

OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

August 10, 2015—7:00 p.m.

AGENDA

I. INVOCATION

Reverend Derrick Hammond, Oak Valley Baptist Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

Special presentation of a retirement plaque to Deputy Police Chief Alan Massengill for his years of service with the City of Oak Ridge.

VI. SPECIAL REPORTS

(NONE)

VII. CONSENT AGENDA

- a. Approval of the July 13, 2015 City Council meeting minutes.
- b. Adoption of a resolution authorizing the city to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2015 calendar year.
- c. Adoption of a resolution to approve updated Rules and Procedures for the Oak Ridge Board of Building and Housing Code Appeals.
- d. Adoption of a resolution approving an Interlocal Agreement for the City of Oak Ridge to become a member of the Great Smoky Mountains Regional Greenway Council, and appointing Jon Hetrick as the city's government representation and Roger Macklin as the City's citizen representative on the greenway council.

VIII. RESOLUTIONS

- a. A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC.; EXPRESS EMPLOYMENT PROFESSIONALS; ROBERT HALF INTERNATIONAL (ACCOMTEMPS AND OFFICE TEAM); STAFFING SOLUTIONS; TEMP SYSTEMS, INC.; AND QUALIFIED TECHNICAL FIRMS FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR FISCAL YEAR 2016 IN AN AMOUNT NOT TO EXCEED \$150,000.00.
- b. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR FURNISHING CHEMICALS FOR THE WATER AND WASTEWATER TREATMENT PLANTS FOR FISCAL YEAR 2016 IN THE ESTIMATED AMOUNT OF \$300,000.00.
- c. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL FOR PROPERTY,

LIABILITY, AND WORKERS' COMPENSATION INSURANCE FOR FISCAL YEAR 2016 IN THE ESTIMATED AMOUNT OF \$1,305,000.00.

- d. A RESOLUTION APPROVING A CONTRACT WITH S&C ELECTRIC COMPANY, CHICAGO, ILLINOIS, TO CONDUCT A RADIO STUDY FOR THE ELECTRIC DEPARTMENT IN THE AMOUNT OF \$56,050.00.
- e. A RESOLUTION AWARDED A CONTRACT (FY2016-018) TO FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR THE ABATEMENT AND DEMOLITION OF 105 WADDELL PLACE, A CITY-OWNED RESIDENTIAL STRUCTURE, IN AN AMOUNT NOT TO EXCEED \$29,000.00.
- f. A RESOLUTION AWARDED A CONTRACT (FY2016-027) TO FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR THE ABATEMENT AND DEMOLITION OF 103 BENNETT LANE AND 106 PEMBROKE ROAD, CITY-OWNED RESIDENTIAL STRUCTURES, IN AN AMOUNT NOT TO EXCEED \$33,477.00.
- g. A RESOLUTION AWARDED A BID IN THE AMOUNT OF \$56,397.00 TO LEGEND FITNESS, KNOXVILLE, TENNESSEE, FOR THE FURNISHING OF FITNESS EQUIPMENT FOR EACH OF THE FOUR FIRE STATIONS.
- h. A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES DEPARTMENT OF ENERGY TO CONTINUE THE PROVISION OF FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES AT THE EAST TENNESSEE TECHNOLOGY PARK THROUGH SEPTEMBER 30, 2019.
- i. A RESOLUTION AMENDING THE ADMINISTRATIVE HEARING OFFICER AGREEMENT BETWEEN THE CITY AND HUGH B. WARD, JR., TO PROVIDE FOR INCREASED COMPENSATION.
- j. A RESOLUTION APPROVING A CONTRACT WITH BARGE WAGGONER SUMNER & CANNON, INC., KNOXVILLE, TENNESSEE, TO PROVIDE PROFESSIONAL SERVICES FOR THE ADDITION OF AN EIGHTH LANE TO THE OAK RIDGE ROWING COURSE IN AN AMOUNT NOT TO EXCEED \$50,000.00.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 17-98 (AS AMENDED), SECTION 1, TO INCREASE THE MONTHLY RESIDENTIAL REFUSE COLLECTION FEE FROM \$7.00 TO \$10.50.
- b. AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 15-114, TITLED "CRASH HELMETS FOR DRIVER AND PASSENGER ON MOTORCYCLE OR MOTOR-DRIVEN CYCLE," AND AMENDING SECTION 15-227, TITLED "USE OF SAFETY BELTS IN PASSENGER VEHICLES"; AND BY CREATING THE FOLLOWING NEW SECTIONS: SECTION 15-132, TITLED "NOTIFICATION OF CHANGE OF ADDRESS AND/OR NAME"; SECTION 15-228, TITLED "ILLUMINATION OF REGISTRATION (LICENSE) PLATE"; AND SECTION 15-349, TITLED "TEXTING WHILE DRIVING PROHIBITED"; WITH ALL AMENDMENTS FOR THE PURPOSE OF BRINGING THE MOTOR VEHICLE PROVISIONS INTO COMPLIANCE WITH STATE LAW.

- X. FINAL ADOPTION OF ORDINANCES
(NONE)
- XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING
 - a. Elections/Appointments
 - b. Announcements
 - c. Scheduling
- XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS
- XIII. SUMMARY OF CURRENT EVENTS
 - a. CITY MANAGER'S REPORT
 - b. CITY ATTORNEY'S REPORT
- XIV. ADJOURNMENT

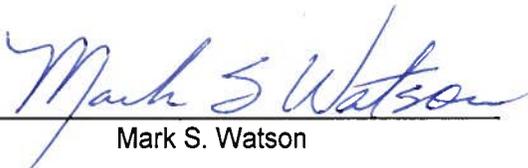
**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY COUNCIL MEMORANDUM
15-30

DATE: July 30, 2015
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: PEESENTATION OF RETIREMENT PLAQUE

An item scheduled for the Public Recognition section of the agenda is the presentation of a retirement plaque to Deputy Police Chief Alan R. Massengill, who will retire on September 12, 2015, after 37 years of service with the City of Oak Ridge. Deputy Chief Massengill began his career with the Oak Ridge Police Department on July 5, 1978 and was promoted through the ranks becoming Deputy Chief in October 2008. He has worked for four Police Chiefs including Robert Smith, Tim Braaten, David Beams and Jim Akagi.

City Manager Watson will make the presentation for the City.


Mark S. Watson

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

July 13, 2015

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on July 13, 2015, in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The Invocation was delivered Reverend Sharon Youngs, First Presbyterian Church

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Councilmember Kelly Callison.

ROLL CALL

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Councilmember Kelly Callison; Councilmember Rick Chinn, Jr.; Mayor Warren L. Gooch; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; and Mayor Pro Tem Ellen D. Smith.

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

APPEARANCE OF CITIZENS

Ms. Joy Henderson, 103 Paris Lane, inquired on the following four subjects: regulations regarding parking in front a fire hydrant, response time for emergency calls received by the City of Oak Ridge, the businesses that would be locating to the newly constructed business center on S. Illinois Avenue, and property tax appraisals. Additionally, Ms. Henderson complimented City of Oak Ridge Staff regarding service she received for a leaking pipe.

Ms. Virginia Coleman, 106 Elliot Circle, expressed her support for the Healthy Start Program of Anderson County.

Ms. Virginia Jones, 103 Burgess Lane, expressed her support in the City funding the Healthy Start Program. Additionally, Ms. Jones noted an article that was published that described programs in other countries where police officers utilize measures except firearms.

Dr. James Horton, 201 Bus Terminal Road, inquired about approval of a budget for Fiscal Year 2016.

Ms. Emilee Smith, 118 Underwood Road, expressed disapproval about the statements provided by Councilmember Trina Baughn regarding an ex parte order of protection issued to the Oak Ridge Chief of Police. Additionally, Ms. Smith requested an apology from Councilmember Baughn and City Council regarding the review of the Oak Ridge Police Department.

Ms. Myra Mansfield, 103 Hendrix Drive, expressed her appreciation to City Council about inquiring into matters of the City of Oak Ridge and her concern about the absence of sources cited on rules and regulations quoted in news releases.

Mr. Mike Smith, 118 Underwood Road, expressed his disapproval of the public comments that were recently made regarding the Oak Ridge Chief of Police and the ex parte order of protection.

Mr. David Kitzmiller, 144 Wellington Circle, provided positive remarks about events occurring in the public and commented about the absence of an approved budget for Fiscal Year 2016.

Mr. Matt Bailey, 17 Riverside Drive, remarked about open record requests submitted for Councilmember Trina Baughn's e-mails and her involvement in requests for material related to Alex Heitman. Lastly, Mr. Bailey requested that City Council end the review of the Oak Ridge Police Department performed by the Municipal Technical Advisory Service (MTAS).

Mr. Joseph Lee, 99 East Pasadena Road, provided an overview of the eight (8) components of the "Not in Our City" program and the importance of a housing initiative.

Ms. Evelyn Armstrong, 21 Rivers Court 21 Rivers Court, remarked about the positive elements occurring in the community including new businesses and recreational activities.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating July 13 through July 18, 2015 as "*Anderson County Fair Week*."

Councilmember Hensley moved, seconded by Mayor Pro Tem Smith that the proclamation be adopted.

The proclamation was approved by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Beehan voting "Aye."

No one was in attendance to accept the proclamation and Mayor Gooch indicated that he would deliver the proclamation to Anderson County Commissioner Robin Biloski for the Anderson County Fair Board of Directors.

The City Manager introduced the new Centennial Golf Course Manager Mr. Don Tillar and expressed his enthusiasm for the new management.

SPECIAL REPORTS

2014-2015 State of the Youth Address presented by Ms. Shane Harris, Chair of the Youth Advisory Board (YAB).

Ms. Shane Harris delivered the State of the Youth Address to the City Council. At the conclusion of the address, Ms. Harris responded to questions of City Council.

CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Councilmember Hensley requested to remove a proclamation designating August 1, 2015 as "Atomic City Sportsmen Club Day."
- Councilmember Chinn requested to remove the following two (2) items:
 - A resolution waiving competitive bids and making an award to Mansfield Oil Company for furnishing unleaded and diesel fuel for Fiscal Year 2016 in the estimated amount of \$608,000.00; and
 - a resolution a resolution awarding bids in the grand total estimated amount of \$1,245,400.00 for the furnishing of various materials as required by the City during Fiscal Year 2016.
- Mayor Gooch requested to remove the following four (4) items:
 - A resolution making an award to CPAT Distribution, Inc., California, for the furnishing of a Candidate Physical Ability Test (CPAT) testing package for the Fire Department an amount not to exceed \$70,000.00; and
 - A resolution waiving competitive bids and making an award to Aramark Uniform Service, Inc., for furnishing employee uniforms and various other services associated with employee uniforms for Fiscal Year 2016 in the estimated amount

- of \$55,000.00; and
- A resolution making awards to Alternate Staffing, Inc.; Express Employment Professionals; Robert Half International (Accountemps and Office Team); Staffing Solutions; Temp Systems, Inc.; and Qualified Technical Firms for furnishing as needed temporary employment services for Fiscal Year 2016 in the estimated amount of \$175,000.00; and
- A resolution waiving competitive bids and making an award to HD Supply Power Solutions for furnishing ABB brand cutouts for the Electric Department for Fiscal Year 2016 in the estimated amount of \$35,000.00.
- Councilmember Baugh requested to remove the June 15, 2015 City Council meeting minutes.

Following removal of the aforementioned items, Councilmember Hope Moved, seconded by Mayor Pro Tem Smith to approve the remainder of the Consent Agenda. The motion was approved by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye,” thereby:

- Approving the June 8, 2015 City Council meeting minutes.
- Confirming the sixteen (16) members to the Youth Advisory Board (YAB), as selected by the YAB Screening Panel, for one year terms of office commencing on August 1, 2015.
- Adopting **Resolution No. 07-69-2015** approving the 7th Judicial District Crime Task Force Inter-Local Agreement between the State of Tennessee, Anderson County, and the cities of Oak Ridge, Clinton, Oliver Springs, and Rocky Top.

Items Removed from the Consent Agenda

June 15, 2015 City Council meeting minutes

Councilmember Baughn noted that her vote was not reflected in the June 15, 2015 minutes in regards to the Economic Development Services Contract for Steve Jones (Resolution No. 06-65-2015).

Councilmember Chinn moved, seconded by Councilmember Hope to amend the June 15, 2015 minutes by including Councilmember Baughn’s vote for the Economic Development Services Contractor Steve Jones (Resolution No. 06-65-2015). The amendment was approved by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye.”

A proclamation designating August 1, 2015 as “Atomic City Sportsmen Club Day.”

Councilmember Hensley recognized the work of the Atomic City Sportsmen Club.

Councilmember Hensley moved, seconded by Mayor Pro Tem Smith that the proclamation be adopted.

The proclamation was adopted by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye.”

Additionally, Sportsmen Club Member Mr. David Mosby expressed his appreciation for the recognition and the work of the Club.

Resolution No. 07-70-2015

A resolution making an award to CPAT Distribution, Inc., California, for the furnishing of a Candidate Physical Ability Test (CPAT) testing package for the Fire Department an amount not to exceed \$70,000.00.

Oak Ridge Fire Chief Darryl Kerley responded to questions of Council regarding available funding in the Fiscal Year 2016 Budget to pay for the equipment.

Councilmember Hope moved, seconded by Councilmember Callison to adopt the resolution as presented. The resolution was adopted by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Resolution No. 07-71-2015

A resolution waiving competitive bids and making an award to Aramark Uniform Service, Inc., for furnishing employee uniforms and various other services associated with employee uniforms for Fiscal Year 2016 in the estimated amount of \$55,000.00.

Finance Director Janice McGinnis and Materials Management Manager Lyn Majeski responded to questions and comments of City Council regarding available funding in Fiscal Year 2016 for this services. Additionally discussions were held between City staff and City Council on the benefits of the City providing laundering service of city uniforms.

Councilmember Callison moved, seconded by Councilmember Hope to adopt the resolution was presented. The resolution was adopted by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

A resolution making awards to Alternate Staffing, Inc.; Express Employment Professionals; Robert Half International (Accountemps and Office Team); Staffing Solutions; Temp Systems, Inc.; and Qualified Technical Firms for furnishing as needed temporary employment services for Fiscal Year 2016 in the estimated amount of \$175,000.00.

During discussions of this item, the Finance Director noted that departments who utilize this service are those who have funding budgeted for brief situations and noted that the \$175,000.00 was a maximum amount being requested for Fiscal Year 2016.

During discussions regarding the estimated amount requested for temporary employment services and contracting authority, Councilmember Baughn moved, seconded by Councilmember Chinn, to defer consideration of the resolution until the August 10, 2015 City Council Meeting.

The motion was approved by board vote with Councilmembers Baughn, Chinn, Hensley, and Mayor Gooch voting "Aye," and Councilmembers Callison, Hope, and Mayor Pro Tem Smith voting "Nay."

Resolution No. 07-72-2015

A resolution waiving competitive bids and making an award to Mansfield Oil Company for furnishing unleaded and diesel fuel for Fiscal Year 2016 in the estimated amount of \$608,000.00.

Lyn Majeski Materials Management Manager and Finance Director Janice McGinnis responded to questions and comments of City Council regarding the fueling service and cost provided by Mansfield Oil Company.

Councilmember Chinn moved, seconded by Councilmember Hope to adopt the resolution as presented.

The resolution was adopted by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Resolution No. 07-73-2015

A resolution waiving competitive bids and making an award to HD Supply Power Solutions for furnishing ABB brand cutouts for the Electric Department for Fiscal Year 2016 in the estimated amount of \$35,000.00.

Electric Department Director Jack Suggs responded to inquiries regarding the City utilizing a specific brand of cutout that performs best based on an engineering study requested by the City.

Councilmember Hensley moved, seconded by Councilmember Hope to adopt the resolution as presented.

The resolution was adopted by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Resolution No. 07-74-2015

A resolution awarding bids in the grand total estimated amount of \$1,245,400.00 for the furnishing of various materials as required by the City during Fiscal Year 2016.

Public Works Director Gary Cinder provided an overview of the various materials, such as stone, fire hydrants, and other warehouse stock items outlined in the resolution. Afterwards, Materials Management Manager Lyn Majeski provided a comparison of amount requested in Fiscal Year 2015 versus Fiscal Year 2016.

Councilmember Hope moved, seconded by Councilmember Callison to adopt the resolution as presented.

The resolution was adopted by unanimous board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

RESOLUTIONS

Resolution No. 07-75-2015

A RESOLUTION APPROVING AN AGREEMENT WITH THE ANDERSON COUNTY WATER AUTHORITY FOR THE CITY OF OAK RIDGE TO PROVIDE WASTEWATER TREATMENT AND DISPOSAL SERVICES IN THE VICINITY OF ELZA GATE.

Councilmember Smith moved, seconded by Councilmember Callison to adopt the resolution as presented.

City Engineer Roger Flynn responded to questions and comments of City Council regarding the City's policies and regulations applying to the Anderson County customers.

The resolution was adopted by unanimous board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Resolution No. 07-76-2015

A RESOLUTION AMENDING THE CITY'S SOCIAL SERVICES POLICY TO INCREASE THE AMOUNT OF INDIVIDUAL ASSISTANCE FROM \$400.00 TO \$500.00.

Councilmember Hensley moved, seconded by Councilmember Hope to adopt the resolution as presented.

The resolution was adopted by unanimous board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Resolution No. 07-77-2015

A RESOLUTION APPROVING AN AGREEMENT WITH AID TO DISTRESSED FAMILIES OF APPALACHIAN COUNTIES, INC., FOR THE ADMINISTRATION OF THE CITY'S SOCIAL SERVICES POLICY.

Mayor Pro Tem Smith moved, seconded by Councilmember Hensley to adopt the resolution as presented.

Mayor Pro Tem Smith moved to amend the resolution to increase the contract amount to \$151,086 that was budgeted in Fiscal Year 2015 and proposed budget for Fiscal Year 2016 to provide utility assistance based on a full year assistance. The motion was seconded by Councilmember Hensley.

The amendment was adopted by board vote with Councilmembers Baughn, Callison, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmember Chinn voting "Nay."

Contracts Administrator Susan Fallon explained that Consumer Pricing Index (CPI) adjustments were included as a component of the contract to reflect adjustments in cost increases that are experienced in utilities to be able to maintain a consistent level of support. Additionally, Assistant the City Manager Bruce Applegate responded to questions and comments of City Council regarding the increase range of the CPI adjustments experienced throughout the years noting the maximum adjustment was approximately \$6,000.00.

Discussions amongst the City Council were held regarding a set amount of funding for the duration of the contract versus providing a CPI adjustment. Councilmember Baughn moved to amend the resolution by deleting the references to the CIP adjustments. The motion was seconded by Councilmember Chinn.

Following discussions regarding the CPI adjustments, the amendment to delete the CPI reference failed by board vote with Councilmembers Callison, Hensley, Hope, Mayor Gooch, and Mayor Pro Tem Smith voting "Nay," and Councilmembers Baughn and Chinn voting "Aye."

The resolution, as amended, was approved by unanimous board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Resolution No. 07-78-2015

A RESOLUTION APPROVING ACCESS TO RUTGERS AVENUE FROM ANDERSON COUNTY TAX MAP 099L, GROUP A, PARCEL 022.00.

Mayor Pro Tem Smith moved, seconded by Councilmember Hensley to adopt the resolution as presented.

City Engineer Roger Flynn responded to questions and Council and provided an overview of the access.

The resolution, as presented, was adopted by unanimous board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Gooch, and Mayor Pro Tem Smith voting "Aye."

Resolution No. 07-78-2015

A RESOLUTION IN SUPPORT OF ESTABLISHING OAK RIDGE, TENNESSEE, AS THE HEADQUARTERS FOR THE PROPOSED MULTI-SITE MANHATTAN PROJECT NATIONAL HISTORICAL PARK.

Councilmember Hope moved, seconded by Councilmember Callison to adopt the resolution as presented.

Mr. Richard Cook, 136 Kentucky Avenue, remarked that the decision to designate Oak Ridge as the headquarters for the Manhattan Project National Historical Park was a political decision and that the City where the headquarters was located would receive better benefits from the National Park Service. Secondly, Mr. Cook encouraged City Council to start a foundation to raise money for the park effort.

The resolution, as presented, was adopted by unanimous board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

(NONE)

FINAL ADOPTION OF ORDINANCES

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Elect one representative to the Environmental Quality Advisory Board for a balance of an unexpired term ending on December 31, 2015.

During the first round of voting Ms. Kaela O'Dell was elected to serve on the Environmental Quality Advisory Board (EQAB) for a balance of an unexpired term ending on December 31, 2015 receiving the votes of Councilmember Baughn, Chinn, Hensley, and Mayor Gooch. The remaining members of City Council—Councilmember Hope, Councilmember Callison, and Mayor Pro Tem Smith—voted for the other applicant, Ms. Jasmine Kreig.

Following the election, the City Council held discussions on whether to move forward with attempting to fill the remaining vacancies on other boards and commissions, such as the Traffic Safety Advisory Board and the Personnel Advisory Board. Councilmember Hensley moved, seconded by Councilmember Chinn to defer the current vacancies on the Personnel Advisory Board, Traffic Safety Advisory Board, and the Trade Licensing Board to the end-of-year elections for boards and commissions that typically occur in December. The motion was approved by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Elect one high school representative to the Environmental Quality Advisory Board for a two-year term of office ending on May 31, 2017.

During the first round of voting, Mr. Trystan Bordeau was elected as the high school representative to the Environmental Quality Advisory Board for a two-year term of office ending on May 31, 2017 receiving the votes of Councilmembers Callison, Chinn, Hensley, Hope, and Mayor Gooch. The remaining members of City Council—Councilmember Baughn and Mayor Pro Tem Smith—voted for the other applicant, Mr. Adithyan Sujithkumar.

Elect one high school representative to the Traffic Safety Advisory Board for a one-year term of office ending on May 31, 2016.

During the first round of voting, Mr. Jeremy Hunt was elected as the high school representatives to the Traffic Safety Advisory Board for a one-year term of office ending on May 31, 2016 receiving the votes of Councilmembers Callison, Hope, Mayor Pro Tem Smith, and Mayor Gooch. The remaining members of City Council—Councilmember Baughn, Chinn, and Hensley—voted for the other applicants, Mr. Adithyan Sujithkumar.

Appoint City Manager Mark S. Watson to The Roane Alliance Board of Directors.

During staff explanations of this appointment, the City Manager noted that, per the Bylaws of The Roane Alliance, a position on the Board of Directors was designated for the City of Oak Ridge to be served by either the Mayor or the City Manager.

Councilmember Callison moved, seconded by Councilmember Hensley to appoint City Manager Mark S. Watson to the Board of Directors of the Roane Alliance. The motion was approved by unanimous voice vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Announcements

Councilmember Hope announced that he would be attending the Energy Communities Alliance Peer Exchange Conference in Los Alamos, New Mexico July 15 through July 17, 2015.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

In reference to inquiries from Councilmember Chinn regarding the due date for property taxes, the City Manager noted that staff was considering September 1, 2015 upon receipt from the State of Tennessee regarding a certified tax rate.

Councilmember Baughn requested advance notice regarding material and meetings related to the final adoption of budget. Additionally, Councilmember Baughn requested an update on the construction of the traffic signalization at the Oak Ridge High School and commented about the importance filling crossing guard positions in the event that the traffic signalization was not complete in time for the beginning of the school year.

Mayor Pro Tem Smith expressed concern over not receiving, to date, a certified tax rate for Anderson County from the State of Tennessee to which the Finance Director responded that the tax rate should be received fairly quickly upon completion of appraisals. Additionally, the City Manager responded to Mayor Pro Tem Smith's inquiry regarding the synchronization of Oak Ridge traffic lights explaining that said information would be forthcoming as a meeting was recently completed. Lastly, Mr. Watson explained that the release of the parking lot at Jackson Square was a work in progress with staff meeting with the appropriate parties to help expedite that process, and that portions of the parking lot that were complete were being considered to be released in line with processes of the contractor and the State of Tennessee.

In response to Councilmember Hope's questions regarding the agenda for the July 21, 2015 Work Session, the City Manager explained that he was planning strategic planning conversations, as well as budget recommendations so as to hold a special meeting of City Council toward the end of the month to approve a budget.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

The City Manager noted about the possibility to have policy discussions regarding the City's Boards and Commissions.

CITY ATTORNEY'S REPORT

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

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

ELECTRIC DEPARTMENT MEMORANDUM

15-17

DATE: July 6, 2015
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: MEMBERSHIP AND DUES PAYMENT FOR ETEDA

Introduction

An item for City Council's consideration is a resolution approving membership in the East Tennessee Economic Development Agency (ETEDA) and authorizing payment of membership dues in the amount of \$26,116.00.

Funding

The City joined ETEDA through its functioning as a TVA Regional Industrial Development Agency (RIDA). Thus, the funding for the membership is through the Electric Fund and the Electrical Director sits on the ETEDA Board. TVA encourages membership on the Board by reimbursing the City for approximately one half of the membership dues. Therefore, the actual cost of membership will be \$13,058.00. Further, as a member of the Board, the Electrical Director can designate that the local match be used to support specific projects or initiatives by our development parties.

Background/Analysis/Review/Consideration

ETEDA is a regional marketing and business recruitment organization that promotes our 16 county region through a variety of efforts and provides site location information and assistance to companies interested in locating here.

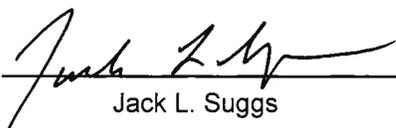
ETEDA is co-located with the Tennessee Valley Authority Economic Development Specialist for our area. This provides a nearly seamless experience for industrial prospects and is frequently sighted as a positive model of cooperation and efficiency.

The full range of services offered to industrial clients can be found on the ETEDA website, but these include providing information such as labor and training statistics, utility service availability and cost of transportation information. ETEDA also provides regional real estate location information, including a complex, well-maintained database of available properties and buildings.

Specific ETEDA programs and accomplishments are detailed in the organization's quarterly newsletter. This newsletter is mailed to the City Manager's Office and members of the Council.

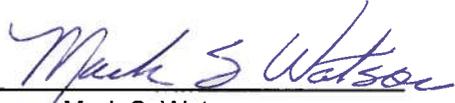
Recommendation

It is the opinion of staff that ETEDA has been a real and valuable asset to the City and to our region as a whole. As such we recommend approval of the attached resolution.

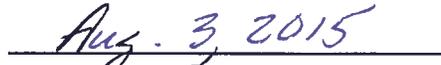

Jack L. Suggs

City Manager's Comments:

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



Mark S. Watson



Date

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO CONTINUE PARTICIPATION IN THE EAST TENNESSEE ECONOMIC DEVELOPMENT AGENCY, WITH ANNUAL MEMBERSHIP DUES IN THE AMOUNT OF \$26,116.00 FOR THE 2015 CALENDAR YEAR.

WHEREAS, the City of Oak Ridge recognizes the value of the East Tennessee Economic Development Agency (ETEDA), an organization operating in East Tennessee to promote retention and expansion of existing industrial business and the development of new business in the East Tennessee area; and

WHEREAS, the City of Oak Ridge is a member of ETEDA and wishes to continue that membership in an effort to promote economic development in the East Tennessee area in general and Oak Ridge in particular; and

WHEREAS, the membership dues for ETEDA for calendar year 2015 are \$26,116.00; and

WHEREAS, \$13,058.00 of the membership dues will be reimbursed to the City by the Tennessee Valley Authority (TVA) under a separate contract termed the Industrial Development Contract (Contract 01BKY-268931), approved by City Council through Resolution 3-46-01; and

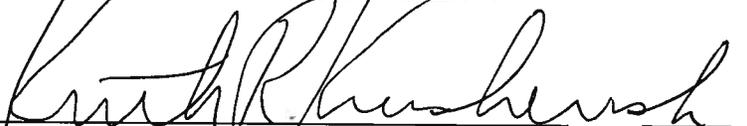
WHEREAS, the City Manager recommends the City's continued participation in ETEDA and payment of the above stated dues.

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 continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2015 calendar year.

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

DEPARTMENT OF COMMUNITY DEVELOPMENT MEMORANDUM

15-29

DATE: July 21, 2015
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director *KGB*
FROM: Matthew Widner, Housing Inspector *MW*
SUBJECT: **PROPOSED CHANGES TO THE CURRENT BOARD OF BUILDING AND HOUSING CODE APPEALS (BBHCA) "RULES AND PROCEDURES" AS ADOPTED OCTOBER 11, 2012**

Introduction

The BBHCA established its current set of rules on October 11, 2012 which was later approved by City Council in December, 2012. Since that time, functions have evolved and times have changed thus requiring the board to review and update current Rules and Procedures to be more in line with today's ethics and demands.

Funding

No funding is required

Background/Analysis/Review/Consideration

Listed below are the July 9th, 2015 proposed changes as endorsed by unanimous BBHCA vote:

1. Article III, Section 7 – Changes agenda order of business and allows public comment to be an official part of the meeting which generally follows City Council policy.

<u>CURRENT</u>	<u>NEW</u>
a. Roll Call	a. Roll Call
b. Approval of minutes from previous meeting	b. Approval of minutes from previous meeting
c. Hearing of cases	c. Appearance of citizens
d. Unfinished business	d. Hearing of cases
e. New business	e. Unfinished business
f. Public comment & communications	f. New business
	g. Staff communications

2. Article III, Section 8 – Added this section to set forth guidelines for individuals to speak before the Board. This new section closely follows City Council procedure.

3. Article III, Section 9 – Added this section to set forth guidelines for citizens to speak on matters not formally on the agenda prior to hearing of cases. This new section closely follows City Council procedure.

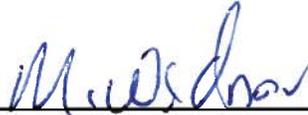
4. Article III, Section 12 – Added this section to establish a general time limit of three (3) minutes per citizen speaking before the Board. This new section closely follows City Council procedure.

Recommendation

Approval of the attached resolution is recommended.

Attachment(s)

Rules and Procedures Resolution Document



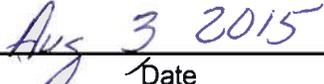
Matthew Widner

City Manager's Comments:

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



Mark S. Watson



Date

NUMBER _____

RESOLUTION

A RESOLUTION TO APPROVE UPDATED RULES AND PROCEDURES FOR THE OAK RIDGE BOARD OF BUILDING AND HOUSING CODE APPEALS.

WHEREAS, the Rules and Procedures for the Oak Ridge Board of Building and Housing Code Appeals (the "Board") were last updated by the Board on October 11, 2012, and approved by City Council by Resolution 1-1-2013; and

WHEREAS, on July 9, 2015, the Board unanimously approved updated Rules and Procedures; and

WHEREAS, the Board recommends City Council's approval of the updated Rules and Procedures.

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

That the attached Rules and Procedures for the Oak Ridge Board of Building and Housing Code Appeals are hereby approved.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

**RULES AND PROCEDURES OF
THE OAK RIDGE BOARD OF BUILDING AND HOUSING CODE APPEALS
(BBHCA)**

Revised: July, 2015

ARTICLE I. OFFICERS

Section 1. A Chairman, Vice-Chairman and Secretary shall be elected annually by a majority vote of the Board. They shall serve for the calendar year.

ARTICLE II. DUTIES

Section 1. The Chairman, or in his/her absence the Vice-Chairman, shall preside at all meetings and hearings of the Board, decide all points of order or procedure and perform any duty required by law, ordinance, these rules or the Board.

Section 2. In the absence or disqualification of the Chairman, the Vice-Chairman shall assume all the duties of the Chairman.

Section 3. The Building Code official, working with the Board Secretary, shall conduct, at the discretion of the Board, all official correspondence of the Board, send out all notices required by law and these rules of procedure, keep a record of each hearing or any official action of the Board, maintain a visitor sign-in or log and perform all other duties required by law, ordinance, these rules, or the Board.

ARTICLE III. MEETINGS

Section 1. A regular meeting of the Board of Building and Housing Code Appeals for the hearing of cases shall be held on the second Thursday of each month at 3:00 p.m. in the Municipal Building Training Room, unless no cases are pending, in which no meeting shall be held.

Section 2. The agenda and supporting materials will be provided to the Board via regular mail or electronic mail no later than the first Thursday of the month, one week before the meeting. If there are any changes to the time of the meeting or the location of the meeting, the changes shall be noted on the agenda. If there is no meeting scheduled, such a notice will be provided to the Board one week before the meeting date.

Section 3. All applications and supporting materials must be received by the Code Enforcement Department no later than 5:00 p.m. on the first Tuesday of the month.

Section 4. The Board shall meet within five (5) days of an appeal where the City Manager or his designee has found that a dangerous and unsafe building constitutes a serious and immediate threat of danger to the health, safety, and general welfare of persons on the property or of the general public. At such hearings, the Board shall hear and receive such testimony and evidence relevant to the notice or order to any extension of time presented by the City Manager or his designee or by the Appellant.

Section 5. Special meetings may be held upon call of the Chairman and at such other times as the Board may determine, provided that at least twenty-four (24) hour notice of the meeting is given to each member.

Section 6. A quorum shall consist of four (4) members of the Board.

Section 7. The order of business of all regular meetings of the Board shall be as follows:

- (a) Roll call
- (b) Approval of minutes from previous meeting
- (c) Appearance of Citizens
- (d) Hearing of cases
- (e) Unfinished business
- (f) New business
- (g) Staff Communications

Section 8. Permission to Speak Before the Board

- a. The Chair shall recognize the right of Board of Building Housing Code Appeals members to speak before the body. Board members shall initiate his/her right to speak by raised hand or other modest forms acceptable. The Chair shall maintain a sequential list of requests.
- b. The Chair shall recognize a citizen's (members of the public) opportunity to comment on items that are under consideration by the Board as part of the formal agenda. A citizen shall use the "Visitor's Sign-In Sheet" to indicate their desire to speak before the Board for a specific agenda item(s). Once recognized, the citizen shall begin by stating their name and address, and their affiliation to the subject matter at hand.

Section 9. Appearance of Citizens

- a. Citizens (members of the public) shall be permitted to address the Board of Building and Housing Code Appeals about matters that are not on the formal agenda. For the city record, the Board Secretary shall require citizens to use the "Visitor's Sign-In Sheet" to indicate their desire to speak before the board. Once recognized by the Board Chair, the citizen shall begin by stating his/her name and address, and the purpose for his/her appearance before the Board. Citizen comments shall be related to matters of Board and Code Enforcement Business. Comments shall not generally result in a formal response or action at the time of presentation because in most cases neither the Board nor city staff will be prepared to respond effectively; however, the Chair may answer questions or recognize other Board members or staff to do so.
- b. Statements that are purely political in nature or unrelated to Board business will not be allowed.

Section 10. The Building Code Official and the Secretary shall keep minutes of the proceedings of each meeting of the Board, showing the vote of each member upon each question, or if the absent or failing to vote, indicating such fact.

Section 11. All meetings and hearings of the Board shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting.

Section 12. Public Comment is generally limited to three (3) minutes per citizen. However, time limits shall ultimately be at the discretion of the Chair.

Section 13. Roberts Rules of Order shall govern with respect to all questions of a parliamentary nature.

ARTICLE IV. PROCEDURE FOR HEARING VARIATIONS AND MODIFICATIONS

Section 1. Appeals for the variations and modifications of the Housing Code may be taken to the Board by any person aggrieved or affected by any decision of the Building Plans Reviewer/Inspector. An appeal for variation or modification shall be made in writing within fifteen (15) days after the decision is rendered by the Division of Code Enforcement.

Section 2. The appellant shall file the request for the appeal or review on the appropriate City provided form which shall be obtained from the Division of Code Enforcement. The appellant shall perform all actions required by the form and provide all information requested on the form, together with any information and data that may be required to advise the Board with reference to the appeal, whether such information is called for by the official form or not.

Section 3. Upon receipt of an appeal, the Division of Code Enforcement shall transmit to the Board all papers constituting the record upon which the action is being taken together with a statement setting forth briefly the reasons for the action.

Section 4. Each appeal, when filed on the proper form with the required data, shall be numbered serially, and be placed upon the agenda of the Board by the Office of Code Enforcement to be set for a hearing. Appeals shall be assigned for hearing in the order in which they appear on the agenda, except that any appeal may be advanced for hearing by order of the Board upon reasons being shown which affect public health, safety or welfare.

Section 5. At the time of the hearing, the appellant may appear in his/her own behalf, or be represented by counsel or agent. The appellant shall be heard first. Thereafter, the Division of Code Enforcement shall be heard. Any private citizen also may be heard either for or against the proposal. The appellant shall be given an opportunity for rebuttal. Board members may question witnesses at any time on any subject deemed relevant to the appeal.

Section 6. The Board, on its own motion, may provide for the recording of testimony in a stenographic report. If the Board so provides, a copy of the report shall be made available to any person interested in the appeal, upon payment of a fee of \$1.00 per page. All requests for copies of such report shall be made to the Secretary no later than forty-eight (48) hours after the date on which the hearing was held.

Section 7. Whenever the Board imposes any condition with the respect to the granting of the appeal, such condition shall be set forth in the resolution stating the decision.

Section 8. All actions of the Board shall have the concurrence of at least four (4) members of the Board.

Section 9. The Board must render its decision without unreasonable or unnecessary delay.

Section 10. The final decision shall be a statement of findings, statement of modification asked for, reason for action reversing, affirming or modifying the action of the Division of Code Enforcement.

Section 11. A copy of the action taken by the board, certified and signed by the Board Chairman shall be forwarded to the appellant and the Division of Code Enforcement.

Section 12. The Board may, in appropriate cases, grant a reasonable extension of time. However, no extension of time shall be granted for more than eight (8) months from the date of the notice.

Section 13. Review, comment and/or make recommendations as needed on proposed code/ordinance changes that the Board is charged with the duty to interpret or render decisions on.

Section 14. The Board may adopt its own rules setting hearing procedures as needed. Any procedure that is in direct conflict with State law shall be deemed null and void.

ARTICLE V. HEARING OF CASES AND/OR APPEALS FROM BLIGHTED PROPERTY NOTICES OR ORDERS

Section 1. The Board also hears cases and/or appeals from notices or orders of the City Manager or his designee to repair, vacate, or demolish residential or commercial buildings deemed unsafe for occupancy or use pursuant to the Oak Ridge Property Maintenance Code.

Section 2. The Board may dismiss or modify the notice to the extent the Board determines the order was improper, and/or the Board may grant or deny additional time for compliance with the Property Maintenance Code, or grant or deny a waiver from certain specific requirements.

ARTICLE VI. REQUEST FOR HEARING OF HOUSING DISCRIMINATION COMPLAINTS

Section 1. Persons desiring a hearing on a housing discrimination complaint before the Board shall make a formal request in writing on a form provided by the office of Code Enforcement. Copies of the form are available at the office of Code Enforcement.

ARTICLE VII. FINAL DISPOSITION OF APPEALS

Section 1. The decision of the Board shall be final, except where the applicant appeals the order to a court having jurisdiction or makes a written request for a rehearing.

Section 2. When a request for a rehearing is granted by an affirmative vote of four (4) members of the Board, all interested parties and the applicant shall be notified of the date and time of the rehearing by the office of Code Enforcement.

Section 3. In the event of an Unfit for Human Occupation and Use, Vacate and/or Abatement case, the City shall first present the case with proofs and witnesses. If present, the Property Owner or responsible person(s) shall then respond. All witnesses are subject to direct questioning, cross-examinations and redirect. Board members may question witnesses at any time on any subject deemed relevant to the case.

ARTICLE VIII. RECORDS

Section 1. A file of all materials and decisions relating to each case shall be kept by the Division of Code Enforcement as part of the records of the Board.

Section 2. All records of the Board shall be public records.

ARTICLE IX. AMENDMENTS

Section 1. These Rules and Procedures may be amended on the affirmative vote of four (4) members at any regular meeting.

ADOPTION:

In accordance with the authority granted by Ordinance (O.R.P.M.C § 111.2(f)) of the City of Oak Ridge, Tennessee, the forgoing Rules and Procedures of the Board of Building and Housing Code Appeals was adopted on the 9th day of July, 2015.



City Attorney



Board Chairman

**RECREATION & PARKS MEMORANDUM
15-04**

**CITY CLERK MEMORANDUM
15-49**

DATE: July 30, 2015

TO: Mark S. Watson, City Manager

FROM: Jon Hetrick, Recreation & Parks Director
Diana R. Stanley, City Clerk

SUBJECT: INTERLOCAL AGREEMENT CREATING THE GREAT SMOKY MOUNTAINS
REGIONAL GREENWAY COUNCIL AND APPOINTING CITY OF OAK RIDGE
REPRESENTATIVES AS VOTING MEMBERS

Introduction

An item for City Council's consideration is a resolution to enter into an Interlocal Agreement with the Great Smoky Mountains Regional Greenway Council and to appoint Mr. Roger Macklin, Vice President of Greenways Oak Ridge, as the voting citizen representative and Mr. Jon Hetrick, Recreation and Parks Director, as the government representative for the City of Oak Ridge in accordance with said agreement.

Funding

The \$1,500 for the annual dues will come from the Recreation Supervision Budget.

Background

Recently, City staff received e-mails from Mayor Pro Tem Smith noting that the City of Oak Ridge had two (2) designated, voting positions on the Great Smoky Mountain Regional Greenway Council in accordance with an Interlocal Agreement. Currently, Jon Hetrick has been serving as the government representative and Roger Macklin has been informally serving as the citizen representative.

While researching the process to officially appoint Mr. Macklin as the voting, citizen representative to the Great Smoky Mountains Regional Greenway Council, no record was found of an executed Interlocal Agreement between the Greenway Council and the City of Oak Ridge. The City joined the organization in January 2014 in order to work with other regional municipalities and interested organizations for the purpose of developing a regional greenway system. One result of this collaboration has been the development, by the Greenway Council, of a Knox County to Oak Ridge Greenway Master Plan.

The attached resolution will formally confirm both appointments on the board with City Council's approval. Mr. Hetrick has been serving as the government representative since becoming the Recreation and Parks Director in 2014, and Mr. Macklin has also been serving informally on the board for years and would continue to be a great representative as the City moves forward with this collaboration.

Recommendation

Adoption of the attached resolution is recommended to allow the City's continued participation in the Great Smoky Mountains Regional Greenway Council, and to appoint Mr. Roger Macklin as the voting citizen representative and Mr. Jon Hetrick as the government representative for the City of Oak Ridge.

Attachment(s)

Knox County to Oak Ridge Greenway Conceptual Plan
Resolution
Interlocal Agreement Creating The Great Smoky Mountains Regional Greenway Council



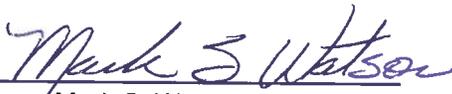
Jon Hetrick



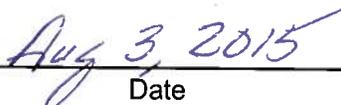
Diarra R. Stanley

City Manager's Comments:

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



Mark S. Watson



Date

Knox to Oak Ridge

Greenway Master Plan

—2015—

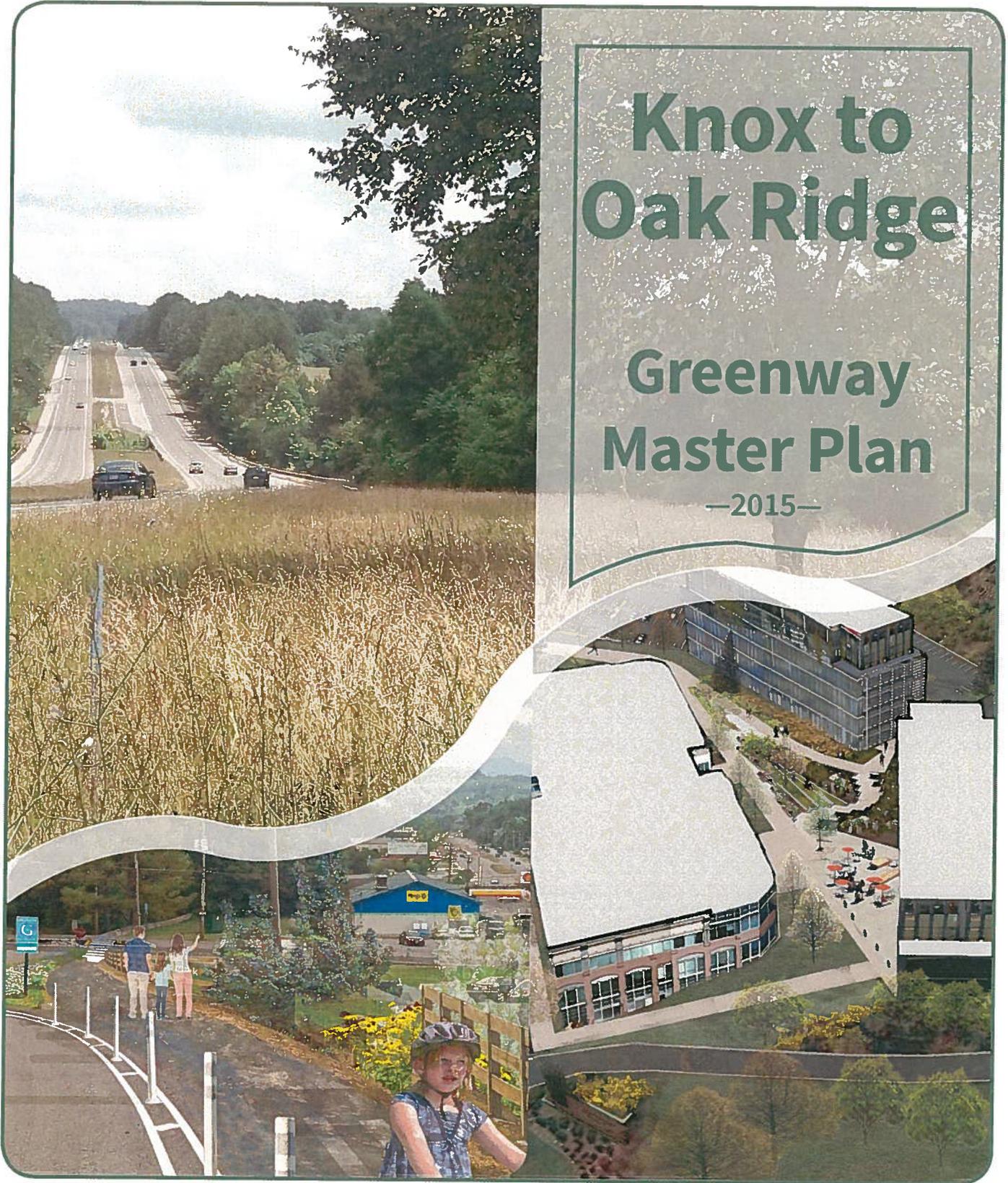


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Acknowledgments

Project Managers:

Ellen Zavisca—Knoxville Regional Transportation Planning Organization (Knoxville TPO)

Shauna Godlevsky—Knox County, Parks and Recreation

Technical Advisory Committee:

Kathryn Baldwin—City of Oak Ridge, Community Development

Jon Hetrick—City of Oak Ridge, Parks and Recreation

Diane Davidson—Oak Ridge National Labs, Sustainable Transportation

Cindy Pionke—Knox County, Planning and Development

Lori Goerlich—City of Knoxville, Parks and Greenways

Jon Livengood—City of Knoxville, Engineering

Jack Qualls—TDOT Region 1, Transportation Planning

Don Sullivan—Regional Greenways Council

Ben Pethel—TN Technology Corridor Development Authority

Consultant Team:



Executive Summary

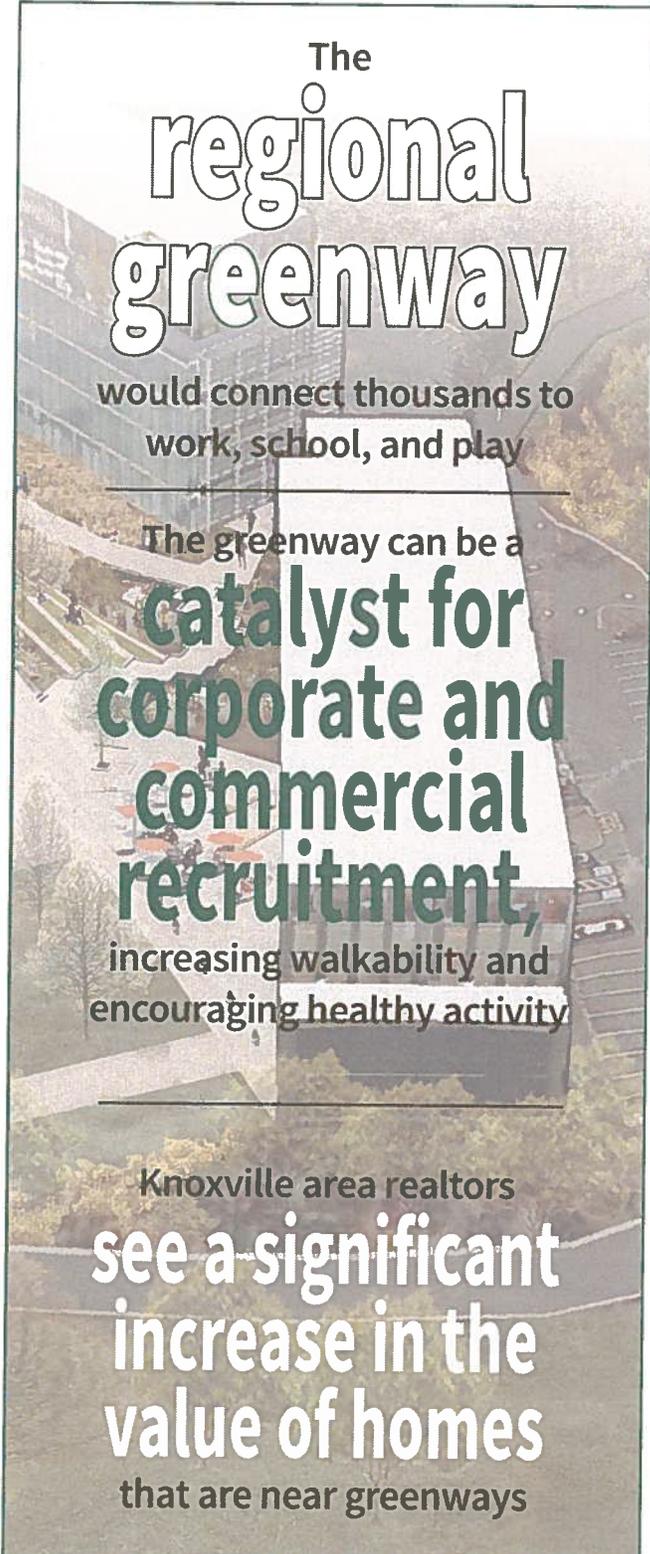
Executive Summary

The Vision

The vision of this plan is a recreation corridor of trails, plazas, employment centers, and natural areas that connect the Knoxville, Knox County, and Oak Ridge communities. The trails will help to recruit and connect corporate campuses, will serve schools, businesses, and places of worship, and will connect thousands of residents to recreation and transportation. The greenway trail can be a catalyst for corporate and commercial recruitment, increase walkability and decrease dependency on the car, and improve the health of thousands of individuals. This greenway can help conserve the natural gems it connects such as Beaver Creek, the Clinch River, Sinking Creek, and Ten Mile Creek. It can be a linear park transitioning to the innovative design of business and school plazas, pocket parks, and other public spaces. This greenway can recruit business as part of the Tennessee Technology Corridor, serving as a draw to major employers. This greenway can also serve schoolchildren and work commuters, allowing them to get from home to office and school without having to step foot in a car.

Challenges

There will be challenges to implementing this greenway trail. Public feedback has emphasized a desire for the greenway not to be placed adjacent to busy roads. This will require access through private lands. Fortunately, the corridor is lined by larger parcels and businesses whose owners may come to share this vision for a regional greenway. Other challenges include the significant barrier of the Solway Bridge/ Melton Hill Lake crossing, steep ridges, interplay with natural conditions like wetlands, and sinkhole-ridden areas, and the roughly \$8 million it may take to complete the 13-mile trail corridor.



The
**regional
greenway**
would connect thousands to
work, school, and play

The greenway can be a
**catalyst for
corporate and
commercial
recruitment,**
increasing walkability and
encouraging healthy activity

Knoxville area realtors
**see a significant
increase in the
value of homes**
that are near greenways

The Benefits

The Knox to Oak Ridge regional greenway has the potential to attract quality development, including single-family residential, apartments, and office campuses. Surveys by the National Association of Realtors and the National Association of Home Builders have shown that trails rank as one of the top desired amenities among home buyers. Employers frequently choose locations where their employees have the option to walk or bike to work. Access to recreation and outdoor space is proven to aid in employee efficiency and retention. Local examples make evident the impact greenways can have on corporate relocations. The corporate headquarters of Ruby Tuesday and the high-tech firm ProNova Solutions both relocated near the Maryville-Alcoa Greenway, citing the greenway as a factor. Nationally, communities are investing more money to build greenways as means for recreation, natural resource protection, and as transportation for people of all physical abilities.

The Proposed Greenway

This plan illustrates existing conditions, opportunities and challenges, and proposed greenway design solutions. Both a preferred and alternative route have been identified. If a roadblock makes one section of the corridor infeasible, portions of the alternative route may come into play. The preferred corridor design proposes connections, trailhead locations, pedestrian/bicycle improvements at road crossings, interpretive areas, and road/waterway crossing improvements. As the corridor is designed in more detail, it is key to the greenway's character to ensure that the greenway is not an extraneous feature bordering developments, but a key and iconic feature of them. Further design can designate additional pocket parks as residential developments come in. As it is designed, elements of the greenway should reinforce a sense of place.

Partnerships Are Crucial

This greenway's success depends on strong partnerships with government, non-profit, and business organizations. The Tennessee Department of Transportation and the Tennessee Valley Authority are crucial early stakeholders to engage. Local businesses, health-care providers, and churches all have the potential to garner political support for this project as well as potentially provide right-of-way for the greenway. Much of the "heaviest lifting" may not be in the design portion of future phases but in garnering a critical mass of supporters to move this vision forward.

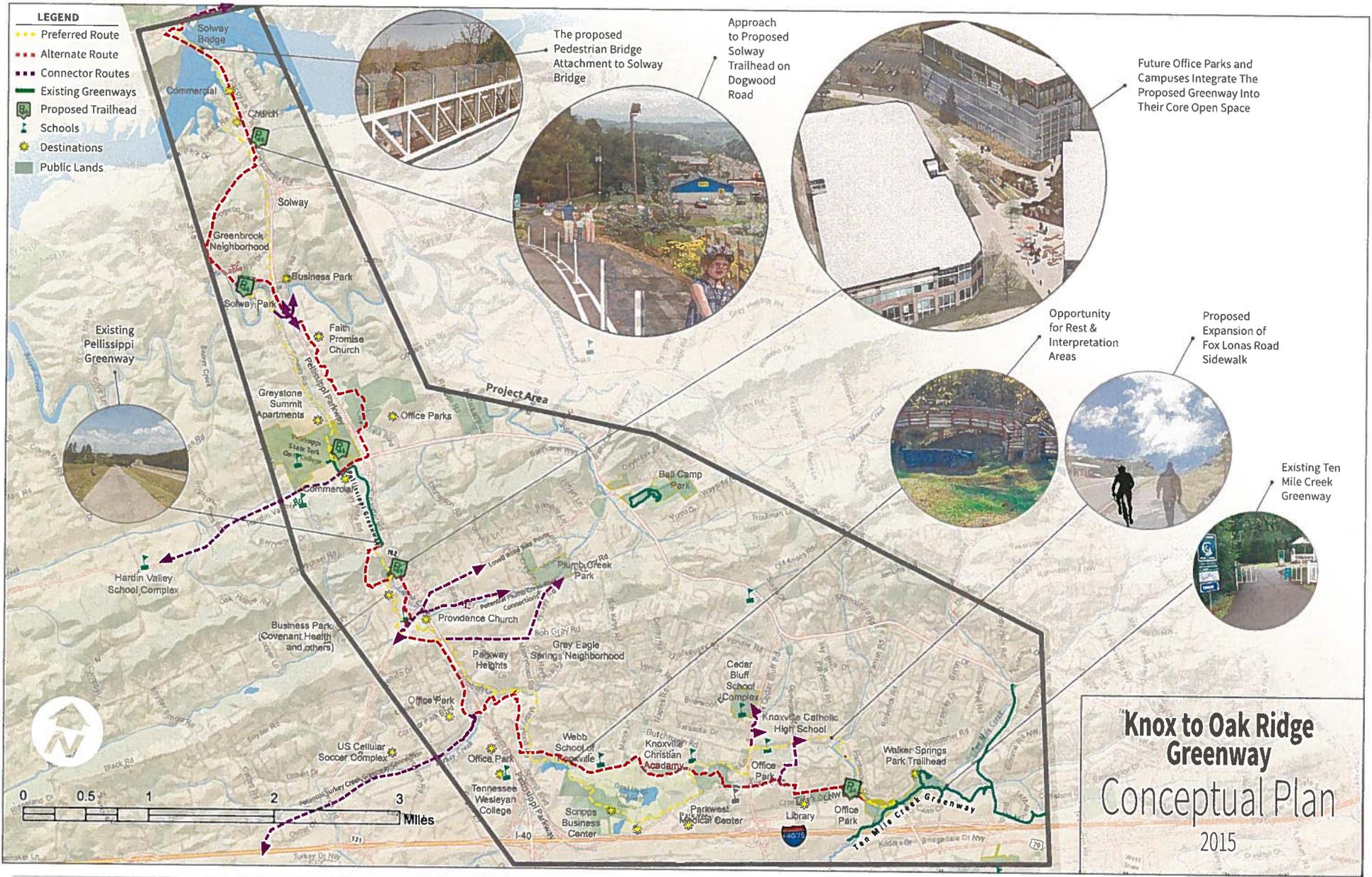
The greenway would
connect

7 schools,
many major
employers,
4 parks, and
3 existing
greenways

The greenway will

protect
environmentally
sensitive areas
and help control
flooding issues

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Section III: Corridor Design

**INTERLOCAL AGREEMENT CREATING THE
GREAT SMOKY MOUNTAINS REGIONAL GREENWAY COUNCIL**

This agreement, made and entered into this _____ day of _____ 2015, by and between the attached government and organization members and as added or deleted as approved by the Council.

WITNESSETH:

WHEREAS, the parties have entered into an Interlocal Agreement creating the Great Smoky Mountains Regional Greenway Council, and

WHEREAS, TCA 12-9-101, et.seq. permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities, and

WHEREAS, the designated cities and counties in east Tennessee and federal, state, regional and community organizations have joined together in an effort to create a regional system of greenways and blueways.

NOW, THEREFORE, in consideration of the mutual promises, covenants and benefits to accrue from conduct of a comprehensive regional planning process, the parties hereto (“Members”) hereby covenant and agree as follows:

1. Establishment of Great Smoky Mountains Regional Greenway Council. There is hereby established a multi-jurisdictional arrangement, herein referred to as the “Great Smoky Mountains Regional Greenway Council,” among the Members.
2. Purpose. The purpose of the Great Smoky Mountains Regional Greenway Council is to develop a protected system of natural corridors and land and water trails which will

link citizens with each other and with the natural and historic resources of the Smoky Mountains Region.

3. Duties and Responsibilities. The duties and responsibilities of the Great Smoky Mountains Regional Greenway Council are as follows:
 - (a) Development and implementation of a Great Smoky Mountains Regional Greenway Plan.
 - (b) Development of a system of greenways throughout the region that would:
 - Create a positive regional image
 - Enhance tourism
 - Increase outdoor recreation opportunities
 - Provide transportation alternatives
 - Enhance quality of life in the region
 - Protect natural corridors
 - Create new outdoor education opportunities
 - (c) Establishment of a public relations/marketing information program to publicize and gain support for regional greenways.
 - (d) Establishment of a network to promote, support, and communicate information and ideas about greenway development through regular scheduled meetings, events, and other forms of communication.
4. Voting Membership. Each dues-paying government entity may assign one citizen and one government representative as voting members. The Council shall have the flexibility to adjust dues to promote participation by all interested entities.
5. Officers. The Council Members shall elect from among themselves a chairperson, and vice-chairperson, a secretary and a treasurer for a term not to exceed two (2) years. The Council may also elect such other officers and committee chairpersons as it deems necessary and appropriate.
6. Ex-Officio. There will be a variety of technical and citizen advisors that assist the Council. Ex-officio members shall be selected by the Council.

7. Funding. The Council shall develop a structure and payment schedule for its members.
8. Additional Members. Additional Members may be added by an addendum hereto executed by the parties hereto and such additional Members.
9. Staff. The Council shall have the authority to hire part-time or full-time staff as it deems necessary.
10. Contracts. The Council shall have the authority to contract for necessary services in furtherance of its mission.
11. Grants. The Council shall have the authority to apply for, accept and administer grants.
12. Terms of Agreement. This Agreement shall remain in force and effect for a period of ten (10) years provided, however, that any Member may, upon three (3) months written notice to all the other parties, withdraw from the Council and terminate all of its obligations set forth here in which had not already been incurred prior to the sending of such notice.

**GREAT SMOKY MOUNTAIN REGIONAL GREENWAY COUNCIL
ANNUAL DUES—revised February 2009**

In an effort to make dues as fair and equitable as possible, the annual dues are based on the governments' park budget. This was conceived by recognizing that often population categories are not a good indicator of the services offered by a government agency and therefore does not indicate the ability to pay annual dues. Each year the full Council approves annual dues.

Annual dues for any governmental entity within the East Tennessee region that does not have a park budget but that wishes to be a voting member of the Council shall be equal to the dues for a local government with a Parks and Recreation Department annual operating budget of \$249,000 or less.

Any local government that contributes to the required local match for a regional greenway planning grant, if the grant has been sought with the cooperation and approval of the Council, may have its annual dues for the calendar year in which the local match was paid reduced by the amount of the contribution toward the local match.

Revenue generated from annual dues is utilized to accomplish common projects approved by the Council to promote greenways throughout the region.

Parks and Recreation Department

Annual Operating Budget

GSMRGC Annual Dues

\$2 million or above	\$1,500
\$1,000,000-\$1,999,999	\$1,000
\$500,000-\$999,999	\$500
\$250,000-\$499,999	\$300
\$0-\$249,999	\$200

City/County: _____

Annual Dues: \$ _____

Please fill in this form and return with a check in the appropriate amount payable to:

Great Smoky Mountains Regional Greenway Council

c/o Rebekah Jane Montgomery, Chair

Knox County Parks and Recreation

2447 Sutherland Ave.

Knoxville, TN 37919

IN WITNESS WHEREOF, the parties have officially adopted and cause this Agreement to be executed and their signatures to be affixed by their respective chief officials as of the day, month and year first above written.

[CITY OR COUNTY NAME], TENNESSEE

BY ITS MAYOR

Mayor

Printed name

Date

RESOLUTION

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT FOR THE CITY OF OAK RIDGE TO BECOME A MEMBER OF THE GREAT SMOKY MOUNTAINS REGIONAL GREENWAY COUNCIL, AND APPOINTING JON HETRICK AS THE CITY'S GOVERNMENT REPRESENTATION AND ROGER MACKLIN AS THE CITY'S CITIZEN REPRESENTATIVE ON THE GREENWAY COUNCIL.

WHEREAS, the Great Smoky Mountains Regional Greenway Council works with regional municipalities and interested organizations for the purpose of developing a regional greenway system; and

WHEREAS, the City is authorized by the Interlocal Cooperation Act (Tennessee Code Annotated §12-9-101 et seq.) to enter into an agreement to become a member of the Great Smoky Mountains Regional Greenway Council; and

WHEREAS, as a member, the City has a governmental representative and a citizen representative; and

WHEREAS, the City desires to appoint Jon Hetrick as the governmental representative and Roger Macklin as the citizen representative; and

WHEREAS, the City Manager recommends approval of the Interlocal Agreement and the appointments of Jon Hetrick and Roger Macklin.

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

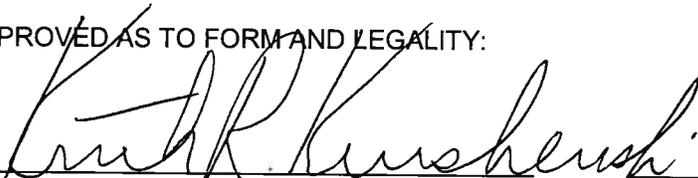
That the recommendation of the City Manager is approved and the City is hereby authorized to enter an Interlocal Agreement creating the Great Smoky Mountains Regional Greenway Council.

BE IT FURTHER RESOLVED that the City's Greenway Council government representative is Jon Hetrick and the City's citizen representative is Roger Macklin.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

RESOLUTIONS

FINANCE DEPARTMENT MEMORANDUM
15-15

DATE: July 27, 2015
TO: Mark S. Watson, City Manager
THROUGH: Janice E. McGinnis, Finance Director 
FROM: Lyn Majeski, Accounting Division Manager

SUBJECT: ANNUAL ORDER – TEMPORARY EMPLOYMENT SERVICES

Introduction

An item for City Council's consideration is a resolution authorizing the utilization of temporary employees in an amount not to exceed \$150,000.

Background/Analysis/Review/Consideration

Over the last twenty years, the City has utilized temporary employees in clerical, technical and field crew positions. Temporary employees are used to perform duties in place of sick or injured employees, vacancies, seasonal duties and special projects. A Request for Proposal (RFP) was issued by the Finance Department with five (5) companies submitting proposals for review and evaluation.

Of the six proposals received, only one (1) met the requirements, (i.e., CDL drivers) for the supply of general labor temporary workers. Staff recommends utilizing the services of Alternate Staffing, Inc., Knoxville, TN.

All five proposals received for the supply of clerical/office temporary workers met the identified requirements. Department personnel can request specific certifications, resumes, and cost information from the Accounting Division Manager and review them prior to hiring a temporary employee. Staff recommends utilizing the services of Alternate Staffing, Inc., Knoxville, TN; Staffing Solutions, Oak Ridge, TN; Temp Systems, Inc., Knoxville, TN; Robert Half International (Accountemps and Office Team), Knoxville, TN; and Express Employment Professionals, Knoxville, TN.

The above firms will generally meet the requirements of the City, however, other firms may be considered for hiring temporary workers when a specific or more technical skill set is needed.

From year to year the amount needed for temporary labor will vary depending on the needs of the city. If a department has a vacancy the funding for a temporary employee comes from the salary line. If a department has a project that is being funded and there is a need for a temporary employee(s) on the project the funding is covered in the cost of the project. If a temporary employee is needed for a City employee that is on extended leave then the cost of that temporary employee comes from the budget for that department. Each department monitors their budget and makes adjustment(s) in spending as needed.

Below is a table of the amounts for temporary services for the previous three fiscal years.

	FY2013	FY2014	FY2015
Public Works	\$ 160,000.00	\$ 78,000.00	\$ 94,143.00
All other departments	\$ 5,000.00	\$ 28,000.00	\$ 44,058.00
TOTAL	\$ 165,000.00	\$ 106,000.00	\$ 138,201.00

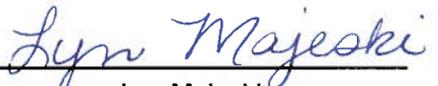
Finance Department Memorandum 15-15
Page 2 of 2

Based on historical data over the last three years, staff recommends the same amount as last year for temporary services.

The Public Works Department has more semi-skilled workers than any other department, so this department utilizes temporary workers more than other departments. The Public Works Department uses temporary workers to fill vacancies related to turnover, seasonal projects and building maintenance projects. By utilizing temporary workers, the Public Works Department is able to complete required work tasks without hiring permanent staff that would then have to be laid off during the winter months. Over the years, employees that began as temporary workers have been hired and promoted within the Public Works Department as vacancies arise. Reference the attached Public Works Memorandum 15-22 for further explanation.

Recommendation

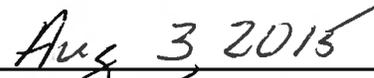
Staff recommends approval of the attached resolution as submitted.


Lyn Majeski

City Manager's Comments:

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


Mark S. Watson


Date

PUBLIC WORKS DEPARTMENT MEMORANDUM
15-22

DATE: July 24, 2015

TO: Janice E. McGinnis, Finance Director

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

FROM: Susan Fallon, Administrative Manager

SUBJECT: FY16 REQUEST FOR SEMI-SKILLED TEMPORARY WORKER PROGRAM

History

The Public Works Department employs semi-skilled laborers in the classification of Maintenance Workers. This classification currently has a starting pay of \$12.30 per hour. These workers are required to perform their work duties outside in all types of weather while performing labor intensive work.

During the mid-1990s, the Public Works Department had extreme difficulty in retaining employees in the Maintenance Worker classification. Staff learned that the best candidate in the interview may not be the best candidate for the work. To relieve this dilemma, the Operations Supervisor began employing temp workers for this entry level position, which provided an onsite and long-term interview. For permanent City employment, the temp workers are required to compete with other City employees and/or the general public.

During the last twenty years, two of the early temp workers have advanced and are now Crew Chiefs for the Public Works Department with another being an Electric Line Technician for the Electric Department. The Public Works Department currently has sixteen employees that began in the temp worker program, which represents approximately 22% of the work crews.

Historically, the temp worker program has been utilized for vacant positions, long-term injuries, special projects (such as moving all the furniture, equipment and warehouse items to the Central Services Complex in 1996) and to supplement the work crews. Temp workers were utilized extensively to complete the inspection work required by the EPA Administrative Order. During the past two years, the use of temp workers has been primarily to supplement the asphalt and concrete crews, as well as a general helper shared by the three building specialists.

During FY15, four (4) temp workers were used year round for a cost of \$94,143 or \$23,536 per worker. To permanently hire these four positions would cost approximately \$150,000 in salary and benefits. If staff is required to eliminate the temp worker program, residents would be impacted with delays in repairing streets and sidewalks; employees would be impacted with delays in building maintenance projects.

Funding

Funding for the temp worker program is available in multiple activities in the FY16 budget, such as all the buildings, 15100 and 15200. The temp workers are listed on the daily labor distribution form with their time allocated to the job they performed along with the City employees, both using the City's work order system. The Public Works Department requests \$100,000 for the temp worker program for FY16.

Conclusion

The temp worker program has proven to be an efficient method of finding potential employees for the entry level position of Maintenance Worker in the Public Works Department as well as provide the needed manpower for labor intensive projects. Staff recommends continuing the temp worker program during FY16 and that the requested funding be allocated for the program.


Susan Fallon

RESOLUTION

A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC.; EXPRESS EMPLOYMENT PROFESSIONALS; ROBERT HALF INTERNATIONAL (ACCOMTEMPS AND OFFICE TEAM); STAFFING SOLUTIONS; TEMP SYSTEMS, INC.; AND QUALIFIED TECHNICAL FIRMS FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR FISCAL YEAR 2016 IN AN AMOUNT NOT TO EXCEED \$150,000.00.

WHEREAS, the City issued a Request for Proposals (RFP) for as needed temporary employment services for clerical/office and general labor positions during Fiscal Year 2016; and

WHEREAS, five (5) proposals were received from Alternate Staffing, Inc.; Express Employment Professionals; Robert Half International (Accountemps and Office Team); Staffing Solutions; and Temp Systems, Inc.; and

WHEREAS, one (1) of the five (5) proposals (Alternate Staffing, Inc.) was responsive to the RFP for general labor temporary workers and all five (5) proposals were responsive to the RFP for clerical/office temporary workers; and

WHEREAS, the City Manager recommends awards be made to the five (5) responsive companies for as needed temporary employment services, and to allow awards to qualified firms when more technical skill sets are needed for temporary workers.

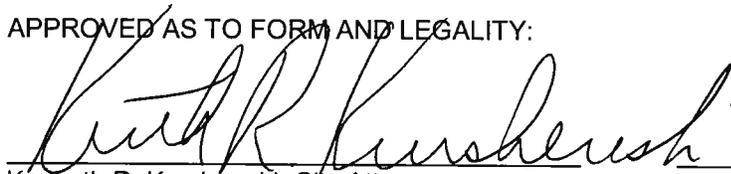
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendations of the City Manager are approved and awards are hereby made to Alternate Staffing, Inc., Knoxville, for furnishing as needed general labor temporary workers; to Alternate Staffing, Inc., Express Employment Professionals; Robert Half International (Accountemps and Office Team), Staffing Solutions, and Temp Systems, Inc., for furnishing as needed clerical/office temporary workers; and to qualified firms for furnishing as needed temporary workers when more technical skill sets are needed; said services for Fiscal Year 2016 and in an amount not to exceed \$150,000.00.

BE IT FURTHER RESOLVED that, since the employment of temporary workers is sometimes needed on an urgent rather than pre-planned basis, the City Manager is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

**PUBLIC WORKS DEPARTMENT MEMORANDUM
15-21**

DATE: July 20, 2015
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Public Works Director
SUBJECT: ANNUAL ORDER – TREATMENT PLANT CHEMICALS

Introduction

An item for City Council's consideration is a recommendation for the authority to expend funds for the provision of chemicals to be utilized at the Water and Wastewater Treatment Plants for the Public Works Department in the estimated amount of \$300,000.

Funding

Funding is available in the waterworks fund FY16 budget. The recommended amount is the same as approved by City Council for FY15.

Background

Most treatment chemicals in waterworks are process and plant specific. Prior to purchasing, the chemicals have been pretested in our plants and found to perform satisfactorily. Any major change of chemicals used requires bench, lab, and field testing to ensure proper performance and compatibility prior to making any full scale changes in chemical or vendor. A variety of chemicals are utilized and are dependent upon specific circumstances, such as raw water conditions, e.g., clear versus muddy. Prompt delivery after order is critical and the current vendors continue to meet that criterion. The chemicals are ordered on an as needed basis. The price of the chemicals can fluctuate depending on cost and availability of the products used to make the chemicals.

Establishing long-term working relationships with a variety of vendors allows plant staff to learn about the required chemicals and conduct the bench and lab testing as needed. Vendor sales representatives are welcome at the plants to provide information to staff concerning the chemicals required.

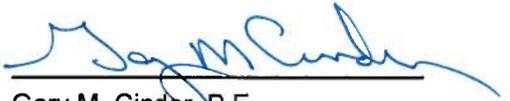
To allow for efficient tracking of each order and receipt quantities, these chemicals are warehouse stock. They include various chemicals which are used on a routine basis by the treatment plants. The recommended resolution is limited to the chemicals that annually exceed the City Manager's purchasing authority. These chemicals include Chlorine, Hydrofluosilicic Acid, Polymer and Phosphate, and are purchased from suppliers such as The Dycho Co., USALCO and Nalco Company.

Chemical	FY2013	FY2014	FY2015	3 Year Average
Polymer	\$103,706	\$126,626	\$131,678	\$120,670
Chlorine	\$ 33,864	\$ 29,500	\$ 32,450	\$ 31,938
Hydrofluosilicic Acid	\$ 31,439	\$ 29,833	\$ 30,701	\$ 30,658
Phosphate	\$ 42,240	\$ 42,240	\$ 42,240	\$ 42,240
3 Year Total	\$211,249	\$228,199	\$237,069	\$225,506

The public depends on the City of Oak Ridge for the provision of drinking water. An allowance is included in the recommended amount to provide the authority to purchase the chemicals required so that staff can produce drinking water at all times and under widely varying conditions. The recommended purchase amount is an estimate. Any unspent funds will remain in the waterworks budget.

Recommendation

Staff recommends approval of the attached resolution as submitted. As the recommendation is a waiver of soliciting sealed bids due to the chemicals being plant specific and the requirement of testing prior to purchase. Council is reminded that a unanimous vote is required for approval.



Gary M. Cinder, P.E.

City Manager's Comments:

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

Mark S. Watson

Date

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO THE BEST PROVIDERS FOR FURNISHING CHEMICALS FOR THE WATER AND WASTEWATER TREATMENT PLANTS FOR FISCAL YEAR 2016 IN THE ESTIMATED AMOUNT OF \$300,000.00.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2016 (July 1, 2015 through June 30, 2016) that do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, the City has long-term relationships with various vendors for supplying chemicals for the Water and Wastewater Treatment Plants including polymer, chlorine, hydrofluosilic acid, and phosphate; and

WHEREAS, prior to utilizing chemicals in the plants, the chemicals must be pretested to perform satisfactorily in the plants and any major change in chemicals would require bench, lab, and field testing to ensure proper performance; and

WHEREAS, the City Manager recommends that competitive bids be waived and awards be made to the best providers for chemicals for the Water and Wastewater Plants.

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

That the recommendation of the City Manager that competitive bids be waived is approved and awards are hereby made to The Dycho Co., USALCO, Nalco Company, and other qualified providers for the furnishing of chemicals for the Water and Wastewater Plants for FY2016 (July 1, 2015 through June 30, 2016), in the estimated amount of \$300,000.00.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

PERSONNEL DEPARTMENT MEMORANDUM
15-103

DATE: July 29, 2015
TO: Mark S. Watson, City Manager
FROM: Penelope H. Sissom, Personnel Director
SUBJECT: PROPERTY, LIABILITY AND WORKERS' COMPENSATION INSURANCE

Introduction

An item for the agenda is a resolution waiving competitive bids and making an award to Tennessee Municipal League Risk Management Pool for property, liability, and workers' compensation insurance for Fiscal Year 2016 in the estimated amount of \$1,305,000.00.

Funding

Funds are available in the FY2016 budget.

Background

The City has been insured by the Tennessee Municipal League Risk Management Pool for several years for property, liability and workers' compensation insurance and has been satisfied with the relationship and their service. In addition to having established contacts, since all three of these elements are with the Pool, we receive over \$26,000.00 per year savings as well as a \$5,000.00 per year full package discount because the City is a member of TML. We participate in the Pool's Matching Safety Grant Program that allowed us to provide a "Critical Collision and Prevention Technique" defensive driving course for approximately 200 employees and will allow us to conduct baseline Hepatitis testing for all Public Safety personnel.

In addition to providing our basic insurance the Pool also provides case management for workers' compensation claims, investigative services on all types of claims as requested, free property appraisal of City facilities, consultative engineering services and legal staff for workers' compensation and Federal lawsuits.

As City Council is aware from periodic memoranda from City Attorney Krushenski, the City is involved in several litigation cases in which the Pool is providing legal assistance. We also have some current workers' compensation cases and several long standing injuries that have been settled with open medical. In both the litigation cases and the on-the-job injuries, a monetary relationship would have to continue with the Pool and consistency is paramount to successful litigation.

While the City could go out for bids for property, liability and workers' compensation insurance, there are few companies that provide comprehensive municipal insurance coverage. Historically, we have also found that companies will bid a low amount to get the business; and then come up with significant increases in subsequent years.

The estimated cost for continuing the property, liability and workers' compensation insurance for FY 2016 is \$1,305,000.00 up from the \$1,242,000.00 estimated for FY2015. This increase is due in part for coverage for new equipment purchases primarily in the Fire and Police Department as well as a substantial claim due to a lightning strike of the Public Safety Mobile Tower. Hopefully, the FY2016 amount will be adjusted to a lower amount when all claims for FY 2015 are finalized.

Recommendation

Approval of the attached resolution is recommended. As a reminder, the resolution waives competitive bidding which will require unanimous consent. If you need additional information, please let me know.



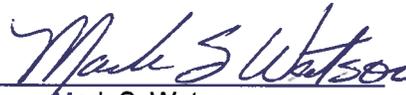
Penelope H. Sissom

cc: Janice E. McGinnis, Finance Director

Attachment: Resolution

City Manager's Comments:

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



Mark S. Watson 8/3/15
Date

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT POOL FOR PROPERTY, LIABILITY, AND WORKERS' COMPENSATION INSURANCE FOR FISCAL YEAR 2016 IN THE ESTIMATED AMOUNT OF \$1,305,000.00.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2016 (July 1, 2015 through June 30, 2016) that do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, the Tennessee Municipal League Risk Management Pool (TML) has been the City's provider for property, liability, and workers' compensation insurance for several years; and

WHEREAS, the City receives a discount on these services by using TML for all three types of insurance and receives an additional discount as a TML member city; and

WHEREAS, TML provides satisfactory service to the City for these services, as well as provides case management services for workers' compensation claims, investigative services as requested for various types of claims, free property appraisal services for City facilities, consultative engineering services, and legal services for worker's compensation and certain lawsuits; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to TML for property, liability, and workers' compensation insurance.

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

That the recommendation of the City Manager that competitive bids be waived is approved and award is hereby made to Tennessee Municipal League Risk Management Pool for property, liability, and workers' compensation insurance for FY2016 (July 1, 2015 through June 30, 2016), in the estimated amount of \$ \$1,305,000.00.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM

15-21

DATE: July 27, 2015
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: AWARD OF CONTRACT FOR SPEEDNET RADIO STUDY

Introduction

An item for City Council's consideration is a resolution approving an agreement with S&C ELECTRIC COMPANY, Chicago, Illinois to perform a Radio Study for the Oak Ridge Electric Department in the amount of \$56,050.00

Funding

Funding for this purchase is through the Electric Fund.

Background/Analysis/Review/Consideration

Staff in the Electric Department has been moving toward installation of a SCADA system. Such a system, when installed, will provide several advantages to the end customer, including operational advantages, such as faster location of faults and better switching operations to restore power. There will also be financial advantages to the system from "peak shaving" as well as the opportunity for load control.

The design of the SCADA system is in its earliest stages, with work being conducted on a resource available basis. That said, several important aspects of the project are underway, including the recently approved substation battery replacement and the fiber optic system, a part of which will serve as the communication backbone.

The communication route between the fiber at the substations and equipment in the field (termed "downline devices") is now being examined. The most likely economical solution for this link will be use of a 900 MHz radio system.

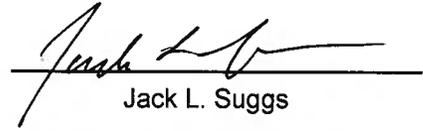
The purpose of the proposed study is to examine the viability of using a 900 MHz radio system to communicate with both current and future downline devices. Such would include a variety of sensors, controls and breakers, ranging from voltage sensors to reclosing breakers to capacitor banks. The final report will state which sites are viable, which require repeaters and which are not viable for radio communications. It will therefore be used in determining areas where extension of the fiber system may be a better alternative than radio control for downline devices.

S&C Electric Company is a leading engineering and equipment company in the electric industry. The study will be focused toward the deployment of their specific equipment, much of which the City already owns. For example their "Speednet Radio" is becoming an industry standard, and Oak Ridge currently operates eleven of the devices.

When looking for consulting options in this important area, staff believed that S&C had the most real world experience and capabilities to perform the study in a both effective and economical manner.

Recommendation

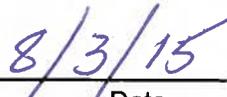
Staff recommends approval of the resolution approving the agreement.


Jack L. Suggs

City Manager's Comments:

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


Mark S. Watson


Date

RESOLUTION

A RESOLUTION APPROVING A CONTRACT WITH S&C ELECTRIC COMPANY, CHICAGO, ILLINOIS, TO CONDUCT A RADIO STUDY FOR THE ELECTRIC DEPARTMENT IN THE AMOUNT OF \$56,050.00.

WHEREAS, the Electric Department is working toward installation of a supervisory control and data acquisition (SCADA) system which will provide several advantages to the end customer; and

WHEREAS, toward this effort, the City desires to conduct a radio study to determine the viability of using a 900 MHz radio system to communicate with both current and future downline devices, which is the communication route between the fiber at the substations and equipment in the field; and

WHEREAS, S&C Electric Company is the leading engineering and equipment company in the electric industry and can perform the desired study in both an effective and economical manner; and

WHEREAS, the City Manager recommends approval of a contract with S&C Electric Company for the radio study.

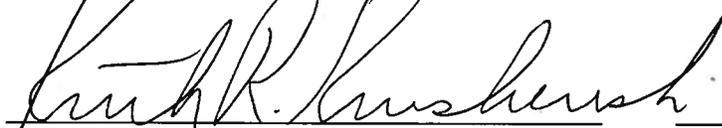
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into a contract with S&C Electric Company, Chicago, Illinois, for performance of a radio study to determine the viability of using a 900 MHz radio system to communicate with both current and future downline devices, in the amount of \$56,050.00.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

DEPARTMENT OF COMMUNITY DEVELOPMENT MEMORANDUM

15-31

DATE: July 21, 2015
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director 
FROM: Matthew Widner, Housing Specialist 
SUBJECT: **AWARDING A CONTRACT TO FIRST PLACE FINISH, INC. FOR ABATEMENT, ORFD TRAINING BURN, AND FINAL DEMOLITION OF ONE CITY-OWNED RESIDENTIAL STRUCTURE (105 WADDELL PLACE)**

Introduction

An item for the agenda is a resolution awarding a contract to First Place Finish, Inc., Oak Ridge, Tennessee for abatement, ORFD training burn, and demolition of one City-owned residential structure located at 105 Waddell Place in the estimated amount of \$29,000.00.

Funding

Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) funding will be utilized for this project.

Background/Analysis/Review/Consideration

105 Waddell Place was previously owned by Rex R. Gass and was purchased by the City of Oak Ridge on December 30, 2014 through the CDBG Voluntary Acquisition Program. The Board of Building and Housing Code Appeals declared this dwelling Unfit for Human Occupation and Use (Case#14-03) and ordered the house to be demolished. After the property was purchased by the City, this residential structure has been used for training by both the City of Oak Ridge Police and Fire Department. When abatement activities have been completed, the Oak Ridge Fire Department will continue their training by conducting live fire drills and a complete burning of the structure. The demolition contractor will perform the final demolition and clean-up once all training is complete. There have been two previous successful training events such as this performed by the Oak Ridge Fire Department and First Place Finish, Inc.

An invitation to bid was issued, and bids were received on July 1, 2015 with First Place Finish, Inc. submitting the sole bid (\$29,000.00). It is imperative that this unsafe nuisance residential structure be demolished as soon as possible to protect the health and welfare of the public. First Place Finish, Inc. has successfully performed prior demolitions for the City as the lowest responsible bidder.

Recommendation

Approval of the attached resolution is recommended.

Attachment(s)

Resolution authorizing contract to be awarded to First Place Finish, Inc.

Matthew Widner
Matthew Widner

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

8/3/15

Date

105 Waddell Place



RESOLUTION

A RESOLUTION AWARDING A CONTRACT (FY2016-018) TO FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR THE ABATEMENT AND DEMOLITION OF 105 WADDELL PLACE, A CITY-OWNED RESIDENTIAL STRUCTURE, IN AN AMOUNT NOT TO EXCEED \$29,000.00.

WHEREAS, the City issued an invitation to bid for the abatement and demolition of the residential structure located at 105 Waddell Place, now City-owned, which was found unfit for human occupation or use by the Board of Building and Housing Code Appeals; and

WHEREAS, bids were received and publicly opened on July 1, 2015, with First Place Finish, Inc., submitting the sole bid, which bid the City Manager recommends be accepted.

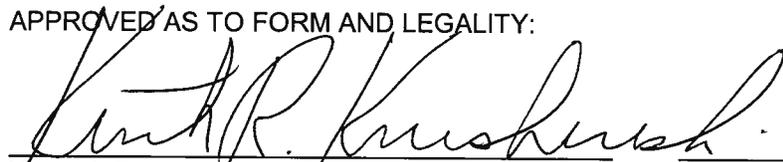
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to First Place Finish, Inc., 1020 Commerce Park Drive Suite G, Oak Ridge, Tennessee 37830, for the furnishing of all labor, tools, materials, equipment and supplies necessary to demolish the City-owned residential structure located on 105 Waddell Place; said award in strict accordance with FY2016-018, the required specifications, and the bid as publicly opened on July 1, 2015, and an amount not to exceed \$29,000.00.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

DEPARTMENT OF COMMUNITY DEVELOPMENT MEMORANDUM

15-30

DATE: July 21, 2015
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director 
FROM: Matthew Widner, Housing Specialist 
SUBJECT: **AWARDING A CONTRACT TO FIRST PLACE FINISH, INC. FOR (RACM)
DEMOLITION OF TWO CITY-OWNED RESIDENTIAL STRUCTURES (103 BENNETT
LANE AND 106 PEMBROKE ROAD)**

Introduction

An item for the agenda is a resolution awarding a contract to First Place Finish, Inc., Oak Ridge, Tennessee for demolition of two City-owned residential structures located at 103 Bennett Lane and 106 Pembroke Road in the estimated amount of \$33,477.00.

Funding

Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) funding will be utilized for this project.

Background/Analysis/Review/Consideration

103 Bennett Lane was previously owned by Gregory Scott Ward and was purchased by the City of Oak Ridge on February 24, 2015 through the CDBG Voluntary Acquisition Program. The Board of Building and Housing Code Appeals declared this dwelling Unfit for Human Occupation and Use (Case#14-12) and ordered the house to be demolished. Due to the unsafe condition of this structure, environmental testing and abatement is not possible. Demolition must be accomplished with the assumption that Regulated Asbestos Containing Material (RACM) is present.

106 Pembroke Rd was previously owned by Richard McGill and was purchased by the City of Oak Ridge on April 9, 2015 through the CDBG Voluntary Acquisition Program as well. The Board of Building and Housing Code Appeals declared this dwelling Unfit for Human Occupation and Use (Case#14-09) and ordered the house to be demolished. Due to the unsafe condition of this structure, environmental testing and abatement is not possible. Demolition must be accomplished with the assumption that Regulated Asbestos Containing Material (RACM) is present.

An invitation to bid was issued for both structures, and bids were received on July 17, 2015 with First Place Finish, Inc. submitting the sole bid (\$33,477.00). It is imperative that these two unsafe nuisance residential structures be demolished as soon as possible to protect the health and welfare of the public. First Place Finish, Inc. has successfully performed prior demolitions for the City as the lowest responsible bidder.

Recommendation

Approval of the attached resolution is recommended.

Attachment(s)

Resolution authorizing contract to be awarded to First Place Finish, Inc.



Matthew Widner

City Manager's Comments:

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



Mark S. Watson



Date

103 Bennett Ln



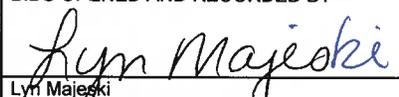
106 Pembroke Rd



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

FY2016-027

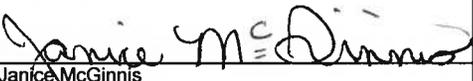
OPENING DATE: July 17, 2015 10:30 A.M.

FOR --- RACM (Residential Asbestos Containing Material) Demolition for Two City-Owned Residential Parcels 106 Pembroke Road and 103 Bennett Lane			BIDDER: First Place Finish, Inc. 1020 Commerce Park Drive Suite G Oak Ridge, TN 37830		BIDDER:		BIDDER:		BIDDER:							
DESCRIPTION	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL						
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES FOR RACM (REGULATED ASBESTOS CONTAINING MATERIAL) DEMOLITION FOR TWO CITY-OWNED RESIDENTIAL PARCELS 106 PEMBROKE ROAD AND 103 BENNETT LANE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE COMMUNITY DEVELOPMENT DEPARTMENT																
RACM for Structure at 106 Pembroke Road				\$ 18,740.00												
RACM for Structure at 103 Bennett Lane				\$ 14,737.00												
TOTAL PRICE			\$	33,477.00	\$	-	\$	-	\$	-						
TERMS			NET 30													
DELIVERY			PER CONTRACT													
F.O.B.			JOBSITE													
VIA			CONTRACTOR													
OTHER BIDDERS CONTACTED: M-3 Construction, Inc. - Oak Ridge, TN John Wheeler - Oak Ridge, TN Ronnie Lloyd - Oak Ridge, TN Evans Contracting Co., Inc. - Clinton, TN Woods Construction - Oliver Springs, TN Adkins Excavating Contractors, Oliver Springs, TN							Allstar Construction & Demolition - Morristown, TN First Response Inc. - Goodlettsville, TN Long Construction & Excavating - Pioneer, TN Guilley Construction - Manchester, TN E Luke Greene Co., Inc. - Knoxville, TN Claiborne Hauling Contractors, LLC - Knoxville, TN					ES&H, Inc. _ Knoxville, TN				
REASON FOR AWARD							RECOMMEND AWARD BE MADE TO:									
ONLY BID RECEIVED <input checked="" type="checkbox"/> X LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input type="checkbox"/>							First Place Finish, Inc. 1020 Commerce Park Drive Suite G Oak Ridge, TN 37830					BIDS OPENED AND RECORDED BY---  Lyn Majeski Accounting Division Manager				
							BIDS REVIEWED BY---  Janice McGinnis Finance Director									

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

FY2016-018

OPENING DATE: July 1, 2015 2:00 P.M.

FOR --- Abatement and Demolition for Residential Structure Located at 105 Waddell Place			BIDDER: First Place Finish, Inc. 1020 Commerce Park Drive Suite G Oak Ridge, TN 37830		BIDDER:		BIDDER:		BIDDER:		
DESCRIPTION	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES FOR ABATEMENT AND DEMOLITION FOR RESIDENTIAL STRUCTURE AT 105 WADDELL PLACE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE COMMUNITY DEVELOPMENT DEPARTMENT											
Abatement of Environmental Issues				\$ 21,110.00							
Demolition and Clean-up				\$ 7,890.00							
TOTAL PRICE				\$ 29,000.00			\$ -		\$ -		
TERMS				NET 30							
DELIVERY				PER CONTRACT							
F.O.B.				JOBSITE							
VIA				CONTRACTOR							
OTHER BIDDERS CONTACTED:							BIDS OPENED AND RECORDED BY---				
M-3 Construction, Inc. - Oak Ridge, TN			Allstar Construction & Demolition - Morristown, TN			ES&H, Inc. - Knoxville, TN			 Lyn Majeski Accounting Division Manager		
John Wheeler - Oak Ridge, TN			First Response Inc. - Goodlettsville, TN								
Ronnie Lloyd - Oak Ridge, TN			Long Construction & Excavating - Pioneer, TN								
Evans Contracting Co., Inc. - Clinton, TN			Guilley Construction - Manchester, TN								
Woods Construction - Oliver Springs, TN			E Luke Greene Co., Inc. - Knoxville, TN								
Adkins Excavating Contractors, Oliver Springs, TN			Claiborne Hauling Contractors, LLC - Knoxville, TN						BIDS REVIEWED BY---  Janice McGinnis Finance Director		
REASON FOR AWARD ONLY BID RECEIVED <input checked="" type="checkbox"/> X LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input type="checkbox"/>			RECOMMEND AWARD BE MADE TO: First Place Finish, Inc. 1020 Commerce Park Drive Suite G Oak Ridge, TN 37830								

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (FY2016-027) TO FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR THE ABATEMENT AND DEMOLITION OF 103 BENNETT LANE AND 106 PEMBROKE ROAD, CITY-OWNED RESIDENTIAL STRUCTURES, IN AN AMOUNT NOT TO EXCEED \$33,477.00.

WHEREAS, the City issued an invitation to bid for the abatement and demolition of the residential structures located at 103 Bennett Lane and 106 Pembroke Road, now City-owned, which were found unfit for human occupation or use by the Board of Building and Housing Code Appeals; and

WHEREAS, bids were received and publicly opened on July 17, 2015, with First Place Finish, Inc., submitting the sole bid, which bid the City Manager recommends be accepted.

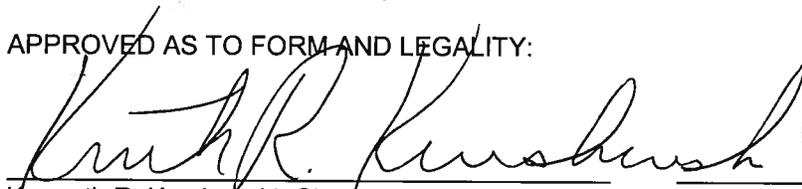
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to First Place Finish, Inc., 1020 Commerce Park Drive Suite G, Oak Ridge, Tennessee 37830, for the furnishing of all labor, tools, materials, equipment and supplies necessary to demolish the City-owned residential structures located on 103 Bennett Lane and 106 Pembroke Road; said award in strict accordance with FY2016-027, the required specifications, and the bid as publicly opened on July 17, 2015, and in an amount not to exceed \$33,477.00.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

FIRE DEPARTMENT MEMORANDUM
HQ-15-13

DATE: July 22, 2015
TO: Mark S. Watson, City Manager
FROM: Darryl Kerley, Fire Chief
SUBJECT: Fire Department Physical Fitness Equipment Purchase

Introduction

An item for City Council's consideration is an accompanying resolution authorizing the Fire Department to purchase physical fitness equipment for all four Oak Ridge fire stations to develop a standardized fit for duty program. The total cost of the equipment based on a sealed bid process is \$ 56,397.00

Funding

The funds to accomplish this purchase come in part (90% or \$50,757.00) from of the Assistant to Firefighter Grant (AFG) program. The ten (10) percent matching funds are allocated to this project through the fire department FY16 equipment budget with 75% (\$4,230.00) of the matching funds charged to the fire department general fund budget and 25% (\$1,410.00) charged to the West End Fire Fund budget.

Review

In April of 2015 the fire department was awarded AFG funds in the amount of \$ 158,452.00. This request to purchase physical fitness equipment is a part of the AFG award. The equipment and exercise program is specific to the job duty functions of fire department personnel and will initially be supervised by an exercise physiologist. The equipment was placed out for sealed bids by the city purchasing department. There were seven bidders from across the nation, but only four bids met all the specifications of the bid package. The four successful bidders were within a 10% range from high to low and the low bidder is Legend Fitness located Knoxville, Tennessee. The purchase is all inclusive (equipment, delivery, setup and initial training) covering 3 deliverables:

1. Commercial treadmill
2. Power Mill Stair Climber
3. Functional Fitness Trainer cable exercise machine

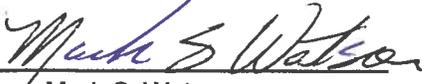
Recommendation

Staff recommends approval of the attached resolution.


Darryl Kerley, Fire Chief

City Manager's Comments:

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


Mark S. Watson


Date

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

RFQ No. 144306

OPENING DATE: July 9, 2015 2:00 P.M.

FOR ---			BIDDER:		BIDDER:		BIDDER:		BIDDER:		
Fire Station Fitness Equipment			Legend Fitness 5901 Middlebrook Pike Knoxville, TN 37909		FitWorkX 7101 Sharondale Court Brentwood, TN 37027		Any Body Fitness, LLC 6513 Kingston Pike Knoxville, TN 37919		Wilkins Fitness Equipment, LLC 1795 N Highway 17 Unit 4 Mount Pleasant, SC 29464		
DESCRIPTION	ITEM	QUANTITY	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
THE FURNISHING OF ALL LABOR, MATERIALS, SUPPLIES, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES NECESSARY FOR THE INSTALLTION OF FITNESS EQUIPMENT IN EACH FIRE STATION, 6 HOURS INITIAL TRAINING, 24 MONTHS WARRANTY AND PREVENTIVE MAINTENANCE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE FIRE DEPARTMENT				\$ 56,397.00		\$ 58,980.00		\$ 59,872.31		\$ 60,755.00	
TOTAL PRICE				\$ 56,397.00		\$ 58,980.00		\$ 59,872.31		\$ 60,755.00	
TERMS				Net 30		Net 30		50% down, Balance Net 15		Net 30	
DELIVERY				6 Weeks (Per Request)		30-45 Days ARO		45 Days ARO		6-7 Weeks	
F.O.B.				Delivered & Installed		Destination		Delivery		Manufacturer	
VIA				Legend Installation		Local Delivery		Any Body Fitness Delivery on Site		Common Carrier	
OTHER BIDDERS CONTACTED: 123 Wellness, Inc. - Maryville, TN BSN Sports - Dallas, TX Pro Maxima - Houston, TX Matrix Fitness - Cottage Grove, WI Scheller's Fitness & Cycling - Lexington, KY							BIDS OPENED AND RECORDED BY--  Lyn Majeski Accounting Division Manager				
REASON FOR AWARD:				RECOMMEND AWARD BE MADE TO:				BIDS REVIEWED BY--			
ONLY BID RECEIVED <input type="checkbox"/>				Legend Fitness							
LOW PRICE <input type="checkbox"/>				5901 Middlebrook Pike				Janice McGinnis			
BETTER OR REQUIRED DESIGN <input type="checkbox"/>				Knoxville, TN 37909				Finance Director			
EARLY DELIVERY <input type="checkbox"/>											
LOWEST TOTAL COST <input checked="" type="checkbox"/>											

RESOLUTION

A RESOLUTION AWARDING A BID IN THE AMOUNT OF \$56,397.00 TO LEGEND FITNESS, KNOXVILLE, TENNESSEE, FOR THE FURNISHING OF FITNESS EQUIPMENT FOR EACH OF THE FOUR FIRE STATIONS.

WHEREAS, the City of Oak Ridge is in the process of developing a standardized fit-for-duty program for the Fire Department; and

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of three fitness equipment items (treadmill, stair climber, and cable exercise machine) for each of the four fire stations for use by firefighters as part of the fit-for-duty program; and

WHEREAS, bids were received and publicly opened on July 9, 2015, with Legend Fitness, Knoxville, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted; and

WHEREAS, grant monies received from a Federal Emergency Management Agency Assistance to Firefighter Grant award, as approved by Resolution 5-46-2015, will be used to fund ninety percent (90%) of this purchase.

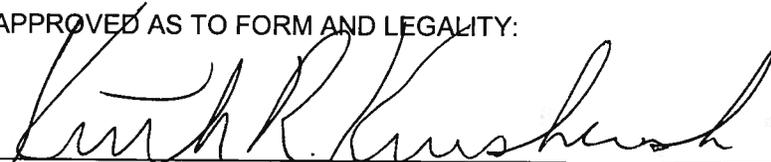
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Legend Fitness, 5901 Middlebrook Pike, Knoxville, Tennessee 37909, for the furnishing of four (4) commercial treadmills, four (4) stair climbers, and four (4) cable exercise machines for the fire stations, along with associated delivery, set-up, and training; said award in strict accordance with the bid as received and publicly opened on July 9, 2015, and the required specifications, and in the amount of \$56,397.00.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

FIRE DEPARTMENT MEMORANDUM
HQ-15-12

DATE: July 21, 2015
TO: Mark S. Watson, City Manager
FROM: Darryl Kerley, Fire Chief
SUBJECT: **Approval of a Memorandum of Agreement (MOA) between the City of Oak Ridge and the United States Department of Energy to Extend Fire Protection and Emergency Response Services at the East Tennessee Technology Park**

Introduction

An item for City Council's consideration is an accompanying resolution approving the extension of the Memorandum of Agreement between the City of Oak Ridge and the United States Department of Energy (DOE) to continue the provision of fire, rescue, hazardous materials and ambulance transport emergency response services at the East Tennessee Technology Park (ETTP) for an additional period of four years.

Funding

The funds to operate and maintain the fire department services will come through monthly payments from the DOE prime contractor for the ETTP site in an amount set forth in the MOA.

Review

In September of 2011, by resolution, the City entered into a Memorandum of Agreement with the DOE to extend fire protection services at ETTP for an additional four years. That agreement expires on September 30, 2015; therefore, DOE has prepared a new Memorandum of Agreement to continue fire protection and emergency response services at ETTP through September 30, 2019. The MOA extends funding for the operation of Fire Station 4 (West End Fire Fund) located on the ETTP site and includes funds for the purchase of the new fire engine for the site.

Recommendation

Staff recommends approval of the attached resolution.



Darryl Kerley, Fire Chief

City Manager's Comments:

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



Mark S. Watson

8/3/2015

Date

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES DEPARTMENT OF ENERGY TO CONTINUE THE PROVISION OF FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES AT THE EAST TENNESSEE TECHNOLOGY PARK THROUGH SEPTEMBER 30, 2019.

WHEREAS, by Resolution 9-92-07, the City entered into a Memorandum of Agreement (MOA-07-165) with the U.S. Department of Energy (DOE) to transition fire protection and emergency response services at the East Tennessee Technology Park (ETTP) from DOE's contractor to the City, which agreement expired on September 30, 2011; and

WHEREAS, by Resolution 9-87-11, the City entered into a Memorandum of Agreement with the U.S. Department of Energy (DOE) to continue fire protection and emergency response services at the East Tennessee Technology Park (ETTP), which agreement expires on September 30, 2015; and

WHEREAS, the City and DOE desire to continue the arrangement of the City providing fire protection and emergency response services at ETTP over the next four years, with DOE reimbursing the City for its costs of fire operations at ETTP; and

WHEREAS, the City Manager recommends approval of a memorandum between the parties for such services.

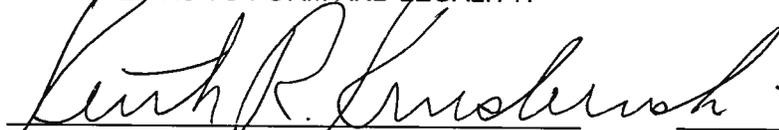
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into a Memorandum of Agreement with the U.S. Department of Energy (DOE) to continue fire protection and emergency response services at the East Tennessee Technology Park (ETTP); said agreement providing for DOE to reimburse the City's cost of operations at ETTP over the next four years as well as fund the purchase of a new fire engine for use at the site.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

CITY COUNCIL MEMORANDUM
15-31

DATE: July 30, 2015
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: ADMINISTRATIVE HEARING OFFICER

Introduction

An item for City Council's consideration is a resolution amending the Administrative Hearing Officer agreement between the City and Hugh B. Ward, Jr., to provide for increased compensation.

Background

On April 14, 2014, City Council appointed Hugh B. Ward, Jr., to be the Administrative Hearing Officer for the City for a four-year term. In addition, City Council approved a resolution establishing a salary of \$2,000 per month for the Administrative Hearing Officer, which compensation level could by terms of the approved agreement, be adjusted on a yearly basis by City Council based upon the recommendation of the City Manager and budgeting constraints. As you know, the position was established for the purpose of addressing environmental concerns and necessary court actions against property owners for the condition of their properties.

On July 1, 2015, I met with Mr. Ward for the purpose of reviewing his first year as the Administrative Hearing Officer and commended him for his work and organization of the program, particularly establishing a regular hearing schedule. A review of the cases has enabled over 80 cases to be processed. He also has been flexible when a particular dangerous case arose and with City staff. In recognition of the accomplishments of Mr. Ward this year, I am recommending that the Administrative Hearing Officer Agreement be amended to increase the salary level to \$26,000 per year payable in monthly installments. The new salary level would become effective September 1, 2015.

Recommendation

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments

YOUNG WILLIAMS

YOUNG WILLIAMS LAW FIRM, PC

ROBERT S. YOUNG, JR. (1913-2009)
LINDSAY YOUNG (1913-2006)

800 SOUTH GAY STREET, SUITE 2021
KNOXVILLE, TENNESSEE 37929-2021
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MARK K. WILLIAMS+†
J. CHRISTOPHER KIRK*
HUGH B. WARD, JR.◊
BENÉT S. THEISS
WALTER T. PARTAIN‡
MATTHEW T. ANDERSON
MINDY L. NOWER

+RULE 31 LISTED GENERAL
CIVIL MEDIATOR
†ALSO ADMITTED IN NORTH CAROLINA
◊ALSO ADMITTED IN DISTRICT OF COLUMBIA
‡ALSO ADMITTED IN MASSACHUSETTS
*OF COUNSEL

August 3, 2015

Honorable Warren Gooch
c/o City Clerk
City of Oak Ridge
200 S. Tulane Avenue
Oak Ridge, TN 37830

Re: Semi-Annual Report to City Council and City Manager regarding the
Administrative Hearing Officer

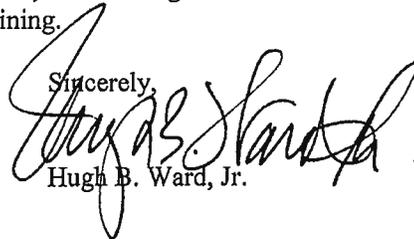
Dear Mr. Mayor:

August 2015 marks the one year anniversary of the commencement of operation of the
Administrative Hearing Officer in Oak Ridge.

The Administrative Hearing process as authorized by the Legislature remains, state-wide, an
underutilized enforcement tool to encourage compliance with municipal codes. To the contrary, based on
discussions with AHO's from other jurisdictions Oak Ridge's program is by far the most proactive. A
regular hearing schedule has been established on the first and third Wednesday of each month. The City's
Code enforcement officers have maintained a steady stream of cases for adjudication. The undersigned
regularly meets with City personnel to improve and adjust the administrative aspects of the program to
ensure proper functioning in accordance with the statutes purposes and intent. Attached herein is the
Administrative Hearing Officer Activity Log which describes each case heard and the resolution thereof.
As of July 15, 2015, \$56,350.00 fines have been levied and recorded as to the subject property.

In accordance with T.C.A. § 6-54-1007, the undersigned has maintained all required certifications
with annual renewal by mandated MTAS training.

Sincerely,



Hugh B. Ward, Jr.

Enclosure

cc: City Manager, Mark Watson
City Attorney, Ken Krushenski

Administrative Hearing Officer Activity Log

Updated: 15 July 2015

AHO Deposit Acct# 967.5611

AHO Expense Acct # 967.5432.30

#	DATE of HEARING	CITATION #	TYPE OF VIOLATION: Building, Housing, Environmental, Rental	STREET ADDRESS of VIOLATION	STATUS	\$ FINE LEVIED	AHO COURT COST \$	\$ Cost of FILING	Fine PAID
1	08/13/14	1028	Rental	108 Paine Ln	Dismiss	\$0.00		\$0.00	
2	08/13/14	1029	Rental	109 Pembroke Rd		\$500.00		\$22.00	
3	08/13/14	1030	Rental	103 Potomac Cir		\$500.00		\$22.00	
4	08/13/14	1031	Rental	121 Princeton Ave	Released	\$250.00		\$22.00	\$250.00
5	08/13/14	1032	Rental	137 Princeton Ave	Closed	\$250.00		\$0.00	\$250.00
6	08/13/14	1033	Rental	109 S. Purdue		\$250.00		\$22.00	
7	09/03/14	9757	Environmental	218 Wadsworth Pl	Dismiss	\$0.00			
8	09/03/14	10410	Environmental	109 Canterbury Rd		\$250.00		\$22.00	
9	09/03/14	10208	Environmental	204 Gum Hollow Rd		\$500.00		\$22.00	
10	09/03/14	10406	Environmental	115 W. Arrowwood Rd		\$500.00		\$22.00	
11	09/03/14	10402	Environmental	140 Nevada Cir	Dismiss	\$0.00		\$0.00	
12	09/03/14	10424	Environmental	884 W. Outer Dr	Closed	\$200.00		\$22.00	\$212.00
13	09/15/14	9758	Environmental	121 Wakeman Ln		\$150.00		\$22.00	
14	09/15/14	10269	Environmental	101 Mead Ln	Dismiss	\$0.00		\$0.00	
15	09/15/14	10154	Environmental	131 Andover Cir	Dismiss	\$0.00		\$0.00	
16	09/15/14	10163	Housing	98 Arkansas Ave	Settled	\$19,000.00		\$22.00	\$2,000.00
17	10/01/14	10353	Environmental	227 S. Fisk Ave	Closed	\$50.00		\$17.00	\$50.00
18	10/01/14	10382	Environmental	100 Powell Rd	Dismiss	\$250.00			
19	10/01/14	10222	Environmental	105-107 Wakeman Ln		\$500.00		\$17.00	
20	10/15/14	10477	Environmental	239 S. Purdue Ave		\$500.00		\$17.00	\$100.00
21	11/05/14	10406A	Environmental	115 W. Arrowwood Rd		\$500.00			
22	11/05/14	10465	Environmental	119 Hendrix Dr	Closed	\$50.00		\$0.00	\$50.00
23	11/19/14	10554	Environmental	108 Wayne Rd		\$500.00		\$17.00	
24	11/19/14	10576	Environmental	120 N. Walker Ln		\$500.00		\$12.00	
25	12/03/14	10435	Environmental	181 Robertsville Rd	Dismiss				
26	12/03/14	10308	Environmental	381-383 Robertsville Rd	Released	\$500.00		\$17.00	\$500.00
27	01/07/15	10588	Environmental	116 Taylor Rd	Reset				
28	01/07/15	10593	Environmental	116 Taylor Rd	Reset				
29	01/07/15	1036	Environmental	114 Dover Ln	Reset				
30	01/21/15	10588	Environmental	116 Taylor Rd	Filed as One	\$250.00			
31	01/21/15	10593	Environmental	116 Taylor Rd	Filed as One	\$250.00		\$12.00	
32	01/21/15	1036	Environmental	114 Dover Ln	Dismiss	\$0.00			
33	01/21/15	10611	Environmental	149 Georgia Ave		\$500.00		\$12.00	
34	02/04/15	10614	Environmental	270 Robertsville Rd	Dismiss	\$0.00			
35	02/04/15	10616	Environmental	246-248 Robertsville Rd	Closed	\$50.00			\$50.00
36	02/04/15	1062 and 1063	Housing	123, 135 E. Tyrone Rd	Deferred 3/18				
37	02/19/15	10600	Environmental	130 E. Arrowwood Rd		\$1,000.00		\$12.00	
38	02/19/15	10601	Environmental	100-102 Hamilton Cir	Deferred 3/18				
39	02/19/15	1065	Rental	111 Bennett Ln	Dismiss	\$0.00			

Administrative Hearing Officer Activity Log

Updated: 15 July 2015

AHO Deposit Acct# 967.5611

AHO Expense Acct # 967.5432.30

#	DATE of HEARING	CITATION #	TYPE OF VIOLATION: Building, Housing, Environmental, Rental	STREET ADDRESS of VIOLATION	STATUS	\$ FINE LEVIED	AHO COURT COST \$	\$ Cost of FILING	Fine PAID
40	02/19/15	1066	Rental	114 Bennett Ln	Dismiss	\$0.00			
41	02/19/15	1067	Rental	115 Bethune Circle	Dismiss	\$0.00			
42	02/19/15	1068	Rental	141 Bethune Cir		\$250.00		\$12.00	
43	02/19/15	1069	Rental	110-112 Bettis Ln	Dismiss	\$0.00			
44	02/19/15	1070	Rental	130 Manhattan Ave	Dismiss	\$0.00			
45	02/19/15	1073	Rental	102 Newberry Cir		\$500.00		\$12.00	
46	02/19/15	1074	Rental	111 Newberry Cir		\$500.00		\$12.00	
47	02/19/15	1075	Rental	156 Northwestern Ave		\$500.00		\$12.00	
48	02/19/15	1076	Rental	100 Parsons Rd	Closed	\$50.00		\$0.00	\$50.00
49	02/19/15	1077	Rental	246 S. Benedict Ave	Deferred 3/4				
50	02/19/15	1078	Rental	219 S. Dillard Ave	Dismiss	\$0.00			
51	02/19/15	1079	Rental	256 S. Dillard Ave		\$500.00			
52	02/19/15	1080	Rental	103 Spellman Ave		\$500.00		\$12.00	
53	02/19/15	1081	Rental	144 Spellman Ave	Dismiss	\$0.00			
54	02/19/15	1082	Rental	141 Wilberforce Ave		\$500.00		\$12.00	
55	02/19/15	1083	Rental	143 Wilberforce Ave		\$500.00		\$12.00	
56	03/04/15	1071	Rental	126 Marshall Cir	Dismiss	\$0.00			
57	03/04/15	1072	Rental	126 Nevada Cir	Dismiss	\$0.00			
58	03/04/15	10606	Environmental	148 W. Gettysburg Ave		\$500.00		\$12.00	
59	03/04/15	1021	Environmental	145-147 Hamilton Cir		\$250.00		\$12.00	
60	03/04/15	10624	Environmental	171 N. Lasalle Rd		\$500.00		\$12.00	
61	03/04/15	1077	Rental	246 S. Benedict Ave	Deferred 3/18				
62	03/18/15	10601	Environmental	100-102 Hamilton Cir	Deferred 4/15				
63	03/18/15	10640	Environmental	111 Trevoise Ln		\$500.00		\$12.00	
64	03/18/15	10642	Environmental	453 Robertsville Rd	Dismiss / Costs	\$0.00	\$35.00	\$12.00	
65	03/18/15	10638	Environmental	31 Outer Dr		\$500.00		\$12.00	
66	03/18/15	1085	Housing	231 Alhambra Rd		\$500.00		\$12.00	
67	04/01/15	10626	Environmental	171 Robertsville Rd	Deferred 6/3				
68	04/01/15	10628	Environmental	117 Atlanta Rd		\$500.00		\$12.00	
69	04/01/15	10632	Environmental	509 Emory Valley Rd		\$500.00		\$12.00	
70	04/01/15	10658	Environmental	135 Bethune Cir	Deferred 5/6				
71	04/01/15	10663	Environmental	138 Spellman Ave	Closed	\$0.00	\$45.00	\$0.00	\$45.00
72	04/01/15	10667	Environmental	176 S. Benedict Ave		\$500.00		\$12.00	
73	04/01/15	10665	Environmental	103 Wilberforce Ave		\$500.00		\$12.00	
74	04/01/15	10434-a	Environmental	179-181 Robertsville Rd	Dismiss / Costs	\$0.00	\$45.00	\$12.00	
75	04/01/15	10679	Environmental	107 Euclid Pl		\$500.00		\$12.00	
76	04/15/15	10666	Environmental	141 Wilberforce Ave.		\$5,000.00	\$100.00	\$12.00	
77	04/15/15	1086	Housing	106 Lawton Rd.	Dismiss / Costs	\$0.00	\$50.00	\$12.00	\$50.00

Administrative Hearing Officer Activity Log

Updated: 15 July 2015

AHO Deposit Acct# 967.5611

AHO Expense Acct # 967.5432.30

#	DATE of HEARING	CITATION #	TYPE OF VIOLATION: Building, Housing, Environmental, Rental	STREET ADDRESS of VIOLATION	STATUS	\$ FINE LEVIED	AHO COURT COST \$	\$ Cost of FILING	Fine PAID
78	04/15/15	10662	Environmental	115 Spellman Ave.	Closed	\$0.00	\$50.00	\$0.00	\$50.00
79	04/15/15	10621	Environmental	101 Meade Ln.	Closed	\$425.00	\$75.00	\$12.00	\$500.00
80	04/15/15	10649	Environmental	117 Greenbriar Ln.	Deferred				
81	04/15/15	10668	Environmental	107 Hampton Rd.		\$425.00	\$75.00	\$12.00	
82	05/06/15	10674	Environmental	193 Manhattan Ave.	Closed	\$50.00	\$75.00	\$0.00	\$125.00
83	05/06/15	1085	Environmental	231 Alhambra Rd.		\$5,000.00	\$75.00	\$12.00	
84	05/06/15	10695	Environmental	16 Wilberforce Ave	Closed	\$0.00	\$75.00	\$0.00	\$75.00
85	05/06/15	10690	Environmental	171 N. Lasalle Rd		\$425.00	\$75.00	\$12.00	
86	05/06/15	10625	Environmental	100 Houston Ave	Dismiss / Costs	\$0.00	\$75.00	\$12.00	
87	05/06/15	10700	Environmental	114 1/2 California Ave	Deferred 6/3				
88	05/06/15	10658	Environmental	135 Bethune Cir	Dismissed				
89	06/03/15	10632a	Environmental	509 Emory Valley Rd	amended ord filed	\$425.00	\$75.00	\$24.00	
90	06/03/15	10740	Environmental	102 Maple Ln		\$425.00	\$75.00	\$12.00	
91	06/03/15	10740	Environmental	114 1/2 California Ave	Dismiss /Costs	\$0.00	\$75.00	\$12.00	
92	06/17/15	10731	Environmental	119 Amherst Ln	Costs	\$0.00	\$100.00	\$12.00	
93	06/17/15	10761	Environmental	109 Maple Ln		\$425.00	\$75.00	\$12.00	
94	06/17/15	10789	Environmental	115 Wedgewood Rd		\$2,925.00	\$75.00	\$12.00	
95	06/17/15	1093	Housing	112 Bennett Ln		\$2,925.00	\$75.00	\$12.00	
96	06/17/15	10755	Environmental	114 Delmar Cir	Defer 7/1				
97	07/01/15	10755	Environmental	114 Delmar Cir	Closed	\$0.00	\$100.00	\$0.00	\$100.00
98	07/15/15	10823	Environmental	137 Pembroke Rd	Closed	\$75.00	\$75.00	\$0.00	\$225.00
99	07/15/15	10671	Environmental	155 Northwestern Ave	personal serv	\$425.00	\$75.00		
100	07/15/15	10776	Environmental	109 E. Wadsworth Cir		\$425.00	\$75.00		
101	07/15/15	10683	Environmental	130 E. Arrowwood Rd		\$175.00	\$75.00		
102	07/15/15	1100	Environmental	234 East Dr	deferred 8/19				
103	07/15/15	1023	Environmental	141-143 N. Hollywood Cir	deferred 8/19				
104	07/15/15	1101	Environmental	114 Delmar Cir	monitor status				
						\$56,350.00	\$1,800.00	\$773.00	\$4,682.00

RESOLUTION

A RESOLUTION AMENDING THE ADMINISTRATIVE HEARING OFFICER AGREEMENT BETWEEN THE CITY AND HUGH B. WARD, JR., TO PROVIDE FOR INCREASED COMPENSATION.

WHEREAS, in accordance with the *Not in Our City* conceptual plan and applicable State law, City Council adopted Ordinance 01-2014 (City Code §6-101 et seq.) which created the position of an Administrative Hearing Officer; and

WHEREAS, by Resolution 3-19-2014, City Council approved an Administrative Hearing Officer Agreement for use for the appointed Administrative Hearing Officer, with the compensation level to be determined based upon the successful applicant's qualifications and experience; and

WHEREAS, City Council appointed Hugh B. Ward, Jr., to be the Administrative Hearing Officer for a four year term per the requirements of State law; and

WHEREAS, by Resolution 4-31-2014, City Council established a salary of \$2,000.00 per month (\$24,000.00 per year) for the Administrative Hearing Officer; and

WHEREAS, per Section 4, Compensation, of the Administrative Hearing Officer Agreement, the salary level may be adjusted on a yearly basis by City Council based upon the recommendation of the City Manager and budgeting constraints; and

WHEREAS, the City Manager recommends a salary increase for the Administrative Hearing Officer for a total annual compensation level of \$26,000.00.

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 Administrative Hearing Officer Agreement between the City and Hugh B. Ward, Jr., is hereby amended to increase the salary level to \$26,000.00 per year payable in monthly installments, with the new salary level effective September 1, 2015.

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

This the 10th of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

RECREATION & PARKS MEMORANDUM

15-03

DATE: August 3, 2015
TO: Mark S. Watson, City Manager
FROM: Jon Hetrick, Recreation & Parks Director
SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH BWSC

Introduction

An item for City Council's consideration is a resolution approving an agreement with Barge, Waggoner, Sumner & Cannon, Inc. (BWSC) to provide professional services for the Oak Ridge Rowing Course Expansion and authorizes the reimbursement of actual costs incurred in an amount not to exceed \$50,000.

Funding

The proposed award will allow the City to contract with BWSC to provide geotechnical exploration, design, bid administration and construction administration services, along with an as-built survey, for the construction of the eighth lane for the Oak Ridge Rowing Course. Funding for this agreement is provided by a grant allocation from the Tennessee Department of Tourist Development.

Review

The addition of an eighth lane to the Oak Ridge Rowing Course has been included in the City Capital Improvement Plan since 2005. It will allow the venue to compete for more and larger regatta events and maintain Oak Ridge's position as a top-tier rowing venue. A grant in the amount of \$250,000 has been approved in the FY2016 State budget. A request for an additional \$150,000 from the City Capital Improvement Plan has been approved by City Council.

BWSC has worked with the City to provide conceptual planning and permitting assistance for the project, most recently to acquire extensions of the project permits from the Army Corps of Engineers, TVA and the US Fish and Wildlife Service. The scope of this agreement will include geotechnical analysis, final design work, bid administration, construction administration, and completion of an as-built survey.

Recommendation

Staff recommends approval of the accompanying Resolution as submitted.

Attachment

Resolution


Jon Hetrick

City Manager's Comments:

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



Mark S. Watson

8/4/2015

Date

RESOLUTION

A RESOLUTION APPROVING A CONTRACT WITH BARGE WAGGONER SUMNER & CANNON, INC., KNOXVILLE, TENNESSEE, TO PROVIDE PROFESSIONAL SERVICES FOR THE ADDITION OF AN EIGHTH LANE TO THE OAK RIDGE ROWING COURSE IN AN AMOUNT NOT TO EXCEED \$50,000.00.

WHEREAS, the City desires to expand the Oak Ridge Rowing Course to add an eighth lane which will enable the venue to compete for larger and increased regatta events as well as maintain Oak Ridge's position as a top-tier rowing venue; and

WHEREAS, toward this effort, the City desires to contract with Barge Waggoner Sumner & Cannon, Inc., Knoxville, Tennessee, to provide geotechnical analysis, final design work, bid and construction administration, and completion of an as-built survey; and

WHEREAS, the City Manager recommends approval of a contract with Barge Waggoner Sumner & Cannon, Inc., for these professional services.

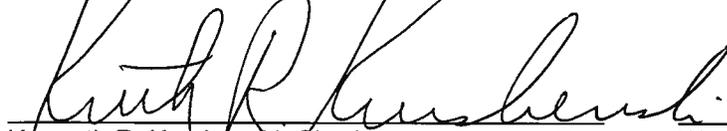
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into a contract with Barge Waggoner Sumner & Cannon, Inc., for professional services related to the addition of an eighth lane to the Oak Ridge Rowing Course, in an amount not to exceed \$50,000.00.

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

This the 10th day of August 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

**PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES**

ELECTRIC DEPARTMENT MEMORANDUM

15-22

DATE: August 3, 2015
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: INCREASE IN REFUSE FEE

Introduction

An item for City Council's consideration is the adoption of an ordinance increasing the refuse fee for residential customers by \$3.50. The new total fee will be \$10.50.

Funding

Adoption of this ordinance will increase funding to the City by approximately \$335,000 for fiscal year 2016.

Review

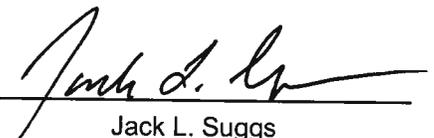
During the Council meeting of July 27, 2015, Council voted to increase revenue generated from the refuse fee, which is a stand-alone user fee, by raising it from the current level of \$7.00 to a new level of \$10.50.

Since the refuse fee is set by ordinance, adoption of an ordinance is necessary to meet the intent of Council as expressed through the vote taken.

The attached ordinance raises the fee as indicated, with the fee being effective November 1, 2015.

Recommendation

Staff recommends adoption of the attached ordinance.



Jack L. Suggs

cc: Janice McGinnis, Finance Director
Marlene Witt, Business Office Manager

City Manager's Comments:

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



Mark S. Watson

8/4/15

Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 17-98 (AS AMENDED), SECTION 1, TO INCREASE THE MONTHLY RESIDENTIAL REFUSE COLLECTION FEE FROM \$7.00 TO \$10.50.

WHEREAS, the City of Oak Ridge provides residential refuse collection with the corporate limits of the City; and

WHEREAS, in an effort to offset the property tax rate and to recover a portion of the residential refuse collection costs from the residents of Oak Ridge, Ordinance No. 17-98 established a monthly residential refuse fee to be collected as part of each residential customer's utility bill; and

WHEREAS, the monthly residential refuse fee was originally established at \$5.00 and was later increased to \$7.00 effective with the February 2009 billing cycle; and

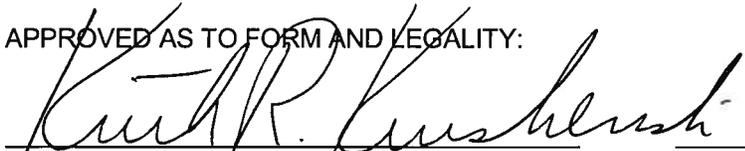
WHEREAS, as part of the FY2016 budget as approved by Ordinance 11-2015, City Council reduced the proposed budget in response to discussions to increase the monthly residential refuse fee from \$7.00 to \$10.50 which will result in approximately \$335,000.00 in additional revenue.

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

Section 1: Ordinance No. 17-98 (as amended), Section 1, is hereby amended by increasing the monthly residential refuse collection fee from \$7.00 to \$10.50 effective with the November 2015 billing cycle.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

First Reading: _____

Publication Date: _____

Second Reading: _____

Publication Date: _____

Effective Date: _____

LEGAL DEPARTMENT MEMORANDUM
15-21

DATE: July 21, 2015
TO: Mark S. Watson, City Manager
FROM: Tammy M. Dunn, Senior Staff Attorney
Kenneth R. Krushenski, City Attorney
SUBJECT: ORDINANCE – CITY CODE MOTOR VEHICLE PROVISIONS

Introduction

An item for the agenda is an ordinance to update motor vehicle provisions in the City Code. The amendments to the City Code are for state law compliance. The new sections to the City Code were made at the request of the Police Department. The updates have been reviewed and agreed upon by the Police Department, who will have a representative present at the City Council meeting to respond to any questions.

Funding

Implementation of the ordinance does not require any funding.

Background

The attached ordinance is a result of continued efforts to keep the City Code current with state law provisions. Various provisions of motor vehicle statutes were revised this legislative session. During discussion of these updates with the Police Department, other provisions were requested to be added to the City Code. The City is authorized by Tennessee Code Annotated §16-18-302 to enforce in City Court any ordinance that mirrors or substantially duplicates the language of a state criminal statute if the state offense is a Class C misdemeanor and the civil fine for the ordinance violation is not in excess of fifty dollars (\$50.00). Violation of each of the items listed below is a Class C misdemeanor and, therefore, the City is allowed by state law to create an ordinance violation for the offense enforceable in City Court.

Below is an explanation of each revision to the City Code set forth in the attached ordinance. Please see the attached bold-strikethrough document for further detail.

Motorcycle Helmets (Amendment)

Public Chapter 492, effective July 1, 2015, adds a new exemption to the requirement of wearing a helmet while operating a motorcycle. The new exemption pertains to funeral processions, memorial rides under police escort, and body escort details meeting certain age, speed, and distance restrictions. Upon review of City Code §15-114 on the subject, it was determined the city ordinance provision on motorcycle helmets had not been updated since 1969 and was not in current compliance with state law. The attached ordinance amends City Code §15-114 for compliance with Public Chapter 492 as well as other provisions as set forth in Tennessee Code Annotated §55-9-302.

Seat (Safety) Belts (Amendment)

Public Chapter 296, effective January 1, 2016, increases the fines for seat belt violations from ten dollars (\$10.00) for a first offense and twenty dollars (\$20.00) for a second and subsequent offense to twenty-five dollars (\$25.00) for a first offense and fifty dollars (\$50.00) for a second and subsequent offense. For seat belt violations committed by sixteen (16) and seventeen (17) year olds, the fine amount was increased from twenty dollars (\$20.00) to twenty-five dollars (\$25.00).

Public Chapter 25, effective July 1, 2015, modified the seat belt requirements for utility workers and meter readers. Previously, the law exempted these workers from wearing a seat belt during the course of their employment. The new law places further restrictions on the exemption and exempts utility workers and meter readers from wearing a seat belt only while emerging from and reentering a vehicle at frequent intervals and operating the vehicle at speeds not in excess of forty (40) mph.

Upon review of City Code §15-227 on the subject, it was determined the language on seat belt exemptions for persons with a physical disability which prevents them from proper use of a seat belt (as certified by a physician) did not match up completely with state law. The attached ordinance amends City Code §15-227 for compliance with Public Chapters 296 and 25 as well as modifies the language regarding a physical disability to match up with Tennessee Code Annotated §55-9-603.

Change of Address and/or Name – Driver's License, Registration, and Title (New to City Code)

Tennessee Code Annotated §55-50-333 requires a person to notify the Department of Safety within ten (10) days of a change in address and/or change in name as shown on the person's driver's license. Tennessee Code Annotated §55-4-131 requires a person to notify the Department of Safety within ten (10) days of a change in address and/or change in name as shown on the person's vehicle registration or title.

The Police Department requested inclusion of these provisions into the City Code. Officers will occasionally come across name or address changes when issuing a citation. Having this violation in the City Code will allow the officer to issue the citation into City Court rather than having to issue a separate state warrant for the violation. Typically, when an officer writes violations for multiple offenses and some offenses must be written on a state warrant, all of the violations are then written on a state warrant rather than splitting the violations between city and state courts. Additionally, while having the correct name and address is important for state law compliance, it is especially important that an individual's correct information is listed on the citation and in the City Court system as that information is used in court to determine the violator's history (such as driving school attendance or repeat violator status) and is used by the state to contact the individual (such as for proposed suspensions for operating without insurance).

License Plate Light Required (New to City Code)

Tennessee Code Annotated §55-4-110 requires the license plate (referred to as a "registration plate") to be illuminated at all times when the headlights are illuminated for those vehicles that are factory-equipped to illuminate the plate. This statute is not applicable to antique vehicles.

The Police Department requested inclusion of this provision into the City Code. Illumination of a license plate is important to identify the vehicle owner (most often the driver) when issuing citations during non-daylight hours. Having this violation in the City Code will allow the officer to issue the citations into City Court rather than having to issue state warrants for the violations if this violation is the probable cause for a traffic stop.

This offense is considered by state law to be a nonmoving violation—similar to a seat belt violation—which means no points are assessed against the driver's record. Further, it has a state law imposed fine amount (\$10.00 for first offense, \$20.00 for second and subsequent offenses) and no other fees can be assessed (court costs, litigation tax, etc.).

Texting While Driving Prohibited (New to City Code)

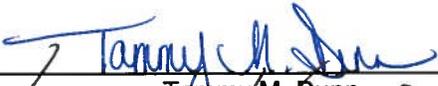
Tennessee Code Annotated §55-8-199 prohibits texting while driving.

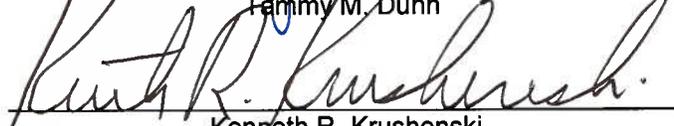
The Police Department requested inclusion of this provision into the City Code. Having this violation in the City Code will allow the officer to issue a citation into City Court rather than having to issue a state warrant for the violation.

This offense is also considered by state law to be a nonmoving violation which means no points are assessed against the driver's record. It has a state law imposed fine amount (not to exceed \$50.00, which is the maximum fine allowed in municipal courts as well) and court cost amount (not to exceed \$10.00). No litigation taxes can be imposed on a texting violation.

Recommendation

Approval of the attached ordinance is recommended in order to keep the motor vehicle provisions of the City Code in compliance with State law.



Tammy M. Dunn


Kenneth R. Krushenski

Attachments: Bold-Strikethrough City Code Amendments – Motor Vehicles
Proposed Ordinance

City Manager's Comments:

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



Mark S. Watson 8/3/15
Date

**BOLD STRIKETHROUGH
CITY CODE AMENDMENTS – MOTOR VEHICLES**

Section 15-114. Crash helmets for driver and passenger on motorcycle or motor-driven cycle.

The driver of a motorcycle or motor-driven cycle and any passenger thereon shall wear a crash helmet of ~~a type approved by the state commissioner of safety meeting the requirements of Tennessee Code Annotated §55-9-302.~~

This section does not apply to persons riding:

- (1) Within an enclosed cab,**
- (2) Motorcycles that are fully enclosed, have three wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.), and have the capacity to maintain posted highway speed limits,**
- (3) Golf carts,**
- (4) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older, or**
- (5) In a funeral procession, memorial ride under police escort, or body escort detail provided that the driver travels at a speed not to exceed thirty (30) miles per hour, the driver or passenger is twenty-one (21) years of age or older, and the funeral procession, memorial ride, or body escort detail does not exceed a distance of fifty (50) miles.**

Note: This provision of the City Code has not been amended since 1969. Since then, state law has adopted various exceptions to the requirement of wearing a helmet while operating a motorcycle or motor-driven cycle. Public Chapter 492, effective July 1, 2015, added a new exemption (subpart 5 above) to the list. In order to bring the City Code into compliance with state law (Tennessee Code Annotated §55-9-302), the recently adopted exemption is being added as well as the previously adopted exemptions.

BOLD STRIKETHROUGH
CITY CODE AMENDMENTS – MOTOR VEHICLES
(Continued)

Section 15-227. Use of safety belts in passenger vehicles.

- (8) (a) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of ten dollars (\$10.00) for a first violation, and twenty dollars (\$20.00) on second and subsequent violations to the city court clerk. **Effective January 1, 2016, the fine amount shall increase to twenty-five dollars (\$25.00) for a first violation and fifty dollars (\$50.00) for a second or subsequent violation.**
- (b) Notwithstanding subdivision (8)(a) to the contrary, a person charged with a violation of subsection (3) may, in lieu of appearance in court, submit a fine of twenty dollars (\$20.00) to the city court clerk. **Effective January 1, 2016, the fine amount shall increase to twenty-five dollars (\$25.00).**
- (10) This section does not apply to:
- (a) A passenger or operator with a ~~physically disabling condition whose physical disability would~~ **which** prevents appropriate restraint in ~~such a~~ safety seat or safety belt; provided, that ~~such~~ **the** condition is duly certified in writing by a physician who shall state the nature of the ~~handicap disability~~, as well as the reason ~~such a~~ restraint is inappropriate;
- (d) Utility workers, water, gas and electric meter readers ~~in the course of their employment~~ **while the meter reader or utility worker is emerging from and reentering a vehicle at frequent intervals and operating the vehicle at speeds not exceeding forty miles per hour (40 mph);**

Note: The amendment to subsection (8) is for compliance with state law (Tennessee Code Annotated 55-9-603) as amended by Public Chapter 296. This public chapter increases the fine amounts for seat belt violations effective January 1, 2016.

The amendment to subsection (10)(a) is for compliance with state law (Tennessee Code Annotated §55-9-603). This subsection was not modified by any current public chapter, however, when reviewing this City Code section for compliance with state law it was found that the subsection's wording did not match up exactly with state law. While the language is essentially the same, this amendment will change the wording to the more appropriate wording of disability as opposed to handicap.

The amendment to subsection (10)(d) is for compliance with state law (Tennessee Code Annotated §55-9-603) as amended by Public Chapter 25. This public chapter modified the safety belt exemption for utility workers and meter readers effective July 1, 2015.

BOLD STRIKETHROUGH
CITY CODE AMENDMENTS – MOTOR VEHICLES
(Continued)

Section 15-132. Notification of change of address and/or name.

- (a) Whenever any person, after applying for or receiving a license, moves from the address named in the application or license, or when the name of a licensee is changed for any reason, the person shall within ten (10) days thereafter notify the Department of Safety of the change or changes. It is unlawful to fail to comply with the requirements of this subsection.**
- (b) Whenever any person, after applying for or receiving a title or registration, moves from the address named in the application or title or registration, or when the name of an applicant is changed for any reason, the person shall within ten (10) days thereafter, notify the Department of Safety of the change or changes. It is unlawful to fail to comply with the requirements of this subsection.**

Note: This addition to the City Code mirrors Tennessee Code Annotated §55-50-333 (license) and Tennessee Code Annotated §55-4-131(title or registration). Per Tennessee Code Annotated §55-50-601(6) and Tennessee Code Annotated §55-4-131, these offenses are a Class C misdemeanor and, as such, the City can adopt an ordinance mirroring the statutes and enforce violations in City Court.

Section 15-228. Illumination of registration (license) plate.

- (1) For all motor vehicles that are factory-equipped to illuminate the registration (license) plate, the registration (license) plate shall be illuminated at all times that headlights are illuminated. This section is not applicable to antique vehicles as defined in Tennessee Code Annotated §55-4-111(b).**
- (2) It is unlawful to fail to comply with the requirements of this section. By Tennessee Code Annotated §55-4-110(d)(3), a violation of this section is subject only to imposition of a fine of ten dollars (\$10.00) for a first violation and twenty dollars (\$20.00) for second and subsequent violations, and no litigation tax, clerk's fee, or court costs shall not be imposed.**
- (3) By Tennessee Code Annotated §55-4-110(d)(3), a traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.**

Note: This addition to the City Code mirrors Tennessee Code Annotated §55-4-110. This offense is a Class C misdemeanor and, as such, the City can adopt an ordinance mirroring the statute and enforce violations in City Court.

BOLD STRIKETHROUGH
CITY CODE AMENDMENTS – MOTOR VEHICLES
(Continued)

Section 15-349. Texting while driving prohibited.

- (1) For the purposes of this section, unless the context requires otherwise, the following definitions apply:**
 - (a) "Mobile telephone" means a cellular, analog, wireless or digital device that provides for voice communication and for data communication other than by voice; and**
 - (b) "Personal digital assistant" means a wireless electronic communication device that provides for data communication other than by voice.**
- (2) No person while driving a motor vehicle on any public road or highway shall use a hand-held mobile telephone or a hand-held personal digital assistant to transmit or read a written message; provided, that a driver does not transmit or read a written message for the purpose of this subsection (2) if the driver reads, selects, or enters a telephone number or name in a hand-held mobile telephone or a personal digital assistant for the purpose of making or receiving a telephone call.**
- (3) This section shall only apply to a person driving a motor vehicle that is in motion at the time a written message from a mobile telephone or hand-held personal digital assistant is transmitted or read by the person.**
- (4) It is unlawful to fail to comply with the requirements of this section. By Tennessee Code Annotated §55-8-199, a violation of this section is subject only to imposition of a fine not to exceed fifty dollars (\$50.00) and court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. No state or local litigation taxes shall be applicable to a case prosecuted under this section.**
- (5) By Tennessee Code Annotated §55-8-199, this section shall not apply to the following persons:**
 - (a) Officers of the state or of any county, city, or town charged with the enforcement of the laws of the state, when in the actual discharge of their official duties;**
 - (b) Campus police officers and public safety officers, as defined by Tennessee Code Annotated §49-7-118, when in the actual discharge of their official duties;**
 - (c) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties; and**
 - (d) Emergency management agency officers of the state or of any county, city, or town, when in the actual discharge of their official duties.**
- (6) By Tennessee Code Annotated §55-8-199, a traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.**

Note: This addition to the City Code mirrors Tennessee Code Annotated §55-8-199. This offense is a Class C misdemeanor and, as such, the City can adopt an ordinance mirroring the statute and enforce violations in City Court.

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 15-114, TITLED "CRASH HELMETS FOR DRIVER AND PASSENGER ON MOTORCYCLE OR MOTOR-DRIVEN CYCLE," AND AMENDING SECTION 15-227, TITLED "USE OF SAFETY BELTS IN PASSENGER VEHICLES"; AND BY CREATING THE FOLLOWING NEW SECTIONS: SECTION 15-132, TITLED "NOTIFICATION OF CHANGE OF ADDRESS AND/OR NAME"; SECTION 15-228, TITLED "ILLUMINATION OF REGISTRATION (LICENSE) PLATE"; AND SECTION 15-349, TITLED "TEXTING WHILE DRIVING PROHIBITED"; WITH ALL AMENDMENTS FOR THE PURPOSE OF BRINGING THE MOTOR VEHICLE PROVISIONS INTO COMPLIANCE WITH STATE LAW.

WHEREAS, City Code Title 15 contains provisions pertaining to motor vehicles and some provisions are in need of modification for compliance with state law; and

WHEREAS, Tennessee Code Annotated §55-9-302 sets forth certain exemptions from wearing a helmet while on a motorcycle or motor-driven cycle that need to be incorporated into City Code §15-114; and

WHEREAS, Tennessee Code Annotated §55-9-603 contains increased fines for seat belt violations (effective January 1, 2016), modified language for exemptions for disabled persons, and modified language for exemptions for utility workers and meter readers that need to be incorporated into City Code §15-227; and

WHEREAS, additionally, there are new provisions that can be incorporated into Title 15 of the City Code by the authority given in Tennessee Code Annotated §16-18-302 to enforce in City Court any ordinance that mirrors, substantially duplicates, or cross-references the language of a state criminal statute if the state offense is a Class C misdemeanor and the civil fine for the ordinance violation is not in excess of \$50.00; and

WHEREAS, the following state laws may be incorporated into the City Code as ordinance violations: requirement to notify the Department of Safety within ten (10) days of an address and/or name change on the driver's license, title, or registration (Tennessee Code Annotated §55-50-601(6) and Tennessee Code Annotated §55-4-131); requirement that if a motor vehicle is factory equipped with lighting to illuminate the license plate that said license plate be illuminated at all times when the headlights are illuminated (Tennessee Code Annotated §55-4-110); and a prohibition on texting while driving (Tennessee Code Annotated §55-8-199); and

WHEREAS, the City desires to adopt ordinances mirroring the above-referenced state statutes to incorporate the violations into the City Code as municipal offenses.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 15-114, titled "Crash helmets for driver and passenger on motorcycle or motor-driven cycle," in its entirety and substituting therefor a new Section 15-114, titled "Crash helmets for driver and passenger on motorcycle or motor-driven cycle," which new section shall read as follows:

Section 15-114. Crash helmets for driver and passenger on motorcycle or motor-driven cycle.

The driver of a motorcycle or motor-driven cycle and any passenger thereon shall wear a crash helmet meeting the requirements of Tennessee Code Annotated §55-9-302.

This section does not apply to persons riding:

- (1) Within an enclosed cab;
- (2) Motorcycles that are fully enclosed, have three wheels in contact with the ground, weigh less than one thousand five hundred pounds (1,500 lbs.), and have the capacity to maintain posted highway speed limits;
- (3) Golf carts;
- (4) In a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older; or
- (5) In a funeral procession, memorial ride under police escort, or body escort detail provided that the driver travels at a speed not to exceed thirty (30) miles per hour, **the driver or passenger is twenty-one (21) years of age or older**, and the funeral procession, memorial ride, or body escort detail does not exceed a distance of fifty (50) miles.

Section 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 2, titled "Vehicle Equipment," Section 15-227, titled "Use of safety belts in passenger vehicles," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding language to the end of Subsection (8)(a) and Subsection (8)(b) as follows:

Section 15-227. Use of safety belts in passenger vehicles.

- (8) (a) Effective January 1, 2016, the fine amount shall increase to twenty-five dollars (\$25.00) for a first violation and fifty dollars (\$50.00) for a second or subsequent violation.
- (b) Effective January 1, 2016, the fine amount shall increase to twenty-five dollars (\$25.00).

Section 3. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 2, titled "Vehicle Equipment," Section 15-227, titled "Use of safety belts in passenger vehicles," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Subsections (10)(a) and (10)(d) in their entirety and substituting therefor new Subsections (10)(a) and (10)(d) which new subsections shall read as follows:

Section 15-227. Use of safety belts in passenger vehicles.

- (10) This section does not apply to:
 - (a) A passenger or operator with a physical disability which prevents appropriate restraint in a safety seat or safety belt; provided, that the condition is duly certified in writing by a physician who shall state the nature of the disability, as well as the reason a restraint is inappropriate;
 - ...
 - (d) Utility workers, water, gas and electric meter readers while the meter reader or utility worker is emerging from and reentering a vehicle at frequent intervals and operating the vehicle at speeds not exceeding forty miles per hour (40 mph);

Section 4. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 15-132, titled "Notification of change of address and/or name" which section shall read as follows:

Section 15-132. Notification of change of address and/or name.

- (a) Whenever any person, after applying for or receiving a license, moves from the address named in the application or license, or when the name of a licensee is changed for any reason, the person shall within ten (10) days thereafter notify the Department of Safety of the change or changes. It is unlawful to fail to comply with the requirements of this subsection.
- (b) Whenever any person, after applying for or receiving a title or registration, moves from the address named in the application or title or registration, or when the name of an applicant is changed for any reason, the person shall within ten (10) days thereafter, notify the Department of Safety of the change or changes. It is unlawful to fail to comply with the requirements of this subsection.

Section 5. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 2, titled "Vehicle Equipment," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 15-228, titled "Illumination of registration (license) plate," which section shall read as follows:

Section 15-228. Illumination of registration (license) plate.

- (1) For all motor vehicles that are factory-equipped to illuminate the registration (license) plate, the registration (license) plate shall be illuminated at all times that headlights are illuminated. This section is not applicable to antique vehicles as defined in Tennessee Code Annotated §55-4-111(b).
- (2) It is unlawful to fail to comply with the requirements of this section. By Tennessee Code Annotated §55-4-110(d)(3), a violation of this section is subject only to imposition of a fine of ten dollars (\$10.00) for a first violation and twenty dollars (\$20.00) for second and subsequent violations, and no litigation tax, clerk's fee, or court costs shall not be imposed.
- (3) By Tennessee Code Annotated §55-4-110(d)(3), a traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.

Section 6. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 3, titled "Operation of Vehicles Generally," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 15-349, titled "Texting while driving prohibited," which section shall read as follows:

Section 15-349. Texting while driving prohibited.

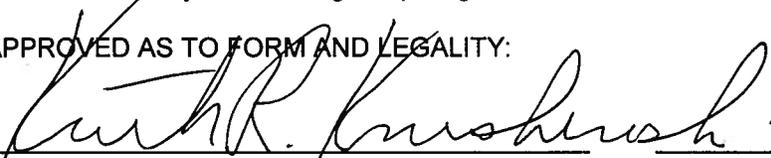
- (1) For the purposes of this section, unless the context requires otherwise, the following definitions apply:
 - (a) "Mobile telephone" means a cellular, analog, wireless or digital device that provides for voice communication and for data communication other than by voice; and
 - (b) "Personal digital assistant" means a wireless electronic communication device that provides for data communication other than by voice.
- (2) No person while driving a motor vehicle on any public road or highway shall use a hand-held mobile telephone or a hand-held personal digital assistant to transmit or read a written message; provided, that a driver does not transmit or read a written message for the purpose of this subsection (2) if the driver reads, selects, or enters a telephone

number or name in a hand-held mobile telephone or a personal digital assistant for the purpose of making or receiving a telephone call.

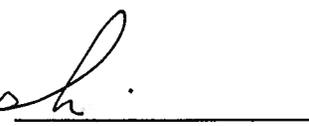
- (3) This section shall only apply to a person driving a motor vehicle that is in motion at the time a written message from a mobile telephone or hand-held personal digital assistant is transmitted or read by the person.
- (4) It is unlawful to fail to comply with the requirements of this section. By Tennessee Code Annotated §55-8-199, a violation of this section is subject only to imposition of a fine not to exceed fifty dollars (\$50.00) and court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. No state or local litigation taxes shall be applicable to a case prosecuted under this section.
- (5) By Tennessee Code Annotated §55-8-199, this section shall not apply to the following persons:
 - (a) Officers of the state or of any county, city, or town charged with the enforcement of the laws of the state, when in the actual discharge of their official duties;
 - (b) Campus police officers and public safety officers, as defined by Tennessee Code Annotated §49-7-118, when in the actual discharge of their official duties;
 - (c) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties; and
 - (d) Emergency management agency officers of the state or of any county, city, or town, when in the actual discharge of their official duties.
- (6) By Tennessee Code Annotated §55-8-199, a traffic citation that is based solely upon a violation of this section shall be considered a nonmoving traffic violation and no points shall be added to a driver record for the violation.

Section 7. 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



 Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

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