

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

December 12, 2011—7:00 p.m.

AGENDA

I. INVOCATION

Chaplain Matt Reed of Faith Baptist Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating the month of January 2012 as *Free Medical Clinic of Oak Ridge*.

Swearing-in of Joshua L. Waldo as the Assistant Chief of Fire Prevention and Training Division position for the City of Oak Ridge Fire Department.

VI. SPECIAL REPORTS

(NONE)

VII. CONSENT AGENDA

- a. Approval of the minutes of the November 14, 2011 City Council Meeting.
- 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.
- c. Adoption of a resolution approving the Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures for continued use by the Oak Ridge Industrial Development Board with the Tax Incentive Policy.

VIII. RESOLUTIONS

- a. A public hearing and adoption of a resolution authorizing a water line easement across City-owned greenbelt Lots 41.00 and 42.00, tax map 99g, group c, located on the east side of North Illinois Avenue just north of Irene Lane in accordance with Zoning Ordinance §9.01(c).
- b. Adoption of a resolution authorizing the purchase of control panels for various sewer pump stations from Nedrow & Associates, Murfreesboro, Tennessee, in the estimated amount of \$444,889.00.
- c. Adoption of a resolution awarding a contract with Industrial Technologies, Calhoun, Georgia, to upgrade the control room at the Water Treatment Plant, in the estimated amount of \$49,400.95.
- d. Adoption of a resolution approving two agreements between the City and TVA for pilot programs, specifically the Green Power Switch® Pure Solar Agreement and the Green Power Switch® Southeastern REC Agreement.

- e. Adoption of a resolution establishing the schedule of meetings of the Oak Ridge City Council during calendar year 2012 and providing that regular meetings shall be held on the second Monday of each month at 7:00 p.m. in the Municipal Building Courtroom, except during the months of March and May.
- f. Adoption of a resolution authorizing the abandonment of Quincy Avenue between South Illinois Avenue and South Purdue Avenue to further the development of Woodland Town Center contingent upon the developer deeding the appropriate amount of real property to the City at no cost for construction of a new roadway to align Phillips Lane with the entrance to the former Dean Stallings Ford location.
- g. Adoption of a resolution authorizing the submittal of a grant application to the Tennessee Department of Transportation (TDOT) for an Operating Assistance Grant to reimburse the City for up to fifty percent (50%) of the net operating expenses of the City's Public Transportation Program in the estimated amount of \$268,424.00, and to accept said grant if approved by TDOT.
- h. Adoption of a resolution to approve the Tax Increment Financing (TIF) Economic Impact Plan for the S. Illinois Avenue Economic Development Area.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

X. FINAL ADOPTION OF ORDINANCES

Public Hearings and Second Readings of Ordinances

- a. AN ORDINANCE TO AMEND A USE RESTRICTION REGARDING FAST FOOD RESTAURANTS IN WOODLAND TOWN CENTER PLANNED UNIT DEVELOPMENT PLAN, WHICH FRONTS ON SOUTH ILLINOIS AVENUE AND BACKS UP TO SOUTH PURDUE AVENUE BISECTED BY QUINCY AVENUE ACROSS FROM THE FORMER DEAN STALLINGS FORD SITE, WITH NO CHANGE TO THE ZONING DISTRICT WHICH REMAINS UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT DISTRICT OVERLAY.
- b. 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 1.09, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS ED-4B, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL.
- c. 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 10.06 AND 10.07, ROANE COUNTY TAX MAP 29, ALSO KNOWN AS K-792 AREA, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/IMDO).

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

Mayor's Appointments

Anderson County Development Corporation
Anderson County Tourism Council
Oak Ridge Municipal Planning Commission
Anderson County Economic Development Association
Highland View Redevelopment Advisory Board
Local Oversight Committee

Oak Ridge Municipal Planning Commission
Councilmember Charles L. Hensley

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. City Manager's Report

Meeting of the Oak Ridge Emergency Communication District

b. City Attorney's Report

c. Public Works Director Report

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM

11-55

DATE: December 1, 2011

TO: Honorable Mayor and Members of City Council

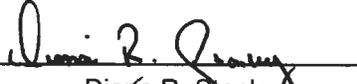
FROM: Diana R. Stanley, City Clerk

SUBJECT: PROCLAMATION

Free Medical Clinic of Oak Ridge

The accompanying proclamation is presented for the Council's consideration at the request of Maureen Hoyt, Board Member of the Free Medical Clinic of Oak Ridge Board of Directors. The proclamation recognizes January 2012 as *Free Medical Clinic of Oak Ridge* Month and acknowledges the endeavor of the clinic and its contribution to the community.

Dr. Tanya Vargas, Co-Medical Director, will be in attendance to receive the Proclamation.


Diana R. Stanley

Attachments

PROCLAMATION

WHEREAS, the *Free Medical Clinic of Oak Ridge* contributes significantly to the good health of the citizens of Oak Ridge, Anderson County, and surrounding areas; and

WHEREAS, the *Free Medical Clinic of Oak Ridge*, is a non-profit, primarily volunteer staffed organization offering free medical services to those who live in Oak Ridge, Anderson County, or surrounding areas who do not have insurance and cannot afford to pay for medical services due; and

WHEREAS, the *Free Medical Clinic of Oak Ridge* opened in January 2010 and has served 1,400 patients during 3,500 visits as the only free clinic in the community; and

WHEREAS, the *Free Medical Clinic of Oak Ridge* physicians, nurses, and support staff have volunteered nearly 10,000 hours of time and expertise in providing comprehensive care to patients and operated with compassion, dignity, and respect; and

WHEREAS, the *Free Medical Clinic of Oak Ridge* fulfills its mission by providing treatment to patients needing care for diabetes, high blood pressure, elevated cholesterol, and other serious chronic illnesses; and

WHEREAS, the *Free Medical Clinic of Oak Ridge* further contributes to the overall wellness of our citizens by offering classes in smoking cessation, nutrition for individuals with diabetes, and other subjects promoting healthier lifestyles; and

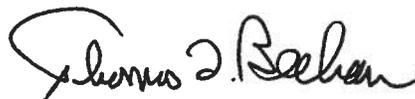
WHEREAS, healthy people help to create healthy families and healthier citizens for the community;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that January 2012 be proclaimed

FREE MEDICAL CLINIC OF OAK RIDGE

in the City of Oak Ridge, Tennessee, and encourage all citizens to support the clinic in its endeavor to make Oak Ridge a safer, healthier community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 12th day of December in the year 2011.



MAYOR

CITY CLERK MEMORANDUM

11-57

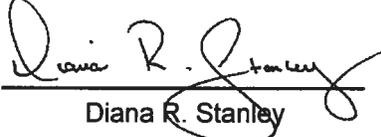
DATE: October 10, 2011

TO: Honorable Mayor and Members of City Council

FROM: Diana R. Stanley, City Clerk

SUBJECT: SWEARING-IN OF THE ASSISTANT CHIEF OF FIRE PREVENTION AND TRAINING

An item for the December 12, 2011 agenda is the swearing-in of Joshua L. Waldo as the Assistant Chief of Fire Prevention and Training division position for the City of Oak Ridge Fire Department.



Diana R. Stanley

CONSENT AGENDA

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

November 14, 2011

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on November 14, 2011 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Councilmember David N. Mosby.

PLEDGE OF ALLEGIANCE

Delores Kuhaida led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Upon roll call, the following members of Council were present: Mayor Thomas Beehan; Anne Garcia Garland; L. Charles Hensley; Charles J. Hope, Jr.; D. Jane Miller; David N. Mosby; and Ellen D. Smith.

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

APPEARANCE OF CITIZENS

Ms. Theresa Scott, 102 Victoria Road, expressed concerns over code violations that she has noticed in the community. Ms. Scott further commented that she believes there is no reason for other parties, i.e. phone companies or cable companies, who are not code enforcement to contact Codes regarding infractions. She commented that citizens should not continually call about infractions, and that she believes that enforcements are not happening in a timely manner.

Mr. Andy Marathe, 121 Westlook Circle, congratulated the Mayor and the City Manager for their representation of the City of Oak Ridge in Mexico City, Mexico. Mr. Marathe commented about the quality of the City's government practices and concluded by explaining that he is extremely involved citizen in the community.

Ms. Kay Williamson, 420 Jefferson Avenue, reported on the repeated code violations in and around her neighborhood and the untimely response by Code Enforcement. Ms. Williamson discussed the long-time criminal activities on Jonathan Lane and expressed that she would like to have the activities stopped.

Mr. Joe Lee, 99 East Pasadena Road, noted the increase police patrols in community and expressed his appreciation to the new Police Chief.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A presentation by the City Manager Mark S. Watson of three (3) Four Star Awards by the Tennessee Recreation and Parks Association (TRPA) to Matt Reedy, Recreation Program Supervisor, who received the Special Events Award of a budget over \$10,000 for Graduation Celebration; Jon Hetrick, Parks Supervisor, who received the Renovated Facility Award of a budget of \$500,001-\$1,000,000 for Cedar Hill Park Playground; and Councilmember Chuck Hope, Jr. who received the Individual Service Award for his dedication as a volunteer for the original build of Cedar Hill Park Playground in 1988 and service again as Tools Chairperson for the 2011 renovation.

City Manager Mark S. Watson swore-in Diana R. Stanley as the new City Clerk.

SPECIAL REPORTS

Heritage Railroad Authority Annual Report 2011

Mr. Gordon Fee, Chairman of the Oak Ridge Heritage Railroad Authority (1064 W. Outer Drive), presented the Board's Report for Fiscal 2011 (July 1, 2010 to June 30, 2011). After brief discussion, Councilmember Smith moved that the report be received for the record. The motion was seconded by Councilmember Hensley and was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Mayor Beehan amended the Special Reports to receive two brief reports from Councilmembers David Mosby and Ellen Smith regarding their recent National League of Cities' Congress of Cities and Exposition Conference in Phoenix, Arizona.

The Special Reports section was once again amended by transferring the Public Works Director Report from the Summary of Current Events. Public Works Director Gary Cinder provided an overview on the Winter Operations-Salt Brine, including the different materials (cheap salt, calcium chloride and sand, salt) that the Public Works Department has used to combat winter precipitation, as well as the materials effectiveness and costs. He explained that the cost of salt has risen and that salt brine is a cost effective, productive alternative to clear major roadways in the City, and that the City of Knoxville has had success with the mixture and provided assistance in learning about salt brine. Mr. Cinder continued to explain the operation use for the salt brine mixture, including discussing storage, the mixing process, and implementation.

CONSENT AGENDA

Upon amending the minutes of the October 10, 2011 meeting to correct typographical errors, Councilmember Hensley moved, seconded by Councilmember Smith to approve the Consent Agenda. That motion was carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye," thereby:

- a. Approving of the minutes of the October 10, 2011 City Council Meeting.
- b. Adopting Resolution No. 11-99-11 to accept an enforcement initiative grant from the State of Tennessee, Department of Transportation, Governor's Highway Safety Office, in the amount of \$24,977.40 to be used for authorized traffic enforcement and/or training purposes.
- c. Adoption Resolution No. 11-100-11 supporting the establishment of a committee to research the development of a Consolidated Emergency Communications Center for Anderson County, Tennessee.

RESOLUTIONS

Resolution No. 11-101-11

A resolution approving the Tennessee Oversight Interlocal Agreement between the City of Oak Ridge and the following counties: Anderson, Knox, Loudon, Meigs, Morgan, Rhea and Roane.

Councilmember Miller moved, seconded by Councilmember Hensley that the resolution be adopted. Mayor Beehan provided a brief overview of the purpose of the resolution and the Tennessee Oversight Interlocal Agreement.

Councilmember Smith expressed opposition against the abolishment of the Local Oversight Committee (LOC) and believes the existence of the organization is beneficial to the area as it is an independent, citizen-based function.

Mayor Beehan opined that the LOC had morphed into a citizen's advisory group more so than a representative of local government, but that the new agreement would reengage local officials.

At the Mayor's request, the City Manager explained that his interest in the actions of the LOC which began with a letter to the Tennessee Department of Environment and Conservation after a request for an endorsement letter for a 5-year funding cycle from the LOC Director. He studied the purpose of this committee in relation to the request versus other groups in the community, such as the Site Specific Advisory Board. He also indicated that he had been unable to find any record in the City Clerk's office of the LOC presenting updates or information to City Council regarding changes in LOC bylaws.

Upon inquiries from the Councilmember Mosby, the City Manager clarified that the resolution is the final step for participation in the new oversight agreement, and no additional requirements are necessary.

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

Resolution No. 11-102-11

A resolution to rescind Resolution 10-98-11 which opposed the Local Oversight Committee's (LOC) dissolution until such time as a new organization structure has been defined, a new inter-local agreement has been negotiated and approved by council and the governing bodies of the other involved jurisdictions, and a new grant agreement with the State of Tennessee has been negotiated; and further prohibiting the Mayor or the Mayor's alternate from voting for dissolution of the LOC until such time as these conditions are met.

Councilmember Hensley moved, seconded by Councilmember Miller, that the resolution be adopted.

Councilmember Hensley explained the various reasons for his request for reconsideration, including the resolution's tardiness which did not allow time for him to acquire information, the LOC's resemblance of an environmental advocacy group, and the lack of comments from the LOC regarding the possible Department of Energy consolidation. Lastly, Mr. Hensley expressed concern that the resolution prevented the Mayor from voting on the dissolution of the LOC, but did not affect the other city representative.

After brief deliberation the resolution was adopted by board vote with Councilmembers Hensley, Hope, Miller, Mosby, and Mayor Beehan voting "Aye" and Councilmembers Garcia Garland and Smith voting "Nay."

Resolution No. 11-103-11

A resolution awarding a bid in the estimated amount of \$33,320.30 to Ruffin and Associates, Memphis, Tennessee, for the furnishing of 3 phase spacer cable system.

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

The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 11-104-11

A resolution awarding a bid in the estimated amount of \$186,762.40 to Stuart C. Irby Company, Johnson City, Tennessee, for the furnishing of underground power cable.

Councilmember Smith moved, seconded by Councilmember Garcia Garland that the resolution be adopted. Per inquiries from Councilmember Smith, Electric Department Director Jack Suggs discussed the locations of the substations and their service areas. Mr. Suggs explained that the contract overages on the bid sheet relates to the extra wire that is needed for testing purposes and that the excess is billed.

The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 11-105-11

A resolution authorizing the City to enter into a contract with the State of Tennessee Department of Transportation for the resurfacing of designated city streets utilizing approximately \$1,203,365.00 of the City's allocated surface transportation program funds to be matched with approximately \$300,841.00 in city funds.

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

The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 11-106-11

A resolution authorizing the purchase of a hydraulic excavator from CMI Equipment Sales, Inc., Nashville, Tennessee, in the estimated amount of \$333,015.00.

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

The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 11-107-11

A resolution to adopt a debt management policy as required by the Tennessee State Funding Board.

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

The City Manager discussed that the plan outlines protocols when issuing debt and that the policy will also be used in the City's auditing procedures. Mr. Watson further explained that the policy was updated to address concerns and suggestions from Council, as well as to clarify policy language.

Following several inquiries from Councilmember Mosby, Deputy City Manager Steve Jenkins explained that a credit rating was critical when issuing debt and that an exceptional rating helps to offset additional costs on interest. He went on to explain that the City's credit rating was as high as is possible based on the Department of Energy's presence in the community.

Councilmember Garcia Garland clarified for the record that this was a policy on the City's process for incurring debt, not a debt policy for conditions on the City incurring debt.

Councilmember Smith inquired about the exceptions regarding bullet or balloon maturities described in the policy to which Mr. Jenkins explained that the language is included to allow flexibility without changing the policy.

The motion was approved unanimously by board vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 11-108-11

A resolution approving a settlement in the amount of \$44,000.00 with Carolina Transformer Contribution Action Plaintiffs.

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

After brief discussion regarding the documentation of transformer disposing, as well as the process of properly disposing of transformers, the motion was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

Resolution No. 11-109-11

Adopted a resolution to adopt the Not in Our City conceptual plan to address drugs and crime, improve housing, and make Oak Ridge a better place to live and invest.

City Manager Mark Watson provided an overview regarding the *Not in Our City* plan. Mr. Watson explained the resolution would act as an endorsement of the plan so that staff could move forward with planning or making the necessary adjustments to help implement a plan for use across all of Oak Ridge's communities.

Following an inquiry from Councilmember Smith regarding the enforcement of current codes and policies, the City Manager explained that some of the City's ordinances and such would need to be adjusted to help increase efficiency and effectiveness of enforcement.

Ms. Smith asked for staffs' thoughts about the phrase *Not in Our City* and the perceived negativity. The City Manager explained that the term was a reverse psychology approach and that it should emphasize that the community is no longer going to let negative situations continue.

Councilmember Miller expressed her support of tighter policies, particular on abandoned vehicles.

Councilmember Garcia Garland expressed her concerns about the *Not in Our City* phrase, as well as the top five (5) blighted properties and publicity of said properties, but was in favor of celebrating the most improved homes. Ms. Garcia Garland explained that she was supportive of the department's interactions with one another for this plan and inquired about staff preparing a corollary program for enforcement of drug and crime problems. Lastly, Councilmember Garcia Garland suggested that the City publish draft ordinances on its website for citizens' review before they are delivered to council for a vote.

Councilmember Mosby made a motion to adopt the program which was seconded by Councilmember Hensley.

Councilmember Mosby expressed an interest in establishing a matrix for this plan. Councilmember Smith expressed support for the idea as well and suggested focusing on property values and vacancy rates. Councilmember Mosby suggested adding blighted properties and complaints as well.

Mr. Joe Lee, 99 East Pasadena Road, commented that he believes this is a great program. He commended the City Manager and staff for their efforts, as well as stressed the involvement of the communities and residents to make the program a success. Mr. Lee further explained that he supports the idea of the top 10 blighted houses to encourage compliance, and in his experience with the Board of Building and Housing Code Appeals, has seen cases of residents taking initiatives to make improvements to houses.

Ms. Trina Baughn, 119 Newport Drive, agrees with the proposal. Ms. Baughn explained that she gives family from out of town, tours of the City of Oak Ridge and that the appearance of neighborhoods affects their perceptions of areas of Oak Ridge. She explained that individuals who are not familiar with the community and its history can have negative perceptions when viewing the area.

Mr. Don Hurtubise, 114 Mason Lane, spoke in opposition of the proposal. He expressed that his issue with the proposal is that it did not have community engagement in its development; nor did it have a component for crime. Mr. Hurtubise commented that he also does not agree with the slogan.

Councilmember Hensley commented that the City needs to support the plan and in turn get volunteer support in the form of participation from residents on the City's Boards and Commissions.

Ms. Kay Williamson, 420 Jefferson Avenue, supports the proposal and stated that she believes the community will help.

The resolution was adopted by unanimous board vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 11-110-11

Adopted a resolution to adopt an additional initiative – the Residential Properties Utility Program – as part of the Not in Our City conceptual plan.

Councilmember Hensley moved, seconded by Councilmember Hope that the resolution be adopted. City Manager Mark Watson provided an overview of the program and stressed that the primary importance of this program was safety and condition of utilities.

Councilmember Smith commented that instead of city employees contacting individual residents regarding lateral situations that a plan could be developed that would impact an entire neighborhood. Ms. Smith expressed concern about the inspection process taking place before lateral repairs had an opportunity to be addressed. Additionally, she discussed using coherent language for the inspection guidelines, as well as drafting summations of the policies.

Councilmember Garcia Garland expressed concern that the plan was both developed, but also not developed. Ms. Garcia Garland did not want elements of this plan to be constructed without involving the community or City Council. The City Manager responded by noting that a number of details would return to Council.

Councilmembers Hensley, Hope, Miller, and Mayor Beehan called for the question.

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

PUBLIC HEARINGS AND FIRST READING OF NEW ORDINANCES

The Mayor noted that the official public hearing of the new ordinances would take place during the second reading of the ordinances.

The City Manager clarified that the Woodland Town Center PUD was time critical to allow for development and construction opportunities.

AN ORDINANCE TO AMEND A USE RESTRICTION REGARDING FAST FOOD RESTAURANTS IN WOODLAND TOWN CENTER PLANNED UNIT DEVELOPMENT PLAN, WHICH FRONTS ON SOUTH ILLINOIS AVENUE AND BACKS UP TO SOUTH PURDUE AVENUE BISECTED BY QUINCY DRIVE ACROSS FROM THE FORMER DEAN STALLINGS FORD SITE, WITH NO CHANGE TO THE ZONING DISTRICT WHICH REMAINS UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT DISTRICT OVERLAY.

Councilmember Hensley moved, seconded by Councilmember Miller that the ordinance be approved on first reading. The City Manager explained that more detail was needed in regards to the definition of fast food restaurants which most often implies drive-thru facilities.

Mr. Walter Wise, Developer, commented that he has several projects in Oak Ridge. He explained that this program first developed years ago with the South Illinois Corridor Study. Mr. Wise indicated that this plan first envisioned retail shops, but with the current economic climate were eliminated. He discussed that the restaurant owners are acquainted and would come to Oak Ridge if both restaurants could be near one another, and that there is potential for other interested businesses if this is developed.

Upon an inquiry from Councilmember Mosby regarding the absence of the Planning Commission's recommendation on the Ordinance, Community Development Director Kathryn Baldwin explained that the Planning Commission is an advisory body and that historically, all ordinances list the Planning Commission's recommendation(s) when their advice is sought. Ms. Baldwin continued to explain that because this project is time critical, staff had not had an opportunity to meet the deadline for a public hearing notification, but that would occur during the second reading.

Councilmember Smith explained that she endorses the idea of a drive-thru for casual, fast food dining, but had some concerns over the criteria outlined in the PUD that defines a fast food restaurant.

Kathryn Baldwin explained that over time, the definition of a fast food restaurant has changed and that staff had reviewed several criterions to redefine the term. Ms. Baldwin commented that staff could amend the ordinance for second reading based on comments received during first reading.

Councilmember Miller commented that this development was an opportunity for a revenue stream for the City of Oak Ridge.

Joy Henderson, 103 Paris Lane, commented that she did not oppose a facility with a drive-thru, but would like for the drive-thru to have restrictions on hours of operation.

The ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 1.09, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS ED-4B, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL.

Councilmember Smith moved that the ordinance be approved on first reading. The motion was seconded by Councilmember Garcia Garland and after brief discussion from Community Development Director Kathryn Baldwin the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 10.06 AND 10.07, ROANE COUNTY TAX MAP 29, ALSO KNOWN AS K-792 AREA, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/IMDO).

Councilmember Smith moved that the ordinance be approved on first reading. The motion was seconded by Councilmember Hensley and after brief discussion from Community Development Director Kathryn Baldwin the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

(Councilmember Hope was absent during the vote of this ordinance.)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 14-11

ADOPTED AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 4, TITLED "COURT ADMINISTRATION," SECTION 3-406, TITLED "COST ESTABLISHED," SUBSECTION (A), TITLED "CITY COURT CLERK FEE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY INCREASING THE CITY COURT CLERK FEE TO EIGHTY-ONE DOLLARS AND TWENTY-FIVE CENTS (\$81.25).

Councilmember Smith moved that the ordinance be adopted. The motion was seconded by Councilmember Garcia Garland and was approved on second reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Ordinance No. 15-11

ADOPTED 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 1.04, 1.17, AND 1.18, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS BUILDING K-1225, ED-9A, AND ED-9B, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/LMDO).

Councilmember Smith moved that the ordinance be adopted. The motion was seconded by Councilmember Hensley and after a brief explanation by Community Development Director Kathryn Baldwin was approved on second reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Ordinance No. 16-11

ADOPTED AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY DELETING SECTION 9.07, TITLED "FLOODPLAIN REGULATIONS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 9.07, TITLED, "FLOODPLAIN REGULATIONS," TO UPDATE THE PROVISIONS FOR COMPLIANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) CURRENT REQUIREMENTS, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN THE CITY'S ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

Councilmember Smith moved that the ordinance be adopted. The motion was seconded by Councilmember Hensley and after a brief explanation by Community Development Director Kathryn Baldwin was approved on second reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Ordinance No. 17-11

ADOPTED 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 AN APPROXIMATE FIFTY-FOOT-WIDE STRIP CROSSING PARCELS 8.00, 9.00, 10.00, AND 12.00, ANDERSON COUNTY TAX MAP 100G, GROUP A, LOCATED ALONG THE SOUTH SIDE OF EMORY VALLEY ROAD FROM FRANKLIN ROAD HEADING EAST TO THE WEST BOUNDARY OF 707 EMORY VALLEY ROAD, THENCE HEADING SOUTH ALONG THE BOUNDARY LINE ENDING AT THE RIGHT-OF-WAY OF FAIRBANKS ROAD, FROM RG-1, RESIDENTIAL, OPEN SPACE AND RESERVED TO IND-1, INDUSTRIAL.

Councilmember Smith moved that the ordinance be adopted. The motion was seconded by Councilmember Hensley and after a brief explanation by Community Development Director Kathryn Baldwin was approved on second reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Ordinance No. 18-11

ADOPTED AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 3.18, TITLED "TEMPORARY USE PERMITS," SUBSECTION (D)(3) TO CLARIFY THAT SALES ARE PERMITTED IN PAVED PARKING AREAS PROVIDED IT DOES NOT INTERFERE WITH VEHICULAR CIRCULATION ON THE SITE; SECTION 13.01, TITLED "INTRODUCTION," SUBSECTION (A) TO ADD THAT SITE PLAN APPROVAL EXPIRES ONE YEAR FROM THE FINAL APPROVAL DATE; SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTIONS (D)(1), (E)(2), AND (H)(2) TO EXPAND THE APPLICABLE ZONES; SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (E)(3) TO PLACE A REQUIREMENT ON TREE PLANTING IN ISLANDS AND TO PLACE A PAVEMENT DISTANCE FROM REAR AND SIDE LOT LINES; SECTION 13.02, TITLED "DESIGN

REVIEW STANDARDS,” SUBSECTIONS (F)(2) TO REQUIRE SHRUB ROWS TO BE PLANTED TO SCREEN A PARKING LOT THAT CAN BE VIEWED FROM A PRIVATE STREET AND NOT JUST A PUBLIC STREET; SECTION 13.02, TITLED “DESIGN REVIEW STANDARDS,” SUBSECTION (F)(4)(A)(4) TO EXPAND THE APPLICABLE ZONES AND TO REQUIRE THE MAINTENANCE BOND TO BE POSTED FOR TWO YEARS INSTEAD OF ONE IF A PERMANENT IRRIGATION SYSTEM HAS NOT BEEN INSTALLED; SECTION 14.05, TITLED “GENERAL REQUIREMENTS,” PART (4) TO INCLUDE SCHOOLS AND CHURCHES AS A BUSINESS THAT CAN BE ISSUED A TEMPORARY PERMIT AND TO LIMIT THE NUMBER OF PERMITS TO ONE DURING ANY THREE MONTH PERIOD INSTEAD OF ONE DURING ANY FOUR MONTH PERIOD; SECTION 14.06, TITLED “SIGNS ALLOWED IN ALL DISTRICTS (EXEMPT SIGNS),” PART (8) TO INCLUDE AUCTION SIGNS; AND SECTION 16.12, TITLED “USES REQUIRING PLANNING COMMISSION APPROVAL,” SUBSECTION (A) TO CORRECT THE REFERENCE TO THE OAK RIDGE MUNICIPAL PLANNING COMMISSION.

Councilmember Hensley moved that the ordinance be adopted. The motion was seconded by Councilmember Hope and after a brief explanation by Community Development Director Kathryn Baldwin was approved on second reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Mosby, Smith, and Mayor Beehan voting “Aye.”

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

The City Manager presented an updated Notice of Elections for boards and commissions that are scheduled for a special meeting of City Council on December 19, 2011. City Clerk Diana Stanley noted the deadline for applications (November 21, 2011 at 5 p.m.) and provided a brief overview of the number of applications received to that point.

Councilmember Miller requested that the Recreation and Parks Board applicants be contacted and encouraged to apply and Councilmember Smith requested that the Industrial Development Board be contacted for the same purpose.

Announcements

Councilmember Miller announced that the Secret City Festival kick-off event was scheduled for December 5, 2011 at the New Hope Center.

Councilmember Hensley announced that there was a PlanET event on November 15 at 5:30 p.m. at Hailey Farm.

Councilmember Hope announced that he would be speaking to the Young Professionals on Tuesday, November 15 regarding the Boards and Commissions election.

Councilmember Mosby commented about the success of the Community Bike Ride and congratulated the Oak Ridge High School Wildcats on their successes.

Scheduling (NONE)

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Smith commented that she learned about a situation with a property owner wishing to sub-divide a lot and neighbors concerned by the impact from the minutes of a Planning Commission meeting. Ms. Smith inquired about the Planning Staff reviewing the issue to address those lots that are not suitable for subdivisions.

SUMMARY OF CURRENT EVENTS

City Manager's Report

The City Manager reported on the Tech 20/20 Conference in Knoxville on November 16. The City Manager explained that the City is a co-sponsor of said event and Council could contact Amy Fitzgerald to attend the conference luncheon.

City Attorney's Report

Public Works Director Report
(moved to Special Reports)

ADJOURNMENT

The meeting adjourned at 11:08 p.m.

Diana R. Stanley, City Clerk

CITY CLERK MEMORANDUM

11-56

DATE: December 1, 2011
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 2012 Budget. This is the 11th 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.

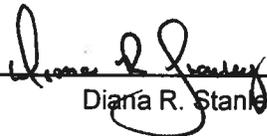
Prevent Child Abuse Tennessee has 501(c)(3) status and will provide oversight of financial matters, including yearly audits as required by the City's guidelines. A funding request was submitted to the City in December 2010 for inclusion in the FY 2012 Budget and is attached in its entirety.

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 2012 budget.

Prevent Child Abuse Tennessee (Healthy Start of Anderson County) has met the requirements imposed by Tennessee Code Annotated § 6-54-111 for such grants, as well as the Council's *Guidelines for Disbursement of Funds to Charitable Not-for-Profit Organizations*.

Copies of the organization's Financial Statements and Independent Auditors' Report as of June 30, 2009 and its Federal Form 990-EZ (Return for Organization Exempt from Income Tax) for the period beginning July 1, 2008 and ending June 30, 2009 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 NOV 30 PM 1:07
OFFICE OF THE CITY CLERK

City of Oak Ridge
Not-for-profit Organization

Funding Request

December 23, 2010

Agency Making Request: Prevent Child Abuse (Healthy Start Program)

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

Telephone: (865)483-7377

Fax: (865)483-7377

Contact Person: Marcia Slagle

Healthy Start of Anderson County Funding Request

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

Purpose of Funding Request:

The Healthy Start program for Anderson County became a program under the Prevent Child Abuse Tennessee on July 1, 2010. It has been initially managed by the Anderson County Health Council for 12 years. With the dissolution of the Health Council, the Healthy Start program made a smooth transition to Prevent Child Abuse Tennessee. In September Healthy Start moved into office space at the former Trinity Methodist Church of Oak Ridge. This space is being provided by First United Methodist Church for a nominal monthly fee

In 1998 the Anderson County Health Council received a three year demonstration grant from Covenant Health to implement Healthy Start 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 64% 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 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 has requested funding through his initiative that would fund evidence based home visitation programs. There are two other bills in congress promoting funding for home visitation. All of these support funding existing programs. Anderson County has had an evidence based home visitation program for **12 years** and that program is **Healthy Start!**

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. The committee, now known as the Advisory Committee, has completed the 4th annual letter writing campaign to residents of Anderson County to raise funds. For the second 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. Healthy Start was awarded a literacy grant from the Altrusa/Rotary Club literacy program this year. We were able to find a matching grant that enabled us to purchase \$750 of baby board books for \$500. In 2010, the Anderson County Commissioner's non-profit committee awarded Healthy Start the largest dollar amount of all of the requesting agencies in an effort to support the program during the transition.

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 2010 KIDS COUNT ranks Tennessee as 41st 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. 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, 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 ensures that all of its children can 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. Prevent Child Abuse America is also the parent organization for Healthy Families America, which credentials the Healthy Start program in Anderson County.

This is the second home visitation program for Prevent Child Abuse Tennessee as they also offer one in Davidson County. They were looking for a location in East Tennessee to open a satellite office for Prevent Child Abuse Tennessee. Their 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 14 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 were recently appointed. 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 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.

Carla Swogood, Executive Director
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.

Carla Swogood, Executive Director
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.

Carla Swogood, Executive Director
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.

Carla Swogood, Executive Director
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. This reflects an 80% decrease in severe child abuse rates. **In our twelve years, out of 354 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 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 and Pathway for Parents) were reviewed for credentialing by peer reviewers from Healthy Families America. We have just learned that we have been credentialed for another 3 years.

2010 was a year of change for Healthy Start. Two of our moms completed 5 years in Healthy Start in 2010 as their child entered kindergarten. A Family Support Worker who had been with the program for 5 years decided it was time to retire leaving us with a staff of 2. Our parent agency, the Health Council, had to dissolve due to loss in funding. Just in time, Prevent Child Abuse Tennessee opted to take over the Healthy Start program in July 2010. In September we moved to new office space in Oak Ridge. We are working with the Chamber of Commerce to regain support from the community for Healthy Start as many people assume we are no longer in business. We currently serve 12 families with 15 children. The goal of Prevent Child Abuse Tennessee for Healthy Start in 2011 is to secure funding for a second Family Support Worker that will enable us to serve **all** of Anderson County again.

PROGRAM RESULTS

The following data are for all Healthy Start clients:

Goal # 1 - To systematically assess the strengths and needs of new parents and refer them to community services as needed.

PROGRESS MADE TOWARD ACHIEVING GOAL(S).

Current Report Period:(2010)

During the months of **January - December 2010**, 5 new families were assessed and admitted to the program. Referrals on 9 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 8 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.

Cumulative:(1998-2010)

- **Total Target Population screened**
A total of 3,388 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 and 23 in 2010.
- **Positive screens assessed**
Of the 3,388 families screened, 367 were appropriate to be assessed. All 367 families were assessed.
- **Families enrolled with less than 1% refusal rate**
Of the 367 families assessed, 354 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%.
- **Referral to community resources:**
Clients have typically needed help in the following areas: transportation, pediatric services, housing, child care services, employment, education programs (GED, college), emotional support, and referrals to community resources for financial assistance.

NARRATIVE.

Current Report Period:(2010)

During this reporting period, the scores on the Kempe Family Stress Checklist averaged 36 points. (a score of 25 points or greater by either the mother or the father allows the program to be offered) These scores placed the targeted families in the extremely high risk category which demands close supervision.

Cumulative:(1998-2010)

Upon receiving a potential family's name, contact is made by the Family Assessment Worker (FAW) and the screening tool is administered. If mom or dad meet the requirements as defined by Healthy Families America, the FAW administers the Kempe Family Stress Checklist.

Goal # 2 - To enhance family functioning by building trusting, nurturing relationships, teaching problem solving skills, and improving the family's support system.

PROGRESS MADE TOWARD ACHIEVING GOAL(S).

Current Report Period:(2010)

During January - December 2010, an average of 11 families per month were served. 396 home visits were scheduled, with families attending 349 of them. An additional 636 contacts were made on behalf of the families. 3 family members attended a support group meeting. Additional services provided included 51 transports; 42 assistants with food and clothing ; 7 uses of the lending baby equipment, and 349 sessions of parental education.

Cumulative:(1998-2010)

Since the program began in April 1998, there have been 6,796 home visits. Each home visit is 1.5 hours in length which equals a total of 10,194 hours spent with Healthy Start of Anderson County families during the last twelve years.

NARRATIVE.

Current Report Period:(2010)

The knowledge gained by the parents at the 349 lessons/home visits enable the parents to build a trusting relationship with their Family Support Worker, set and work toward goals, gain problem solving skills, and benefit by having appropriate role models. The greatest need for aiding families seems to be transportation to the various community resources. Without this assistance, most of the families would not be able to use the Health Department, Human Services or pediatric services. A few of our families do have cars but they often cannot afford the gas or maintenance costs. The program has several volunteers who assist the Family Support worker with the transportation of the families.

Cumulative:(1998-2010)

Curriculum presented during home visits increases the parent(s) knowledge of appropriate infant/child behavior and development: Also included are lessons on stress management, family management, money management, nutrition, first aid/CPR, safety, basic child care and development, goal setting, self esteem, and health education. Each level has a preset curriculum, compiled by Healthy Start Staff, designed for each particular visit. Each Family Support Worker presents all curriculum as designated plus any additional materials as needed for particular clients. The curriculum has regular reviews to update all materials. By becoming part of the Prevent Child Abuse Tennessee agency, we are able to incorporate several new evidenced-based curriculums to use with our families.

Goal # 3 - To promote positive parent-child interactive relationships.

PROGRESS MADE TOWARD ACHIEVING GOAL(S).

Current Report Period:(2010)

The results of the yearly evaluations completed between Jan.- Dec. 2010. showed 96% of the parents scored positive bonding with their babies. 84% of the parents scored above average on their knowledge of appropriate infant behavior. This assessment of knowledge is done annually. **Two families** completed 5 years in the program this year. This demonstrates the strength of retention in our Healthy Start program. A Hispanic family received services in 2010, thanks to the assistance of a translator volunteering her time. We have 2 families expecting their first baby in 2011.

Cumulative:(1998-2010)

Of the 354 families involved in the program, only 21 have had second pregnancies, a rate of 5%. (According to the CDC National Vital Statistics Reports, Volume 47, Number 12, the rate of second births to teen mothers nation wide is 22%.)

Of the 354 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.

Of the active prenatal participants, 272 births were normal birth weight, 13 babies weighed between 4-5 pounds, 1 baby weighed between 3-4 pounds and there were 0 births under 2 pounds.

NARRATIVE.

Current Report Period:(2010)

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.

Cumulative:(1998-2010)

Parents are presented information about birth control options and encouraged to wait at least three years before having another baby. 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. Teens are in the high risk category for negative birth outcomes. The Center for Disease Control reports that teen pregnancies in the United States shows the first increase in 14 years! 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.

Goal # 4 - To promote healthy childhood growth and development.

PROGRESS MADE TOWARD ACHIEVING GOAL(S).

Current Report Period:(2010)

The yearly evaluation completed during **Jan. -Dec. 2010** , revealed 98% of babies tested with the Denver II Developmental Screen were developmentally appropriate for their age. The results also showed **all but one of our babies received timely well baby examinations**. The family with that one baby lives in the rural part of the county and has a pediatrician in Knoxville. The family relies on family, friends and Healthy Start to transport them to medical appointments. 98% have age appropriate immunizations.

Cumulative:(1998-2010)

- A medical home - 100% of Healthy Start babies have had a medical home.
- Well baby check-ups - 99% of Healthy Start babies have completed EPSD&T well checks.
- Up-to-date immunizations - 96% of Healthy Start babies have had age appropriate immunizations.

NARRATIVE.

Current Report Period:(2010)

Parents want their babies to be healthy and developmentally on task. Many ask for their babies to be tested with the Denver II Screen between scheduled tests and seek methods to stimulate physical and mental growth. Babies are screened with the Denver II Developmental test starting at three months and testing is repeated every three months until the first birthday. After age one, the screening is done every six months. Parents are provided materials and activities to work with their infant/child to assure developmental progress is maintained and/or increased as needed. Babies requiring professional developmental help are referred to the appropriate therapeutic agency.

The immunization records speak to the importance the mothers place on protecting their babies against illness.

Cumulative:(1998-2010)

Typically the Healthy Start worker devotes 800 miles of driving each month in home visits and transporting clients to essential services such as physician appointments; WIC appointments; support group meetings; and Department of Human Services appointments. This time and effort has been beneficial to two areas: first in access to essential services and second in clients who are more open to discussing personal matters during the transport. The majority of client transportation is for medical services that include prenatal, well baby and sick baby visits.

PROGRAM BUDGET/REVENUE

Annual Healthy Start program budget is:	\$90,725
(Includes 1.5 full time staff)	
Revenue:	
United Way of Anderson County	\$17,975
Anderson County Commission:	3,950
Private Donations:	16,800
Fund Raisers	2,000
Grants	15,000
TOTAL REVENUE	\$55,725
 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 2010 Clients	# of Total (1998-2010) Clients
Oak Ridge	13	183
Powell/Claxton	0	13
Clinton City	2	113
Lake City	3	32
Oliver Springs	2	36
Heiskell	0	4
Andersonville	0	6
Briceville	0	3
Norris	0	4
TOTAL	20	394

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 2011 is to secure funding for another Family Support worker to serve the rural areas of Anderson County.



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. It is good to collaborate with the Oak Ridge Youth Advisory Board on this event. Next year we hope to improve this event by providing crafts projects for the children to do while they wait their turn to sit on Santa's lap.

Board/Committee membership

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

- on board of Community Action Committee
- a coalition member of Allies for Substance Abuse Prevention of Anderson County
- a member of the Best Practices group working to improve the lives of all children in Anderson County
- a member of the Community Action Board (supported by TN Dept of Children's Services)
- a member of Anderson County Chamber of Commerce
- 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 2011, we intend to serve approximately **80 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.

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 23, 2011, City Council adopted the Fiscal Year 2012 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*.

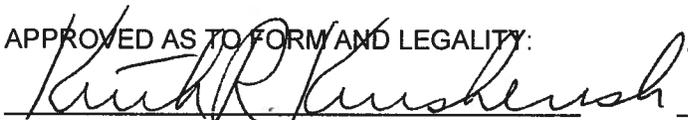
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the attached 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 the grant agreement.

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

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

GRANT AGREEMENT

BETWEEN THE CITY OF OAK RIDGE, TENNESSEE AND PREVENT CHILD ABUSE TENNESSEE

This Grant Agreement by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the "City," and Prevent Child Abuse Tennessee, hereinafter referred to as the "Grantee," dated this 12th day of December 2011.

WITNESSETH

WHEREAS, the City of Oak Ridge authorizes grant funding for non-profit organizations during the City's budget process in accordance with the City's Guidelines for Disbursement of Funds to Charitable Not-for-Profit Organizations (Guidelines); and

WHEREAS, the Grantee complied with the Guidelines and was approved for funding in the amount of \$31,850.00 by City Council through adoption of FY2012 budget.

IT IS THEREFORE AGREED that the following provisions shall apply:

1. **PURPOSE.** In accordance with the Guidelines, the Grantee shall solely use the grant funds for the purpose(s) stated in the application submitted to the City, which application was the basis for the City's approval of the grant request.
2. **TERM.** This Grant Agreement shall be for a term of one year, effective for the period commencing July 1, 2011 and ending on June 30, 2012.
3. **GRANT FUNDS / PAYMENT TERMS.**
 - a. **Grant Funds.** The total grant funds available under this Grant Agreement to the Grantee are \$31,850.00.
 - b. **Payment.** Payment to the Grantee shall be a lump sum payment within thirty (30) days of approval of this Grant Agreement.
 - c. **Expenditure Report.** The Grantee shall submit to the City a final expenditure report within forty five (45) days of the end of the term of this Grant Agreement. Said report shall be in form and substance acceptable to the City.
 - d. **Deductions.** The City reserves the right to deduct from amounts which are or shall become due and payable to the Grantee under this or any Grant Agreement between the Grantee and the City any amounts which are or shall become due and payable to the City by the Grantee.

4. **REPORTING.** The Grantee shall submit quarterly reports describing its activities and other reasonably required reports when requested by the City.
5. **NONDISCRIMINATION.** The Grantee hereby agrees, warrants and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Agreement or in the employment practices of the Grantee on the grounds of race, color, creed, religion, sex, sexual orientation, national origin, age, disability or any other legally protected status. The Grantee shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.
6. **MODIFICATIONS.** This Grant Agreement may only be modified by a written amendment executed by all parties hereto and approved by the appropriate officials of the City.
7. **ASSIGNMENT / SUBCONTRACTING.** The Grantee shall not assign this Grant Agreement or enter into any subcontract for any of the services performed under this Grant Agreement without obtaining the prior written consent of the City. If such subcontracts are approved by the City, the Grantee shall ensure the subcontractor's compliance with Section 5, Nondiscrimination, of this Grant Agreement.
8. **RECORDS.** The Grantee shall maintain documentation for services provided under this Grant Agreement. The books, records and documents of the Grantee, insofar as they relate to work performed or money received under this Grant Agreement, shall be maintained for a period of three (3) full years from the ending date of this Grant Agreement and shall be subject to audit at any reasonable time and upon reasonable notice by the City.
9. **AUDIT.** The Grantee shall employ a Certified Public Accountant to perform an annual audit which shall be submitted to the City prior to December 31 of the year following the termination of this Grant Agreement.
10. **GUIDELINES.** The Grantee shall comply with the City's Guidelines for Disbursement of Funds to Charitable Not-For-Profit Organizations.
11. **STRICT PERFORMANCE.** Failure by any party to this Grant Agreement to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions or provisions of this Grant Agreement shall not be construed as a waiver or relinquishment of any such term, covenant, condition or provision. No term or condition of this Grant Agreement shall be held to be waived, modified or deleted except by a written amendment signed by the parties hereto.
12. **INDEPENDENT CONTRACTORS.** The City and the Grantee acknowledge that the relationship created under this Grant Agreement is that of independent contracting

parties and this Grant Agreement does not create a general agency, joint venture, partnership, employment relationship or franchise between the parties. Neither party shall represent itself to be an agent of the other, nor shall it execute any documents or make any commitments to any contractual or other obligations with third parties.

13. **FORCE MAJEURE.** The obligations of the parties to this Grant Agreement are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, acts of God, riots, war, strikes, epidemics or any other similar cause.
14. **NOTICES.** All instructions, notices, consents, demands or other communications required or contemplated by this Grant Agreement shall be in writing and shall be made by facsimile transmission, by overnight courier, or by first class mail, postage prepaid, addressed to the respective party at the appropriate facsimile or address as set forth below:

To the City:

Diana Stanley, City Clerk
City of Oak Ridge
P.O. Box 1
Oak Ridge, Tennessee 37831-0001
(865) 425-3407 telephone
(865) 425-3409 facsimile

To the Grantee:

Marcia Slagle, Executive Director
Prevent Child Abuse Tennessee
299 Old Edgemoor Road
Oak Ridge, Tennessee 37830-9032
(865) 483-7377 telephone
(865) 482-1812 facsimile

All communications shall be considered effectively given as of the day of delivery; as of the date specified for overnight courier service delivery; as of three (3) business days after the date of mailing; or on the day the facsimile transmission is received mechanically by the telefax machine at the receiving location and receipt is confirmed telephonically by the sender if prior to 5:00 p.m. local time. Any communication by facsimile transmission shall also be sent by United States mail on the same date of the facsimile transmission.

15. **GOVERNING LAW.** This Grant Agreement shall be governed by and construed in accordance with the laws of the State of Tennessee.
16. **ENTIRE UNDERSTANDING.** This Grant Agreement contains the entire understanding of the parties relating to the subject matter contained herein. This Grant Agreement supersedes any and all prior understandings, representations, negotiations and agreements between the parties relating hereto, whether oral or written.
17. **SEVERABILITY.** If any terms or conditions of this Grant Agreement are held to be invalid or unenforceable as a matter of law by a court of competent jurisdiction, the remaining terms and conditions shall not be affected thereby and shall remain in full force and

effect. To this end, the terms and conditions of this Grant Agreement are declared severable.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE:

City Attorney

Mayor

PREVENT CHILD ABUSE TENNESSEE

Marcia Slagle, Executive Director

Approved by Resolution _____

LEGAL DEPARTMENT MEMORANDUM
11-44

DATE: December 7, 2011

TO: Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: RESOLUTION APPROVING THE INDUSTRIAL DEVELOPMENT BOARD'S TAX INCREMENT FINANCING (TIF) PROGRAM POLICIES AND PROCEDURES FOR CONTINUED USE WITH THE TAX INCENTIVE POLICY

An item for the December 12, 2011 agenda is the attached resolution approving the continued use of the Tax Increment Financing (TIF) Program Policies and Procedures for use with the City's Tax Incentive Policy.

By Resolution 4-33-08, dated April 21, 2008, City Council approved the "Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures" for use by the Oak Ridge Industrial Development Board (IDB) with the Tax Incentive Policy. A copy of this resolution is attached.

At its December 5, 2011 meeting, the IDB unanimously voted to ask Council to approve the continued use of the TIF Program Policies and Procedures without any changes to the program. A copy of the "Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures" is attached to the proposed resolution and it is identical to the document approved by Council through Resolution 4-33-08.

Staff recommends approval of the attached resolution.


Kenneth R. Krushenski

Attachments

cc: Mark S. Watson, City Manager

City Manager's Comments:

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


Mark S. Watson 12/7/11
Date

RESOLUTION

A RESOLUTION APPROVING THE *INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE, TENNESSEE TAX INCREMENT FINANCING PROGRAM POLICIES AND PROCEDURES FOR CONTINUED USE BY THE OAK RIDGE INDUSTRIAL DEVELOPMENT BOARD WITH THE TAX INCENTIVE POLICY.*

WHEREAS, by Resolution 4-33-08, City Council approved the *Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures* for use by the Oak Ridge Industrial Development Board; and

WHEREAS, at its December 5, 2011 meeting, the IDB unanimously voted to ask Council to approve the continued use of the same policies and procedures, without change, with the Tax Incentive Policy; and

WHEREAS, this document establishes an orderly process for evaluating each request for tax increment financing and outlines the process for issuing tax increment financing to qualifying entities under the Tax Incentive Policy; and

WHEREAS, the IDB recommends approval of the attached *Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures* for continued use with the Tax Incentive Policy.

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

That the recommendation of the Oak Ridge Industrial Development Board is approved and the attached *Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures*, which is identical to the policies and procedures previously approved by City Council through Resolution 4-33-08, is hereby approved for continued use by the Oak Ridge Industrial Development Board with the Tax Incentive Policy.

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTION

WHEREAS, by Resolution 12-114-07, City Council approved a new commercial and industrial incentive program for use as a guideline by the Oak Ridge Industrial Development Board (IDB) for tax abatements or payments in lieu of taxes for qualifying entities in Oak Ridge during the next three years in an effort to generate economic growth, hereinafter referred to as the Tax Incentive Policy; and

WHEREAS, at its March 3, 2008 meeting, the IDB unanimously approved the *Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures* for use with the Tax Incentive Policy; and

WHEREAS, this document is intended to establish an orderly process for evaluating each request for tax increment financing and to outline the process for issuing tax increment financing to qualifying entities under the Tax Incentive Policy; and

WHEREAS, the IDB recommends approval of the attached *Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures* for use with the Tax Incentive Policy.

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

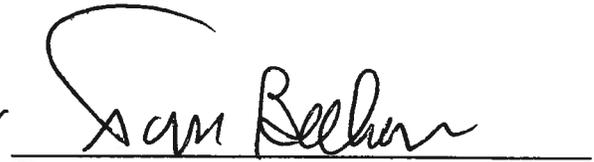
That the recommendation of the Oak Ridge Industrial Development Board is approved and the attached *Industrial Development Board of the City of Oak Ridge, Tennessee Tax Increment Financing Program Policies and Procedures* is hereby approved for use by the Oak Ridge Industrial Development Board with the Tax Incentive Policy.

This the 21st day of April 2008.

APPROVED AS TO FORM AND LEGALITY:



City Attorney



Mayor



City Clerk

**THE INDUSTRIAL DEVELOPMENT BOARD OF
THE CITY OF OAK RIDGE, TENNESSEE
TAX INCREMENT FINANCING PROGRAM
POLICIES AND PROCEDURES**

Section 1. General Purpose and Objectives

The Industrial Development Board of the City of Oak Ridge (the "Board") is committed to improving the economy in the City of Oak Ridge, Tennessee (the "City"). In furtherance of this objective, the Board is establishing a program to evaluate requests from private entities to utilize tax increment financing in support of qualifying projects. This program is intended to provide an orderly process for evaluating each request for tax increment financing in the City and, if such request is determined by the Board to merit support, to outline the process for issuing the tax increment financing.

The Board is a public nonprofit corporation established pursuant to the Tennessee Industrial Development Corporation Act ("Act"), Tenn. Code Ann. §§7-53-101 *et seq.* The Board's statutory purposes include promoting industry, commerce and trade in Tennessee and in particular, the City. In 2004, and in furtherance of these purposes, the Act was amended to authorize the Board to issue tax increment debt to finance costs of qualifying projects. Such debt would be secured solely by incremental taxes generated by the qualifying project and would otherwise be non-recourse to the Board.

The Board has adopted these Policies and Procedures to provide guidance to applicants for tax increment financing as to the procedure the Board intends to use in evaluating on a case-by-case basis whether particular projects in the City will be eligible for tax increment financing. The approval of the issuance of tax increment financing is within the discretion of the Board acting within the parameters of these Policies and Procedures and is subject to the approval of the City and, if applicable, the County in which the particular project is located. In no event shall these Policies and Procedures be construed to create any contractual right in any Person or to limit the Board's discretion to decline to issue any tax increment debt.

These Policies and Procedures only apply to any tax increment financing requested by a private party. If the City or other governmental entity requests the Board to incur tax increment debt, the Board shall follow such procedures as the Board and the City deem appropriate under the circumstances, provided, however, that the Board and the City shall comply with all requirements of the Act.

These Policies and Procedures are in addition to any other rules and procedures applicable to the Board. From time to time, these Policies and Procedures may be amended by the Board, and new policies may also be adopted by the Board.

Section 2. Tax Increment Financing

Tax increment financing is a financing tool that is used in many states to provide public assistance to economic development projects. Through tax increment financing, incremental taxes from a designated area are allocated to pay debt service on debt incurred to pay for qualifying improvements that are made in connection with a particular project. In some states, the incremental tax revenues that may be utilized to pay the debt service on tax increment financing include property tax revenues, sales tax revenues and other tax sources. Under the Act in Tennessee, only incremental property tax revenues, and not sales tax or other tax revenues, may be used to pay debt service on tax increment financing.

The Act establishes certain requirements relating to the Board's use of tax increment financing. Under the Act, the Board initiates the process of issuing tax increment debt by preparing a document

known as an economic impact plan. The economic impact plan must identify the area from which the incremental tax revenues will be derived, identify the qualifying project that will be located in the area, discuss the benefits of the project to the municipality in which the project will be located, including anticipated tax receipts and job creation, and specifically provide for the allocation of the incremental property taxes within the Plan Area to the Board. The incremental property taxes that may be allocated to the Board include both real and personal property taxes.

Pursuant to the Act, the Board must hold a public hearing on any economic impact plan. Notice of such public hearing must be published in the local newspaper at least two weeks before the public hearing. In addition to giving details regarding the time and location of the public hearing, the notice must inform the public where a map of the proposed Plan Area can be reviewed.

After a public hearing is held with respect to an economic impact plan, the Board may then submit the plan to the City Council of the City for approval. If the economic impact plan provides for an allocation to the Board of incremental property taxes from the County in which the Plan Area is located, the plan must also be submitted to the County Commission of that County for approval. The City Council and the County Commission may approve an economic impact plan at one reading by resolution, notwithstanding any local charter provision to the contrary.

Pursuant to the Act, incremental tax revenues may not be allocated to the Board for a period in excess of thirty (30) years; however, the Board, in its discretion, may limit such period. The plan may provide for a shorter allocation period. During the allocation period, the City's finance department and, if applicable, the County trustee are required to pay the incremental taxes from the Plan Area to a separate fund created by the Board for that purpose. A separate fund is usually established for each tax increment financing, and that fund is usually held by or for the benefit of the holder(s) of the tax increment debt.

The Plan Area must include a "project" within the meaning of the Act. For purposes of the Act, the term "project" includes the types of facilities that are typical economic development projects, such as manufacturing and warehousing facilities. Qualifying projects under the Act also include, however, commercial facilities, such as retail shopping facilities, office buildings and multi-family housing facilities for persons of low and moderate income. Pollution control facilities, including wastewater facilities, are also eligible projects.

In addition to the area on which the qualifying project is located, the Plan Area may also include any other property that the Board determines will be directly improved or benefited due to the undertaking of the qualifying project. For example, if a retail shopping center is the qualifying project for purposes of an economic impact plan, and, as a part of the construction of the retail shopping center, a new public road provides access to other properties, those other properties would directly benefit from the project.

Once an economic impact plan is approved, the property taxes imposed on property within the Plan Area are divided between the Board, the City and, if applicable, the County. The base tax amount is allocated to the City and, if applicable, the County. The base tax amount is equal to the amount of taxes payable with respect to the property in the Plan Area for the year prior to the date the economic impact plan was approved. Therefore, if an economic impact plan was approved in 2007, the tax year for determining the base tax amount would be 2006. Any excess over the base tax amount generally is allocated to the Board. However, taxes levied by a taxing authority to pay debt service on bonds or other obligations of the City or, if applicable, the County are not subject to allocation to the Board. Also, an economic impact plan may provide for a lesser amount of the incremental property tax revenues from the Plan Area to be allocated to the Board.

Once the economic impact plan has been approved by the City Council and, if applicable, the appropriate County Commission, the Board can proceed to issue tax increment debt secured by the incremental property tax revenues from the Plan Area. In most cases, the Applicant, in consultation with the Board's representatives, will negotiate the terms of the tax increment financing with a lender or bond underwriter. However, all documents relating to the tax increment financing are subject to the Board's approval.

Section 3. Procedures for Tax Increment Financing

3.1. **Application.** An Applicant may request the Board to issue tax increment debt to pay eligible costs incurred in connection with a Project. To initiate such a request, the Applicant should submit a completed Application in the form attached to these Policies and Procedures as Exhibit A together with all exhibits, schedules and documents required by the Application. The Applicant shall also tender a non-refundable application fee to the Board in an amount set forth in Section 5 of these Policies and Procedures. No action will be taken with respect to an Application until the Board's staff determines that the Application is complete. **Acceptance of the Application does not imply, evidence or confirm the Board's support for, or recommendation of, the request for tax increment financing.**

3.2. **Initial Review by Application Review Committee.** The Board shall appoint a committee of Board members (the "Application Review Committee") to undertake the functions described in these Policies and Procedures for such committee. Before an Application is presented to the Board, the Application Review Committee will review the Application and make a recommendation to the Board whether an economic impact plan should be prepared for presentation to the Board for the area described in the Application. The Application Review Committee will not recommend that an economic impact plan be prepared unless the Committee determines that the Project described in the Application will (i) substantially benefit and enhance the economy of the City and the County in which the Project is located and (ii) the Project would not be acquired, constructed and/or installed unless tax increment financing was made available to finance a portion of the eligible Project costs.

3.3. **Initial Resolution by the Board.** After review of the Application by the Application Review Committee, the Board as a whole will consider such Application. After such consideration, the Board will vote on whether an economic impact plan should be prepared for the area that is the subject of the Application. The Board will not approve the preparation of a plan unless the Board makes the same findings as are required above for the Application Review Committee, and in reviewing an Application, the Board will give deference to the recommendations of the Application Review Committee. If the Board votes to cause an economic impact plan to be prepared, the Board will also decide whether the plan will be prepared by the Applicant (or a third party retained by the Applicant) or whether the plan will be prepared by the Board (or a third party retained by the Board). If the plan is to be prepared by a third-party consultant retained by the Applicant or the Board, such consultant shall be subject to the reasonable approval of both the Applicant and the Board. The expenses of the Board in connection with the preparation of the plan shall be paid by the Applicant as provided in Section 5.2 below.

3.4. **Economic Impact Plan.** If the Board approves the preparation of an economic impact plan, the Applicant or the Board, as the case may be, will cause a proposed economic impact plan to be prepared and submitted to the Application Review Committee. The plan shall contain the information required by Section 7-53-312(b) of the Act and such other information as the Board deems necessary, including but not limited to:

- (1) Identification of the boundaries of the area subject to the plan;
- (2) Identification of the project located within the area subject to the plan;

(3) Discussion of the expected benefits to the City and, if applicable, the County from the development of the area subject to the plan, including anticipated tax receipts and jobs created; and

(4) A provision providing that the property taxes imposed on the property, including the personal property (if applicable), located within the area subject to the plan will be distributable among the City, the Board and the County, as applicable, in accordance with the Act.

If the Applicant is responsible for preparing the initial draft of the economic impact plan, the Applicant shall submit such draft to the Board's staff no later than sixty (60) days after the Board adopts an initial resolution requesting the plan. If the Applicant does not submit the proposed plan within that period, the Board will take no further action with respect to the Application. The Board will consider any requests of the Applicant after the 60-day period as a new request requiring a new Application, and the payment of another application fee. If the Board assumes responsibility for preparing the initial draft of a plan, such draft shall be submitted to the Application Review Committee within sixty (60) days after the Board adopts an initial resolution requesting the plan.

If the Applicant prepares the initial draft of an economic impact plan, the Board's staff will review such draft and will advise the Applicant of any recommended changes to the plan, and the Applicant may cause the draft plan to be amended accordingly. The Applicant shall then submit the plan to the Application Review Committee.

3.5. Review of Plan by Application Review Committee. The Application Review Committee will review each proposed economic impact plan. The Application Review Committee will make a determination whether the economic impact plan complies with the Act and these Policies and Procedures and should be submitted the City Council and, if applicable, the County Commission for approval. The Application Review Committee's determinations will be summarized in writing for the Board. The Application Review Committee will then establish a proposed date for the Board to hold a public hearing relating to the plan and a meeting to determine whether to submit the economic impact plan to the City Council and, if applicable, the County Commission for approval.

3.6. Public Hearing and Approval by Board. After review by the Application Review Committee, the Board will hold a public hearing relative to the proposed plan at a regular or special meeting. Notice of the public hearing shall be published in a newspaper of general circulation in the City at least two weeks prior to the date of the public hearing, as required by Section 7-53-312(g) of the Act. After such public hearing, if the Board determines that the economic impact plan substantially complies with the Act and these Policies and Procedures, it will submit the economic impact plan to the City Council and, if applicable, the County Commission for consideration and approval. The submission shall include a summary of any comments from the public hearing on the proposed plan and any additional information that the Board deems relevant.

3.7. Approval by Taxing Authorities. Upon approval of an economic impact plan by the Board, the plan will be promptly submitted to the City Council and, if applicable, the County Commission for consideration. If City Council approves the plan but County Commission is requested to approve the plan and fails to do so, the Board will not proceed with tax increment financing unless a revised plan is approved by the Board in the manner described above that only allocates the City's incremental property tax revenues and such revised plan is again approved by the City Council.

3.8. Financing Documents. If the City Council and, if applicable, the County Commission approve the economic impact plan, the Applicant and the Board will use their best efforts to consummate the tax increment financing. In connection with any tax increment financing, the Applicant and the Board

will enter into a Development and Financing Agreement. The Development and Financing Agreement will provide for the expenditure of the proceeds of the tax increment financing in compliance with the plan and provide for such other covenants as the Board deems necessary to protect the interests of the Board, the City and, if applicable, the County. Any tax increment financing shall be non-recourse as to the Board and payable solely from incremental property tax revenues, and all financing documents shall be subject to the review and approval of the Board's counsel and bond counsel.

Any tax increment financing shall close within one (1) year after approval of the economic impact plan by City Council. If the closing does not occur within such period, unless extended by the Board, the Applicant will be deemed to have withdrawn its Application, and all approvals by the Board will lapse and be of no further force or effect.

Section 4. Policies for Tax Increment Financing

The following policies shall apply with respect to the issuance of tax increment financing by the Board. The Board will not submit an economic impact plan to the City Council of the City that does not comply with these policies unless (a) the policy in question is waived by the Board at the time an initial resolution is adopted approving further action on an Application or (b) the Board is specifically directed to do so by the City Council.

4.1. Maximum Term. The maximum period for any tax increment financing will be 20 years from the April 1 following the expected completion of the Project within the Plan Area; provided, however, the Board, in its sole discretion, may approve a maximum period of up to 30 years as provided in the Act.

4.2. Eligible Costs. Under the Act, tax increment financing may be issued by the Board to finance any costs of a qualifying project. The costs of a qualifying project include any cost of any land, real property and personal property that are deemed necessary by the Board to be incurred in connection with a qualifying project. Therefore, any financed costs must have a direct relationship to a qualifying project.

The Board has determined that the proceeds of the tax increment financing may only be used to finance Public Improvements that are qualifying costs of a Project or that constitute a qualifying project in and of themselves, such as wastewater facilities. "Public Improvements" for this purpose include the following: streets, roads, curbs, gutters, water facilities, wastewater facilities, electric facilities, public telecommunication facilities, natural gas facilities, storm drainage facilities, bridges, traffic signals, sidewalks, walking and running trails, public transportation facilities, retaining walls, lighting, public parking improvements and structures, fencing, landscaping, signage, and public parks.

The eligible expenses that may be financed in connection with Public Improvements include:

- (i) costs incurred for construction of Public Improvements, including clearing, grading, excavating, site work, and other hard construction expenses;
- (ii) costs of acquiring property on which the Public Improvements will be located;
- (iii) capitalized interest to the extent permitted by the Act;

- (iv) premiums for payment and performance bonds relating to the construction of Public Improvements;
- (v) professional fees for architectural and engineering services relating to the construction of Public Improvements;
- (vi) other items that can be capitalized as an expense of the Public Improvements and that are approved by the Board; and
- (vii) fees and expenses of the Board and other fees and expenses related to the tax increment financing.

4.3. Minimum Percentage of Cost and Minimum Size. The amount of the tax increment financing shall not exceed 20% of the total Project cost. The Applicant must also reasonably anticipate an investment of at least \$5,000,000 in capital expenditures with respect to the Project, without taking into account any costs financed with tax increment financing.

Section 5. Fees and Expenses of Board

5.1. Application Fee. The Applicant will submit the Application with an Application Fee in an amount equal to one half of one percent (1/2%) of the requested principal amount of the tax increment financing; provided, however, the Application Fee shall not exceed \$10,000.

5.2. Expenses relating to Preparation of the Plan. The Applicant shall pay all expenses, including attorney's fees, incurred by the Board in connection with the preparation of an economic impact plan, whether or not such plan is approved and whether or not the plan is prepared by or on behalf of the Board or the Applicant. The Board may require that these expenses be paid in advance.

5.3. Expenses Relating to Tax Increment Financing. The Applicant shall pay all expenses, including attorney's fees, incurred by the Board in connection with any proposed tax increment financing, whether or not such financing is closed. The Board may require that these expenses be paid in advance of any Board action with respect to a tax increment financing.

5.4. Annual Administrative Fee. To reimburse the Board for its administrative expenses in connection with administering the tax increment financing, the Board shall retain ___% of any tax increment revenues allocated to the Board pursuant to an economic impact plan.

5.5. Amendments. The Applicant will pay all expenses, including attorney's fees, incurred by the Board in connection with any Amendments to an economic impact plan or to any documents entered into in connection with a tax increment financing. The Board may require that these expenses be paid in advance of any Board action.

Section 6. Definitions

For purposes of this Program, including the Application, the following terms shall have the following meanings:

"Amendment" means an amendment to an existing economic impact plan.

"Applicant" means the Person submitting the Application for tax increment financing. The Applicant shall be the Person that is expected to be an initial owner of all or a portion of the Project that is within a Plan Area.

"Application" means the Application submitted hereunder in the form designated by the Board and as amended from time to time. The initial form of the Application is attached hereto as Exhibit A.

"Application Review Committee" means a committee of members of the Board formed for the purpose of reviewing Applications, economic impact plans and related documents.

"Development and Financing Agreement" means the Development and Financing Agreement between the Board and the Applicant or similar agreement or contract providing for the expenditure of the proceeds of any tax increment financing and related matters.

"Person" means any individual, sole proprietorship, corporation, limited liability company, association, partnership (general, limited, or limited liability partnership), organization, business, trust, individual and governmental entity.

"Plan Area" means the area subject to an economic impact plan.

"Project" means a project within the meaning of Section 7-53-101(11) of the Act that is within a Plan Area

"Project Area" means the parcel or parcels of real property on which the Project will be located.

"Public Improvements" has the meaning assigned to it in Section 4.2.

EXHIBIT A TO TAX INCREMENT FINANCING PROGRAM

TAX INCREMENT FINANCING APPLICATION FORM

TAX INCREMENT FINANCING APPLICATION

Please return the completed application and supporting documentation to:

The Industrial Development Board for the City of Oak Ridge, Tennessee
200 South Tulane Avenue
Oak Ridge, Tennessee 37830

I. Applicant Information

1. Name of Applicant: _____

2. Business Name and Address: _____

State of Organization (if an entity): _____

3. Contact Person: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

4. Website of Applicant (if any): _____

5. Type of Business Entity: Sole Proprietorship Limited Partnership
 For-Profit Corporation General Partnership
 Limited Liability Company Nonprofit Corporation

6. Development Team

Please list the business name, contact person, address, phone number and email address for the following members of the Applicant's development team for the Project (if not known, please so indicate):

Contractor: _____

Architect/Engineers: _____

Attorney: _____

II. Project Information

7. Provide the parcel number(s) of the Project Area and attach a map showing such parcels (if the Project Area does not include specific parcels, show Project Area on an attached map):

8. Does the Applicant currently own or lease the Project Area? (Check one)

Own Lease Neither

9. Evidence of Site Control:

- A. If the Applicant owns the Project Area, attach a copy of the Applicant's deed.
- B. If the Applicant has a contract or option to purchase the Project Area, attach a copy of the agreement or option contract.
- C. If the Applicant currently leases or will lease the Project Area, attach a copy of the lease or lease option contract.

10. Project Narrative (Provide a brief description of the qualifying project that will be located within the Plan Area):

11. If the Project is to be leased to tenants, identify tenants or, if tenants are not known, describe types of tenants to which the Project will be marketed:

III. Tax Increment Financing

12. Indicate the maximum amount of tax increment financing requested. \$ _____

13. Indicate maximum maturity of requested tax increment financing: _____ years following completion of the Project

14. Has any other government assistance (tax incentives, contributions or other economic benefits) been requested by the Applicant to assist with the Project? (Check one): Yes No

If yes, describe the type, source, and amount of assistance requested:

15. Provide a list of all properties comprising the Plan Area by parcel identification number, along with the current tax assessment and taxes paid or payable for the prior tax year for each parcel (attach additional sheets if necessary).

Parcel Identification Number	Assessed Value	Taxes
_____	_____	_____
_____	_____	_____
_____	_____	_____

-
16. For each parcel in the proposed Plan Area that is not within the Project Area, if any, explain how the Project will benefit such parcel:

17. Attach a detailed budget for the Project showing anticipated sources of funds to pay Project costs and anticipated uses of those funds.
18. Attach a detail list of the anticipated uses of proceeds of the tax increment financing.

IV. Supplemental Information

Please attach to this Application the following:

- Brief business history of the Applicant
- Resumes of all owners and officers of Applicant
- Project timetable for the Project
- Site Plan of Project Area (if available)
- Rendering of Project (if available)
- Survey of Project Area (if available)
- Map of the Plan Area showing parcels included

V. Representations of Applicant

1. By executing this Application, Applicant hereby represents, certifies and agrees as follows:

(a) The Project, including the Public Improvements, would not result in a reasonable rate of return on investment to the Applicant without the use of tax increment financing, and the Applicant would not undertake the Project as described in this Application unless tax increment financing is available to finance eligible costs of Public Improvements.

(b) The undersigned Applicant hereby agrees that the Applicant shall meet with a designated member of the Board or the Board's designee, upon request, to answer any questions that may arise in connection with the Board's review of this Application and that Applicant shall provide to the Board or the Board's designee, upon request, any supplemental information requested in connection with the Board's review of the Application, including, without limitation, such financial information as the Board may request in order to determine that the Project would not be undertaken without tax increment financing.

(c) The Applicant shall pay all fees and expenses required by Section 5 of the Policies and Procedures of the Board relating to the tax increment financing.

(d) The Applicant shall indemnify and hold harmless the Board, its employees, officers, directors, attorneys and consultants against all losses, costs, damages, expenses (including reasonable attorney's fees), and liabilities of any nature directly or indirectly resulting from, arising out of or relating to the acceptance, consideration, approval or disapproval of this Application for tax increment financing.

VI. Signature

The undersigned Applicant affirms that the information provided in this Application is true and complete. The Applicant hereby confirms that the Applicant has read and understood the requirements in the Policies and Procedures of the Board relative to tax increment financing.

Applicant: _____

Signed: _____ Date: _____, 20____

Title (if Applicant is an entity): _____

RESOLUTIONS

PUBLIC WORKS MEMORANDUM
11-31

DATE: December 1, 2011
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works

SUBJECT: Waterline Easement across City owned lots 41 & 42 North Illinois Avenue

The accompanying resolution approves a waterline easement across two city-owned lots located on the east side of North Illinois Avenue just north of Irene Lane.

In October, Council was presented Public Works Memorandum 11-26 and approved its accompanying resolution, Resolution Number 10-93-11. The Memorandum explained the need to replace a sixty-nine year old water line that transports water from the Robertsville Road water booster station to West Outer Drive where it is pumped to the Louisiana Avenue reservoir.

The original design was to lay the new waterline directly parallel to the existing line. The existing waterline runs from West Outer Drive south across parcel 472 for a distance of approximately 1,400 feet and then runs along the lower side of 13 platted lots on the east side of North Illinois Avenue. The five most northern lots are privately-owned and the remaining eight are owned by the City. All of the lots are approximately 0.35 acres and none are buildable due to steep slopes and a city sewer line that divides the lots. The City lots and parcel 472 are designated as Greenbelt. After exiting the southernmost lot, the water line crosses under the parking lot for the apartments located on Irene Lane.

After further study, Public Works discovered that a fairly minor change in the location of approximately 700 linear feet of pipe will eliminate two creek crossings, having to remove a large storm culvert in order to lay the pipe under the culvert and will also eliminate having to cross a parking lot. The original/existing alignment is shown in Figure 1 along with the proposed route and the location of the requested easement. The new pipe will parallel the existing pipe for the remainder of the project as originally planned. The existing pipe will be abandoned in place.

The requested easement, which is approximately 2,000 square feet in area, will allow the water line to be moved from the lower or east side of lots 41 and 42 west toward North Illinois Avenue where it will be placed in road right-of-way. The requested easement will run directly parallel to the existing sewer line easement. Both lots are also encumbered by a TVA power line easement. The new alignment will prevent the water line from crossing lots 43 thru 45 and the parking lot for the apartments located on Irene Lane which in turn will save the cost of resurfacing the parking lot and reduce inconvenience and disruption to the residents. Land disturbance and cutting of trees is not an issue at this location. The subject lots are covered with Kudzu which prevents erosion and which will quickly reestablish itself after the excavation is complete as shown in the accompanying photographs.

The City Zoning Ordinance requires City Council approval for any easement traversing a greenbelt area. This greenbelt crossing has been reviewed and approved by both the Planning Commission and the Environmental Quality Advisory Board. Staff recommends approval of this action.



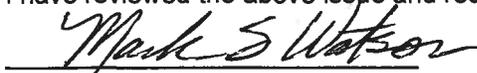
Gary M. Cinder

ks

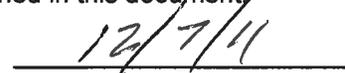
Enclosures (3)

City Manager's Comments:

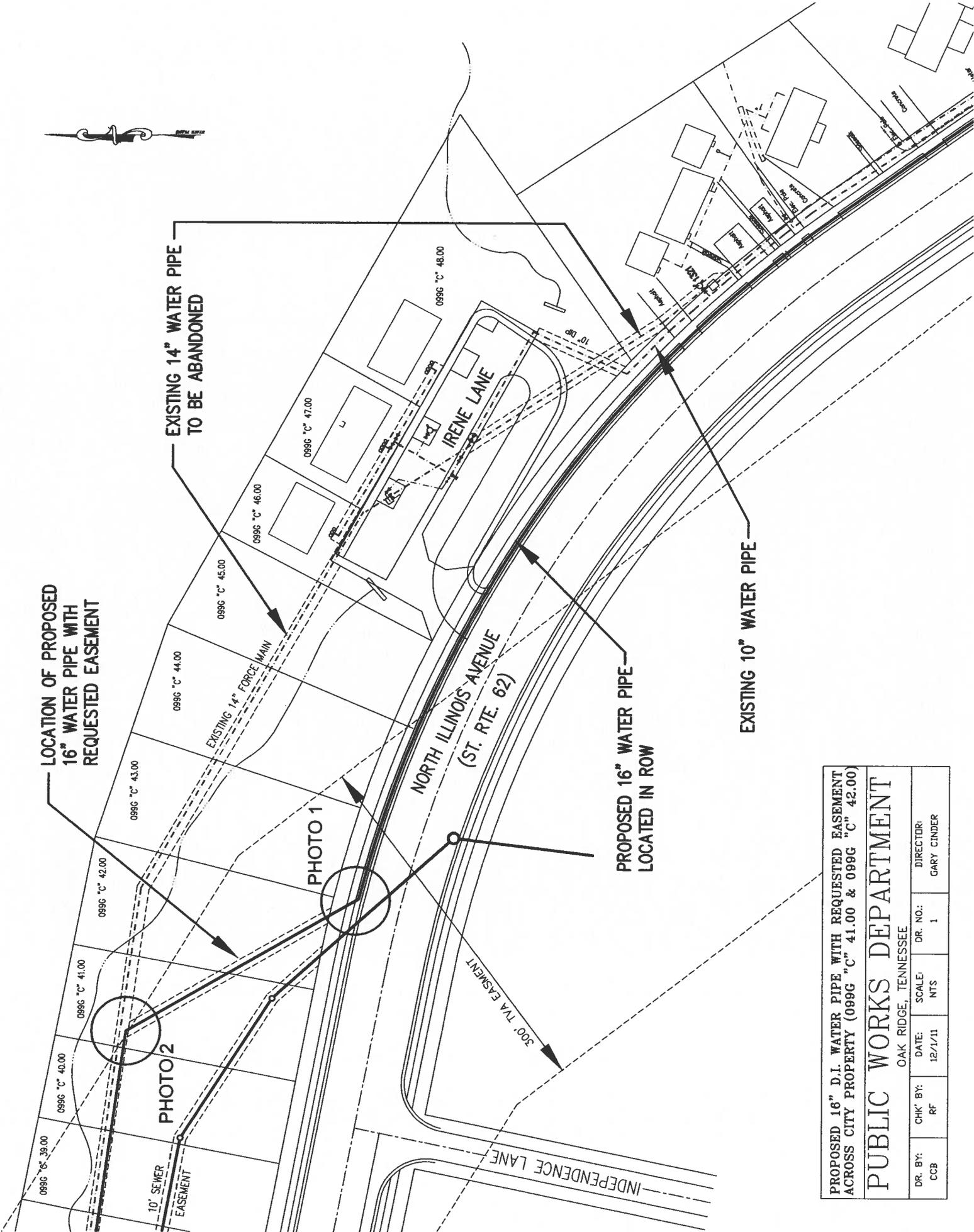
I have reviewed the above issue and recommend council action as outlined in this document.



Mark S. Watson



Date



LOCATION OF PROPOSED
16" WATER PIPE WITH
REQUESTED EASEMENT

EXISTING 14" WATER PIPE
TO BE ABANDONED

EXISTING 10" WATER PIPE

PROPOSED 16" WATER PIPE
LOCATED IN ROW

PHOTO 1

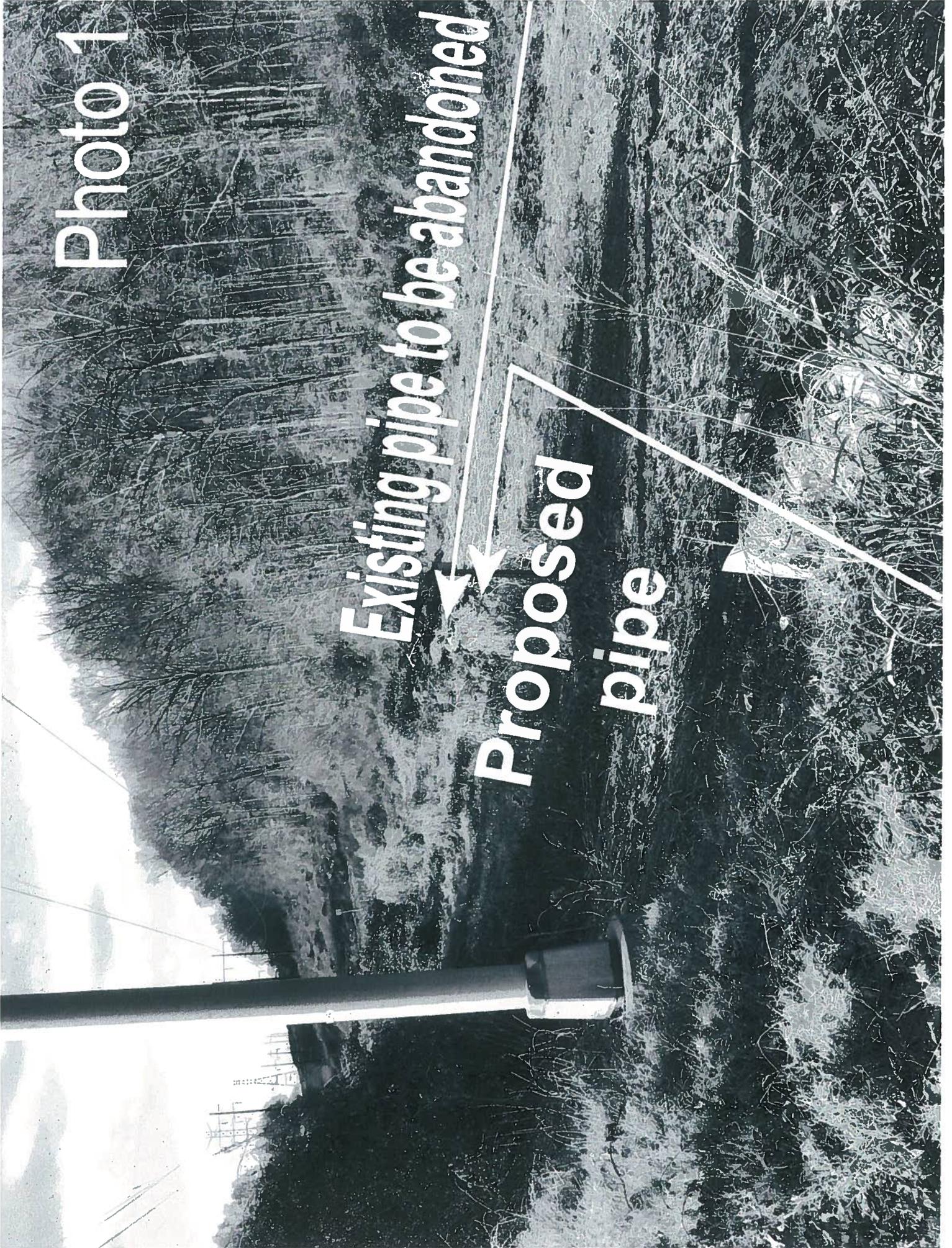
PHOTO 2

PROPOSED 16" D.I. WATER PIPE WITH REQUESTED EASEMENT ACROSS CITY PROPERTY (099G "C" 41.00 & 099G "C" 42.00)			
PUBLIC WORKS DEPARTMENT OAK RIDGE, TENNESSEE			
DR. BY: CCB	CHK' BY: RF	DATE: 12/1/11	DR. NO.: 1
		SCALE: NTS	DIRECTOR: GARY CINDER

Photo 1

Existing pipe to be abandoned

Proposed pipe

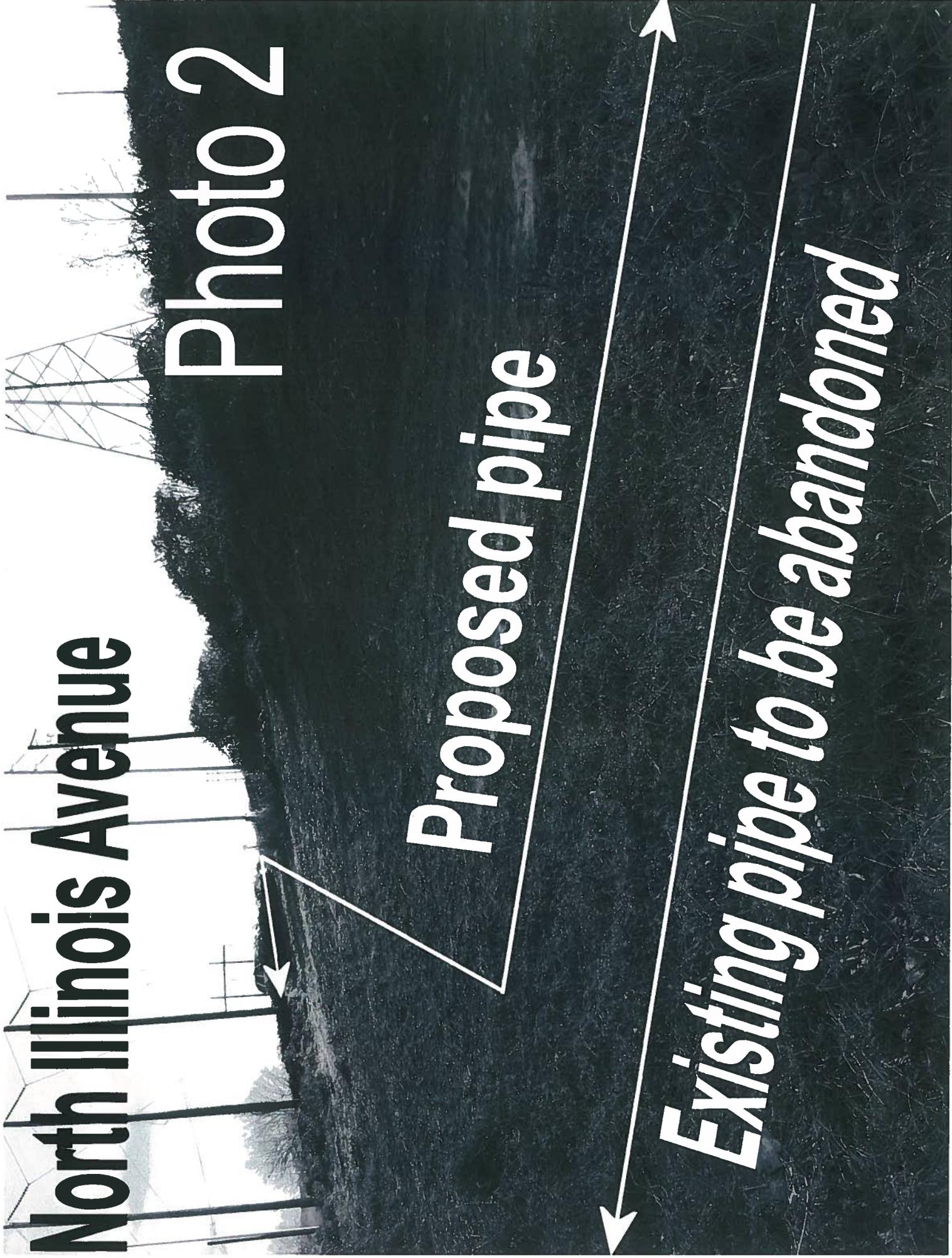


North Illinois Avenue

Photo 2

Proposed pipe

Existing pipe to be abandoned



RESOLUTION

A RESOLUTION AUTHORIZING A WATER LINE EASEMENT ACROSS CITY-OWNED GREENBELT LOTS 41.00 AND 42.00, TAX MAP 99G, GROUP C, LOCATED ON THE EAST SIDE OF NORTH ILLINOIS AVENUE JUST NORTH OF IRENE LANE IN ACCORDANCE WITH ZONING ORDINANCE §9.01(C).

WHEREAS, by Resolution 10-93-11, City Council authorized the purchase of water pipe to replace the water main from the Robertsville Road Pump Station to West Outer Drive; and

WHEREAS, City Staff has determined that a minor change to the location of a portion of the water line will result in cost savings from not having to resurface a parking lot at the apartments on Irene Lane thereby also reducing inconvenience and disruption to the residents; and

WHEREAS, the relocated water line will require an easement across City-owned greenbelt on Lots 41.00 and 42.00 located on the east side of North Illinois Avenue just north of Irene Lane; and

WHEREAS, the easement will not result in any detriment to the greenbelt and the easement will be quickly reestablished with erosion-preventing kudzu; and

WHEREAS, in accordance with Zoning Ordinance §9.01(c), City Council approval is required for a municipal easement across greenbelt property; and

WHEREAS, the required public hearing was held on December 12, 2011; and

WHEREAS, the City Manager recommends approval of the easement.

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 in accordance with Zoning Ordinance §9.01(c) a public hearing has been held and City Council hereby finds that the proposed water line easement across City-owned greenbelt Lots 41.00 and 42.00 located on the east side of North Illinois Avenue just north of Irene Lane will promote the general well-being of the community and will have no material adverse effect upon the greenbelt.

BE IT FURTHER RESOLVED the requested water line easement across Lots 41.00 and 42.00 is hereby approved.

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

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM
11-32

DATE: December 2, 2011
TO: Mark Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: Sewer Pump Stations - Control Panel Replacement

The accompanying resolution authorizes the expenditure of funds in the estimated amount of \$444,889 to Nedrow & Associates, Murfreesboro, TN, for the purchase of 23 control panels for replacement at various sewer pump stations. This is part of the sewer system upgrade as required under the EPA Administrative Order (Order).

The existing control panels are old and contain obsolete equipment not capable of supporting telemetry or Supervisory Control and Data Acquisition (SCADA) systems. SCADA allows all of the pump stations to be monitored from one location reducing the frequency in which the stations must be visited by maintenance personnel. The system will notify personnel in the event of a problem to help prevent sewer system overflows. The panels are also capable of tracking information on the pumps and equipment for preventive maintenance purposes as required by the Order. Ultimately, all information will be fed into the Information Management System (IMS).

Panels will be fabricated and shipped over the next few months with city maintenance crews completing the installation. The panels will also be equipped with electric receptacles capable of connecting to a portable power generator to operate the stations during a power outage, again another mandate of the Order.

Two more phases required to complete this project will be brought before Council at a later date. One will be the purchase of communication equipment for each station and the other will be the purchase of the SCADA program.

Sealed bids were solicited from several vendors for these control panels with Nedrow & Associates submitting the best bid. Funding for this project was included in the recent Waterworks Fund bond issue. Staff recommends approval of the accompanying resolution.

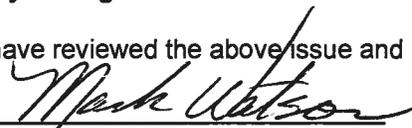


Gary M. Cinder

ks

City Manager's Comments:

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



Mark Watson

12/7/11

Date

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

RFQ #126094
OPENING DATE: November 10, 2011 3:00 P.M.

DESCRIPTION	BIDDER: Nedrow & Associates 2233 South Park Drive Murfreesboro, TN 37128		BIDDER: Sia-Con, Inc. 2525 South Orange Blossom Trail Apopka, FL 32703		BIDDER:	
	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
THE FURNISHING OF TWENTY-THREE SEWER PUMP STATION CONTROL PANELS PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	23	\$ 19,343.00	\$ 444,889.00	\$ 19,813.00	\$ 455,699.00
TOTAL PRICE			\$ 444,889.00	\$ 455,699.00		\$ -
TERMS			Net 30			
DELIVERY			Per Requirements			
F.O.B.			Oak Ridge			
VIA			Truck			
OTHER BIDDERS CONTACTED: Best Controls Company-c/o Walter A. Wood Supply Company - Clearwater, FL - Bid rejected for noncompliance of bid specifications						
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:			
<input type="checkbox"/> ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input checked="" type="checkbox"/> LOWEST TOTAL COST			Nedrow & Associates 2233 South Park Drive Murfreesboro, TN 37128			
BIDS OPENED AND RECORDED BY--			Lynn Majajski Accounting Division Manager			
BIDS REVIEWED BY--			Janice McGinnis Finance Director			

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF CONTROL PANELS FOR VARIOUS SEWER PUMP STATIONS FROM NEDROW & ASSOCIATES, MURFREESBORO, TENNESSEE, IN THE ESTIMATED AMOUNT OF \$444,889.00.

WHEREAS, the City of Oak Ridge is the owner and operator of various sewer pump stations which contain obsolete control panels not capable of supporting telemetry or Supervisory Control and Data Acquisition (SCADA) systems; and

WHEREAS, replacement of the obsolete control panels is part of the sewer system upgrade required by the recent United States Environmental Protection Agency Administrative Order; and

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of twenty-three (23) control panels for various sewer pump stations; and

WHEREAS, bids were received and publicly opened on November 10, 2011, with Nedrow & Associates, Murfreesboro, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to Nedrow & Associates, 2233 Southpark Drive, Murfreesboro, Tennessee 37128, for the purchase of twenty-three replacement control panels for various sewer pump stations; said award in strict accordance with Requisition No. 126094, the required specifications, and the bid as publicly opened on November 10, 2011, and in the estimated amount of \$444,889.00.

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**PUBLIC WORKS MEMORANDUM
11-33**

DATE: December 2, 2011
TO: Mark Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: Water Treatment Plant - Control Room Upgrade

The accompanying resolution authorizes the expenditure of funds in the estimated amount of \$49,400.95 to Industrial Technologies, Calhoun, GA, for the purchase of equipment and labor to upgrade the control room at the Water Treatment Plant. This is a part of the current electrical upgrade.

The existing control room contains a various array of equipment, some of which dates back to the original plant construction. There is obsolete equipment that no longer functions as required and parts are unavailable to make repairs.

This upgrade will combine the different systems into three Human-Machine-Interface (HMI) control panels for a more dependable and user friendly system. It will allow the plant operators to monitor and control the water valves and pumps throughout the plant, as well as, the filters and their functions. They will also be able to monitor and control the pump stations, reservoirs and tanks that are in the distribution system. City crews will complete the installation.

A request for proposal was advertised with only one company responding, Industrial Technologies. Funding for this project was included in the recent Waterworks Fund bond issue. Staff recommends approval of the accompanying resolution.



Gary M. Cinder

ks

City Manager's Comments:

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



Mark Watson



Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

RFP
OPENING DATE: November 28, 2011 5:00 P.M.
FOR ---

DESCRIPTION	ITEM	LENGTH (LF)	BIDDER:		BIDDER:		BIDDER:	
			AVG. COST	TOTAL	AVG. COST	TOTAL	AVG. COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR WATER PLANT CONTROL ROOM UP-GRADE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT								
			\$ 49,400.95					
TOTAL PRICE			\$ 49,400.95					\$
TERMS			Net 30					
DELIVERY			per Contract					
F.O.B.			Oak Ridge					
VIA			Best Way					
OTHER BIDDERS CONTACTED: Reed Business Information - Norcross, GA Bid Clerk - Chicago, IL								
REASON FOR AWARD ONLY BID RECEIVED LOW PRICE BETTER OR REQUIRED DESIGN EARLY DELIVERY LOWEST TOTAL COST			RECOMMEND AWARD BE MADE TO: Industrial Technologies P.O. Box 2048 Calhoun, GA 30703			BIDS OPENED AND RECORDED BY--- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager		
<input checked="" type="checkbox"/> X <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			BIDS REVIEWED BY--- <i>Janice McGinnis</i> Janice McGinnis Finance Director					

RESOLUTION

A RESOLUTION AWARDING A CONTRACT WITH INDUSTRIAL TECHNOLOGIES, CALHOUN, GEORGIA, TO UPGRADE THE CONTROL ROOM AT THE WATER TREATMENT PLANT, IN THE ESTIMATED AMOUNT OF \$49,400.95.

WHEREAS, the City of Oak Ridge is the owner and operator of the Water Treatment Plant; and

WHEREAS, the control room at the Water Treatment Plant contains obsolete equipment that no longer functions as needed and parts are unavailable to make repairs; and

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase and installation of equipment to upgrade the control room; and

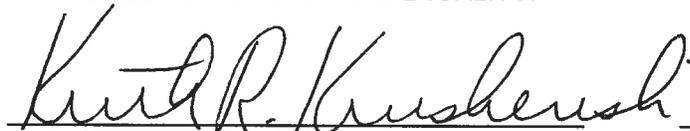
WHEREAS, bids were received and publicly opened on November 28, 2011, with Industrial Technologies, Inc., submitting the sole bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to Industrial Technologies, P.O. Box 2048, Calhoun, Georgia 30703, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the required upgrade to the control room at the Water Treatment Plant; said award in strict accordance with the required specifications and the bid as publicly opened November 28, 2011, and in the estimated amount of \$49,400.95.

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM
11-25

DATE: December 2, 2011

To: Mark S. Watson, City Manager

From: Jack L. Suggs, Electrical Director

SUBJECT: TVA GREEN POWER SWITCH PROGRAM ENHANCEMENT PILOTS

Attached is a resolution authorizing the City Manager to execute documents which modify the Green Power Switch Program (GPS) provided by the Tennessee Valley Authority (TVA).

In March of 2002, the City enrolled in and has since participated in TVA's GPS program. Under this program, customers of the City, both residential and commercial, can purchase "green power blocks" for \$4.00 per block of 150 kilowatt-hours, with such charges being added to their electric bill. Currently, there are 118 participants in the program who buy 555 blocks of green power. TVA uses the money from the program to support green sources of power, including Photovoltaic Solar, Wind Turbines, Methane Gas Sources, Low-Impact Hydropower, or Biomass.

After a great deal of study and public input, TVA has decided to enhance this program by adding additional options to the program. The addition of the changes will require the execution of two separate contract amendments.

Under the contract titled Green Power Switch Pure Solar Agreement, customers will now be provided an option where their financial contribution will be used to support ONLY green power generated by Solar Power. Pure solar power blocks will be available for \$8 per 50kWh energy block as described in the attached Appendix D of that document.

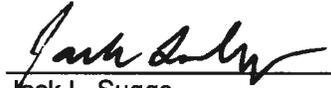
Under the contract titled Green Power Switch Southeastern REC Agreement, customers will be able to purchase Southeastern Renewable Energy Credit (REC) blocks through TVA. REC blocks are a common measurement that commercial customers use to document their commitment to clean energy. The power can be produced from any green power source accepted by the Green Power Switch Program, as listed above. When purchasing the REC blocks much larger purchases are required. The minimum purchase is 2,000 REC's at \$3.00 each. Details are provided in the attached Appendix E.

Both of these contracts represent Pilot Programs. As such, they are anticipated to help TVA gauge the success of the program design and are subject to frequent minor adjustments. Because of this, the language of the attached resolution has been crafted to allow the City Manager to sign such addendums and modifications to the program that TVA may prepare, under the conditions that:

- 1) The modifications are required for the City to Continue to Participate in the program, or are clearly advantageous to the City or Program participants; and,
- 2) The modifications do not change the intent of the program, which simply stated, is to provide mechanisms through which customers of Oak Ridge can purchase a variety of green power products through the City of Oak Ridge to aid them in meeting their own green power related goals.

Staff has reviewed the proposal and determined that we can easily accommodate its requirements under our existing billing system. As such, the only cost will be in the promotion of the program to the public and minor administration expenses, neither of which should rise to any level of significance.

Staff recommends the attached resolution.



Jack L. Suggs,
Electrical Director

cc: Margaret Elgin, Electric Engineering Division Manager
Marlene Witt, Accounting Division Manager

City Manager's Comments:

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



Mark S. Watson

12/7/11
Date

RESOLUTION

A RESOLUTION APPROVING TWO AGREEMENTS BETWEEN THE CITY AND TVA FOR PILOT PROGRAMS, SPECIFICALLY THE GREEN POWER SWITCH® PURE SOLAR AGREEMENT AND THE GREEN POWER SWITCH® SOUTHEASTERN REC AGREEMENT.

WHEREAS, the City of Oak Ridge is a distributor of electric power purchased from the Tennessee Valley Authority (TVA), which organization from time to time offers special programs and incentives to electric customers made available through its distributors; and

WHEREAS, by Resolution 2-16-02, City Council authorized the City's participation in TVA's Green Power Switch® Program; and

WHEREAS, TVA has developed two new pilot programs under the Green Power Switch® Program Agreement, specifically the Pure Solar Pilot and the Southeastern REC, designed to provide additional product offerings under the program to increase participation, meet customer needs, and facilitate achievement of the goals of the program; and

WHEREAS, the City desires to offer the pilot programs to its customers; and

WHEREAS, the City Manager recommends approval of the agreements provided by TVA for the City's participation in the pilot programs.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter the Green Power Switch® Pure Solar Agreement (TV-54097A, Supp. No. 80) and the Green Power Switch® Southeastern REC Agreement (TV-54097A, Supp. No. 81) with the Tennessee Valley Authority (TVA) to provide mechanisms for customers to purchase a variety of green power products.

BE IT FURTHER RESOLVED that should TVA make future modifications to the pilot programs that are beneficial to the City and/or program participants, and are in keeping with the intent of the programs, the City Manager is hereby authorized to sign the necessary legal instruments to continue the City's participation in the pilot programs.

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

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CITY CLERK MEMORANDUM

11-54

DATE: November 29, 2011
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: MEETING SCHEDULE FOR CALENDAR YEAR 2012 COUNCIL MEETINGS

Article II, Section 1, of the Oak Ridge City Charter states, "The Council shall hold regular meetings in Oak Ridge at least once monthly. Increased frequency, time of day, and place of its meetings shall be established by resolution." The City Council meetings have been taking place on the second Monday of each month with the Work Sessions being held on the fourth Monday of each month (except in December).

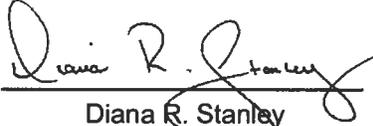
It is recommended that the meeting sequence for regular council meetings and work sessions be repeated in 2012. The proposed City Council Meeting Schedule for 2012 is attached. It contains the dates recommended for regularly scheduled meetings, work sessions, budget, joint meetings of School Board and City, and the dates of major conferences.

The meeting sequence was altered to accommodate conferences in the months of March to accommodate the NLC Congressional-City Conference in Washington, D.C., in May to accommodate the Memorial Day Holiday, and again in November to accommodate the NLC Congress of Cities & Exposition in Boston, Massachusetts.

The meetings dates for May are centered on budget discussions and the May 29th meeting for Second Reading of Appropriations Ordinance was scheduled later than in 2011 to allow the school's full adoption of their budget prior to city adoption. The schedule allows for a joint hearing of the school's budget on May 14. The changes allow for the City Council to adopt in late May with no effect on the tax collection calendar. Additionally the meeting on May 29th is set for Tuesday because the previous Monday is a city holiday.

Changes in the regular meeting schedule, once adopted, can only be accomplished by resolution. Furthermore, the City Manager, the Mayor, or any two members of the Council may call a special meeting on 24 hours' notice if such an action is indicated, and other topic-specific workshops may be scheduled as desired. The adoption of this schedule at this time simply allows the Council, the staff, and the public to plan their schedules accordingly. It also meets the requirements of the Charter and the Open Meetings "Sunshine" Law.

Adoption of the attached resolution is recommended.


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

12/7/11
Date

2012 City Council Meeting Schedule

City of Oak Ridge

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

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

SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	1	2	3					1	2	3	4	5	6	7	
8	9	10	11	12	13	14	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
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29	30	31					28	29	30	31				25	26	27	28	29	30	23	24	25	26	27	28	29	

Regular Meeting
 Work Session
 Special Meeting
 Conference
 Joint Meeting of City & School Board

BUDGET SCHEDULE

- May 7
Regular meeting including Formal Budget Presentation
- May 14
Public Hearing on Budget and Special Meeting for First Reading of the Appropriations Ordinance

- May 29
Regular Meeting and Second Reading of Appropriations Ordinance

CONFERENCES

- March 10-14
NLC Congressional-City Conference, Washington, D.C.

- June 9-12
TML Annual Conference, Knoxville, TN

- November 27-December 1
NLC Congress of Cities & Exposition, Boston, Massachusetts

All regular meetings of City Council scheduled at 7:00 p.m.

RESOLUTION

A RESOLUTION ESTABLISHING THE SCHEDULE OF MEETINGS OF THE OAK RIDGE CITY COUNCIL DURING CALENDAR YEAR 2012 AND PROVIDING THAT REGULAR MEETINGS SHALL BE HELD ON THE SECOND MONDAY OF EACH MONTH AT 7:00 P.M. IN THE MUNICIPAL BUILDING COURTROOM, EXCEPT DURING THE MONTHS OF MARCH AND MAY.

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

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

WHEREAS, the City Manager has prepared a proposed schedule for calendar year 2012 which reflects the dates recommended for regularly scheduled meetings of City Council, including a schedule for the budget process.

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

That regular meetings of City Council during calendar year 2012 shall be held on the second Monday of each month beginning at 7:00 p.m. in the Municipal Building Courtroom, except during the months of March and May when they shall be held on the following days:

March 5	First Monday
May 29	Fifth Tuesday

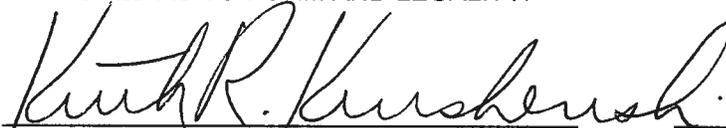
BE IT FURTHER RESOLVED that in the event it becomes necessary or desirable to change the schedule of regular meetings or the time of day or place of such meetings during calendar year 2012, a resolution shall be adopted to accomplish such changes.

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

BE IT FURTHER RESOLVED that in the event it becomes necessary or desirable to increase the frequency, or to change the time of day or place of City Council meetings during 2012, a resolution shall be adopted to accomplish the change.

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-81

DATE: November 29, 2011

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Abandonment of Quincy Avenue R.O.W. Between
S. Illinois Avenue and S. Purdue Avenue**

An item for the City Council agenda is a request to abandon the Quincy Avenue right-of-way located between S. Illinois Avenue and S. Purdue Avenue. At their regular meeting on November 17, 2011, the Oak Ridge Municipal Planning Commission voted 9-0 to recommend approval of the requested abandonment.

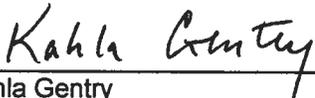
The developers of the Woodland Town Center PUD are requesting that the City of Oak Ridge abandon the right-of-way for Quincy Avenue between Illinois Avenue and S. Purdue Avenue and deed the land to the contiguous property owners. The request is being made at this time to allow for the development of the first phase of Woodland Town Center. At the same time Quincy Avenue is closed, Central Park Development will deed land between S. Illinois Avenue and S. Purdue Avenue that will align with Phillips Lane and the entrance to the former Dean Stallings Ford for a new street right-of-way as shown on the approved Woodland Town Center PUD plan.

On July 21, 2008 City Council approved Ordinance No. 22-08 the Woodland Town Center PUD plan. A major component of the approved plan is the proposed closure of Quincy Avenue and the construction of a new road between S. Illinois Avenue and S. Purdue Avenue. Also on July 21, 2008 City Council approved Resolution No. 7-66-08 approving a permanent access to S. Illinois Avenue from the Woodland Town Center as recommended by the Traffic Safety Advisory Board contingent upon the TDOT approval of the requested access and traffic signal and upon the property's owner development of the proposed Woodland Town Center.

The South Illinois Avenue Corridor Study recommended one signalized intersection located at Quincy or just to the west of Quincy Avenue. The location closer to the midway point between Lafayette Avenue and Rutgers Avenue is seen as preferable to the Quincy Avenue location.

The Woodland Town Center developer proposes to relocate Quincy Avenue approximately 300 feet to the west such that it aligns opposite the former Dean Stallings Ford access and Phillips Lane. The new street will connect S. Illinois Avenue and S. Purdue Avenue and will bisect the development. A traffic signal is proposed at the new four-way intersection on S. Illinois Avenue. The developer proposes closing Quincy Avenue before completion of the new roadway in order to allow construction of the new roadway and site improvements at the same time.

Staff recommends approving the abandonment of the Quincy Avenue right-of way.


Kahla Gentry

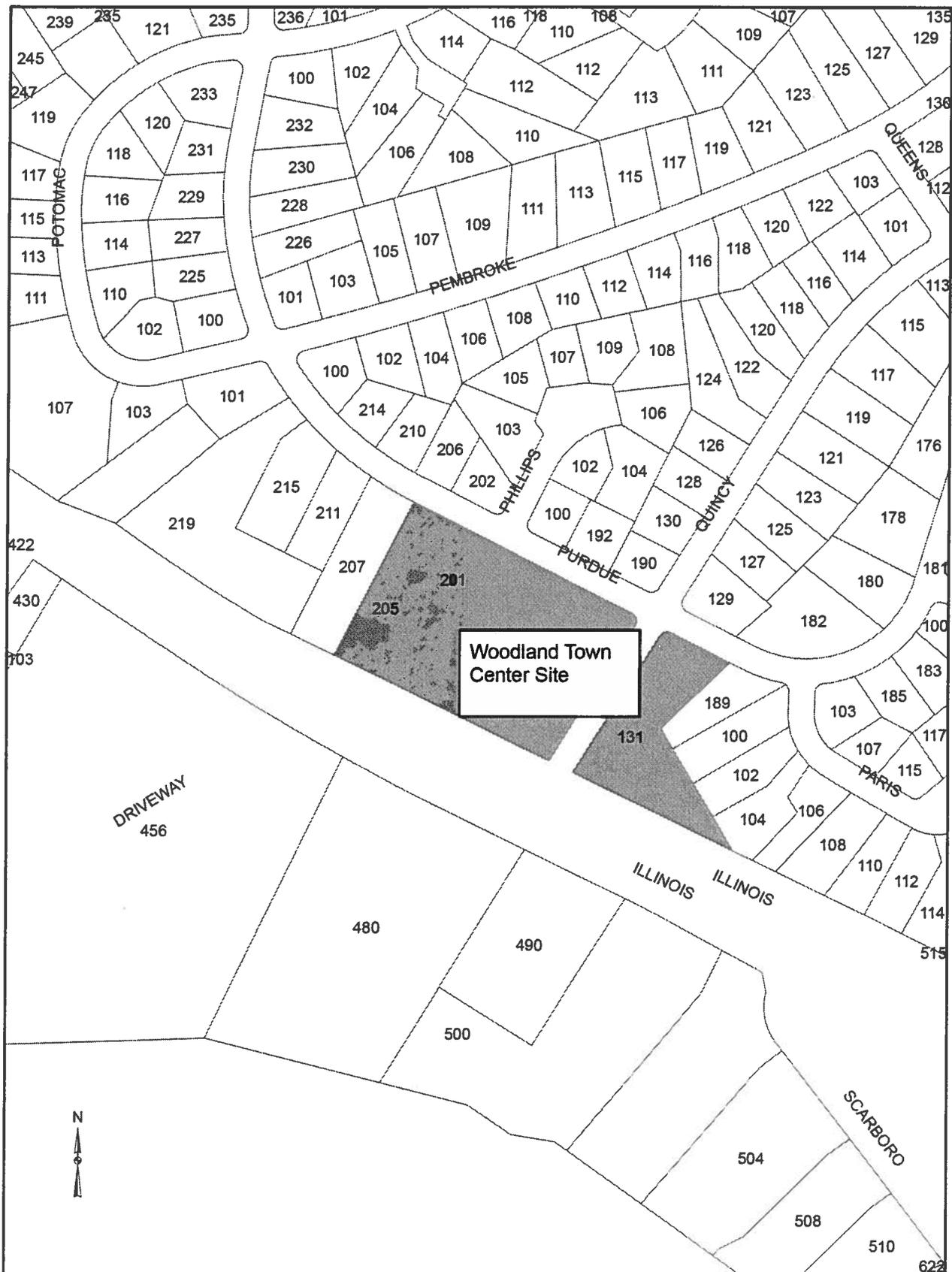
Attachments

City Manager's Comments:

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

Mark S. Watson 12/7/11
Mark S. Watson, City Manager Date

Woodland Town Center Location Map



RESOLUTION

A RESOLUTION AUTHORIZING THE ABANDONMENT OF QUINCY AVENUE BETWEEN SOUTH ILLINOIS AVENUE AND SOUTH PURDUE AVENUE TO FURTHER THE DEVELOPMENT OF WOODLAND TOWN CENTER CONTINGENT UPON THE DEVELOPER DEEDING THE APPROPRIATE AMOUNT OF REAL PROPERTY TO THE CITY AT NO COST FOR CONSTRUCTION OF A NEW ROADWAY TO ALIGN PHILLIPS LANE WITH THE ENTRANCE TO THE FORMER DEAN STALLINGS FORD LOCATION.

WHEREAS, the developers of the Woodland Town Center have requested the City to abandon Quincy Avenue right-of-way between South Illinois Avenue and South Purdue Avenue to further the development of Woodland Town Center; and

WHEREAS, by Ordinance No. 22-08, City Council approved the Woodland Town Center Planned Unit Development (PUD) plan which included the closure of this portion of Quincy Avenue and construction of a new roadway between South Illinois Avenue and South Purdue to align Phillips Lane with the entrance to the former Dean Stallings Ford location, and proposing a traffic signal at the intersection with South Illinois Avenue; and

WHEREAS, by Resolution 7-66-08, City Council approved a permanent access to South Illinois Avenue from the Woodland Town Center as recommended by the Traffic Safety Advisory Board and contingent upon development of the proposed Woodland Town Center and approval by the Tennessee Department of Transportation (TDOT) of the requested access; and

WHEREAS, in exchange for the abandonment, the developer will deed land to the City between South Illinois Avenue and South Purdue Avenue sufficient to construct the proposed new roadway; and

WHEREAS, the abandoned property will be dedicated to the contiguous property owners; and

WHEREAS, the City Manager recommends approval of the developer's request.

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

That the recommendation of the City Manager is approved and the City hereby abandons Quincy Avenue right-of-way between South Illinois Avenue and South Purdue Avenue and dedicates the same to the contiguous property owners at no cost provided, however, the developer of Woodland Town Center deeds land to the City, at no cost, sufficient to construct the proposed new roadway between South Illinois Avenue and South Purdue Avenue across from the entrance to the former Dean Stallings Ford location.

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

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-80

DATE: November 29, 2011
TO: Mark Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director 
FROM: Athanasia Senecal Lewis, Community Development Specialist 
SUBJECT: TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) OPERATING ASSISTANCE GRANT FOR FY 2012

An item for City Council's consideration is a resolution authorizing the City to apply for an Operating Assistance Grant from the Tennessee Department of Transportation (TDOT) for public transportation services during fiscal year 2012. The resolution also authorizes acceptance of the grant upon approval from TDOT. The City has been receiving this grant on an annual basis since 1993.

For fiscal year 2012, the State has allocated \$268,424.00 in operational funding for the City's transit programs. This Operating Assistance Grant will be used to pay for 50% of the operating expenses for the City's two Public Transit Programs. Other eligible uses for the grant funds include advertising, marketing and promotions of the City's transit programs.

The City's share of expenses comes through the Streets and Public Transportation Fund, which gets its revenue primarily from a 1-cent-per-gallon fee levied by the State on petroleum products and shared with local governments, and an annual operating transfer from the City's General Fund. The City's revenue from the State source has continued to decline each year since 1994. This revenue is allocated to local governments on a prorated share based on population. The operating transfer from the City's General Fund provides the remaining funding to match the grant with the fiscal year 2012 transfer set at \$55,000.00.

Overview of Oak Ridge Public Transit Program - The City of Oak Ridge Public Transportation Program offers a valuable service to area citizens by providing door-to-door, on-demand transportation to any location within the City limits. The program consists of two components:

1. **Demand Responsive Transit System**. The City's Demand Responsive Transit System was created in 1993 to provide transportation service to all persons within the corporate limits of Oak Ridge. Riders can utilize the City's disabled-accessible minibuses to reach their doctors offices, places of employment, and favorite stores. Approximately 25% of the passenger trips are for individuals in wheelchairs. ETHRA provided 5,988 trips during fiscal year 2011 and 1,546 of these trips were for wheelchair users.

By Resolution 6-75-03, City Council awarded a contract to East Tennessee Human Resource Agency (ETHRA) to provide demand-responsive public transportation services for the City. ETHRA is responsible for the daily operations and management of the system. This contract was for an initial one-year term, running on the City's fiscal year, and provides for up to nine (9) additional one-year terms upon the mutual consent of both parties. Fiscal year 2012 will be the ninth year of this contract. The City may reduce the amount of service rendered if, in the City's determination, the monthly ridership does not warrant operation of the vehicles during all service hours.

The City provides ETHRA with three disabled-accessible minibuses, with the capacity to carry 12 ambulatory and 2 wheelchair passengers each; and a van equipped with a hydraulic lift, which accommodates 13 ambulatory and 2 wheelchairs passengers.

year by the City. ETHRA is responsible for maintenance, at its expense, of the vehicles in accordance with manufacturer's and state maintenance standards and also provides fuel for operation of the vehicles.

Passengers are picked up and delivered anywhere within the City limits for only \$1.50 per one-way trip, or \$3.00 round trip. Rides are scheduled one day in advance by calling 482-2785. Same-day service is provided for emergency trips whenever feasible. The \$1.50 charged per trip rate will be reviewed during fiscal 2012 to see if a rate increase is warranted. This rate has not changed since inception of the program in 1993.

2. Transportation Assistance Program. The Transportation Assistance Program began in December 1974, offering a means to supplement transportation for eligible participants to healthcare, shopping, social, cultural and recreational events. The program was not designed to meet the total transportation needs of residents, but rather to supplement the efforts of family, neighbors and friends to assist with transportation needs within the City. Originally established to assist senior citizens, the program was restructured in 1987 to provide help for disabled adults as well. Any resident age 55 or older or any disabled resident age 18 or older with a physician-certified disability may purchase taxicab coupons. One coupon may be used per one-way trip.

Coupons are sold from 9:00 a.m. to 4:00 p.m., Monday through Friday, at the Oak Ridge Senior Center. Proof of identification, age, and residency is required. Any qualified person may purchase a maximum of 144 coupons per year. Coupons are sold in books of 12 for \$9.00 per book. Each coupon is good from July 1 through June 30. Persons having coupons left over after June 30 can trade them at the Senior Center for current coupons. The taxicab company offers a 10% discount, absorbing thirty cents of the coupon cost, and the City provides the remaining \$1.95.

Financial Breakdown

City's Share	\$1.95	65%
Participant's Share	\$0.75	25%
Taxicab Share	\$0.30	10%
	<u>\$3.00</u>	<u>100%</u>

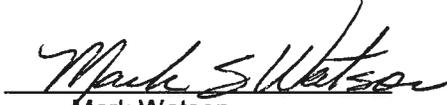
Projected fiscal year 2012 City expenditures on the two programs are outlined as follows:

ETHRA Public Transit	\$165,000
City's Share Taxi Coupons	<u>\$ 56,000</u>
Total Expenditures	\$221,000

Staff recommends approval of the attached resolution.

City Manager's Comments:

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


Mark Watson


Date

RESOLUTION

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR AN OPERATING ASSISTANCE GRANT TO REIMBURSE THE CITY FOR UP TO FIFTY PERCENT (50%) OF THE NET OPERATING EXPENSES OF THE CITY'S PUBLIC TRANSPORTATION PROGRAM IN THE ESTIMATED AMOUNT OF \$268,424.00, AND TO ACCEPT SAID GRANT IF APPROVED BY TDOT.

WHEREAS, the City has implemented a public transportation program including a demand-responsive system and a transportation assistance program; and

WHEREAS, the Tennessee Department of Transportation has grant monies available under its Operating Assistance Grant program and has allocated funding to reimburse the City for a portion of the operating expenses for the City's transit system; and

WHEREAS, the City Manager recommends submittal of an application for said grant and recommends acceptance of said grant should it be approved by the Tennessee Department of Transportation.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to submit a grant application to the Tennessee Department of Transportation for an Operating Assistance Grant to reimburse the City for up to fifty percent (50%) of the net operating expenses of the City's Public Transportation Program in the estimated amount of \$268,424.00.

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

BE IT FURTHER RESOLVED that if said application is approved by the Tennessee Department of Transportation, the Mayor is authorized to accept said grant for the City.

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

ADMINISTRATIVE SERVICES MEMORANDUM
107-12

DATE: December 6, 2011

TO: Mark S. Watson, City Manager

FROM: Steven W. Jenkins, Deputy City Manager

SUBJECT: South Illinois Economic Impact Plan

The attached resolution approves an economic impact plan for the South Illinois Economic Development Area and authorizes the submission of the plan to the City of Oak Ridge and Anderson County, Tennessee. The development of the Plan Area is expected to include two restaurants (Aubrey's and an expanded Panera) with an initial investment of \$4,000,000, and potentially other retail facilities and related public improvements (the "Project") that is estimated at \$605,000. The Project includes relocation of a street, storm drainage improvements, a new traffic signal, and various electrical improvements, curb and gutter, and related design work. The plan was approved and recommended to City Council by the City of Oak Ridge Industrial Development at its meeting on December 5, 2011.

The Economic Impact Plan permits tax increment financing to be provided through the issuance of the Industrial Development Board's bonds, notes or other obligations in the total amount not to exceed \$1,200,000 pursuant to Chapter 53, Title 7 of the Tennessee Code Annotated. Although the initial project is estimated to cost \$605,000 plus administrative costs, \$1,200,000 allows for additional projects that may occur in the plan area. There must a recommendation from the City and sufficient revenue to support any additional borrowing.

The proceeds of the Tax Increment Financing would be used to pay the cost of public improvements (the "TIF Eligible Costs") relating to the development of the Project and administrative costs relating to the Tax Increment Financing. Upon adoption of the Economic Impact Plan, the incremental property tax revenues (the "TIF Revenues") that result from the development of the Plan Area under the Economic Impact Plan will be allocated to the Board to be used to pay debt service of the Tax Increment Financing. In accordance with the Economic Impact Plan, the Board would issue the Tax Increment Financing to a lender or lenders to finance the TIF Eligible Costs and would pledge the TIF Revenues to such lender or lenders to apply to the debt service on the Tax Increment Financing. The Tax Increment Financing shall not represent or constitute a debt or pledge of the faith and credit or the taxing power of the Board, the City of Oak Ridge, or Anderson County, Tennessee. However, based on preliminary conversations with local lending institutions, there may need to be a reserve established to secure the loan.

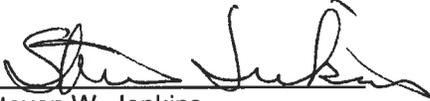
There are significant benefits to the City and County. Approximately 135 jobs are expected to be created during construction. Approximately 100 new jobs will be located at the operating restaurants. This does not include the current jobs at Panera.

Currently, the City and the County each receive approximately \$20,000 in annual property taxes from properties in the plan area. When the restaurants and public improvements are completed, the City and County each will receive approximately \$41,000 in annual property taxes. The additional personal property tax will average approximately \$3,000 annually for the City and \$3000 annually for the County. Again, these new real and personal property taxes are the "increment" that will be used to pay for the public improvements. Once the debt service on the public improvements is paid, the "increment" reverts to the County and City.

In addition, the project should generate approximately \$165,000 in annual direct and indirect sales taxes. This amount includes only the expanded sales tax from Panera. These revenues are not applied to the debt for the public improvements; they are split evenly between the City and the County. The County

portion is distributed to the three County school systems. This does not include sales tax revenue from new retail businesses that will locate at the current Panera Site.

Assuming City Council approval, the economic impact plan is scheduled to be presented to The Anderson County Commission on December 19, 2011.

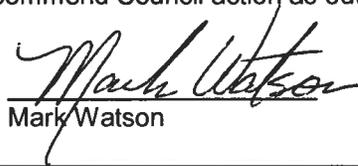


Steven W. Jenkins

Attachments

City Manager's Comments:

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



Mark Watson

12-7-2011

Date

RESOLUTION

A RESOLUTION TO APPROVE THE TAX INCREMENT FINANCING (TIF) ECONOMIC IMPACT PLAN FOR S. ILLINOIS AVE. ECONOMIC DEVELOPMENT AREA.

WHEREAS, The Industrial Development Board of the City of Oak Ridge, Tennessee (the "IDB") has prepared an economic impact plan (the "Economic Impact Plan") regarding the development of an area located on S. Illinois Avenue (the "Plan Area");and

WHEREAS, the development of the Plan Area would include two restaurants, potentially other retail facilities and related improvements (the "Project");and

WHEREAS, the Economic Impact Plan would permit certain tax increment financing ("Tax Increment Financing") to be provided through the issuance of the IDB's bonds, notes and other obligations in the total amount not to exceed \$1,200,000 pursuant to Chapter 53, Title 7 of the Tennessee Code Annotated; and

WHEREAS, the IDB has recommended the adoption of the Economic Impact Plan at a meeting on December 5, 2011; and

WHEREAS, the proceeds of the Tax Increment Financing would be used to pay the costs of eligible public improvements (the "TIF Eligible Costs") relating to the development of the Project; and

WHEREAS, the incremental property tax revenues (the "TIF Revenues") that result from the development of the Plan Area under the Economic Impact Plan will be allocated to the IDB to be used to pay debt service of the Tax Increment Financing; and

WHEREAS, in accordance with the Economic Impact Plan, the IDB would issue the Tax Increment Financing to a lender or lenders to finance the TIF Eligible Costs and would pledge the TIF Revenues to such lender or lenders to apply to the debt service on the Tax Increment Financing; and

WHEREAS, the Tax Increment Financing shall not represent or constitute a debt or pledge of the faith and credit or the taxing power of the IDB, the City of Oak Ridge, or Anderson County, Tennessee; and

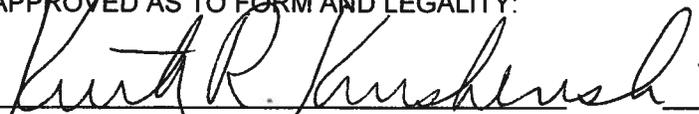
WHEREAS, the Board of Directors of the IDB has approved and submitted the Economic Impact Plan to the City Council of the City of Oak Ridge, Tennessee for approval in accordance with Tennessee Code Annotated § 7-53-312.

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

That the attached Tax Increment Financing (TIF) Economic Impact Plan for S. Illinois Ave. Economic Development Area being in the interests of the citizens of the City of Oak Ridge, Tennessee, is hereby approved by the City Council and the officers of the City are authorized to take all appropriate action to carry out the terms of the Economic Impact Plan.

This the 12th day of December 2011.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE

TAX INCREMENT FINANCING (TIF) ECONOMIC IMPACT PLAN FOR S. ILLINOIS AVE. ECONOMIC DEVELOPMENT AREA

AUTHORITY FOR ECONOMIC IMPACT PLAN

Industrial development corporations ("IDBs") are authorized under Tenn. Code Ann. § 7-53-312 to prepare and submit to cities and counties an economic impact plan with respect to an area that includes an industrial park within the meaning of Tenn. Code Ann. § 7-53-312 or a project within the meaning of Tenn. Code Ann. § 7-53-101 and such other properties that the IDB determines will be directly improved or benefited due to the undertaking of such industrial park or project. Tennessee Code Annotated § 7-53-312 also authorizes cities and counties to apply and pledge new incremental tax revenues, which arise from the area subject to the economic impact plan, to the IDB to promote economic development, to pay the cost of projects or to pay debt service on bonds or other obligations issued by the IDB to pay the costs of projects.

THE INITIAL PROJECT

Central Park Development, whose principals are Mr. Walter Wise of Knoxville, TN and Mr. Terry Wheeler of Oak Ridge TN, has purchased certain real property and has indicated its intent to purchase additional property located on South Illinois Avenue in Oak Ridge, Anderson County, Tennessee. The developer expects to subdivide such property and construct thereon or cause to be constructed thereon two restaurants and related improvements that may be constructed thereon in an initial phase of the project. One restaurant is new to the Oak Ridge market. The second is a relocation and expansion of an existing Oak Ridge restaurant currently in leased facilities. Both restaurants will be owner-operated, not leased in the development from the developer. There is also a possibility of more restaurants and/or small retail shops. A hotel/motel has also expressed interest in locating in the development. The development of the first two restaurants and related improvements is collectively referred to herein as the "Project." In order to make the construction of the Project in the manner requested by the City of Oak Ridge (the "City") and Anderson County, Tennessee (the "County") financially feasible, the developer has requested that the City and County approve, as part of this Economic Impact Plan, a plan for tax increment financing of public improvements through The Industrial Development Board of the City of Oak Ridge, Tennessee (the "Board") pursuant to Title 7, Chapter 53 of Tennessee Code Annotated to provide funds to pay a portion of the costs of public improvements

directly related to the Project. The proceeds of the tax increment financing would be used exclusively to pay for public improvements that will permit the development of the Project area. These improvements include, but may not be limited to, a traffic signal, a new road and related electrical improvements, storm drainage improvements, curbing and guttering and the design work related to the public improvements. The Project is an eligible project within the meaning of Tenn. Code Ann. § 7-53-101(11).

BOUNDARIES OF PLAN AREA

The Project is generally located on South Illinois Avenue within the City. The Project is located within a distressed commercial and residential area. The area that would be subject to this Economic Impact Plan, and to the tax increment financing provisions described below, includes the property on which the Project will be located and other property that is directly benefitted by the Project. The area that will be subject to this plan (the "Plan Area") is shown highlighted in red on Exhibit A attached hereto. The Plan Area is hereby declared to be subject to this Economic Impact Plan, and the Project is hereby identified as the initial project that will be located within the Plan Area.

FINANCIAL ASSISTANCE FOR THE PROJECT

The Board may provide financial assistance to the Project by applying the proceeds of the tax increment financing described herein to pay a portion of certain costs that will be incurred in connection with the development of the Project. These development costs are for public improvements relating to the Project. These public improvements will permit the development of the Project and are eligible for financing under the applicable law relating to tax increment financing. The public improvements include a traffic signal, a new road, related electrical improvements, storm drainage improvements, curbing and guttering, and grading and design work related to the foregoing.

The Board may pay and/or reimburse the Developer for all or a portion of the cost of such improvements upon receipt of adequate documentation of such costs. Once design work for the Project is substantially finalized, the Board will enter into an agreement between the Board and the Developer, specifying the scope and the cost of the public improvements to be reimbursed, not to exceed \$605,000. The maximum amount that will be made available by the Board to the developer under the agreement shall be the lesser of \$605,000 or the costs actually incurred by the Developer. The expected cost of the public improvements described above is not less than \$605,000. The total financial obligation of the Board, including the administrative and borrowing costs for this project, is estimated at \$615,000.

FUTURE PROJECTS IN THE PLAN AREA

Additional public improvements may be needed to facilitate the development of future projects in the Plan Area. If such future public improvements are needed and the City requests the application of TIF Revenues (as defined herein) to pay costs and/or pay debt service related to the construction of such improvements, during the term of this plan, the IDB will review each request to determine the ability to fund such improvements from TIF Revenues and the anticipated economic benefit to the City and County. If the expected benefit to the City and County warrants additional public improvements, then the IDB may enter into additional development agreements for the construction of the public improvements with any related costs being paid from the TIF Revenues within the plan area.

EXPECTED ECONOMIC BENEFITS TO CITY AND COUNTY

The Project will benefit the City, the County and their respective school systems in several ways. First, the operation of two restaurants in the TIF area will capture sales tax revenues from dining patrons including local residents, tourists, business travelers, and customers from nearby counties who would otherwise patronize restaurants in more urban locations. Visitors to the area, for example, are estimated to spend an average of \$16,849 per day in Oak Ridge. Because of spending by these customers, the Project is expected to generate additional direct and indirect local sales tax revenues in the approximate amount of \$165,000 annually for the City and Anderson County. The sales tax revenue is split equally between the City and the County under the normal sales tax distribution method. The County then distributes its portion to the three County school systems. This **does not** include the sales tax revenues already collected by the expanding restaurant. It should be noted that at some point in the future there will likely be a new retail business locating at the current site of the expanding restaurant. The new retail business will create additional sales tax revenue that is not included in this plan. There also is a strong potential for more restaurants, retail shops, and hotels in the Plan area, any of which will generate more visitors and more consumer spending in the area, which will generate more sales tax.

The Project is expected to create jobs, thereby further increasing tax revenues for the City and the County. Over 135 new jobs are expected to be created during the construction of the Project, and approximately 100 permanent jobs are expected to be created when the restaurants are operational. This **does not** include the current jobs at the expanding restaurant.

In addition to the benefits realized from sales tax, job creation, and increased consumer spending and tourism activity, the City and County are also expected to receive substantial direct property taxes as a result of the development of the Plan Area. These new tax revenues are generally the “increments” upon which Tax Increment Financing (TIF) is based. The tax increments are: The additional ad valorem real property taxes for the portion of the Plan Area

where the new restaurants will be located and future additional ad valorem real property taxes from the remaining portion of the Plan Area. The base property tax collections for the tax year 2011 were less than \$20,000 for the County and less than \$20,000 for the City. Development of the Plan Area will increase the value of the real property within the Plan Area, leading to an increase in ad valorem property taxes. Following the development of the Project, the additional annual property taxes payable to the County are expected to be approximately \$21,000 and annual property taxes payable to the City are expected to be approximately \$21,000. In addition, there will be personal property taxes payable from the restaurants. The additional personal property tax will average approximately \$3,000 annually for the City and \$3,000 annually County during the life of the Plan. The tax increment revenues resulting from the development of the Project (the "TIF Revenues") will be applied during the period described below to the debt service on debt incurred by the Board to pay the costs described herein. However, following the payment of such indebtedness, tax increment revenues will flow to the City and County, which will benefit from the increase in the real and personal property taxes.

DISTRIBUTION OF PROPERTY TAXES AND TAX INCREMENT FINANCING

a. Distribution of Taxes. Property taxes imposed on real property and personal property located within the Plan Area shall be allocated and distributed as provided in this subsection. The taxes assessed by the City and County on the real property and personal property within the Plan Area will be divided and distributed as follows in accordance with Tenn. Code Ann. § 7-53-312(c):

i. The portion of the property taxes payable with respect to the Plan Area equal to the year prior to the date of approval of this Economic Impact Plan (the "Base Tax Amount") shall be allocated to and, as collected, paid to the City and the County as all other taxes levied by the City and County on all other properties; provided, however, that in any year in which the taxes on the property within the Plan Area are less than the Base Tax Amount, there shall be allocated and paid to the City and County only the taxes actually imposed.

ii. 100% of the excess of property taxes over the Base Tax Amount (the "TIF Revenues") shall be allocated and, as collected, paid into a separate fund of the Board, created to hold such payments until the tax proceeds in the fund are to be applied to pay debt service on the obligations expected to be issued by the Board to pay the costs of the public improvements that are described above. This excess is the increment upon which will accrue any Tax Increment Financing (TIF).

This allocation is subject to the provisions of Tenn. Code Ann. §7-53-312(j), which requires that taxes levied upon property within the Plan Area for the payment of debt service of the City and County shall not be allocated to the Board.

b. TIF Obligations. If the Board elects to undertake financing public improvements directly related to the project, the Board intends to use the incremental tax revenues that it would receive as a result of the adoption of the Economic Impact Plan in order to pay debt service on obligations incurred to finance the costs of such public improvement costs. This tax increment financing will be structured as follows:

i. The Board will borrow not to exceed \$1,200,000 through the issuance and sale of notes, bonds or other obligations of the Board. The amount of such borrowing shall be used to finance eligible costs (initially expected to be in the amount of approximately \$605,000) plus administrative and borrowing costs relating to the tax increment financing. This will leave the board with additional borrowing capacity that may be needed to develop public improvements for future projects that may occur in the Plan Area. The Board shall pledge any and all TIF Revenues allocated to the Board pursuant to this Economic Impact Plan to the payment of such notes, bonds or other obligations. ***In no event will the obligations issued by the Board be considered a debt or obligation of the City and County in any manner whatsoever, and the source of the funds to satisfy the Board's payment obligations thereunder shall be limited solely to the TIF Revenues.***

ii. The proceeds of the notes, bonds or obligations shall be used to pay the costs of the public improvements described above together with expenses of the Board in connection with the Project and the tax increment financing and capitalized interest on the notes, bonds or other obligations for a maximum period of twenty (20) years beginning on the December 31st following the later of the date of issuance of the tax increment financing or completion of the Project, but in no event later than the maximum maturity permitted by State law. If a future public project, as described above, is constructed in the plan area, the maximum period for TIF financing will be extended to a maximum of 20 years starting on the December 31st following completion of the future project, but in no event later than the maximum maturity permitted by State law.

c. Time Period. Taxes on the real property within the Project Area will be divided and distributed as provided in this Section of the Economic Impact Plan for a period equal to the period that the tax increment financing described above remains outstanding.

d. Qualified Use. The Board, the City and the County, by the adoption of this Plan, find that the use of the TIF Revenues as described herein, is in furtherance of promoting economic development in the City and County and that costs to be financed as described herein are costs of the Project.

APPROVAL PROCESS

Pursuant to Tenn. Code Ann. § 7-53-312, the process for the approval of this Economic Impact Plan is as follows:

The Board holds a public hearing relating to the proposed Economic Impact Plan after publishing notice of such hearing in a newspaper of general circulation in the City and County at least two (2) weeks prior to the date of the public hearing. The notice must include the time, place and purpose of the hearing as well as notice of how a map of the subject area may be viewed by the public. Following such public hearing, the Board may submit the Economic Impact Plan to the City and County for their approval.

a. Next, the governing bodies of the City and County must approve the Economic Impact Plan. The Economic Impact Plan may be approved by resolutions of the City Manager, Mayor and City Council of the City and County Commission, whether or not the local charter provisions of the governing bodies provide otherwise.

b. Once the Economic Impact Plan has been approved by the governing bodies of the City and County, the respective clerks or other recording officials of the City and County shall transmit the following to the appropriate tax assessor and taxing agency affected: (a) a copy of the description of the property within the Plan Area, and (b) a copy of the resolution approving the Economic Impact Plan. A copy of this Economic Impact Plan shall also be filed with the Comptroller of the Treasury and an annual statement of amounts allocated to the IDB in excess of the base tax amount shall be filed with the State Board of Equalization.

It is important to note that adoption of the Economic Impact Plan by the City and the County does **not** obligate the Board to proceed with the project or any funding/borrowing associated with it. Those matters are Board decisions entirely separate from those associating with creating the district.

EXHIBIT A

[Map of Plan Area]



S. Illinois Ave

**FINAL ADOPTION
OF
ORDINANCES**

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-77

DATE: November 29, 2011
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director *KAB*
FROM: Kahla Gentry, Senior Planner
SUBJECT: **Amendment of Woodland Town Center PUD**

An ordinance to amend the Woodland Town Center Planned Unit Development (PUD) plan was approved on first reading at the November Council meeting. Based upon the discussions and comments received from neighborhood residents at the meeting, Council requested staff to re-evaluate the criteria for restaurants in the PUD. As a result, staff is proposing alternate language to the ordinance approved at first reading. The alternate language is now written in terms of what is permitted instead of what is prohibited, and a time restriction has been placed on the operating hours for drive-through window service. A time restriction has been placed on trash collection services as well, which corresponds to the hours of operation for drive-through service. At their November meeting the Planning Commission voted 9-0 to recommend approval of amending the Woodland Town Center PUD as presented for second reading.

To reflect the proposed changes, a substitute ordinance is attached to the memo for Council's consideration. If Council desires to incorporate the proposed changes, Council can amend the ordinance approved on first reading to replace it with the substitute ordinance and subsequently vote on the substitute ordinance for adoption on second reading.

Staff recommends approval of the substitute ordinance.

Kahla Gentry

Kahla Gentry

Attachments

City Manager's Comments:

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

Mark S. Watson

Mark S. Watson

12/7/11

Date

PROPOSED SUBSTITUTE ORDINANCE FOR SECOND READING
FOR CLARIFICATION OF PERMITTED RESTAURANTS

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND A USE RESTRICTION REGARDING FAST FOOD RESTAURANTS IN WOODLAND TOWN CENTER PLANNED UNIT DEVELOPMENT PLAN, WHICH FRONTS ON SOUTH ILLINOIS AVENUE AND BACKS UP TO SOUTH PURDUE AVENUE BISECTED BY QUINCY AVENUE ACROSS FROM THE FORMER DEAN STALLINGS FORD SITE, WITH NO CHANGE TO THE ZONING DISTRICT WHICH REMAINS UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT DISTRICT OVERLAY.

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.

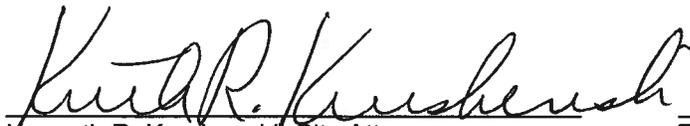
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE TENNESSEE:

Section 1. That Woodland Town Center Planned Unit Development is hereby amended to delete the use restriction stating "delivery of food service must be within the interior of the restaurant and restaurants were prohibited which had drive-through service or drive-up service which allows ordering from a vehicle" and replace it with the following use restriction: "restaurants are permitted that meet all of the following criteria: (1) the total square footage of the building shall be greater than 3,500 square feet, (2) the total seating capacity shall be greater than 100 persons, (3) food and beverages shall not be served solely in disposable containers, and (4) drive-through service, if offered, shall only operate between the hours of 6:00 a.m. and 10:00 p.m., which shall also be the hours for trash collection service."

Section 2. This amendment to the Woodland Town Center Planned Unit Development does not change the overall zoning district which will remain UB-2/PUD, Unified General Business with a Planned Unit Development Overlay.

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

Public Hearing: _____
Publication Date: 11/28/11
First Reading: 11/14/11
Publication Date: 11/17/11
Second Reading: _____
Publication Date: _____
Effective Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-73

DATE: November 3, 2011

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director *KEB*

FROM: Kahla Gentry, Senior Planner *KA*

SUBJECT: **Amendment of Woodland Town Center PUD**

An item for the City Council agenda is a request to amend the Woodland Town Center PUD by amending certain designations which characterize fast food restaurants. The recommended amendment is to replace the condition that delivery of food service must be within the interior of the restaurant and the prohibition of restaurants which have drive-through service or drive-up service which allows ordering from a vehicle. The condition prohibiting drive-through or drive-up service is to be replaced by prohibiting fast food/quick service restaurants defined as:

1. The total square footage of the building is less than 3,500 square feet.
2. The total seating capacity is less than 100 persons.
3. Food and beverages are served solely in disposable containers.

The proposed amendment reflects changing trends in the restaurant trade and the need for greater flexibility in providing attractive sites for restaurant development. The proposed amendment is meant to allow greater flexibility for development while maintaining the intent of providing a higher than average standard of development for the Woodland Town Center. Fast food restaurants, also known as quick service restaurants, are typified by having a limited, low-cost menu with a high percentage of their customers using the drive-through service and thus fast food restaurants generally have a smaller footprint and less area devoted to seating.

As an added convenience to customers, restaurants that typically have not had drive-through or pick-up service are beginning to add this service; however, they maintain their orientation towards the on-site dining experience by providing a greater percentage of their space to the seating area and also by using non-disposable dishware. This new trend relates to the most recent and fastest growing concept in the restaurant industry referred to as fast casual restaurants. Fast casual restaurants are generally defined by:

- Limited service or self-service format that may include drive-through service
- Average meal price between \$8 - \$15
- Made to order food with more complex flavors than fast food restaurants
- Targeted towards adults

Upscale or highly developed décorThe PUD amendment is intended to allow for restaurants that provide drive-through service, but retain a higher character and quality of development than the typical fast food/quick service restaurant as reflected in the size and architectural features of the building and in the details of site development.

As previously approved, the Woodland Town Center site will have a masonry wall with landscaping along South Purdue Avenue, providing an effective and attractive buffer between the commercial development and the residential neighborhood.

Staff recommends approval of the Woodland Town Center PUD amendment in order to provide greater opportunity for economic development while maintaining quality standards for such development.

Community Development Memorandum 11-73
November 3, 2011

Kahla Gentry
Kahla Gentry

Attachment

City Manager's Comments:

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

Mark S. Watson 11/8/11
Mark S. Watson Date



FREEDOM and EFFICIENCY.
It's a Beautiful Thing.

November 4, 2011

INDUSTRY NEWS (NEWS) | January 13, 2010

Is the Definition of 'Fast Food' Changing?

Bookmark/Share this post with:

Consumers' perception of fast food is no longer confined to quick service, drive-thru restaurants, and convenience stores. Instead, a dual concept has emerged, consisting of traditional fast food, and of "food fast," served quickly with a greater emphasis on flavor, quality, and ambiance. A significant percentage of consumers (41 percent) are reporting that their idea of places offering "fast food" has expanded recently to include fast-casual restaurants such as Panera and full-service restaurants offering carryout and curbside service.

"As Americans continue to trade down from full-service concepts, more restaurants are competing for the 'fast food/food fast' customer," says Darren Tristano, executive vice president at Technomic, a foodservice industry consultant. "Both quick-service and fast-casual restaurants are borrowing elements from the other to drive traffic. This represents a host of challenges to operators rethinking their brands. Understanding consumers' changing perceptions of fast food, as well as competitors' responses, will be central to success."

The findings are part of Technomic's *Status and Future of Fast Foods: Consumer Trend Report*, which looks at how consumers are seeking faster, more convenient service from all types of foodservice establishments, including convenience stores, food trucks, and grocers offering retail meal solutions.

Some trends examined in this report include: upscaling in limited-service restaurant formats; the development of bustling social settings within contemporary interior spaces; introduction of price-driven value elements into fast-casual restaurant menus; broadening of full-service restaurants' service formats to include convenience-oriented platforms like call-ahead and text/online ordering, home delivery, and curbside pickup; and appearance in big-city markets of revitalized food trucks,

offering upscale and gourmet "street food." Nearly half of consumers (49 percent) say they eat at fast-food restaurants at least once a week; about one fifth of consumers said the same for fast-casual (16 percent) and full-service (20 percent) restaurants. One out of four consumers (24 percent) say they've increased their visits to fast-food restaurants in the past year, higher than for any other restaurant segment. Roughly half of consumers (52 percent) say that a fast-food meal should be delivered within five minutes; consumers are willing to wait somewhat longer for items they perceive as "food fast." About a third of consumers say they would like to see dedicated take-out areas at fast-food (32 percent) and fast-casual (33 percent) restaurants.

Efficient ordering and carryout options at full-service restaurants have strong appeal. Call-ahead ordering for pickup, separate take-out stations, and curbside service interest 40 percent, 37 percent, and 31 percent of consumers, respectively.

The *Status and Future of Fast Foods: Consumer Trend Report* was designed to assist foodservice operators and suppliers in understanding consumer perception and patronage of fast-food and food-fast concepts, and to provide a consumer-oriented account of the status and future of fast foods. It

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TITLE

AN ORDINANCE TO AMEND A USE RESTRICTION REGARDING FAST FOOD RESTAURANTS IN WOODLAND TOWN CENTER PLANNED UNIT DEVELOPMENT PLAN, WHICH FRONTS ON SOUTH ILLINOIS AVENUE AND BACKS UP TO SOUTH PURDUE AVENUE BISECTED BY QUINCY DRIVE ACROSS FROM THE FORMER DEAN STALLINGS FORD SITE, WITH NO CHANGE TO THE ZONING DISTRICT WHICH REMAINS UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT DISTRICT OVERLAY.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has (intentionally left blank) 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. That Woodland Town Center Planned Unit Development is hereby amended to delete the use restriction stating "delivery of food service must be within the interior of the restaurant and restaurants were prohibited which had drive-through service or drive-up service which allows ordering from a vehicle" and replace it with the following use restriction: "fast food/quick service restaurants are prohibited and are defined as follows: (1) the total square footage of the building is less than 3,500 square feet, (2) the total seating capacity is less than 100 persons, and (3) food and beverages are served solely in disposable containers."

Section 2. This amendment to the Woodland Town Center Planned Unit Development does not change the overall zoning district which will remain UB-2/PUD, Unified General Business with a Planned Unit Development Overlay.

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: 11/14/11
Publication Date: 11/17/11
Public Hearing: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-74

DATE: November 2, 2011

TO: Mark S. Watson, City Manager

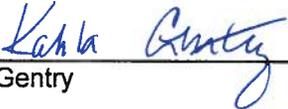
THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner *K.G.*

SUBJECT: **Request to Rezone, Parcel ED-4B, Roane County Tax Map 30, Parcel 1.09 from F.I.R. to IND-2**

An item for the City Council agenda is a request to rezone ED-4B from F.I.R., Federal Industry and Research to IND-2, Industrial. The Industrial Manhattan District Overlay is not being requested because the site has not been previously developed. ED-4B has an area of approximately 7.72 acres. The property is owned by Heritage Center L.L.C. and is located on State Route 58 on the east side of Victorious Boulevard East. The purpose of the rezoning is to allow the property to be used for private development. A portion of the site is to be used for a solar array as an alternative energy demonstration project. At their regular meeting on October 27, 2011, the Planning Commission recommended approval of the rezoning by a vote of 7-0.

The F.I.R., Federal Industry and Research zoning district is only applicable to the Department of Energy (DOE) Reservation. When property is transferred from the federal government to enable private development, rezoning to an appropriate district is required. Rezoning the subject property to IND-2, Industrial is the next step in facilitating the reuse of this industrial property. The Staff finds the rezoning to be in compliance with the Land Use Plan, consistent with the existing uses within the area and appropriate for the proposed use. Approval of the rezoning is recommended.

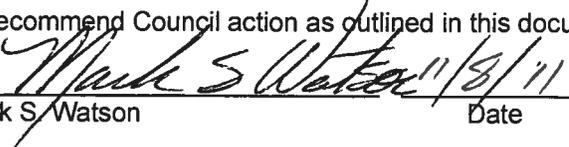


Kahla Gentry

Attachments

City Manager's Comments:

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



Mark S. Watson

11/8/11

Date

Staff Review of Rezoning Request

Location & Approximate Area: Roane County Tax Map 30, Parcels 1.09; also identified as ED-4B, located within the Heritage Center on State Route 58 east of Victorious Boulevard East. Approx. 7.72 acres in area.

Date: October 19, 2011

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

Request Rezoning

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

Purpose: Construction of solar array for alternative energy demonstration by a private company.

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

Existing Land Use: Undeveloped

Adjacent Land Uses & Zoning:

North: F.I.R., Federal Industry and Research, Heritage Center industrial area
East: F.I.R., Federal Industry and Research, open space within Heritage Center
South: State Route 58
West: IND-2/IMDO – ED-8A, parking area

Previous Rezoning Requests: None

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

Applicable Policies:

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

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

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

3. **Applicable Regulations:**

Setbacks: IND-2, Industrial setbacks are as follows: Front – 30 feet; Side – 25 feet;
Rear – 25 feet.

Maximum Usable Floor Area to Lot Area Ratio: 60%

Analysis:

The following criteria were used to evaluate the rezoning request.

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

Yes.

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

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

3) **Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?** Yes, the property is within an industrial area without close proximity to residential uses. There is nearby access to S.R. 58, S.R. 95 and Interstate 40.

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

The ED-4B parcel is part of the fourth group of parcels within the Heritage Center to be rezoned. ED-5 was rezoned from FIR to IND-2 in September 2009. ED-8 was rezoned to IND-2/IMDO in March 2011. ED-9A & B is currently undergoing rezoning it IND-2/IMDO. Additional rezonings from F.I.R. will occur as the redevelopment and privatizing of the Heritage Center continues.

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

Water and sewer is not required for the solar array use. If the use changes a resubdivision plat will be required showing the provision of water and sewer to the parcel. When the parcel is replatted water and sewer service to the lot must be constructed or bonded. Road capacity is adequate.

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

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

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

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

Notification of Property Owners Within 200': October 14, 2011

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

Planning Commission Recommendation: October 27, 2011, recommended approval, 7-0.

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 PARCEL 1.09, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS ED-4B, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL.

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

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

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

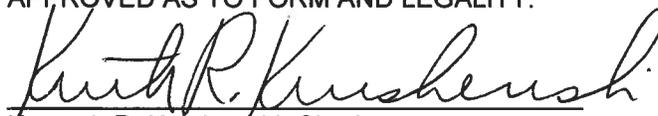
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 1.09 Roane County Map 30 (± 7.72 Acres)	State Route 58 east of Victorious Boulevard	F.I.R., Federal Industry and and Research	IND-2, Industrial

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

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: 11/14/11
Publication Date: 11/17/11
Public Hearing: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

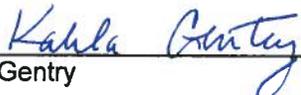
**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-75**

DATE: November 3, 2011
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director 
FROM: Kahla Gentry, Senior Planner 
SUBJECT: **Request to Rezone, Parcels 10.06 and 10.07, Roane County Tax Map 29, from F.I.R. to IND-2/IMDO**

An item for the City Council agenda is a request to rezone Parcels 10.06 and 10.07, Map 29, also referred to as the K-792 Area, see attached map, from F.I.R., Federal Industry and Research to IND-2/IMDO, Industrial Manhattan District Overlay. These parcels have an approximate area of 19.91 acres. Parcel 10.06 is owned by Energy Solutions, L.L.C. and Parcel 10.07 is owned by Heritage Center, L.L.C. The property is located within the northwest section of Heritage Center on West Perimeter Road and 22nd Street. Rezoning is requested because the property is being converted to private industrial use. Parcel 10.06 is being used as a transfer yard by Energy Solutions. At their regular meeting on October 27, 2011, the Planning Commission recommended approval of the rezoning by a vote of 7-0.

The F.I.R., Federal Industry and Research zoning district is only applicable to the D.O.E. Reservation. When property is transferred from the federal government to enable private development, rezoning to an appropriate district is required. The Industrial Manhattan District Overlay (IMDO) is a new district that was approved by City Council in December 2010. The IMDO district was created to facilitate the transfer and reuse of property from the U.S. Department of Energy (D.O.E.) to the private sector. As the Heritage Center is transferred to private entities, it is expected that subdivision plats and site plans for properties with existing buildings and parking facilities will need to have alternatives available in meeting various requirements such as minimum setbacks from property lines, parking requirements, green space and landscaping requirements. The IMDO does not waive bulk regulations or performance criteria, but rather provides alternative measures to achieve compliance through off-site improvements, cross access easements, and identification of shared parking facilities.

Rezoning the subject property to a base zone of IND-2, Industrial with the Industrial Manhattan District Overlay (IMDO) is the next step in facilitating the reuse of this industrial property. Staff finds the rezoning to be in compliance with the Land Use Plan, consistent with the existing uses within the area and appropriate for the proposed use. Approval of the rezoning is recommended.

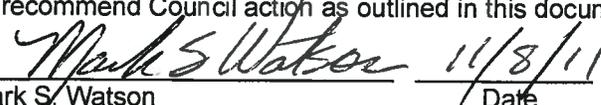


Kahla Gentry

Attachments

City Manager's Comments:

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



Mark S. Watson 11/8/11
Date

Staff Review of Rezoning Request

Location & Approximate Area: Roane County Tax Map 29, Parcels 10.06 and 10.07; also identified as K-792 Area, located on West Perimeter Road within the Heritage Center. Approx. 19.91 acres in area.

Date: October 20, 2011

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

Energy Solutions, LLC
423 West 400 South Ste 200
Salt Lake City, UT 84101

Request Rezoning

From: F.I.R., Federal Industry and Research

To: IND-2 IMDO, Industrial Manhattan District Overlay

Purpose: Transfer of property for private use of brownfield industrial site.

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

Existing Land Use: Industrial

Adjacent Land Uses & Zoning:

North: F.I.R., Federal Industry and Research, Heritage Center industrial area

East: F.I.R., Federal Industry and Research, Heritage Center industrial area

South: F.I.R., Federal Industry and Research, Heritage Center industrial area

West: F.I.R., Federal Industry and Research, Heritage Center industrial area

Previous Rezoning Requests: None

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

Applicable Policies:

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

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

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

3. **Applicable Regulations:**

Setbacks: IND-2, Industrial setbacks are as follows: Front – 30 feet; Side –25 feet; Rear – 25 feet. Overlay allows exceptions for existing buildings

Maximum Usable Floor Area to Lot Area Ratio: 60%

Analysis:

The following criteria were used to evaluate the rezoning request.

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

Yes.

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

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

- 3) **Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?** Yes, the property is within an industrial area without close proximity to residential uses. There is nearby access to S.R. 58, S.R. 95 and Interstate 40.

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

The K-792 Area is the fourth group of parcels within the Heritage Center to be rezoned. ED-5 was rezoned from FIR to IND-2 in September 2009. ED-8 was rezoned to IND-2/IMDO in March 2011 and ED-9A and B are currently in the process of being rezoned from F.I.R. to IND-2/IMDO. Additional rezonings from F.I.R. will occur as the redevelopment and privatizing of the Heritage Center continues.

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

Road access and utility services are under the control of D.O.E.

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

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

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

Landscaping/Buffering requirements: The landscaping and design standards within Article XIII of the Zoning Ordinance will apply at final site review stage with possible alternatives as allowed by the Overlay District.

Notification of Property Owners Within 200': October 19, 2011

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

Planning Commission Recommendation: October 27, 2011, recommended approval, 7-0

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 10.06 AND 10.07, ROANE COUNTY TAX MAP 29, ALSO KNOWN AS K-792 AREA, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/IMDO).

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:

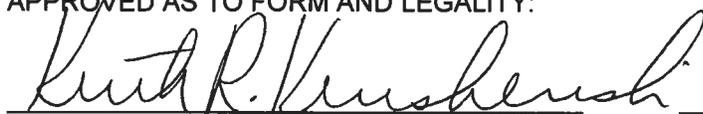
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 10.06 and 10.07, Roane County Map 29 (± 19.91 Acres)	West Perimeter Road within Heritage Center	F.I.R., Federal Industry and Research	IND-2, Industrial Manhattan District Overlay (IND-2/IMDO)

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

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: 11/14/11
Publication Date: 11/17/11
Second Reading: _____
Publication Date: _____
Effective Date: _____

ELECTIONS

&

APPOINTMENTS

ANNOUNCEMENTS

SCHEDULING

MAYOR'S MEMORANDUM
11-02

DATE: December 1, 2011

TO: Fellow Members of City Council

FROM: Mayor Thomas L. Beehan

SUBJECT: BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS

This memorandum requests the confirmation of several Mayor appointments and/or designees and informs City Council of the Mayor's membership on various boards. The ordinances, resolutions, bylaws, and charters of several boards and commissions permits the Mayor to serve as a designated member, choose a designee to serve in place of the Mayor, or make appointments to the boards.

Historically, the appointments have been made following the month of June of odd numbered years to correspond with the election of the Mayor by City Council. However, Article I, Section 2, titled "Time of Elections," of the City of Oak Ridge Charter was amended in 2010 to change the regular city elections to be "held biennially on the date of the general state election held on the first Tuesday after the first Monday in November of even-numbered years in accordance with the general election laws of the State of Tennessee." The Mayor's appointments for 2011 should have been properly addressed following the elections of the Mayor in June, but were not due to the transition in the City Clerk's office. Completing these appointments in December launches the new schedule for mayor appointments that will take place in the future as a result of the recent charter changes.

Anderson County Development Corporation

The Charter of the Anderson County Development Corporation provides that the Mayor of Oak Ridge is a designated member of the Board of Directors and further that two (2) additional members of the Board of Directors shall be appointed by the Mayor, subject to the approval of City Council.

Former Mayor David R. Bradshaw and former Councilwoman Louise B. Dunlap were appointed in 2009 and have agreed to serve another term on the Anderson County Development Corporation Board of Directors.

Your confirmation of the reappointment of Mr. David R. Bradshaw and Ms. Louise B. Dunlap to serve as City of Oak Ridge representatives on the Board of Directors of the Anderson County Development Corporation will be appreciated. In accordance with the Charter of the Anderson County Development Corporation, their terms of office will be concurrent with the Mayor's current term.

Anderson County Tourism Council

The by-laws of the Anderson County Tourism Council require that its Advisory Board include a representative of the municipalities within the county, including the cities of Clinton, Lake City, Oak Ridge, Norris, and Oliver Springs. The by-laws further provide that this representative shall be the Mayor, the City Manager, or an appointee decided upon by the Mayor or City Manager. The term of office is one year.

Currently, Mayor Pro Tem Jane Miller serves as the City's representative and has ever since joining City Council. Mayor Pro Tem Miller has agreed to serve another term on the board at the Mayor's request.

Mayor Pro Tem Miller is uniquely suited for this role with her past experience as a member on the Board of the Oak Ridge Convention and Visitors Bureau.

Your confirmation of the reappointment of Mayor Pro Tem Miller to serve as the City of Oak Ridge representative on the Anderson County Tourism Council's Advisory Board will be appreciated.

Oak Ridge Municipal Planning Commission

The Oak Ridge Municipal Planning Commission's bylaws provide that "the Mayor of the Oak Ridge City Council or the Mayor's designated representative" shall be one of the commission's ten (10) members. The term of office is concurrent with the Mayor's current term.

My duties as Mayor are such that I do not believe I have the time to give to the Planning Commission that would be required to do the job well. Mr. Terry C. Domm has been a member of the Commission for some time and currently serves as the Mayor's designated representative and also as the Commission's Chairman. I have asked Mr. Domm to continue his service on the commission as my designee, and he has agreed to do so.

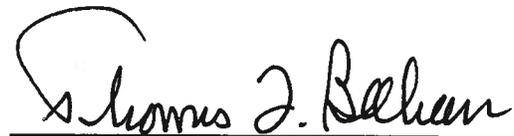
Mr. Domm's resume that is on file with the City Clerk's office has been attached to this memo, as well as his attendance record.

Your confirmation of the reappointment of Mr. Terry C. Domm to serve as the Mayor's designee on the Oak Ridge Municipal Planning Commission is appreciated.

Other Boards

As Mayor, I will serve on the boards listed below as each board's enabling legislation/authority outlines that there are seats reserved for the Mayor (or Mayor's designee) and that the term of office is concurrent with the Mayor's current term. No further action by City Council is required for these appointments.

Anderson County Economic Development Association
Highland View Redevelopment Advisory Board
Local Oversight Committee


Thomas L. Beehan

Attachments

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Terry Domm

BOARD OR COMMISSION: Oak Ridge Municipal Planning Commission

TIME IN OFFICE: Term of Office Serves as Mayor's designee concurrent with
his term as Mayor

Date Appointed 2/02/04

Number of Terms Served 4

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 27

Number of Absences 3

Date Prepared 12/02/11

Attachment: Resume

PERSONAL DATA SHEET

TERRY C. DOMM

May 26, 2001

PERSONAL

Address: 148 Whippoorwill Drive, Oak Ridge, TN 37830
Home Telephone: (865) 482-3211
Work Telephone: (865) 574-9747
Age: 57

COMMUNITY INVOLVEMENT

Girls Incorporated

1999 – Present	Director
1986 – 1991	
1997 – 1999	President, Board of Directors
1989 – 1990	
1991 – 1994	Led efforts to acquire property and construct softball facility
1990 – 1991	Volunteer of the Year
1979 – 1993	Coach

Scouts

1981 – 1992, 1996	Assistant Scoutmaster, Boy Scouts of America
1992 – 1993	Member, Troop Committee
1985 – 1986	Troop Leader, Girl Scouts of America
1978 – 1981	Treasurer, Cub Scout Pack

Church

1998 – 1999	Chairman, Facility Expansion Design Committee
1995-1997	Chairman, Facilities Planning Task Force
2001 – Present	Administering Commission
1992 – 1998	
1992 – 1994	Long Range Planning Task Force
1979 – 1986	Building Committee

**PERSONAL DATA SHEET
TERRY C. DOMM**

COMMUNITY INVOLVEMENT (Continued)

1975 – 1976 Church Council
1975 – 1976 Sunday School Superintendent

CIVIC INVOLVEMENT

1990 – Present Chairman, Oak Ridge Regional Planning Commission
2000 – 2001 Oak Ridge Representative, Roane County Growth Committee
1987 – Present Member, Oak Ridge Regional Planning Commission
1987 – 1990 Member, Environmental Quality Advisory Board (EQAB)
1991 Leadership Oak Ridge

PROFESSIONAL INVOLVEMENT

Registration: Registered Professional Engineer, Tennessee
Awards: Outstanding Engineer of the Year, Tennessee Society of Professional Engineers, 1990
 Young Engineer of the Year, Tennessee Society of Professional Engineers, Oak Ridge Chapter, 1979

Memberships:

Tennessee Society of Professional Engineers

1989 – 1991 Chairman, State Membership Committee
1987 – 1989 Chairman, State Awards Committee
1986 – 1987 State Director
1985 – 1986 President, Oak Ridge Chapter
1984 Chairman of Annual State Meeting
1981 Chairman, WATTec/Engineer's Week Banquet Committee
1980 – 1981 Vice President, Oak Ridge Chapter
1979 - 1980 Treasurer, Oak Ridge Chapter

**PERSONAL DATA SHEET
TERRY C. DOMM**

PROFESSIONAL INVOLVEMENT (Continued)

1979	Chairman, Engineer's Week Committee Instrumental in organizing the 1 st Annual Paper Airplane Contest
	National Society of Professional Engineers
1979	Member, NSPE Annual Meeting Publications Committee
	American Planning Association
1987 – Present	Member

ACADEMIC INVOLVEMENT

Industrial Advisory Board, Computer Integrated Manufacturing Systems Program,
Georgia Institute of Technology

1989 – 1990	Chairman
1988 – 1989	Vice Chairman
1986 – 1992	Member

EXPERIENCE

BWXT Y-12; Lockheed Martin Energy Systems; Martin Marietta Energy Systems; Union Carbide Corporation

1992 – Present	Manager, Engineering Technology Applications, responsible for providing planning, implementation, development and support for computer aided engineering and manufacturing tools.
1985 – 1992	Department Head, Applications Support, responsible for development and implementation of computer aided engineering tools.
1982 – 1985	Department Head, Development Engineering, responsible for providing mechanical design services in support of centrifuge programs.
1980 – 1982	Section Head, Centrifuge Design Section and Development Equipment Support Section, Development Engineering, responsible for mechanical design services to centrifuge programs.

- 1978 – 1981 Principal Engineer, Technology Test Facilities, responsible for design integration of a \$20 million project to provide new centrifuge development facilities. Coordinated the efforts of 11 engineering disciplines and an architect-engineering firm.
- 1972-1976 Lead Engineer, Sample Transport System providing remote handling equipment in an ultra high vacuum environment for the Fusion Program and Converter vessel and mounts for the Portsmouth Gaseous Diffusion Add-On Plant.
- 1972 – 1976 Design Engineer, Machine Design Engineering
- Prior Experience
- 1969 – 1971 Lieutenant, U.S. Army, Redstone Arsenal and Korea
- 1967 –1969 Engineer, Heavy Equipment Design Section, Tennessee Valley Authority

EDUCATION

- 1972 MS, Mechanical Engineering, Georgia Institute of Technology
- 1967 – 1968 Graduate course work in Mechanical Engineering, 36 credit hours, University of Tennessee
- 1967 BSME, Mechanical Engineering, Georgia Institute of Technology

Stanley, Diana

From: Charlie Hensley <chuck188@comcast.net>
Sent: Friday, December 02, 2011 3:17 PM
To: Council, City
Cc: Stanley, Diana; Watson, Mark; Krushenski, Ken; Terry Domm; Baldwin, Kathryn
Subject: Request to Continue as Planning Commission Representative from Council

Honorable Mayor and Members of City Council

Please consider this my request to be reappointed as the City Council representative on the Oak Ridge Planning Commission.

I feel that my many years of experience on the Planning Commission, both prior to my Council election and before, qualify me for further service in that position.

Also, please contact me with any questions or comments concerning your positions relative to the Planning Commission actions at any time.

Sincerely, and thank you for your attention.

Charlie Hensley

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Councilman Charlie Hensley

BOARD OR COMMISSION: Oak Ridge Municipal Planning Commission

TIME IN OFFICE: Term of Office 2 years

Date Appointed 7/16/07

Number of Terms Served 2

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 27

Number of Absences 6

Date Prepared 12/02/11

Attachment: Resume

**SUMMARY
OF
CURRENT EVENTS**

CITY COUNCIL MEMORANDUM
11-48

DATE: December 2, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CITY MANAGER'S REPORT

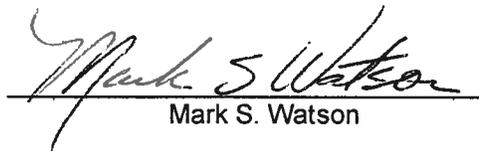
Meeting of the Oak Ridge Emergency Communication District

Council Action Recommended: None, for information only.

Immediately prior to the December 19, 2011 special meeting, City Council will convene as the Oak Ridge Emergency Communication District to approve a User Agreement and Acceptable Use Policy for Next Generation 911. This meeting is expected to take approximately fifteen minutes; therefore, it will begin at 6:45 p.m.

Pursuant to Tennessee's Emergency Communications District Law (Tennessee Code Annotated §§7-86-101 – 7-86-151), the City of Oak Ridge has established an emergency communications district known as the Oak Ridge Emergency Communication District. City Council has been designated to act as the Oak Ridge Emergency Communication District's Board of Directors. The Oak Ridge Emergency Communication District Board of Directors is only required to meet when necessary.

The Tennessee Emergency Communications Board (TECB) has implemented a Next Generation 911 project to handle emerging technologies like internet phone service and the capabilities of today's cell phones in order to enable emerging devices to deliver additional information to 911 dispatchers and improve call transfer capability and the reliability of the State's 911 system. The TECB has submitted a User Agreement and Acceptable Use Policy for Next Generation 911 to the Oak Ridge Emergency Communication District for signature. The Mayor, as Chairman of the Oak Ridge Emergency Communication District, and the Finance Director, as Director of the Oak Ridge Emergency Communication District, are required to sign the document. The Oak Ridge Emergency Communication District Board of Directors is, therefore, required to meet to approve the User Agreement and Acceptable Use Policy for Next Generation 911.


Mark S. Watson