

AGENDA

OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

July 11, 2011

7:00 p.m.

INVOCATION – REVEREND GABE POTTER, NEW YORK AVENUE CHURCH OF CHRIST

PLEDGE OF ALLEGIANCE

ROLL CALL

I. APPEARANCE OF CITIZENS

II. PROCLAMATIONS AND PUBLIC RECOGNITIONS

1. PROCLAMATION – ‘ANDERSON COUNTY FAIR WEEK’ JULY 11 – 16

III. SPECIAL REPORTS

IV. CONSENT AGENDA

1. APPROVAL OF THE JUNE 13, 2011 COUNCIL MINUTES

2. RESOLUTION – CERTIFICATE OF GOOD MORAL CHARACTER – STEPHAN L. BABB

A resolution authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Stephan L. Babb, Elks Lodge No. 1684.

3. RESOLUTION – 2011 EMERGENCY SHELTER GRANT PROGRAM

A resolution to accept set-aside Emergency Shelter Grant Program (ESGP) funds from the Tennessee Housing Development Agency, through the U.S. Department of Housing and Urban Development Emergency Shelter Grant Program, in the estimated amount of \$34,367.00, to fund ESGP activities.

4. RESOLUTION – K-1652 LEASE

A resolution authorizing an Assignment of Lease between The City of Oak Ridge, Tennessee; The United States Department of Energy (DOE); Bechtel Jacobs Company, LLC; and URS/CH2M Oak Ridge, LLC, to assign all rights and responsibilities in the leased space of building K-1652 (Fire Station #4) from Bechtel Jacobs Company, LLC, to URS/CH2M Oak Ridge, LLC.

5. RESOLUTION – ADOPTION OF THE PlanET CONSORTIUM AGREEMENT

A resolution acknowledging the City’s participation in the City of Knoxville’s Sustainable Communities Regional Planning Grant Project and authorizing the City to enter into a consortium agreement with the participating regional governmental entities.

V. RESOLUTIONS

1. RESOLUTION – LAMAR DUNN & ASSOCIATES, INC. CONTRACT AMENDMENT

A resolution to amend Resolution 10-103-10, which authorized a Professional Services Agreement with Lamar Dunn & Associates, Inc., Knoxville, Tennessee, for assistance with various tasks required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, in order to increase the scope of work for additional needed services; said amendment in the estimated amount of \$2,400,750.00.

2. RESOLUTION – ENGINEERING SERVICES FOR SEWER REMEDIATION PROJECTS

A resolution authorizing professional services agreements with Barge, Waggoner, Sumner & Cannon, Inc.; Cannon & Cannon, Inc.; Fulghum, MacIndoe & Associates, Inc.; Jacobs Engineering Group, Inc.; and McGill Associates, P.A.; all of Knoxville, Tennessee, for engineering services pertaining to sewer remediation projects as required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, in the collective estimated amount of \$1,000,000.00.

3. RESOLUTION – AWARDING FOUR CONTRACTS FOR CLEANING & INSPECTION OF PORTIONS OF THE CITY’S GRAVITY SEWER COLLECTION SYSTEM

A resolution awarding four (4) contracts to Intuitive Technologies, Inc., Knoxville, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary for cleaning and closed circuit television inspection of portions of the City’s gravity sewer collection system as required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, in the grand total estimated amount of \$996,737.50.

4. RESOLUTION – CONTRACT / OAK RIDGE CONVENTION & VISITORS BUREAU

A resolution approving a contract between the City and the Oak Ridge Convention and Visitors Bureau (CVB) for the provision of services and materials to promote tourism in Oak Ridge for the period July 1, 2011 through June 30, 2012 (FY2012), in an amount not to exceed \$404,208.00 and to amend the CVB bylaws to reflect new CVB functions as set forth in the FY2012 contract.

5. RESOLUTION – ADDITION OF MEMBERS / OAK RIDGE CVB BOARD OF DIRECTORS

A resolution to add three (3) new and designated members to the Convention and Visitors Bureau Board (CVB) for the General Managers of three local hotel/motel establishments and to amend the CVB bylaws to reflect the new membership requirements.

6. RESOLUTION - \$5,000,000 INTER-FUND LOAN FOR EPA PROJECTS

A resolution authorizing the issuance, sale, and payment of waterworks interfund loan capital outlay notes not to exceed \$5,000,000.00.

7. RESOLUTION – FY 2011 CITY MANAGER EVALUATION

A resolution to amend the City Manager’s employment agreement, as approved by Resolution 7-73-10, to provide for a one-year contract extension and a two percent (2%) salary increase, with the salary increase effective on June 26, 2011.

VI. PUBLIC HEARING AND 1ST READING OF ORDINANCES

**1. ORDINANCE – FISCAL YEAR 2012 BUDGET APPROPRIATION AMENDMENT
[Public Hearing & 1st Reading]**

An ordinance to amend Ordinance No. 8-11, which ordinance imposes a tax on all property within the City, fixes the rate of the tax, adopts a budget, and adopts appropriations for the fiscal year beginning July 1, 2011, by amending said appropriations.

2. ORDINANCE – CITY CODE AMENDMENT - RESIDENCY REQUIREMENT / OAK RIDGE CVB

An ordinance to amend Title 2, titled “Boards and Commissions, Etc.,” Chapter 1, titled “Miscellaneous,” Section 2-101, titled “Membership to Boards and Commissions; Residency Required,” to waive the residency requirement for three (3) designated local hotel/motel establishments’ membership positions on the Oak Ridge Convention and Visitors Bureau Board of Directors.

3. ORDINANCE – CITY CODE AMENDMENT – CONTEMPT OF COURT

An ordinance to amend Title 3, titled “Municipal Court,” Chapter 1, titled “City Court,” of the Code of Ordinances, City of Oak Ridge, Tennessee, by creating a new Section 3-104, titled “Contempt of Court,” to clarify judicial authority to punish for contempt of court in City Court as authorized by Tennessee Code Annotated §16-1-103, §16-18-306, and §29-9-102, and City Code §3-206.

VII. FINAL ADOPTION OF ORDINANCES

1. ORDINANCE - REZONING REQUEST 699 EMORY VALLEY ROAD, FROM B-1 & RG-1 TO UB-2

An ordinance to amend Ordinance No. 2, Titled “The Zoning Ordinance of The City of Oak Ridge, Tennessee,” by amending the Zoning Map which is made a part of the Ordinance by changing the zoning district of Parcel 2.00, Anderson County Tax Map 100f, Group A, located at 699 Emory Valley Road, from B-1, Neighborhood Business and RG-1, Residential, Open Space and Reserved, to UB-2, Unified General Business.

VIII. ELECTIONS & APPOINTMENTS / ANNOUNCEMENTS / SCHEDULING

1. ELECTIONS & APPOINTMENTS

ELECTIONS

Youth Advisory Board

- Confirming the appointment of sixteen (16) students to the Youth Advisory Board with terms ending July 31, 2012.

NOTICE OF ELECTIONS FOR AUGUST 8, 2011 [none]

2. ANNOUNCEMENTS

3. SCHEDULING

IX. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

X. SUMMARY OF CURRENTS EVENTS

1. CITY MANAGER'S REPORT
2. CITY ATTORNEY'S REPORT

XI. ADJOURNMENT

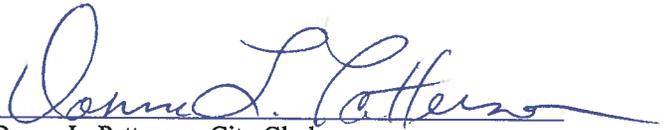
**PROCLAMATIONS
AND
PUBLIC RECOGNITION**

CITY CLERK MEMORANDUM
11-33

DATE: July 6, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna Patterson, City Clerk
SUBJECT: PROCLAMATION

Anderson County Fair Week – July 11 - 16

This proclamation was requested by Councilmember Ellen Smith and Anderson County Commissioner Robin Biloski to show support for the Anderson County Fair. No one will be present to receive the proclamation, but they will have one for the opening ceremony of the fair.


Donna L. Patterson, City Clerk

PROCLAMATION

WHEREAS, the Anderson County Fair was established in its present form in 1889 and the 2011 Fair will be the 122nd fair in its proud history; and

WHEREAS, the Anderson County Fair was designated as a “Century Fair” by the Tennessee Department of Agriculture in 2003, in recognition of 100+ years of continuous operation within the State of Tennessee; and

WHEREAS, the Anderson County Fair is an annual educational and entertainment opportunity that is enjoyed by thousands of people of all ages; and

WHEREAS, it is a true partnership of hundreds of volunteers working together with local agencies, businesses and industries to provide an opportunity to showcase the Anderson County area, and to effectively highlight Tennessee agriculture and products; and

WHEREAS, the Anderson County Fair Association, which is the Fair’s governing agency, is a completely volunteer organization and its members serve the community; and

WHEREAS, Oak Ridgers are proud to be a part of Anderson County and, like all Anderson County citizens, we take great pride in our outstanding Anderson County Fair.

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the week of July 11 - 16, 2011, be designated as

‘ANDERSON COUNTY FAIR WEEK’

in the City of Oak Ridge, Tennessee, and that all Oak Ridgers be encouraged to support the Anderson County Fair Association as it endeavors to produce the best fair in Tennessee, and to honor the Anderson County Fair slogan – *The Best Six Days of Summer* – by attending and enjoying the 2011 fair during the week of July 11 - 16.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this the 11th day of July in the year 2011.

Thomas L. Beehan, Mayor

ATTEST:

Donna L. Patterson, City Clerk

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING
JUNE 13, 2011**

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

INVOCATION: Councilmember David Mosby

PLEDGE OF ALLEGIANCE: Norman Mulvenon

ROLL CALL: The following Councilmembers were present: Anne Garcia Garland, Thomas Hayes, Charles Hensley, Jane Miller, David Mosby, Ellen Smith, and Mayor Thomas Beehan.

Also present were City Manager Mark Watson, Deputy City Manager Steven Jenkins, and City Clerk Donna Patterson.

Mayor Beehan asked for a motion for the election of the Mayor and Mayor Pro Tem seats to be held at this time.

So moved by Councilmember Hayes and seconded by Councilmember Miller.

Councilmember Smith recommended waiting until after the 'Proclamations and Public Recognitions' section of the agenda.

A motion was made by Councilmember Smith, seconded by Councilmember Mosby, to amend the motion to wait until after 'Proclamations and Public Recognitions.'

Those voting for: Councilmembers Garcia Garland, Hayes, Mosby, and Smith.

Those voting against: Councilmembers Hensley, Miller, and Mayor Beehan

The motion carried.

Mayor Beehan called for a vote on the first motion as amended.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

I. APPEARANCE OF CITIZENS

Mayor Beehan opened the meeting for public comments. No one came forward to speak.

II. PROCLAMATIONS AND PUBLIC RECOGNITIONS

1. PROCLAMATION – 'SECRET CITY FESTIVAL TIME' – JUNE 17 & 18, 2011

City Clerk Donna Patterson read the proclamation proclaiming June 17 & 18 as 'Secret City Festival Time' in the City of Oak Ridge.

A motion was made by Councilmember Smith, seconded by Councilmember Miller, to approve the proclamation.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

Mayor Beehan presented Recreation and Parks Aquatics Director Jane Gibson with the proclamation and expressed appreciation for all the hard work that goes into making this event a success.

2. PROCLAMATION – ‘LEAGUE OF WOMEN VOTERS OF OAK RIDGE - 65TH ANNIVERSARY’

City Clerk Donna Patterson read the proclamation proclaiming June of 2011 as ‘League of Women Voters of Oak Ridge - Making Democracy Work Month’ and celebrating their 65th anniversary.

A motion was made by Councilmember Miller, seconded by Councilmember Hensley, to approve the proclamation.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

Mayor Beehan presented Norman Mulvenon, Jo Ann Garrett, and Brenda Parker - representatives of the League of Women Voters of Oak Ridge - with the proclamation. State Representative John Ragan also came forward and presented them with House Joint Resolution #299 from the State of Tennessee honoring the League of Women Voters of Oak Ridge and their 65th anniversary.

III. ELECTION OF MAYOR AND MAYOR PRO TEM

City Manager Mark Watson explained the City Charter and the procedure outlined for the selection of the Mayor and Mayor Pro Tem.

- Selection of Mayor for a term to end on November 12, 2012

On the first ballot, Thomas Beehan was re-elected to serve as Mayor of the City of Oak Ridge for a term of office ending on November 12, 2012.

Voting for Thomas Beehan: Councilmembers Hayes, Hensley, Miller, Mosby, and Mayor Beehan.

Voting for David Mosby: Councilmembers Garcia Garland and Smith.

- Selection of Mayor Pro Tem for a term to end on November 12, 2012

On the first ballot, Jane Miller was re-elected to serve as Mayor Pro Tem of the City of Oak Ridge for a term of office ending on November 12, 2012.

Voting for Jane Miller: Councilmembers Hayes, Hensley, Miller, Mosby, and Mayor Beehan.

Voting for David Mosby: Councilmembers Garcia Garland and Smith.

IV. CONSENT AGENDA

Councilmember Garcia Garland requested that Item #13 ‘Resolution – ADA Compliance Officer’, be removed from the consent agenda.

Councilmember Smith requested that Items #6 ‘Resolution – Trade Licensing Board Rules & Procedures’, #7 ‘Resolution – Extension of Water Services Agreement with DOE’, and #12 ‘Resolution – Mowing Contract Extension, Public Works Dept.’ be removed from the consent agenda.

Councilmember Mosby requested that Item #9 'Resolution - Administration of State Property Tax Relief Program' be removed from the consent agenda.

A motion was made by Councilmember Miller, seconded by Councilmember Smith, to approve the Consent Agenda with the removal of Items #6, #7, #9, #12 and #13.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

The Consent Agenda was approved with the removal of Items #6, #7, #9, #12, and #13 thereby:

- Approving the Minutes of May 9, May 16, and May 23, 2011 City Council Meetings
- Adopting **Resolution No. 6-40-11** ALCOHOL BEVERAGE PERMIT - HILLTOP WINE & SPIRITS
- Adopting **Resolution No. 6-41-11** CERTIFICATE OF COMPLIANCE / TROY JOSEPH HOWE
- Adopting **Resolution No. 6-42-11** ADMINISTRATION - CITY'S PROPERTY TAX FREEZE PROGRAM
- Adopting **Resolution No. 6-43-11** MEMBERSHIP AND DUES PAYMENT FOR ETEDA
- Adopting **Resolution No. 6-44-11** EXPENDITURE OF UP TO \$500,000 FROM DOE

The Council then discussed the items removed from the agenda as follows:

- **RESOLUTION NO. 6-45-11** TRADE LICENSING BOARD RULES & PROCEDURES

City Clerk Donna Patterson read the title of the resolution as follows: A resolution to approve the Rules and Procedures of the Trade Licensing Board as required by City Code §12-307.

A motion was made by Councilmember Miller, seconded by Councilmember Smith, to adopt the resolution.

City Manager Mark Watson explained that as a result of combining the former Board of Electrical Examiners and Board of Plumbing Examiners to form the new Trade Licensing Board, revisions to existing rules and procedures became necessary.

He further stated that the Legal Department reviewed the Board's draft version in March, making additional suggested changes for the Board's consideration. The Board incorporated all of the Legal Department's suggested changes. On May 10, 2011, the Trade Licensing Board unanimously approved all necessary revisions and recommended that the revised rules be presented to Council for final approval.

After discussion, clarification, and suggested clerical changes from the Council, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

- **RESOLUTION NO. 6-46-11** EXTENSION OF WATER SERVICES AGREEMENT WITH DOE

City Clerk Donna Patterson read the title of the resolution as follows: A resolution to extend through June 30, 2012, the Water Services Agreement between the City and the United States Department of Energy (DOE), approved by Resolution 4-47-98 and extended by Resolution 10-98-10.

A motion was made by Councilmember Miller, seconded by Councilmember Hayes, to adopt the resolution.

City Manager Mark Watson explained that in 2000, as part of the City's acquisition of the DOE water plant, a contract was jointly executed which provided for the sale of city drinking and raw water to the U.S Department sites at Y-12 and ORNL. The contract ended April 2010 and then was extended through June 30, 2011. This resolution extends the contract through June 30, 2012.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

- **RESOLUTION No. 6-47-11 ADMINISTRATION OF STATE PROPERTY TAX RELIEF PROGRAM**

City Clerk Donna Patterson read the title of the resolution as follows: A resolution to outsource the Administration of the State property tax relief program to the Anderson County Trustee.

A motion was made by Councilmember Miller, seconded by Councilmember Hensley, to adopt the resolution.

Deputy Manager Steve Jenkins explained that the City contracted with the Anderson County Trustee to administer the tax relief program of Oak Ridge residents. In addition, the Trustee is contracting with the City to accept City property tax payments at the County's Emory Valley Office in Oak Ridge. The total cost of providing these services will be \$13,000 annually.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

- **RESOLUTION No. 6-48-11 MOWING CONTRACT EXTENSION, PUBLIC WORKS DEPT.**

City Clerk Donna Patterson read the title of the resolution as follows: A resolution to extend through October 31, 2011, the Contract (COR 01-01) approved by Resolution 5-82-01 between the City and Diversified Service Associates, Inc., Oak Ridge, Tennessee, for the furnishing of mowing services for rights-of-way on city and state streets and various city-owned parcels.

A motion was made by Councilmember Smith, seconded by Councilmember Miller, to adopt the resolution.

City Manager Mark Watson explained that the extension of this contract will allow staff to determine the appropriate frequency and width for mowing the newly completed State Route 95 right-of-way, as well as the appropriate frequency for the medians. Once the mowing season is complete, Public Works staff will have the required frequencies and widths necessary to include in a bid document and will conduct a sealed bid process for these services to begin April 1, 2012.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

- **RESOLUTION NO. 6-49-11 ADA COMPLIANCE OFFICER**

City Clerk Donna Patterson read the title of the resolution as follows: A resolution naming and reaffirming the Public Works Operations Maintenance Manager, Pat Fallon, as the City's ADA Compliance Officer.

A motion was made by Councilmember Hayes, seconded by Councilmember Hensley, to adopt the resolution.

City Manager Mark Watson stated that most cities have a designated individual to serve as the ADA Compliance Officer. He recommended that the City Council officially designate Pat Fallon as the City of Oak Ridge ADA Compliance Officer.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

V. RESOLUTIONS

1. RESOLUTION NO. 6-50-11 AGREEMENT / FIBER OPTIC SYSTEM / FIBER PLANNERS, INC.

City Clerk Donna Patterson read the title of the resolution as follows: A resolution awarding a professional services agreement to Fiber Planners, Inc., Biltmore Lake, North Carolina, for the provision of design, material specifications, and bidding/construction oversight for the construction of a fiber optic system in Oak Ridge in the estimated amount of \$55,000.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to adopt the resolution.

City Manager Mark Watson stated that City staff has been in discussion with School system officials and others regarding the construction of a fiber network for the City of Oak Ridge and the School system. This network will serve as a communication link between City facilities, utility infrastructure, and School facilities.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

2. RESOLUTION NO. 6-51-11 AGREEMENT / BILL NOLAN AND ASSOC. / FY 2012

City Clerk Donna Patterson read the title of the resolution as follows: A resolution approving a professional services agreement with Bill Nolan and Associates, Oak Ridge, Tennessee, for the provision of consulting services in the area of relations with the Tennessee General Assembly and the Executive Branch of the State of Tennessee for agreed upon priorities for the City in the estimated amount of \$55,800.

A motion was made by Councilmember Hensley, seconded by Councilmember Mosby, to adopt the resolution.

City Manager Mark Watson stated that the City of Oak Ridge has been utilizing the services of Bill Nolan and Associates for consulting services in the area of relations with the Tennessee General Assembly and the Executive Branch of the State of Tennessee. This resolution and agreement would continue those services for fiscal year 2012 at the same rate as the current agreement.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

Abstaining: Councilmember Garcia Garland.

Motion carried.

3. RESOLUTION NO. 6-52-11 AGREEMENT / FERGUSON GROUP, LLC / FY 2012

City Clerk Donna Patterson read the title of the resolution as follows: A resolution approving a professional services agreement with the Ferguson Group, LLC, Washington, D.C., for the provision of consulting services to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities for the City in the estimated amount of \$102,000.

A motion was made by Councilmember Miller, seconded by Councilmember Hayes, to adopt the resolution.

City Manager Mark Watson stated that the City of Oak Ridge has been utilizing The Ferguson Group for consulting services to develop a comprehensive federal government relations agenda and action plan. This resolution and agreement would continue those services for fiscal year 2012 at the same rate as the current agreement.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

Abstaining: Councilmember Garcia Garland.

Motion carried.

4. RESOLUTION NO. 6-53-11 CENTENNIAL BLUFF ACCESS / PROPOSED MODIFICATIONS

City Clerk Donna Patterson read the title of the resolution as follows: A resolution modifying Resolution 11-105-07, which approved a limited-use access to Melton Lake Drive from Anderson County Tax Map 101F, Group A, Parcel 2.00 (Centennial Bluff), and approving a permanent left-turn movement onto Melton Lake Drive from Centennial Bluff.

A motion was made by Councilmember Miller, seconded by Councilmember Hensley, to adopt the resolution.

City Manager Mark Watson explained that the developer of Centennial Bluff has requested approval for modifications to the Centennial Bluff access to allow left-turn out traffic movements onto Melton Lake Drive. Since the construction of the limited use access, illegal U-turn movements are occurring at three locations to travel north on Melton Lake Drive. The Traffic Safety Advisory Board has reviewed and recommended approval of the modification to the Melton Lake Drive access.

Michele Brandenburg, 344 Centennial Bluff Blvd., came forward and spoke in support of the requested modification.

Engineer Brian Mills, with Adams Craft Hertz & Walker; City Engineer Steve Byrd; and Ann Grubb, the V.P. of the Sales in Centennial Bluff, were present to answer questions.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

5. RESOLUTION NO. 6-54-11 NEGOTIATED ANNUAL ORDERS FOR FY 2012

City Clerk Donna Patterson read the title of the resolution as follows: A resolution waiving competitive bids and making awards in the grand total estimated amount of \$5,651,900.00 based upon written quotations and negotiated agreements with suppliers for the furnishing of routine materials, equipment, and services as required by the City during Fiscal Year 2012.

A motion was made by Councilmember Hayes, seconded by Councilmember Smith, to adopt the resolution.

City Manager Mark Watson explained that this resolution provides for certain routine annual orders for those services and materials that do not lend themselves to the normal competitive bidding procedure.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

6. RESOLUTION NO. 6-55-11 COMPETITIVELY BID COMMODITY REQUIREMENTS / FY 2012

City Clerk Donna Patterson read the resolution title as follows: A resolution awarding bids in the grand total estimated amount of \$1,499,875.00 for the furnishing of various materials and residential demolition services as required by the City during fiscal year 2012.

A motion was made by Councilmember Hensley, seconded by Councilmember Miller, to adopt the resolution.

City Manager Mark Watson explained the evaluation and recommendation process that was listed within the proposed resolution.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

7. RESOLUTION NO. 6-56-11 WATERWORKS \$10 MILLION INITIAL REIMBURSEMENT

City Clerk Donna Patterson read the title of the resolution as follows: Initial resolution authorizing the issuance of not to exceed Ten Million Dollars (\$10,000,000) General Obligation Bonds of the City of Oak Ridge, Tennessee.

A motion was made by Councilmember Miller, seconded by Councilmember Smith, to adopt the resolution.

City Manager Mark Watson stated that the proposed resolution authorizes the City to issue debt in an aggregate principal amount not to exceed \$10,000,000 for the purpose of financing improvements and expansion of the City's waterworks system. This is an initial resolution, not a bond resolution. City Council will be required to adopt a bond resolution before bonds can be issued.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

8. RESOLUTION NO. 6-57-11 DOE FUNDING OF THE TENNESSEE OVERSIGHT AGREEMENT

City Clerk Donna Patterson read the title of the resolution as follows: A resolution urging the U.S. Department of Energy to continue full funding for the Tennessee Oversight Agreement, which provides support to the Tennessee Department of Environment and Conservation and the Tennessee Emergency Management Agency.

A motion was made by Councilmember Smith, seconded by Councilmember Garland, to adopt the resolution as presented.

City Manager Mark Watson stated that this is a resolution of support for the continued extension and full funding of the Tennessee Oversight Agreement.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

9. RESOLUTION NO. 6-58-11 SOLAR PROJECT AT OAK RIDGE HIGH SCHOOL

City Clerk Donna Patterson read the title of the resolution as follows: A resolution consenting to the School Board's participation in a joint venture with the Oak Ridge Community Solar Initiative to provide solar blankets on the roof of the Oak Ridge High School provided the School Board obtains necessary protections to preserve the twenty-year roof warranty currently in place for the Oak Ridge High School.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to adopt the resolution as presented.

City Manager Mark Watson stated that this is a resolution consenting to the participation by the School Board in a joint venture to provide a solar generation facility on the roof of the Oak Ridge High School.

The City will be paying bonds until 2041 on the recent improvements to Oak Ridge High School. There is a twenty-year warranty on the school's roof and, typically, anytime a change is made to a roof system, the warranty may be affected. City Manager Mark Watson stated that he recommends support of the solar project provided that the school obtains the necessary protections to preserve the roof warranty.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

10. RESOLUTION – CONTRACT / OAK RIDGE CONVENTION & VISTORS BUREAU

The City Manager requested that this item be removed until the July 11, 2011, City Council Meeting to allow for further review.

VI. PUBLIC HEARING AND 1ST READING OF ORDINANCES

**1. PUBLIC HEARING & 1ST READING – ORDINANCE REZONING REQUEST
699 EMORY VALLEY ROAD, FROM B-1 & RG-1 TO UB-2**

City Clerk Donna Patterson read the title of the ordinance as follows: An ordinance to amend Ordinance No. 2, Titled “The Zoning Ordinance Of The City Of Oak Ridge, Tennessee,” by amending the Zoning Map which is made a part of the Ordinance by changing the zoning district of Parcel 2.00, Anderson County Tax Map 100f, Group A, located at 699 Emory Valley Road, from B-1, Neighborhood Business and RG-1, Residential, Open Space and Reserved, to UB-2, Unified General Business.

A motion was made by Councilmember Miller, seconded by Councilmember Smith, to approve the ordinance.

Community Development Director Kathryn Baldwin stated that is a request to rezone a 1.99 acre parcel from B-1 Neighborhood Business and RG-1, Residential, Open Space and Reserved to UB-2, Unified General Business. The area zoned RG-1 is a 50-foot wide strip along Emory Valley Road. Located on the lot is a vacant building that has approximately 27,000 sq. ft. of area in addition to associated parking. The Planning Commission has recommended unanimously for approval of the requested rezoning.

Mayor Beehan opened the public hearing for public comments.

No one came forward with comments.

A motion was made by Councilmember Hensley, seconded by Councilmember Hayes, to close the public hearing.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

Dan Atkins, with Cornerstone Commercial Real Estate and also the applicant for the rezoning request, came forward and explained that the property has been vacant and for sale for many years with no buyers or tenants. He is requesting this rezoning to make the property more marketable.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

VII. FINAL ADOPTION OF ORDINANCES

**1. SEWER USE ORDINANCE NO. 9-11 – AMENDMENT TO CITY CODE SECTION 18-307 (12)
[2ND READING]**

City Clerk Donna Patterson read the title of the ordinance as follows: An ordinance to amend Title 18, titled “Water and Sewers,” Chapter 3, titled “Sewer Use Ordinance,” Section 18-307, titled “Building Sewers and Connections,” of the Code of Ordinances, City of Oak Ridge, Tennessee, by deleting Subsection (12), titled “Grease Traps,” in its entirety and substituting therefor a new Subsection (12), titled “Grease Control Equipment,” to establish a Fats, Oils and Grease (FOG) Management Policy for the City in compliance with the requirements set forth by the Tennessee Department of Environment and Conservation.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to adopt the ordinance.

City Manager Mark Watson stated that this is the 2nd reading of the Ordinance to amend City Code Section 18-307(12) for compliance with the fats, oils, and grease (FOG) program requirements set forth by the State of Tennessee Department of Environment and Conservation.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

VIII. ELECTIONS & APPOINTMENTS / ANNOUNCEMENTS / SCHEDULING

1. ELECTIONS & APPOINTMENTS

ELECTIONS

Environmental Quality Advisory Board

A motion was made by Councilmember Smith to elect David Hughes, by acclamation, to the Environmental Quality Advisory Board for a term ending May 31, 2013. The motion was seconded by Councilmember Miller.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

NOTICE OF ELECTIONS FOR JULY 11, 2011

Youth Advisory Board

Mayor Beehan announced an election of sixteen members to the Youth Advisory Board for the July 11, 2011 City Council Meeting. These members shall be students in the Oak Ridge School System, 8th – 12th grade levels.

IX. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Garcia Garland requested a work session to discuss how the Council works together as a body; the roles of Mayor and Councilmembers; and the possible rotation of the Mayor position.

Mayor Beehan requested that open records and communications by email also be discussed.

Councilmember Hensley requested discussion about a Comprehensive Plan and, also, obtaining the School budget at an earlier date.

Councilmember Hayes stated that the Council should meet with the School Board far in advance of the school's budget development so there would be better understanding on both sides.

It was suggested to utilize the City Attorney and a MTAS representative on these issues and have them attend the work session.

X. SUMMARY OF CURRENTS EVENTS

1. CITY MANAGER'S REPORT

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Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

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1. ELECTIONS & APPOINTMENTS

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Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

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It was suggested to utilize the City Attorney and a MTAS representative on these issues and have them attend the work session.

X. SUMMARY OF CURRENTS EVENTS

1. CITY MANAGER'S REPORT

LEGAL MEMORANDUM
11-29

DATE: June 30, 2011

TO: Honorable Mayor and Members of city Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: CERTIFICATE OF GOOD MORAL CHARACTER --
STEPHAN L. BABB

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

A request for a Certificate of Good Moral Character for Stephan L. Babb, Elks Lodge No. 1684, has been submitted and a notice has been published in The Oak Ridger advising that consideration of the issuance of a certificate would be made at the July 11, 2011, City Council meeting. A police background check on this individual has been conducted and previously provided to the Council.


Kenneth R. Krushenski

Attachment

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF OAK RIDGE A CERTIFICATE OF GOOD MORAL CHARACTER FOR STEPHAN L. BABB, ELKS LODGE NO. 1684.

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

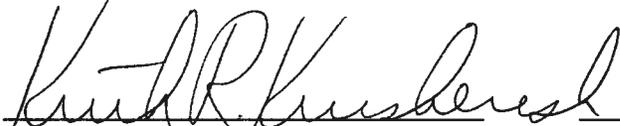
WHEREAS, Stephan L. Babb, on behalf of the Elks Lodge No. 1684, 684 Emory Valley Road, has made application to the City of Oak Ridge for such Certificate of Good Moral Character.

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

That the Mayor is hereby authorized to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Stephan L. Babb, the City Council having made an investigation of the general character of Mr. Babb and from such investigation his character is found to be good.

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
11-14

DATE: June 27, 2011
TO: Mark S. Watson, City Manager
THROUGH: Gary M. Cinder, P.E., Public Works Director *GMC*
FROM: Susan Fallon, Contracts / Grants Coordinator
SUBJECT: **2011 EMERGENCY SHELTER GRANT PROGRAM**

The accompanying resolution authorizes the City of Oak Ridge to accept the 2011 Emergency Shelter Grant Program (ESGP) funds administered by the Tennessee Housing Development Agency (THDA), through the U.S. Department of Housing and Urban Development (HUD), for the State of Tennessee, in the estimated amount of \$34,367.

The 2011 ESGP funding is for the period of July 1, 2011 through June 30, 2012 and will be the fourth year that the ESGP has been administered by THDA. The proposed allocation is for noncompetitive set-aside funds. Usually the approval for this grant is requested during January of each year. The grant program did not receive federal funding until the continuing resolution was approved by Congress, therefore, the delay in the approval process. THDA has received permission for grant funds to be expended beginning July 1, 2011, with execution of the grant documents following that date.

The grant budget allows that the City will make an estimated \$33,630 of these funds available to Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC) to provide homeless prevention activities within the City of Oak Ridge. The ESGP requires dollar-for-dollar matching funds with cash or in-kind services, which ADFAC will provide. The ESGP will reimburse the City an estimated \$737 to be utilized by staff for grant administration costs.

ADFAC has administered the homeless prevention program for fifteen years. Examples of the assistance provided by the ESGP are payments for rent, mortgage and utilities, which prevents the resident from becoming homeless. Each client receiving funds from the ESGP also receives counseling from a certified social worker. During the period of July 1, 2009 through June 30, 2010, one thousand three hundred and nine (1,309) persons, benefited from the ESGP provided through ADFAC. The actual amount of matching funds provided by ADFAC during FY2010 was \$94,066.53, far exceeding the required matching funds of \$32,343. The organization does an outstanding job administering the program, providing the required matching funds from a variety of sources and being responsible for the full and proper maintenance of required records.

As an entitlement city for the Community Development Block Grant (CDBG) program, the City of Oak Ridge is required to assist persons at risk of becoming homeless. If the City did not utilize the ESGP funds for the homeless prevention program, CDBG entitlement funds would have to be allocated for this activity, which would reduce the amount of funds available for other housing needs.

Staff recommends the acceptance of the 2011 set-aside funds in the estimated amount of \$34,367 and the attached resolution as submitted.

Susan Fallon

Susan Fallon

<p>City Manager's Comments:</p> <p>I have reviewed the above issue and recommend council action as outlined in this document.</p> <p><i>Mark S. Watson</i> _____ Mark S. Watson, City Manager</p> <p><i>7/5/2011</i> _____ Date</p>
--

RESOLUTION

A RESOLUTION TO ACCEPT SET-ASIDE EMERGENCY SHELTER GRANT PROGRAM (ESGP) FUNDS FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY, THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SHELTER GRANT PROGRAM, IN THE ESTIMATED AMOUNT OF \$34,367.00, TO FUND ESGP ACTIVITIES.

WHEREAS, the provision of emergency assistance to very low and low income people threatened with displacement is a requirement for U.S. Department of Housing and Urban Development (HUD) funding; and

WHEREAS, the Tennessee Housing Development Agency, through HUD's Emergency Shelter Grant Program (ESGP), has budgeted funds which will be available Statewide for set-aside and competitive ESGP applications; and

WHEREAS, Aid to Distressed Families of Appalachian Counties, Inc., (ADFAC), is willing to provide the necessary matching funds as well as provide an accountable and centralized system for distributing limited emergency aid funds combined with a variety of support services aimed at encouraging families to help themselves; and

WHEREAS, nonprofit organizations require the City's certification of approval and ADFAC additionally requires a certification of match for ESGP funding; and

WHEREAS, the City Manager recommends acceptance for set-aside ESGP funds from the Tennessee Housing Development Agency in the estimated amount of \$34,367.00 to fund ESGP activities.

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 accept set-aside Emergency Shelter Grant Program (ESGP) funds from the Tennessee Housing Development Agency, through the U.S. Department of Housing and Urban Development Emergency Shelter Grant Program, in the estimated amount of \$34,367.00, to fund ESGP activities.

BE IT FURTHER RESOLVED that the Mayor is authorized to accept said funds for the City.

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

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



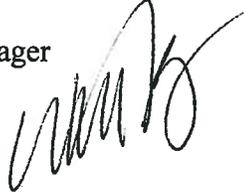
Kenneth R. Krušhenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

**FIRE DEPARTMENT MEMORANDUM
11-45**

DATE: July 5, 2011
TO: Mr. Mark S. Watson, City Manager
FROM: Mack Bailey, Fire Chief
SUBJECT: K-1652 LEASE



The attached resolution sets the terms of the lease of the greater portion of K-1652 (the former K-25 fire station) between Bechtel Jacobs Company LLC (BJC), UCOR, the United States Department of Energy (DOE) and the City.

This lease transfers BJC's rights and responsibilities to UCOR, the successor managing contractor at East Tennessee Technology Park, and UCOR will perform approximately the same work in K-1652 as BJC did during the term of their contract. Work to be performed is generally administrative, management, communications, and security. No radiological or other hazardous materials will be introduced into the building such as laboratory analysis for example.

UCOR will maintain the building, furnish utilities (to City and Wackenhut operations as well), and maintain the furnishings. The City of Oak Ridge Fire Department will continue to house fire apparatus, other vehicles, and other materials in a portion of the building. Wackenhut will continue to maintain its operations in the building also.

Staff recommends adoption of the resolution.

CITY MANAGER'S COMMENTS:

I have reviewed the issue outlined above and recommend adoption of the resolution by City Council.


Mark S. Watson, City Manager 7/5/11
Date

RESOLUTION

A RESOLUTION AUTHORIZING AN ASSIGNMENT OF LEASE BETWEEN THE CITY OF OAK RIDGE, TENNESSEE; THE UNITED STATES DEPARTMENT OF ENERGY (DOE); BECHTEL JACOBS COMPANY, LLC; AND URS/CH2M OAK RIDGE, LLC, TO ASSIGN ALL RIGHTS AND RESPONSIBILITIES IN THE LEASED SPACE OF BUILDING K-1652 (FIRE STATION #4) FROM BECTHEL JACOBS COMPANY, LLC, TO URS/CH2M OAK RIDGE, LLC.

WHEREAS, by Resolution 9-92-07, City Council authorized the City to enter into an agreement with the U.S. Department of Energy (DOE) to transfer certain assets at the East Tennessee Technology Park (ETTP) from DOE to the City of Oak Ridge for fire operations at ETTP; and

WHEREAS, said assets include Building K-1652, which is also known as Fire Station #4; and

WHEREAS, space at Building K-1652 is currently leased to Bechtel Jacobs Company, LLC, as DOE's managing contractor at ETTP; and

WHEREAS, URS/CH2M Oak Ridge, LLC, is the successor managing contractor at ETTP, and DOE has requested an assignment of the leased space from Bechtel Jacobs Company, LLC, to URS/CH2M Oak Ridge, LLC; and

WHEREAS, the City Manager recommends approval of an assignment of the lease to URS/CH2M Oak Ridge, LLC.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into an assignment of lease between the City, the United States Department of Energy (DOE), Bechtel Jacobs Company, LLC, and URS/CH2M Oak Ridge, LLC, for the purpose of assigning all rights and responsibilities of Bechtel Jacobs Company, LLC, to URS/CH2M Oak Ridge, LLC, in the leased spaced at Building K-1652 located at the East Tennessee Technology Park (ETTP).

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

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

COMMUNITY DEVELOPMENT MEMORANDUM
11-50

DATE: June 29, 2011
TO: Mark S. Watson, City Manager
FROM: Kathryn G. Baldwin, Community Development Director
SUBJECT: Adoption of the PlanET Consortium Agreement



An item for consideration at the July City Council meeting is adoption of a resolution to enter into a consortium agreement with the City of Knoxville, the Knoxville Regional Transportation Planning Organization (TPO), and consortium partners. The consortium formed in response to a Notice of Funding Availability for the Department of Housing and Urban Development's Fiscal Year 2010 Sustainable Communities Regional Planning Grant (SCRPG) Program.

A Memorandum of Understanding, approved by Oak Ridge City Council and signed by Mayor Beehan, acknowledges the City of Knoxville to act as the lead applicant for the Sustainable Communities Regional Planning Grant. A letter of support was submitted on behalf of the City of Oak Ridge, which made an in-kind commitment in the form of staff time with a value of \$35, 662 over a 36-month period. Over the course of the project, Oak Ridge City staff will donate ten percent of its time by attending planning meetings, reviewing infrastructure plans, and assisting with public outreach and education programs.

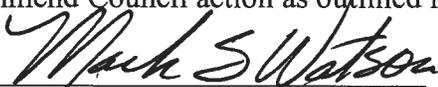
The Sustainable Communities Regional Planning Grant provides a framework for a regional plan that aims to establish an identity and direction; engage, educate and develop a shared sustainable vision; and adopt a regional plan for sustainable development and a regional implementation strategy with a focus on five demonstration communities, one in each county of the region. The primary outcome of the goals described above is to establish a coalition of leaders that will implement a regional plan.

The Consortium has been awarded a grant of \$4,327,500.00 in Sustainable Communities Regional Planning Grant funding in order to cooperatively carry out the activities described in the Knoxville Regional Plan for Sustainable Development application. The first phase of the project began within 120 days of the award and the PlanET consortium is currently in the process of establishing an initial identity and direction for the region.

Oak Ridge City Council acknowledges the City's participation in this regional initiative and provides their full support, allowing Mayor Beehan to sign the Consortium Agreement on behalf of Oak Ridge City Council.

City Manager's Comments:

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



Mark Watson

7/6/11

Date

RESOLUTION

A RESOLUTION ACKNOWLEDGING THE CITY'S PARTICIPATION IN THE CITY OF KNOXVILLE'S SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT PROJECT AND AUTHORIZING THE CITY TO ENTER INTO A CONSORTIUM AGREEMENT WITH THE PARTICIPATING REGIONAL GOVERNMENTAL ENTITIES.

WHEREAS, the City of Knoxville obtained a grant from the United States Department of Housing and Urban Development (HUD) for a Sustainable Communities Regional Planning Grant to improve regional planning efforts by integrating housing, land use, economic and workforce development, transportation, and infrastructure investments; and

WHEREAS, by Resolution 8-80-10, City Council endorsed the City of Knoxville's grant application and authorized the City of Oak Ridge to enter into a Memorandum of Understanding with the City of Knoxville and the other participating regional governmental entities; and

WHEREAS, the City of Knoxville has prepared a consortium agreement between all participating regional governmental entities related to the grant; and

WHEREAS, the City Manager recommends continued participation in the grant project and the City's participation in the consortium agreement.

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

That the recommendation of the City Manager is approved and the City of Oak Ridge hereby acknowledges continued participation in the City of Knoxville's Sustainable Communities Regional Planning Grant project to improve regional planning.

BE IT FURTHER RESOLVED that the City is hereby authorized to enter into a consortium agreement with the City of Knoxville and the other participating regional governmental entities pertaining to the grant project, provided the consortium agreement is approved by the City Attorney

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

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

RESOLUTIONS

PUBLIC WORKS MEMORANDUM
11-17

DATE: June 29, 2011
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Public Works Director
SUBJECT: LAMAR DUNN & ASSOCIATES, INC. AMENDMENT

The accompanying resolution amends Resolution #10-103-10 which awarded a contract to Lamar Dunn and Associates, Inc. (LD&A), Knoxville, TN in October of last year. This amendment provides for additional engineering and technical services to assist staff in complying with the Administrative Order (Order) from the Environmental Protection Agency (EPA) in the estimated amount of \$2,400,750.

Program Management

The Public Works Department has been working steadily to meet all the mandates given to the City by EPA. As time moves on, the enormity of the tasks before us becomes clearer. This amendment for additional services with Lamar Dunn and Associates is to assist staff in meeting the demands of EPA. As you know, staff is proposing to enter into contracts with five additional engineering firms to provide engineering services to design sewer and pump station rehabilitation projects, administer construction contracts, and perform inspection services during construction. This will be a very intensive program to manage these five firms, developing specific project assignments, and ensuring that schedules are maintained by both the engineers and the contractors. Additional tasks include making certain that EPA and TDEC requirements are met, consultant deliverables are completed and financial matters are properly tracked. This amendment proposes to use LD&A as the program manager to augment city staff in discharging these duties. The services are expected to be needed through the end of the Order, currently set for June 30, 2015.

Staff evaluated the feasibility of performing the program management and bidding services in-house. It was estimated that a staff of six new employees would be needed. A major concern was the time delay in recruiting, hiring and getting the new employees familiar with the city systems and the Order. Once all the costs were identified and LD&A submitted their draft proposal, it was evident that LD&A could provide these services for significantly less cost and without any delay in beginning the work.

This type of arrangement is very similar to that used by Knoxville Utility Board (KUB) as they began dealing with their EPA mandates. Using one consultant to manage all the other firms working on projects helped them to meet the intense demands brought by the EPA, knowing that with time, the workload would slow and staff could resume those responsibilities. This is staff's proposed strategy as well.

Fees for these services are estimated to be \$656,000 for the four years remaining under the Order to be billed as services are rendered.

GIS Services

A second task proposed to be added to the contract is Geographic Information System (GIS) services. As part of the initial response to the Order, staff utilized LD&A to develop a wastewater GIS system. As field work progresses, providing field crews with GIS maps, capturing field work in the GIS and keeping all asset data current is vital and this task will ensure this occurs. As projects are completed, all as-built drawings and information will be incorporated into the GIS. All work product and data will become the property of the City for future use as it is generated. It is envisioned this will become a permanent work task and staff will eventually pursue bringing it in-house as other work demands ease.

Fees for the four years of the Order are estimated to be \$294,750, also billed only as services are provided. Once this work is performed by City staff in the future, this task will terminate.

Services for Projects to be Designed by Others

A third task proposed to be provided is the services needed for projects to be designed by other firms. This includes development of GIS information for each project to establish specific project scopes. This information would include manhole inspection data, smoke testing data, and closed circuit television (CCTV) inspection data for each design project. Each design firm will also be providing services during construction and on-site surveillance of construction. The services proposed to be provided by LD&A will be general oversight of each firm's efforts to ensure consistency in quality, performance, and progress. Also included are services to assist the City in bidding each project; however, fees for these services are accounted for in another section of this amendment.

For budget purposes it is estimated a total of 50 design projects will be completed during the life of the Order and the fees for these services described above are estimated to be \$600,000 for the duration of the Order to be billed as services are rendered.

LD&A Design Services

At some time during the Order, it may become necessary to request design services from LD&A directly. This amendment also sets out the general terms of such assignments; however, no monies are included. Any assignments would be brought to Council for a further amendment of this contract.

Additionally, prior to the Order being received, staff had requested LD&A to work under previous contracts to perform design services for several rehab projects. Our focus was on the Emory Valley Sewer Shed as that was the first area the intense fieldwork was completed. Three pump station replacements were under design and one major sewer replacement project was needed immediately. It was decided to use the previously authorized funds to complete these designs and end those old contracts. It should be noted the old contract dated back to 1991 with several amendments, the most recent in 1997. The work being performed today is well beyond the original projected end-date of the contract demonstrating the value the City receives from Mr. Dunn's firm.

Bidding Services

As staff is preparing to move to bidding and construction of the projects mentioned above, traditional services during bidding will be required. These services include responding to bidder inquiries, issuing addenda as needed, performing analysis of bids, and making recommendation for award. This amendment proposes to add these services to the LD&A contract for those projects designed by LD&A. As previously described, bidding services will also be provided by LD&A for all projects designed by other firms.

This task includes bidding services for the estimated 50 contracts designed by others plus the LD&A designed projects for an estimated total of \$420,000 to be billed as services are rendered.

Construction Administration and Resident Project Representation

Traditional services during construction include Contract Administration (CA) and Resident Project Representation (RPR). The services under contract administration include serving as the city's representative in matters involving the contractor. Making periodic site visits to ensure quality and conformance to the plans and specifications, review of contractor pay requests, answer questions from the contractor during construction, evaluate requests for change orders, review and approve shop drawings and material samples. Project representation services provide a more rigorous observation of the contractors work efforts in the field for conformance to the plans and specifications to help ensure quality work is performed throughout the project.

It is customary for the firm that designs the project to handle these services as well.

The estimated fees for these services, by project, as designed by LD&A are as follows:

- Emory Valley I
 - CA \$35,000
 - RPR \$100,000
- Emory Valley II
 - CA \$35,000

- RPR \$100,000
Sewer Replacement Project
- CA \$20,000
- RPR \$90,000
3 Pump Station Replacements
- CA \$50,000
- City staff to perform RPR services on this this project

As the scope of these projects is well defined, it is proposed that the CA services be on a lump sum basis, to be billed as a percentage of construction completion. The RPR services are quite variable as they are dictated by the contractor's work activities. These will be on a time and material basis billed as services are rendered.

Summary

The City is about to begin an intensive and costly effort to rehabilitate its entire sewer collection system. This amendment is intended to lay the framework to ensure compliance with the Order, assist in the completion of the first major rehab contracts, provide oversight of the various engineering firms working on many other rehab projects for the City and finally, to provide ongoing assistance in implementing and utilizing the GIS for the sewer system.

A summary of the cost components in this amendment are:

Program management	\$656,000
GIS Services	\$294,750
Services for Projects Designed by Others	\$600,000
Bidding Services	\$420,000
Contract Administration	\$140,000
Resident Project Representation	\$290,000
Total Amendment	\$2,400,750

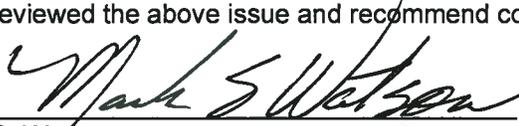
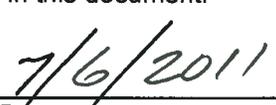
Clearly this is a significant cost. It should be noted that the first four services are to be provided over a four year period for the duration of the Order. The annual cost totals approximately \$492,700. The remaining two services are project specific for the four projects ready to go to construction. Similar fees are expected from the various other engineering firms as they begin to roll their projects to construction.

Funding for this amendment is projected to be provided from the future bond issue and staff recommends approval.



Gary M. Cinder

ks

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 TO AMEND RESOLUTION 10-103-10, WHICH AUTHORIZED A PROFESSIONAL SERVICES AGREEMENT WITH LAMAR DUNN & ASSOCIATES, INC., KNOXVILLE, TENNESSEE, FOR ASSISTANCE WITH VARIOUS TASKS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) ADMINISTRATIVE ORDER, IN ORDER TO INCREASE THE SCOPE OF WORK FOR ADDITIONAL NEEDED SERVICES; SAID AMENDMENT IN THE ESTIMATED AMOUNT OF \$2,400,750.00.

WHEREAS, at the September 27, 2010 work session, City Council was briefed by the City Manager and Public Works Director on an Administrative Order with the United States Environmental Protection Agency (EPA) outlining the various studies, plans, and corrective actions to be taken by the City related to the violations determined by the EPA regarding periodic overflows from the sanitary sewer collection system; and

WHEREAS, by Resolution 10-103-10, City Council awarded a professional services agreement with Lamar Dunn & Associates, Inc., Knoxville, Tennessee, for assistance with various tasks required by the Administrative Order to improve the wastewater collection system, in the estimated amount of \$1,429,620.00; and

WHEREAS, due to the enormity of the task, City Staff has a need for additional professional engineering services from Lamar Dunn & Associates, Inc., to provide program management, GIS services, project oversight, bidding services, contract administration, and resident project representation related to compliance with the Administrative Order; and

WHEREAS, the City Manager recommends approval of an amendment to the professional services agreement for said additional services.

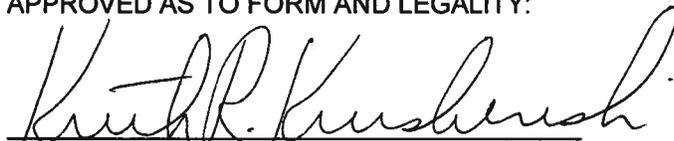
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and Resolution 10-103-10 is hereby amended to increase the scope of work for the professional services agreements with Lamar Dunn & Associates, Inc., 3305 Maloney Road, Knoxville, Tennessee 37920, to provide for additional services to provide program management, GIS services, project oversight, bidding services, contract administration, and resident project representation related to compliance with the United States Environmental Protection Agency (EPA) Administrative Order; said amendment in the estimated amount of \$2,400,750.00.

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

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM

11-15

DATE: June 29, 2011

TO: Mark S. Watson, City Manager

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

SUBJECT: ENGINEERING SERVICES FOR SEWER REMEDIATION PROJECTS

The accompanying resolution authorizes phase one of professional service agreements with the five listed engineering firms to provide services for sewer remediation projects as required in compliance with the Administrative Order (Order) received by the City of Oak Ridge, from the U.S. Environmental Protection Agency (EPA), in the estimated amount of \$1,000,000.

- Barge, Waggoner, Sumner & Cannon, Inc. – Knoxville, TN
- Cannon & Cannon, Inc. – Knoxville, TN
- Fulghum, MacIndoe & Associates, Inc. – Knoxville, TN
- Jacobs Engineering Group, Inc. – Knoxville, TN
- McGill Associates, P.A. – Knoxville, TN

The Order received by the City of Oak Ridge, dated September 28, 2010, requires the submission and approval of a Wastewater Collection and Transportation System (WCTS) Remediation Plan that provides details of repairing the sewer system. The plan shall include project descriptions, schedule for design, construction and placement in service all proposed measures to remediate the system within three years after approval of the WCTS Remediation Plan. In order to accomplish this work, several engineering firms will be needed to design projects and assist the city staff during construction of the projects.

As field investigations continue of the WCTS, much information about the system is being received and analyzed. With such tight time constraints from the EPA to “fix” the system, staff recommends to begin repairing the known problems, by sewer shed, while the field investigations are completed in the remaining sewer sheds. Every identified problem will be included in the remediation plan, but some repairs will be completed and/or under construction when the plan is submitted to the EPA by the September 2012 deadline.

The Public Works Department began the selection process for qualified engineering firms with a Request for Statement of Interest and Qualifications for Professional Engineering Services (SIQ) distributed to twenty-two (22) firms during February 2011 with a submittal date of March 1, 2011. Selection criteria was developed that included chosen firms to have a local presence (within fifty miles of Oak Ridge); organization of the SIQ; professional references and qualifications; and relevant experience with sewer remediation projects.

A Public Works Department staff committee consisting of the Director, City Engineer and Senior Civil Engineer, all of whom are professional engineers, and the Contracts/Grants Coordinator reviewed and ranked the fifteen submitted SIQs. The staff committee met and reviewed their rankings and comments, resulting in the recommendation of the five firms listed above. The staff committee also chose Lamar Dunn & Associates, Inc. (LD&A) based on their submitted SIQ. Staff is recommending LD&A for special projects and management services for the WCTS remediation projects (see Public Works Memorandum 11-17). It should be noted that four of the firms selected along with LD&A were listed in the top twenty engineering companies in the May 15, 2011 Knoxville News Sentinel business section.

The remediation of the entire WCTS may require as many as fifty (50) projects to design, bid, award and construct within a three-year period. On average the Public Works Department has six to eight projects a year that require City Council approval. This includes all work divisions within the department (roads, water, sewer) and any purchase of vehicles and equipment. With the addition of approximately sixteen projects per year, staff is proposing that City Council approve funding in phases for the professional engineering services required for the WCTS remediation projects, with phase one being \$1,000,000.

It is planned for the award of professional engineering services to be reported as the agreements are executed on a perpetual spreadsheet that will be posted on the City's website. A draft of the proposed spreadsheet is attached to this memo. City Council awarding funding for professional engineering services in phases will allow city staff to expedite the design and bid process of the projects. Construction of the projects will continue to be presented to City Council for approval on an individual basis.

The State of Tennessee does not allow a municipality to receive bids for professional services so that the selection is based on qualifications instead of cost. The fees for the professional engineering services will be provided to the city as specific assignments are made and prior to the execution of a professional services agreement. The fee proposals will be submitted and reviewed by the Senior Civil Engineer and the city's management consultant LD&A. If a fee proposal is unacceptable, a fee negotiation will be attempted. If the negotiation fails, another firm will be selected for that particular remediation project. The Public Works Department staff will be responsible for ensuring that fees are within customary amounts for the services rendered.

Funding for phase one of professional engineering services for the WCTS remediation projects, in the amount of \$1,000,000 is projected to be provided from the future bond issue. Staff recommends approval of the accompanying resolution as submitted.



Gary M. Corder, P.E.

City Manager's Comments:

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



Mark S. Watson, City Manager

7/5/2011

Date

CITY OF OAK RIDGE, TENNESSEE
 EPA Administrative Order
 Invoices Processed - Professional Engineering Services Phase 1
 Charge Code 22180.5210.10
 Beginning 7/2011

EXAMPLE ONLY

City Council Resolution 7-??-11 approved 7/11/11					\$ 1,000,000.00	
<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>P.O.#</u>	<u>W.O.#</u>	<u>COMMITTED</u>	<u>SPENT</u>	<u>REMAINING</u>
Cannon & Cannon	COR 11-?? (E5)			\$ 325,000.00	\$ 47,000.00	\$ 953,000.00
McGill & Associates	COR 11-??(E6)			\$ 315,000.00	\$ 13,000.00	\$ 940,000.00
Fulghum, MacIndoe & Associates	COR 11-??(E7)			\$ 225,000.00	\$ 7,000.00	\$ 933,000.00
				\$ 865,000.00	\$ 67,000.00	

RESOLUTION

A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENTS WITH BARGE, WAGGONER, SUMNER & CANNON, INC.; CANNON & CANNON, INC.; FULGHUM, MACINDOE & ASSOCIATES, INC.; JACOBS ENGINEERING GROUP, INC.; AND MCGILL ASSOCIATES, P.A.; ALL OF KNOXVILLE, TENNESSEE, FOR ENGINEERING SERVICES PERTAINING TO SEWER REMEDIATION PROJECTS AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) ADMINISTRATIVE ORDER, IN THE COLLECTIVE ESTIMATED AMOUNT OF \$1,000,000.00.

WHEREAS, at the September 27, 2010 work session, City Council was briefed by the City Manager and Public Works Director on an Administrative Order with the United States Environmental Protection Agency (EPA) outlining the various studies, plans, and corrective actions to be taken by the City related to the violations determined by the EPA regarding periodic overflows from the sanitary sewer collection system; and

WHEREAS, as part of the Administrative Order, the City is required to have a wastewater collection and transportation system remediation plan that provides details of repairing the sewer system, which plan will require the services of several firms to design projects and assist in construction oversight; and

WHEREAS, in February 2011, the City issued a request for statement of interest and qualifications for professional engineering firms for said services; and

WHEREAS, based upon their qualifications, City Staff selected the following engineering firms: Barge, Waggoner, Sumner & Cannon, Inc.; Cannon & Cannon, Inc.; Fulghum, MacIndoe & Associates, Inc.; Jacobs Engineering Group, Inc.; and McGill Associates, P.A.; and

WHEREAS, the City Manager recommends approval of professional services agreements with all five (5) firms for said 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 phase one of the professional services agreements for services associated with the wastewater collection and transportation system remediation plan as required by the United States Environmental Protection Agency Administrative Order, in the collective estimated amount of \$1,000,000.00, with the following firms: Barge, Waggoner, Sumner & Cannon, Inc., 10133 Sherrill Boulevard, Suite 200, Knoxville, Tennessee 37932; Cannon & Cannon, Inc.; 8550 Kingston Pike, Knoxville, Tennessee 37919; Fulghum, MacIndoe & Associates, Inc.; 10330 Hardin Valley Road #201, Knoxville, Tennessee 37932-3742; Jacobs Engineering Group, Inc.; 9721 Cogdill Road, Suite 201, Knoxville, Tennessee 37932; and McGill Associates, P.A., 118 Mabry Hood Road, Suite 400, Knoxville, Tennessee 37922.

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

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

PUBLIC WORKS MEMORANDUM
11-16

DATE: June 28, 2011

TO: Mark S. Watson, City Manager

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

**SUBJECT: WASTEWATER TRANSPORTATION AND COLLECTION SYSTEM-
CLEANING AND CLOSED CIRCUIT TELEVISION INSPECTION**

The accompanying resolution(s) authorizes award of four contracts for the cleaning and closed circuit television (CCTV) inspection of portions of the City's gravity sewer collection system. Two of the contracts provide CCTV services for lines that are 12 inches in diameter and larger. The other two contracts are for lines smaller than 12 inches. This work is necessary to assist staff in meeting the requirements of the EPA Administrative Order (Order). The City of Oak Ridge contract number, the successful bidder and the estimated amount of each contract are as follows:

- COR-11-08 Gravity Sewer Line Closed Circuit Television Inspection and Cleaning east of Illinois Avenue awarded to Intuitive Technologies, Inc., Knoxville, TN in the estimated amount of \$159,350,
- COR-11-09 Gravity Sewer Line Closed Circuit Television Inspection and Cleaning west of Illinois Avenue awarded to Intuitive Technologies, Inc., Knoxville, TN in the estimated amount of \$112,387.50,
- COR-11-10 Gravity Sewer Line Closed Circuit Television Inspection and Cleaning Division I awarded to Intuitive Technologies, Inc., Knoxville, TN at a cost of \$1.45 per linear foot with the estimated footage being 250,000 resulting in an estimated contract cost of \$362,500,
- COR-11-11 Gravity Sewer Line Closed Circuit Television Inspection and Cleaning Division II awarded to Intuitive Technologies, Inc., Knoxville, TN at a cost of \$1.45 linear foot with the estimated footage being 250,000 resulting in an estimated contract cost of \$362,500.

Section IV., Order, 16. B. iii. of the Order received by the City, dated September 28, 2010 requires that within six months of the date of the Order, the City submit a plan to provide a Sewer System Evaluation Study (SSES) and provides an additional twelve months to complete the work. The SSES has been submitted to and approved by EPA. Staff has planned to have the work completed by the end of 2011 so that the information gathered may be used by our consultants to analyze the system and for design of future rehabilitation contracts.

Large Diameter Lines

City staff has identified 63,950 feet of gravity sewer main line that is twelve inches in diameter or larger needing CCTV inspection to satisfy the Order. Contract COR-11-08 provides for CCTV inspection of 46,600 feet of gravity sewer main line in sizes ranging from twelve inch to thirty-six inch in diameter. The amount of footage in this contract is the larger of the two because it includes the interceptor running north from Y-12 along South Illinois Avenue along with large diameter lines east of Illinois Avenue.

Contract COR-11-09 provides CCTV inspection of 23,350 feet of gravity sewer main line in sizes ranging from twelve inch to forty-two inch diameter. This contract, while smaller in footage, contains the main interceptor line running west from Illinois Avenue toward the Turtle Park

Wastewater Treatment Plant located on Monterey Road. The unit prices for each of these contracts include by-pass pumping of wastewater to ensure full inspection of the pipes.

Small Diameter Lines

The City gravity sewer collection system contains approximately 1,253,000 feet of line. City personnel began aggressive CCTV work in October of 2010 immediately after receiving the Order. Production rates have varied greatly from month to month depending on weather, terrain, and equipment downtime. Cleaning gravity sewer lines and CCTV inspection of these lines are two separate operations done using different equipment. This work is completed simultaneously, but on different line segments and requires two separate crews.

Approximately 353,000 feet has been cleaned to date. Accomplishing this in-house has required crews to work approximately 60 hours per week. After determining an average expected production, it has become apparent the EPA deadline cannot be met using in-house resources. Based on the following analysis, the City will be approximately 500,000 feet short of its goal.

Total Feet	1,253,000
Large Diameter sewer pipe by contract	69,960
CCTV within last 2 years by City personnel	81,000
CCTV by City personnel to date	353,000
CCTV by City personnel to December 2011	249,000
Total in contracts COR 11-10 & COR 11-11	500,000

These two contracts are not location specific and give City staff the option to direct the contractor's activities. In order to meet the footage goal in the contracts, the contractor will be authorized to work seven days a week from 7 am to 8 pm weather permitting. The actual footage of line cleaned and inspected will most likely be somewhat less than 500,000 depending on the footage of line completed by City personnel.

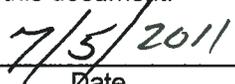
It should be noted that the cleaning and television inspection of the gravity sewer collection system is not a one-time effort. The Order also requires the City to develop a Management, Operation and Maintenance Program (MOM). The MOM requires the City to develop a schedule to completely clean and inspect the entire gravity sewer system on a less aggressive, but regular basis and commit to providing the resources to meet that schedule as part of a permanent program of cleaning and television inspection.

Funding for this amendment is projected to be provided from the future bond issue and staff recommends approval.



Gary M. Cinder

ks

City Manager's Comments:	
I have reviewed the above issue and recommend council action as outlined in this document.	
 _____ Mark S. Watson	 _____ Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR # 11-08
OPENING DATE: June 16, 2011 2:00 P.M.

DESCRIPTION	ITEM	LENGTH (LF)	BIDDER:		BIDDER:		BIDDER:	
			Intuitive Technologies, Inc. 11130 Kingston Pike, Suite 22 Knoxville, TN 37934	Performance Contracting, Inc. 1430 E. Weisgarber Road Knoxville, TN 37909	Ace Pipe Cleaning, Inc. 4000 Truman Road Kansas City, MO 64127	Video Industrial Services, Inc. 113 Sheridan Road Birmingham, AL 35214	AVG. COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE GRAVITY SEWER LINE CLOSED CIRCUIT TELEVISION INSPECTION AND CLEANING EAST OF ILLINOIS AVENUE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	46,600	\$ 3.42	\$ 159,350.00	\$ 3.78	\$ 175,935.00	\$ 4.37	\$ 203,500.00
	TOTAL PRICE			\$ 159,350.00		\$ 175,935.00		\$ 203,500.00
TERMS				Net 30		Net 30		Net 30
DELIVERY				per Contract		per Contract		per Contract
F.O.B.				Oak Ridge		Oak Ridge		Oak Ridge
VIA				Best Way		Best Way		Best Way
OTHER BIDDERS CONTACTED:								
Portland Utilities Construction Co. LLC - Portland, TN								
Compliance EnviroSystems, LLC - Baton Rouge, LA								
EQIS-Underground Inspection Division - Ypsilanti, MI								
Robinson Pipe Cleaning Co. - Pittsburgh, PA								
Tritonservices, Inc. - Mason, OH								
USI Environmental, Inc. - Chattanooga, TN								
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:					
ONLY BID RECEIVED			Intuitive Technologies, Inc.					
LOW PRICE			11130 Kingston Pike, Suite 22					
BETTER OR REQUIRED DESIGN			Knoxville, TN 37934					
EARLY DELIVERY								
LOWEST TOTAL COST			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>					
BIDS OPENED AND RECORDED BY---								
 Lynn Majeski Accounting Division Manager								
BIDS REVIEWED BY---								
 Janice McGinnis Finance Director								

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR # 11-09
OPENING DATE: June 16, 2011 2:00 P.M.

DESCRIPTION	ITEM	LENGTH (LF)	BIDDER:		BIDDER:		BIDDER:		BIDDER:		
			Intuitive Technologies, Inc. 11130 Kingston Pike, Suite 22 Knoxville, TN 37934	Video Industrial Services, Inc. 113 Sheridan Road Birmingham, AL 35214	Performance Contracting, Inc. 1430 E. Weisgarber Road Knoxville, TN 37909	Ace Pipe Cleaning, Inc. 4000 Truman Road Kansas City, MO 64127	AVG. COST	TOTAL	AVG. COST	TOTAL	AVG. COST
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE GRAVITY SEWER LINE CLOSED CIRCUIT TELEVISION INSPECTION AND CLEANING WEST OF ILLINOIS AVENUE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	23.350	\$ 4.81	\$ 112,387.50	\$ 5.01	\$ 116,900.00	\$ 7.68	\$ 179,228.90	\$ 8.30	\$ 193,785.00	
	TOTAL PRICE			\$ 112,387.50	\$ 116,900.00	\$ 179,228.90	\$ 193,785.00				
TERMS				Net 30	Net 30	Net 30	Net 30				
DELIVERY				per Contract	per Contract	per Contract	per Contract				
F.O.B.				Oak Ridge	Oak Ridge	Oak Ridge	Oak Ridge				
VIA				Best Way	Best Way	Best Way	Best Way				
OTHER BIDDERS CONTACTED: Portland Utilities Construction Co. LLC - Portland, TN Compliance EnviroSystems, LLC - Baton Rouge, LA EQIS-Underground Inspection Division - Ypsilanti, MI Robinson Pipe Cleaning Co. - Pittsburgh, PA Tritonservices, Inc. - Mason, OH USI Environmental, Inc. - Chattanooga, TN											
REASON FOR AWARD ONLY BID RECEIVED LOW PRICE BETTER OR REQUIRED DESIGN EARLY DELIVERY LOWEST TOTAL COST				RECOMMEND AWARD BE MADE TO: Intuitive Technologies, Inc. 11130 Kingston Pike, Suite 22 Knoxville, TN 37934				BIDS OPENED AND RECORDED BY:-- Lynn Majeski Accounting Division Manager BIDS REVIEWED BY:-- Janice McGinnis Finance Director			

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR # 11-11
OPENING DATE: June 16, 2011 2:00 P.M.

DESCRIPTION	ITEM	Length (LF)	BIDDER:		BIDDER:		BIDDER:	
			Intuitive Technologies, Inc. 11130 Kingston Pike, Suite 22 Knoxville, TN 37934	Ace Pipe Cleaning, Inc. 4000 Truman Road Kansas City, MO 64127	Portland Utilities Construction Co., LLC 117 Demas Street Portland, TN 37148	Performance Contracting, Inc. 1430 E Weisgarber Road Knoxville, TN 37909		
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE GRAVITY SEWER LINE CLOSED CIRCUIT TELEVISION INSPECTION AND CLEANING DIVISION 2 PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	8" & 10"	250,000 Estimated	\$ 1.45	\$ 362,500.00	\$ 1.70	\$ 425,000.00	\$ 1.726	\$ 431,500.00
TOTAL PRICE				\$ 362,500.00		\$ 425,000.00		\$ 431,500.00
TERMS				Net 30		Net 30		Net 30
DELIVERY				per Contract		per Contract		per Contract
F.O.B.				Oak Ridge		Oak Ridge		Oak Ridge
VIA				Best Way		Best Way		Best Way
<p>OTHER BIDDERS CONTACTED: Compliance EnviroSystems, LLC - Baton Rouge, LA Video Industrial Services, Inc. - Birmingham, AL American Infrastructure Technologies Corporation - Hanceville, AL EQIS-Underground Inspection Division - Ypsilanti, MI Robinson Pipe Cleaning Co. - Pittsburgh, PA Tritonservices, Inc. - Mason, OH</p>								
<p>REASON FOR AWARD ONLY BID RECEIVED LOW PRICE BETTER OR REQUIRED DESIGN EARLY DELIVERY LOWEST TOTAL COST</p>								
<p>RECOMMEND AWARD BE MADE TO: Intuitive Technologies, Inc. 11130 Kingston Pike, Suite 22 Knoxville, TN 37934</p>								
<p>BIDS OPENED AND RECORDED BY--- Lyn Majeski Accounting Division Manager</p>								
<p>BIDS REVIEWED BY--- Janice McGinnis Finance Director</p>								

RESOLUTION

A RESOLUTION AWARDING FOUR (4) CONTRACTS TO INTUITIVE TECHNOLOGIES, INC., KNOXVILLE, TENNESSEE, FOR THE FURNISHING OF ALL LABOR, TOOLS, MATERIALS, EQUIPMENT AND SUPPLIES NECESSARY FOR CLEANING AND CLOSED CIRCUIT TELEVISION INSPECTION OF PORTIONS OF THE CITY'S GRAVITY SEWER COLLECTION SYSTEM AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) ADMINISTRATIVE ORDER, IN THE GRAND TOTAL ESTIMATED AMOUNT OF \$996,737.50.

WHEREAS, at the September 27, 2010 work session, City Council was briefed by the City Manager and Public Works Director on an Administrative Order with the United States Environmental Protection Agency (EPA) outlining the various studies, plans, and corrective actions to be taken by the City related to the violations determined by the EPA regarding periodic overflows from the sanitary sewer collection system; and

WHEREAS, as part of the Administrative Order, the City is required to clean and inspect the gravity sewer collection system; and

WHEREAS, due to the volume of work required, the City divided the work into separate contracts and issued four (4) separate invitations to bid for the cleaning and closed circuit television inspection of portions of the City's gravity sewer collection system; and

WHEREAS, bids were received and publicly opened on June 16, 2011, with Intuitive Technologies, Inc., Knoxville, Tennessee, submitting the lowest and best bid for all four (4) contracts, which bids the City Manager recommends be accepted.

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

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

To Intuitive Technologies, Inc., 11130 Kingston Pike, Suite 122, Knoxville, Tennessee 37934, for the furnishing of all labor, tools, materials, equipment and supplies necessary for cleaning and closed circuit television inspection of large diameter gravity sewer lines for the area east of Illinois Avenue; said award in strict accordance with COR 11-08, the required specifications, and the bid as publicly opened on June 16, 2011, and in the estimated amount of \$159,350.00.

To Intuitive Technologies, Inc., 11130 Kingston Pike, Suite 122, Knoxville, Tennessee 37934, for the furnishing of all labor, tools, materials, equipment and supplies necessary for cleaning and closed circuit television inspection of large diameter gravity sewer lines for the area west of Illinois Avenue; said award in strict accordance with COR 11-09, the required specifications, and the bid as publicly opened on June 16, 2011, and in the estimated amount of \$112,387.50.

To Intuitive Technologies, Inc., 11130 Kingston Pike, Suite 122, Knoxville, Tennessee 37934, for the furnishing of all labor, tools, materials, equipment and supplies necessary for cleaning and closed circuit television inspection of approximately 250,000 feet of small diameter gravity sewer lines city-wide (Division I); said award in strict accordance with COR 11-10, the required specifications, and the bid as publicly opened on June 16, 2011, and in the estimated amount of \$362,500.00.

To Intuitive Technologies, Inc., 11130 Kingston Pike, Suite 122, Knoxville, Tennessee 37934, for the furnishing of all labor, tools, materials, equipment and supplies necessary for cleaning and closed circuit television inspection of approximately 250,000 feet of small diameter gravity sewer

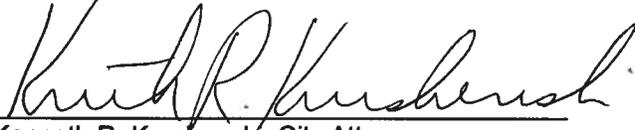
lines city-wide (Division II); said award in strict accordance with COR 11-11, the required specifications, and the bid as publicly opened on June 16, 2011, and in the estimated amount of \$362,500.00.

Said awards in the grand total estimated amount of \$996,737.50.

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

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

**CITY COUNCIL MEMORANDUM
11-34**

DATE: July 5, 2011

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: RESOLUTION TO APPROVE A CONTRACT WITH THE OAK RIDGE CONVENTION AND VISITORS BUREAU FOR THE PROMOTION OF TOURISM IN OAK RIDGE FOR FY2012; RESOLUTION TO ADD THREE (3) NEW MEMBERS TO THE OAK RIDGE CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS

Two items are proposed for the agenda with respect to the Oak Ridge Convention and Visitors Bureau (CVB). The first item for the agenda is a resolution to approve a contract with the CVB for the promotion of tourism in Oak Ridge for FY2012 in an amount up to \$404,208.00. The second item is a resolution to create three (3) new members on the CVB Board of Directors for the general managers of the local hotel/motel operators.

CVB Contract

Each fiscal year, the City contracts with the CVB to promote tourism in Oak Ridge based upon an amount approved in the budget. A review of the current FY2011 contract has resulted in a recommendation to change a few provisions, which are outlined below.

Historically, the total contract amount has been distributed in four equal installments to the CVB. It is recommended to change this provision to provide for four quarterly installment payments, with three percent (3%) of the total compensation withheld as an incentive to meet the goals and objectives outlined in the proposed contract.

New goals, objectives and benchmarks have been incorporated into Section 2 of the proposed contract. These goals, objectives and benchmarks are geared toward the CVB's accomplishment of the new CVB functions set forth in Section 2.A. The new functions were requested by the CVB, and it is recommended that the CVB Bylaws be amended to include the new functions set forth in the proposed contract.

The required mid-year report by the CVB under the FY2011 contract was late, which does not permit the City the ability to monitor contract performance throughout the contract term. It is recommended that the FY2012 contract provide for periodic reports in order to monitor performance, with periodic reports due quarterly in October, January and April, with the final annual report due in July. Requiring more frequent reports should assist the CVB in keeping the City informed on a more regular basis of the status of this contract.

Another recommendation for the FY2012 contract is to limit the ability of the CVB to only increase their employees' salaries in the same percentage increase as allowed for City employees.

CVB Board of Directors

The CVB Board of Directors is currently a seven (7) member board. It is recommended to add three (3) new members, for a total of ten (10) members, with the three (3) additional members appointed by City Council and designated as follows:

Two (2) members shall be the general managers of the top two (2) hotel/motel establishments in Oak Ridge based upon the amount of actual hotel/motel occupancy tax collections for the prior

fiscal year. Initial membership shall be through December 31, 2012, with subsequent appointments being for a one (1) year term of office.

One (1) member shall be the general manager from one of the remaining hotel/motel establishments in Oak Ridge. Initial membership shall be through December 31, 2012, with subsequent appointments being for a one (1) year term of office. This member shall be a rotating appointment, meaning the same member shall not be appointed for two consecutive terms of office unless no other Oak Ridge hotel/motel establishment's general manager is interested in the appointment.

It is also recommended to waive the residency requirement for these three (3) members. This will require a City Code amendment, which is scheduled for City Council's consideration later in the agenda.

The addition of three (3) members will also require an amendment to the CVB Bylaws to reflect the new membership requirements.

Approval of the attached resolutions is recommended.


Mark S. Watson

Attachments

RESOLUTION

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY AND THE OAK RIDGE CONVENTION AND VISITORS BUREAU (CVB) FOR THE PROVISION OF SERVICES AND MATERIALS TO PROMOTE TOURISM IN OAK RIDGE FOR THE PERIOD JULY 1, 2011 THROUGH JUNE 30, 2012 (FY2012) IN AN AMOUNT NOT TO EXCEED \$404,208.00, AND TO AMEND THE CVB BYLAWS TO REFLECT NEW CVB FUNCTIONS AS SET FORTH IN THE FY2012 CONTRACT.

WHEREAS, the City of Oak Ridge has heretofore approved certain appropriations for FY 2012 for the Oak Ridge Convention and Visitors Bureau; and

WHEREAS, the City and the Oak Ridge Convention and Visitors Bureau desire to enter into a contract to set forth the responsibilities and obligations of the parties and to provide measures of performance and accountability for the funds so appropriated.

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

That the attached contract between the City of Oak Ridge and the Oak Ridge Convention and Visitors Bureau for the provision of services and materials to promote tourism in Oak Ridge for the period July 1, 2011 through June 30, 2012, is hereby approved; said contract in an amount not to exceed \$404,208.00.

BE IT FURTHER RESOVLED that Section 1.4 of the Bylaws of the Oak Ridge Convention and Visitors Bureau is hereby amended to reflect the new functions of the Oak Ridge Convention and Visitors Bureau as set forth in the FY2012 contract.

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

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

CONTRACT

This Contract entered into this 11th day of July, 2011 by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the "City," and the Oak Ridge Convention and Visitors Bureau, hereinafter referred to as the "CVB."

In consideration of the mutual covenants and conditions hereinafter contained, the City and the CVB hereby contract and agree as follows:

1. Term

This Contract shall be for a term of one (1) year commencing July 1, 2011 through June 30, 2012, with a one (1) year option to renew at the City's option.

2. Scope of Work, Goals, Objectives and Benchmarks

A. The scope of work for this Contract shall be to promote the five (5) functions of the CVB which are: General Tourism Promotion, Tourism Product Development, Recreational Tourism (Sports, Waterfront, Etc.), Heritage Tourism, and Sustainable Tourism Initiatives as set forth in the CVB's Bylaws. In furtherance of these functions, the CVB will achieve the following:

1. General Tourism Promotion

The CVB will market and promote Oak Ridge as a travel destination to consumer groups including but not limited to the SMERF market, motor coach tours, general visitors, leisure and recreational travelers, and heritage tourists with a particular emphasis on overnight stays through advertising, marketing and promotion, trades show attendance, networking, and social media. The CVB is responsible for fulfilling all tourism related leads and will respond to all requests from potential visitors. The CVB will serve as the lead on all travel and tourism initiatives within the city.

2. Tourism Product Development

The CVB will carry out all tourist promotion of Oak Ridge, including developing a cohesive marketing and public relations plan that includes creating a tourism brand; advertising the city to regional, national, and international visitors as the CVB deems appropriate; develop marketing materials including itineraries, web and mobile sites, brochures, maps, and other materials that ultimately support Oak Ridge and encourage overnight stays. The CVB will enhance the overall Oak Ridge tourism product, including but not limited to the development of new tourism initiatives, promotional items that encourage longer visits and generate new revenues within the community, and community festivals and events that bring in overnight stays. The CVB will continue to work with the Oak Ridge Arts Council on enhancing and promoting the annual Secret City Festival, continually ranked a Top 20 Event by the Southeast Tourism Society (STS) and named Festival of the Year by STS in 2007.

3. Recreational Tourism (Sports, Waterfront, Etc.)

The CVB will promote Oak Ridge's natural resources and sports facilities as an ideal place for tournaments and competitions, general water recreation and outdoor events. The CVB will market to colleges, clubs and other organizations who can utilize our rowing venue, trails, parks and sports complexes which will

ultimately generate revenues for our hotels and local businesses. The CVB will assist the Oak Ridge Rowing Association (ORRA) in developing, scheduling, and publicizing Oak Ridge as a center for water activities.

4. Heritage Tourism

The CVB will promote Oak Ridge to attract heritage tourists in an effort to capitalize on the rich and unique history that makes Oak Ridge a popular destination for history buffs, veterans and their families, and military reunions. The CVB will target individuals who are interested in our nation's stories and history, specifically those relating to World War II, the Manhattan Project, and historic preservation. The CVB will utilize the state's connection and relationship with the National Trust for Historic Preservation office at Middle Tennessee State University.

5. Sustainable Tourism Initiatives

The CVB will work closely with the City and its partners to ensure that tourism development enhances our overall tourism product while preserving and protecting our scenic beauty, natural resources, and unique historic assets. The Oak Ridge area is fortunate to have several sites listed on the National Register of Historic Places, as well as several sites that do an excellent job of telling the Oak Ridge story. In addition, some of our hotels and attractions are currently working to become more sustainable in terms of greening, an opportunity that is currently being marketed strongly by the Tennessee tourism industry, a leader in sustainable tourism.

B. The CVB's goals under this Contract are as follows:

1. Primary Goal: To increase the amount of revenues generated by hotel/motel room occupancy taxed through coordination with the Oak Ridge hotel/motel industry and tourism/community events that's increases economic activity within the Oak Ridge community.
2. Secondary Goal: To reduce economic "outflow" to surrounding areas outside of Oak Ridge and Anderson County.

C. The CVB's objectives under this Contract are as follows:

1. The CVB shall assist and cooperate with various business associations and governmental entities in promoting events and programs that meet the goals of the CVB.
2. The CVB shall clarify regional understanding of Oak Ridge premier events and area events in conjunction with the City.
3. The CVB shall make every effort to expand regional cooperation and knowledge of area events.
4. The CVB shall ensure the distribution of Oak Ridge material in local hotels/motels and provide familiarity overviews for local hotel/motel employees.
5. The CVB shall identify and budget for small improvements (less than \$10,000.00) that will enhance business and hotel/motel industry (i.e. portable direction signage for regattas).

6. The CVB shall develop an aggressive campaign to address the SMERF market.
- D. The success of the CVB under this Contract shall be benchmarked by the following measures:
 1. Revenue per Available Room (RevPAR)
 2. Hotel/motel occupancy as a percentage of rooms occupied
 3. Develop measures for weekend hotel/motel occupancy
 4. Develop return on investment (ROI) analysis of local events with CVB Board and report findings to City Council and establishing future measures.
 - E. Except as otherwise specified within this Contract, the specific strategy, plans and efforts to provide such services shall be determined and implemented by the CVB. It is understood that unusual circumstances affecting the economy may impact the achievement of these objectives.
 - F. The City and the CVB may make changes as mutually agreed upon in the scope of work of this Contract. Such changes shall be incorporated as written amendments to this Contract signed by both parties.

3. Monitoring and Reporting Requirements

For the purposes of monitoring and reporting, the CVB shall provide to the City periodic reports as follows: by October 15, 2011; January 15, 2012; and April 15, 2012. The periodic reports shall detail the CVB's efforts toward, and accomplishment of, the Scope of Work outlined in Section 2 above. The CVB shall also submit an annual report of its activities under this Contract no later than July 31, 2012. The annual report shall be a written report indicating the expenditure of City funds and a statement of cash position, which report is audited by the City.

4. Compensation

- A. The City will pay the CVB \$404,208.00 for the services provided under this Contract as specified in Section 2, Scope of Work.
- B. The City will pay the CVB in four (4) quarterly installments of \$101,052.00 on or about the following dates provided the required reports have been submitted: July 15, 2011; October 20, 2011; January 20, 2012; and April 20, 2012. The City will reserve three percent (3%) of the total compensation (\$12,126.24) (incentive amount) from the fourth quarterly payment as incentive for the CVB to meet the goals and objectives set forth in Section 2. The incentive amount is payable to the CVB on or about August 1, 2012 provided the CVB meets the goals and objectives. If projections at the end of the third quarter predict the CVB will meet the goals and objectives, the City Manager may elect to not withhold the incentive amount from the fourth quarterly payment. If the CVB fails to meet the goals and objectives, the CVB will not be entitled to receive the incentive amount and if the incentive amount was not withheld from the fourth quarterly payment, the CVB will be required to return the incentive amount to the City within fifteen (15) days.
- C. Written requests by the CVB for cash advances may be granted by the City Manager, at the City Manager's sole discretion, which cash advances shall not exceed the City's budgeted amount under this Contract.
- D. The CVB may request budget revisions in writing. Any City approvals of budget revisions shall be made in writing.

- E. If, through any cause, the CVB shall fail to fulfill in a timely and proper manner the obligations under this Contract, or if the CVB shall violate any of the covenants, agreements, or stipulations of this Contract, the City shall withhold quarterly payment of the annual budgeted amount until the CVB has fulfilled said obligation or corrected any specified violation.
- F. The CVB shall reimburse the City within sixty (60) calendar days for any disbursements or expenditures from the Contract funds which the City determines are not within the scope of the Contract.
- G. The CVB shall budget the use of funds received under this Contract and shall create a reserve amount set aside for unforeseen circumstances to avoid strict reliance on funding to arrive before expenses occur. The CVB shall set a goal of \$20,210.40 for the reserve amount (the equivalent of five percent (5%) of the total compensation amount) with a goal to doubling that amount in the subsequent fiscal year. The CVB shall develop a process for the use of reserve funds and submit such process in writing to the City Manager. The CVB may use reserve funds for small improvements (less than \$10,000.00) as set forth in Section 2.C.5.

5. Assignment

The CVB shall not assign, subcontract or use consultants for any portion of this Contract without prior written approval of the City Manager or the City Manager's duly authorized designee.

6. Staff

The CVB shall pay its employees under this Contract, save for volunteers, at least the federal minimum wage. The CVB shall not increase its employees' salaries to an extent greater than the salary increases allowed by the City for its employees during the same fiscal year. For example, if City employees are budgeted for a two percent (2%) salary increase, the CVB may increase its employees' salaries by no more than two percent (2%).

7. Anti-Discrimination

In carrying out the work of this Contract, the CVB shall not discriminate against any employee or applicant for employment because race, color, religion, creed, sex, sexual orientation, national origin, age, disability or any other legally protected status.

8. Termination

- A. If, through any cause, the CVB shall fail to fulfill in a timely and proper manner the obligations under this Contract, or if the CVB shall violate any of the covenants, agreements, or stipulations of this Contract, the City shall thereupon have the right to terminate this Contract by giving written notice to the CVB of such termination and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination.
- B. In that event, all finished and unfinished documents and other materials prepared by the CVB under this Contract shall, at the option of the City, become its property and the CVB shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials, any such amount not to exceed the City's budgeted amount under this Contract.
- C. Notwithstanding the above, the CVB shall not be relieved of liability by the City by virtue of any breach of the Contract by the CVB, and the City may withhold any payments to the

CVB for the purpose of setoff until such time as the exact amount of damages due the City from the CVB is determined.

9. Contract Representatives

- A. The CVB's contact person for this Contract shall be the CVB's President or the President's duly authorized designee.
- B. The City's contact person for this Contract shall be the City Manager or the City Manager's duly authorized designee.

10. Availability of Documents for Inspection

- A. All CVB documents and reports pertaining to economic development activity within the scope of this Contract shall be available for inspection by the City Manager or the City Manager's duly authorized designee.
- B. The CVB shall maintain records in such a manner as to enable the City and/or the City's auditors to audit the expenditures for compliance with this Contract during regular City business hours.

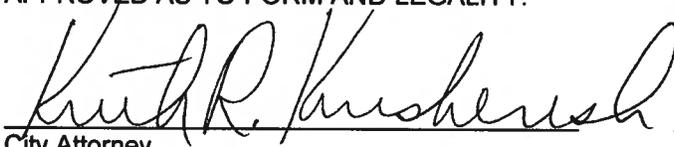
11. Governing Law

This Contract is governed by the laws of the State of Tennessee.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day and year first above written, the City of Oak Ridge, by its Mayor, by authority duly given.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE



City Attorney

Mayor

OAK RIDGE CONVENTION AND VISITORS
BUREAU

President

Approved by Resolution _____

RESOLUTION

A RESOLUTION TO ADD THREE (3) NEW AND DESIGNATED MEMBERS TO THE CONVENTION AND VISITORS BUREAU BOARD (CVB) FOR THE GENERAL MANAGERS OF THREE LOCAL HOTEL/MOTEL ESTABLISHMENTS AND TO AMEND THE CVB BYLAWS TO REFLECT THE NEW MEMBERSHIP REQUIREMENTS.

WHEREAS, by Resolution 6-43-81, City Council established a nine (9) member Board of Directors for the Oak Ridge Convention and Visitors Bureau, which was comprised of four (4) members from various business industries, two (2) members of the Oak Ridge Chamber of Commerce, one (1) member of City Council, the City Manager or the City Manager's designee, and one (1) at-large member; and

WHEREAS, by Resolution 7-121-96, City Council approved revisions to the Bylaws of the Oak Ridge Convention and Visitors Bureau to incorporate the Attendance Policy for City Boards and Commissions and to reflect the decreased membership of the Board of Directors to seven (7) residents of Oak Ridge appointed by Council without any special qualifications for membership; and

WHEREAS, the City Manager desires to add three (3) new and designated members to the Board of Directors for the Oak Ridge Convention and Visitors Bureau, with two (2) members being the general managers of the top two (2) local hotel/motel establishments based upon the amount of hotel/motel occupancy collections for the prior fiscal year and one (1) member being the general manager of one of the remaining local hotel/motel establishments.

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 Board of Directors for the Oak Ridge Convention and Visitors Bureau is hereby increased by three (3) for a total of ten (10) members, with the three (3) additional members appointed by City Council and designated as follows:

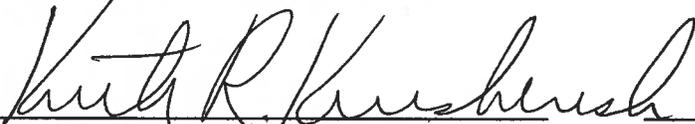
- Two (2) members shall be the general managers of the top two (2) hotel/motel establishments in Oak Ridge based upon the amount of actual hotel/motel occupancy tax collections for the prior fiscal year. Initial membership shall be through December 31, 2012, with subsequent appointments being for a one (1) year term of office.
- One (1) member shall be the general manager from one of the remaining hotel/motel establishments in Oak Ridge. Initial membership shall be through December 31, 2012, with subsequent appointments being for a one (1) year term of office. This member shall be a rotating appointment, meaning the same member shall not be appointed for two consecutive terms of office unless no other Oak Ridge hotel/motel establishment's general manager is interested in the appointment.

BE IT FURTHER RESOLVED that Section II, Organization, of the Bylaws of the Oak Ridge Convention and Visitors Bureau is hereby amended to reflect the new membership requirements.

BE IT FURTHER RESOLVED that this resolution shall become effective on the same date as the required amendment to City Code §2-101 to waive the residency requirement for these three (3) designated membership positions.

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

ADMINISTRATIVE SERVICES MEMORANDUM
100-12

DATE: July 1, 2011
TO: Mark S. Watson, City Manager
FROM: Steven W. Jenkins, Deputy City Manager
SUBJECT: \$5,000,000 Inter-fund Loan for Environmental Protection Agency projects

The attached resolution authorizes the City to issue debt from the City's General Fund to the Waterworks Fund in the amount of \$5,000,000 for up to a 3 year period. Historically, the City has used short term inter-fund loans of this nature without approval from the Director of State and Local Finance. Until now, there has been no comment from the Director about this type of short term loan. These loans have been very short term in nature and, as far as staff knew, have not been an issue. However, the State is now viewing these inter-fund loans as debt even if it is just for one day. This means that the city will need to have approval from the Director of local finance for even short term loans between funds and will have to treat a short term inter-fund loan as if it had issued debt. This will require the City to review all inter-fund transactions in the future, even short term and may require more resolutions of this nature.

As City Council is aware, the City will be issuing \$10,000,000 in new debt in the very near future and it is anticipated that the capital outlay notes will be repaid from the proceeds. As described in administrative services memo 108-11, which is attached, the primary purpose for this requested financing is to fund improvements to the City's waterworks system as mandated by EPA.

The bond resolution will be presented to City Council in August, and the bonds will be sold very soon after the resolution is approved. We believe that the City has no choice but to follow this path since the EPA is mandating the improvements to the City's wastewater system.

Staff recommends approval of the attached resolution.


Steven W. Jenkins

Attachments

City Manager's Comments:

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


Mark S. Watson

7/1/2011
Date

ADMINISTRATIVE SERVICES MEMORANDUM
108-11

DATE: June 3, 2011

TO: Mark S. Watson, City Manager

FROM: Steven W. Jenkins, Deputy City Manager

SUBJECT: Waterworks \$10,000,000 Initial Reimbursement Resolution

The attached initial resolution authorizes the City to issue debt in an aggregate principal amount not to exceed \$10,000,000 for the purpose of financing improvements and expansion of the City's waterworks system. This is an initial resolution, not a bond resolution. City Council will be required to adopt a bond resolution before bonds can be issued.

The timing and amount of the bond issue will be dependent upon the results of a rate study that is currently being conducted by Lamar Dunn & Associates. The rate study is scheduled to be completed later this calendar year. The initial resolution is being presented for Council approval prior to the completion of the rate study. This is necessary because the payment of mandated capital expenditures related to the EPA order has depleted the cash reserves in the waterworks fund. Additional funding will be needed in the waterworks fund in the near future.

Although the amount of capital funding can only be estimated at the present time, it is anticipated that the City will need at least \$10,000,000 in new debt for the waterworks fund. Based on the attached list, the City will probably be forced to issue future debt that exceeds the \$10,000,000 authorized by this resolution. The list includes waterworks projects that total just under \$19,000,000 in estimated capital costs for FY 2011 through FY 2013. The estimated capital outlay for EPA mandated wastewater improvements is \$14,567,100. There is an additional \$4,150,000 in estimated capital costs for improvements to the City's water plant. It is important to note that there will be additional projects in FY 2014 and beyond.

The initial resolution allows the City to reimburse funds from bond proceeds that were previously expended for waterworks projects. Reimbursement can occur for capital expenditures starting sixty (60) days prior to the date of the adoption of the resolution. The reimbursement of these payments from future bond proceeds will help replenish the cash reserves in the waterworks fund.

The initial resolution notifies the community that the City intends to issue bonds that are payable from 2 sources, including ad valorem taxes, at some point in the future. The primary source is a pledge of revenues from the operation of the waterworks system. The secondary source is ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality, should the revenues of the waterworks system not cover the debt service. This would occur only in an extreme financial emergency. The bonds are issued in this manner to take advantage of the Municipality's high credit rating and lower cost of funds. The bond structure, such as the term of the debt and estimated issuance costs, will be included in the bond resolution.

Once adopted and published, the initial resolution starts the 20 day period that allows a petition that must be signed by at least 10 percent of the registered voters protesting the issuance of the bonds. If no protest occurs and City Council approves the subsequent bond resolution, the bonds may then be issued.

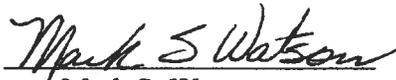
Staff recommends approval of the attached resolution.


Steven W. Jenkins

Attachments

City Manager's Comments:

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


Mark S. Watson

6/3/2011
Date

WATERWORKS FUND - ESTIMATED CAPITAL NEEDS
FY2011 through FY2013

EPA ORDER

PROJECT	FY2011	FY2012	FY2013	TOTAL
Management Services - LD&A		\$ 300,000	\$ 300,000	\$ 600,000
Engineering Assistance—LD&A	750,000	400,000	400,000	1,550,000
Engineering Design — Various		750,000	1,500,000	2,250,000
IMS - Software/Implementation	100,000	172,100		272,100
IMS - Hardware		100,000		100,000
Contracts				
Cleaning 8" - 10" Lines	25,000			25,000
Cleaning & TVing 12" and Greater		250,000		250,000
Cleaning & TVing 8" - 10" Lines		850,000		850,000
Temp Workers	500,000	250,000		750,000
3 Pump Stations		1,000,000	1,175,000	2,175,000
Emory Valley Rehab		1,000,000	1,770,000	2,770,000
East Plant Rehab		250,000	750,000	1,000,000
Pump Station Monitoring				
SCADA		50,000		50,000
Portable Generators		100,000		100,000
Stand-By Pumps		100,000		100,000
Spare Parts		50,000		50,000
Control Panel Upgrades		650,000		650,000
By-Pass Pumping Installation		175,000		175,000
Subtotal	\$ 1,375,000	\$ 6,447,100	\$ 5,895,000	\$ 13,717,100

EQUIPMENT

Sewer Cleaning Truck		\$ 200,000		\$ 200,000
Hydraulic Excavator		300,000		300,000
Backhoe with Attachments		100,000		100,000
Sewer TV Truck			250,000	250,000
Subtotal		\$ 600,000	\$ 250,000	\$ 850,000
TOTAL EPA IMPROVEMENT	\$ 1,375,000	\$ 7,047,100	\$ 6,245,000	\$ 14,567,100

WATER PLANT IMPROVEMENTS

PROJECT	FY2011	FY2012	FY2013	TOTAL
Electrical Upgrade		\$ 500,000	\$ 500,000	\$ 1,000,000
Roof replacement main operations building		350,000		350,000
Replace 5 pumps and motors at the Raw Water Booster			1,000,000	1,000,000
Routine Capital Maintenance	500,000	500,000	500,000	1,500,000
Construct Chemical building to house liquid chlorine		300,000		300,000
TOTAL WATER PLANT IMPROVEMENT	\$ 500,000	\$ 1,650,000	\$ 2,000,000	\$ 4,150,000

TOTAL EPA AND WATER PLANT CAPITAL	\$ 1,875,000	\$ 8,697,100	\$ 8,245,000	\$ 18,717,100
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RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT OF WATERWORKS INTERFUND LOAN CAPITAL OUTLAY NOTES NOT TO EXCEED \$5,000,000.00.

WHEREAS, the Governing Body of the City of Oak Ridge, Tennessee, (the Local Government) has determined that it is necessary and desirable to provide funds for the improvements, extensions and equipping of the Waterworks system including those related to an Administrative Order from the United States Environmental Protection Agency (the "Project") which has a cost of \$14,000,000 and estimated economic life of thirty (30) years; and

WHEREAS, the Governing Body has determined that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated, local governments in Tennessee are authorized to finance the cost of the Project through the issuance and sale of interest bearing capital outlay notes with a maturity of up to three (3) years upon the approval of the Comptroller of the Treasury or Comptroller's Designee; and

WHEREAS, under the provisions of Tennessee Code Annotated §9-21-408, Local Governments in Tennessee are authorized to make interfund loans in accordance with procedures for the issuance of capital outlay notes set forth in Tennessee Code Annotated §9-21-604; and

WHEREAS, the Governing Body determined that financing was necessary and desirable to provide funds for the improvements and extensions of the Waterworks system and issued an interfund loan in the amount of \$5,000,000 from the General fund to the Waterworks Fund on November 1, 2010, without taking the actions required for the authority to issue interfund capital outlay notes; and

WHEREAS, the Governing Body recognizes that the Local Government issued a note or promise to repay money contrary to the requirements of Parts I, IV, and VI of Title 9 Chapter 21 Tennessee Code Annotated and wishes to take action to obtain conformity with the requirements precedent to the issuance of notes as permitted by Tennessee Code Annotated §9-21-406; and

WHEREAS, the Governing Body finds that it is advantageous to the Local Government to authorize the issuance of capital outlay notes to finance the cost of the Project in accordance with the provisions of Parts I, IV, and VI of Title 9, Chapter 21, Tennessee Code Annotated.

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

That, for the purpose of providing funds to finance the cost of the Project in and for the Local Government, the Chief Executive Officer of the Local Government is hereby authorized in accordance with the terms of this resolution, and upon approval of the Comptroller of Treasury or Comptroller's Designee, to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed Five Million Dollars (\$5,000,000) (the "Notes") from the General fund to the Waterworks fund upon approval of the Comptroller of the Treasury or Comptroller's Designee pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "Waterworks Interfund Loan Capital Outlay Notes, Series 2011," shall be numbered serially from 1 upwards; shall be dated as of the date of issuance, November 1, 2010; shall be in denomination (s) as agreed upon by the legislative governing body; shall be sold at not less than 99% of par value and accrued interest; and shall bear interest at a rate or rates not to exceed five percent (5.00%) per annum, and in no event shall the rate exceed the legal limit provided by law.

BE IT FURTHER RESOLVED that the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be equal to or greater than the final maturity of these notes and any extensions thereof. Provided, however, that unless otherwise approved by the Comptroller of the Treasury or Comptroller's Designee, each year the Notes are outstanding, one-third (1/3) of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

BE IT FURTHER RESOLVED that the Notes shall be subject to redemption at the option of the Local Government, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

BE IT FURTHER RESOLVED that the Notes shall be direct general obligations of the Local Government, for which the punctual payment of the principal and interest on the notes, the full faith and credit of the Local Government is irrevocably pledged and the Local Government hereby pledges its taxing power as to all taxable property in the Local Government for the purpose of providing funds for the payment of principal of and interest on the Notes. The Governing Body of the Local Government hereby authorizes the levy and collection of a special tax on all taxable property of the Local government over and above all other taxes authorized by the Local government to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

BE IT FURTHER RESOLVED that the Notes shall be additionally secured by the revenues of the Waterworks System.

BE IT FURTHER RESOLVED that the Notes shall be executed in the name of the Local Government and bear the manual signature of the chief executive officer of the Local Government and the manual signature of the Mayor with the Local Government seal affixed thereon; and shall be payable as to principal and interest at the office of the Finance Director of the Local Government or the paying agent duly appointed by the Local Government. Proceeds of the Notes shall be deposited with the Finance Director of the Local Government and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

BE IT FURTHER RESOLVED that the Notes will be issued in fully registered form and that at all times during which any Notes remains outstanding and unpaid, the Local Government or its agent shall keep or cause to be kept at its office a note register, if held by an agent of the Local Government, shall at all times be open for inspection by the Local Government or any duly authorized officer of the Local Government. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the note register kept by the Local Government or its agent, by the registered owner of the Note in person or by the registered owner's attorney duly authorized in writing, upon presentation and surrender to the Local Government or its agent together with a written instrument of transfer satisfactory to the Local Government duly executed by the registered owner of the registered owner's duly authorized attorney. Upon the transfer of any such Note, the Local Government shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The Local Government shall not be obligated to make any such Note transfer during the fifteen (15) days next preceding an interest payment date of the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

BE IT FURTHER RESOLVED that the Notes shall be in substantially the form authorized by the Comptroller of the Treasury or Comptroller's Designee and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

BE IT FURTHER RESOLVED that the Notes shall not be sold until receipt of the Comptroller of the Treasury or Comptroller's Designee's written approval for the sale of the Notes.

BE IT FURTHER RESOLVED that after the sale of the Notes, and for each year that any of the notes are outstanding, the Local Government shall prepare an annual budget and budget ordinance in a form consistent with accepted governmental standards and as approved by the Comptroller of the Treasury or Comptroller's Designee. The budget shall be kept balanced during the life of the notes and shall appropriate sufficient monies to pay all annual debt service. The annual budget and ordinance shall be submitted to the Comptroller of the Treasury or Comptroller's Designee immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Comptroller of the Treasury or Comptroller's Designee in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the "Statutes".) If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Comptroller of the Treasury or Comptroller's Designee.

BE IT FURTHER RESOLVED that, if any of the Notes shall remain unpaid at the end of three (3) years from the issue date, then the unpaid Notes shall be retired from the funds of the Local Government or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the Comptroller of the Treasury or Comptroller's Designee.

BE IT FURTHER RESOLVED that all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

MEMORANDUM

DATE: June 27, 2011

TO: Fellow Members of City Council

FROM: City Manager Evaluation Committee
Councilmember Thomas Hayes, Chair
Councilmember Ellen Smith
Councilmember David Mosby

SUBJECT: REPORT AND RECOMMENDATION

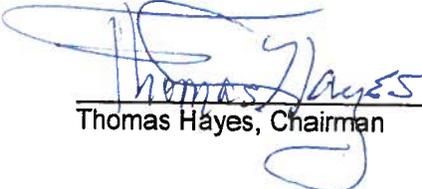
The City Manager Evaluation Committee met on June 22, 2011 to review the Summary of the FY 2011 City Manager Evaluation Questionnaires and to develop its recommendations regarding an increase in the City Manager's base salary and extension of his employment agreement. All committee members were present as were the City Manager, City Attorney and City Clerk.

Based on the feedback from Council members as indicated on the attached Evaluation Questionnaire Summary, the Committee recommends (1) that Mr. Mark Watson be awarded a 2% salary increase, resulting in an approximate annual base salary of \$134,638.40 and (2) that his term of office be extended by one year, until August 8, 2014. Committee members were influenced by the budget constraints which limited the overall salary increases for City employees to 2%. The one-year extension would also be subject to the termination provisions contained in the City Manager's contract with City Council. The committee also recommends a full council meeting soon to develop goals and objectives for the City. These goals and objectives will provide additional direction for the city manager and serve a basis for his FY 2012 evaluation.

Attached is a resolution that will accomplish the recommended amendments to the City Manager's Employment Agreement to increase his base salary and extend his term of office. Also, as in previous years, the Committee strongly recommends that individual members of City Council make an appointment with the City Manager to provide their comments on his performance during FY 2011 and their expectations for his performance in coming years.

Under the terms of the Employment Agreement, the City Council and the City Manager shall establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Manager for the following fiscal year. The performance criteria and the goals and objectives will be those that are necessary for the proper operation of the City and the attainment of City Council's policy objectives. The performance criteria and the goals and objectives shall be assigned a relative priority, and shall generally be attainable within the time limitations established and within the annual operating and capital budgets and appropriations provided.

The FY 2011 City Manager Evaluation Committee unanimously recommends the adoption of the attached resolution. With its adoption, this committee will have completed its work.



Thomas Hayes, Chairman

Attachments

SUMMARY OF THE CITY MANAGER EVALUATION QUESTIONNAIRES FY 2011

LEADERSHIP

Rate the ability of the city manager to inspire, encourage and facilitate the activities of subordinates and peers to achieve City goals. Consider the degree of ingenuity demonstrated in seeking proactive solutions and assuming responsibility for outcomes as well as creativity, resourcefulness, and communicating in a manner that inspires confidence or builds support.

NI = Needs Improvement, FME = Fully Meets Expectations, EE = Exceeds Expectations, NA = No observation or too early to tell

Descriptive Statements	Rating				General Comments
	NI	FME	EE	NA	
Takes a proactive approach to issues		2	5		
Motivates and inspires council, staff, and the public		3	3	1	
Offers new ideas, processes and procedures to council, staff and the public		4	3		Has brought fresh ideas to our City which was needed.
Provides mentoring and coaching to key staff	1	1	1	4	This is a presumption based on limited observations of interactions with staff. Needs to work at developing/coaching valuable staff members and city employees especially those he has issues, disagreements, or personality conflicts with. Mark should sometimes be "less quick to act" (and avoid over reacting) on personnel issues.
Understands his staff's strengths and shapes programs around those		3	2	2	Several adjustments that Mark has made in staff responsibilities demonstrate that he recognizes the senior staff members' individual strengths and has assigned responsibilities in a fashion that utilizes those strengths to the City's benefits. This is also an extrapolation from what I get to see of his interactions with staff and notice in changes of responsibility. I don't even agree with this item. Staff has to step up to projects with right coaching.

List notes or comments that support the overall rating on leadership

Mark is a pro-active hands-on manager. Serves him and the City well!!

Mark stands out for the leadership he has supplied to the City.

Mr. Watson has been deliberate in making changes to process and internal structure, looking carefully at what works and what isn't working. He appears to be including staff in many of the decisions and encouraging them to try new things. He appears to delegate well and praise more than criticize, a very positive behavior.

There has not been enough time on the job to rate performance of the City Manager in all areas.

The City Manager has demonstrated a strong leadership capability. I appreciate his focus, creativity, and resourcefulness on implementing new ideas, processes, and procedures.

It's way too early to do an evaluation on those marked "NA".

Mark was chosen because we felt like he would challenge the staff but there have been a few cases where a couple of employees held in the highest esteem because of their skills and work ethics with no prior complaints maybe could have been handled with a different tact. Our goal is to retain our talented folks who have a proven work ethic and further develop them to achieve on behalf of the City.

FISCAL MANAGEMENT AND BUDGETING

Rate the City Manager's ability to prepare an operating and a capital budget, be responsible for (or delegate) purchasing, ensure the collection of revenues, administer the financial affairs of the City, and prepare reports to Council to keep members abreast of the City's financial condition, per the City's Charter.

Descriptive Statements	Rating					General Comments
	NI	FME	EE	NA		
Ensures purchasing policies are followed and informs council when revisions are needed		3	1	3		I would like to see more rigor in the background information comparing and contrasting all bids received.
Prepares realistic and understandable budget documents		5		2		So far as I know, he doesn't prepare budget documents. And I am still waiting for monthly or even quarterly balance statements.
Operates the city's finances in compliance with generally accepted accounting principles		7				Must communicate with ORCVB and Chamber before budget decisions are made needs to work with their boards prior to decisions and make collective best decision, and avoid last minute surprises.
Maximizes all efforts to collect taxes and other revenues and seeks new revenue sources		6		1		Interactions with DOE regarding payments for the City's services on the Oak Ridge Reservation seem to be going well under Mark's leadership. The City could do a better job at seeking grants, by responding to more opportunities and crafting more successful grant applications. Focus effort to increase and grow revenue streams -- no. 1 goal. This is where we should be spending our efforts and time. Recruitment of new retail and business is needed.
Manages the budget within the confines of what the council adopted		5		2		Inherited the current budget -- no FY 2010 report yet.
Makes the best use of available funds, conscious of the need to operate the city efficiently and effectively		5	1	1		However, it would be good to discuss in work session the balance between quality of life issues and fees for use. Other options need to be created for the parks, for instance, to open more space for general public use without fees.

List notes or comments that support the overall rating on fiscal management and budgeting

A good overall budget approach. Well done.

I am pleased that Mark is making progress toward supplying year-end budget information early in the next fiscal year. City Council needs to be engaged with staff in a re-evaluation of the user fees that the City charges for various services and programs. There are numerous public policy considerations in setting these fees, related to fulfilling the public's needs and expectations as well as equitable allocation of costs.

Raise taxes. I don't believe that was fully discussed in council. No scenarios were presented wherein a tax increase would have met any needs or highly desirable outcomes other than that proposed by the school board. I believe council bears more responsibility than the manager for this failure to fully discuss, however. We could stand a little more education on budgetary options.

The finance staff has been recognized for its performance in managing the City's finances.

The City Manager brought procurement issues in a timely manner to Council when necessary. I felt like I didn't have enough time to review and fully evaluate the budget during the process.

It's way too early to do an evaluation on those marked "NA".

SERVICE DELIVERY AND ADMINISTRATION

Rate the ability of the City Manager to supervise the administrative affairs of the City to include staffing, the management of the departments, and the provision of City services. Basically, the ability to run the City.

Descriptive Statements	Rating			General Comments
	NI	FME	EE NA	
Ensures the public receives city services efficiently and effectively		5	1	1
Enforces laws and policies adopted by the council and the state		4	3	
Makes sure staff has the resources it needs to do its job		4	1	2
Responds appropriately to citizen and employee complaints and/or concerns		4	2	1
Performs duties within given time frames		4	2	1
List notes or comments that support the overall rating on service delivery and administration				
<p>A long-standing complaint of Oak Ridge citizens is that the complaints they make to city personnel don't get results. A challenge for the future is to implement systems that assure greater accountability in addressing citizen concerns.</p> <p>As an opportunity to improve, it would seem to me appropriate that Mr. Watson be more forthcoming with his opinions and viewpoint on issues now that he has been here for a full year. He holds his thoughts very close to the vest, a good technique for getting to see the lay of the land before making decisions but less effective for garnering or negotiating support for his positions and directions. I would hope to see him take a greater part in staffing decisions and review of procedures than has been visible so far.</p> <p>There is an abundance of evidence to document that the City Manager can deliver high quality service and resolve problems.</p> <p>The City Manager is taking steps to develop and promote under-utilized staff resources.</p> <p>I appreciate the work Mark has taken on to streamline Council Meeting schedules. In my opinion, he sometimes operates in a vacuum and makes decisions without Council input.</p>				

CITIZEN AND COMMUNITY RELATIONS

Rate the effectiveness of the City Manager in dealing with the citizens, the public, intergovernmental agencies, businesses and non-profits. Is fair, responsive, professional, polite, open, skillful with the media, cooperative, and listens.

Descriptive Statements	Rating				General Comments
	NI	FME	EE	NA	
Asks for and gives attention to concerns and opinions of all community groups and individuals		4	3		I have never asked him to meet with someone that he has not been more than willing. The City Manager is proactively seeking input from the community. Mostly meets.
Uses sensitivity, diplomacy, and empathy when dealing with the public (one Councilmember voted two places referring to two different issues within the statement)	1	2	5		I see the diplomacy all the time. Not sure that I am seeing empathy. Not saying it isn't there. Excellent job on police issues.
Interacts effectively with federal, state and other local government representatives to achieve potential benefit for the city		4	2	1	I am grateful for his experience in interacting with other gov't entities and expect that will be increasingly useful now that he has his feet firmly on the ground here.
Demonstrates openness, receptiveness, and approachability in both formal and informal situations		4	3		
Deals effectively with the media	1	3	2	1	Media relations is a wonderful opportunity to advance. It may well be a difference of approach between us but I see the media as a valuable friend to gov't, citizens, and business. Mr. Watson seems overly concerned that the city might get disagreeable publicity about our various challenges. My opinion is that by looking to the press we can improve the dissemination of information that is true and balanced. If we are open with reporters, they will be more likely to come to us to fill out stories that involve city government.

List notes or comments that support the overall rating on citizen and community relations

Mark makes a positive impression on the various individuals and groups he interacts with in the community. I have heard positive comments on his openness and approachability from a diverse variety of people, and I have not heard anyone complain that they did not find him approachable or empathetic. His style in interacting with the public in the public meetings on "what people want in a police chief" allowed people to have input, gave people a sense that their views were important, and fostered some positive interaction among the participants. I hope Mark and the city staff will continue to improve the City's use of electronic media for citizen interaction and to broadcast the City's messages.

I like the way the City Manager has brought together citizens to discuss needs, wants, and challenges. Mark is an effective administrator and communicator.

Mark has been very accepted by the community overall but has had to adjust to the "company" town that we govern. He needs to take advantage of Council advice and experience on some topics. Super job on handling EPA.

PERSONAL AND PROFESSIONAL QUALITIES

Evaluate the character of the City Manager, his integrity, his ethics, his fairness and equity in dealing with employees, the Council and the public, his dedication to professional development, time management, problem solving and decision making skills.

Descriptive Statements	Rating				General Comments
	NI	FME	EE	NA	
Projects a positive and professional image		2	5		
Has complete personal and professional integrity		6		1	So far as I know. I see only indications of personal integrity. I would mark EE except that he hasn't been under fire yet.
Demonstrates continuous professional development		2	3	2	I am confident that Mark is up-to-date with developments related to the field of local government.
Adheres to the ICMA code of ethics		6		1	
Works toward gaining and maintaining the respect and support of staff		3	1	3	This looks like it will be a continuing challenge. Staff members still seem to be unsure where they stand with their new manager (who has made changes that may impinge on their comfort zones) and have some reticence about being fully supportive. From what I can see, he encourages growth and is very fair. Needs to work to gain respect by realizing professional staff that have been there many years and have skills to help him. If their styles differ, this may take an adjustment.
List notes or comments that support the overall rating on personal and professional qualities					
Learning about DOE and its associated issues is a challenge for a newcomer to Mark's position. He has been a quick study in this area. As to personal qualities, Mr. Watson extends himself to participate fully in the life of the city. His energy almost appears to be boundless.					

CITY COUNCIL RELATIONS

Rate the effectiveness of the City Manager in dealing with Council Members including Council Members including prompt, thorough and complete information provided equally to all Council Members; the lack of surprises on behalf of Council Members; availability; tact; responsiveness; and how well he successfully interprets the direction and intent of council.

Descriptive Statements	Rating				General Comments
	NI	FME	EE	NA	
Assists by facilitating decision making without usurping authority		6	1		Maybe he bends over backward to not usurp authority with the result that he doesn't share his opinions as openly as would be useful.
Disseminates complete and accurate information equally to all members in a timely manner		5	1	1	I am not always convinced that the dissemination of information is equal. The mayor sometimes seems to have information that has not been provided to other Council Members. That may be due largely to outsiders who incorrectly assume that the mayor is an elected city executive and treat him as such, but this is a tendency that the mayor and staff should try to discourage. We all get the same public messages. Beyond that, hard to know. In the NI side, I am still waiting for actual numbers from the traffic cameras.
Responds well to requests, advice, and constructive criticism		5	1	1	Mark is receptive to requests, advice, and criticism, and engages in productive discussions about the ideas and information presented to him. His style of not revealing what he is thinking about the information and views presented to him, nor what action he proposes to take, can be a bit disconcerting. It would be hard to imagine anyone more even tempered and gracious in the face of the onslaught he has endured.

<i>Descriptive Statements</i>	NI	FME	EE	NA	<i>General Comments</i>
Presents multiple options for council to consider	1	5	1		<p>I would welcome more opportunities for Council to explicitly consider multiple options, including presentation of analysis of the pros and cons of the available options. This would be an appropriate topic for consideration at work sessions. When this is done, Council Members should publicly state preferences and opinions among the multiple options that are presented. On the budget, I would like for Council to be shown how particular budget choices (such as no property tax increase vs. an increase of 2 cents, for example) would affect potential funding for city services, rather than being presented with a single budget scenario crafted on the basis of rather vague preferences that Council expressed in a work session.</p> <p>I think this may be the product of getting to know the City and what options might be available or acceptable.</p>
Keeps the council informed of administrative developments		4	2	1	I don't understand this question.
List notes or comments that support the overall rating on city council relations					
<p>I think that Mark has a good relationship with City Council, notwithstanding my comments on specific items that might be construed as indicating otherwise.</p> <p>Mark has demonstrated that he is a very capable and effective leader. His vision is clear and his actions connect.</p> <p>Needs to listen to Council especially those who have relevant insights on key issues and can offer suggestions to resolve issues.</p>					

ADDITIONAL NARRATIVE – LOOKING AHEAD

<p>What would you identify as the manager's strength(s), expressed in terms of the principal results achieved during the rating period?</p>	<p>Self-confident and very experienced.</p> <p>(1) The manager's strength as a judge of people has been demonstrated by several personnel/organizational decisions, including strategic adjustments in assignments within the city organization, that appear to be paying off in improved staff morale and other positive results.</p> <p>(2) Mark's creative problem-solving ability, together with his awareness of practices that have worked well in other places, have been demonstrated in numerous changes (too numerous to list here) he has made and continues to propose.</p> <p>Backbone and big picture view. Mr. Watson has been brave in his changes to city gov't and approaches to the citizens. He has modeled taking a wider, longer view. Putting a hold on the RFP for the city's buildings at the waterfront in order to more fully examine the conditions and create an overall guide for development was bold. His inclusiveness, reaching out to the citizenry in ways not required have laid good groundwork for restoring citizens' confidence and willingness to participate in city concerns.</p> <p>I rate Mr. Watson's greatest strength as his experience in working in city government and with people. He is thoughtful, perceptive and analytical in mastering a myriad of difficult situations daily.</p> <p>Mark's strength is his fresh perspective on chronic issues. He is willing to challenge status quo and does not appear to cater to any single Council Member.</p> <p>Mr. Watson is capable of creating new initiatives and suggests ideas outside of normal Oak Ridge approaches.</p> <p>Learned a lot in a short amount of time.</p>
<p>What performance area(s) would you identify as most critical for improvement?</p>	<p>Moving forward with visioning and a comprehensive plan for the City.</p> <p>I am hopeful that in the coming year Oak Ridge will see tangible improvements in crime reduction and neighborhood stabilization, resulting from efforts initiated this year.</p> <p>I would like to see Mr. Watson do less presenting and more discussing of 'ways forward' with Council. We are a diverse group who ought to be participating in creating vision and direction but cannot be most effective without work sessions of open discussions.</p>

What performance area(s) would you identify as most critical for improvement? (cont.)

Further developing a sustainable revenue stream.

Recognize process – don't broad brush items or issues. I feel like we rushed through the public hearing on how to spend Red Light Camera money.

NA

Get advice from others. Focus on increasing revenue stream so that we can maintain schools and city services.

What constructive suggestions or assistance can you offer the city manager to enhance performance?

Continue to keep close contact with the community.

Encourage staff to embrace the involvement of engaged citizens, including making more extensive use of the city's various boards and committees. Engaged citizens can and should enhance and extend the paid staff; professional staff should not have to feel threatened by citizen interest and expertise.

Keep reaching out to the community in as many ways as you can imagine. It is effective and essential for community viability. Reach out to the local press more. Go fishing. You're carrying a huge load well and deserve down time to laugh and enjoy where we can't reach you.

Mr. Watson needs to develop a plan of action with Council to be accomplished that has both long term and short term goals.

Allow more time for Council Members to process information on critical issues.

Continue to evaluate staff and realign to fit goals and objectives developed as he matures in the job. Develop a good and trusted position within the business community. Continue to develop an increasing awareness of Council individual strengths and areas of concern.

What other comments do you have for the manager, e.g. priorities, expectations, goals or objectives for the new rating period?

Formulate and present a plan for using the City's dwindling economic diversification funds more strategically.

This coming year I hope to see steps forward in creating citizen participation teams for many city services/processes. I don't think some of the boards have been much use. Just as people come out to build playgrounds, they can be sought to participate in cleaning public areas, effect code citations (preliminary housing, parking, etc..) plant greenery, and probably many other things we can't imagine yet. I'd like us (council and manager) to talk in work session again about objectives and goals and look at our previous lists of priorities to update.

Continue to push for the development of the mall.

Continue developing staff resources to be more effective; work on mall site redevelopment plan, implement waterfront projects, and prepare plan for re-writing comprehensive plan.

Develop a lean and efficient staff preferentially aimed at the City's identified problem areas.

Please provide recommendations and comments on a possible change in compensation (currently \$131,996.80) and a contract extension beyond the current expiration date of August 8, 2013.

Compensation should be same percentage as all city employees receive.

A contract extension is appropriate. One year seems like a reasonable term for the extension. Such an extension would demonstrate City Council's confidence in Mark. An increase in compensation is definitely appropriate in view of the value that Mark is delivering to the City. His current compensation is not fully commensurate with the value he is delivering. As a general rule, I don't think executive raises should be larger than those provided to other staff (who this year are getting an across-the-board 2% raise), but I think a larger increase is justified in this case because Mark is arguably under-compensated for the job he is doing. However, given the constrained financial circumstances that we are all facing, the City cannot afford to compensate him as fully as he probably deserves. I support an increase to at least \$135K, which would only slightly exceed 2%, and I am open to discussion of a larger increase.

Happy to extend the contract for one year. I don't ordinarily believe in extending contracts until only one year remains on the current one but since we can't afford, fiscally or politically, to offer an increase greater than the 1.1% given the schools I want us to offer reassurance that his performance and direction are approved and appreciated.

Same increase as other employees received, another year extension of contract.

NA

Extend contract 1 year (to 2014) and provide salary increase of 2% (consistent with other city staff raises).

RESOLUTION

A RESOLUTION TO AMEND THE CITY MANAGER'S EMPLOYMENT AGREEMENT, AS APPROVED BY RESOLUTION 7-73-10, TO PROVIDE FOR A ONE-YEAR CONTRACT EXTENSION AND A TWO PERCENT (2%) SALARY INCREASE, WITH THE SALARY INCREASE EFFECTIVE ON JUNE 26, 2011.

WHEREAS, Article V, Section 1, of the City Charter provides that City Council shall appoint a chief administrative officer of the City who shall be entitled City Manager and who shall serve at the pleasure of City Council; and

WHEREAS, by Resolution 7-73-10, City Council entered into an employment agreement in which City Council agreed to employ Mark S. Watson as the City Manager; and

WHEREAS, said employment agreement provides that formal evaluations of the City Manager shall be conducted on an annual basis by July 31st of each year, and to this end City Council appointed a City Manager Evaluation Committee (the Committee) to develop an evaluation procedure for the FY 2011 term; and

WHEREAS, the Committee has completed its work and based on the evaluation results, recommends that the City Manager's term of office be extended by one year and that the City Manager receive a salary increase of two percent (2%).

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

That the employment agreement between the City of Oak Ridge and Mark S. Watson as City Manager is hereby amended as follows: Section 2, Term, Subsection C, to provide that it shall continue in effect until August 8, 2014, and Section 7, Salary, Subsection A, to provide for a two percent (2%) salary increase for a new annual salary amount \$134,638.40.

BE IT FURTHER RESOLVED that in order to coincide with the salary increases approved for other City employees, the two percent (2%) salary increase shall be effective as of June 26, 2011.

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

This the 11th day of July 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

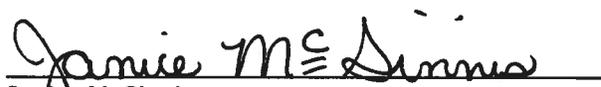
**PUBLIC HEARING
AND
FIRST READING
OF
ORDINANCES**

FINANCE DEPARTMENT MEMORANDUM
11-09

DATE: June 24, 2011
TO: Mark S. Watson, City Manager
THROUGH: Steven W. Jenkins, Deputy City Manager (SP)
FROM: Janice E. McGinnis, Finance Director
SUBJECT: Fiscal Year 2012 Budget Appropriation Amendment

Attached is a request from Keys Fillauer, Chairman of the Oak Ridge Board of Education, and Dr. Thomas Bailey, Superintendent, requesting that the fiscal year 2012 budget appropriation for the General Purpose School Fund be amended to \$56,575,222. This is a \$1,002,629 decrease over the General Purpose School Fund appropriation of \$57,577,851 adopted by City Council in ordinance number 8-11 on May 23, 2011. The attached correspondence outlines the reasons for the School's request. The amendment does not change the fiscal year 2012 operating transfer from the City to the Oak Ridge Schools and has no impact on the property tax rate.

Staff recommends approval of the attached ordinance amendment.


Janice McGinnis

City Manager's Comments:

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


Mark S. Watson


Date



Oak Ridge Schools

OFFICE OF
Thomas E. Bailey, Ed.D.
Superintendent of Schools

Telephone (865)425-9001
Fax: (865)425-9070

June 7, 2011

Honorable Mayor and Members of City Council
City of Oak Ridge Schools
P.O. Box 1
Oak Ridge, TN 37831

Dear Mayor and Members of City Council:

At the request of City Finance staff, this letter's purpose is notification to amend the Schools FY 2012 Appropriations Ordinance. The amendment reflects budget reductions made by the Board of Education to balance the revenue shortfall resulting from City Council's denial of the Schools funding request. The following summarizes those amendments.

FUND		APPROVED	AMENDED	CHANGE
141	General Fund	\$50,716,365	\$49,713,720	(\$1,002,645)
142	Federal Projects Fund	\$3,262,238	\$3,262,254	16
143	Central Cafeteria Fund	\$1,919,685	\$1,919,685	-0-
145	Special Revenue Fund	\$101,624	\$101,624	-0-
146	Extended School Program	\$463,521	\$463,521	-0-
147	ARRA	-0-	-0-	-0-
148	First To The Top	\$178,165	\$178,165	-0-
149	Employee Jobs Bill	936,253	\$936,253	-0-
GRAND TOTAL - ALL FUNDS		\$57,577,851	\$56,575,222	(\$1,002,629)

The amendment reflects the amount appropriated by Council to the Schools and does not impact the local tax rate but does impact the overall budget appropriation and must be authorized by ordinance.

Thank you for your prompt attention to this matter.

Sincerely,

Keys Fillauer
Chairman, Board of Education

Thomas E. Bailey, Ed.D.
Superintendent of Schools

TEB/KLG/tjv

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 8-11, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, BY AMENDING SAID APPROPRIATIONS.

WHEREAS, there exists a need to amend the original appropriations for Fiscal Year 2012 and for the accomplishment of the same, a public hearing has been held before the City Council after ten (10) days' notice thereof published in The Oak Ridger, the official newspaper, as provided by law; and

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

Section 1. Ordinance No. 8-11, which adopts appropriations for Fiscal Year 2012, is hereby amended by revising Section 3 so that the same, as revised, will read as follows:

Section 3. In accordance with Article V, Section 14, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2012:

General Fund, Municipal Operations	\$19,453,250
Debt Service (Bond and Interest Redemption Fund)	8,142,000
State Street Aid Fund	1,784,000
Streets and Public Transportation Fund	260,000
Drug Enforcement Program Fund	350,000
Grant Fund	4,000,000
General Purpose School Fund	56,575,222
Golf Course Fund	1,335,000
Capital Projects Fund	4,500,000
Solid Waste Fund	2,531,170
Economic Diversification Fund	2,131,000
West End Fund	2,893,000
Special Programs Fund	1,243,000
Housing Fund	850,000

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

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

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

CITY COUNCIL MEMORANDUM
11-35

DATE: July 5, 2011

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: CITY CODE AMENDMENT – WAIVING RESIDENCY REQUIREMENT FOR THREE DESIGNATED LOCAL HOTEL/MOTEL ESTABLISHMENTS' MEMBERSHIP POSITIONS ON THE OAK RIDGE CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS

An item for the agenda is an ordinance to amend City Code §2-101 relative to residency requirements for boards and commissions.

Earlier in the agenda, City Council considered a resolution to add three (3) new members to the Oak Ridge Convention and Visitors Bureau (CVB) Board of Directors to give representation to local hotel/motel operators. This resolution provided for the members to be as follows: The general managers of the top two local hotel/motel establishments based upon the amount of hotel/motel room occupancy collections for the prior fiscal year, and the remaining member being the general manager of one of the remaining local hotel/motel establishments. In order to give the local hotel/motel operators a voice in tourism on the CVB Board of Directors, it was recommended to council to waive the residency requirement for these members. In order to accomplish this objective, an amendment to the City Code is required.

City Code §2-101 requires all members of City-created boards and commissions to be Oak Ridge residents. The proposed ordinance amends this provision to waive the residency requirement for the three (3) new membership positions on the CVB Board of Directors only. However, the proposed ordinance also provides that a non-resident member of the CVB Board of Directors cannot serve as an officer of the Board (for example, Chairman). This will permit non-resident general managers to have a voice and a vote, but not a higher position on the board.

Approval of the attached ordinance is recommended.



Mark S. Watson

Attachment

TITLE

AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS, ETC.," CHAPTER 1, TITLED "MISCELLANEOUS," SECTION 2-101, TITLED "MEMBERSHIP TO BOARDS AND COMMISSIONS; RESIDENCY REQUIRED," TO WAIVE THE RESIDENCY REQUIREMENT FOR THREE (3) DESIGNATED LOCAL HOTEL/MOTEL ESTABLISHMENTS' MEMBERSHIP POSITIONS ON THE OAK RIDGE CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS.

WHEREAS, City Code §2-101 requires all members to City boards and commissions to be Oak Ridge residents; and

WHEREAS, the City Manager desires to creates three (3) new members to the Oak Ridge Convention and Visitors Bureau Board of Directors to give a voice to local hotel/motel establishments; and

WHEREAS, the City Manager desires to waive the residency requirement for the three (3) designated local hotel/motel establishments' membership positions to the Oak Ridge Convention and Visitors Bureau Board of Directors, which shall be general managers of local hotel/motel establishments.

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

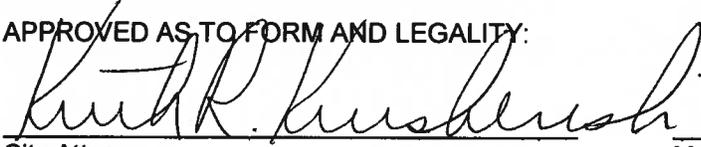
Section 1. Title 2, titled "Boards and Commissions, Etc.," Chapter 1, titled "Miscellaneous," Section 2-101, titled "Membership to boards and commissions; residency required," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new sentence to the end of this section, which new sentence shall read as follows:

Sec. 2-101. Membership to boards and commissions; residency required.

.... The residency requirement is hereby waived for the three (3) designated local hotel/motel establishments' membership positions on the Oak Ridge Convention and Visitors Bureau Board of Directors, who shall not be entitled to an officer position on the Board of Directors unless such member is also an Oak Ridge resident.

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

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

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

LEGAL DEPARTMENT MEMORANDUM

11-28

DATE: June 30, 2011
TO: Mark S. Watson, City Manager
FROM: Kenneth R. Krushenski, City Attorney
Tammy M. Dunn, Senior Staff Attorney
SUBJECT: CITY CODE AMENDMENT – CONTEMPT OF COURT

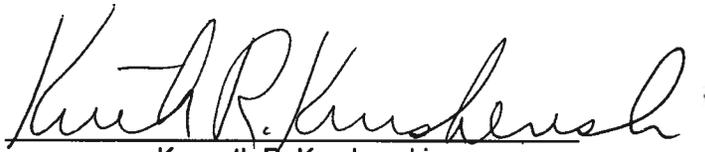
An item for the agenda is an ordinance to amend the City Code to create a new code section pertaining to contempt.

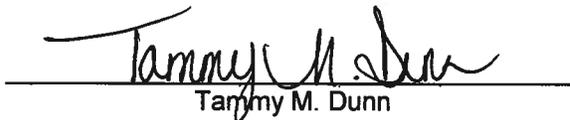
Every court, including a municipal court, is vested with the power to punish for contempt of court. (See Tennessee Code Annotated §16-1-103.) Contempt of court is limited to willful misbehavior in the presence of court or so near as to obstruct the administration of justice; willful misbehavior of any officers of the court in their official transactions; willful disobedience or resistance of any officer of the court, party, witness, or other person to any lawful writ, process, order, rule, decree, or command of the court; abuse of, or unlawful interference with, the process or proceedings of the court; and any other act or omission declared a contempt by law. (See Tennessee Code Annotated §29-9-102.)

By state law, contempt of a municipal court is punishable by a fine of fifty dollars (\$50.00), or less as determined by the judge's discretion. (See Tennessee Code Annotated §16-18-306.) While City Code §3-206 grants the city judge the power to punish for contempt of court, the Honorable Robert A. McNeese, III, City Judge, has requested a City Code amendment to create a specific code section pertaining to contempt of court for clarification purposes.

The attached ordinance is presented for City Council's approval to create a code section on contempt of court. A violation of this code section will result in a fine of fifty dollars (\$50.00), which is the maximum fine allowed under current state law and is the fine amount requested by Judge McNeese.

Staff recommends approval of the attached ordinance.


Kenneth R. Krushenski


Tammy M. Dunn

City Manager's Comments:

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


Mark S. Watson


Date

TITLE

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 1, TITLED "CITY COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY CREATING A NEW SECTION 3-104, TITLED "CONTEMPT OF COURT," TO CLARIFY JUDICIAL AUTHORITY TO PUNISH FOR CONTEMPT OF COURT IN CITY COURT AS AUTHORIZED BY TENNESSEE CODE ANNOTATED §16-1-103, §16-18-306, AND §29-9-102, AND CITY CODE §3-206.

WHEREAS, pursuant to Tennessee Code Annotated §16-1-103, every court is vested with the power to punish for contempt of court; and

WHEREAS, City Code §3-206 gives the city judge the power to punish for contempt of court; and

WHEREAS, as set forth in Tennessee Code Annotated §29-9-102, contempt of court is limited to willful misbehavior in the presence of court or so near as to obstruct the administration of justice; willful misbehavior of any officers of the court in their official transactions; willful disobedience or resistance of any officer of the court, party, witness, or other person to any lawful writ, process, order, rule, decree, or command of the court; abuse of, or unlawful interference with, the process or proceedings of the court; and any other act or omission declared a contempt by law; and

WHEREAS, contempt of a municipal court is punishable by a maximum fine of fifty dollars (\$50.00) by Tennessee Code Annotated §16-18-306; and

WHEREAS, the Honorable Robert A. McNeese, III, City Judge, has requested an amendment to the City Code to clarify judicial authority for contempt of court.

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

Section 1. Title 3, titled "Municipal Court," Chapter 1, titled "City Court," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section is hereby amended by creating a new Section 3-104, titled "Contempt of court," which new section shall read as follows:

Sec. 3-104. Contempt of court.

The judge of the city court shall have the power to punish for contempt of court. Contempt of court is defined as willful misbehavior in the presence of court or so near as to obstruct the administration of justice; willful misbehavior of any officers of the court in their official transactions; willful disobedience or resistance of any officer of the court, party, witness, or other person to any lawful writ, process, order, rule, decree, or command of the court; abuse of, or unlawful interference with, the process or proceedings of the court; and any other act or omission declared a contempt by law. A violation of this section is punishable by a fifty dollar (\$50.00) fine.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

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

**FINAL ADOPTION
OF
ORDINANCES**

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-46

DATE: May 31, 2011

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Request to Rezone, Parcel 100F A 2.00, from B-1 and RG-1 to UB-2**

An item for the City Council agenda is a request to rezone a 1.99-acre parcel from B-1 Neighborhood Business and RG-1, Residential, Open Space and Reserved, to UB-2, Unified General Business. The area zoned RG-1 is a 50-foot wide strip along Emory Valley Road. The parcel is further described as being the former location of the Paragon Health Club on Emory Valley Road next to the Briarcliff Square shopping center. Located on the lot is a vacant building that has approximately 27,000 square feet of area in addition to associated parking. The building has been vacant since 2006. The applicant has stated that although there are no development plans at this time, the UB-2 zone is seen as more desirable in order to successfully market the property. At their regular meeting on April 28, 2011, the Oak Ridge Municipal Planning Commission voted 8-0 to recommend approval of rezoning 699 Emory Valley Road from B-1 and RG-1 to UB-2.

The surrounding uses and zoning are as follows. To the north is Emory Valley Road which intersects with the CSX Railroad ROW and Fairbanks Road. Land uses on the north side of Emory Valley Road consist of the Daniel Arthur building, zoned UB-2, Unified General Business and a triangular-shaped undeveloped parcel zoned B-2, General Business. To the west, across the railroad and Fairbanks Road, is property zoned B-2 where the Oak Ridge Power Squadron is located; and southwest is Tara Hills Apartments, zoned R-4-B, Multi-family Residential. Adjacent the south property line is the Briarcliff Health Care Center zoned B-1, Neighborhood Business; and southeast is Briarcliff Square shopping center zoned B-1, Neighborhood Business.

The setback and height restrictions in the B-1 district and UB-2 district compare as follows:

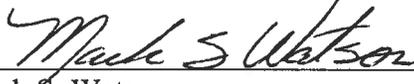
	B-1	UB-2
Height	27 feet	35 feet
Front setback	35 feet	30 feet
Side setback	15 feet one side	30 feet adjacent to different zone
Rear setback	20 feet adjacent to different zone	30 feet adjacent to different zone
Floor Area to Lot Area:	35%	80%

Uses in the B-1 district are limited to a specific list of retail uses serving the surrounding neighborhood, as well as offices, clinics, convalescent homes, community buildings and child care centers. The UB-2 district is slightly less restrictive, permitting any retail business in an enclosed building, offices, restaurants, theaters, service establishments, clinics, community buildings, filling station, mortuary, bus passenger station, greenhouse or nursery, hotel/motel, research laboratory, and child care center.

Staff recommends approval of rezoning 699 Emory Valley Road from B-1, Neighborhood Business and RG-1, Residential, Open Space and Reserved to UB-2, Unified General Business. The UB-2 zoning district will allow retail and service uses that are not limited to a specific list as in the B-1, Neighborhood Business District. The UB-2, Unified General Business district will allow a broader range of commercial/retail uses, although not as broad as B-2, General Business district especially when considering the adjacent nursing home. The UB-2 district limits retail uses to those within an enclosed building, and the side and rear setback requirements are slightly greater than those in the B-1 district. This is an important piece of property in this mixed-use area as evidenced by the adjacent mixture of zone districts. The goal of the rezoning is to increase the allowable uses for marketing purposes while protecting the adjacent areas with regard to character and commercial activities which may be considered noxious. As such, staff finds that the proposed UB-2 zoning is similar in its impact on adjacent properties as the B-1 zone and that UB-2 zoning is compatible with the mixed uses and zoning in the immediate area.

City Manager's Comments:

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


Mark S. Watson 6/4/2011
Date

Staff Review of Rezoning Request

Location & Approximate Area: Located at 699 Emory Valley Road (former Paragon building) next to Briarcliff Shopping Center; Parcel 589.03, Block 20-CG or Tax Map No. 100F, Group A, Parcel 2.00, approximately 1.99 acres.

Date: April 20, 2011 (updated May 26)

Owner: Bayside Holdings LLC
530 Los Angeles Avenue
Moorpark, CA 93021

Applicant: Dan Adkins, Cornerstone
Commercial Real Estate
551 Old Emory Road
Clinton, TN

Request Rezoning:

Rezone Parcel 2.00, Control Map 100F, Group A, approx. 1.99 acres from B-1, Neighborhood Business and RG-1, Residential, Open Space and Reserved to UB-2, Unified General Business. A 50-foot wide strip zoned RG-1 is located along the Emory Valley Road frontage.

Site Characteristics:

699 Emory Valley Road is the former location of the Paragon Health Club. The property is developed with a building that is approximately 27,000 sq. ft. in area and a parking lot.

Adjacent Land Uses & Zoning:

North: Bordered by a railroad, Fairbanks Road and Emory Valley Road. On the north side of Emory Valley Road is the Daniel Arthur building, zoned UB-2, Unified General Business and a triangular shaped undeveloped parcel zoned B-2, General Business, bordered by Emory Valley Road, Briarcliff Road and railroad. Oak Ridge Power Squadron building zoned B-2 is across Fairbanks Road.

West: Tara Hills Apartments zoned R-4-B, Multiple Family,

South: Briarcliff Health Care Center and Briarcliff Square shopping center zoned B-1, Neighborhood Business

East: Briarcliff Square shopping center zoned B-1.

Previous Rezoning Requests: July 1969 – rezoned from R-1-C, One-Family Residential to B-1, Neighborhood Business with a 50-foot strip along Emory Valley Road rezoned to G, Greenbelt (Greenbelt changed to RG-1 by City in January 1978).

Background:

Purpose: The property has been vacant and for sale for many years with no buyers or tenants. Rezoning is being requested to make the property more marketable.

Conformity with 1988 Comprehensive Plan:

- a. Land Use Plan: The Land Use Plan designates the area proposed for rezoning as B, General Business.
- b. Applicable Policies:

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

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

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

Analysis:

The following criteria were used to evaluate the rezoning request.

- 1) **Is the proposed zoning district consistent with the City's Comprehensive Plan?**
The proposed zoning district is consistent with the General Business land use designation and general policies within the Comprehensive Plan as listed above.
- 2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**
The area has been developed as a neighborhood shopping center and multi-family housing area for many years with no substantial changes in the character of the area. The most recent development has been an assisted living facility across Briarcliff Road from the Food Lion store. The proposed zoning is consistent with a neighborhood shopping area.
- 3) **Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?**
Yes. This is a neighborhood shopping area surrounded by a mix of uses and zoning. Site plans and site plan review by the Planning Commission is required in both the B-1 Neighborhood Business Districts and the UB-2, Unified Business District in order to promote orderly development and to ensure that commercial development will not detract from surrounding residential properties and in the interest of general welfare
- 4) **Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**
No, this is an area of mixed zoning including B-1, B-2, UB-2 and R-4-B.
- 5) **Are public facilities and services adequate to accommodate the proposed zoning district?**
Public utilities and road capacity are adequate.
- 6) **Would the requested rezoning have environmental impacts?**
The site proposed for rezoning is already developed and has a commercial zoning designation, B-1. Changing the zoning from B-1 to UB-2 will have little, if any effect on

the environmental impact of potential development.

Neighborhood Position: Representatives of Briarcliff Health Care Center and Tara Hills Apartments were favorable towards UB-2 zoning.

Landscaping/Buffering requirements: If new construction takes place, at least 20% of the site must remain in green space. A landscaped area between the parking lot and the front lot lines is required. Landscape buffers are required between residential and commercial uses.

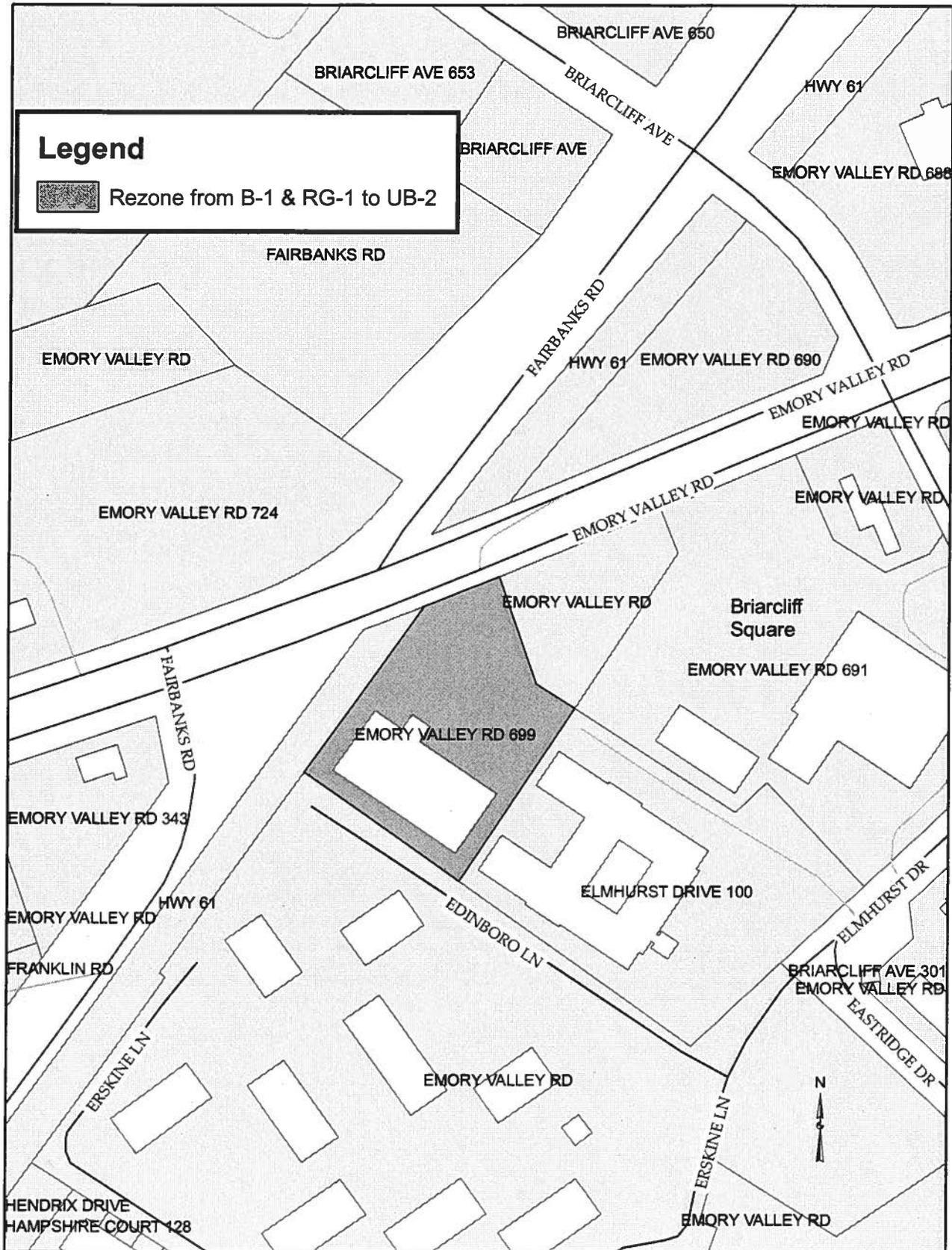
Notification of Property Owners Within 200': April 15, 2011

Rezoning signs posted: April 19, 2011

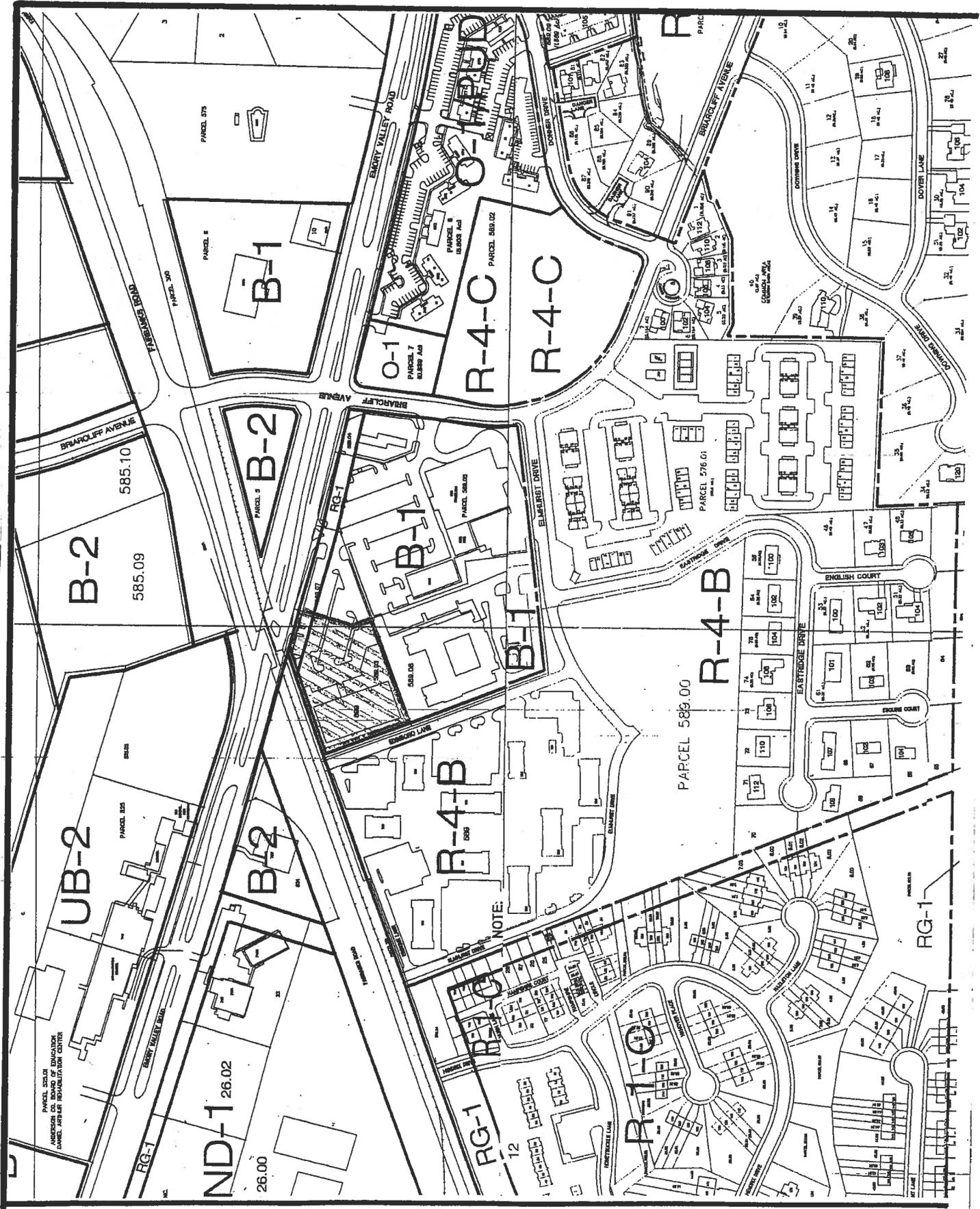
Conclusion and Planning Staff Recommendation: Staff recommends approval of UB-2, Unified Business zoning. The limitation to commercial uses within an enclosed building is seen as appropriate for a neighborhood shopping area such as Briarcliff. Rezoning to UB-2 will provide a greater variety of permitted uses that are in keeping with the existing character and neighborhood orientation of this small shopping area and will have 30-foot setback requirements. Staff recommends approval of rezoning the 50-foot wide strip along Emory Valley Road from RG-1, Residential Open Space and Reserved to UB-2, Unified General Business.

Planning Commission Recommendation: April 28, 2011 – Recommended approval of rezoning from B-1 and RG-1 to UB-2, Unified General Business by a vote of 8-0.

699 Emory Valley Road Location Map



EXISTING ZONING MAP



TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 2.00, ANDERSON COUNTY TAX MAP 100F, GROUP A, LOCATED AT 699 EMORY VALLEY ROAD, FROM B-1, NEIGHBORHOOD BUSINESS AND RG-1, RESIDENTIAL, OPEN SPACE AND RESERVED, TO UB-2, UNIFIED GENERAL BUSINESS.

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

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

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

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

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 2.00, Map 100F, Group A (± 1.99 Acres)	699 Emory Valley Road	B-1, Neighborhood Business and RG-1, Residential, Open Space and Reserved	UB-2, Unified General Business

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

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

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

Public Hearing: 6/13/11
First Reading: 6/13/11
Publication Date: 6/20/11
Second Reading: _____
Publication Date: _____
Effective Date: _____

ELECTIONS
&
APPOINTMENTS
ANNOUNCEMENTS
SCHEDULING

Elections

CITY OF OAK RIDGE



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

June 28, 2011

Honorable Mayor and Members of City Council
P.O. Box 1
Oak Ridge, TN 37831

Dear Council Members,

The City Youth Advisory Board Screening Panel for the 2011-2012 term of office consisted of City Council member Tom Hayes, ORHS staff member Connie Wilson, and Recreation and Parks Department staff member Matt Reedy. The YAB Screening Panel has selected the following sixteen students to recommend to City Council for appointment to the 2011-2012 Youth Advisory Board. The applications are attached to be included in the agenda for the July 11th meeting of the Oak Ridge City Council.

<u>NAME</u>	<u>ADDRESS</u>	<u>GRADE LEVEL</u>
Sarah Stokely	104 Nebraska Ave.	12
Ashley Parks	100 William Ln.	12
Emily Lockhart	1095 W. Outer Dr.	12
Emily Ducko	106 Westwind Dr.	12
Hannah Magill	135 Center Park Ln.	11
Patrick Rader	391 East Dr.	11
Ross Landenberger	14 Radcliff Ter.	11
Patrick Williams	102 Deerfield Ln.	11
Courtney Follman	894 W. Outer Dr.	11
Aaron Chasan	46 Rivers Run Way	11
Cameron Brinkman	602 Michigan Ave.	10
Kelsey Warmbrod	106 Neville Ln.	10
Caliope Brousal	105 Capital Cir.	9
Patricia Edou	100 E. Magnolia Dr.	9
Shane Harris	105 Tamara Ln.	9
Shichen Zhang	233 W. Vanderbilt Dr.	8

Sincerely,

Matt Reedy

Liaison to the City Youth Advisory Board



YAB Screening Panel

DATE: June 28, 2011

1	<u>Sarah Stokely</u>	9	<u>Ross Landenberger</u>
2	<u>Hannah Magill</u>	10	<u>Shichen Zhang</u>
3	<u>Aaron Chasan</u>	11	<u>Patricia Edou</u>
4	<u>Patrick Williams</u>	12	<u>Courtney Follman</u>
5	<u>Kelsey Warmbrod</u>	13	<u>Emily Lockhart</u>
6	<u>Shane Harris</u>	14	<u>Cameron Brinkman</u>
7	<u>Ashley Parks</u>	15	<u>Caliope Brousal</u>
8	<u>Patrick Rader</u>	16	<u>Emily Ducko</u>

We, the YAB Screening Panel, recommend the 16 students
above to serve on the City Youth Advisory Board
for the 2011-2012 term of office.

Councilman Tom Hayes

Tom Hayes

ORHS Staff Connie Wilson

Connie Wilson

City Staff Matt Reedy

Matt Reedy