored weekly on the quality and quantity of interaction between them and their baby. One of our parents was able to enroll her 3 year old in a preschool program. The child has adapted well to "going to school" and has thrived on the interaction with her peers. This family decided not to continue with Healthy Start/Healthy Families in 2012. Both parents are enrolled in college and work part-time. They have two children, are married, and have good family support.

Cumulative: (1998-2011)

Parents of children who "graduated" from Healthy Start remain in contact with our staff. It is very gratifying to hear these parents talk about how much they learned while they were in the program. They also relate to the support and mentoring they received as a result of their participation in the program. Healthy Start of Anderson County adheres to the Healthy Families America model and has set as a priority reaching the families as early prenatally as possible. "Tennessee was ranked 39th in the nation in the overall care of its children" as noted in the *Annie B Casey 2011 KIDS Count*. Teenagers giving birth have long term negative effects on the moms and babies. These babies are at risk of being low birth weight and preterm. Because of the high percentage of teens in our Healthy Start program, every effort is made to reduce these risks as much as possible. Early and regular prenatal care does more to reduce this risk than any other factor.

Benchmark # 4 – Improved family economic self sufficiency

PROGRESS MADE TOWARD ACHIEVING GOAL(S).

Current Report Period: (2011)

Using the intake/assessment tool, efforts are made for the assessment worker to determine a family's economic situation at the time of the referral. Employment, educational levels and what family members have health insurance are ways that we measure the family's ability to be self sufficient. Use of community resources also indicates how much the family relies on outside help. These questions are asked annually unless there is a significant change in a family's status earlier. 95% of the families in Healthy Start this year had at least once parent who was working and/or in school full time. As mentioned before, two moms were without health insurance this year. Because of the change in the TennCare enrollment for postnatal moms, more of our moms are finding themselves without health insurance after the birth of their baby.

Cumulative: (1998-2011)

Healthy Start/Healthy Families of Anderson County has always assessed the needs and strengths of each family with an initial assessment. Our initial assessment gives the worker a good understanding of what background problems the parents have experienced (for example abuse, lack of family support, unfinished education, knowledge of child development). The workers assists each family in setting and working toward goals, gain problem solving skills and benefit by having appropriate role models

NARRATIVE.

Current Report Period: (2011)

2011 has been a year of much struggle for many of our families due to the economic situation in our nation. Parents have had hours cut on their minimum wage jobs. 95% of our older moms have been employed this year. Many have held more than one job and transportation is always an issue. Only our mom who is in college has been able to improve her work situation. This emphasizes the need for our moms to finish their education (a minimum of a GED) to be able to compete in the workforce. Our families have also experienced a loss of local services for assistance with rent, electricity and other emergency needs. We have seen the effects of this then be transferred to the children, as parents experience so much stress they lose patience with their little ones. Our family support worker maintains contact with Healthy Start/Healthy Families participants with her phone, using texting as a way to monitor their needs and stress levels. The mom that was suicidal required a great deal of in-person contact to monitor her situation and the safety of her child.

Cumulative: (1998-2011)

Becoming self sufficient is a constant struggle for the high risk families served by Healthy Start/Healthy Families. A majority of our moms have at some point been sexually abused. 90% of our moms have not completed a high school education. If they are under 18, they have to reside with family and attend school. Child care is always an issue with these moms. Moms who are over 18 years of age struggle to live on their own. They are eligible for public housing but have no experience managing a household. The Healthy Start/Healthy Families support worker connects families with DHS for food stamps and child care. Early Head Start is also a resource the family support worker relies on to provide quality child care for our babies. The greatest need for aiding families to attain economic self sufficiency is transportation. A few of our families have cars but cannot afford gas or maintenance. Transportation is provided by Healthy Start/Healthy Families to DHS, OB and pediatric appointments and mental health appointments. The staff of Healthy Start/Healthy Families continues to be amazed with the fortitude and perseverance that our families exhibit to overcome their situations. These parents really want to provide a better life for their children.

PROGRAM BUDGET/REVENUE

Annual Healthy Start program budget is:	\$95,000
(Includes 1.5 full time staff)	
Revenue:	
United Way of Anderson County	\$20,000
* Anderson County Commission:	0
Private Donations:	20,000
Fund Raisers	5,000
Grants	15,000
TOTAL REVENUE	\$60,000

*Anderson County Commission suspended monies to all non-profits this year.

Request from City of Oak Ridge **\$35,000**

Nationally, the cost per family for a year of Healthy Start service is \$5,000. Our program averages \$3,855 per family per year. Home visitation is an expensive social services program. Providing trained in-home workers to teach new parents with an evidenced based program requires certain standards be met for hiring and retaining workers. We are also fortunate to have a variety of resources available to our families in Anderson County.

CLIENT DEMOGRAPHICS

Location	# of 2011 Clients	# of Total Clients (1998-2011)
Oak Ridge	9	192
Powell/Claxton	1	14
Clinton City	5	69
Lake City	3	35
Oliver Springs	0	36
Heiskell	0	4
Andersonville	0	6
Briceville	0	3
Norris	0	4
TOTAL	18	363

The numbers reflect the lack of support for families residing outside the Oak Ridge area. A goal of Prevent Child Abuse Tennessee and Healthy Start for 2012 is to secure funding for another Family Support worker to serve the rural areas of Anderson County and to hire a part-time assessment worker.



The Healthy Start Program of Anderson County participates in these additional activities as a way to represent families in Oak Ridge.

Breakfast with Santa

Once again, Healthy Start provided photos with Santa at this event. Photos were taken at the event and then mailed to the parents. The children were able to write letters to Santa that were placed in a large red mailbox. Several craft projects were also provided for the children. It is good to collaborate with the Oak Ridge Youth Advisory Board on this event. Healthy Start/Healthy Families is very fortunate to have a professional photographer donate her time to do this event with us.

Board/Committee membership

Healthy Start/ Healthy Families is also represented on a number of boards and committees in Anderson County.

- on board of Community Action Committee
- a member of the Community Action Board (supported by TN Dept of Children’s Services)
- a member of Anderson County Chamber of Commerce
- a member of the Interagency Coalition of Anderson County Non-Profits
- Trainer for Parent Leadership sponsored by Prevent Child Abuse Tennessee

In summary, we are providing the Healthy Start program, photos with Santa at the annual Breakfast with Santa for Oak Ridge residents and a variety of memberships in groups that work to promote the wellbeing of children in Anderson County. During 2012, we intend to serve approximately **75 families** with these programs. We continue to find ways to help all parents learn how to be “the best they can be” by providing a variety of programs to meet a variety of needs in this community.

As a society we must decide whether we will pay to prevent child abuse now or suffer the greater financial and emotional costs later.

RESOLUTION

A RESOLUTION APPROVING A GRANT AGREEMENT WITH PREVENT CHILD ABUSE TENNESSEE FOR USE IN THE HEALTHY START OF ANDERSON COUNTY PROGRAM AND AUTHORIZING THE DISBURSEMENT OF BUDGETED FUNDS IN THE AMOUNT OF \$31,850.00 FOR THIS PURPOSE.

WHEREAS, Tennessee Code Annotated § 6-54-111 authorizes municipalities to appropriate funds for the financial aid of nonprofit charitable or civic organizations provided such organizations meet the requirements of the law; and

WHEREAS, pursuant to said statute, on June 4, 1979, City Council adopted *Guidelines for Disbursement of Funds to Charitable Not-for-Profit Organizations* which incorporate the requirements to be met by the organizations to qualify for such funds; and

WHEREAS, on May 29, 2012, City Council adopted the Fiscal Year 2013 budget for the City of Oak Ridge, which budget contains an appropriation of \$31,850.00 as a grant for the Prevent Child Abuse Tennessee, Healthy Start of Anderson County; and

WHEREAS, Prevent Child Abuse Tennessee has met the City's *Guidelines for Disbursement of Funds to Charitable Not-for-Profit Organizations*.

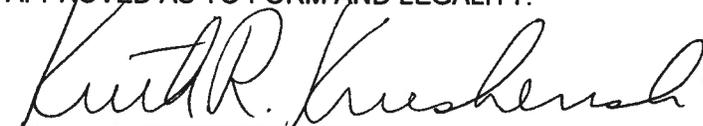
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the grant agreement is approved and the City Manager is hereby authorized and directed to disburse budgeted funds in the amount of \$31,850.00 to Prevent Child Abuse Tennessee for use in the Healthy Start of Anderson County Program, contingent upon submitting the required final expenditure report as required by last year's grant agreement.

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

This the 22nd day of October 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTIONS

CITY CLERK MEMORANDUM

12-47

DATE: October 15, 2012
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: AGENDA AMENDMENT TO CONSIDER THE SOLICITORS ORDINANCE AND RESOLUTION JOINTLY

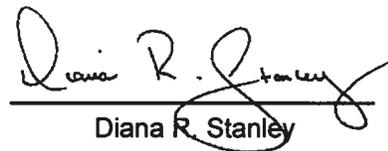
Included on the October 22, 2012 City Council agenda is (1) a resolution establishing fees for solicitor permits and a fee for obtaining replacement credentials for solicitors and (2) an ordinance that amends the Title 9 of the Code of Ordinance titled "Businesses, Peddlers, Solicitors, etc." to update provisions which was approved on first reading at the October 8, 2012 City Council meeting.

The City Clerk would ask that Council consider amending the agenda to consider the solicitor resolution immediately following consideration of the solicitor ordinance amendment given that approval of the solicitor resolution is contingent upon approval of the ordinance.

The City Clerk recommends to the following amendment:

Consider the resolution titled "a resolution setting forth non-refundable fees for solicitor permits and a fee for obtaining replacement credentials for solicitors" under "Resolutions" *immediately following* consideration of the ordinance titled "an ordinance to amend Title 9, titled "Businesses, Peddlers, Solicitors, etc.," of the Code of Ordinances, City of oak ridge, Tennessee, by deleting Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," and substituting therefor a new Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," in order to update the provisions" under "Final Adoption of Ordinances."

This amendment should minimize confusion and keeps all other agenda items cohesive in their relation to subject matter.


Diana R. Stanley

**ELECTRIC DEPARTMENT MEMORANDUM
12-24**

DATE: October 11, 2012
To: Mark S. Watson, City Manager
From: Jack L. Suggs, Electrical Director
SUBJECT: SETTING OF FEES FOR SOLICITORS

At the October 8, 2012 meeting, Council approved the first reading of an ordinance to amend title 9, titled "businesses, peddlers, solicitors, etc." of the code of ordinances. Section 9-105 of the ordinance provides that fees collected under the authority of the ordinance will be adopted by Council Resolution.

The attached resolution sets fees as required should the ordinance be adopted on second reading. The justification for the fees, as well as an explanation of the changes being made are described in the Joint Memorandum, Electric Department 12-21, Legal Department 12-53.

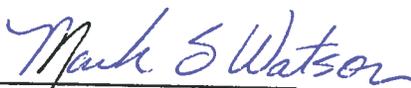
Staff recommends approval of the attached resolution.



Jack L. Suggs
Electrical Director

City Manager's Comments:

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



Mark S. Watson

10/17/12
Date

RESOLUTION

A RESOLUTION SETTING FORTH NON-REFUNDABLE FEES FOR SOLICITOR PERMITS AND A FEE FOR OBTAINING REPLACEMENT CREDENTIALS FOR SOLICITORS.

WHEREAS, by City Code §9-105, a fee shall be established by resolution of City Council to set forth the non-refundable fee amount to cover the cost of processing solicitation applications and investigating the facts contained in said applications; and

WHEREAS, the City Manager recommends approval of the fee schedule set forth below.

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 following non-refundable permit fees are hereby established:

Solicitor Permit: \$40.00

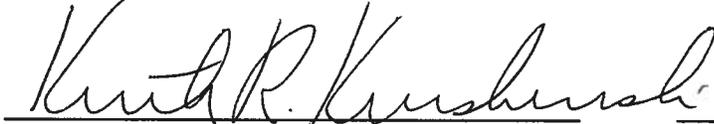
Non-Profit Organizations' Solicitor Permit: \$15.00 plus \$0.50 per solicitor

Replacement Credentials: \$5.00

BE IT FURTHER RESOLVED that this resolution shall become effective on November 1, 2012, which is the effective date of the ordinance amendment to City Code §9-105.

This the 22nd day of October 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CITY COUNCIL MEMORANDUM

12-31

DATE: October 17, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: ALEXANDER INN AND GUEST HOUSE

The Oak Ridge City Council is scheduled to review the request for the Alexander Inn PILOT project this coming Monday. This application has been previously discussed and reviewed by the Oak Ridge Industrial Development Board, (IDB). They have unanimously recommended acceptance and approval of the request.

The IDB typically has the ability to approve requests that "fit" the matrix adopted by the City Council by Resolution No. 10-99-10 on October 12, 2012. The Alexander Inn is different from those outlined by the matrix, but nevertheless is a project that merits consideration. That is why they matter is being forwarded to the City Council. As a historical building of major significance to the City of Oak Ridge, I encourage the use of this historical aspect as reasoning for consideration of a PILOT.

The applicant, Family Pride Corporation of Loudon, Tennessee, is recognized for conducting similar projects in the region such as renovation of the former Lenoir City High School. Proposed use of the funding from such a PILOT will primarily be for: 1) realignment of the 42" public storm sewer line presently located under the annex, 2) provision of a new access point for Madison Street to connect with Broadway and 3) assistance on further environmental cleanup on such things as asbestos removal. The total anticipated investment will be \$4,752,000 in private investment for an assisted living center.

Presently, the City of Oak Ridge realizes approximately \$3,900 in property taxes with the existing land valued at an estimated \$137,000 and the dilapidated building at \$163,000 in value. Anderson County receives the same amount in property taxes at approximately \$3,900. The PILOT program will be a 10-year application of the new value difference to be applied to the public benefits (road, storm sewer and repairs). The base amount of approximately \$3,900 will be retained for both government entities, sustaining the property taxes that are currently received. The applicant will essentially be reimbursed through its taxes for the coming ten years. The applicant will proceed with financing the project through its own construction loans, while having additional dollars credited to the business in coming years.

The citizens of Oak Ridge have had mixed reactions to the Alexander Inn over previous years. This is an opportunity to put the building back into a state of adaptive re-use, versus the City of Oak Ridge and its taxpayers facing an estimated \$200,000 for code removal of the building. The project would not occur without a public/private partnership for the public improvements, nor would the City have an immediate active use for the building. The applicant believes the market is here in Oak Ridge for such a facility and looks forward to making this project a reality.



Mark S. Watson

Attachments:

Letter from David Wilson, Vice Chairman of the IDB on Board's Recommendation
PILOT Application for Alexander Inn as presented in October 1, 2012 IDB Agenda Packet
Map of Alexander Inn Property and Utilities
Signed Copy of Resolution No. 10-99-10

IDB

**Industrial
Development
Board
of the City of
Oak Ridge**

P.O. Box 1
Oak Ridge,
Tennessee
37831-0001

P 865.425.-3414
F 865.425.3409
www.cortn.org

Board of Directors

William J. Biloski
Chairman

David E. Wilson
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Secretary-Treasurer

Richard G. Chinn

Louise B. Dunlap

Chris Johnson

David L. Mason

H.D. Osucha

Buzz Patrick

Sandy B. Sexton
Executive Assistant

October 12, 2012

Honorable Mayor and Members of City Council

RE: Alexander Inn PILOT/Family Pride Corporation

At its October 11, 2012 Special Meeting of the Oak Ridge Industrial Development Board voted to recommend to City Council a 10 year PILOT incentive of 90% for the proposed renovation of the historic Alexander Inn to become Alexander Senior Living, LLC.

It is believed crucial to the economy and the residents of the City to help ensure that this project maintains its historic integrity.

We respectfully request your acceptance of the IDB's carefully considered recommendation.

Sincerely,



David Wilson
Vice-Chairman

CC: IDB Members
Mark Watson
Ken Krushenski
Janice McGinnis
Parker Hardy
Kim Denton

CITY OF OAK RIDGE



OFFICE OF THE CITY MANAGER
TELEPHONE (865) 425-3550

POST OFFICE BOX 1 • OAK RIDGE, TENNESSEE 37831-0001

To: Chairman Biloski and
Members of the Oak Ridge IDB
From: Mark S. Watson, City Manager
Re: PILOT Application for Alexander Inn
Date: September 27, 2012

The Oak Ridge Industrial Development Board has received an application for a PILOT from Alexander Inn Senior Living, LLC (by Family Pride Corporation). The applicant proposes the restoration and adaptive reuse of the Alexander Inn which has been in a state of disrepair for many years and the source of numerous initiatives to either preserve or demolish the property. As part of the recent DOE Memorandum of Understanding for K-25, the above buyer has proposed the reuse of the facility for a senior assisted living center.

The City Manager's office has reviewed the application and its required reports and approves it being brought to the Board for consideration. The project will be briefed with the IDB on Monday, October 1st at their regular meeting. The application and a summary of proposed costs and overall background of the applicant are provided for your review. The Family Pride Corporation is also involved with the Oakwood School Project in Knoxville, so they have been involved with similar rehabilitation projects in the region.

Action by the IDB may not occur for 14 days from the date of application. Posting of a special called meeting for Thursday, October 11 has been made for the IDB to forward a recommendation to the City Council. Since the preservation of this property may not fit the existing matrix of the IDB, after consultation with Mr. Biloski and the City Attorney, it is suggested that a concurrence of the Board to allow the PILOT and any suggested special extenuating terms for the PILOT be advised. I will look forward to working with Chairman Biloski in the interim to make sure you are certain of the proper process for a recommendation outside of the matrix. I have asked Ray Evans to join you on Monday to introduce our applicant and be available to address any city related questions.

The Alexander Inn has been a matter of concern by this City for many years. The opportunity to place it back in active use does not come along often. I look forward to working with you in addressing the request and am available to answer any questions.

Mark S. Watson
City Manager



Submittal Information for IDB PILOT Application

APPLICANT: Alexander Senior Living, LLC (by Family Pride Corporation, in cooperation with InSite Development Corporation)

DATE: September 25, 2012

ENCLOSED:

- Fully completed, signed application
- Check for application fee
- Phase I Environmental Site Assessment (under separate cover)
- Financial statement available for review

Mail: 418 S. Gay Street ♦ Box 201 ♦ Knoxville, TN 37902
865.803.6533 ♦ wb@insiteknoxville.com ♦ www.insiteknoxville.com

**Appendix D
 Application for PILOT (Payment In Lieu of Taxes) / Grant Assistance
 Industrial Development Board
 of the
 City of Oak Ridge, Tennessee**

I. Applicant:

Company Name: ALEXANDER SENIOR LIVING, LLC (by Family Pride Corp.)
 Mailing Address: 1125 GROVE ST
 City: LOUDON State: TN Zip: 37774
 Telephone: 865-924-0791 Fax: 865-458-0960
 Federal Employer Identification Number: 62-1539795

Company Representative to be contacted:

Name: WAYNE BLASIUS Title: PRESIDENT, INSITE DEVELOPMENT CORP.
 Mailing Address: 418 S. GAY STREET, BOX 201
 City: KNOXVILLE State: TN Zip: 37902
 Telephone: 865-803-6533 Fax: n.a.
 E-mail address: wb@insiteknoxville.com

Description of Principal Business:

SENIOR LIVING OPERATOR

SIC/NAICS (if known): _____ Legal Structure: LLC
 If a corporation, state of incorporation: TN
 If foreign corporation, is it registered to do business in Tennessee? _____ Yes _____ No

Principal Owner (if applicable):

Company Name: FAMILY PRIDE CORPORATION
 Mailing Address: 1125 GROVE STREET
 City: LOUDON State: TN Zip: 37774
 Telephone: 865-924-0791 Fax: 865-458-0960
 Federal Employer Identification Number: 62-1539795

Company Representative to be contacted:

Name: RICK DOVER Title: GENERAL MANAGER
 Mailing Address: - SAME -
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-mail address: _____

Description of Principal Business:

SENIOR LIVING OPERATOR

SIC/NAICS (if known): _____ Legal Structure: C CORP.
 If a corporation, state of incorporation: TN
 If foreign corporation, is it registered to do business in Tennessee? _____ Yes _____ No

II. Name and address of any of the following involved in the project:

Legal Counsel

Name: STEVE WISE; WISE & REEVES, PC Title: PARTNER
Mailing Address: TWO CENTRE SQUARE; 625 S. GAY ST; SUITE 160
City: KNOXVILLE State: TN Zip: 37902
Telephone: 544-1199 Fax: 544-1198
E-mail address: SVWIS@WRPCLTN.COM
Name: _____ Title: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail address: _____

Project Engineer(s)

Name: MUSE ENGINEERING Title: MICHAEL MUSE, OWNER
Mailing Address: 1709 MIDPARK DR
City: KNOXVILLE State: TN Zip: 37921
Telephone: _____ Fax: _____
E-mail address: _____

Name: _____ Title: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail address: _____

Project Architect(s)

Name: WILLARD RATLIFF, AIA Title: ARCHITECT / OWNER
Mailing Address: 1709 MIDPARK DRIVE
City: KNOXVILLE State: TN Zip: 37921
Telephone: 588-5717 Fax: _____
E-mail address: WRP@YAHOO.COM

Name: _____ Title: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail address: _____

General Contractor(s)

Name: FAMILY PRIDE CORPORATION Title: RICK DOVER, G.M.
Mailing Address: - SAME -
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email address: ricksdover@familypridecorp.com

Name: _____ Title: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email address: _____

Does applicant or sponsor of the project have an application pending or intend to apply for industrial revenue bond financing for this or a similar project with any other board in the City of Oak Ridge?

Yes No If yes, please attach a detailed explanation.

Does applicant or sponsor have present plans to incur indebtedness or other financial obligations, which would materially affect its financial condition other than the financing applied hereby?

Yes No If yes, please attach a detailed explanation.

Does applicant or sponsor of the project know of any proposed or pending tender offers, mergers, or acquisitions by or affecting applicant or sponsor of the project or any other materially significant corporate event in any way affecting application or sponsor of the project?

Yes No If yes, please attach a detailed explanation.

III. Project Location/Ownership:

Street address: 210 E. MADISON ROAD
City: OAK RIDGE County: ANDERSON State: TN

Vicinity Map: Please attach with general location of site shown.

Attach a copy of deed (or surveyor's description) detailing property's metes and bounds description or other legal description.

Who owns the property at this time? OAK RIDGE REVITALIZATION EFFORT

Does applicant have an option to purchase the property if not already owned by applicant?
 Yes No

Are there presently outstanding any options or liens with regard to the property?
 Yes No

Give a brief description of the activities to be performed at this location, including a description of products to be produced and/or services to be provided:

REHABILITATION & REUSE OF THE HISTORIC ALEXANDER INN, INTO A LICENSED ASSISTED LIVING CENTER SERVING SENIORS, WITH A PORTION DEDICATED TO ALZHEIMERS/MEMORY LOSS DEMENTIA CARE. THIS NEARLY \$6 MILLION PROJECT WILL EMPLOY 40 PEOPLE AND HAVE AN ANNUAL ECONOMIC IMPACT OF OVER \$2.7 MILLION.

Current Zoning: R-3

Is the property zoned appropriately for intended use by this project? Yes No

IV. Tax Information:

Obtain the latest property tax statement from the Anderson or Roane County Assessor's Office (include both real and any existing tangible personal property).

Real Property

Tax parcel ID number (s): 094 P, GROUP D, PARCEL 31.00
Current assessment: BUILDING: \$147K; LAND: \$137K
Current tax: CITY: ~\$3900; CO: ~\$3900
Will this project result in the subdivision of any current tax parcel? Yes No

Tangible Personal Property

Tax parcel ID number (s): _____
Current assessment: _____
Current tax: _____

Are there any assessments under appeal? Yes No
If yes, please describe:

V. Capital Investment:

Land: Acreage: 3.13 ACRES Cost: \$ 350,000.00
Site Preparation Cost: \$ 275,000
Real Property (Building): Square Footage 44,000 Cost: \$ 4,752,000
Personal Property Cost: \$ 250,000.00

Indicate total capital investment forecast by year:

Year 1: \$ 4,752,000
Year 2: \$ _____
Year 3: \$ _____

Briefly describe these investments (types of tangible personal property, type of site development planned for this location and other improvements):

PUBLIC IMPROVEMENTS, ENVIRONMENTAL REMEDIATION, SITE PREPARATION, AND HISTORIC REHABILITATION OF THE FORMER ALEXANDER INN GUEST HOUSE, INTO A LICENSED ASSISTED LIVING FACILITY.

VI. Construction Estimate:

Start Date: Month: JAN. 2013 Year: 2013
Completion Date: Month: JAN. Year: 2014

Describe any off-site infrastructure proposed for new public investments:

NEW DRIVEWAY CONNECTION BETWEEN E MADISON AND BROADWAY ST; PLUS RELOCATION OF CITY STORM SEWER WHICH CURRENTLY RUNS THROUGH THE SITE.

Describe below construction estimates and anticipated infrastructure requirements:

Water:

NEW SIX INCH (6") WATER LINE SERVICE TO BUILDING.

Sanitary Sewer:

NEW SANITARY SEWER TO CITY MAIN.

Electric:

NEW 3 PHASE ELECTRIC SERVICE

Streets:

ADD DRIVEWAY CONNECTION BETWEEN E. MADISON AND BROADWAY.

Storm Sewer:

RELOCATE EXISTING CITY STORM SEWER LINE WHICH RUNS THROUGH PROPERTY AND UNDER BUILDING.

Other:

Have project utility requirements been reviewed by the appropriate local utility providers?

Yes

No

Certified Energy Efficiency construction, such as LEED®:

Will project be Certified Energy Efficiency construction? Yes

No

If yes, Certification information shall be provided with your application.

All properties subject to this PILOT application will meet the Federal and State of Tennessee ADA (American with Disabilities Act) regulations at the time of construction. Yes

VII. Wages/Jobs/ Residency:

Attach number of jobs listing by year, as formatted below, and the average per capita wages by major employment type category (Officials and Administrators, Professionals, Technicians, Protective Service Workers, Paraprofessionals, Administrative Support, Skilled Craft Workers, Service-Maintenance, Others).

<u>Year #1 - 30</u>	<u>Year #2 - 5</u>	<u>Year #3 - 5</u>
<u>Jobs # /Category/Salary</u>	<u>Jobs # /Category/Salary</u>	<u>Jobs# / Category/ Salary</u>
ADMIN & NURSING - \$40-60K	CAREGIVER &	CAREGIVER &
CAREGIVER & FOOD SERVICE - \$15-20K	FOOD SERVICE - \$15-20K	FOOD SERVICE - \$15-20K

Additionally indicate number of employees living within the City of Oak Ridge by job category per years 1-3 including salary as formatted above. **ALL EMPLOYEES TO BE LOCAL TO EXTENT POSSIBLE. THAT IS CORP. POLICY. ALL 40 JOBS @ FULL OCCUPANCY, SO COULD BE PRIOR TO YEAR 3.** Wages, jobs and residency requirements shall be achieved as set out in the PILOT agreement between the applicant and the Industrial Development Board. An annual report of achievement is required by December 31 each year for the term of the PILOT agreement.

VIII. Environmental Impacts:

Attach a Phase I Environmental Audit or equivalent addressed to the Industrial Development Board. Discuss any environmental impacts created by the project.

IX. Type of Assistance Requested

PILOT (fully describe PILOT requested): **\$643,841, NET TO PROJECT; PLUS FEES AND EXPENSE TO BE PAID AS PART OF PILOT APPROVAL PROCESS. ESTIMATED AT TEN-YEAR PILOT @ 90% OF NEW TAX REVENUE, W/ 10% RETAINED BY CITY/COUNTY FROM DAY ONE.**

Grant (fully describe grant requested): _____

Justification for PILOT/Grant request: (substantiate and fully describe the justification for this request): **PROJECT IS NOT ECONOMICALLY FEASIBLE W/O PILOT FUNDS REQUESTED. IN LIGHT OF EXTREME BLIGHT, ENVIRONMENTAL HAZARDS, DETERIORATION AND CODES ISSUES RESULTING FROM NEGLECT, DEFERRED MAINTENANCE AND PAST PUBLIC POLICY IMPACTS.**

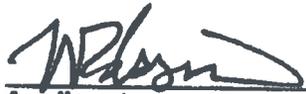
X. Financial Information:

Attach copies of the most recent, preferably audited financial statements. If publicly held corporation, attach a certified statement of the corporation's net worth with corresponding disclosure notes as provided in the applicant's latest approved/audited financial statement.

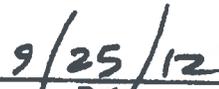
XI. Certifications:

This application is made in order to induce the City of Oak Ridge, Tennessee and the Industrial Development Board of the City of Oak Ridge to grant financial incentives to applicant and sponsor. Applicant and sponsor represent and warrant that the statements contained herein or attached hereto are true and correct to the best of their knowledge and include all information materially significant to the board and its consideration of this application.

Applicant and sponsor have read and agree to comply with all requirements of the application procedures and policies of the City of Oak Ridge, Tennessee and the Industrial Development Board of the City of Oak Ridge. Applicant specifically agrees to pay all reasonable costs, fees and expenses incurred by the Board in connection with this application, whether or not the financial incentives are granted or this project built.



Applicant



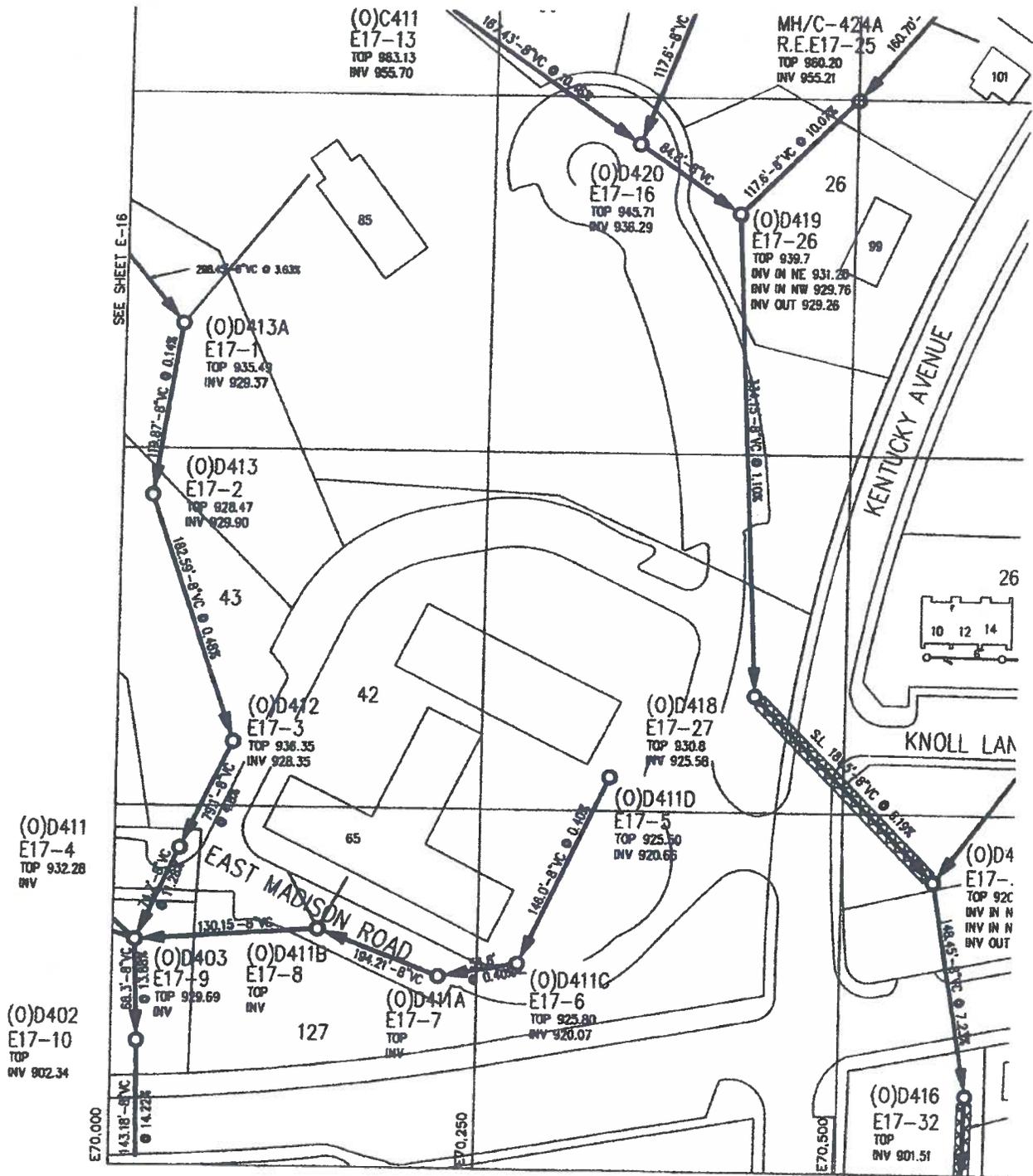
Date



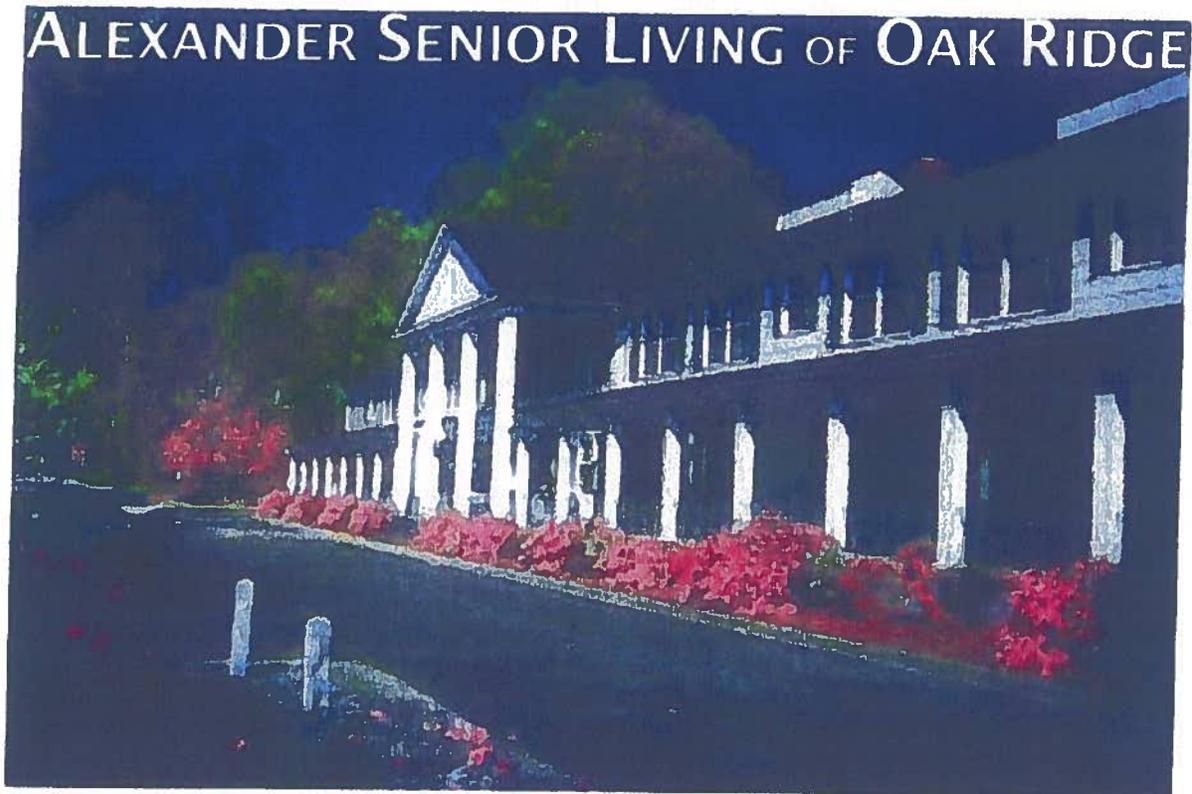
Owner



Date



**a proposal and request for assistance
in conversion of the Historic Alexander Inn to**



Submitted, **September 25, 2012**, to:
the **City of Oak Ridge, Tennessee** by:





865-924-0791
familypridecorp.com
1125 Grove Street
Loudon, Tennessee 37774

September 25, 2012

Mr. Mark S. Watson
City Manager
PO Box 1
Oak Ridge, TN 37831

Dear Mr. Watson:

We appreciate the encouragement and information provided by you and your staff as we have prepared the enclosed proposal and request for City assistance. While virtually all parties agree that 'rebirth' of the historic Alexander Inn is vitally important to Oak Ridge, no past effort has come to fruition. With the City's assistance, we are certain we can return it to its former glory, and at the same time, position it to be a significant contributor to the local economy.

To that end, we are very pleased to submit this request for assistance from the City of Oak Ridge in repurposing the Alexander Inn to become Alexander Senior Living of Oak Ridge. Our team has the experience, passion, and financial capability needed to return this historic icon to its place as a contributing institution for the neighborhood, the City of Oak Ridge and all of East Tennessee.

This request is being submitted by a team comprised of Family Pride Corporation and InSite Development Corporation, on behalf of Family Pride Corporation, a registered Knox County women-owned business.

Family Pride Corporation
Lucy E. Dover, President
Laurie L. Dover, Corporate Secretary
Rick Dover, General Manager
1125 Grove Street, Loudon, TN 37774
rickdover@familypridecorp.com; 865.924.0791
lauriedover@familypridecorp.com

Contact, re: this proposal:
Wayne Blasius, President
InSite Development Corporation
418 S. Gay Street, Box 201
Knoxville, TN 37902
wb@insiteknoxville.com; 865.803.6533

We confirm that the undersigned, and their assignees, have the authority to submit this proposal, respond to related inquiries, and negotiate on behalf of Family Pride Corporation with respect to the proposal.

Sincerely,



Lucy E. Dover, President
Family Pride Corporation

9-25-12
date



Wayne Blasius, President
InSite Development Corporation

I N D E P E N D E N T L I V I N G
A S S I S T E D L I V I N G
A L Z H E I M E R S C A R E
A D U L T D A Y C A R E

INTRODUCTION



“Through her doors walked some of the greatest minds of the 20th century; men who were instrumental in bringing about an end to a terrible world war ... is this to be forgotten?”

Wise words from Mary Oster’s letter to the Oak Ridger’s editor.

According to Knox Heritage, “During the Manhattan Project in the 1940’s, the Guest House in Oak Ridge was the sole lodging option for visiting scientists, which means dignitaries such as J. Robert Oppenheimer, Enrico Fermi, and Secretary of War Henry Stimson, stayed at the hotel. Additionally, the hotel and its restaurant were the heart of Oak Ridge’s social community for many generations.”

While not Oak Ridge based, our firms were founded in East Tennessee and are committed to historic renovation and neighborhood revitalization, as evidenced by the many historic renovations each has completed. We are keenly aware that the deterioration of this property has had a serious negative impact on the neighborhood and created a sense of loss to the Oak Ridge community at large. We believe our proposal provides an opportunity to stabilize the building and neighborhood, and return this important landmark to its former glory.

Under our proposal, the Alexander inn property would be renovated into - ALEXANDER SENIOR LIVING OF OAK RIDGE- an assisted living facility, licensed by the State of Tennessee, to serve the needs of senior adults and their families. The buildings would house approximately 60 units of assisted living, with a portion of the property dedicated to seniors dealing with Alzheimer’s disease and related memory-loss dementia issues.

This conversion to assisted living will benefit the neighborhood, the City of Oak Ridge, and

Anderson County in many important ways.

We truly believe completion of this project will:

- return a legitimate institutional use of the property to the neighborhood;
- return the property to the tax rolls, generating County and City property taxes estimated at more than \$86K per year;
- provide approximately 40 new jobs in the neighborhood, with a total payroll of approximately \$900,000 per year; and
- a total annual economic impact of over \$2.7 million (see table on p. 3);
- provide 24/7, positive activity, without a significant amount of auto traffic;
- preserve a significant historic structure;
- allow Oak Ridge residents an iconic place to remain in their community when they can no longer take care of their own homes and/or medical needs;
- improve property values for neighboring property; and
- not require on-going public funding in order to be maintained, after initial gap-filler.



There are those who have suggested that the building is beyond repair. While there are very significant and costly issues to be addressed, our firms have successfully rehabilitated multiple properties in as dilapidated – or worse – condition. Due to years of deferred maintenance, the transformation of Alexander Inn into an assisted living facility will require remediation of environmental hazards and correction of structural and code issues, plus complete exterior and interior renovation, and replacement of mechanical and electrical systems. The purchase, rehabilitation and furnishing of the former Alexander Inn will require a total investment of nearly \$6 million.

SUMMARY OF PROPOSED IMPROVEMENTS

Upon completion, ALEXANDER SENIOR LIVING OF OAK RIDGE will provide studio, one and two bedroom suites on a monthly rental basis. There will be no deposits or “buy-in” fees required, and the monthly rental rates will include:

- trained staff and nurses 24/7;
- complete meal service daily with snacks;
- medication monitoring;
- local transportation;
- daily exercise and wellness programs;
- on site physical therapy;
- utilities;
- full time activities director; and
- all building maintenance, cleaning and future improvements.

The primary area to be served by ALEXANDER SENIOR LIVING OF OAK RIDGE is a ten mile radius around the property. The facility will provide much needed care for seniors in the area, and peace of mind for their families. Additionally, the project will generate approximately forty new, permanent jobs, with an estimated annual payroll of \$900,000. These jobs will include:

- Administrator/ - Physical Therapists
- Executive Director - Resident Care givers
- Business Manager - Cooks and servers
- Director of Nursing - Housekeeping
- Staff Nurses - Activities Director
- Maintenance personnel

Family Pride Corporation (FPC) has always emphasized local hiring, and we would have the same approach at Alexander Senior Living. As evidence, we renovated a former school Lenoir City into assisted living, which now employs many former students, and houses several former teachers – all are local citizens.

The exterior of the building will be cleaned, repaired and fully restored to its former glory. Windows will be replaced, and landscaping will be renovated and expanded. Analysis of eligibility for Federal Historic Tax Credits is underway and required by our agreement with Knox Heritage, and it is our intention to complete the rehabilitation the strict preservation guidelines demanded by such designation. Family Pride and InSite Development are both committed to completing renovations appropriate to the building’s heritage and in keeping with neighborhood character.

The Alexander inn will be transformed into an assisted living facility that all Oak Ridger’s will be proud to support – and in some cases, move in to! It is our goal to combine historic designation with a major capital investment, to provide local jobs and a first-class facility managed by a proven, East Tennessee operator.

As shown in more detail in the table below, the project will have significant economic impacts in addition to its positive impact on neighborhood stabilization.

In all, the annual estimated economic benefits total over \$2.7 million. In brief, these include:

- Over \$86K in County-City property taxes;
- Over \$3500 in County & City personal property taxes generated;
- Over \$27,000 in State and local sales taxes generated;
- Approximately \$300,000K per year in spending for food, supplies and other operational expenses, which will primarily go to local businesses; and
- A payroll impact of over \$1.8 million once those salaries recalculate in the local economy.



ECONOMIC BENEFITS SUMMARY

As detailed below, the project will provide significant economic benefits to taxpayers, workers and area vendors, in addition to its objective of saving and reusing and important historic landmark.

Estimated Economic Benefits of Alexander Senior Living Center of Oak Ridge

	Anderson County	City of Oak Ridge	State of Tenn.	Anderson County Schools	Total Gov't Tax Revenues	Private Business	TOTALS	Comments
Estimated Property Value	\$4,277,610						\$4,277,610	Developer's building cost estimate times 90% for tax appraisal.
Property Tax	\$40,210	\$40,894	\$0		\$81,103	\$0	\$81,103	Estimated by Developer, and confirmed by City of Oak Ridge
Personal Property Tax	\$1,763	\$1,793			\$3,555		\$3,555	Based on FF&E of \$250,000.
Sales Tax	\$945	\$945	\$21,000	\$4,860	\$27,750		\$27,750	Based on annual taxable operating expenses of \$300,000.
Purchase of supplies, etc. (x multiplier)						\$756,000	\$756,000	\$300k, above, x multiplier of 2.52*
Staff Salaries (x multiplier)						\$1,845,000	\$1,845,000	\$900k x a multiplier of 2.05*
Total Annual Impact	\$42,917	\$43,631	\$21,000		\$107,548	\$2,601,000	\$2,713,408	
Assistance requested		\$643,841					\$643,841	Direct need; not including program fees/expenses.
Tax Revenue applied for repayment					\$72,993			Assumes 90% of new taxes applied.
Payback (years)		8.82	n.a.	n.a.	5.99	n.a.	0.24	Assumes City & County taxes, but not Schools.

* multipliers determined by averaging the range of multipliers for assisted living, nursing home and medical jobs and related institutional purchases, found in published reports.



BUDGET SUMMARY

As detailed below, the total project cost will be nearly \$6 million. These costs include required public improvements, property purchase, remediation of environmental hazards and blighted/unsafe building components, rehabilitation and adaptation to new use, soft costs, and furnishings.

Alexander Senior Living of Oak Ridge						
Development Budget	Cost	Eligible for HTC	Eligible for Dev Fee	Included In Contingency	Total	Comments
Hard Costs						
Property Purchase	\$350,000		\$350,000			
Blighted/Unsafe Components removal and replacement						
a. Demo and removal of unsafe structure	\$63,000	\$63,000	\$63,000	\$63,000		severely damaged former ballroom area
b. Structural replacement of unsafe structure	\$261,000	\$261,000	\$261,000	\$261,000		
c. Repair/rehab of structural deficient components	\$64,600	\$64,600	\$64,600	\$64,600		
Environmental Remediation						
a. Asbestos Abatement	\$110,000	\$110,000	\$110,000	\$110,000		
b. Lead Paint remediation	\$39,600	\$39,600	\$39,600	\$39,600		
c. Mold removal	\$13,200	\$13,200	\$13,200	\$13,200		
ADA/Codes compliance	\$66,500	\$66,500	\$66,500	\$66,500		
Site/Parking/Landscape/signage	\$45,000	\$45,000	\$45,000	\$45,000		
Building Rehabilitation, Remodeling and Interior Improvements	\$3,740,000	\$3,740,000	\$3,740,000	\$3,740,000		
Subtotal	\$4,752,900	\$4,402,900	\$4,752,900	\$4,402,900	\$4,752,900	



Public Improvements						
Storm Sewer relocation	\$131,250					design and cost estimate by City of OR
Road relocation	\$69,220					design and cost estimate by City of OR
contingency	\$30,071					15%
Subtotal	\$230,541				\$230,541	

Soft Costs						
Insurance/tax	\$20,000					
Interest/Financing fees	\$125,000					
Legal/Acctg	\$20,000	\$20,000	\$20,000			
Design Fees	\$154,102	\$154,102	\$154,102			3.5% on all items eligible for contingency
Developer Fee	\$172,445					3.5%, deferred/paid as available.
Subtotal	\$491,547	\$4,577,002	\$4,927,002		\$491,547	
FF&E	\$250,000				\$250,000	
Contingency	\$220,145				\$220,145	5% on selected line items
GRAND TOTAL					\$5,945,132	

PAST EXPERIENCE AND CAPABILITIES OF DEVELOPERS

Family Pride Corporation and InSite Development Corporation have both completed multiple, historic renovation/re-purposing projects that are directly applicable to the proposal for Alexander Inn. Family Pride Corporation has a history of successful renovation projects including three former municipally-owned properties (one school and two hospitals) that have been converted into assisted living facilities. The company continues to operate these facilities, and is committed to long term quality care for seniors. InSite has focused primarily on historic adaptation of buildings in Downtown Knoxville into mixed-use commercial/residential facilities. The relevant past projects of these firms totals more than \$40 million and over 330,000 square feet of renovated historic structures.

The firms are currently teaming up to restore a long-vacant school in Knoxville's Oakwood neighborhood into an assisted living facility similar to that proposed for the Alexander Inn. Similar to the Alexander inn, Oakwood School was once-proud neighborhood landmark that had deteriorated into an eyesore.

Both firms have won awards and public praise for the results of their development efforts. The following highlights several relevant projects by each firm. Additionally, a video clip of a 2011 WBIR feature on Family Pride Corporation's efforts in Loudon County can be found at: <http://www.wbir.com/video/default.aspx?bctid=90914844001#/Local%20News/Your%20Stories%3A%20The%20Dover%20Family/44024439001/39627146001/90914844001>

FAMILY PRIDE PROJECTS

River Oaks Place Independent and Assisted Living, Lenoir City, Tennessee



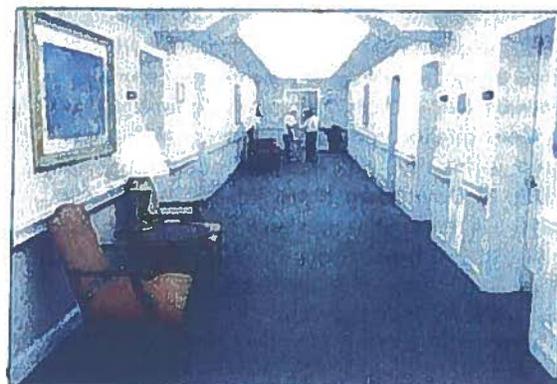
This 53,000 square foot, former Lenoir City Middle School building, dates back to 1908 with an addition in the 1950's. FPC purchased the building in 1995 from the City of Lenoir City via RFP, and opened with 15 Independent living seniors' apartments in 1996. Twenty-one units of assisted living were added in 1997 along with three workforce housing apartments. A 35,000 square foot addition followed in 2004 which



added 32 additional one and two bedroom apartments licensed for assisted living. Total 71 units.

River Oaks Place, Assisted Living, Loudon, Tennessee

This facility was a former county hospital from 1939 to 1971, and later used as office space for county government. It was vacant, and condemned when FPC purchased the property via an RFP from county government in 1998. The 30,000 square foot building underwent total remodeling and reopened in 1999 with 32 assisted living units and one workforce housing apartment. A three story, 6,000 square foot, eight unit addition was completed in 2009 bringing the total number of assisted living units to 40.



Lakewood Place Assisted Living, Loudon, Tennessee



This 55,000 square foot three story concrete structure was originally built in 1971 and served as the county hospital until a new hospital was built in 2006. FPC purchased the property in 2006 from county government via RFP, and began renovation two days after the hospital ceased operations; opening fourteen months later after a total remodeling makeover. A two story addition was completed as part of the project along with redesigned

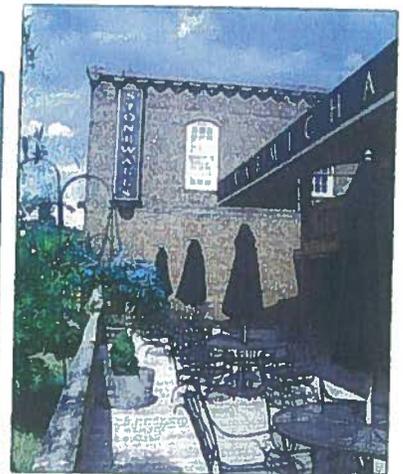
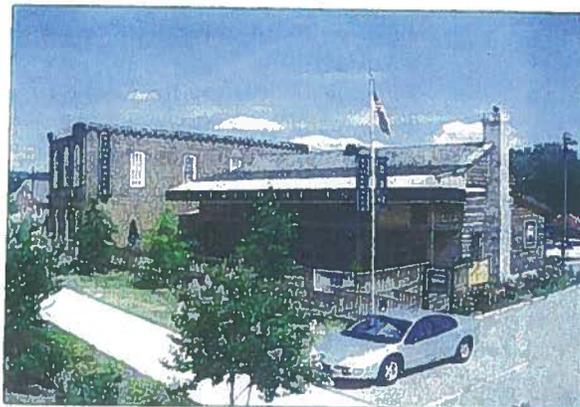


parking, signage and landscaping. Lakewood Place now houses 34 assisted living units along with professional space on the ground floor.

Carmichael Inn/Orme Wilson Building

This national register listed historic property was vacant and uninhabitable when acquired by FPC from a local non-profit agency. The renovation by FPC into a restaurant included replacing an old abandoned roadbed adjacent to the property into a pedestrian walkway. The walkway was paid for via a grant from the Tennessee Department of Transportation.

The grant was obtained as a result of the efforts of FPC and the Local Economic Development Agency.



The Grove Retail Shops and Loft Apartments, Loudon, Tennessee

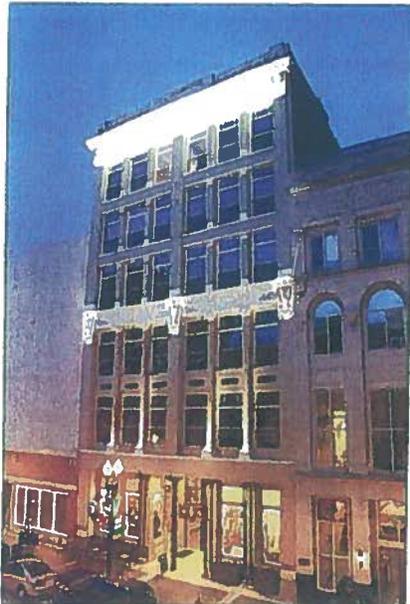
The formerly-vacant two story (1922) 15,000 square foot brick structure was renovated into a successful mixed-use retail/residential property with a portion of the funding obtained via a state-funded historic courthouse square grant obtained by FPC.



Over the last five years, Family Pride Corporation has received the following awards:

- East Tennessee Preservation Alliance: East Tennessee Preservation Award
- Tennessee Historical Commission: Certificate of Merit
- East Tennessee Historical Society: Preservation Award for Carmichael Inn Restoration
- Lenoir City Mayor’s Citizenship Award

INSITE DEVELOPMENT PROJECTS*



the Phoenix – this 52,000SF mixed use; retail, restaurant, office and residential project was the first major private sector mixed use project on Gay Street during Downtown Knoxville’s rebirth. The building, originally built after the great Gay Street fire of 1897, was completed in 2002.

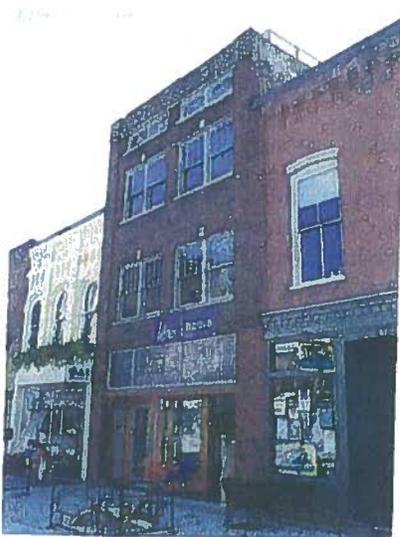
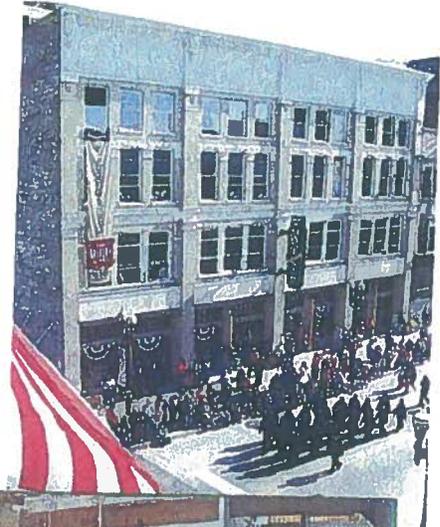
- InSite served as developer/co-owner/leasing agent/property manager;
- \$5.5 million, Historic Tax Credit project
- Early recipient of City’s P.I.L.O.T. program aimed at encouraging residential development;



- MPC “2005 Development Excellence Award” in the Commercial Historic Restoration category.
- 2004 Knoxville Beautification Board “Orchid” Award
- MPC 25th Anniversary Development Award winner.

Mast General Store/Gallery Lofts – InSite recruited Mast General Store, a unique regional retailer, to Knoxville in 2004 – the first new large scale retail downtown in many generations. This completely renovated 75,000 SF building was originally built in 1898, and had served as a retail/warehouse space for many years, but sat vacant for ten years prior to its redevelopment. The building now houses Mast, over 10,000 SF of private office space, and thirteen luxury condos, with balconies, and rooftop penthouses.

- InSite served as developer/co-owner/agent;
- Façade renovation received largest CBID grant ever awarded because of recognition that Mast would be a catalytic to other new development;
- \$8 million, incorporating TIF, CBID and private funding.



29 Market Square / Walker Building -

10,000 SF mixed use, historic tax credit project. Originally built in 1920. First major mixed use building on Market Square. Project has been at full occupancy since completion in 2005.

- InSite served as fee-developer, Project Manager, co-leasing agent and property Manager;
- \$1.2 million historic tax credit project;
- Currently houses:
 - Bliss Home (retail),
 - Smee-Busby Architects (office), and
 - private residences.

*(InSite president, Wayne Blasius, holds an Master’s of Science in Urban Planning from UT-Knoxville and a BA in economics from University of Wisconsin-Eau Claire, is a registered Tennessee Affiliate Real Estate Broker, has worked in local planning, community development and construction, and does energy management and facilities planning work under contract with Oak Ridge National Laboratory).

JOINT FPC-INSITE PROJECTS

Oakwood Senior Living

As noted above, FPC and InSite recently teamed up to respond to an RFP issued by Knox County, for redevelopment of an historic school which had fallen into disrepair. Our proposal was selected by Knox County and work has recently begun on the building. This nearly 55,000 SF building, built in phases between 1914-1951, provides similar challenges and opportunities to the Alexander Inn. In this Knoxville project FPC/InSite requested and received approval for assistance totaling over \$700K, which was required to stabilize the building, remediate environmental hazards and bring the building to the point where a viable private investment could take it forward.



- Family Pride Corporation serves as developer, contractor, owner-operator;
- InSite provides predevelopment and development services;
- 55,000 SF; 62 assisted care units;
- Received assistance totaling \$712,100 from Knox County, via a P.I.L.O.T from the Industrial Development Board, to repair and mitigate damage caused by years of deferred maintenance.
- Approximately \$5.5 million total project cost.

SPECIFIC REQUEST

In order to make this project economically viable as a private-sector development, certain public improvements, and repair of deteriorated or unsafe building components must be addressed. These components are the result of long-past public policy, neglect and deferred maintenance. These conditions are the chains that have bound the Alexander Inn from being rehabilitated to-date.

These include:

- Construction of a road or driveway to reroute public traffic access currently running through the Alexander Inn property;
- Relocation of a public storm sewer running under the building;

- Purchase assistance;
- Removal and replacement of selected, unsafe structure;
- Environmental remediation;
- Building stabilization and code compliance issues.

The Department of Energy is providing \$500K for the Alexander inn rehabilitation, via a grant to Knox Heritage, as part of the recent agreement with the National Park Service related to demolition at the former K-25 facility. While incredibly helpful to this effort, the total of public improvements, purchase assistance and building stabilization will require additional funding to make the project viable. The following table shows a breakdown of the required assistance.



Assistance Summary						
Elements requiring assistance	Cost of Element	DOE Funding	Assistance Needed for Public Impr.	Assistance Needed for Private Dev.	Add'l Public Participation Requested	Comments
Public Improvements	\$230,541		\$230,541		\$230,541	
Property purchase from existing owners	\$350,000	\$350,000			\$0	
Technical Historic Preservation assistance from Knox Heritage	\$10,000	\$10,000			\$0	
Environmental remediation	\$162,800	\$140,000		\$22,800	\$22,800	
Bighted/unsafe removal, repair and replacement	\$324,000			\$324,000	\$324,000	
ADA/Codes compliance	\$66,500			\$66,500	\$66,500	
Grand total	\$1,143,841	\$500,000	\$230,541	\$413,300	\$643,841	This figure is the net to project. It <u>does not include</u> fees or expenses related to implementing any assistance program via City/IDB.

In order to accomplish the required public improvements and building stabilization outlined herein, this proposal requests assistance from the City of Oak Ridge of \$413,300 for the development itself. In addition, the developers are willing to complete the required public improvements, estimated at \$230,541, as part of the construction. In all, these total \$643,841.

Based on preliminary guidance from City staff, we have met with the pre-application committee of the Industrial Development Board, and have been asked to submit an application for consideration under the Payment in Lieu of Taxes (PILOT)

program, as a means of filling the budgetary gap. It appears that a ten year PILOT authorization will provide sufficient funds for implementation of public improvements, remediation of building deficiencies, and fees/expenses required to execute the PILOT agreement.

If this application is approved and the PILOT is authorized, we are prepared to close on the property and begin remediation and rehabilitation work immediately upon approval. Additionally, private financing and capital are approved and waiting, if the gap-filling assistance can be provided.



CONCLUSION

Family Pride Corporation and InSite Development Corporation are pleased to make this proposal. We fervently believe that the opening of **ALEXANDER SENIOR LIVING OF OAK RIDGE** will mark a rebirth of the neighborhoods and commercial districts near the Alexander Inn. This investment will also make a significant economic contribution to Oak Ridge and Anderson County governments, while increasing business activity and property values in the area.

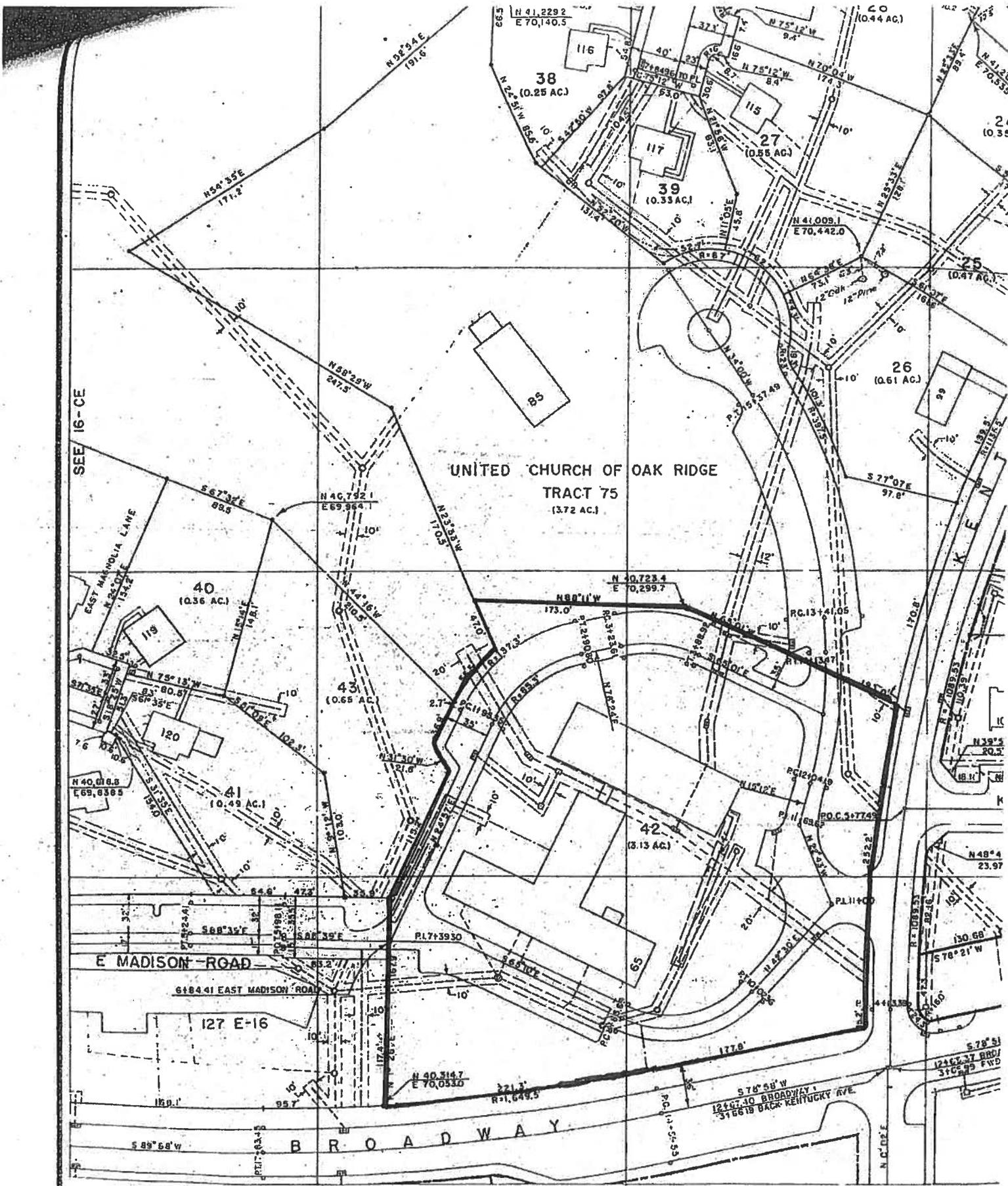
We believe that assisted living is the best of the realistic reuses for the building, in terms of neighborhood revitalization and economic impact.

The reality, however, is that this conversion is significantly more expensive than some other reuses because of stricter fire codes, accessible bathrooms, the addition of a commercial-scale kitchen, and furniture and equipment throughout the facility. From our perspective, it's an added cost that makes good sense, and hope you will share our enthusiasm for making this a reality.

We are anxious to begin work, and hope for a quick process of review and approval so that work can get underway quickly.

Please direct any questions or information regarding this proposal and the evaluation process to:

Wayne Blasius, President
InSite Development Corporation
418 S. Gay Street, Box 201
Knoxville, TN 37902
wb@insiteknoxville.com
865.803.6533



SEE 16-CE

UNITED CHURCH OF OAK RIDGE
TRACT 75
(37.2 AC.)

- LEGEND.**
- STREET BASE LINE, CURB LINE
 - STREET RIGHT OF WAY LINE
 - PUBLIC PROPERTY LINE
 - EASEMENT LINE BOUNDARY
 - LOT LINE WITH IRON PIN
 - △ CONTROL MONUMENT
 - PUBLIC PROPERTY MARKER
 - STREET RIGHT OF WAY MARKER

- WATER LINE, MAIN
- UNDERGROUND ELECTRIC LINE

NOTES.

1. Portrayed surveys are based on the Oak Ridge grid system.
2. Street base line surveys conducted on third order criteria.

RESOLUTION

WHEREAS, in an effort to generate economic growth within Oak Ridge, the City developed economic incentives for use by the Industrial Development Board of the City of Oak Ridge (IDB) as a guideline for tax abatements for qualifying entities; and

WHEREAS, by Resolution 12-114-07, City Council approved *Suggested Revisions to Proposed Economic Development Incentives (PILOT) Adjustments* for use by the IDB as a guideline for tax abatements and payments in lieu of taxes for qualifying entities in Oak Ridge for a three-year period; and

WHEREAS, the incentive model is set to expire on December 17, 2010; and

WHEREAS, on September 7, 2010, the IDB unanimously approved 2010 PILOT Reauthorization documents to allow for the continued use of economic incentives, which documents the City Manager recommends be approved as a guideline for the IDB.

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 2010 PILOT Reauthorization documents are hereby approved for use by the Industrial Development Board of the City of Oak Ridge (IDB) as a guideline for tax abatements and payments in lieu of taxes for qualifying entities in Oak Ridge through December 31, 2013.

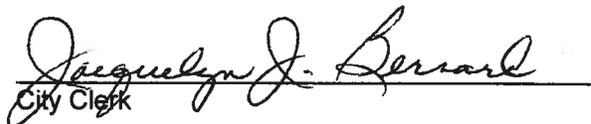
BE IT FURTHER RESOLVED that the *Suggested Revisions to Proposed Economic Development Incentives (PILOT) Adjustments* approved by City Council by Resolution 12-114-07 for use by the IDB as a guideline for tax abatements and payments in lieu of taxes for qualifying entities in Oak Ridge is hereby terminated and replaced with the attached 2010 PILOT Reauthorization documents.

This the 12th day of October 2010.

APPROVED AS TO FORM AND LEGALITY:


City Attorney


Mayor Pro Tem


City Clerk

**CITY OF OAK RIDGE, TENNESSEE
PROPERTY TAX INCENTIVE PROGRAM
POLICIES AND PROCEDURES**

Section I. General Purpose and Objectives*

The City of Oak Ridge, Tennessee (the "City") and Roane County, Tennessee (the "County" and together with the City, the "Local Governments") are committed to improving their local business environment and economy. In furtherance of this objective, the Local Governments have established, in cooperation with The Industrial Development Board of the City of Oak Ridge, Tennessee (the "Oak Ridge Board") and The Industrial Development Board of Roane County, Tennessee (the "Roane County Board," and together with the Oak Ridge Board, the "Boards"), a program to provide economic incentives to qualifying entities based on payments in lieu of taxes ("PILOT"). This program is intended to attract and retain, on a basis competitive with other local governments, businesses that provide the types of employment, capital investment, community involvement and financial impact sought by the Local Governments for their citizens.

The Local Governments have adopted these Policies and Procedures to guide the Boards in considering and evaluating on a case-by-case basis whether particular projects in the Local Governments will be eligible for a PILOT incentive. These Policies and Procedures should not be construed to require the Local Governments or the Boards to approve a PILOT incentive for any Person. Granting a PILOT incentive is solely within the discretion of the Boards acting within the parameters of these Policies and Procedures. In order, however, to inform potential applicants for PILOT incentives of the specific criteria that the Boards will consider in evaluating applications for PILOT incentives, the Local Governments and the Boards have adopted these Policies and Procedures to provide guidelines for evaluating requests for PILOT incentives.

The Boards administer the PILOT for the Local Governments. Each Board is a public nonprofit corporation that was established pursuant to the Tennessee Industrial Development Corporation Act ("Act"), Tenn. Code Ann. §§7-53-101 et seq. The Boards' statutory purposes include financing, owning and leasing certain real and personal properties, which will have the effect of maintaining and increasing employment and otherwise promoting new industry, commerce and trade in Tennessee and in particular, the Local Governments. The Boards will conduct their activities consistent with the provisions of the Act and the intent of the Local Governments as set forth in these Policies and Procedures.

Originally, these Policies and Procedures were intended to apply only to Projects that are within the County. Since the City of Oak Ridge is located in two counties, Roane and Anderson, the City utilizes these Policies and Procedures for all Projects presented to the Oak Ridge Board. These Policies and Procedures will be applied by the County and the Roane County Board to Projects that are located within the County but outside the boundaries of the City, except all references to the City in these Policies and Procedures will not be applicable in those cases. For example, in applying the Evaluation Matrix described herein to a Project that is in the County but outside the boundaries of the City, all references to residency requirements in the City will not be applicable. Moreover, the County reserves the right to modify these Policies and Procedures as to Projects outside the boundaries of the City.

* Capitalized terms used in these Policies and Procedures that are not otherwise defined shall have the meanings given to such terms in Section III.

Any Applicant for a PILOT shall only be required to submit an Application to one of the Boards, and only one of the Boards shall be required to consider and/or approve an Application. Any reference in these Policies and Procedures to a "Board" shall be deemed to refer to the Board to which an Application has been submitted. Only one Board shall consider an Application at one time, and if one Board takes action on an Application, the other board shall not consider an Application for the same or substantially similar Project for a period of one year. An Applicant should submit its Application to the Board that is affiliated with the Chamber of Commerce or Economic Development Organization with which the Applicant has had the primary contact in connection with its Project.

In evaluating Applications to participate in the Local Governments' PILOT program, each Board will apply the following general guidelines:

1. **Public Interest/Increased Employment.** In accordance with the objectives of the Act, the Board must find that each proposed Project will be in the public interest and will increase employment within the Local Governments.
2. **Eligible Projects.** The Board will only approve PILOT incentives for the following Project types:
 - a. Commercial and retail businesses that the Board determines will materially increase sales taxes for the Local Governments.
 - b. Distribution facilities that receive and distribute goods.
 - c. Office buildings and service facilities. New speculative office buildings are not eligible.
 - d. Industrial facilities that manufacture, assemble, process or fabricate other products.

If a proposed Project would otherwise not be eligible for a PILOT incentive because it does not meet these guidelines but the Board determines that, based upon unique factors in the particular case, a PILOT incentive would be appropriate for the Project, the Board shall not approve such PILOT incentive without obtaining the prior approval of the Local Governments.

3. **Evaluation Matrices.** Provided a Project satisfies the first two guidelines stipulated above, the Board shall determine the term, if any, of the PILOT incentive by applying the Evaluation Matrices attached hereto as Appendix A and Appendix B. The implementation of the Evaluation Matrices is described in more detail in Section IV. The term of any PILOT incentive shall be the same with respect to payments to both the City and County.

If a proposed Project would be eligible for a certain PILOT Term under the Evaluation Matrix but the Board determines that, based upon unique factors in the particular case, a longer PILOT Term would be appropriate for such Project, the Board shall not approve a longer PILOT Term without obtaining the prior approval of the Local Governments.

Section II. Conflicts of Interest

Each Board member shall be responsible for disclosing any material interest that he or she may have in or with a Project or an Applicant or any financing source for a Project. Any Board member having any material interest in or with a Project or an Applicant or financing source for a Project shall submit to the Board's counsel an explanation of that interest, and the Board's counsel shall advise both the Board and Board member whether the member should recuse himself or herself from consideration of the Application. Such recommendation of the Board's counsel shall be conclusive. If recusal is recommended, the Board will then consider the Application without participation from the member or members who recuse themselves.

To avoid conflicts of interests, the Board's counsel will disclose to the Board if he has a professional legal relationship with or material interest in a Project or an Applicant or any financing source for the Project, and in the event of such a conflict involving the Board's counsel, the Board will retain special counsel to represent it in connection with the particular Project being considered. The Board, however, may waive any such conflict in appropriate circumstances.

Section III. Definitions

For purposes of these Policies and Procedures, the following terms shall have the following meanings:

"Applicant" means the Person, with the authority to legally represent the entity, applying to the Board for a PILOT incentive with respect to a Project.

"Application" means the application submitted to the Board by an Applicant to receive a PILOT incentive.

"Brownfield Site" means a parcel of property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

"Economic Development Organization" means the Oak Ridge Economic Partnership, the Roane Alliance or the Anderson County Economic Development Association.

"Economic Leakage" means the loss of sales and sales tax revenue from one community to a neighboring community.

"Energy Efficiency Building" is a building that meets or exceeds certified energy efficiency standards such as LEED®, Leadership in Energy and Environmental Design.

"Expansion" means the addition of buildings, structures, machinery and/or equipment for the purpose of expanding a Project.

"FTZ" means Foreign Trade Zone #148.

"Governmental Authority" means the United States, the State of Tennessee, any political subdivision of either, and any agency, department, commission, board, bureau or instrumentality of any of them.

"Greyfield" means any previously developed property that does not have known environmental contaminants but is economically nonviable in its current state and has conditions that significantly complicate its redevelopment or reuse, as determined by the Board.

"Lease Agreement" means the lease agreement between the Applicant and the Board pursuant to which the Board leases a Project to the Applicant and agrees upon the terms of a PILOT incentive.

"Local Company" is a company that (i) has its principal office within the Local Governments, (ii) operates one of its principal facilities in the Local Governments, or (iii) has a significant executive and management presence in the Local Governments.

"MOU" (Memorandum of Understanding) means the signed document that outlines all the pertinent terms and conditions required to develop the lease agreement of the PILOT incentive

"National Corporate Headquarters" means a Project that meets the following criteria as determined by the Board:

- (i) The entity occupying the Project must be a business of regional or national significance;
- (ii) A significant percentage, as determined by the Board, of the decision-making officers or employees of such entity must work and maintain their primary offices at the proposed Project;
- (iii) The Project will be the office location of a majority of the management employees of such entity; and
- (iv) The entity must make a significant financial commitment, as determined by the Board, to construct or improve the Project.

"Payment-in-Lieu-of Taxes" or "PILOT" means payments established by a Board to be made in lieu of ad valorem (land, building or equipment) taxes with respect to a Project.

"Person" means any individual, sole proprietorship, corporation, limited liability company (LLC), association, partnership (general, limited, or limited liability partnership), organization, business, trustee, individual or government or political subdivision thereof or any governmental agency, with the legal authority to submit an application for a PILOT incentive.

"PILOT Term" means the period of time, in years, during which a PILOT incentive is in effect pursuant to a Lease Agreement.

"Project" means the acquisition, construction and/or improvement of land, buildings, structures, machinery, equipment and related improvements as described in an Application. A Project may include any Expansion that an Applicant commits to commence within three (3) years of the execution of the Applicant's Lease Agreement. Any Expansion undertaken after such date will require a new Application to be filed with the Board with respect to the Expansion. A Project must be located on a single tract of property or contiguous tracts of property.

"Speculative Buildings" means construction of a building with no formal commitment from an end user for the finished building.

Section IV. PILOT Amount, Application of Evaluation Matrices and Alternative Calculation

PILOT Amount

If an Applicant is approved for a PILOT incentive, the amount of the PILOT for the PILOT Term shall be equal to the taxes imposed by all taxing authorities on the property that is the subject of the Project for the most recent tax year prior to the execution of a Lease Agreement with an Applicant (or if the property was previously exempt from taxation, an amount equal to the taxes that would have been imposed on the property if the property had not been so exempt).

For example, if an Applicant intends to acquire an undeveloped tract of real property and to build and equip a manufacturing facility thereon, the PILOT amount for the PILOT Term shall be the amount of taxes imposed during the prior tax year on the undeveloped property by all local taxing authorities. If an Applicant intends to acquire and rehabilitate an existing facility, the PILOT amount would be the taxes imposed for the most recent tax year on the existing facility prior to its rehabilitation. If the Applicant requests a PILOT incentive only with respect to new equipment to be acquired, the PILOT amount with respect to such equipment would be \$0.

Application of Evaluation Matrices

The Evaluation Matrices attached as Appendix A and Appendix B are intended to provide objective criteria for the Boards to assist in determining the length of the PILOT Term, if any, with respect to a Project. The Boards may consider other special circumstances as it deems relevant in determining a PILOT Term with respect to a particular Project, provided, however, in no event shall the Board award more than 30 points in the aggregate under the Evaluation Matrix for special circumstances without the consent of the Local Governments.

Industrial/Office Matrix (Appendix A)

The Industrial/Office Matrix is intended to provide objective criteria for the Boards to assist in determining the amount and length of the PILOT Term, if any, specific to each Project. All approved incentives are based on the Industrial/Office Matrix. The Oak Ridge Board only authorizes incentives within the parameters of the Matrix with the maximum PILOT Term being 14 years. The Oak Ridge Board may elect to recommend to the Oak Ridge City Council for consideration incentives outside the parameters of the Matrix. The Industrial/Office Matrix contains five criteria to be considered by a Board in establishing a PILOT Term. The following is a brief discussion of each criterion, which discussion is intended to provide guidance as to how each criterion will be applied by the Boards:

1. **New Jobs** – The number of new jobs will be based upon estimates to be provided by the Applicant and the Boards may obtain other information as required. The estimate of new jobs will be based upon the number of new jobs that are anticipated to exist at the Project site three years after completion of the Project. Permanent full-time, full-time equivalent, seasonal, and contract jobs will be considered by the Board, but part-time employment will be appropriately weighted by the Board.
2. **Wages** – The average annualized wage that is to be paid by an Applicant, as compared to the existing per capita income published by the Tennessee Department of Employment Security for the Local Governments, will be a relevant factor in the Board's consideration of an Application. An Applicant who pays an average annualized wage that surpasses 170% of the per capita income for the Local Governments may be given special consideration points. All special consideration points will be awarded at the Board's discretion.

3. **Capital Investment** – The Board will consider any Capital expenditure made by the Applicant in a Project. Special consideration on a case-by-case basis will be used to increase points to Applicants who are making more than \$30 million in capital expenditures. The Matrix utilized by the Oak Ridge Board includes points for buildings certified as energy efficient, such as LEED®. To be eligible for a PILOT incentive, an Applicant must agree to make a minimum of \$1,000,000 in capital expenditures. Capital expenditures for specific items, such as land, building and equipment, must be made by an Applicant in substantially the manner represented to the Board in the Applicant's Application unless the Board otherwise consents.
4. **Location** – The location of a Project within any of the following areas will be a favorable factor:
 - Designated Brownfield
 - The FTZ
 - Any vacant existing business facility
5. **Residency of new employees** – The expected location of the residences of the employees at the Project site, as represented by the Applicant, within the City will be a favorable consideration. For purposes of applying this factor, residency at any location within the City, will be considered.

Commercial/Retail Matrix (Appendix B)

The Boards use the Commercial/Retail Matrix as a guide along with other criteria in determining the feasibility of incentive requests. The Matrix utilized by the Oak Ridge Board includes consideration for buildings certified as energy efficient, such as LEED®. The Matrix is separated into the following four (4) commercial components:

- Retail
- Commercial Housing
- Commercial Office
- Renovated Areas

In addition to the Commercial/Retail Matrix, consideration for the Commercial/Retail incentives may include the following:

- Economic Leakage
- Return on Investment
- Enhancement of Quality of Life
- Economic Analysis

Alternative Calculation (Anderson County Portion Only)

The Oak Ridge Board has the flexibility to grant PILOT incentives utilizing an Alternative Calculation, in the Anderson County portion of the City (Roane County allows for up to 100% abatement), of the PILOT amount in place of the standard calculation provided by the two matrices described above. The Alternative Calculation allows for a declining basis tax abatement, based on the Prime Rate plus 1% (the borrowing cost for most companies) on the day of closing of the PILOT lease agreement.

As demonstrated in the table below, the Alternative Calculation provides for a smaller overall tax abatement than the standard calculation of the matrices. The Alternative Calculation provides for a larger amount of abated funds in the early years of the PILOT Term, whereas the standard calculation provides for an equal amount of abated funds throughout the PILOT Term.

The PILOT calculation example below includes the following criteria:

- Within the Anderson County portion of the City of Oak Ridge (the Roane County portion allows for up to 100% abatement)
- Project valued at \$5,000,000
- Matrix provides for 50% abatement for 6 years
- City tax rate of \$2.39 and County tax rate of \$2.26, for a total of \$4.65, assume no increase in tax rate
- Prime rate plus 1% at date of closing is 4.25%

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Standard Calculation	50%	50%	50%	50%	50%	50%	300%
	\$46,500	\$46,500	\$46,500	\$46,500	\$46,500	\$46,500	\$279,000
Declining Basis %	100%	66.7%	53.3%	40%	26.7%	13.3%	300%
Alternative Calculation	100%	63.9%	49.1%	35.3%	22.6%	10.8%	282%
	\$93,000	\$59,472	\$45,638	\$32,834	\$20,996	\$10,070	\$262,010

Section V. Post-Closing Monitoring

Through the implementation of the PILOT program, the Boards intend to produce substantial and measurable changes and improvements to and for the economic and commercial environment of the Local Governments. Accordingly, each Lease Agreement with an Applicant will contain, in the manner determined by the respective Board, certain commitments relating to job creation, wage levels, and capital expenditures. The Boards will annually (or at such other times as it deems appropriate) evaluate each Project receiving a PILOT incentive to ensure compliance with the Lease Agreement applicable to the Project.

In order to assist the Boards in determining compliance with the Lease Agreements and in gathering information to help the Boards evaluate the effectiveness of its PILOT program, each Person who is a party to a Lease Agreement with the respective Board shall provide to the Board certain information in the manner described in the Lease Agreement, which information shall include, but not be limited to, the following:

1. **Capital Expenditures** – A list of all capital expenditures made with respect to the Project during the prior year.
2. **Employee Report** – To include at least the following:
 - a. Total number of employees
 - b. Total salaries
 - c. Number of employees who reside in the City
 - d. Total salaries of employees who reside in the City
 - e. List of jobs with job classifications in such form as is required by the Board.
3. **Vendor Support Report** – The gross dollars spent locally on supplier and professional service contracts during the prior year.
4. **Comparison Criteria Report** – A comparison of the Applicant's actual job creation, wages and capital expenditures with the Applicant's initial projections for job creation, wages and capital expenditures as shown in the Applicant's Application.

If any such report or other information obtained by the Boards reveal that the Applicant has not complied with the Lease Agreement with respect to its employment, wage or capital expenditure commitments, the Board will have such remedies as are provided in the Lease Agreement. The specific remedies will be set out in the Lease Agreement, but, generally, if an Applicant fails in any year to meet the employment, wage or capital expenditure estimates provided in its Application and upon which the Evaluation Matrix was applied, the Applicant should expect that the Applicant's PILOT incentive would be proportionately reduced in that year in addition to any other remedies that may be available under the Lease Agreement.

For example, if an Applicant was awarded 100 points based upon the application of the Evaluation Matrix and the report filed by an Applicant in any year shows that the Applicant would only have been awarded 80 points for the relevant year based upon the actual facts, the Applicant would not receive 20% of its PILOT incentive for such year.

On an annual basis, each respective Board will prepare a compilation of the information received from these reports. This annual compilation will be provided, within thirty (30) days of its completion, to the County Mayor and County Trustee of the County and the Mayor and City Manager of the City. The County Mayor will make such compilation available to the County Commission of the County, and the City Manager will make such compilation available to the City Council of the City. For the Oak Ridge Board, the compilation and distribution of the annual reports are the responsibility of the City Staff IDB Representative.

Section VI. Fees

Any Person desiring that a Board consider providing a PILOT incentive shall submit an Application to the appropriate Board in a form approved by the Boards. Any Applicant shall also follow the procedures set forth in Appendix C in applying for a PILOT incentive.

1. Application Fees

An Application fee must be submitted with each completed Application. The Application fee is not refundable. The Application Fee shall be calculated using the following chart:

<u>Estimated Project Capital Expenditures At the Time of Application</u>	<u>Application Fee</u>
\$1,000,000 - \$2,500,000	\$2,000
\$2,500,001 - \$5,000,000	\$3,000
\$5,000,001 - \$10,000,000	\$4,000
\$10,000,001 - \$25,000,000	\$8,000
Greater than \$25,000,000	\$15,000

2. Closing Fees

A closing fee computed as described in this paragraph will be paid to the respective Board prior to or at the execution of the Lease Agreement. Closing fees for PILOT incentives are based on the benefits that an Applicant will receive (i.e. value of the tax savings over the applicable PILOT Term) rather than on the total Project investment. The closing fee for a PILOT incentive transaction with the Board will be 5% of the expected tax savings for the Applicant, as estimated by the Board, with a minimum closing fee of \$1,500 and a maximum fee of \$300,000. The Applicant receiving the PILOT incentive will also be responsible for paying expenses of the Board relating to the transaction (i.e. attorney's fees, copies, postage, long distance telephone calls, etc).

2. Lease Amendments

If an Applicant requests an amendment to an existing Lease Agreement, the Applicant will pay a fee of \$1,000 at the time of the request.

4. Assignment Fee

If the Board approves the assignment of a Lease Agreement, the Applicant shall pay an assignment fee of 1% of the tax savings for the assignee following such assignment, as estimated by the Board, up to \$1,000,000 with a minimum fee of \$4,000 and 1/2% of such savings over \$1,000,000 with a maximum fee of \$25,000. The Applicant shall also be responsible for all expenses, including attorney's fees incurred by the Board, in connection with such assignment.

5. Reciprocal Fee Payment and Notification

An amount representing 20% of the applicable fees received by the Roane County or Oak Ridge Board pursuant to this Section shall be paid to the other board promptly upon receipt. Each Board will notify the County Mayor and County Trustee of the County and the Mayor and City Manager of the City of any Lease Agreement that provides for a PILOT within fourteen (14) days of entering into such Lease Agreement. The City Staff IDB Representative will provide the written notification for the Oak Ridge Board.

Section VII. Memorandum of Understanding

When the Oak Ridge Board approves a PILOT incentive, a Memorandum of Understanding (MOU) will be developed, by the City Staff Representative, that outlines all pertinent terms and conditions of the incentive, attached as Appendix E. The MOU will specify a date by which both the Board and the Applicant may anticipate an appropriate Lease Agreement to be executed. Signed by both the Chairman of the Board and the Applicant, the MOU will serve as the foundation upon which a formal lease document will be built. The following items may be included in the MOU, length of the PILOT incentive, percentage of tax abatement, performance standards, reporting dates and recovery provisions.

Section VIII. Assignment of Lease Agreement

Lease Agreements will not be assignable without the prior consent of the applicable Board. An Applicant seeking an assignment of an Agreement shall confer with the Board to determine the proper procedure in the specific transaction. The Board will then determine whether the assignment will be approved or whether a new Application should be filed by the assignee.

Section IX. City of Oak Ridge – Application Administrative Process (See Appendix C)

Section X. Oak Ridge Board Decision Process

Following receipt of the City Manager's recommendation, the Oak Ridge Board will vote on the Applicant's request for an incentive. Should the Oak Ridge Board vote concur with the City Manager's recommendation, the decision is final. Should the Oak Ridge Board vote differ with the City Manager's recommendation, the City Manager may reevaluate his recommendation in light of the IDB vote and resubmit. Should the IDB and City staff not reach agreement, the matter is referred to the Oak Ridge City Council for final resolution.

Section XI. Environmental Report Requirements

Each Applicant shall submit with its Application, the most recent Phase I Environmental Site Assessment Report (unless the Project consists only of new equipment) with respect to the proposed Project site. All such reports must grant to the Board the right to rely on such reports. All Phase I Environmental Site Assessments submitted to the Board should substantially conform to the ASTM standards. An Environmental Assessment or Environmental Impact Statement performed by or on behalf of the U.S. Department of Energy may substitute for an Environmental Site Assessment. The environmental contamination of a Project site may be a basis for rejecting an Application if the Board's counsel advises the Board that the respective Board or the Local Governments would have any obligation to remediate the contamination if the Board acquires the Project site.

Section XII. Miscellaneous

These Policies and Procedures shall not be construed to create any type of contract or agreement between the Board or the Local Governments and any third party, including any Applicant. Notwithstanding any provision of these Policies and Procedures to the contrary, the Boards retain the right, in their sole discretion, not to enter into any Lease Agreement with any Applicant and not to approve any Application for a PILOT incentive. If any Applicant does not enter into a Lease Agreement with respect to a proposed Project within one year of the initial approval by the Board of the Applicant's Application for a PILOT incentive, that Applicant's Application shall be deemed to be withdrawn, and the Applicant shall be required to resubmit a new Application if the Applicant wants the Board to continue to consider the Applicant's Project for a PILOT incentive.

Section XIII. Program Term

Each Board is authorized to negotiate PILOT incentives pursuant to these Policies and Procedures for a period of three years from the date these Policies and Procedures are approved by the County Commission or City Council of the Local Governments. After such date, the Boards shall not be authorized to negotiate PILOT incentives pursuant to these Policies and Procedures unless the County Commission of the County and the City Council of the City have reviewed these Policies and Procedures.

Section IXX. Modifications

Boards and Local Governments must approve any modification of these Policies and Procedures except as provided in Section I.

APPENDIX A INDUSTRIAL/OFFICE EVALUATION MATRIX

Job Creation		Wages		Investment		Location		Residency		Abatement	
Maximum 30 Points		Maximum 30 Points		Maximum 55 Points		Maximum 10 Points		Maximum 75 Points		Refer to Notes 1&2	
Points will be awarded for each new job to be created due to the project		that raise the Per Capita Income of the County as defined by the TN Department of Employment Security		Capital expenditures to be made by Applicant at Project Site		Firms locating in specific area of interest		Firms are encouraged to hire employees who reside within the City			
Criteria		Criteria		Criteria		Criteria		Criteria			
Jobs Created											
Number of Employees	Points	Wages	Points	Amount	Points	Number of Employees	Points	Total Score	Years		
1	15	120%	5	\$1,000,000	2	1	15	21	30	2	
16	30	130%	10	\$3,000,001	4	16	30	31	40	3	
31	45	140%	15	\$6,000,001	6	31	45	41	50	4	
46	60	150%	20	\$10,000,001	8	46	60	51	60	5	
61	75	160%	25	\$15,000,001	10	61	75	61	70	6	
76	90	170%+	30	\$20,000,001	15	76	90	71	80	7	
91	105			\$25,000,001	20	91	105	81	90	8	
106	120			\$30,000,001	25	106	120	91	100	9	
121	135			\$35,000,001	30	121	135	101	110	10	
136	150			\$40,000,001	35	136	150	111	120	11	
151	165			\$45,000,001	40	151	165	121	130	12	
166	180			\$50,000,001	45	166	180	131	140	13	
181	195			\$55,000,001	50	181	195	141	150+	14	
196	210			\$60,000,001	55	196	210				
211	225+			\$65,000,000+	55	211	225+				
AVAILABLE BONUS POINTS 5 Points if project is a corporate headquarters 10 Points if building is certified for energy efficiency, such as LEED®. 10 Points if project locates in existing facility 10 Points if chief executive resides within the City of Oak Ridge											

Notes:

- ¹ Up to 50% abatement of improvement in Anderson County including the City of Oak Ridge in Anderson County
- ² Up to 100% abatement of improvement in Roane County including the City of Oak Ridge in Roane County

APPENDIX B COMMERCIAL/RETAIL EVALUATION MATRIX			
Investment	Retail	Commercial Housing	Commercial Office
	>1,000,000 and 33% of complex must be new or expanded retail to Anderson County	>1,000,000	>1,000,000 and New tenants from outside Anderson County
			No new speculative office
< \$5,000,000	33% 10 years	25% 10 years	25% 5 years
> \$5,000,000	50% 10 years	33% 10 years	33% 5 years
> \$15,000,000	50% 15 years	33% 15 years	33% 10 years
			Renovated Areas
			5 additional years

Examples for Illustration Purposes only							
ID	Description	New Investment	New Tenants (Number of Employees on Site)	Eligible Tax Reduction Terms Based on New Investment and/or Tenants	Estimated Annual Property Tax Discount to Developer (City & County) Based on 70 Percent of Investment	Estimated Property Tax Discount to Developer Over Reduction Period (City & County)	Estimated City & County Property Tax Collections Over Reduction Period
3	office - speculative	28,000,000		NONE			
4	retail - renovated area	17,000,000		50% 20 years	126,854	2,537,080	2,537,080
6	Commercial housing	12,000,000		33% 10 years	84,427	844,272	1,714,128
7	retail/hotel - renovated area	7,500,000		50% 15 years	55,965	839,475	839,475
8	retail - renovated area	2,000,000		33% 15 years	9,850	147,748	299,972
11	retail/office	2,500,000		33% 10 years	12,312	123,123	249,977
12	retail	2,000,000		33% 10 years	9,850	98,498	199,982
*13	office - renovated	2,000,000	350	25% 10 years	7,462	74,620	223,860

Requests for Infrastructure Improvements and/or other considerations must be approved by City Council on an individual basis
 * Renovation will not increase taxable value of building
 Calculations will fluctuate with tax rate changes

NOTE: Consideration given for certified energy efficiency construction, such as LEED ®.
 Consideration given for construction/renovation on a greyfield property.

**APPENDIX C
PILOT INCENTIVE PROGRAM PROCEDURES
for the
INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE (IDB)**

1. An Applicant should request the scheduling of a pre-application meeting with the City Staff IDB Representative to discuss the PILOT incentive procedure as it relates to the Applicant's Project. The following representatives should participate in the pre-application meeting:
 - a. Potential applicant with supporting staff, if applicable
 - b. Applicable IDB Member Representative
 - c. IDB Executive Director
 - d. City Staff IDB Representative
 - e. Chamber and/or Economic Development Organization Representative

2. The Applicant shall submit its Application (which shall be in the form of Appendix D) prior to receiving a building permit with all documentation pertaining to the Application by scheduling an appointment with and submitting it to the City Staff IDB Representative no less than 14 days prior to a scheduled meeting of the IDB. The following information must accompany the Application unless waived by the IDB:
 - a. Financial Statements – preferably audited statements, at least statements reviewed by a CPA
 - b. Phase 1 Environmental Audit addressed to the Board or equivalent
 - c. Application Fee

3. The City Staff IDB Representative will assure that the Application is complete and that appropriate fees have been paid. The Oak Ridge City Manager and staff will review all applications and make a written recommendation (including an approved Matrix) to the IDB based on their analysis of the Application. Prior to issuing a written recommendation to the IDB, the City Manager / staff may consult the following parties:
 - a. Applicant or its representative
 - b. IDB Executive Director
 - c. City Staff IDB Representative
 - d. Recruiting organization representative
 - e. Others as needed

4. Following the receipt of the City Manager's written recommendation, the IDB will vote on the Applicant's request for an incentive. Should the IDB vote concur with the City Manager's recommendation, the decision is final. Should the IDB vote differ with the City Manager's recommendation, the City Manager may reevaluate his recommendation in light of the IDB vote and resubmit. Should the IDB and City staff not reach agreement, the matter is referred to the Oak Ridge City Council for final resolution.

5. Based upon the Application, the IDB will determine whether to give preliminary approval for a PILOT incentive. If preliminary approval is given, a memorandum of understanding (MOU), attached as Appendix E, outlining all pertinent terms and conditions of the incentive will be developed by the City Staff IDB Representative. The MOU serves as the foundation upon which a formal Lease Document is built. Upon execution of the MOU, the IDB's counsel will prepare the form of Lease Agreement and negotiate the form of such Lease Agreement with the Applicant's designated representative.

6. Once the Applicant and the IDBs' counsel agree on the proposed form of a Lease Agreement, such Lease Agreement shall be submitted to the IDB for its approval. When the Applicant's matter is to be considered at an IDB meeting, a representative of the Applicant should attend such meeting.
7. Upon IDB approval of the Lease Agreement, a date for the closing can be scheduled immediately. The following documents are needed at closing:
 - a. Lease Agreement
 - b. Special Warranty Deed (if real property is involved)
 - c. List of Encumbrances on the Property
 - d. Bill of Sale (if personal property is involved and has been acquired)
 - e. Closing fees certified or cashier's check or other collected funds
 - f. Such others as may be referred to in the Lease Agreement
8. Upon closing, appropriate documentation will be filed with the County Register's Office. Originals of all documents will be held by the IDB or its counsel. The IDB counsel will file a copy of the Lease Agreement with the appropriate County Mayor, the Mayor of the City of Oak Ridge and with the State Comptroller's office at the following address:

The Office of the Comptroller
Division of Property Assessment
501 Deaderick Street
Suite 1400 (EDA Compliance)
Nashville, Tennessee 37243-0277
9. In accordance with these Policies and Procedures, Applicants will be required to file annual compliance reports with the IDB.
10. Tenn. Code Ann. §7-53-305 requires the lessee under each Lease Agreement to file with the State Board of Equalization before October 1st of each year an annual report containing a list of all the real and tangible personal property owned by the Board subject to the Lease Agreement; the value of each listed property as estimated by the lessee of property; the date and term of the lease for each listed property; the amount of payments made in lieu of property taxes for each listed property; the date each listed property is scheduled to return to the regular tax rolls; and a calculation of the taxes, which would have been due for each listed property if the properties were privately owned or otherwise subject to taxation. Each Applicant will be responsible for the timely completion and filing of such reports with respect to its Project, and failure to timely complete and file the report may subject such Applicant to the penalties set forth in the "Act". The Applicant is required to submit a copy of each such report to the City Staff IDB Representative for inclusion in the Project file. The copy should be sent to:

Industrial Development Board of the City of Oak Ridge
200 S. Tulane Avenue
P.O. Box 1
Oak Ridge, TN 37831

Appendix D
Application for PILOT (Payment In Lieu of Taxes) / Grant Assistance
Industrial Development Board
of the
City of Oak Ridge, Tennessee

I. Applicant:

Company Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Federal Employer Identification Number: _____

Company Representative to be contacted:
Name: _____ Title: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail address: _____

Description of Principal Business:

SIC/NAICS (if known): _____ Legal Structure: _____
If a corporation, state of incorporation: _____
If foreign corporation, is it registered to do business in Tennessee? _____ Yes _____ No

Principal Owner (if applicable):

Company Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Federal Employer Identification Number: _____

Company Representative to be contacted:
Name: _____ Title: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail address: _____

Description of Principal Business:

SIC/NAICS (if known): _____ Legal Structure: _____
If a corporation, state of incorporation: _____
If foreign corporation, is it registered to do business in Tennessee? _____ Yes _____ No

II. Name and address of any of the following involved in the project:

Legal Counsel

Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail address: _____

Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail address: _____

Project Engineer(s)

Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail address: _____

Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail address: _____

Project Architect(s)

Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail address: _____

Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail address: _____

General Contractor(s)

Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email address: _____

Name: _____ Title: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email address: _____

Does applicant or sponsor of the project have an application pending or intend to apply for industrial revenue bond financing for this or a similar project with any other board in the City of Oak Ridge?

Yes No **If yes, please attach a detailed explanation.**

Does applicant or sponsor have present plans to incur indebtedness or other financial obligations, which would materially affect its financial condition other than the financing applied hereby?

Yes No **If yes, please attach a detailed explanation.**

Does applicant or sponsor of the project know of any proposed or pending tender offers, mergers, or acquisitions by or affecting applicant or sponsor of the project or any other materially significant corporate event in any way affecting application or sponsor of the project?

Yes No **If yes, please attach a detailed explanation.**

III. Project Location/Ownership:

Street address: _____
City: _____ County: _____ State: _____

Vicinity Map: *Please attach with general location of site shown.*

Attach a copy of deed (or surveyor's description) detailing property's metes and bounds description or other legal description.

Who owns the property at this time? _____

Does applicant have an option to purchase the property if not already owned by applicant?
 Yes No

Are there presently outstanding any options or liens with regard to the property?
 Yes No

Give a brief description of the activities to be performed at this location, including a description of products to be produced and/or services to be provided:

Current Zoning: _____

Is the property zoned appropriately for intended use by this project? Yes No

IV. Tax Information:

Obtain the latest property tax statement from the Anderson or Roane County Assessor's Office (include both real and any existing tangible personal property).

Real Property

Tax parcel ID number (s): _____

Current assessment: _____

Current tax: _____

Will this project result in the subdivision of any current tax parcel? _____ Yes _____ No

Tangible Personal Property

Tax parcel ID number (s): _____

Current assessment: _____

Current tax: _____

Are there any assessments under appeal? _____ Yes _____ No

If yes, please describe:

V. Capital Investment:

Land: Acreage: _____ Cost: \$ _____

Site Preparation Cost: \$ _____

Real Property (Building): Square Footage _____ Cost: \$ _____

Personal Property Cost: \$ _____

Indicate total capital investment forecast by year:

Year 1: \$ _____

Year 2: \$ _____

Year 3: \$ _____

Briefly describe these investments (types of tangible personal property, type of site development planned for this location and other improvements):

VI. Construction Estimate:

Start Date: Month: _____ Year: _____

Completion Date: Month: _____ Year: _____

Describe any off-site infrastructure proposed for new public investments:

Describe below construction estimates and anticipated infrastructure requirements:
Water:

Sanitary Sewer:

Electric:

Streets:

Storm Sewer:

Other:

Have project utility requirements been reviewed by the appropriate local utility providers?
_____ Yes _____ No

Certified Energy Efficiency construction, such as LEED®:

Will project be Certified Energy Efficiency construction? _____ Yes _____ No

If yes, Certification information shall be provided with your application.

All properties subject to this PILOT application will meet the Federal and State of Tennessee ADA (American with Disabilities Act) regulations at the time of construction. _____ Yes

VII. Wages/Jobs/ Residency:

Attach number of jobs listing by year, as formatted below, and the average per capita wages by major employment type category (Officials and Administrators, Professionals, Technicians, Protective Service Workers, Paraprofessionals, Administrative Support, Skilled Craft Workers, Service-Maintenance, Others).

<u>Year #1</u>	<u>Year #2</u>	<u>Year #3</u>
<u>Jobs # /Category/Salary</u>	<u>Jobs # /Category/Salary</u>	<u>Jobs# / Category/ Salary</u>

Additionally indicate number of employees living within the City of Oak Ridge by job category per years 1-3 including salary as formatted above.

Wages, jobs and residency requirements shall be achieved as set out in the PILOT agreement between the applicant and the Industrial Development Board. An annual report of achievement is required by December 31 each year for the term of the PILOT agreement.

VIII. Environmental Impacts:

Attach a Phase I Environmental Audit or equivalent addressed to the Industrial Development Board. Discuss any environmental impacts created by the project.

IX. Type of Assistance Requested

PILOT (fully describe PILOT requested): _____

Grant (fully describe grant requested): _____

Justification for PILOT/Grant request: (substantiate and fully describe the justification for this request): _____

X. Financial Information:

Attach copies of the most recent, preferably audited financial statements. If publicly held corporation, attach a certified statement of the corporation's net worth with corresponding disclosure notes as provided in the applicant's latest approved/audited financial statement.

XI. Certifications:

This application is made in order to induce the City of Oak Ridge, Tennessee and the Industrial Development Board of the City of Oak Ridge to grant financial incentives to applicant and sponsor. Applicant and sponsor represent and warrant that the statements contained herein or attached hereto are true and correct to the best of their knowledge and include all information materially significant to the board and its consideration of this application.

Applicant and sponsor have read and agree to comply with all requirements of the application procedures and policies of the City of Oak Ridge, Tennessee and the Industrial Development Board of the City of Oak Ridge. Applicant specifically agrees to pay all reasonable costs, fees and expenses incurred by the Board in connection with this application, whether or not the financial incentives are granted or this project built.

Applicant

Date

Owner

Date

Appendix E
IDB of the City of Oak Ridge
PILOT Incentive Program
MEMORANDUM OF UNDERSTANDING
(template)

THIS MEMORANDUM OF UNDERSTANDING, entered into on this the __ day of _____, _____, _____, will confirm the understanding and agreement between (company name) and the INDUSTRIAL DEVELOPMENT BOARD of the City of Oak Ridge, Tennessee (IDB) with respect to the proposed acquisition and transfer of certain real and/or personal property (the "Property"). The Property (sometimes referred to herein or in other PILOT Documents as the "Property" or the "Equipment") is to be located within the City of Oak Ridge, Tennessee, (county name) County.

WITNESSETH:

This Memorandum of Understanding is intended to set forth the mutual understandings between (company name) and the IDB in regards to (i) the acquisition of the Property by the IDB for and on behalf of (company name) and (ii) the leasing of the Property pursuant to that certain PILOT Lease (the "Lease") by and between the IDB and (company name).

1. VALUE TO CITY OF OAK RIDGE.

(company name) proposes to construct and/or operate a (project description) facility in the city limits of Oak Ridge. The Real Property on which the facility is situated, and the building and related improvements are owned by (company name). The cost of the Real Property, Land, Building and Related Improvements to (company name) is \$(amount of total investment).

The parties recognize that the location of the Project being defined as (project name) the buildings and related items, and the investment of such funds in City of Oak Ridge by (company name) will create economic benefits for the City of Oak Ridge. Further, the IDB has made a determination that the investment made by (company name), the opening of the facility, the opportunities brought about and to be derived by such investment in the Project, and the payments to be received in lieu of taxes as described herein, are in furtherance of the public purposes of the IDB.

2. PAYMENT IN LIEU OF TAXES.

Approximately one year from the date of the approval of the (company name) incentive application (date of application approval date by the IDB or City Council), the IDB will enter into a Payment in Lieu of Tax Agreement ("PILOT Lease") with (company name). The PILOT Lease will be subject to the following terms and conditions:

- A. The PILOT Lease shall be for a term of (lease terms per matrix or City Council approval (reference resolution #)) with payment from (company name) to the IDB, upon signing the lease agreement, in the amount of \$ (PILOT fee determined by City staff).

- B. The amount of taxes abated under the terms of the Lease shall be set according to the following schedule:
 Estimated Real Property Tax savings over term of Lease (city) \$
 (fees determined by City staff) (county) \$
 Estimated Personal Property Tax savings over term of Lease – not applicable

- C. Yearly Performance Standards shall be required of (company name) in accordance with item 3 below (Real Property Investment), as allowed by this MOU and (matrix or Oak Ridge City Council Resolution #), which provides for a % tax abatement over a term of # years.
 - 1. Jobs Creation – (from application)
 - a. Year 1
 - b. Year 2
 - c. Year 3
 - d. Year 4
 - e. Year 5
 - f. Additional as applicable
 - 2. Wages Percentage – (from application)
 - a. Year 1
 - b. Year 2
 - c. Year 3
 - d. Year 4
 - e. Year 5
 - f. Additional as applicable
 - 3. Real Property Investment – \$(from application)
 - a. Year 1
 - b. Year 2
 - c. Year 3
 - d. Year 4
 - e. Year 5
 - f. Additional as applicable
 - 4. Personal Property Investment – (from application)
 - a. Year 1
 - b. Year 2
 - c. Year 3
 - d. Year 4
 - e. Year 5
 - f. Additional as applicable
 - 5. Location: Brownfield Y___ N___ FTZ Y___ N___ – (from application)
 - 6. Oak Ridge Residency – (from application)
 - a. Year 1
 - b. Year 2
 - c. Year 3
 - d. Year 4
 - e. Year 5
 - f. Additional as applicable

- D. Annual progress/status reports shall be filed by (company name) during the term of the Lease no later than January 31st each year and shall contain:
1. Jobs Created per Evaluation Matrix and Actual jobs created
 2. Wage Plan per Evaluation Matrix and Actual Wage performance
 3. Capital Expenditure in real property per Matrix and Actual Expenditure
 4. Capital Expenditure in personal property per Matrix and Actual Expenditure
 5. Confirmation of FTZ or Brownfield project site as applicable
 6. Oak Ridge residency per Matrix and actual Oak Ridge residency

E. Recovery Provisions:

If any such report as is required by Item D set out above, or other information obtained by the IDB, reveals that (company name) has not complied with the Lease Agreement with respect to its capital expenditure commitments, the IDB will have such remedies as are provided in the Lease Agreement. The specific remedies will be set out in the Lease Agreement, but, generally, if (company name) fails in any year to meet the capital expenditure estimates provided in this MOU, (company name) should expect that (company name) PILOT incentive would be proportionately reduced in that year in addition to any other remedies that may be available under the Lease Agreement.

3. FORM OF AGREEMENTS.

The PILOT Lease and any other agreements referred to herein or pertaining to the Project, shall be in a form satisfactory to the IDB and (company name).

4. FEDERAL INCOME TAX.

It is understood by the parties hereto that (company name) will remain the owners of the Real Property, the Personal Property, and the Project for Federal Income Tax purposes.

5. AUTHORIZATIONS AND APPROVALS; ACQUISITION OF PROPERTY.

(company name) agrees to use all reasonable efforts, including, without limitation:

- obtaining all approvals and consents of legislative or other appropriate bodies of City of Oak Ridge;
- obtaining all approvals and consents of applicable departments and agencies of City of Oak Ridge ;
- obtaining all approvals and consents of the utility companies, authorities and districts referred to herein;
- the execution, delivery and filing of such further applications, agreements, instruments or other documents as are required by applicable law or necessary to acquire any and all property which will be included in the PILOT Lease and cause the agreements set forth herein to become binding obligations of (company name) .

6. COSTS, EXPENSES AND ATTORNEYS FEES.

(company name) shall be responsible for the payment of all costs and expenses incurred by the IDB, including reasonable attorneys fees, in connection with the preparation of documents for the Project.

7. ASSIGNMENT.

(company name), as applicable, shall have the right to assign any or all of its rights under this Memorandum of Understanding to any of its affiliates.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their duly authorized officers or representatives on and as of the date indicated herein.

**INDUSTRIAL DEVELOPMENT BOARD OF
THE CITY OF OAK RIDGE:**

By: _____
(name)

Title: Chairman

COMPANY NAME

By: _____

Title: _____

RESOLUTION

A RESOLUTION AUTHORIZING THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE TO ENTER INTO A TEN-YEAR PAYMENT IN LIEU OF TAX AGREEMENT WITH FAMILY PRIDE CORPORATION OF LOUDON, TENNESSEE, FOR THE ALEXANDER INN AND GUEST HOUSE.

WHEREAS, by Resolution 10-99-10, City Council approved the 2010 PILOT Reauthorization documents for use by the Industrial Development Board of the City of Oak Ridge (IDB) as a guideline for tax abatements and payments in lieu of taxes for qualifying entities in Oak Ridge through December 31, 2013 in an effort to generate economic growth within Oak Ridge; and

WHEREAS, Family Pride Corporation of Loudon, Tennessee, has requested consideration by the City for a ten-year payment in lieu of tax agreement for the Alexander Inn and Guest House for a proposed assisted living facility; and

WHEREAS, the IDB unanimously recommended acceptance and approval of the request, however, since the Alexander Inn and Guest House is not the type of entity outlined in the guidelines the request is being presented to City Council for approval; and

WHEREAS, the request proposes the city and county continue to receive the current property tax amount (estimated at \$3,900 each) per year during the ten-year agreement, with the saved funding being used primarily for storm sewer line realignment, street access, and environmental cleanup; and

WHEREAS, due to the historical significance of this property and the estimated costs to the taxpayers should the City elect to remove the structures for code violations, the City Manager recommends approval of the request.

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

That City Council hereby authorizes the Industrial Development Board of the City of Oak Ridge (IDB) to enter into a ten-year payment in lieu of tax (PILOT) agreement with Family Pride Corporation of Loudon, Tennessee, for the Alexander Inn and Guest House for a proposed assisted living facility.

This the 22nd day of October 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM
12-32

DATE: October 10, 2012

TO: Mark S. Watson, City Manager *MSW*

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

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

SUBJECT: **Proposed Kroger Store and Retail Development - Accesses to Oak Ridge Turnpike, South Illinois Avenue, Robertsville Road and Traffic Signal at Illinois Avenue/Ivanhoe Road**

The accompanying resolution authorizes approval of a right-in/right-out access to Oak Ridge Turnpike (SR 95), right-in/right-out access to Illinois Avenue (SR 62), access to Robertsville Road and a traffic signal at the Illinois Avenue/Ivanhoe Road intersection to serve a proposed Kroger Store and Retail Development located in the northeast quadrant of the Illinois/Turnpike intersection. Kroger has requested City Council approval of the accesses and traffic signal as shown on the enclosed Preliminary PUD Master Plan. Illinois Avenue, Oak Ridge Turnpike and Robertsville Road are arterial streets and proposed accesses and signal must be approved by City Council.

CDM Smith prepared a Traffic Impact Study (TIS) for the development for two alternatives, one with purchase of the Unitarian Church and one without the church property. Since the church has decided to sell, Kroger proposes the improvements as shown on the enclosed Preliminary PUD Master Plan, which has been approved by the Planning Commission. Listed below are changes proposed to city arterial streets that require Council approval.

- New traffic signal at Illinois Avenue/Ivanhoe Road intersection
- New access on Robertsville Road
- Right-in/right-out access with deceleration lane on Oak Ridge Turnpike
- Right-in/right-out access with deceleration lane on Illinois Avenue

The TIS evaluated the traffic operational and safety impacts of the proposed development in the vicinity of the project site, which included all proposed site accesses and the adjacent Illinois Avenue/Turnpike and Robertsville Road/Turnpike intersections. The study generated traffic trips and performed capacity analysis to determine level of services for existing and future conditions. With the improvements proposed in the Master Plan, all existing intersection levels of service were either maintained or improved for the build-out 2017 design year.

During the process of reviewing the Master Plan several questions were asked about the Illinois Avenue/Ivanhoe traffic signal. The TIS showed that for the 2017 projected traffic several signal warrants are met based on the guidelines of the Manual on Uniform Traffic Control Devices. The proposed Illinois Avenue traffic signal is located approximately halfway between adjacent signals and should not compromise the existing Illinois Avenue signal progression system. The signal will provide improved pedestrian safety with crosswalks and pedestrian activated signals with countdown timers. The signal will not impact the operation of the existing school zone on Illinois Avenue. The signal will not impact the operation of the red light camera located at the Robertsville Road/Illinois Avenue intersection.

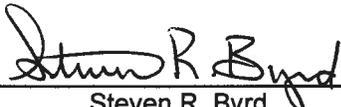
A concern was raised about preventing illegal turning movements at the right-in/right-out accesses. The detailed design should be such that non right-turn traffic movements are made very difficult, and thus physically discouraged.

The Tennessee Department of Transportation (TDOT) has reviewed the development layout and TIS for proposed state route accesses and traffic signal and has provided conceptual approval subject to Kroger

obtaining a highway entrance permit prior to any work on State right-of-way and subject to a letter from the City requesting the installation of the traffic signal. The City will be responsible for maintaining and operating the signal after installation.

At the September 18, 2012 Traffic Safety Advisory Board meeting, the two development alternatives were reviewed. The Board recommended approval for the chosen alternate as shown on the enclosed Preliminary PUD Master Plan.

City staff recommends approval of the accesses and the traffic signal subject to TDOT's final approval.



Steven R. Byrd

ks

Enclosures (2)

<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>

COMMUNICATION

Date: September 20, 2012

Subject: Kroger Retail Center – Site Access and Traffic Control

To: Honorable Mayor and members of City Council

At the September 18 regular called meeting of the Traffic Safety Advisory Board, a Traffic Impact Study (TIS) was presented for site driveway access and traffic control changes to streets surrounding the proposed Kroger Retail Center at the northeast corner of Oak Ridge Turnpike and S. Illinois Avenue. Six of the ten members of the Board and staff representative Steve Byrd were present. Kevin Cole and Chris Kirby of the engineering firm CDM Smith made the presentation.

Two alternatives were presented, the difference between the two being the possible acquisition of two parcels of property owned by the Oak Ridge Unitarian Church. These parcels have frontage on Oak Ridge Turnpike and Robertsville Road. Alternative 1 assumes acquisition of these parcels, while Alternative 2 does not.

The development proposes several changes along S. Illinois Ave, Oak Ridge Turnpike, Robertsville Road, Raleigh Road, and Ivanhoe Road. Robertsville Road is affected only by Alternative 1. Please also note that two residential streets, Robin Lane and Iris Circle, will be completely removed.

Referring to Figure 2A of the TIS, Alternative 1 proposes the following:

- New traffic signal at S. Illinois/Ivanhoe
- Traffic signal modifications at Turnpike/Robertsville
- Right-in/right-out driveway access on the Turnpike between S. Illinois and Robertsville
- Right-in/right-out driveway access on S. Illinois between the Turnpike and Ivanhoe
- Full driveway access off Ivanhoe to the rear (north side) of the site
- Full driveway access off Raleigh to the rear (north side) of the site
- Full driveway access off Robertsville to the east side of the site

Referring to Figure 2B of the TIS, Alternative 2 proposes the following:

- New traffic signal at S. Illinois/Ivanhoe
- New traffic signal at full access driveway on the Turnpike between S. Illinois and Robertsville
- Right-in/right-out driveway access on the Turnpike between S. Illinois and the new driveway described above
- Right-in/right-out driveway access on S. Illinois between the Turnpike and Ivanhoe
- Full driveway access off Ivanhoe to the rear (north side) of the site
- Full driveway access off Raleigh to the rear (north side) of the site
- No changes to Robertsville

Level of service (LOS) analyses were presented for all affected intersections for existing and proposed conditions. With the addition of intersection turn lanes, all existing levels of service were either maintained or improved for the design year 2017, accounting for full build-out of the Kroger Retail Center. Please refer to Figures 20 and 21 of the TIS for recommended lanes at each intersection.

The traffic analysis done for this project noted that the two new signals at the driveway intersection on the Turnpike and S. Illinois at Ivanhoe will meet several traffic signal warrants, even using conservative assumptions. The new signal at S. Illinois/Ivanhoe will greatly improve the AM movement from Ivanhoe onto S. Illinois, which is currently LOS F due to heavy back-up of traffic on S. Illinois. The back-up is from vehicles entering the school driveways on the west side of S. Illinois. The level of service at this intersection will improve from F to C with the new signal.

There was significant discussion on the number of accesses to the site. Mr. Cole and Mr. Kirby explained that there is a balance between limiting site access and making the development attractive to business. The main concerns noted were: (1) the need for the two proposed right-in/right-out driveways; and (2) under Alternative 2, regarding the right-in/right-out driveway on the Turnpike, how close it was to the S. Illinois intersection.

Further discussion noted that the Turnpike right-in/right-out was necessary under Alternative 1 as the only direct access to the Turnpike. Another observation was made that the S. Illinois right-in/right-out would reduce traffic volume on Ivanhoe, which will still be semi-residential.

A motion was made and seconded that the Board recommend City Council approval of both Alternatives, with consideration given in your discussion for the concerns noted above. Without further discussion, the motion was passed 6 in favor, 0 opposed, and 0 abstentions.

Respectfully Submitted,



Jason C. Elliott
Vice Chairman, Traffic Safety Advisory Board

RESOLUTION

A RESOLUTION APPROVING ACCESSES TO OAK RIDGE TURNPIKE (SR95), ILLINOIS AVENUE (SR62), AND ROBERTSVILLE ROAD, AND APPROVING A TRAFFIC SIGNAL AT THE INTERSECTION OF ILLINOIS AVENUE AND IVANHOE ROAD, AS SHOWN ON THE PRELIMINARY PUD MASTER PLAN FOR A PROPOSED GROCERY AND RETAIL DEVELOPMENT PROJECT; SAID ACCESSES AND SIGNAL SUBJECT TO APPROVAL BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION.

WHEREAS, the future property owner of Anderson County Tax Map 099K, Group B, Parcels 13-37, and Anderson County Tax Map 099K, Group C, Parcels 28-59, has requested accesses to Oak Ridge Turnpike, Illinois Avenue, and Robertsville Road, and a traffic signal at the intersection of Illinois Avenue and Ivanhoe Road, that will serve said parcels for a proposed grocery and retail development project; and

WHEREAS, Oak Ridge Turnpike, Illinois Avenue, and Robertsville Road are arterial roads and the proposed accesses and signal require City Council approval; and

WHEREAS, Illinois Avenue and Oak Ridge Turnpike are also state routes and the proposed accesses and signal require Tennessee Department of Transportation approval, for which conceptual approval has already been received; and

WHEREAS, the proposed accesses and signal have been reviewed by the Traffic Safety Advisory Board at its September 18, 2012 meeting, which Board recommended approval; and

WHEREAS, the proposed access locations and signal are 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 right-in/right-out accesses to Oak Ridge Turnpike and Illinois Avenue and the full-use access to Robertsville Road from Anderson County Tax Map 099K, Group B, Parcels 13-37, and Anderson County Tax Map 099K, Group C, Parcels 28-59, and the traffic signal at the intersection of Illinois Avenue and Ivanhoe Road, all as shown on the attached Preliminary PUD Master Plan, dated September 28, 2012 and revised through October 15, 2012, are hereby approved subject to approval of the accesses and signal by the Tennessee Department of Transportation.

This the 22nd day of October 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

This preliminary PUD plan was prepared prior to receiving a survey of the property. It is recognized that while not all of the requested items on the PUD checklist can be provided at this time, they will be provided as soon as the survey is made available.

REVENUE TO BE COLLECTED ON THE NORTH SIDE OF THE ROAD SHALL BE THE USE AND RENT OF ANY BUSINESS OR PROFESSIONAL OFFICE BUILDING SHALL BE AS SET FORTH IN THE CITY OF CHICAGO.

ELECTRICAL DEPARTMENT CHECKLIST:

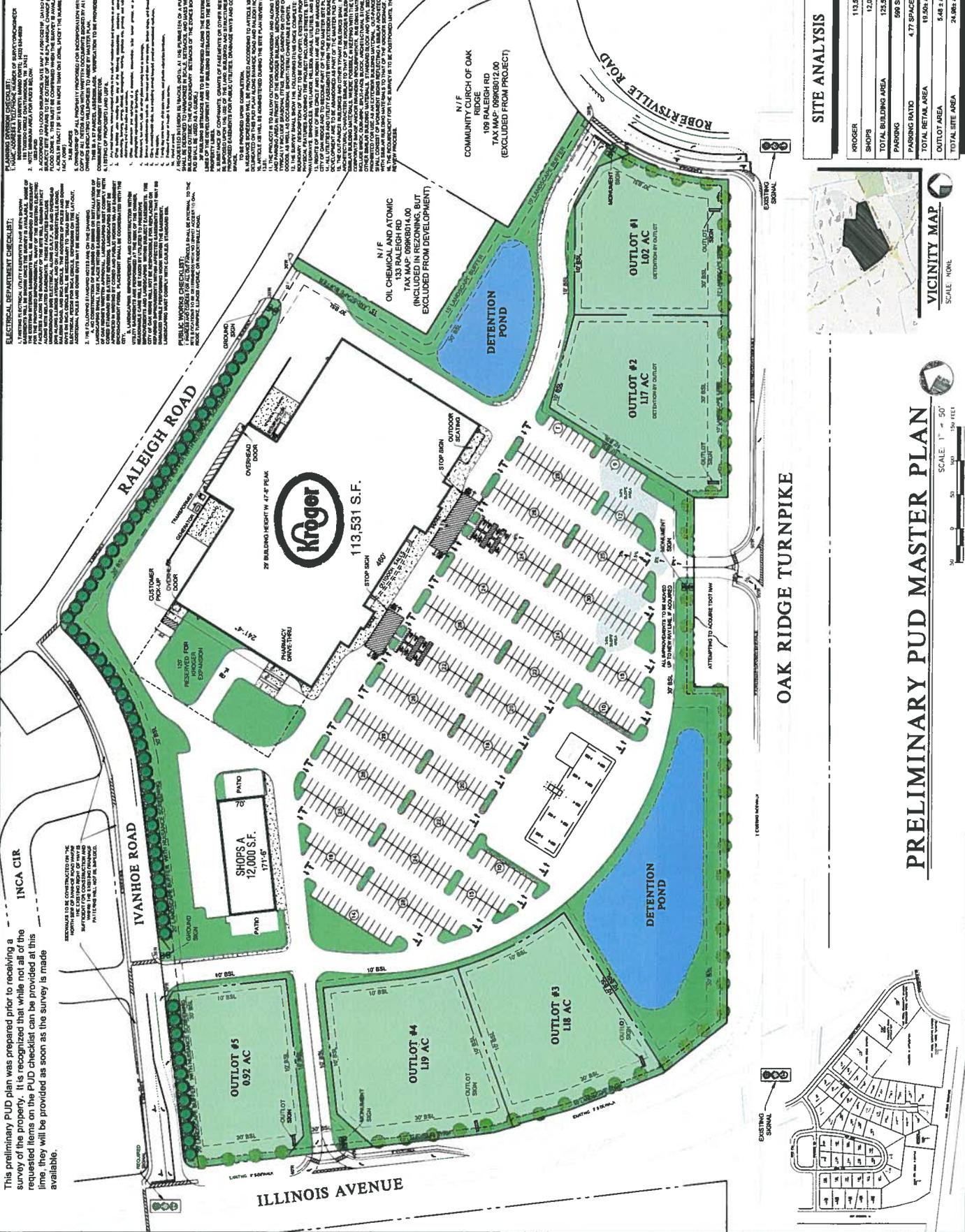
1. ALL ELECTRICAL UTILITY SERVICES HAVE BEEN IDENTIFIED AND LOCATED ON THE SITE PLAN. THE LOCATION OF ALL UTILITIES SHALL BE SHOWN ON THE SITE PLAN AND THE LOCATION OF ALL UTILITIES SHALL BE SHOWN ON THE SITE PLAN.
2. THE FOLLOWING ELECTRICAL UTILITY SERVICES HAVE BEEN IDENTIFIED AND LOCATED ON THE SITE PLAN:
 - a. OVERHEAD SERVICE
 - b. UNDERGROUND SERVICE
 - c. SERVICE ENTRANCE
 - d. METER
 - e. TRANSFORMER
 - f. DISTRIBUTION SYSTEM
 - g. LIGHTING
 - h. TELEPHONE
 - i. CABLE
 - j. FIBER OPTIC
 - k. RADIATION
 - l. OTHER
3. THE FOLLOWING ELECTRICAL UTILITY SERVICES HAVE BEEN IDENTIFIED AND LOCATED ON THE SITE PLAN:
 - a. OVERHEAD SERVICE
 - b. UNDERGROUND SERVICE
 - c. SERVICE ENTRANCE
 - d. METER
 - e. TRANSFORMER
 - f. DISTRIBUTION SYSTEM
 - g. LIGHTING
 - h. TELEPHONE
 - i. CABLE
 - j. FIBER OPTIC
 - k. RADIATION
 - l. OTHER

ROBERTSON LOJA ROOF ARCHITECTS & ENGINEERS
 2400 PLYMOUTH ROAD, SUITE 275, ARLINGTON, TEXAS 76010
 770-674-2000 FAX 770-674-1745

KROGER CA-690 OAK RIDGE
 OAK RIDGE, TN
 (773) 496-7408
 2125 PLYMOUTH DR. N. ATLANTA, GA

PRELIMINARY PUD MASTER PLAN
 PROJECT NUMBER: 09-28-12
 SHEET NUMBER: 1.2-2.09
 SHEET TITLE: PRELIMINARY PUD MASTER PLAN

ROBERTSON LOJA ROOF ARCHITECTS & ENGINEERS
 2400 PLYMOUTH ROAD, SUITE 275, ARLINGTON, TEXAS 76010
 770-674-2000 FAX 770-674-1745



SITE ANALYSIS

KROGER	113,531 S.F.
SHOPS	12,000 S.F.
TOTAL BUILDING AREA	125,531 S.F.
PARKING	599 SPACES
PARKING RATIO	4.77 SPACES/S.F.
TOTAL RETAIL AREA	18,506 ACRES
OUTLOT AREA	5.48 ACRES
TOTAL SITE AREA	24,996 ACRES



PRELIMINARY PUD MASTER PLAN



CPS-8.9

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
12-36

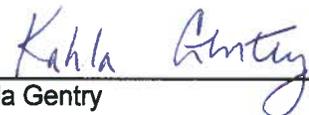
DATE: October 11, 2012
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director 
FROM: Kahla Gentry, Senior Planner
SUBJECT: **Abandonment of Iris Circle and Robin Lane Right-of-Ways and Sewer, Water, Electric Easements and Associated Utility Services.**

An item for the City Council agenda is a request to abandon the Iris Circle and Robin Lane right-of-ways, utility easements and associated utility services located between Illinois Avenue and Robertsville Road and between Oak Ridge Turnpike, Raleigh Road and Ivanhoe Road. At their regular meeting on September 27, 2012, the Oak Ridge Municipal Planning Commission voted 10-0 to recommend approval of the requested abandonment.

The developers of the Kroger Center PUD are requesting that the City of Oak Ridge abandon the right-of-ways for Iris Circle and Robin Lane and deed the land to the contiguous property owner. Also, in order to allow the development of the new Kroger Center, the developer is requesting the abandonment of sewer, water and electric easements and associated utilities within the PUD area.

Planning Commission has recommended approval of the Kroger Center Preliminary PUD plan and City Council approved the proposed Kroger PUD on first reading at the October 8, 2012 City Council meeting. A major component of the proposed plan is the closure of Iris Circle and Robin Lane as part of the redevelopment occurring for the construction of a new shopping center.

Staff recommends approving the abandonment of the Iris Circle and Robin Lane right-of ways and utilities as needed for redevelopment within the Kroger PUD site.



Kahla Gentry

City Manager's Comments:

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



Mark S. Watson, City Manager 10/17/12
Date



KROGER FOOD STORES

P. O. Box 105520 Atlanta, Georgia 30348

September 19, 2012

Ms. Kahla Gentry
City of Oak Ridge
200 S. Tulane Avenue
Oak Ridge, TN 37831

Re: Oak Ridge Kroger
Request for Road Abandonment
Robin Lane and Iris Circle

Ms. Kahla Gentry:

This letter shall accompany the Planned Unit Development, Preliminary Master Plan application for the Kroger shopping center to be located on the Northeast corner of Oak Ridge Turnpike and Illinois Ave. In order to construct the aforementioned development, and as part of the rezoning application, we respectfully request, upon the purchase properties identified within the rezoning submission, that the City of Oak Ridge shall abandon those portions of Iris Circle and Robin Lane that lie within said PUD Master Plan.

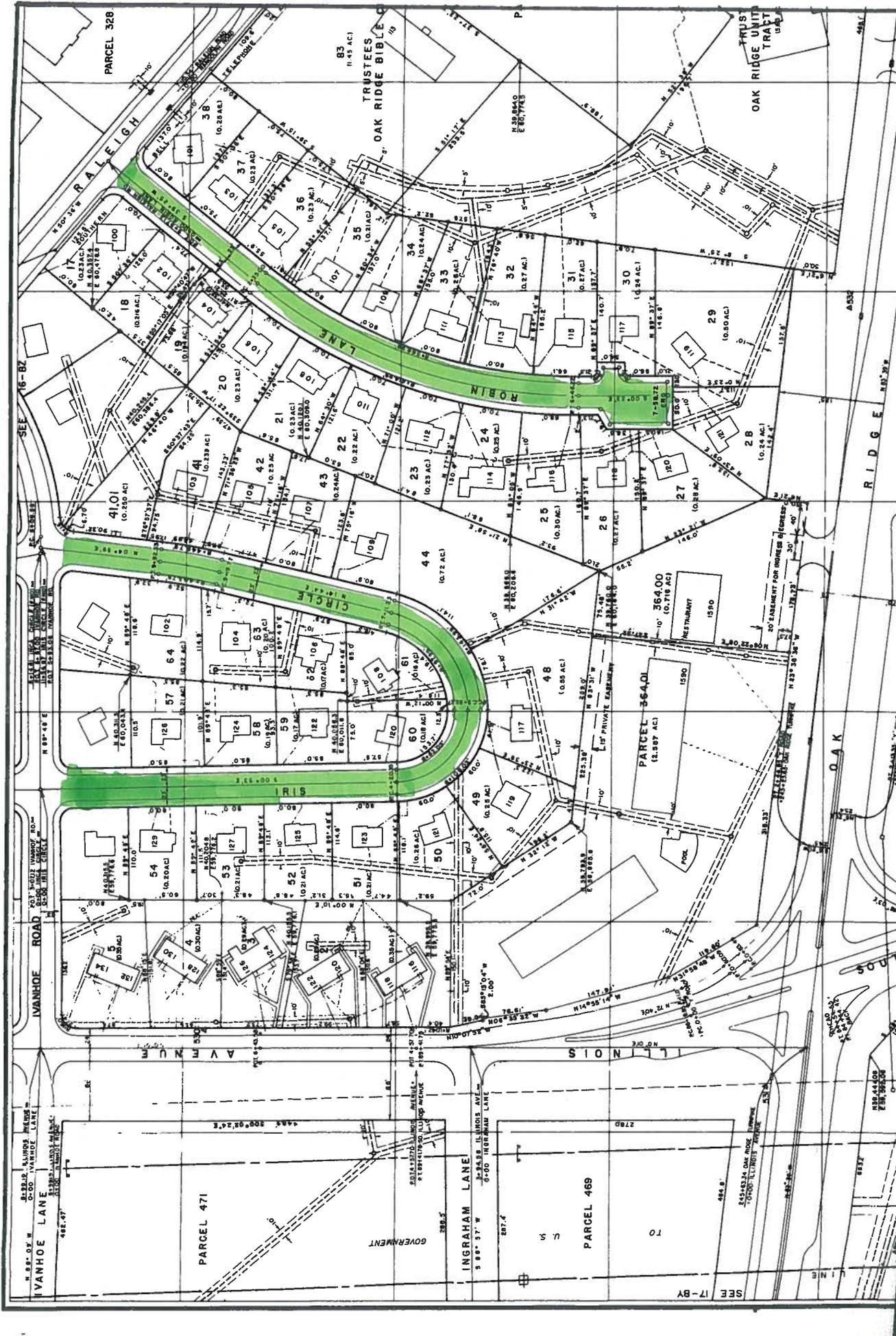
Sincerely,

A handwritten signature in black ink, appearing to read "Paul Xhajanka".

Paul Xhajanka
Kroger Real Estate Manager
Atlanta Division

SEP 19 2012

ABANDONMENT OF RIGHT-OF-WAYS FOR IRIS CIRCLE AND ROBIN LANE



This preliminary PUD plan was prepared prior to receiving a survey of the property. It is recognized that while not all of the requested items on the PUD checklist can be provided at this time, they will be provided as soon as the survey is made available.

SECTION 5 TO BE CONSTRUCTED ON THE NORTH SIDE OF IANCA CIR. THE EXISTING CURB AND GUTTER SHALL BE MAINTAINED. THE EXISTING DRIVEWAY SHALL BE MAINTAINED. THE EXISTING DRIVEWAY SHALL BE MAINTAINED. THE EXISTING DRIVEWAY SHALL BE MAINTAINED.

ELECTRICAL DEPARTMENT CHECKLIST:

1. EXISTING ELECTRICAL UTILITY LOCATIONS HAVE BEEN SHOWN ON THE SITE PLAN. THE LOCATION OF ALL NEW ELECTRICAL UTILITY SHALL BE SHOWN ON THE SITE PLAN. THE LOCATION OF ALL NEW ELECTRICAL UTILITY SHALL BE SHOWN ON THE SITE PLAN.
2. THE FOLLOWING STANDARDS SHALL BE USED FOR THE ELECTRICAL UTILITY:
 - A. ALL ELECTRICAL UTILITY SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE ILLINOIS ELECTRICAL CODE.
 - B. ALL ELECTRICAL UTILITY SHALL BE INSTALLED IN ACCORDANCE WITH THE ILLINOIS ELECTRICAL CODE.
 - C. ALL ELECTRICAL UTILITY SHALL BE INSTALLED IN ACCORDANCE WITH THE ILLINOIS ELECTRICAL CODE.

PRELIMINARY PUD MASTER PLAN

PROJECT NUMBER: 09-28-12

DATE: 12-20-09

STREET NUMBER: CPS-8.9

ROBERTSON LOIA ROOF ARCHITECTS & ENGINEERS

2440 Pavilion Ridge Plaza, Suite 275, Naperville, Georgia 30055

770-874-8800

KROGER GA-690 OAK RIDGE

THE KROGER CO.

1750 W. 15th Street, Omaha, Nebraska 68102

402-441-4400

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KROGER GA-690 OAK RIDGE

THE KROGER CO.

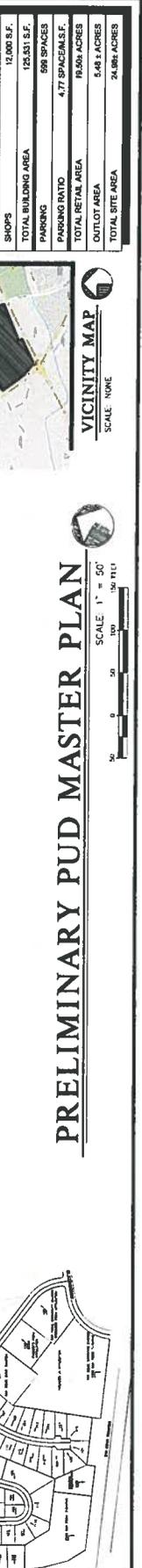
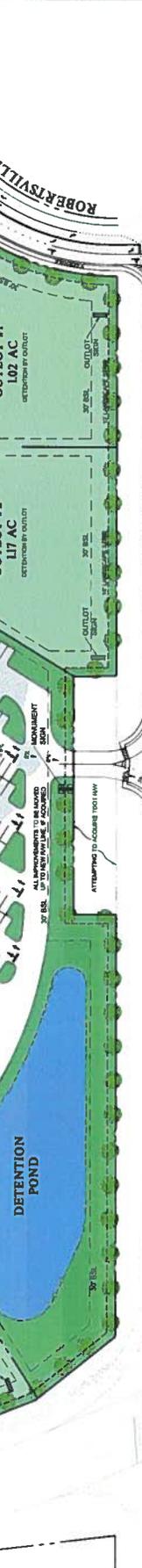
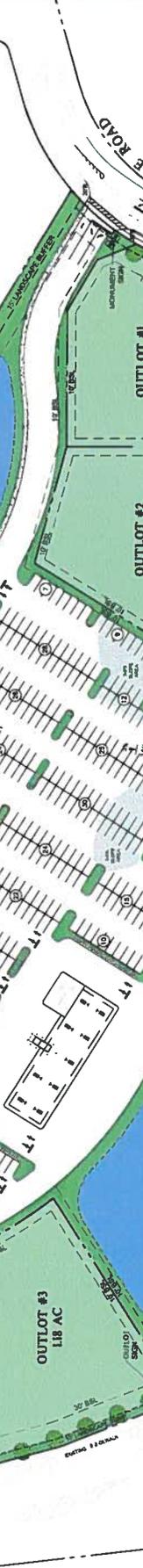
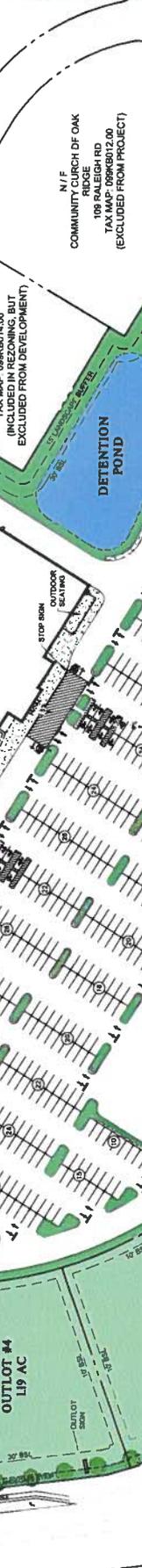
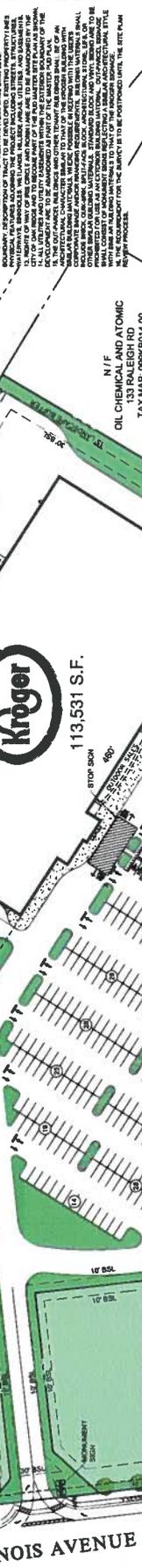
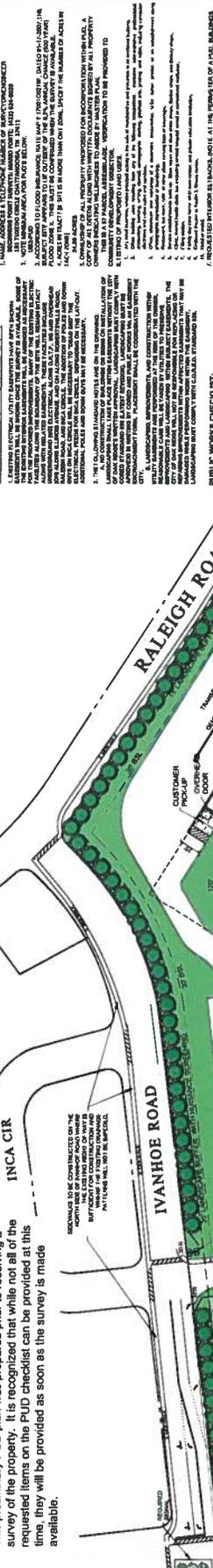
1750 W. 15th Street, Omaha, Nebraska 68102

402-441-4400

ROBERTSON LOIA ROOF ARCHITECTS & ENGINEERS

2440 Pavilion Ridge Plaza, Suite 275, Naperville, Georgia 30055

770-874-8800



SITE ANALYSIS

KROGER	113,531 S.F.
SHOPS	12,000 S.F.
TOTAL BUILDING AREA	125,531 S.F.
PARKING	599 SPACES
PARKING RATIO	4.77 SPACES/S.F.
TOTAL RETAIL AREA	19,906 ACRES
OUTLOT AREA	5.48 ACRES
TOTAL SITE AREA	24.886 ACRES



RESOLUTION

A RESOLUTION ABANDONING RIGHTS-OF-WAY FOR IRIS CIRCLE AND ROBIN LANE, AND ABANDONING THE SEWER, WATER, AND ELECTRIC EASEMENTS AND ASSOCIATED UTILITY SERVICES ON THE FUTURE KROGER CENTER SITE AS SHOWN ON THE PRELIMINARY PUD MASTER PLAN.

WHEREAS, the Kroger Company, future property owner of Anderson County Tax Map 099K, Group B, Parcels 13-37, and Anderson County Tax Map 099K, Group C, Parcels 28-59, has requested the City to abandon the Iris Circle and Robin Lane rights-of-way, and abandon the sewer, water, and electric easements and associated utility services to accommodate their proposed grocery and retail development project as shown on their Preliminary PUD Master Plan titled "Kroger GA-690 Oak Ridge;" and

WHEREAS, the proposed grocery and retail development will consolidate existing properties and have accesses from Illinois Avenue, Oak Ridge Turnpike and Robertsville Road, therefore Iris Circle and Robin Lane rights-of-way will not be needed to provide access to the proposed development; and

WHEREAS, new utility infrastructure will be constructed therefore the existing easements and associated utility services will not be needed to provide utilities to the proposed development; and

WHEREAS, at its September 27, 2012 meeting, the Oak Ridge Municipal Planning Commission recommended approval of the requests for abandonment; and

WHEREAS, the City Manager recommends approval of the requests for abandonment.

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

That the recommendations of the City Manager and the Oak Ridge Municipal Planning Commission are approved and the City hereby abandons the Iris Circle and Robin Lane rights-of-way and abandons the sewer, water, and electric easements and associated utility services for the following parcels: Anderson County Tax Map 099K, Group B, Parcels 13-37, and Anderson County Tax Map 099K, Group C, Parcels 28-59.

BE IT FURTHER RESOLVED that said abandonments are conditioned upon the Kroger Company submitting a new plat for their consolidated properties and recording said plat in the appropriate register of deeds office.

BE IT FURTHER RESOLVED that the rights-of-way will be dedicated to the Kroger Company, with said company being responsible for the costs associated with any necessary surveys and legal documents, as well as recording costs.

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

This the 22nd day of October 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**FINAL ADOPTION
OF
ORDINANCES**

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
12-38

Date: October 15, 2012
TO: Mark S. Watson, City Manager
FROM: Kathryn G. Baldwin, Community Development Director 
SUBJECT: Substitute Ordinance for Consideration – Kroger Rezoning

An item for the agenda is the second reading of the rezoning ordinance for the new grocery and retail development project by the Kroger Company. Attached for City Council's consideration is a substitute ordinance for this item.

During first reading of the rezoning ordinance, City Council amended the Preliminary PUD Master Plan to include all of Parcel 14 located at 133 Raleigh Road and not just the back portion as was originally presented. This change was done in accordance with the property owner's request to have the entire parcel rezoned. However, changes are also necessary to the rezoning ordinance itself since the ordinance approved on first reading only addressed the back portion of the parcel.

For clarity, staff has also specified the name of the PUD Preliminary Master Plan and its revision dates in Section 3 of the substitute ordinance.

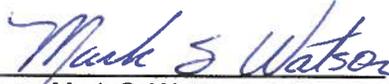
A substitute ordinance has been prepared and is attached for City Council's consideration. The substitute ordinance changes the references to 133 Raleigh Road to now include the whole parcel in the rezoning to UB-2/PUD. City Council is requested to amend the ordinance on the floor to replace it with the substitute ordinance.

Approval of the substitute ordinance is recommended by staff.

Attachment

City Manager's Comments:

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



Mark S. Watson 10/17/12
Date

SUBSTITUTE ORDINANCE

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-1-C MDO, ONE-FAMILY RESIDENTIAL MANHATTAN DISTRICT OVERLAY, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; PARCELS 13-15, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 58-59, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM O-2, OFFICE, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND PARCELS 53-57, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-2 MDO, LOW DENSITY RESIDENTIAL MANHATTAN DISTRICT OVERLAY TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR SAID PARCELS.

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

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

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

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

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 16-37, Anderson County Tax Map 099K, Group B (± 5.59 Acres)	100-121 Robin Lane	R-1-C MDO, One-Family Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcels 30 and 33-52, Anderson County Tax Map 099K, Group C (± 5.299 Acres)	101-109, 117, 119-127, 129 and 131 Iris Circle	R-1-C MDO, One-Family Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcels 28-29 and 31-32, Anderson County Tax Map 099K, Group C (± 1.25 Acres)	101, 103, 107 and 109 Ivanhoe Road	R-1-C MDO, One-Family Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 53-57 Anderson County Tax Map 099K, Group C (± 1.58 Acres)	116, 120, 124, 128 and 132 Illinois Avenue	R-2 MDO, Low Density Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcels 58-59, Anderson County Tax Map 099K, Group C (± 3.303 Acres)	1590 Oak Ridge Turnpike	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcel 13, Anderson County Tax Map 099K Group B (± 3.63 Acres)	1500 Oak Ridge Turnpike	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcel 14, Anderson County Tax Map 099K Group B (± 2.00 Acres)	133 Raleigh Road	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcel 15, Anderson County Tax Map 099K Group B (± 1.45 Acres)	113 Raleigh Road	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)

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

Section 3. The attached Planned Unit Development Preliminary Master Plan, titled "Kroger GA-690 Oak Ridge," for said parcels, dated September 28, 2012 and revised through October 15, 2012, as approved by the Oak Ridge Municipal Planning Commission on September 27, 2012, is hereby approved.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 10/08/2012
Publication Date: 09/21/2012
First Reading: 10/08/2012
Publication Date: 10/15/2012
Public Hearing: 10/22/2012
Publication Date: 10/03/2012
Second Reading: 10/22/2012
Publication Date: _____
Effective Date: _____

This preliminary PUD plan was prepared prior to receiving a survey of the property. It is recognized that while not all of the requested items on the PUD checklist can be provided at this time, they will be provided as soon as the survey is available.

REQUIRE TO BE CONVEYED ON THE NORTH AND SOUTH SIDES OF THE LOT. THE EAST AND WEST SIDES OF THE LOT MAY BE CONVEYED ON THE NORTH AND SOUTH SIDES OF THE LOT. THE LOT IS TO BE CONVEYED ON THE NORTH AND SOUTH SIDES OF THE LOT.

ELECTRICAL DEPARTMENT CHECKLIST:

1. A LICENSED ELECTRICIAN SHALL VERIFY THE LOCATION OF ALL EXISTING AND PROPOSED ELECTRICAL SERVICE ENTRIES AND THE LOCATION OF ALL EXISTING AND PROPOSED ELECTRICAL SERVICE ENTRIES AND THE LOCATION OF ALL EXISTING AND PROPOSED ELECTRICAL SERVICE ENTRIES.
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PUBLIC WORKS CHECKLIST:

1. THE FOLLOWING INFORMATION SHALL BE PROVIDED TO THE CITY ENGINEER:
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LANDSCAPE CHECKLIST:

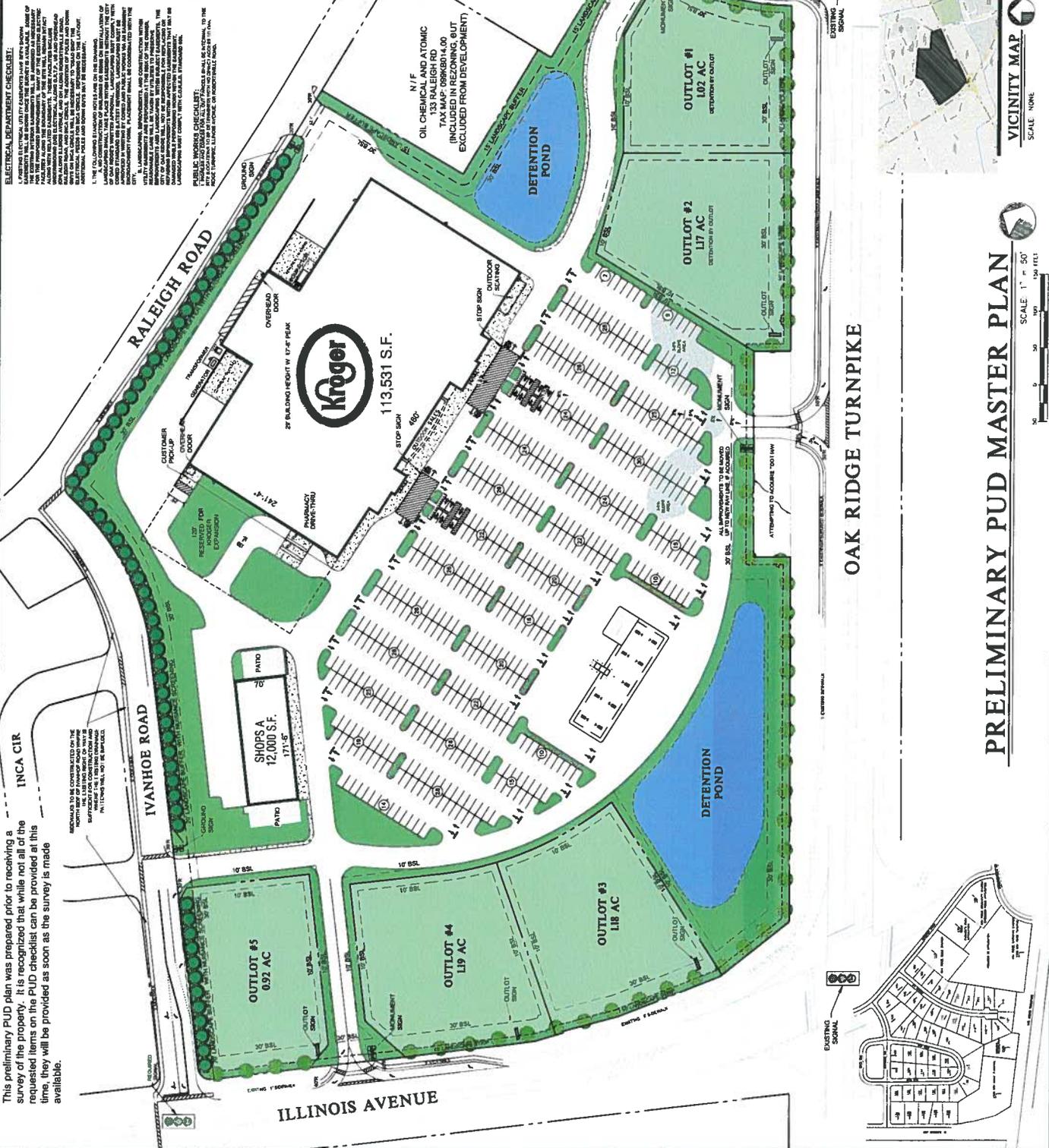
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ROBERTSON LOJA ROOF ARCHITECTS & ENGINEERS
 3400 Peachtree Dunwoody Rd., Suite 275, Atlanta, Georgia 30084
 770-674-2800 / 770-674-1845

THE KROGER CO.
 OAK RIDGE, TN
 2125 MADISON DR., N.E. ATLANTA, GA
 (770) 499-7488

PRELIMINARY PUD MASTER PLAN
 PROJECT NUMBER: 09-28-12
 SHEET NUMBER: 12-209
 DATE: 09-28-12

CP8-8.9



SITE ANALYSIS

KROGER	113,531 S.F.
SHOPS	12,000 S.F.
TOTAL BUILDING AREA	125,531 S.F.
PARKING	699 SPACES
PARKING RATIO	4.77 SPACES/S.F.
TOTAL METAL AREA	18,506 ACRES
OUTLOT AREA	5.48 ACRES
TOTAL SITE AREA	24,994 ACRES



COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
12-35

DATE: September 28, 2012

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director *KB*

FROM: Monica Austin Carroll, Community Development Division Manager *MAC*

SUBJECT: **Request to Rezone area between South Illinois Avenue, Ivanhoe Road, Raleigh Road, Robertsville Road, and Oak Ridge Turnpike from R-1-C MDO, One Family Residential, R-2 MDO, Low Density Residential, and O-2, Office to UB-2 Unified General Business with a Planned Unit Development (PUD) Overlay and approval of the Preliminary PUD Master Plan**

An item for the City Council agenda is a request to rezone the area between South Illinois Avenue, Ivanhoe Road, Raleigh Road, Robertsville Road, and Oak Ridge Turnpike. The request is to rezone the property from R-1-C within the Manhattan District Overlay (MDO), One Family Residential, R-2 MDO, Low Density Residential, and O-2, Office to UB-2 Unified General Business with a Planned Unit Development (PUD) Overlay. The area to be rezoned consists of 57 parcels of land: 47 residential parcels zoned R-1-C MDO; 5 parcels zoned R-2 MDO; and 5 parcels zoned O-2. The site has an approximately 24.68 acres. The rezoning is being requested for a retail shopping center with outparcels. At their regular meeting on September 27, 2012, the Planning Commission recommended approval of the rezoning by a vote of 10 - 0. The traffic impact study (TIS) has been reviewed by Steve Byrd, City Engineer, and the Traffic Safety Advisory Board (TSAB). At their meeting on September 18, 2012, TSAB recommended approval of the TIS by a vote of 6-0.

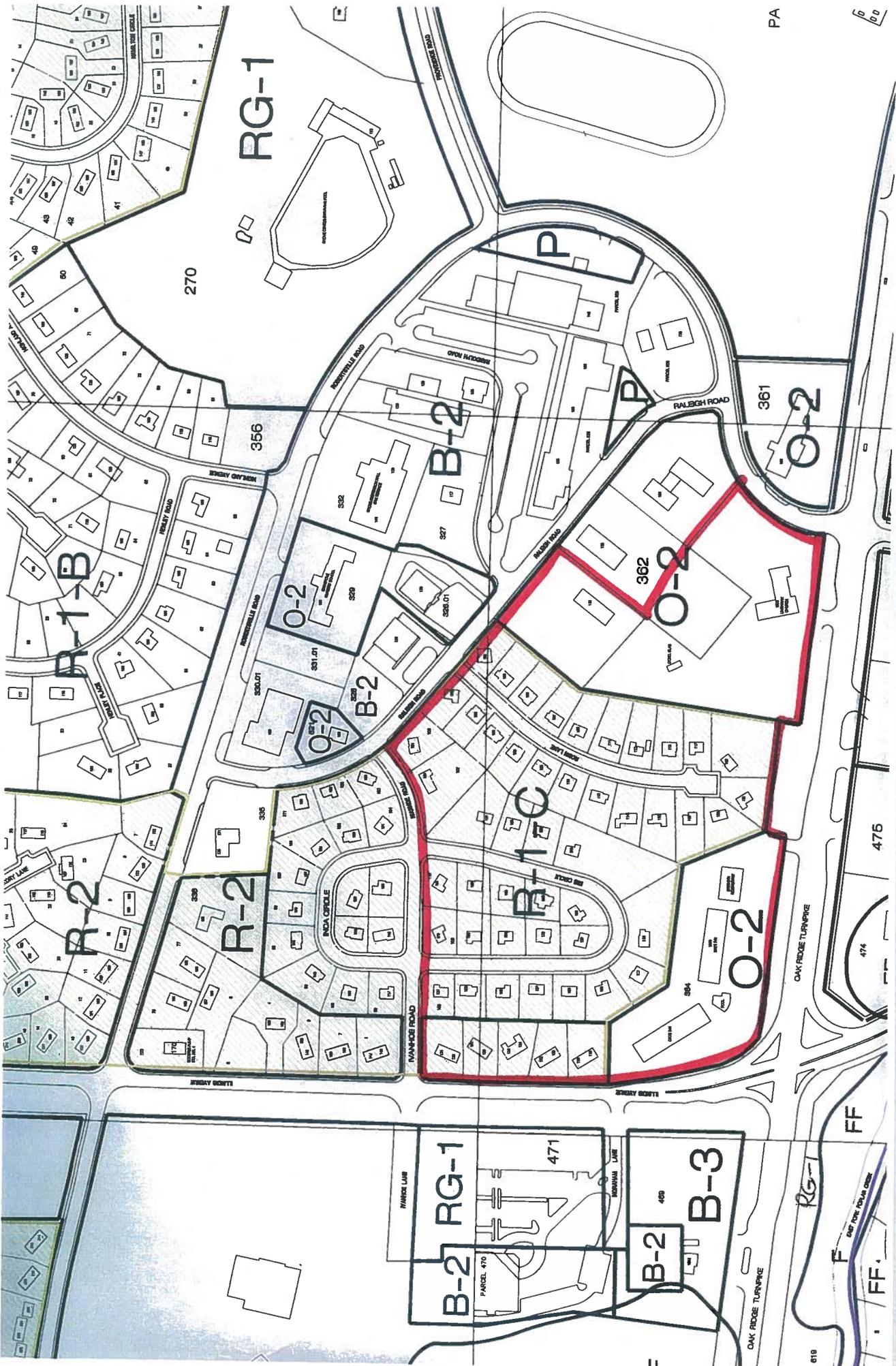
The proposed zoning is consistent with the Comprehensive Plan policies to support the development of retail sales as an important component of the Oak Ridge economic development strategy, particularly in the city center. The assembled properties are centrally located at the intersection of two (2) major state highways that bisect the City. Land uses in the area are mixed and consist of residential, office/institutional and retail businesses. The staff finds the rezoning to be in compliance with the Comprehensive Plan policy of encouraging retail development on arterial streets located in the central area of the city that is compatible with surrounding development and capable of being adequately served by utilities.

Another item for City Council is the request to approve the Preliminary PUD Master Plan for the Kroger Marketplace Shopping Center. The Planning Commission also recommended approval of the Preliminary PUD Master Plan for the Kroger Marketplace Shopping Center by a vote of 10 - 0 contingent upon addressing the building materials on the Kroger building and outparcels by excluding standard concrete block and vinyl siding as allowable building materials; postponed the requirement for a survey until the site plan review process; granted a variance to accommodate architectural features that extend an additional three (3) feet for two (2) corner features, 6'6" for one (1) architectural feature, and 11'7" for the primary architectural feature at the main entrance; and granted a variance to allow outdoor merchandising in the parking area and sidewalk as it relates to seasonal items, produce, floral and garden or other outdoor goods, as well as occasional short-term charitable events which are to be located in front of the Kroger building between the main entrances.

City Manager's Comments:

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

Mark S. Watson *10/2/2012*
Mark S. Watson Date



KROGER MARKETPLACE REZONING
 REQUEST REZONING TO UB-2/PUD

Staff Review of Rezoning Request

Location & Approximate Area: The area to be rezoned consists of 57 parcels of land; 47 residential parcels zoned R-1-C within the Manhattan District Overlay (MDO); 5 parcels zoned R-2/MDO and 5 parcels zoned O-2. The area proposed for rezoning lies between Illinois Avenue, Oak Ridge Turnpike, Robertsville Road, Raleigh Road and Ivanhoe Road. The site has an approximate area of 24.68 acres.

Date: September 20, 2012

Owners: 56 Properties Under Contract for Sale
See attached list
Unitarian Church may be included

Applicant: The Kroger Company
Paul Xhajanka
Real Estate Manager
2175 Parklake Drive NE
Atlanta, GA 30345

Request Rezoning

From: R-1-C/MDO, One-Family Residential, R-2/MDO, Low-Density Residential and O-2, Office

To: UB-2, Unified General Business with a Planned Unit Development (PUD) overlay.

Site Characteristics:

Developed property with streets, single-family and duplex housing units, two hotels, a restaurant, a daycare, property behind a union hall, and possibly a church property.

Adjacent Land Uses & Zoning:

North: Single-family residences zoned R-1-C, One-family Residential in the Manhattan District Overlay zone, Duplex units zoned R-2, Low Density Residential in the Manhattan District Overlay. Across Raleigh Road there are businesses zoned B-2, General Business, and O-2, Office, including Grove Center shopping center.

West: Across Illinois Avenue, vacant lot zoned B-3, Roadside Business and B-2, General Business and church zoned RG-1, Residential, Open Space and Reserved and B-2, General Business.

South: Across Oak Ridge Turnpike, car dealership zoned B-3, Roadside Business.

East: Church or churches zoned O-2, Office. Across Robertsville Road, Oak Ridge Visitor's Bureau zoned O-2, Office.

Previous Rezoning Requests: None

Background:

Purpose: The rezoning is requested to allow a shopping center anchored by Kroger and outparcels for future development.

Conformity with 1988 Comprehensive Plan:

- a. Land Use Plan: The Land Use Plan map designates the area proposed for rezoning as R, Residential in the area of Iris Circle and Robin Lane; O, Office in the area between

the lots on Robin Lane, Raleigh Road and Robertsville Road; and B, General Business on the corner of Illinois Avenue and Oak Ridge Turnpike. If rezoned, the Land Use Plan map will need to be amended to conform to the zoning.

b. Applicable Policies:

Policy L-7: To the extent possible, commercial development that is located along Oak Ridge's arterial streets will be in unified centers with shared access to those roadways.

Policy L-8: The City will promote the location of intensively-designed retail, service, office, hotel, multiple-family residential and civic activities in the Turnpike-Illinois-Rutgers vicinity and in the Jackson Square - Jackson Plaza vicinity while allowing appropriately located and designed neighborhood shopping centers.

Policy L-9: The City will also allow community scale retail development on appropriately zoned sites having good traffic access and proper buffering from residential areas.

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

Policy L-14: The City will attempt to create a dominant city center which is visually and psychologically strong through the encouragement of retail, office, hotel, and restaurant development, high-density housing, major public facilities, public gathering spaces, pedestrian and bicyclist paths, and landscaping.

Policy L-18: In all retail centers, the City will promote designs which emphasizes pedestrian amenities, human scale, abundant landscaping, and distinctive architecture.

Analysis:

The following criteria were used to evaluate the rezoning request:

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

The proposed zoning will require amendment of the Land Use Plan map; however, the proposed development is consistent with the Comprehensive Plan policies to support the development of retail sales as an important component of the Oak Ridge economic development strategy, particularly in the city center. When the Comprehensive Plan was last updated, even before Turkey Creek was developed, it was stated "It is apparent that Oak Ridge has leakage in retail sales and that some of the prime shopping center sales dollars are being spent elsewhere." The Comprehensive Plan policies listed above support zoning that will allow the development of a well-planned unified retail center located at the intersection of the the two major thoroughfares as part of the city's effort to create a

commercial center that provides diverse shopping opportunities in an attractive setting.

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

The business properties at the corner of Oak Ridge Turnpike and Illinois Avenue are prime for redevelopment with one hotel already closed. The applicant has obtained sales options with the property owners in the area.

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

Yes. The assembled property is centrally located at the intersection of two major state highways that bisect the city. The area between Robertsville Road, Illinois Avenue and Oak Ridge Turnpike is an area of mixed uses including residential, office/institutional and retail businesses in the Grove Center shopping area. The residential area proposed for rezoning is surrounded by non-residential uses and commercial zoning on three sides. The proposed shopping center will be located south of Ivanhoe Road and will not be immediately adjacent any residential lots.

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

No. The proposed rezoning will result in commercial zoning similar to districts directly across from the subject property on Illinois Avenue, Oak Ridge Turnpike, and Raleigh Road.

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

Public utilities and road capacity are adequate.

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

Environmental impacts are minimal. This is a previously developed area. The primary impact will be removal of vegetation and an increase in impermeable area. Increased storm water run-off will be detained on site.

Neighborhood Position: Response has primarily been positive; however, concerns have been expressed regarding traffic, particularly truck routes, noise caused by trucks, and safety concerns related to traffic congestion.

Landscaping/Buffering requirements: If new construction occurs, at least 20% of the site must remain in green space. A vegetative streetscape will be created along all street frontage areas between the parking lot and front lot lines. Heavy landscape buffers are required to further separate residential neighborhoods in addition to screening of nuisance areas. Additional landscaping requirements of the PUD plan must be met.

Notification of Property Owners Within 200': September 7, 2012

Rezoning signs posted: September 19, 2012

Conclusion and Planning Staff Recommendation: Staff recommends approval of the rezoning request, finding the request in compliance with Comprehensive Plan policies of encouraging retail development on arterial streets located in the central area of the city, compatible with surrounding development and capable of being adequately served by utilities.

Planning Commission Recommendation: September 27, 2012:

**COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM**

TO: Planning Commission

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

DATE: September 20, 2012

SUBJECT: **Kroger Marketplace Shopping Center**

Preliminary PUD Master Plan, Kroger Marketplace Shopping Center, area between Raleigh Road, South Illinois Avenue, Oak Ridge Turnpike and Ivanhoe Road, Zoned UB-2 PUD

Staff recommends approval subject to the following comments.

Planning Department

1. Need to provide a note indicating whether or not there are any Floodway or Floodway Fringe boundaries. These boundaries must be verified by field surveys with a note stating such and referencing the FIRM panel numbers during the site plan submittal.
2. Need to correct the acreage on Plan CPs – 8.5.
3. Need to include the name of adjacent property owners or the parcel id on the plan.
4. Note #14 needs to be addressed. Per Section 9.05 (w) Nonresidential Development Standards c. Use Permitted to Be Noted on Master Plan “uses permitted within any commercial PUD along with the approved list of alternative land uses shall be indicated on the Master Plan. Any limitation of use made part of the approved Master Plan shall be noted along with the uses permitted.”
5. Need to include the setbacks on the plan. Note #18 needs to be updated.
6. Need the survey to show the boundary and description of the tract to be developed including all existing property lines. The survey also needs to show physical features in or adjoining the project including streets, structures, waterways, sinkholes, wetlands, hillside areas, utilities, and easements.
7. Need to include a copy of the covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings, and structures including proposed easements for public utilities, drainage ways and common open space.
8. Per Section 9.05 (w) Nonresidential Development Standards 3. General Development Standards d. Outdoor Storage or Activities “Unless otherwise specified in the approved Master Plan for the commercial PUD, all outdoor storage facilities and outdoor sales activities are prohibited in any

commercial PUD district. This provision shall not be construed to exclude seasonal displays and short-term charitable events of no more than 90 days duration.”

Public Works Comments

1. In the Traffic Impact Study (TIS) beginning on page 40 under Recommendations for Lane Geometrics and Traffic Control for Alternate 1 and Alternate 2 there are recommended site improvements listed that need to be memorialized on the Master Plan.
2. Under Alternate 1 of the TIS there is a recommendation to widen Robertsville Road to provide an exclusive left-turn lane in both directions between Oak Ridge Turnpike and the Kroger proposed access to Robertsville Road. The street widening and the new lane configuration need to be shown on the Master Plan.
3. Under Alternate 2 of the TIS there is a recommendation to eliminate the “sweeping” right-turn in/out lanes at the Turnpike intersection and to bring the lanes up to the intersection. Shown the new configuration on the Master Plan.
4. It is recommended that a note be placed on the Master Plan that states that the ingress/egress for all out parcels shall be internal to the site with no direct access to Oak Ridge Turnpike, Illinois Avenue and Robertsville Road.
5. Show the relocation of sidewalks on Illinois Avenue and the Turnpike that are required due to proposed improvements.
6. It appears that there is a new proposed sidewalk on Ivanhoe Road. A sidewalk on the north side of Ivanhoe would better serve the school children activity and would position them better to cross Illinois Avenue.
7. Please consider internal delivery truck routes in lieu of the proposed route along Robertsville Road and Raleigh Road.

Electric Department

1. Addressing any conflicts that the survey shows between existing CORED facilities & easements and proposed facilities/improvements.
2. Addressing the following comments by making changes on the plat
 - 1) When the survey becomes available, show the existing electrical infrastructure and all related easements. **All infrastructure and easements will not be removed.** Update the comments on the plat to reflect that all easements and infrastructure will not be removed. There are electrical facilities along all of the boundaries. Some of these facilities will remain intact along with the related easements. These facilities include underground (ug) electrical along ORTP, ug and overhead (oh) along Illinois Avenue, and oh along Robertsville Rd., Raleigh Rd., Ivanhoe Rd. and Inca Circle. The addition of poles and down guys on Inca Circle will be necessary to "dead-end" the electrical feeds for Inca Circle. Depending on the lay-out, additional poles and down guys may be necessary.
 - 2) Modify the Electric Department Checklist Note #6, part 1 on the plat to reflect the standard note from the checksheet. Landscaping must comply with CORED Standard 650.

3) Remove the *responses* to the checklist as they are not required on the plat and are not accurate, OR change the responses.

Informational Comments:

1. Until the existing infrastructure is shown, CORED is unable to determine if the requested variances will impact electrical facilities, possibly resulting in required relocations. Any request to relocate existing electrical facilities shall be paid by the requesting party. The party will also be responsible for surveying and recording any easements required for relocated facilities. also be responsible for surveying and recording any easements required for relocated facilities.
2. CORED encourages a formal design meeting between the developer's engineers and CORED engineering staff. CORED will be happy to review drafts of the proposed electric layout prior to plan submission, hopefully resulting in a quick turn-around.

Additional Comments

- Need to provide details for the allowable building materials for outparcels.

Variance Requests

- The applicant is requesting a variance to accommodate architectural features that extend an additional three (3) feet for two (2) corner features, 6' 6" for one (1) architectural feature, and 11' 7" for the primary architectural feature at the main entrance.

Staff comments: Planning staff would recommend approval of this request to allow for the architectural features to exceed the maximum height of 35 feet. We would recommend that the variance is for the main Kroger building only and would not apply to the other buildings located within this development.

- Request to allow outdoor merchandising in the parking area and sidewalk as it relates to seasonal items, produce, floral and garden or other outdoor goods, as well as occasional short-term charitable events which are to be located in front of the Kroger building between the main entrances.

Staff comments: Staff would recommend that the parking area to be utilized be delineated on the master plan. Also need to include whether or not this is applicable for outparcels.

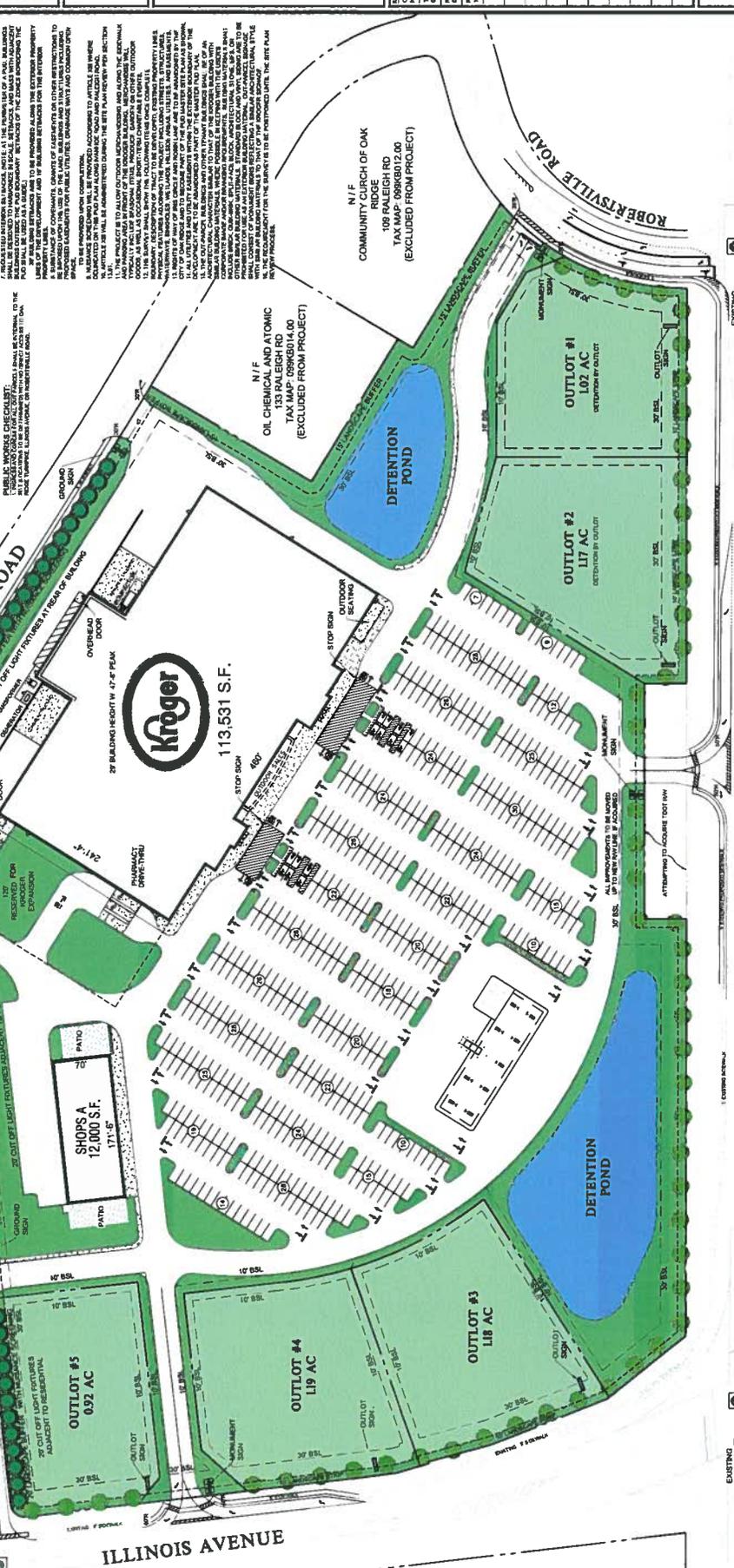
This preliminary PUD plan was prepared prior to receiving a survey of the property. It is recognized that while not all of the requested items on the PUD checklist can be provided at this time, they will be provided as soon as the survey is made available.

REVENUE TO BE COLLECTED ON THE NORTH SIDE OF THE ROAD. THE EAST SIDE OF THE ROAD IS TO BE MAINTAINED BY THE ADJACENT PROPERTY OWNERS. THE ADJACENT PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROAD.

REVENUE TO BE COLLECTED ON THE SOUTH SIDE OF THE ROAD. THE WEST SIDE OF THE ROAD IS TO BE MAINTAINED BY THE ADJACENT PROPERTY OWNERS. THE ADJACENT PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROAD.

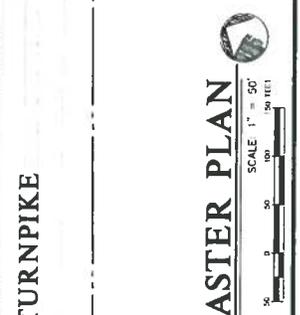
REVENUE TO BE COLLECTED ON THE WEST SIDE OF THE ROAD. THE EAST SIDE OF THE ROAD IS TO BE MAINTAINED BY THE ADJACENT PROPERTY OWNERS. THE ADJACENT PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROAD.

REVENUE TO BE COLLECTED ON THE EAST SIDE OF THE ROAD. THE WEST SIDE OF THE ROAD IS TO BE MAINTAINED BY THE ADJACENT PROPERTY OWNERS. THE ADJACENT PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROAD.



SITE ANALYSIS

KROGER	113,531 S.F.
SHOPS	12,000 S.F.
TOTAL BUILDING AREA	125,531 S.F.
PARKING	599 SPACES
PARKING RATIO	4.77 SPACES/S.F.
TOTAL RETAIL AREA	18,500 ACRES
OUTLET AREA	5.48 ACRES
TOTAL SITE AREA	24.98 ACRES



PRELIMINARY PUD MASTER PLAN

PLAN

PRELIMINARY

PROJECT NUMBER 09-28-12

DATE 12-2-09

PROJECT NUMBER 09-28-12

DATE 12-2-09

PROJECT NUMBER 09-28-12

DATE 12-2-09

ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS
3400 Peachtree Ridge Road, Suite 275, Alpharetta, Georgia 30005
770-674-2800 FAX 770-674-0745

KROGER GA-690 OAK RIDGE
THE KROGER CO.
2125 WALKER DR., ATLANTA, GA
(770) 696-7400

CP8-8.9

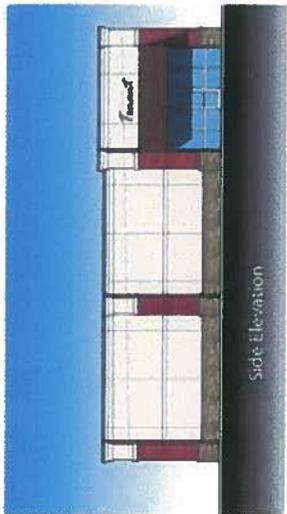
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CP8-8.9

CP8-8.9

CP8-8.9

CP8-8.9



Side Elevation



Side Elevation



Front Elevation

Shops @ Kroger GA-690 - Oak Ridge, TN
CONCEPTUAL ELEVATIONS

Robertson Loia Roof
 ARCHITECTURAL FIRM
 2405 PINEHURST RIDGE ROAD, SUITE 275
 ALPHARETTA, GA 30021 | TEL: 1770-554-9610
 FAX: 1770-554-9610
 WWW.RLRFIRM.COM



TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 16-37, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 28-52, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-1-C MDO, ONE-FAMILY RESIDENTIAL MANHATTAN DISTRICT OVERLAY, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; PARCELS 13 AND 15 AND A PORTION OF PARCEL 14, ANDERSON COUNTY TAX MAP 099K, GROUP B, AND PARCELS 58-59, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM O-2, OFFICE, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND PARCELS 53-57, ANDERSON COUNTY TAX MAP 099K, GROUP C, FROM R-2 MDO, LOW DENSITY RESIDENTIAL MANHATTAN DISTRICT OVERLAY TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR SAID PARCELS.

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

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

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

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

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 16-37, Anderson County Tax Map 099K, Group B (± 5.59 Acres)	100-121 Robin Lane	R-1-C MDO, One-Family Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcels 30 and 33-52, Anderson County Tax Map 099K, Group C (± 5.299 Acres)	101-109, 117, 119-127, 129 and 131 Iris Circle	R-1-C MDO, One-Family Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcels 28-29 and 31-32, Anderson County Tax Map 099K, Group C (± 1.25 Acres)	101, 103, 107 and 109 Ivanhoe Road	R-1-C MDO, One-Family Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 53-57 Anderson County Tax Map 099K, Group C (± 1.58 Acres)	116, 120, 124, 128 and 132 Illinois Avenue	R-2 MDO, Low Density Residential with a Manhattan District Overlay	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcels 58-59, Anderson County Tax Map 099K, Group C (± 3.303 Acres)	1590 Oak Ridge Turnpike	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcel 13, Anderson County Tax Map 099K Group B (± 3.63 Acres)	1500 Oak Ridge Turnpike	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
A portion of Parcel 14, Anderson County Tax Map 099K, Group B (± 0.84 Acres)	133 Raleigh Road (back portion)	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)
Parcel 15, Anderson County Tax Map 099K Group B (± 1.45 Acres)	113 Raleigh Road	O-2, Office	UB-2 PUD, Unified General Business with a Planned Unit Development Overlay (UB-2/PUD)

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

Section 3. The Planned Unit Development Preliminary Master Plan for said parcels, as approved by the Oak Ridge Municipal Planning Commission on September 27, 2012, is hereby approved.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 10/08/2012
Publication Date: 09/21/2012
First Reading: 10/08/2012
Publication Date: 10/15/2012
Public Hearing: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
12-34**

DATE: September 28, 2012
TO: Mark Watson, City Manager *MW*
THROUGH: Kathryn G. Baldwin, Community Development Director *KGB*
FROM: Denny J. Boss, Code Enforcement Supervisor *Boss*
RE: **ORDINANCE AMENDMENTS TO ADOPT NEW CODES**

Items for the agenda are four (4) ordinance amendments to the City Code to continue to maintain compliance with the requirements of the State.

Code Edition Adoption

The State of Tennessee Department of Commerce and Insurance, Division of Fire Prevention has noted that cities may be seven (7) years behind the most current edition of the building and fire codes available. Currently, the City of Oak Ridge utilizes the following code editions:

- 2006 International Building Code (IBC)
- 2006 International Residential Code (IRC)
- 2006 International Mechanical Code (IMC) (for reference only)

Several organizations encourage the adoption and enforcements of the most current codes, including: the International Code Council (ICC), the National Fire Protection Association (NFPA), the Insurance Services Organization (ISO) administrators of the Building Code Effective Grading System (BCEGS). City Staff is recommending the adoption of the following codes for compliance:

- 2012 International Building Code (IBC)
- 2012 International Residential Code (IRC)
- 2012 International Mechanical Code (IMC)

Previously the International Mechanical Code was used for reference only but it is now a requirement of the State of Tennessee. In addition, all cities in our region, and across the state, have the same state requirements and are in the process of adoption or planning for adoption. The adoption of the Mechanical Code is the first step in the process of implementing the requirements of the State of TN to establish a mechanical permitting and inspection process.

Some significant changes to the IBC are: added requirement for carbon monoxide alarm, additional requirements for exit signs, and all definitions moved to Chapter 2.

Some significant changes to the IRC are: allows smoke detectors to be wireless, added requirement for carbon monoxide alarms, and added clarification as to how to measure the window opening for egress windows.

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. This will provide staff adequate time to schedule meetings with our development community and local contractors. This time will be used to share information and provide training to ensure a clear understanding of the revised code standards, and offer staff assistance during initial implementation.

Adoption of the codes will provide a mechanism to ensure the most efficient and effective methods of creating a safe, sustainable, and efficient community for residents, while maintaining compliance with the State of Tennessee.

Amendment to the Trade Licensing Board

With the adoption of the new International Mechanical Code, 2012 edition, the City will need to designate two (2) members on the Trade Licensing Board as mechanical license holders, thus changing the membership composition to two electricians, two plumbers, two mechanics, and one at large member.

In the event that the applicants seeking membership to the Board do not possess a current and valid mechanical license from the City of Oak Ridge, City Council may choose to select the most qualified individual from the public at large.

The City Clerk has been notified about this proposed change in membership so as to plan for the end of year election, and has adjusted the special qualifications accordingly in the Election Notice for the Board since the two (2) seats were originally for the public at large.

City staff recommends approval of the attached four (4) ordinances.

Attachments

City Manager's Comments:

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

 Mark S. Watson 10/2/2012

Mark Watson

Date

**CODES TO BE CONSIDERED FOR FIRST READING BY CITY COUNCIL
OCTOBER 8, 2012**

The following codes are scheduled for first reading by City Council on October 8, 2012.

2012 International Building Code
(Current version: 2006 International Building Code)

2012 International Residential Code
(Current version: 2006 International Residential Code)

2012 International Mechanical Code
(Current version: None, it was deleted in 2008)

A bold/strikethrough of each code is attached to show the changes in the City Code from the existing codes to the new codes. While some have a few changes, it was decided to go ahead and replace the entire chapters so that it would be easier for MTAS to update the codes and give less opportunity for errors.

Title 12
Building, Utility, Etc. Codes

Chapter 2
Building Code

Sec. 12-201. International Building Code adopted.

The International Building Code, ~~2006~~ **2012** edition, including Appendices A, C, F, G, H and K, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

Sec. 12-202. Amendments.

- (1) Generally. The building code and the appendices adopted by § 12-201 are hereby amended as set out in this section. All references to section numbers in the text of this section shall be considered as if followed by the words "of the building code," unless clearly indicated to the contrary. In all places where the building code requires the insertion of the jurisdiction name, the City of Oak Ridge, Tennessee, shall be inserted.
- (2) Titles and designations. Titles and designations used in the building code shall be changed to conform with the proper city titles and departments as follows:
 - (a) "Building official" shall mean the City Manager or the City Manager's designee.
 - (b) "Board of appeals" shall mean the City's Board of Building and Housing Code Appeals.
 - (c) "Chief appointing authority" shall mean City Manager.
 - (d) "Department of law" shall mean City Attorney.
- (3) Appendix H. Appendix H is hereby amended as follows:
 - (a) Section H101.2. Signs exempt from permits. Delete subsection 1 in its entirety.
 - (b) Section H102.1. General. Delete the definitions for "Ground Sign" and "Roof Sign" in their entirety.
 - (c) Section H104. Identification. Section H104 is hereby deleted in its entirety.
 - (d) Section H105.2 Permits, drawings and specifications. In the first sentence, delete the word "shall" and replace with "may."
 - (e) Section H110. Roof Signs. Section H110 is hereby deleted in its entirety.
 - (f) Section H114.1. General. In the first sentence, delete the word "roof."
- (4) Section 103.1. Creation of enforcement agency. Section 103.1 is hereby deleted in its entirety and is replaced with the following:

Section 103.1, Building Official. The provisions of this code shall be enforced by the Building Official.

- (5) Section 105.2, Work exempt from permit. This section is hereby amended by deleting all items listed under the heading "Building," except for items numbered 7, 11 and 13, which shall remain in their entirety.
- (6) Section 105, Permits. Section 105 is hereby amended by adding the following new subsections:
- (a) Section ~~405-7~~ 105.8, Contractor License. It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required in the city and every contractor or builder making such contracts, and subletting the same, or any part thereof, to pay a privilege license tax as provided by ordinance and to register his or her name in a book provided for the purpose with the code enforcement administrator, giving full name, residence, and place of business, and in case of removal from one place to another in the city to have made corresponding change in said register accordingly.
 - (b) Section ~~405-8~~ 105.9, Liability Insurance. Any contractor doing work requiring a city building permit shall present evidence of liability insurance with coverage in an amount acceptable to the city manager.
 - (c) Section ~~405-9~~ 105.10, Workers' Compensation Insurance. Any contractor doing work requiring a city building permit shall present evidence of workers' compensation insurance in compliance with state regulations.
- (7) Section ~~406-2~~ 107.2, Site plan. Section ~~406-2~~ 107.2 is hereby amended by inserting the following sentence in between the first and second sentences:

The building official may require a boundary line survey prepared by a licensed land surveyor. Such boundary line survey may be required after the footers or foundation is in place, in which case it shall show the location of the footers or foundation in relation to required setback requirements.

- ~~(8) Section 109.3.7, Energy efficiency inspections. Section 109.3.7 is hereby amended by changing the word "shall" to "may" in both instances.~~
- (9 8) Section ~~412-4~~ 113.1, Generally. Section ~~412-4~~ 113.1 is hereby deleted in its entirety and replaced with the following:

The board of appeals shall hear all appeals provided for in this chapter in accordance with rules and regulations established by such board for such appeals, which rules and regulations shall not be inconsistent with the provisions of this code. The board shall meet at such regular intervals as determined necessary by the board, but shall meet within fifteen (15) days after a notice of appeal under this chapter has been received. Every decision shall be promptly filed in writing in the office of the code enforcement administrator, and shall be open to public inspection, and a copy shall be mailed to the appellant at the address contained in the notice of appeal.

The provisions of this section shall become effective August 1, 1991.

- (40 9) Section 442-2 113.2, Limitations on authority. Section 442-2 113.2 is hereby amended by adding the following to the end of the section:

Notice of appeal shall be in writing and filed within sixty (60) days after the decision is rendered by the Building Official and/or the Fire Official. The required fee established by City policy shall accompany such notice of appeal.

- (44 10) Section 442 113, Board of Appeals. Section 442 113 is hereby amended by adding the following new subsections:

- (a) Section 442-4 113.4, Unsafe or Dangerous Building. In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the board may on request of the Building Official shorten the time for appeal.
- (b) Section 442-5 113.5, Appeals from Fire, Plumbing, Electrical and Property Maintenance Inspectors' Decision. The board of appeals shall act as the board which hears appeals from the decisions of the fire inspector on interpretations of the fire code, the electrical inspector on interpretations of the electric code, the plumbing inspector on the plumbing code, and the property maintenance inspector on the property maintenance code, as well as acting as the appeals board under this code.
- (c) Section 442-6 113.6, Variances. The board of appeals, when appealed to and after a hearing, may vary the application of any provision of the fire code, electrical code, plumbing code, property maintenance code, and this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of that particular code, or when the interpretation of the Building Official, the Fire Official, the electrical inspector, the property maintenance inspector, or the plumbing inspector should be modified or reversed, provided, however, the board of appeals also finds all of the following:
1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
 2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
 3. That granting the variance requested will not confer on the applicant any special privilege that is denied to other buildings, structures or service systems.
 4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
 5. That the grant of the variance will be in harmony with the general intent and purpose of the adopted code and will not be detrimental to the public health, safety and general welfare.
- (d) Section 442-7 113.7, Action. The board of appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. If the decision be to vary or modify the application of the building, fire, electric, plumbing or property maintenance code, or if it varies or modifies an order of the Building Official, Fire Official, or the plumbing, electrical, or property maintenance inspector, the

board's decision shall indicate how the variation or modification is made and any condition on which it is made. All decisions shall indicate the reasons therefor.

- (e) Section 112.8 113.8. Decisions are final. Every decision of the board of appeals shall be final, subject, however, to such remedy as any aggrieved party might have in law or at equity.

- (12 11) Section 113.4 114.4, Violation penalties. Section 113.4 114.4 is hereby deleted in its entirety and replaced with the following:

Any person, firm, corporation, or agent who shall violate any provisions of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, or who shall fail to comply with such an order as affirmed or modified by the city court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in § 1-107 of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- (13 12) Section 903, Automatic Sprinkler Systems. This section is hereby amended as follows:

- (a) The square footage amounts referred to in certain sections of Section 903 are hereby deleted and replaced as follows:
- (1) In Sections 903.2.1.1, 903.2.1.3, 903.2.1.4, ~~903.2.8.1~~ **903.2.9.1**, and ~~903.2.8.2~~ **903.2.9.2** (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.
 - (2) In Sections ~~903.2.3~~ **903.2.4**, ~~903.2.6~~ **903.2.7**, and ~~903.2.8~~ **903.2.9** (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000, and replace the number 24,000 with the number 20,000.
 - (3) In Section ~~903.2.2~~ **903.2.3** (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 20,000 with the number 10,000.
- (b) Section ~~903.2.14~~ **903.2.13**, Additional Sprinkler Requirements.
- (1) Sprinkler system in new construction. Except where more stringent requirements are stipulated elsewhere in the building code, all new commercial and residential buildings of ten thousand (10,000) square feet or more shall be equipped with an approved automatic sprinkler system.
 - (2) Sprinkler system in large additions to buildings. Any new addition, which is more than ten thousand (10,000) square feet, connected to an existing building of any size, shall be equipped with an approved automatic fire sprinkler system. The new addition shall either:

- (a) Be separated from the existing building by two-hour or greater construction, or
 - (b) Have the sprinkler system extend to cover the existing construction as well as the new addition
- (3) **Sprinkler system in small additions to buildings.** Any new addition of more than five thousand (5,000) square feet but less than ten thousand (10,000) square feet that does not increase the size of the complete facility (existing plus new addition) to more than ten thousand (10,000) square feet shall be equipped with a complete automatic fire detection system or fire sprinkler system. The new addition with the automatic fire detection or fire sprinkler system installed shall either:
- (a) Be separated from the existing building by two-hour or greater construction, or
 - (b) Have the fire detection or fire sprinkler system extend to cover the existing construction as well as the new addition.
- (4) **Sprinkler system in additions to unsprinklered buildings.** Any new addition that will increase the size of the complete facility (existing building plus new addition) to more than ten thousand (10,000) square feet shall either:
- (a) Be separated from the existing construction by a non-penetrated, four-hour fire wall and have an automatic fire detection system installed in the new addition and the existing building; or
 - (b) Be separated from the existing construction by a two-hour or greater fire wall, and have an automatic fire detection system installed in both the new addition and the existing building; or
 - (c) Be separated from the existing construction by a two-hour or greater fire wall, and have an automatic fire sprinkler system installed in the new addition; or
 - (d) Have an automatic fire sprinkler system installed in the entire facility, both the new addition and the existing building.

The term "automatic fire sprinkler system" means a system meeting the requirements of the latest edition of the applicable National Fire Protection Association standard for the installation of sprinkler systems.

- (5) Fire sprinkler systems shall be installed when required by the City of Oak Ridge Standard Construction Requirements and Details, specifically Section 602(2), Adequate Fire Protection, which is reprinted here:

In any one or more of the conditions listed below, the developer or builder shall provide a means for adequate fire protection including but not limited to the installation of a domestic sprinkler system complying with applicable codes, the installation of an additional fire hydrant capable of supplying adequate flow, or the

installation of a booster pump to increase flow to an acceptable level at the structure.

- (a) Any part of the building is more than five hundred (500) feet from a hydrant measured along an accessible roadway; or
- (b) The nearest hydrant provides a water supply of less than five hundred (500) gpm in residential areas or one-thousand (1000) gpm in non-residential areas at twenty pounds per square inch residual pressure at periods of peak demand.
- (c) The elevation difference between the highest floor of the referenced structure and the nearest hydrant prevents adequate water flow and pressure for fire protection at that structure.

(6) Detection system or sprinkler system for smaller buildings. Except where more stringent requirements are stipulated in the building code, all buildings of greater than five thousand (5,000) square feet hereafter constructed shall be equipped with an automatic fire detection system, approved by the fire chief, using UL listed equipment, and monitored through an approved central station facility, or an approved automatic sprinkler system monitored as outlined above, except where four-hour non-penetrated fire walls divide the building into units of less than five thousand(5,000) square feet.

(7) Open parking garages, exception to sprinkler requirement.

- (a) Open parking garage shall mean a structure, or portion thereof, that is used for the parking or storage of private motor vehicles with openings described as follows:
 - (i) For natural ventilation purposes, the exterior side of the structure shall have uniformly distributed openings on two (2) or more sides. The area of such openings in exterior walls on a tier must be at least twenty percent (20%) of the total perimeter wall area of each tier. The aggregate length of the openings considered to be providing natural ventilation shall constitute a minimum of forty percent (40%) of the perimeter of the tier. Interior walls shall be at least twenty percent (20%) open with uniformly distributed openings.
 - (ii) Exception. Openings are not required to be distributed over forty percent (40%) of the building perimeter where the required openings are uniformly distributed over two opposing sides of the building.
- (b) An open parking garage shall not be required to be equipped with an approved automatic fire sprinkler system provided the following requirements are met:
 - (i) The open parking garage is above ground;

- (ii) No space for human occupancy shall be located below, within or above the open parking garage except as ancillary to the operation of the open parking garage;
- (iii) Two (2) or more sides of the open parking garage shall be open and accessible to aerial fire apparatus;
- (iv) Attached structure(s) shall be separated from the open parking garage by a wall with a minimum of a two-hour fire rating certified by a competent engineer;
- (v) A standpipe system, meeting the requirements of NFPA 14, shall be provided with outlets no more than one hundred and thirty (130) feet from any point within the open parking garage;
- (vi) A fire hydrant shall be provided within one hundred (100) feet of the fire department supply connection to the standpipe system; and
- (vii) The open parking garage shall comply with all applicable requirements of the model codes adopted by the city.

(c) Exception. If a model code adopted by the city requires the open parking garage to be equipped with an approved automatic sprinkler system, the provisions of this section shall not apply and the open parking garage shall be equipped with an approved automatic sprinkler system.

(14 13) Section 1013.1 1013.2, Where required. Section 1013.2 is amended by deleting the first sentence and replacing it with the following sentence:

Guards shall be located along open-sided walking surfaces or ground surfaces, mezzanines, industrial equipment platforms, retaining walls, stairways, ramps, landings and any other locations that are located more than 30inches (762mm) above the floor or grade below.

(14) Chapter 11 Accessibility is hereby deleted in its entirety.

(15) Section 1612.3, Establishment of flood hazard areas. Section 1612.3 is hereby amended to specify the City has two flood insurance studies which are as follows: Flood Insurance Study for Anderson County, Tennessee, and Incorporated Areas, effective January 17, 2007, and Flood Insurance Study for Roane County, Tennessee, and Incorporated Areas, effective September 28, 2007.

~~**(16) Section 1704.1, General. Section 1704.1 is hereby amended by replacing the word "shall" with "may be required" in the first sentence.**~~

~~**(17) Section 1704.1, General, Exception 2. Section 1704.1, Exception 2, is hereby amended by adding the phrase "Unless otherwise required by the building official," at the beginning of the first sentence.**~~

~~(48 16)~~ Section 3410.2, Applicability. Section 3410.2 is hereby amended by inserting the required date as "the date of the adoption of the first building code regulations in the City of Oak Ridge, Tennessee."

Sec. 12-203. Manufactured Homes.

- (1) **Defined.** A manufactured home is a residential dwelling unit which:
- (a) Contains one thousand (1,000) or more square feet of living space;
 - (b) Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant;
 - (c) Is transported to the homesite on its own chassis;
 - (d) Was constructed after June 1, 1976 and meets or exceeds construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction;
 - (e) Has a length not exceeding four (4) times its width; and
 - (f) Has a width of at least twenty (20) feet.
- (2) **Standards.** Manufactured homes shall comply with the Federal "Manufactured Home Construction and Safety Standards" dated August 11, 1987, including any subsequent revisions or amendments thereto, and shall comply with the following provisions:
- (a) The pitch of the roof shall have a minimum vertical rise of two and two-tenths (2.2) feet for each twelve (12) feet of horizontal run and the finish shall be with a type of shingle commonly used in standard residential construction.
 - (b) The exterior siding shall consist predominantly of vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
 - (c) The home shall be installed on a permanent foundation system in accordance with all applicable requirements of the building code.
 - (d) Stairs, porches, entrances, platforms and other means of entrance and exit to the home shall be installed and constructed in accordance with the building code.
 - (e) The moving hitch, wheels and axles, and transporting lights shall be removed.
 - (f) All utilities shall be permanently connected to a public utility system in accordance with all applicable city codes, provided an approved septic tank is acceptable where public sewer is not available.
 - (g) A manufactured home unit shall bear the label or seal of compliance with the Federal Manufactured Home Construction and Safety Standards issued by an agency approved by the Secretary of the Department of Housing and Urban Development.

Title 12
Building, Utility, Etc. Codes

Chapter 11
Residential Code

Sec. 12-1101. International Residential Code Adopted.

The International Residential Code, 2006 2012 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail. This code shall only apply to new construction of one- and two-family dwellings as outlined in Section R101.2, ~~where initial construction begins~~ after adoption of this ordinance.

Sec. 12-1102. Amendments.

- (1) Generally. The International Residential Code is hereby amended as set out in this section. All references to section numbers in the text of this section shall be considered as if followed by the words "of the International Residential Code," unless clearly indicated to the contrary. In all places where the International Residential Code requires the insertion of the jurisdiction name, the City of Oak Ridge, Tennessee, shall be inserted.
- (2) Titles and designations. Titles and designations used in the International Residential Code shall be changed to conform with the proper city titles and departments as follows:
 - (a) "Building official" shall mean the City Manager or the City Manager's designee.
 - (b) "Board of appeals" shall mean the City's Board of Building and Housing Code Appeals.
 - (c) "Chief appointing authority" shall mean City Manager.
 - (d) "Department of law" shall mean City Attorney.
- (3) Section R103.1, Creation of enforcement agency. Section R103.1 is hereby deleted in its entirety.
- (4) Section R105.2, Work exempt from permit. Section R105.2 is hereby amended by deleting all items listed under the heading "Building," except for items numbered 6, 7, 8 and 9, which shall remain in their entirety.
- (5) Section R106.3.1, Approval of construction documents. Section R106.3.1 is hereby amended by changing the word "approval" to "review" and the word "approved" to "reviewed."
- (6) Section R106.3.2, Previous approvals. Section R106.3.2 is hereby amended by changing the word "approvals" to "reviews."
- (7) Section R106.3.3, Phased approval. Section R106.3.3 is hereby amended by changing the word "approval" to "review."
- (8) Section R106.4, Amended construction documents. Section R106.4 is hereby amended by changing the word "approval" to "review" and the word "approved" to "reviewed."

- (9) Section R112, Board of Appeals. Section R112 is hereby deleted in its entirety.
- (10) Table R301.2(1) Climatic And Geographic Design Criteria.
 Insert "10 PSF" in the table for Ground Snow Load.
 Insert "90" in the table for Wind Speed.
 Insert "C" in the table for Seismic Design Category.
 Insert "Severe" in the table for Weathering.
 Insert "3 12 inches" in the table for Frost Line Depth.
 Insert "Moderate to heavy" in the chart for Termite.
 Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.
 Insert "No" in the table for Ice Barrier Underlayment Required.
 Insert "Anderson County, Tennessee and incorporated areas effective 01-17-07 and Roane County, Tennessee and incorporated areas effective 09-28-07" in the table for Flood Hazards.
 Insert "250" in the table for Air Freezing Index.
 Insert "60" in the table for Mean Annual Temp.
- (11) Section R302.2 Townhouses. In the exception change the 1-hour to 2-hour.
- (12) Section R302.6 Dwelling/garage fire separation. In Table 302.6 change 5/8" type X to 1/2".
- (13) Section R302.5.1 Opening Protection. In the last sentence put a period after fire-rated doors and delete the remaining text.
- (14) Section R311.7.9 Illumination. Change the section number referenced to R303.7
- (15) Section R313, Automatic Fire Sprinkler Systems. Section R313 is hereby deleted in its entirety.
- (16) Section R905.2.8.5 Drip edge is hereby deleted in its entirety.
- (17) Chapter 11 is hereby deleted in its entirety.
- (18) Chapter 24 is hereby deleted in its entirety.
- ~~(11) Figure R301.1(7) Component And Cladding Pressure Zones. Change the figure number from "R301.1(7)" to "R301.2(7)"~~
- ~~(12) Section R309.1.1, Duct penetration. Section R309.1.1 is hereby deleted in its entirety.~~
- ~~(13) Section R309.1.2, Other penetrations. Section R309.1.2 is hereby deleted in its entirety.~~
- ~~(14) Section R309.2, Separation required. Section R209.2 is hereby deleted in its entirety.~~
- ~~(15) Section R311.5.3.1, Riser height. Section R311.5.3.1 is hereby amended by adding the following sentence at the end of the section:~~
- ~~Treads and risers of stairs shall be so proportioned that the sum of two risers and one tread, exclusive of projection of nosing, is not less than 24 inches nor more than 25 inches.~~
- ~~(16) Section 311, Means of Egress. Section 311 is hereby amended by adding a new section as follows:~~

~~Section R311.5.8.2 Curved stairways. Curved stairways with winder treads shall have treads and risers in accordance with Section 311.5.3.~~

~~Exception: Curved stairways with an inside radius of more than 6 feet shall have a minimum tread depth of 10 inches at 12 inches in from the narrow end.~~

- ~~(17) Section R404.1 Concrete and masonry foundation walls. Section R404.1 is hereby amended by deleting the entire second paragraph, including items one through five.~~
- ~~(18) Table R404.1(1) Top Reactions and Prescriptive Support for Foundation Walls. Table R404.1(1) is hereby deleted in its entirety.~~
- ~~(19) Table R404.1(2) Maximum Plate Anchor Bolt Spacing for Supported Foundation Wall. Table R404.1(2) is hereby deleted in its entirety.~~
- ~~(20) Table R404.1(3) Maximum Aspect Ratio, LW for Unbalanced Foundations. Table R404.1(3) is hereby deleted in its entirety.~~
- ~~(21) Section R404.1.3, Design required. Section R404.1.3 is hereby amended by replacing the word "or" with "and" in item 2.~~
- ~~(22) Section R404, Foundation and Retaining Walls. Section 404 is hereby amended by adding the following new sections:~~

~~R404.1.3.1 Permanent lateral support for foundation and retaining walls. Masonry foundation walls shall be laterally supported in accordance with the applicable provisions of Chapter 6, Wall Construction, Sections R606, General Masonry Construction; R607, Unit Masonry; and R608, Multiple Wythe Masonry.~~

~~R404.1.3.2 Masonry and concrete foundation walls supporting less than four feet of unbalanced backfill. Where masonry or concrete foundation walls supporting less than four feet of unbalanced backfill do not extend and attach to the floor sheathing above, they shall be laterally braced at the top of the wall at intervals not to exceed four feet on center. Bracing shall be provided by the floor structural members where they are perpendicular to the wall and by blocking or bridging where the floor structural members are parallel to the wall. Such blocking or bridging shall be installed in the first two spaces between the floor structural members. For nominal "two by" lumber floor structural members the blocking shall be nominal "two by" solid full depth blocking the same size as the floor joists. For engineered floor structural members such as trusses or I-joists such blocking shall be in accordance with the manufacturers written instructions and shall be not less than a 2"x 4" diagonal brace connected to the sill plate on top of the wall and connected to the top of the first structural member and a 2"x 4" flat block connected to the top of the first and second structural members in line with the diagonal brace.~~

~~R404.1.3.3 Masonry and concrete foundation walls supporting four feet or more of unbalanced backfill. Where masonry or concrete foundation walls supporting four feet or more of unbalanced backfill do not extend and attach to the floor sheathing above, they shall be laterally braced at the top of the wall at intervals not to exceed two feet on center. Bracing shall be provided by the floor structural members where they are perpendicular to the wall and by blocking or bridging where the floor structural members are parallel to the wall. Such blocking or bridging shall be installed in the first three spaces between the floor structural members. For nominal "two by" lumber floor structural members the blocking shall be nominal "two by" solid full depth blocking the same size as the floor joists. For engineered floor structural members such as trusses or I-joists such blocking shall be in accordance with the manufacturers written instructions~~

and shall be not less than a 2"x 4" diagonal brace connected to the sill plate on top of the wall and connected to the top of the first structural member and a 2"x 4" flat block connected to the top of the first and second structural members in line with the diagonal brace.

~~R404.1.3.4 Lateral support for the bottom of masonry and concrete foundation walls. Where masonry or concrete foundation walls are required by Table R404.1.1(1), R404.1.1(2), R404.1.1(3), R404.1.1(4) or R404.1.1(5) to have vertical steel reinforcing, the bottom of the wall shall be laterally supported. Lateral support shall be provided by a full basement concrete slab floor a minimum of a 3 1/2" thick poured tight against the bottom of the foundation walls with no compressible materials allowed for expansion or other purposes. If no floor slab is to be poured, such as in crawl spaces, lateral support of the bottom of the foundation wall shall be accomplished by embedding steel reinforcing in the foundation, which shall extend up into the wall and be tied to the wall reinforcing. This reinforcing shall be of the same size and spacing as is required for the wall.~~

~~(23) Section R613.2, Window sills. Section R613.2 is hereby deleted in its entirety.~~

~~(24) Table N1102.1 Insulation And Fenestration Requirements By Component In the row for climate zone "4 except Marine", change Ceiling R-Value from "R38" to "R-30" and change Floor R-Value from "R-19" to "R-13".~~

~~(25) Section N1103.2.1, Insulation. Section N1103.2.1 is hereby amended by changing "R-8" to "R-6" in the first sentence, and by deleting the second sentence in its entirety.~~

~~(26) Chapters 12 through 24 are hereby deleted in their entirety.~~

~~(2719) Section P2603.6.1, Sewer depth. Section P2603.6.1 is hereby amended by inserting the number "twelve inches" in two places for the missing number.~~

Note: The current City Code printed and online edition shows the Residential Code as being in Chapter 12. The Residential Code was moved to Chapter 11 by adoption of Ordinance No. 4-11 when the Trade Licensing Board was created. The City's website has a link to that ordinance so the public has access to the correct chapter information.

Title 12
Building, Utility, Etc. Codes

Chapter 10
Mechanical Code

Sec. 12-1001. International Mechanical Code Adopted.

The International Mechanical Code, 2012 edition, is hereby adopted by reference and shall become a part of the mechanical code as if copied herein verbatim, except as such code may be in conflict with other provisions of the mechanical code, in which event such other provisions shall prevail.

Sec. 12-1002. International Mechanical Code – Amendments.

The International Mechanical Code as adopted by §12-1005 is amended as set out in this section.

All references to section numbers in the text of this section shall be construed as if followed by the words “of the International Mechanical Code,” unless the context clearly indicates otherwise.

Section 101.1 Title.

Insert “City of Oak Ridge, Tennessee” for name of jurisdiction.

Note: The current City Code printed and online edition does not show a Mechanical Code. Chapter 10 was reserved for the Mechanical Code by adoption of Ordinance No. 4-11 when the Trade Licensing Board was created. The City's website has a link to that ordinance so the public has access to the correct chapter information, however, there was no text contained within the chapter at that time.

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "BUILDING CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "BUILDING CODE," TO ADOPT THE INTERNATIONAL BUILDING CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge adopted by reference the International Building Code, 2006 edition; and

WHEREAS, the City desires to adopt the 2012 edition of the International Building Code and to provide for any necessary amendments thereto, which furthers the City efforts to lessen conflicts between the various codes; and

WHEREAS, the language in Section 12-203, Manufactured Homes, remains unchanged.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 2, titled "Building Code," in its entirety and substituting therefor a new Chapter 2, titled "Building Code," which new chapter shall read as follows:

Chapter 2

Building Code

Sec. 12-201. International Building Code adopted.

The International Building Code, 2012 edition, including Appendices A, C, F, G, H and K, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

Sec. 12-202. Amendments.

- (1) Generally. The building code and the appendices adopted by § 12-201 are hereby amended as set out in this section. All references to section numbers in the text of this section shall be considered as if followed by the words "of the building code," unless clearly indicated to the contrary. In all places where the building code requires the insertion of the jurisdiction name, the City of Oak Ridge, Tennessee, shall be inserted.
- (2) Titles and designations. Titles and designations used in the building code shall be changed to conform with the proper city titles and departments as follows:
 - (a) "Building official" shall mean the City Manager or the City Manager's designee.
 - (b) "Board of appeals" shall mean the City's Board of Building and Housing Code Appeals.
 - (c) "Chief appointing authority" shall mean City Manager.
 - (d) "Department of law" shall mean City Attorney.

- (3) Appendix H. Appendix H is hereby amended as follows:
- (a) Section H101.2, Signs exempt from permits. Delete subsection 1 in its entirety.
 - (b) Section H102.1, General. Delete the definitions for "Ground Sign" and "Roof Sign" in their entirety.
 - (c) Section H104, Identification. Section H104 is hereby deleted in its entirety.
 - (d) Section H105.2 Permits, drawings and specifications. In the first sentence, delete the word "shall" and replace with "may."
 - (e) Section H110, Roof Signs. Section H110 is hereby deleted in its entirety.
 - (f) Section H114.1, General. In the first sentence, delete the word "roof."
- (4) Section 103.1, Creation of enforcement agency. Section 103.1 is hereby deleted in its entirety and is replaced with the following:
- Section 103.1, Building Official. The provisions of this code shall be enforced by the Building Official.
- (5) Section 105.2, Work exempt from permit. This section is hereby amended by deleting all items listed under the heading "Building," except for items numbered 7, 11 and 13, which shall remain in their entirety.
- (6) Section 105, Permits. Section 105 is hereby amended by adding the following new subsections:
- (a) Section 105.8, Contractor License. It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required in the city and every contractor or builder making such contracts, and subletting the same, or any part thereof, to pay a privilege license tax as provided by ordinance and to register his or her name in a book provided for the purpose with the code enforcement administrator, giving full name, residence, and place of business, and in case of removal from one place to another in the city to have made corresponding change in said register accordingly.
 - (b) Section 105.9, Liability Insurance. Any contractor doing work requiring a city building permit shall present evidence of liability insurance with coverage in an amount acceptable to the city manager.
 - (c) Section 105.10, Workers' Compensation Insurance. Any contractor doing work requiring a city building permit shall present evidence of workers' compensation insurance in compliance with state regulations.
- (7) Section 107.2.5, Site plan. Section 107.2.5 is hereby amended by inserting the following sentence in between the first and second sentences:
- The building official may require a boundary line survey prepared by a licensed land surveyor. Such boundary line survey may be required after the footers or foundation is in place, in which case it shall show the location of the footers or foundation in relation to required setback requirements.

- (8) Section 113.1, Generally. Section 113.1 is hereby deleted in its entirety and replaced with the following:

The board of appeals shall hear all appeals provided for in this chapter in accordance with rules and regulations established by such board for such appeals, which rules and regulations shall not be inconsistent with the provisions of this code. The board shall meet at such regular intervals as determined necessary by the board, but shall meet within fifteen (15) days after a notice of appeal under this chapter has been received. Every decision shall be promptly filed in writing in the office of the code enforcement administrator, and shall be open to public inspection, and a copy shall be mailed to the appellant at the address contained in the notice of appeal.

The provisions of this section shall become effective August 1, 1991.

- (9) Section 113.2, Limitations on authority. Section 113.2 is hereby amended by adding the following to the end of the section:

Notice of appeal shall be in writing and filed within sixty (60) days after the decision is rendered by the Building Official and/or the Fire Official. The required fee established by City policy shall accompany such notice of appeal.

- (10) Section 113, Board of Appeals. Section 113 is hereby amended by adding the following new subsections:

- (a) Section 113.4, Unsafe or Dangerous Building. In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the board may on request of the Building Official shorten the time for appeal.
- (b) Section 113.5, Appeals from Fire, Plumbing, Electrical, Residential, Mechanical and Property Maintenance Inspectors' Decision. The board of appeals shall act as the board which hears appeals from the decisions of the fire inspector on interpretations of the fire code, the electrical inspector on interpretations of the electric code, the plumbing inspector on interpretations of the plumbing code, the building inspector on interpretations of the residential code, the mechanical inspector on interpretations of the mechanical code and the property maintenance inspector on interpretations of the property maintenance code, as well as acting as the appeals board under this code.
- (c) Section 113.6, Variances. The board of appeals, when appealed to and after a hearing, may vary the application of any provision of the fire code, electrical code, plumbing code, residential code, mechanical code, property maintenance code, and this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of that particular code, or when the interpretation of the Building Official, the Fire Official, the electrical inspector, the mechanical inspector, the property maintenance inspector, or the plumbing inspector should be modified or reversed, provided, however, the board of appeals also finds all of the following:
1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied to other buildings, structures or service systems.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of the adopted code and will not be detrimental to the public health, safety and general welfare.

- (d) Section 113.7, Action. The board of appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. If the decision be to vary or modify the application of the building, fire, electric, plumbing or property maintenance code, or if it varies or modifies an order of the Building Official, Fire Official, or the plumbing, electrical, or property maintenance inspector, the board's decision shall indicate how the variation or modification is made and any condition on which it is made. All decisions shall indicate the reasons therefor.
- (e) Section 113.8. Decisions are final. Every decision of the board of appeals shall be final, subject, however, to such remedy as any aggrieved party might have in law or at equity.

- (11) Section 114.4, Violation penalties. Section 114.4 is hereby deleted in its entirety and replaced with the following:

Any person, firm, corporation, or agent who shall violate any provisions of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, or who shall fail to comply with such an order as affirmed or modified by the city court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in § 1-107 of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- (12) Section 903, Automatic Sprinkler Systems. This section is hereby amended as follows:

- (a) The square footage amounts referred to in certain sections of Section 903 are hereby deleted and replaced as follows:
- (1) In Sections 903.2.1.1, 903.2.1.3, 903.2.1.4, 903.2.9.1, and 903.2.9.2 (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.
 - (2) In Sections 903.2.4, 903.2.7, and 903.2.9 (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000

with the number 10,000, and replace the number 24,000 with the number 20,000.

- (3) In Section 903.2.3 (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 12,000 with the number 10,000.

(b) Section 903.2.13. Additional Sprinkler Requirements.

- (1) Sprinkler system in new construction. Except where more stringent requirements are stipulated elsewhere in the building code, all new commercial and residential buildings of ten thousand (10,000) square feet or more shall be equipped with an approved automatic sprinkler system.
- (2) Sprinkler system in large additions to buildings. Any new addition, which is more than ten thousand (10,000) square feet, connected to an existing building of any size, shall be equipped with an approved automatic fire sprinkler system. The new addition shall either:
 - (a) Be separated from the existing building by two-hour or greater construction, or
 - (b) Have the sprinkler system extend to cover the existing construction as well as the new addition
- (3) Sprinkler system in small additions to buildings. Any new addition of more than five thousand (5,000) square feet but less than ten thousand (10,000) square feet that does not increase the size of the complete facility (existing plus new addition) to more than ten thousand (10,000) square feet shall be equipped with a complete automatic fire detection system or fire sprinkler system. The new addition with the automatic fire detection or fire sprinkler system installed shall either:
 - (a) Be separated from the existing building by two-hour or greater construction, or
 - (b) Have the fire detection or fire sprinkler system extend to cover the existing construction as well as the new addition.
- (4) Sprinkler system in additions to unsprinklered buildings. Any new addition that will increase the size of the complete facility (existing building plus new addition) to more than ten thousand (10,000) square feet shall either:
 - (a) Be separated from the existing construction by a non-penetrated, four-hour fire wall and have an automatic fire detection system installed in the new addition and the existing building; or
 - (b) Be separated from the existing construction by a two-hour or greater fire wall, and have an automatic fire detection system installed in both the new addition and the existing building; or

- (c) Be separated from the existing construction by a two-hour or greater fire wall, and have an automatic fire sprinkler system installed in the new addition; or
- (d) Have an automatic fire sprinkler system installed in the entire facility, both the new addition and the existing building.

The term "automatic fire sprinkler system" means a system meeting the requirements of the latest edition of the applicable National Fire Protection Association standard for the installation of sprinkler systems.

- (5) Fire sprinkler systems shall be installed when required by the City of Oak Ridge Standard Construction Requirements and Details, specifically Section 602(2), Adequate Fire Protection, which is reprinted here:

In any one or more of the conditions listed below, the developer or builder shall provide a means for adequate fire protection including but not limited to the installation of a domestic sprinkler system complying with applicable codes, the installation of an additional fire hydrant capable of supplying adequate flow, or the installation of a booster pump to increase flow to an acceptable level at the structure.

- (a) Any part of the building is more than five hundred (500) feet from a hydrant measured along an accessible roadway; or
- (b) The nearest hydrant provides a water supply of less than five hundred (500) gpm in residential areas or one-thousand (1000) gpm in non-residential areas at twenty pounds per square inch residual pressure at periods of peak demand.
- (c) The elevation difference between the highest floor of the referenced structure and the nearest hydrant prevents adequate water flow and pressure for fire protection at that structure.

- (6) Detection system or sprinkler system for smaller buildings. Except where more stringent requirements are stipulated in the building code, all buildings of greater than five thousand (5,000) square feet hereafter constructed shall be equipped with an automatic fire detection system, approved by the fire chief, using UL listed equipment, and monitored through an approved central station facility, or an approved automatic sprinkler system monitored as outlined above, except where four-hour non-penetrated fire walls divide the building into units of less than five thousand(5,000) square feet.

- (7) Open parking garages, exception to sprinkler requirement.

- (a) Open parking garage shall mean a structure, or portion thereof, that is used for the parking or storage of private motor vehicles with openings described as follows:
 - (i) For natural ventilation purposes, the exterior side of the structure shall have uniformly distributed openings on

two (2) or more sides. The area of such openings in exterior walls on a tier must be at least twenty percent (20%) of the total perimeter wall area of each tier. The aggregate length of the openings considered to be providing natural ventilation shall constitute a minimum of forty percent (40%) of the perimeter of the tier. Interior walls shall be at least twenty percent (20%) open with uniformly distributed openings.

- (ii) Exception. Openings are not required to be distributed over forty percent (40%) of the building perimeter where the required openings are uniformly distributed over two opposing sides of the building.
- (b) An open parking garage shall not be required to be equipped with an approved automatic fire sprinkler system provided the following requirements are met:
- (i) The open parking garage is above ground;
 - (ii) No space for human occupancy shall be located below, within or above the open parking garage except as ancillary to the operation of the open parking garage;
 - (iii) Two (2) or more sides of the open parking garage shall be open and accessible to aerial fire apparatus;
 - (iv) Attached structure(s) shall be separated from the open parking garage by a wall with a minimum of a two-hour fire rating certified by a competent engineer;
 - (v) A standpipe system, meeting the requirements of NFPA 14, shall be provided with outlets no more than one hundred and thirty (130) feet from any point within the open parking garage;
 - (vi) A fire hydrant shall be provided within one hundred (100) feet of the fire department supply connection to the standpipe system; and
 - (vii) The open parking garage shall comply with all applicable requirements of the model codes adopted by the city.
- (c) Exception. If a model code adopted by the city requires the open parking garage to be equipped with an approved automatic sprinkler system, the provisions of this section shall not apply and the open parking garage shall be equipped with an approved automatic sprinkler system.

- (13) Section 1013.2. Where required. Section 1013.2 is amended by deleting the first sentence and replacing it with the following sentence:

Guards shall be located along open-sided walking surfaces or ground surfaces, mezzanines, industrial equipment platforms, retaining walls, stairways, ramps, landings and any other locations that are located more than 30inches (762mm) above the floor or grade below.

- (14) Chapter 11 Accessibility is hereby deleted in its entirety.
- (15) Section 1612.3, Establishment of flood hazard areas. Section 1612.3 is hereby amended to specify the City has two flood insurance studies which are as follows: Flood Insurance Study for Anderson County, Tennessee, and Incorporated Areas, effective January 17, 2007, and Flood Insurance Study for Roane County, Tennessee, and Incorporated Areas, effective September 28, 2007.
- (16) Section 3410.2, Applicability. Section 3410.2 is hereby amended by inserting the required date as "the date of the adoption of the first building code regulations in the City of Oak Ridge, Tennessee."

Sec. 12-203. Manufactured Homes.

- (1) **Defined.** A manufactured home is a residential dwelling unit which:
 - (a) Contains one thousand (1,000) or more square feet of living space;
 - (b) Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant;
 - (c) Is transported to the homesite on its own chassis;
 - (d) Was constructed after June 1, 1976 and meets or exceeds construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction;
 - (e) Has a length not exceeding four (4) times its width; and
 - (f) Has a width of at least twenty (20) feet.
- (2) **Standards.** Manufactured homes shall comply with the Federal "Manufactured Home Construction and Safety Standards" dated August 11, 1987, including any subsequent revisions or amendments thereto, and shall comply with the following provisions:
 - (a) The pitch of the roof shall have a minimum vertical rise of two and two-tenths (2.2) feet for each twelve (12) feet of horizontal run and the finish shall be with a type of shingle commonly used in standard residential construction.
 - (b) The exterior siding shall consist predominantly of vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
 - (c) The home shall be installed on a permanent foundation system in accordance with all applicable requirements of the building code.
 - (d) Stairs, porches, entrances, platforms and other means of entrance and exit to the home shall be installed and constructed in accordance with the building code.
 - (e) The moving hitch, wheels and axles, and transporting lights shall be removed.
 - (f) All utilities shall be permanently connected to a public utility system in accordance with all applicable city codes, provided an approved septic tank is acceptable where public sewer is not available.

- (g) A manufactured home unit shall bear the label or seal of compliance with the Federal Manufactured Home Construction and Safety Standards issued by an agency approved by the Secretary of the Department of Housing and Urban Development.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney



Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: 10/08/2012
Publication Date: 10/15/2012
Second Reading: _____
Publication Date: _____
Effective Date: _____

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 11, TITLED "RESIDENTIAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 11, TITLED "RESIDENTIAL CODE," TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge adopted by reference the International Residential Code, 2006 edition; and

WHEREAS, the City desires to adopt a new code, the International Residential Code, 2012 edition, and any necessary amendments thereto, which code establishes a building code applicable to construction of one- and two-family dwellings.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 11, titled "Residential Code," in its entirety and substituting therefor a new Chapter 11, titled "Residential Code," which new chapter shall read as follows:

Chapter 11

Residential Code

Sec. 12-1101. International Residential Code Adopted.

The International Residential Code, 2012 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail. This code shall apply to one- and two-family dwellings as outlined in Section R101.2 after adoption of this ordinance.

Sec. 12-1102. Amendments.

- (1) Generally. The International Residential Code is hereby amended as set out in this section. All references to section numbers in the text of this section shall be considered as if followed by the words "of the International Residential Code," unless clearly indicated to the contrary. In all places where the International Residential Code requires the insertion of the jurisdiction name, the City of Oak Ridge, Tennessee, shall be inserted.
- (2) Titles and designations. Titles and designations used in the International Residential Code shall be changed to conform with the proper city titles and departments as follows:
 - (a) "Building official" shall mean the City Manager or the City Manager's designee.
 - (b) "Board of appeals" shall mean the City's Board of Building and Housing Code Appeals.
 - (c) "Chief appointing authority" shall mean City Manager.
 - (d) "Department of law" shall mean City Attorney.

- (3) Section R103.1, Creation of enforcement agency. Section R103.1 is hereby deleted in its entirety.
- (4) Section R105.2, Work exempt from permit. Section R105.2 is hereby amended by deleting all items listed under the heading "Building," except for items numbered 6, 7, 8 and 9, which shall remain in their entirety.
- (5) Section R106.3.1, Approval of construction documents. Section R106.3.1 is hereby amended by changing the word "approval" to "review" and the word "approved" to "reviewed."
- (6) Section R106.3.2, Previous approvals. Section R106.3.2 is hereby amended by changing the word "approvals" to "reviews."
- (7) Section R106.3.3, Phased approval. Section R106.3.3 is hereby amended by changing the word "approval" to "review."
- (8) Section R106.4, Amended construction documents. Section R106.4 is hereby amended by changing the word "approval" to "review" and the word "approved" to "reviewed."
- (9) Section R112, Board of Appeals. Section R112 is hereby deleted in its entirety.
- (10) Table R301.2(1) Climatic And Geographic Design Criteria.
 Insert "10 PSF" in the table for Ground Snow Load.
 Insert "90" in the table for Wind Speed.
 Insert "C" in the table for Seismic Design Category.
 Insert "Severe" in the table for Weathering.
 Insert "12 inches" in the table for Frost Line Depth.
 Insert "Moderate to heavy" in the chart for Termite.
 Insert "19 degrees Fahrenheit" in the table for Winter Design Temp.
 Insert "No" in the table for Ice Barrier Underlayment Required.
 Insert "Anderson County, Tennessee and incorporated areas effective 01-17-07 and Roane County, Tennessee and incorporated areas effective 09-28-07" in the table for Flood Hazards.
 Insert "250" in the table for Air Freezing Index.
 Insert "60" in the table for Mean Annual Temp.
- (11) Section R302.2 Townhouses. In the exception change the 1-hour to 2-hour.
- (12) Section R302.6 Dwelling/garage fire separation. In Table 302.6 change 5/8" type X to 1/2".
- (13) Section R302.5.1 Opening Protection. In the last sentence put a period after fire-rated doors and delete the remaining text.
- (14) Section R311.7.9 Illumination. Change the section number referenced to R303.7
- (15) Section R313, Automatic Fire Sprinkler Systems. Section R313 is hereby deleted in its entirety.
- (16) Section R905.2.8.5 Drip edge is hereby deleted in its entirety.
- (17) Chapter 11 is hereby deleted in its entirety.
- (18) Chapter 24 is hereby deleted in its entirety.

(19) Section P2603.6.1, Sewer depth. Section P2603.6.1 is hereby amended by inserting the number "twelve inches" in two places for the missing number.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: 10/08/2012
Publication Date: 10/15/2012
Second Reading: _____
Publication Date: _____
Effective Date: _____

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 10, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 10, TITLED "MECHANICAL CODE," TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City desires to adopt the 2012 edition of the International Mechanical Code and to provide for any necessary amendments thereto, which furthers the City efforts to lessen conflicts between the various codes.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 10, titled "Mechanical Code," in its entirety and substituting therefor a new Chapter 10, titled "Mechanical Code," which new chapter shall read as follows:

Chapter 10

Mechanical Code

Sec. 12-1001. International Mechanical Code Adopted.

The International Mechanical Code, 2012 edition, is hereby adopted by reference and shall become a part of the mechanical code as if copied herein verbatim, except as such code may be in conflict with other provisions of the mechanical code, in which event such other provisions shall prevail.

Sec. 12-1002. International Mechanical Code – Amendments.

The International Mechanical Code as adopted by §12-1005 is amended as set out in this section.

All references to section numbers in the text of this section shall be construed as if followed by the words "of the International Mechanical Code," unless the context clearly indicates otherwise.

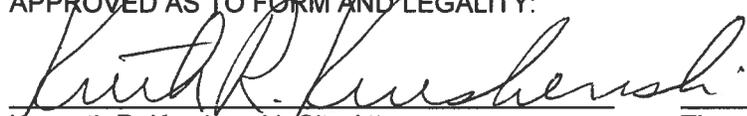
Section 101.1 Title.

Insert "City of Oak Ridge, Tennessee" for name of jurisdiction.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

First Reading: 10/08/2012
Publication Date: 10/15/2012
Second Reading: _____
Publication Date: _____
Effective Date: _____

Diana R. Stanley, City Clerk

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 3, TITLED "TRADE LICENSING BOARD," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," AND SUBSTITUTING THEREFOR A NEW SECTION 12-301, TITLED "ESTABLISHED; COMPOSITION," TO DESIGNATE TWO MEMBERS AS MECHANICAL LICENSE HOLDERS AND STAGGERING THE TERMS OF THOSE TWO MEMBERS.

WHEREAS, by Ordinance 4-11, City Council established a seven member Trade Licensing Board in place of two previous five member boards for plumbing and electrical; and

WHEREAS, with the adoption of the new International Mechanical Code, 2012 edition, the City needs to designate two members on the Trade Licensing Board as mechanical license holders, which will then result in a board with two electricians, two plumbers, two mechanics, and one at large member.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 3, titled "Trade Licensing Board," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-301, titled "Established; composition," in its entirety and substituting therefor a new Section 12- 301, titled "Established; composition," which new section shall read as follows:

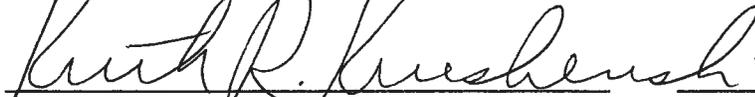
Sec. 12-301. Established; composition.

There is hereby established in the city a Trade Licensing Board, which shall consist of seven (7) members. Effective January 1, 2013, such board shall be composed of two (2) members holding a current and valid Class I or II electrical license from the City of Oak Ridge, two (2) members holding a current and valid plumber's license from the City of Oak Ridge, two (2) members holding a current and valid mechanical license from the City of Oak Ridge, if such qualified applicants are available, and the remaining member from the public at large, including persons who possess current and valid electrical, plumbing, and mechanical licenses.

In order to stagger the membership for the mechanical license holders, one member's term shall expire on December 31, 2015, and the other member's term shall expire on December 31, 2013. Thereafter, the terms of office shall be for three years terms as set forth in Section 12-304.

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

First Reading: 10/08/2012
Publication Date: 10/15/2012
Second Reading: _____
Publication Date: _____
Effective Date: _____

JOINT MEMORANDUM
LEGAL DEPARTMENT 12-60
POLICE DEPARTMENT 12-04

DATE: October 12, 2012
TO: Mark S. Watson, City Manager
FROM: Tammy M. Dunn, Senior Staff Attorney
SUBJECT: RESPONSE TO COUNCIL'S COMMENTS ON FIRST READING OF PROPOSED CITY CODE AMENDMENT ON BROWN BAGGING

At the October 8, 2012 City Council meeting, some concerns were presented pertaining to the proposed ordinance on brown bagging. This memorandum responds to those concerns for second reading of the ordinance.

Proposed City Code §11-201

At the meeting, there was a concern that this section is beyond the scope of the brown bagging ordinance and should be addressed by City Council at a future date. For ease of reference, the proposed language is set forth below:

Sec. 11-201. Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public.

It shall be unlawful for any person to drink, consume or have an open container or bottle of beer, wine, alcoholic beverage, or other intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club unless such place has a current and valid permit or license for on premises consumption of such beverage.

Proposed City Code §11-201 has two purposes. First, it makes it clear to the public that drinking, consuming, or having an open container of an alcohol-containing beverage is unlawful on streets, in parks, and other city-owned/public spaces unless, of course, there is an on premises consumption permit or license for such beverage in effect at the time of possession/consumption (such as a special event or festival).

The City's current open container provision is in City Code §8-809. This provision prohibits both the *consumption* of alcohol-containing beverages and the *possession* of an open container of alcohol-containing beverages upon the public roads and streets (including but not limited to such consumption or possession inside a motor vehicle). It also allows the City Manager to authorize possession and consumption of alcohol-containing beverages on roads, streets, and other city property for special occasions. Recent examples of giving such permission on city property include the Secret City Festival in Bissell Park and the Taste of Oak Ridge in the parking lot of Jackson Square. (Note: Permits from the Oak Ridge Beer Permit Board were required and obtained for these events for consumption of beer).

The open container provision is contained in the City Code in the chapter titled "Beer and Other Light Beverages – Prohibitions." However, this provision pertains to more than just beer—it includes all beverages that contain alcohol (beer, wine, liquor, etc.). While having this section in its current location is good for beer permit holders, it is not the best location for educating the public at large about open containers. For that reason, proposed City Code §11-201 was drafted to give that same knowledge to the public at large when looking under Municipal Offenses, Alcohol.

Tennessee Code Annotated §55-10-416 prohibits the possession of an open container of alcohol-containing beverages and the consumption of alcohol-containing beverages by drivers. While this

provision is limited to *drivers*, it does allow municipalities to prohibit by ordinance such consumption and possession by *passengers* in a motor vehicle while the vehicle is in operation. Further, this provision can be mirrored by municipalities as a municipal offense per the authority granted in Tennessee Code Annotated §16-18-302(a), which has been done in City Code §8-809.

Proposed City Code §11-201 is a common provision in other Tennessee cities as well: Brentwood (§42-2), Bristol (§50-19), Clinton (§11-202), Farragut (§8-209), Franklin (§11-101), Knoxville (§4-1), Lebanon (§11-202), Maryville (§11-103(1)(a-b)), Mt. Juliet (§16-29), Norris (§11-101), and Oliver Springs (§11-101).¹ As mentioned at the City Council meeting, the proposed language for Oak Ridge includes private clubs in the list of prohibited places to specifically address a current issue with a local club who recently had their beer permit revoked by the Beer Board but is allowed by current local and state law to allow patrons to brown bag alcohol-containing beverages, which can result in the same law enforcement issues and concerns that caused the beer permit to be revoked in the first place.

The second purpose of proposed City Code §11-201 is to make clear to the public that drinking, consuming, or having an open container of an alcohol-containing beverage is unlawful in non-city-owned public places and private clubs as well unless, of course, such place has an on premises consumption permit or license for such beverage such as a permanent beer permit or liquor license or special event (temporary) permit/license for such consumption. This is simply for clarification with the new provision of pertaining to brown bagging in proposed City Code §11-202.

Currently, the brown bagging prohibition is only applicable to beer permitted establishments that do not also possess a liquor license. Establishments (places) without a beer permit or with a liquor license can currently allow patrons to brown bag. Proposed City Code §11-202 changes current practice. The following chart is provided as a quick reference for the difference between the current ordinance and the proposed ordinance for brown bagging.

	Establishments/Places with no beer permit and no liquor license for on premises consumption	Establishments with a beer permit for on premises consumption but no liquor license	Establishments with both a beer permit and liquor license for on premises consumption	Establishments with a liquor license (on premises consumption)
Is brown bagging currently allowed?	Yes	No	Yes	Yes
Will brown bagging be allowed under the proposed ordinance?	No	Yes – for wine only	Yes	Yes

Keeping proposed City Code §11-201 provides clarity for the public. If this section is eliminated, additional language would be needed in proposed City Code §11-202 to address *consumption* in those specified places or additional language would be needed in existing City Code §8-809 to address *open containers* in the places where brown bagging is prohibited. As mentioned by the Chief of Police at the October 8, 2012 meeting, the Police Department recommends this provision remain in the ordinance.

¹ Code references were obtained by looking up the various cities' ordinances through MTAS and the Municipal Code Corporation's websites.

Proposed City Code §11-202

At the meeting, there was a concern that this section prohibits the *transportation* of alcohol-containing beverages. For ease of reference, the proposed language is set forth below:

Sec. 11-202. Brown bagging.

It shall be unlawful for any person to bring for consumption any container or bottle of beer, wine, alcoholic beverage of other intoxicating liquor ("brown bagging") in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club. It is similarly unlawful for any person or establishment to allow "brown bagging" to occur on their premises or to fail to take reasonable measures to inform their patrons and customers that "brown bagging" is not allowed upon their premises. Any establishment who promptly reports to the police a "brown bagging" violation on its premises shall be presumed to be in compliance with the law. Likewise, any establishment which fails to promptly notify the police of a "brown bagging" violation on its premises shall be presumed to be in violation of the law.

Proposed City Code §11-202 is not intended to prohibit transportation of alcohol-containing beverages on the city streets and sidewalks. For clarification of that intent, the following modification to the provision is offered for City Council's consideration on second reading should clarification of the provision be desired:

Sec. 11-202. Brown bagging.

It shall be unlawful for any person **to consume or** to bring for consumption any container or bottle of beer, wine, alcoholic beverage of other intoxicating liquor ("brown bagging") in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club. It is similarly unlawful for any person or establishment to allow "brown bagging" to occur on their premises or to fail to take reasonable measures to inform their patrons and customers that "brown bagging" is not allowed upon their premises. Any establishment who promptly reports to the police a "brown bagging" violation on its premises shall be presumed to be in compliance with the law. Likewise, any establishment which fails to promptly notify the police of a "brown bagging" violation on its premises shall be presumed to be in violation of the law.

This section shall not be construed to apply to the transportation of a beverage containing alcohol provided the beverage remains sealed. While inside a motor vehicle the beverage shall also not be in the possession of the driver. For purposes of this section, such beverage is in the possession of the driver when it is not in the possession of any passenger and is not located in a closed glove compartment, trunk, or other non-passenger area of a vehicle.

The language above referencing possession by the driver is taken from the State's open container provision (Tennessee Code Annotated §55-10-416(a)(2)(B)).

Proposed City Code §11-203

At the meeting, two changes were made to Subsection (2) and were approved on first reading. As a point of reference, the proposed language, as amended, is set forth below with the approved changes shown in bold/strikethrough:

Sec .11-203. Exceptions.

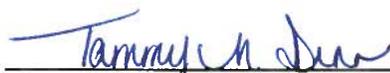
- (1) Generally. The provisions of Section 11-201 and Section 11-202 above are not applicable to any establishment which possesses a current and valid liquor by the drink license from the State of Tennessee.

- (2) On-Premises Beer Permitted Food Service Establishments – Wine. Food service establishments with a current and valid **permanent** on-premises consumption beer permit issued under the provisions of the City Code may allow patrons and customers to “brown bag” wine—as defined by Tennessee Code Annotated §57-4-102(39)—regardless of whether such food service establishment possesses a liquor by the drink license from the State of Tennessee. For purposes of this subsection, “food service establishment” means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, ~~without sleeping accommodations~~, such place being provided with adequate and sanitary kitchen and dining room equipment and tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons and customers; and providing that more than fifty percent (50%) of the gross revenue of the establishment is generated from the serving of food/meals. City Council may, by resolution, establish a permit fee for this exception to the “brown bagging” prohibition.

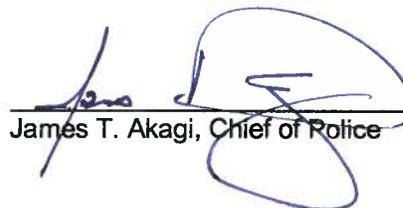
There was one concern addressed at the meeting that was not resolved during the meeting and that was in reference to the last sentence of Subsection (2) giving City Council authority to establish, by resolution, a fee for brown bagging should Council decide to do so in the future. This sentence was added to give City Council this authority, thereby allowing a quicker process—one reading of a resolution versus two readings of an ordinance—should a fee be desired. The proposed ordinance will allow food service establishments (restaurants) with permanent on premises consumption beer permits the ability to allow patrons to brown bag wine. This may result in additional costs to the City in the form of enforcement in the future should there be a lot of participation in this practice. While current practice allows brown bagging to a greater degree than the proposed ordinance, the current brown bagging ordinance is either not commonly known in the public even though it has been in place since 2001 or is not commonly practiced. Only two (2) restaurants to the City’s knowledge currently allow brown bagging even though the number of establishments that could allow brown bagging in much greater. Utilizing the current beer permit list, there would be approximately ten (10) food service establishments that currently cannot allow brown bagging that would be able to allow brown bagging of wine under the proposed ordinance amendment. Monitoring compliance with the ordinances may result in additional time by the Police Department. For that reason, this sentence was included. It simply gives Council an option and a quicker process. Eliminating the sentence would not eliminate this option, but it would require an ordinance amendment instead of a resolution.

Recommendations

It is recommended that the proposed ordinance, as amended on first reading, be approved as written. Should City Council determine that clarification is needed to proposed City Code §11-202, suggested language is offered in this memorandum to address the concern discussed at the last meeting.



Tammy M. Dunn, Senior Staff Attorney



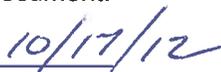
James T. Akagi, Chief of Police

City Manager’s Comments:

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



Mark S. Watson



Date

TITLE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; AND BY DELETING TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC." IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "ALCOHOL," ALL FOR THE PURPOSES OF SETTING FORTH REGULATIONS CONCERNING THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."

WHEREAS, by City Code §8-805, the City of Oak Ridge prohibits the practice of brown bagging alcoholic beverages exceeding five percent (5%) alcoholic content by weight in establishments with a beer permit; and

WHEREAS, the City desires to expand the prohibition on brown bagging with one exception.

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

Section 1. Title 8, titled, "Alcoholic Beverages," Chapter 8, titled "Beer and Other Light Beverages – Prohibitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 8-805, titled "Drugs or Liquor on Premises," in its entirety and substituting therefor a new Section 8-805, titled "Drugs on Premises," which new section shall read as follows:

Sec. 8-805. Drugs on premises.

It is unlawful for any person to bring, to cause or to allow to be brought onto any permitted premises under chapters 6, 7, and 8 of this title any prohibited drugs within the meaning of Tennessee Code Annotated §§53-10-101, et seq., and 39-17-401, et seq.

Section 2. Title 11, titled, "Municipal Offenses," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 2, titled "Alcohol, Drugs, Etc.," and substituting therefor a new Chapter 2, titled "Alcohol," which new chapter shall read as follows:

Chapter 2
Alcohol

Sec. 11-201. Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public.

It shall be unlawful for any person to drink, consume or have an open container or bottle of beer, wine, alcoholic beverage, or other intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club unless such place has a current and valid permit or license for on premises consumption of such beverage.

Sec. 11-202. Brown bagging.

It shall be unlawful for any person to bring for consumption any container or bottle of beer, wine, alcoholic beverage or other intoxicating liquor ("brown bagging") in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club. It is similarly unlawful for any person or establishment to allow "brown bagging" to occur on their premises or to fail to take reasonable measures to inform their patrons and customers that "brown bagging" is not allowed upon their premises. Any establishment who promptly reports to

the police a "brown bagging" violation on its premises shall be presumed to be in compliance with the law. Likewise, any establishment which fails to promptly notify the police of a "brown bagging" violation on its premises shall be presumed to be in violation of the law.

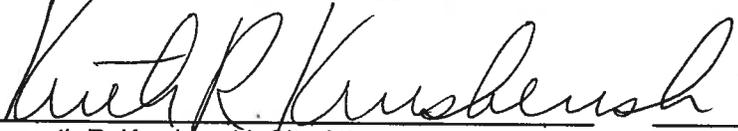
Sec .11-203. Exceptions.

- (1) Generally. The provisions of Section 11-201 and Section 11-202 above are not applicable to any establishment which possesses a current and valid liquor by the drink license from the State of Tennessee.
- (2) On-Premises Beer Permitted Food Service Establishments – Wine. Food service establishments with a current and valid permanent on-premises consumption beer permit issued under the provisions of the City Code may allow patrons and customers to "brown bag" wine—as defined by Tennessee Code Annotated §57-4-102(39)—regardless of whether such food service establishment possesses a liquor by the drink license from the State of Tennessee. For purposes of this subsection, "food service establishment" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons and customers; and providing that more than fifty percent (50%) of the gross revenue of the establishment is generated from the serving of food/meals. City Council may, by resolution, establish a permit fee for this exception to the "brown bagging" prohibition.

Section 3. Enforcement of this ordinance shall begin January 1, 2013.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: 10/08/2012
Publication Date: 10/15/2012
Second Reading: 10/22/2012
Publication Date: _____
Effective Date: _____

JOINT MEMORANDUM
LEGAL DEPARTMENT 12-56
POLICE DEPARTMENT 12-03

DATE: October 2, 2012

TO: Mark S. Watson, City Manager

FROM: Tammy M. Dunn, Senior Staff Attorney
James T. Akagi, Chief of Police

SUBJECT: AMENDMENT TO CITY CODE – BROWN BAGGING PROHIBITED, EXCEPTION

An item for the agenda is an ordinance to amend the City Code pertaining to brown bagging.

Background

The issue of brown bagging was discussed at the September 24, 2012 work session at the direction of City Council. The history of state laws governing alcoholic beverage sales and brown bagging, as well as current applicable City Codes, were addressed by Legal Department Memorandum 12-54 and presented to City Council at the work session. A proposed ordinance amendment option was also discussed at the work session meeting as outlined in Legal Department Memorandum 12-55. Since these memos were presented previously to City Council, the content of the memos is not reiterated here.

City Staff's main focus during the work session meeting was to bring to City Council's attention potential problems should the practice of brown bagging be allowed without limitation. Those concerns include public drunkenness, open container violations, alcohol-involved domestic incidents, and intoxicated drivers. Statistics for Oak Ridge were presented at the meeting. Addressing the unregulated consumption of alcoholic beverages can further the City's interests in diminishing the number of those incidents outlined above. City Staff sought to balance those interests against the desire of some restaurant owners to allow patrons to brown bag wine.

During the work session discussion, City Council seemed agreeable to City Staff's request to broaden the current brown bagging prohibition to apply it citywide with one exception. The original exception presented to City Council was to allow small restaurants with a valid on-premises beer permit to allow patrons to brown bag wine provided such restaurant was unable to obtain a wine only or liquor license from the state due to the state's minimum seating requirements. At the meeting, it was suggested that this exception not be limited to establishments that could not obtain a license from the state based upon seating but allow the exception to apply to any restaurant (food service establishment) with a valid on-premises beer permit. This would allow those operators who have shown a willingness and a responsibility toward on-premises consumption of alcohol (beer) to allow patrons to brown bag wine.

In order to accomplish this, it is necessary to delete the second half of City Code §8-805 – which contains the current prohibition on brown bagging – and take it back to its' previously version of just being a provision regarding drugs in establishments with beer permits. It is also necessary to create a new section on brown bagging setting forth the prohibition and the exception. In looking at other cities' ordinances, those with similar prohibitions place that provision in their title on municipal offenses under the chapter pertaining to alcohol. Oak Ridge has the same type of city code structure as many other Tennessee cities, therefore, it is recommended that the new provision be contained in Title 11, Municipal Offenses, Chapter 2, Alcohol, Drugs, Etc. to keep consistency among codes within the state.

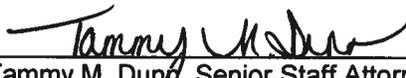
The new provision takes into account the comments made at the work session concerning food service establishments versus minimum seating requirements set by the state for liquor licensing. In an effort to allow current businesses who allow brown bagging under current City Code, enforcement of the new provision is recommended to begin January 1, 2013. This will allow restaurants who wish to continue the practice of brown bagging wine sufficient time to obtain an on-premises beer permit while not negatively impact any business plans currently in place for the upcoming holidays.

The attached ordinance was drafted in light of the comments received at the September 24, 2012 work session.

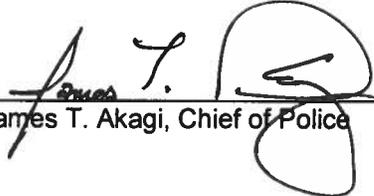
Recommendation

The Oak Ridge Beer Permit Board will be considering this ordinance amendment at their meeting on October 8, 2012, and if available, the board's recommendation to City Council will be presented at the Council meeting.

Approval of the attached ordinance is recommended.



Tammy M. Dunn, Senior Staff Attorney



James T. Akagi, Chief of Police

Attachment

City Manager's Comments:

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



Mark S. Watson

10/2/2012
Date

BOLD/STRIKETHROUGH OF BROWN BAGGING ORDINANCE

TITLE 8
ALCOHOLIC BEVERAGES

CHAPTER 8
BEER AND OTHER LIGHT BEVERAGES – PROHIBITIONS

Section 8-805. ~~Drugs or liquor on premises.~~

~~It is unlawful for any person to bring, to cause or to allow to be brought onto any permitted premises under chapters 6, 7, and 8 of this title any prohibited drugs within the meaning of Tennessee Code Annotated, §§ 53-10-101, et seq., and 39-17-401, et seq. It is also unlawful for any person to bring, to cause or to allow to be brought onto any permitted premises under chapters 6, 7, and 8 of this title any intoxicating beverage, the alcoholic content of which is in excess of five percent (5%) by weight, unless such permittee is also the holder of a valid liquor license issued under the authority of Tennessee Code Annotated, title 57, chapter 4.~~

TITLE 11
MUNICIPAL OFFENSES

CHAPTER 2
ALCOHOL, DRUGS, ETC.

~~Section 11-201. [Deleted.]~~

~~Section 11-202. Possession and/or consumption of beer and other alcoholic beverages prohibited on posted private property.~~

~~It shall be unlawful for any person to drink, consume, or possess opened cans, bottles, or other containers of beer or other alcoholic beverages upon any private property where the owner has posted a reasonably visible sign on the premises prohibiting such activity. Such a sign located upon the premises shall be presumed to be posted by the owner. The signs posted under this section shall be approved by the city manager as to size, form, and content prior to posting.~~

Section 11-201. Drinking beer, wine, alcoholic beverage or other intoxicating liquor in public.

It shall be unlawful for any person to drink, consume or have an open container or bottle of beer, wine, alcoholic beverage, or other intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club unless such place has a current and valid permit or license for on premises consumption of such beverage.

Section 11-202. Brown bagging.

It shall be unlawful for any person to bring for consumption any container or bottle of beer, wine, alcoholic beverage or other intoxicating liquor (“brown bagging”) in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place or private club. It is similarly unlawful for any person or establishment to allow “brown bagging” to occur on their premises or to fail to take reasonable measures to inform their patrons and customers that “brown bagging” is not allowed upon their premises. Any establishment who promptly reports to the police a “brown bagging” violation on its premises shall be presumed to be in compliance with the law. Likewise, any establishment which fails to promptly notify the police of a “brown bagging” violation on its premises shall be presumed to be in violation of the law.

Section.11-203. Exceptions.

- (1) Generally. The provisions of Section 11-201 and Section 11-202 above are not applicable to any establishment which possesses a current and valid liquor by the drink license from the State of Tennessee.**
- (2) On-Premises Beer Permitted Food Service Establishments – Wine. Food service establishments with a current and valid on-premises consumption beer permit issued under the provisions of the City Code may allow patrons and customers to “brown bag” wine—as defined by Tennessee Code Annotated §57-4-102(39)—regardless of whether such food service establishment possesses a liquor by the drink license from the State of Tennessee. For purposes of this subsection, “food service establishment” means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its patrons and customers; and providing that more than fifty percent (50%) of the gross revenue of the establishment is generated from the serving of food/meals. City Council may, by resolution, establish a permit fee for this exception to the “brown bagging” prohibition.**

Notes:

1. The first change (§8-805) removes the current language on brown bagging.
2. The second change deletes current language in §11-202 that would conflict with the proposed provision on brown bagging.
3. The third change is to add new language (§11-201, currently empty) to prohibit the *consumption* of beer, wine, and liquor in any public place or private club that is not properly permitted or licenses.
4. The fourth change is to add new language (new §11-202) to prohibit the bringing of beer, wine and liquor (*brown bagging*) by persons and to prohibit establishments from allowing the practice of brown bagging.
5. The last change is to add a new section (§11-203) to address the exception. One, exception for liquor by the drink establishments because state law does not allow the city to regular liquor licensed establishments in this manner. Two, exception for on-premises beer-permitted food service establishments to allow patrons to brown bag wine only. This is to address the issue discussed at the September 24, 2012 work session.

TITLE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 8-805, TITLED "DRUGS OR LIQUOR ON PREMISES," AND SETTING FORTH A NEW SECTION 8-805, TITLED "DRUGS ON PREMISES"; AND BY DELETING TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 2, TITLED "ALCOHOL, DRUGS, ETC." IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "ALCOHOL," ALL FOR THE PURPOSES OF SETTING FORTH REGULATIONS CONCERNING THE PRACTICE COMMONLY REFERRED TO AS "BROWN BAGGING."

WHEREAS, by City Code §8-805, the City of Oak Ridge prohibits the practice of brown bagging alcoholic beverages exceeding five percent (5%) alcoholic content by weight in establishments with a beer permit; and

WHEREAS, the City desires to expand the prohibition on brown bagging with one exception.

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

Section 1. Title 8, titled, "Alcoholic Beverages," Chapter 8, titled "Beer and Other Light Beverages – Prohibitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 8-805, titled "Drugs or Liquor on Premises," in its entirety and substituting therefor a new Section 8-805, titled "Drugs on Premises," which new section shall read as follows:

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Section 2. Title 11, titled, "Municipal Offenses," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 2, titled "Alcohol, Drugs, Etc.," and substituting therefor a new Chapter 2, titled "Alcohol," which new chapter shall read as follows:

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Alcohol

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the police a "brown bagging" violation on its premises shall be presumed to be in compliance with the law. Likewise, any establishment which fails to promptly notify the police of a "brown bagging" violation on its premises shall be presumed to be in violation of the law.

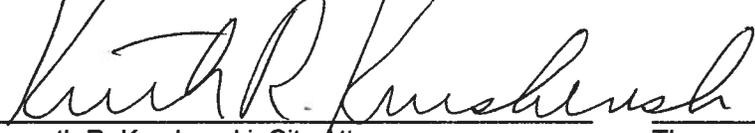
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Section 3. Enforcement of this ordinance shall begin January 1, 2013.

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

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney



 Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: 10/08/2012
 Publication Date: 10/15/2012
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

**ELECTRIC DEPARTMENT MEMORANDUM
12-23**

DATE: October 11, 2012
To: Mark S. Watson, City Manager
From: Jack L. Suggs, Electrical Director
SUBJECT: RESPONSE TO COUNCIL COMMENTS ON PROPOSED MODIFICATION TO CODE SECTION

At the October 8, 2012 Council meeting, the proposed code amendments relative to licensing of solicitors garnered several comments and questions. The purpose of this memorandum is to address the questions raised prior to the second reading of the enabling ordinance.

Section 9-112 Exemptions, as written persons under the age of eighteen are exempt from obtaining a permit unless they are agents of a for-profit organization. A Council member pointed out that there might exist students participating in school related fund raising activities who would be eighteen years of age or even older.

If it is Council's desire to modify the code such that those students eighteen years and older are also exempted from the requirement for a license, the following language could be substituted for the language in section 9-112 in the original ordinance:

§9-112. Exemptions

The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, sellers responding to a prior invitation by the owner or occupant of a residence, or to bona fide candidates, campaign workers and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency. The provisions of this chapter are also not applicable to students enrolled in grades K through 12 while engaged in fundraising activities, or any persons under the age of eighteen (18) except when they are agents of a for-profit organization.

Any other person or organization claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a fee, shall cite to the Utility Business Office the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such an exemption.

A member of City Council also proposed that permits for non-profit organizations should be valid for a period of two years. It was the opinion of Staff at the time the amendments were drafted that an annual update of persons soliciting for a non-profit organization would help ensure that the persons doing the soliciting were known. Should Council wish to modify the code to specify that permits for non-profits are valid for two years; the following language could be substituted for the language in section 9-109 of the ordinance as presented in the first reading:

§9-109. Expiration and Renewal of Permits

Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed, without cost, if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to

permittees who are not subject to a privilege tax shall be issued for one (1) year, except permits issued to non-profit organizations, which shall be issued for two (2) years. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.

Finally, there was a question as to the applicability of the section to persons involved only in collecting money for a specific cause. The ordinance applies only to persons engaged in solicitation. The applicable definitions, which are defined in the ordinance itself, are:

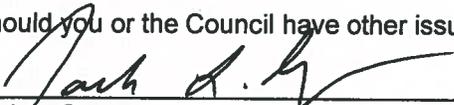
"Solicit" means and includes offering merchandise for sale, barter or exchange, whether for present or future delivery, or in any manner disposing of personal property by peddling or hawking the same.

"Solicitor" means and includes peddler, huckster or itinerant merchant and all persons of any age who solicit, attempt to solicit, sell, barter, exchange or offer to sell, barter or exchange, and includes person soliciting on behalf of a nonprofit organization.

Therefore, the section does not apply to those who are only seeking donations. The regulation of such activities (and others, including canvassing for political or religious purposes), should such be attempted, would require diligent legal research and the likelihood of success would appear dubious at best. Staff does not recommend pursuing such a course.

The Council also suggested that a phone number be added to the solicitor identification that a consumer might call to verify that the permit was valid. Although the mock-ups have not been modified, staff will pursue adding this phone number.

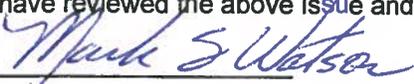
Should you or the Council have other issues or questions, we stand ready to render assistance.



Jack L. Suggs
Electrical Director

City Manager's Comments:

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



Mark S. Watson

10/17/12
Date

**JOINT MEMORANDUM
ELECTRIC DEPARTMENT 12-21
LEGAL DEPARTMENT 12-53**

DATE: September 28, 2012

To: Mark S. Watson, City Manager

From: Jack L. Suggs, Electrical Director
Tammy M. Dunn, Senior Staff Attorney

SUBJECT: CITY CODE AMENDMENT – PEDDLERS, SOLICITATION AND ITINERANT
MERCHANTS (TITLE 9, CHAPTER 1)

An item for the agenda is an ordinance to amend City Code Title 9, titled "Business, Peddlers, Solicitors, Etc.," Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," to update the provisions for door-to-door sales.

Background

Solicitation (or door-to-door sales) is regulated in Oak Ridge through Title 9, Chapter 1, of the City Code. Current code provisions require a potential solicitor to complete an application and pay an application fee. The fee is currently set by ordinance at \$2.00 for persons over sixteen (16) years of age and \$1.00 for those under sixteen (16). The completed application is received by the Utility Business Office, reviewed by the Police Department to run a local background check and is then forwarded to the City Manager for approval of the application. If approved, the solicitor is issued a small paper card to carry which they are to present when requested.

This process is very time and resource intensive and the nominal application costs do not begin to cover the actual cost of obtaining a permit. The cards are not true identification as they contain no photographs. And, the background check is not as intensive as it could be to ensure citizen safety.

Proposed Changes

Staff has examined this issue and has developed a proposal which should modernize and improve the process. The proposed changes will result in better background checks, an actual identification credential for the vendor to display, more specific rules on conduct during solicitation, and a substantial increase in cost recovery. Under this proposal, background checks will be conducted by a third party vendor.

Background Check

Our current vendor for utility risk assessment, Online Utility Exchange, offers a near instant nationwide criminal background check which the City plans to use for solicitors. Data retrieved by the vendor comes from all fifty (50) states along with Washington D.C., Guam, Puerto Rico, and the Virgin Islands. It is important to note that there is no civilian-accessible national law enforcement database which covers all convictions or "wants and warrants." States and counties within states vary in the access they provide with some—Roane County for example—not providing any electronic access to its data. Where electronic access to records is provided, the data sources that are available also vary with information most frequently supplied by that state's Department of Corrections (43 of 54), any statewide Court Administrators (32 of 54) and the Sex Offender Data Base (52 of 54). Two (2) states allow for an instant search of their county databases. Because of these facts, there is always a chance that a felon will pass this search unidentified, but staff is unaware of any better source of the information.

As a final note regarding background checks, the City can only request the background checks if the applicant provides authorization to do so and for that reason such authorization will be added to the application process. Further, the City will be able to use this information for permissible purposes under the law. The information could, for example, be used for the purposes described—to decrease fraud and threat to our citizens—but would be held in a strictly confidential manner until destroyed. The cost to the City for each of these checks is \$20.00.

Identification Credentials

As part of the application process, applicants will have their image taken digitally and stored on a City database which will be used to print badges for those who are approved. The changes to the ordinance will require that the badges be prominently displayed by all solicitors. Attached to this memorandum is a mock-up of the proposed badge (front and back) that is under consideration. The cost of the equipment to establish this program is roughly \$2,100.00 and printing costs are \$0.30 per card, plus operator labor cost. Providing a clip for display brings the total printing and material cost to \$0.41.

Rules of Conduct

The changes to the ordinance also expand the rules of conduct for solicitors. The rules were taken from ordinances in other cities across the country in an attempt to ensure that the solicitor knows that improper behavior such as providing false or misleading information, trespassing, and aggressive solicitation will result in revocation of the permit.

It is also proposed to establish hours of solicitation in order to ensure public safety as well as protect solicitors. The proposed hours of solicitation are between the hours of 9:00 a.m. and 9:00 p.m. (April to October) and 9:00 a.m. and 7:30 p.m. (November to March). The difference in time periods takes into account daylight savings time to offer a longer time period when daylight hours are longer and a shorter time period when daylight hours are shorter but still giving available time for solicitors to solicit door-to-door when citizens arrive home from normal working business hours. Limiting solicitation to only occur during daylight hours was considered, however, recent court opinions indicate such a limitation would not be constitutional.

Additionally, the current language needs to be clear on special considerations that will be provided to non-profit organizations and their representatives. It is the intent of the proposal that non-profit organizations should submit a single application that lists the names of the solicitors/canvassers. Generic cards, without names or photographs will be issued for each non-profit organization to be distributed among its solicitors/canvassers. Using this approach, the cost can be greatly reduced to the City and the solicitor. The ordinance as proposed exempts persons seventeen (17) years or younger from the requirement to have a permit unless they are agents of a for profit organization.

Cost Recovery

The proposed ordinance removes the cost/fee from the ordinance itself and instead sets the permit application fee by resolution. While it is difficult to calculate the actual cost to the City of the permit, it is anticipated that the work can be completed for a total cost of around \$20.00 per application once the system is established. Background checks will not be normally conducted on non-profit groups which reduces the cost. For that reason, staff recommends the following fees and will present such in a resolution for approval on second reading:

Solicitor Permit (valid one year): \$40.00
Replacement Credential: \$5.00
Non-profit organizations: \$15.00 plus \$0.50 per solicitor

It is natural to compare these costs to other cities. Staff found such a wide range of policies, however, comparisons are difficult. Of the (15) fifteen cities contacted, six (6) had no policy and required no

permits and three (3) issued permits or required registration, but did not charge. Of the six (6) that charged, three (3) charged one each of: \$2.00, \$5.00, \$20.00, while the other three (3) charged \$50.00 or more. All except the lowest cost provided discounted or free permits for non-profits and youth.

Reorganization of Provisions

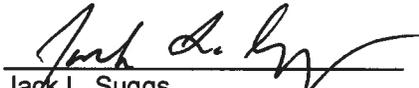
The Legal Department suggested a reorganization of the provisions within the chapter to better clarity and ease of use. In order to reorganize the provisions, the proposed ordinance is an entire replacement of the chapter on solicitation. A bold/strikethrough of the ordinance language is also attached to show the changes that are actually proposed.

Other Considerations

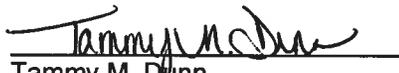
Recent court opinions have limited a city's ability to place certain restrictions on solicitors and canvassers. Citizens are encouraged to continue to post "no solicitation," "no trespassing," or similar signage if they do not want to be contacted by solicitors and canvassers. Additionally, while increased background checks and the issuing of badges may give solicitors extra credibility when going door-to-door, citizens are encouraged to still exercise good judgment when determining whether to engage in conversation and not consider a badge and a background check to be a stamp of legitimacy on the person or the product.

Recommendation

The attached ordinance accomplishes the changes outlined above. After careful consideration, staff recommends adoption of the attached ordinance.



Jack L. Suggs
Electrical Director



Tammy M. Dunn
Senior Staff Attorney

Attachments: Mock-up of proposed badges
Bold/Strikethrough of changes
Proposed ordinance

City Manager's Comments:

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



Mark S. Watson



Date

Non-Profit Solicitor	Widget Volunteer Agency Knoxville, Tn	Expires: 12-12-2014 #XXX Oak Ridge
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PROPERTY OF CITY OAK RIDGE P.O. Box 1 Oak Ridge, Tn 37831 RETURN POSTAGE GUARANTEED	THIS CREDENTIAL TO BE WORN AT ALL TIMES WHEN SOLICITING	FOR SOLICITATION GUIDELINES SEE CITY CODE SECTION 9-102 Hours allowed for Solicitation. 9:00 a to 9:00 p Apr - Oct 10:00 a to 6:00 p Nov. - March. HONOR "No Solicitation Signs." NEVER act in a coercive, abusive, misleading or fraudulent manner. IMMEDIATELY LEAVE any premises without delay or argument when asked to do so. FEE FOR REPLACEMENT
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TRANSIENT VENDOR	 Jane H. Doe Widget Sales Inc.	Expires: 12-12-2014 #XXX Oak Ridge
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PROPERTY OF CITY OAK RIDGE P.O. Box 1 Oak Ridge, Tn 37831 RETURN POSTAGE GUARANTEED	THIS CREDENTIAL TO BE WORN AT ALL TIMES WHEN OPERATIONS IN PROGRESS	NOTE: VENDING IS NOT ALLOWED ON PUBLIC RIGHTS OF WAY OR PUBLIC PROPERTY WITHOUT CONSENT OF THE CITY YOU MUST HAVE WRITTEN AUTHORIZATION FOR USE OF PROPERTY FROM PROPERTY OWNER AVAILABLE FOR EXAMINATION AT ALL TIMES OPERATIONS ARE UNDERWAY. FEE FOR REPLACEMENT
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LICENSED SOLICITOR	 Jane H. Doe Widget Sales Inc.	Expires: 12-12-2014 #XXX Oak Ridge
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PROPERTY OF CITY OAK RIDGE P.O. Box 1 Oak Ridge, Tn 37831 RETURN POSTAGE GUARANTEED	THIS CREDENTIAL TO BE WORN AT ALL TIMES WHEN SOLICITING	FOR SOLICITATION GUIDELINES SEE CITY CODE §9-101 et seq. Hours allowed for Solicitation. 9:00 a to 9:00 p Apr - Oct 9:00 a to 7:00 p Nov. - March HONOR "No Solicitation Signs." NEVER act in a coercive, abusive, misleading or fraudulent manner. IMMEDIATELY LEAVE any premises without delay or argument when asked to do so. FEE FOR REPLACEMENT
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TITLE 9
BUSINESSES, PEDDLERS, SOLICITORS, ETC.
CHAPTER 1
PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

§9-101. Definitions

Whenever used in this chapter, unless the context requires otherwise, the following definitions shall apply:

(1) **"City Manager"** ~~The term "city manager"~~ means the City Manager of this city or the City Manager's duly authorized **designee**.

(2) **"Merchandise"** ~~The word "merchandise"~~ means and includes all personal property of whatever kind, whether tangible or intangible, including but not limited to, goods, wares, produce, insurance, stocks and bonds.

(3) **"Non-profit organization"** ~~The term "nonprofit organization"~~ means and includes any ~~charitable, civic, religious or educational~~ **non-profit** organization ~~whose purpose is not for-profit and whose funds are used for charitable, civic, religious or educational purposes as defined by and qualified under the rules and regulations of the Internal Revenue Service.~~

"Permittee" means the person holding a valid permit issued under this chapter.

(4) **"Solicit"** ~~"Soliciting"~~ ~~The terms "soliciting" or "solicitor"~~ means and includes offering merchandise for sale, barter or exchange, whether for present or future delivery, or in any manner disposing of personal property by peddling or hawking the same.

(5) **"Solicitor"** ~~The term "solicitor"~~ means and includes peddler, huckster or itinerant merchant and all persons of any age who solicit, attempt to solicit, sell, barter, exchange or offer to sell, barter or exchange, and includes person soliciting on behalf of a nonprofit organization.

~~§ 9-102. Shouting, using horns, bells, etc.~~

~~No person holding a permit under this chapter, or any person in his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell.~~

(Note: This section is part of proposed City Code §9-108. See subsection (8). Has been placed in a section along with other provisions on proper conduct.)

§9-102. Permit Required

It shall be unlawful for any person to solicit the sale of merchandise or the furnishing of a service within the city without first obtaining a permit therefor in compliance with the provisions of this chapter. Furthermore, no person shall solicit contributions or the sale of merchandise for a nonprofit organization unless the organization first obtains a permit therefor in compliance with this chapter.

(Note: This section is essentially same language as current City Code §9-106, just placed earlier in the chapter for ease of use.)

~~§9-103. Use of streets.~~

~~No person holding a permit under this chapter shall have any exclusive right to any location in the public streets or be permitted a stationary location thereon, nor shall any such person be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, nor shall any such person be permitted to accept orders for goods or sell directly from a vehicle of any kind while standing in a public street. For the purpose of this section the judgment of the city manager, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.~~

(Note: This section is part of proposed City Code §9-108. See subsection (9). Has been placed in a section along with other provisions on proper conduct.)

§9-103. Application for permit (except non-profit organizations)

(a) Applicants for a permit under this chapter must file with the Utility Business Office a sworn written application, on a form provided by the City, which shall at a minimum contain the following:

- (1) Name and physical description of the applicant. In the case of a nonprofit organization, a list of all proposed solicitors, if such a list is available.**
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.**
- (3) Personal identity information as may be required to conduct a thorough background check on the individual.**
- (4) A brief description of the nature of the business and any goods to be sold.**
- (5) If applicant is employed, the name, address and telephone number of the employer, together with credentials therefrom establishing the exact relationship and authority of the employee to act for the employer. If the person is acting as an agent, the name, address, and telephone number of the principal being represented shall be provided along with credentials establishing the relationship and the authority of the agent to act for the principal.**
- (6) The length of time for which the right to do business is desired.**
- (7) The names of at least two (2) reputable local property or business owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.**
- (8) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or ordinance violation other than traffic violations; the nature of the offense or violation; and the punishment or penalty assessed therefor, the date and location where such offense or violation occurred and other pertinent details thereof.**
- (9) Proof of possession of any permit or license which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or**

regulation, would exempt the applicant from the permitting requirements of this chapter.

- (10) **The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.**
- (11) **The applicant's consent for the City to conduct a background investigation, including a review of the applicant's criminal and civil records.**
- (b) **At the time of application, the applicant must cooperate in the recording of a digital photograph which will be placed on file and be used in the printing of the solicitor's permit, should such permit be approved.**
- (c) **Failure to provide all requested information, providing false information, or failure to authorize a background investigation will result in the denial of the application.**

(Note: This section is similar to current City Code §9-107, however, some provisions have been changed. Examples: provides for permission to conduct the broader background check, cooperation in the taking of a digital photograph, applications are submitted to the Utility Business Office and not the City Manager, etc.)

~~§9-104. Exemptions from chapter.~~

~~The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods and merchandise in the regular course of business.~~

(Note: This section is proposed City Code §9-112 and has been expanded.)

§9-104. Application for non-profit permit

- (a) **Applicants for a permit under this chapter for non-profit purposes must file with the Utility Business Office a sworn written application, on a form provided by the City, which shall at a minimum contain the following:**
 - (1) **Name of the non-profit organization represented, its principal address or place of business, tax exempt certification number and the nature of the beneficiaries of its efforts.**
 - (2) **The name, contact information and complete permanent home address and local address of a local representative of the organization who will be responsible for all canvassers; in the case of such not being local, the local address from which solicitations will be made, along with such personal identity information as may be required to conduct a thorough background check on that individual.**
 - (3) **A brief description of the nature of the solicitation.**
 - (4) **The length of time for which the permit is desired.**
 - (5) **The names, addresses and contact information of all canvassers to be involved in the effort and a statement by the local representative that all canvassers are personally known to be of good moral character and not to have been convicted of any felony, misdemeanor or ordinance violation**

involving a sex offense, trafficking in controlled substances, theft, or any violent act against persons or property, or fraud, deceit or misrepresentation, or moral turpitude within the last ten (10) years.

(6) The applicant's consent for the City to conduct a background investigation, including a review of the applicant's criminal and civil records.

(b) Failure to provide all requested information, providing false information, or failure to authorize a background investigation will result in the denial of the application.

(Note: This is a new section to set forth requirements for non-profit organizations. In current City Code §9-107, certain provisions are listed as not being applicable to non-profits. Having a separate code section will make it easier on non-profit organization applicants to know what is and what is not required for their permit.

~~§9-105. Penalty for violation of chapter.~~

~~Any person violating the provisions of this chapter shall, upon conviction, pay a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense and every day such violation continues shall constitute a separate offense.~~

(Note: This section is proposed City Code §9-113. The lower fine limit was removed.)

§9-105. Fees

At the time of application, the applicant shall pay a non-refundable fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be established by resolution of City Council.

(Note: Fees are covered by current City Code §9-108, however, this new section will establish the fees by resolution and not by ordinance, and clarify that the fee is non-refundable.)

~~§9-106. Permit required.~~

~~It shall be unlawful for any solicitor to solicit the sale of merchandise or the furnishing of a service within the city without first obtaining a permit therefor in compliance with the provisions of this chapter. Furthermore, no person shall solicit contributions or the sale of merchandise for a nonprofit organization unless the organization first obtains a permit therefor in compliance with this chapter.~~

(Note: This section is in proposed City Code §9-102.)

§9-106. Investigation of Applicant; Issuance or Denial of Permit

(a) Upon receipt of the application and payment of the fee, the Utility Business Office shall cause an investigation to be made of the applicant's moral reputation or business responsibility and conduct a background investigation of the applicant. If the applicant's application is complete and the investigation is satisfactory, a permit shall be issued to the applicant. The permit shall be prepared by the City and shall include a current photo of the permittee. A list of all permits issued shall be kept for two (2) years from the date of issue.

(b) The City may deny the application for any of the following reasons:

(1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;

- (2) **An investigation reveals the applicant falsified information on the application;**
 - (3) **The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, theft, or any violent act against persons or property within the last ten (10) years;**
 - (4) **The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the last ten (10) years;**
 - (5) **The applicant has been convicted of a crime of moral turpitude within the last ten (10) years;**
 - (6) **There is no proof of authority for the applicant to serve as an agent of the principal; or**
 - (7) **The applicant has been denied a permit under this chapter within the last year, unless the applicant can and does show to the satisfaction of the City that the reasons for such earlier denial no longer exist.**
- (c) **The reason(s) for denial of a permit shall be noted on the application and the applicant shall be notified that his or her application has been denied and that no permit will be issued. The notice shall also inform the applicant of the appeal process. Notice shall be mailed to the applicant's address as listed on the application.**

(Note: This section is currently City Code §9-109, but this new version is an expansion of that provision to include reasons for denial.)

~~§9-107. Application for permit.~~

~~Applicants for a permit under this chapter must file with the city manager a sworn written application containing the following:~~

- ~~(1) Name and physical description of the applicant. In the case of a nonprofit organization, a list of all proposed solicitors or canvassers, if such a list is available.~~
- ~~(2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.~~
- ~~(3) A brief description of the nature of the business and the goods to be sold.~~
- ~~(4) If applicant is employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship. This shall not apply to nonprofit organizations.~~
- ~~(5) The length of time for which the right to do business is desired.~~
- ~~(6) A recent clear photograph approximately two (2) inches square showing the head and shoulders of the applicant. This shall not apply to nonprofit organizations.~~
- ~~(7) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of~~

~~references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility. This shall not apply, however, to nonprofit organizations.~~

~~(8) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and the punishment or penalty assessed therefor. This shall not apply, however, to nonprofit organizations.~~

~~(9) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities. This shall not apply, however, to nonprofit organizations.~~

(Note: This information is contained in proposed City Code §9-103, with some modifications.)

§9-107. Bond

All solicitors requiring cash deposits shall furnish to the City a bond in the amount of ten (10) times the solicitor's highest deposit amount and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with the permittee that the merchandise purchased will be delivered according to the representations of the permittee. Action on the bond may be brought by any person aggrieved and for whose benefit the bond is given, but the surety may by paying the face amount of the bond pursuant to court order to the clerk of court in which the suit is commenced be relieved without costs of all further liability.

(Note: This section is entirely new. Other Tennessee cities have a similar provision which is intended to provide additional security for citizens who purchase an item on deposit.)

§9-108. Fee.

~~At the time of filing the application for a permit under this chapter, a fee of two dollars (\$2.00) for persons over sixteen (16) years of age and one dollar (\$1.00) for persons under sixteen (16) years of age shall be paid to the city to cover the cost of investigating the facts stated therein.~~

(Note: The new fee provision is in proposed City Code §9-104 and is proposed to now be set by resolution not ordinance.)

§9-108. Proper Conduct During Solicitation

- (1) Hours of Solicitation. Solicitation is allowed between the hours of 9:00 a.m. and 9:00 p.m. from April through October and between the hours of 9:00 a.m. and 7:30 p.m. from November through March, it being the intent that door-to-door solicitation occur during daylight hours for safety and visibility of the solicitors and at times when citizens feel secure in their homes to receive unexpected visitors. Solicitation outside of these hours is a violation of this chapter.**
- (2) Not Transferrable. It is a violation of this chapter a permit issued under this chapter to be used at any time by any person or organization other than the one to whom it is issued.**
- (3) Display of Permit. Every person issued a permit under this chapter shall clearly display said permit on his or her person at all times while solicitation is in process and allow inspection of said permit by the occupant of the private premises upon**

which the person is soliciting. Further, every person issued a permit under this chapter shall produce the same at the request of any police officer or city employee. Failure to adhere to these requirement is a violation of this chapter.

- (4) **No Solicitation Signs.** It is a violation of this chapter and deemed to be trespass for any person, whether permitted or not, while conducting the business of a peddler or solicitor to fail to comply with posted signs such as “no solicitors,” “no peddlers,” “no solicitation,” and signs of similar meaning when posted on private property unless such person is or has been invited upon the premises by the occupant thereof.
- (5) **Trespass.** It is a violation of this chapter and deemed to be trespass for any permittee acting under this chapter to fail to promptly leave the private premises of any person who requests, asks or directs the permittee to leave.
- (6) **Aggressive Manner.** It is a violation of this chapter for permittees to act in any manner which could be reasonably be considered aggressive, coercive, threatening, harassing or abusive, such as using obscene or profane language, intimidation, or unwelcome physical contact.
- (7) **False or Misleading.** It is a violation of this chapter for permittees to knowingly make a false or misleading statement or representation in the course of soliciting. This includes, but is not limited to, stating that a donation is needed to meet a specific need when there are already sufficient funds to meet that need or stating that a donation is needed to meet a need that does not exist.
- (8) **Shouting, using horns, bells, etc.** No person holding a permit under this chapter, or any person on his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell.
- (9) **Use of Streets.** No person holding a permit under this chapter shall have any exclusive right to any location near the public streets or be permitted a stationary location thereon, nor shall any such person be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, nor shall any such person be permitted to accept orders for goods or sell directly from a vehicle of any kind while standing in a public street. For the purpose of this section the judgment of the City Manager, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(Note: This provision is a combination of current City Code §9-102, §9-103, §9-110, and §9-111 with additions – hours, trespass, aggressive behavior, etc.)

~~§9-109. Investigation of applicant; issuance or refusal of permit.~~

~~Each application for a permit under this chapter shall be submitted to the city manager, who shall cause an investigation to be made of the applicant's moral reputation or business responsibility. If such reputation and business responsibility appear satisfactory, in the sole discretion of the city manager, then he or she shall issue a permit upon payment of all applicable privilege taxes; otherwise, the city manager shall deny the permit and shall so notify the applicant in writing. In no~~

~~case shall a permit be issued before the expiration of seven (7) days from the date of the application in order that a full investigation be made of the applicant. However, this shall not apply to renewal permits.~~

(Note: Similar language exists in proposed City Code §9-106.)

§9-109. Expiration and Renewal of Permits

Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed, without cost, if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.

(Note: Same language as in current City Code §9-112 without change.)

~~§9-110. Permit to be used by permittee only.~~

~~No permit issued under this chapter shall be used at any time by any person or organization other than the one to whom it is issued.~~

(Note: This provision is in proposed City Code §9-108(2)).

§9-110. Revocation or Suspension of Permit

- (1) Permits issued under the provisions of this chapter may be revoked by the City Manager, after notice and hearing, for any of the following causes:**
 - (a) Fraud, misrepresentation, or incorrect statement contained in the application (that was not revealed during the initial investigation), or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.**
 - (b) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.**
 - (c) Conviction of any crime, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, fraud, theft, deceit, misrepresentation or any violent act against persons or property within the last ten (10) years that was not revealed during the initial investigation or that occurred after the date of application;**
 - (d) Conviction of any crime involving moral turpitude within the last ten (10) years that was not revealed during the initial investigation or that occurred after the date of application; or**
 - (e) Any violation of this chapter.**
- (2) Notice of the hearing for revocation of a permit under this section shall be given by the City Manager in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at the**

address listed on the application at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

- (3) When reasonably necessary in the public interest, the City Manager may suspend a permit issued under this chapter pending the revocation hearing.**
- (4) No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the date of revocation.**

(Note: This is the same language as in current City Code §9-113 with some expansion of language pertaining to convictions.)

~~§9-111. Exhibition of permit.~~

~~Every person holding a permit under this chapter shall exhibit his or her permit at the request of any police officer or citizen.~~

(Note: This provision is in proposed City Code §9-108(3).)

§9-111. Appeal

- (1) Any person aggrieved by the action or decision to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application.**
- (2) An appeal shall be taken by filing with the City Manager a written statement setting forth the grounds for the appeal.**
- (3) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.**
- (4) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.**
- (5) The decision of the City Manager on the appeal shall be final and binding on all parties concerned.**

(Note: This is a new provision allowing an avenue for appeal to the City Manager is an application is denied, suspended or revoked.)

~~9-112. Expiration and renewal of permit.~~

~~Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed, without cost, if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.~~

(Note: This is the same language as in proposed City Code §9-109 without change.)

§9-112. Exemptions

The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, sellers responding to a prior invitation by the owner or occupant of a residence, or to bona fide candidates, campaign workers and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency. The provisions of this chapter are also not applicable to persons under the age of eighteen (18) excepting when they are agents of a for-profit organization.

Any other person or organization claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a fee, shall cite to the Utility Business Office the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such exemption

(Note: This provision is an expansion of current City Code §9-104.)

§9-113. Revocation or suspension of permit.

- (1) ~~Permits issued under the provisions of this chapter may be revoked by the city manager, after notice and hearing, for any of the following causes:~~
 - (a) ~~Fraud, misrepresentation, or incorrect statement contained in the application for the permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.~~
 - (b) ~~Any violation of this chapter.~~
 - (c) ~~Conviction of any crime or misdemeanor.~~
 - (d) ~~Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.~~
- (2) ~~Notice of the hearing for revocation of a permit under this section shall be given by the city manager in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his or her last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.~~
- (3) ~~When reasonably necessary in the public interest, the city manager may suspend a permit issued under this chapter pending the revocation hearing.~~
- (4) ~~No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation.~~

(Note: This is the same language as in proposed City Code §9-110 with some expansion of language pertaining to convictions.)

§9-113. Violations.

Any person violating the provisions of this chapter shall, upon conviction, pay a fine not to exceed fifty dollars (\$50.00) for each offense. Every day such violation continues shall constitute a separate offense.

(Note: This is similar to current City Code §9-105, but changed to eliminate the lower fine limit.)

TITLE

AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESSES, PEDDLERS, SOLICITORS, ETC.," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," AND SUBSTITUTING THEREFOR A NEW CHAPTER 1, TITLED "PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS," IN ORDER TO UPDATE THE PROVISIONS.

WHEREAS, the City of Oak Ridge desires to update the provisions on door-to-door solicitations, peddling, and canvassing to provide for clarification of provisions and to increase public safety and welfare.

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

Section 1. The Code of Ordinances, City of Oak Ridge, Tennessee, Title 9, titled "Businesses, Peddlers, Solicitors, Etc.," is hereby amended by deleting Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," in its entirety and substituting therefor a new Chapter 1, titled "Peddlers, Solicitors and Itinerant Merchants," which new chapter shall read as follows:

**Chapter 1
Peddlers, Solicitors and Itinerant Merchants**

§9-101. Definitions

Whenever used in this chapter, unless the context requires otherwise, the following definitions shall apply:

"City Manager" means the City Manager of this city or the City Manager's duly authorized designee.

"Merchandise" means and includes all personal property of whatever kind, whether tangible or intangible, including but not limited to, goods, wares, produce, insurance, stocks and bonds.

"Non-profit organization" means and includes any non-profit organization as defined by and qualified under the rules and regulations of the Internal Revenue Service.

"Permittee" means the person holding a valid permit issued under this chapter.

"Solicit" means and includes offering merchandise for sale, barter or exchange, whether for present or future delivery, or in any manner disposing of personal property by peddling or hawking the same.

"Solicitor" means and includes peddler, huckster or itinerant merchant and all persons of any age who solicit, attempt to solicit, sell, barter, exchange or offer to sell, barter or exchange, and includes person soliciting on behalf of a nonprofit organization.

§9-102. Permit Required

It shall be unlawful for any person to solicit the sale of merchandise or the furnishing of a service within the city without first obtaining a permit therefor in compliance with the provisions of this chapter. Furthermore, no person shall solicit contributions or the sale of merchandise for a nonprofit organization unless the organization first obtains a permit therefor in compliance with this chapter.

§9-103. Application for permit (except non-profit organizations)

- (a) Applicants for a permit under this chapter must file with the Utility Business Office a sworn written application, on a form provided by the City, which shall at a minimum contain the following:
- (1) Name and physical description of the applicant. In the case of a nonprofit organization, a list of all proposed solicitors, if such a list is available.
 - (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
 - (3) Personal identity information as may be required to conduct a thorough background check on the individual.
 - (4) A brief description of the nature of the business and any goods to be sold.
 - (5) If applicant is employed, the name, address and telephone number of the employer, together with credentials therefrom establishing the exact relationship and authority of the employee to act for the employer. If the person is acting as an agent, the name, address, and telephone number of the principal being represented shall be provided along with credentials establishing the relationship and the authority of the agent to act for the principal.
 - (6) The length of time for which the right to do business is desired.
 - (7) The names of at least two (2) reputable local property or business owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility.
 - (8) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or ordinance violation other than traffic violations; the nature of the offense or violation; and the punishment or penalty assessed therefor, the date and location where such offense or violation occurred and other pertinent details thereof.
 - (9) Proof of possession of any permit or license which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the permitting requirements of this chapter.
 - (10) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
 - (11) The applicant's consent for the City to conduct a background investigation, including a review of the applicant's criminal and civil records.
- (b) At the time of application, the applicant must cooperate in the recording of a digital photograph which will be placed on file and be used in the printing of the solicitor's permit, should such permit be approved.

- (c) Failure to provide all requested information, providing false information, or failure to authorize a background investigation will result in the denial of the application.

§9-104. Application for non-profit permit

- (a) Applicants for a permit under this chapter for non-profit purposes must file with the Utility Business Office a sworn written application, on a form provided by the City, which shall at a minimum contain the following:
 - (1) Name of the non-profit organization represented, its principal address or place of business, tax exempt certification number and the nature of the beneficiaries of its efforts.
 - (2) The name, contact information and complete permanent home address and local address of a local representative of the organization who will be responsible for all canvassers; in the case of such not being local, the local address from which solicitations will be made, along with such personal identity information as may be required to conduct a thorough background check on that individual.
 - (3) A brief description of the nature of the solicitation.
 - (4) The length of time for which the permit is desired.
 - (5) The names, addresses and contact information of all canvassers to be involved in the effort and a statement by the local representative that all canvassers are personally known to be of good moral character and not to have been convicted of any felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, theft, or any violent act against persons or property, or fraud, deceit or misrepresentation, or moral turpitude within the last ten (10) years.
 - (6) The applicant's consent for the City to conduct a background investigation, including a review of the applicant's criminal and civil records.
- (b) Failure to provide all requested information, providing false information, or failure to authorize a background investigation will result in the denial of the application.

§9-105. Fees

At the time of application, the applicant shall pay a non-refundable fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be established by resolution of City Council.

§9-106. Investigation of Applicant; Issuance or Denial of Permit

- (a) Upon receipt of the application and payment of the fee, the Utility Business Office shall cause an investigation to be made of the applicant's moral reputation or business responsibility and conduct a background investigation of the applicant. If the applicant's application is complete and the investigation is satisfactory, a permit shall be issued to the applicant. The permit shall be prepared by the City and shall include a current photo of the permittee. A list of all permits issued shall be kept for two (2) years from the date of issue.
- (b) The City may deny the application for any of the following reasons:

- (1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
 - (2) An investigation reveals the applicant falsified information on the application;
 - (3) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, theft, or any violent act against persons or property within the last ten (10) years;
 - (4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the last ten (10) years;
 - (5) The applicant has been convicted of a crime of moral turpitude within the last ten (10) years;
 - (6) There is no proof of authority for the applicant to serve as an agent of the principal; or
 - (7) The applicant has been denied a permit under this chapter within the last year, unless the applicant can and does show to the satisfaction of the City that the reasons for such earlier denial no longer exist.
- (c) The reason(s) for denial of a permit shall be noted on the application and the applicant shall be notified that his or her application has been denied and that no permit will be issued. The notice shall also inform the applicant of the appeal process. Notice shall be mailed to the applicant's address as listed on the application.

§9-107. Bond

All solicitors requiring cash deposits shall furnish to the City a bond in the amount of ten (10) times the solicitor's highest deposit amount and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with the permittee that the merchandise purchased will be delivered according to the representations of the permittee. Action on the bond may be brought by any person aggrieved and for whose benefit the bond is given, but the surety may by paying the face amount of the bond pursuant to court order to the clerk of court in which the suit is commenced be relieved without costs of all further liability.

§9-108. Proper Conduct During Solicitation

- (1) Hours of Solicitation. Solicitation is allowed between the hours of 9:00 a.m. and 9:00 p.m. from April through October and between the hours of 9:00 a.m. and 7:30 p.m. from November through March, it being the intent that door-to-door solicitation occur during daylight hours for safety and visibility of the solicitors and at times when citizens feel secure in their homes to receive unexpected visitors. Solicitation outside of these hours is a violation of this chapter.
- (2) Not Transferrable. It is a violation of this chapter a permit issued under this chapter to be used at any time by any person or organization other than the one to whom it is issued.
- (3) Display of Permit. Every person issued a permit under this chapter shall clearly display said permit on his or her person at all times while solicitation is in process and allow inspection of said permit by the occupant of the private premises upon which the person

is soliciting. Further, every person issued a permit under this chapter shall produce the same at the request of any police officer or city employee. Failure to adhere to these requirements is a violation of this chapter.

- (4) **No Solicitation Signs.** It is a violation of this chapter and deemed to be trespass for any person, whether permitted or not, while conducting the business of a peddler or solicitor to fail to comply with posted signs such as "no solicitors," "no peddlers," "no solicitation," and signs of similar meaning when posted on private property unless such person is or has been invited upon the premises by the occupant thereof.
- (5) **Trespass.** It is a violation of this chapter and deemed to be trespass for any permittee acting under this chapter to fail to promptly leave the private premises of any person who requests, asks or directs the permittee to leave.
- (6) **Aggressive Manner.** It is a violation of this chapter for permittees to act in any manner which could be reasonably be considered aggressive, coercive, threatening, harassing or abusive, such as using obscene or profane language, intimidation, or unwelcome physical contact.
- (7) **False or Misleading.** It is a violation of this chapter for permittees to knowingly make a false or misleading statement or representation in the course of soliciting. This includes, but is not limited to, stating that a donation is needed to meet a specific need when there are already sufficient funds to meet that need or stating that a donation is needed to meet a need that does not exist.
- (8) **Shouting, using horns, bells, etc.** No person holding a permit under this chapter, or any person on his or her behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such permittee proposes to sell.
- (9) **Use of Streets.** No person holding a permit under this chapter shall have any exclusive right to any location near the public streets or be permitted a stationary location thereon, nor shall any such person be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets, nor shall any such person be permitted to accept orders for goods or sell directly from a vehicle of any kind while standing in a public street. For the purpose of this section the judgment of the City Manager, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

§9-109. Expiration and Renewal of Permits

Permits issued under the provisions of this chapter shall expire on the same date that the permittee's privilege license expires and shall be renewed, without cost, if the permittee applies for and obtains a new privilege license within thirty (30) days thereafter. Permits issued to permittees who are not subject to a privilege tax shall be issued for one (1) year. An application for a renewal shall be made substantially in the same form as an original application. However, only so much of the application shall be completed as is necessary to reflect conditions which have changed since the last application was filed.

§9-110. Revocation or Suspension of Permit

- (1) Permits issued under the provisions of this chapter may be revoked by the City Manager, after notice and hearing, for any of the following causes:
 - (a) Fraud, misrepresentation, or incorrect statement contained in the application (that was not revealed during the initial investigation), or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.
 - (b) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
 - (c) Conviction of any crime, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, fraud, theft, deceit, misrepresentation or any violent act against persons or property within the last ten (10) years that was not revealed during the initial investigation or that occurred after the date of application;
 - (d) Conviction of any crime involving moral turpitude within the last ten (10) years that was not revealed during the initial investigation or that occurred after the date of application; or
 - (e) Any violation of this chapter.
- (2) Notice of the hearing for revocation of a permit under this section shall be given by the City Manager in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at the address listed on the application at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.
- (3) When reasonably necessary in the public interest, the City Manager may suspend a permit issued under this chapter pending the revocation hearing.
- (4) No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the date of revocation.

§9-111. Appeal

- (1) Any person aggrieved by the action or decision to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application.
- (2) An appeal shall be taken by filing with the City Manager a written statement setting forth the grounds for the appeal.
- (3) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.
- (4) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.

- (5) The decision of the City Manager on the appeal shall be final and binding on all parties concerned.

§9-112. Exemptions

The provisions of this chapter shall not be applicable to persons selling at wholesale to dealers, newsboys, bona fide merchants who merely deliver goods in the regular course of business, sellers responding to a prior invitation by the owner or occupant of a residence, or to bona fide candidates, campaign workers and political committees campaigning on behalf of candidates or on ballot issues and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency. The provisions of this chapter are also not applicable to persons under the age of eighteen (18) excepting when they are agents of a for-profit organization.

Any other person or organization claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a fee, shall cite to the Utility Business Office the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such exemption

§9-113. Violations.

Any person violating the provisions of this chapter shall, upon conviction, pay a fine not to exceed fifty dollars (\$50.00) for each offense. Every day such violation continues shall constitute a separate offense.

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

First Reading: 10/08/2012
Publication Date: 10/15/2012
Second Reading: _____
Publication Date: _____
Effective Date: _____