

AGENDA

OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

June 13, 2011

7:00 p.m.

INVOCATION – REVEREND DALE CRANK, OAK RIDGE ALLIANCE CHURCH

PLEDGE OF ALLEGIANCE

ROLL CALL

I. APPEARANCE OF CITIZENS

II. PROCLAMATIONS AND PUBLIC RECOGNITIONS

1. PROCLAMATION – ‘SECRET CITY FESTIVAL TIME’ – JUNE 17 & 18, 2011
2. PROCLAMATION – ‘LEAGUE OF WOMEN VOTERS OF OAK RIDGE 65TH ANNIVERSARY’

III. SPECIAL REPORTS

IV. CONSENT AGENDA

1. APPROVAL OF THE MAY 9, 2011 COUNCIL MINUTES
2. APPROVAL OF THE MAY 16, 2011 COUNCIL MINUTES
3. APPROVAL OF THE MAY 23, 2011 COUNCIL MINUTES
4. RESOLUTION – ALCOHOL BEVERAGE PERMIT FOR HILLTOP WINE & SPIRITS

A resolution granting a permit to Troy Joseph Howe to engage in the retail sale of alcoholic beverages in the City of Oak Ridge at Hilltop Wine & Spirits, 346 N. Illinois Avenue.

5. RESOLUTION - CERTIFICATE OF COMPLIANCE / TROY JOSEPH HOWE

A resolution issuing a Certificate of Compliance to Troy Joseph Howe for the purposes of engaging in the retail sale of alcoholic beverages in the City of Oak Ridge.

6. RESOLUTION – TRADE LICENSING BOARD RULES & PROCEDURES

A resolution to approve the Rules and Procedures of the Trade Licensing Board as required by City Code §12-307.

7. RESOLUTION – EXTENSION OF WATER SERVICES AGREEMENT WITH DOE

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.

8. RESOLUTION – ADMINISTRATION OF CITY’S PROPERTY TAX FREEZE PROGRAM

A resolution to outsource the administration of the City’s property tax freeze program to the Anderson County Trustee as provided by Tennessee Code Annotated §67-5-705.

9. RESOLUTION - ADMINISTRATION OF STATE PROPERTY TAX RELIEF PROGRAM

A resolution to outsource the Administration of the State property tax relief program to the Anderson County Trustee.

10. RESOLUTION – MEMBERSHIP AND DUES PAYMENT FOR ETEDA

A resolution authorizing the City to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2011 calendar year.

11. RESOLUTION – EXPENDITURE OF UP TO \$500,000 FROM DOE

A resolution authorizing the expenditure of up to \$500,000.00 from the United States Department of Energy for maintenance/improvements to Building K-1652 (Fire Station #4) and towards the purchase of an ambulance, if funds permit.

12. RESOLUTION - MOWING CONTRACT EXTENSION, PUBLIC WORKS DEPT.

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.

13. RESOLUTION – ADA COMPLIANCE OFFICER

A resolution naming and reaffirming the Public Works Operations Maintenance Manager, Pat Fallon, as the City’s ADA Compliance Officer.

V. **RESOLUTIONS**

1. RESOLUTION - AGREEMENT / FIBER OPTIC SYSTEM / FIBER PLANNERS, INC

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 \$55,000.00.

2. RESOLUTION - AGREEMENT / BILL NOLAN AND ASSOC. / FY 2012

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 \$55,800.00.

3. RESOLUTION - AGREEMENT / FERGUSON GROUP LLC / FY 2012

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.

4. RESOLUTION - CENTENNIAL BLUFF ACCESS / PROPOSED MODIFICATIONS

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.

5. RESOLUTION – NEGOTIATED ANNUAL ORDERS FOR FY 2012

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.

6. RESOLUTION - COMPETITIVELY BID COMMODITY REQUIREMENTS FOR FY 2012

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.

7. RESOLUTION – WATERWORKS \$10 MILLION INITIAL REIMBURSEMENT RESOLUTION

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.

8. RESOLUTION – DOE FUNDING OF THE TENNESSEE OVERSIGHT AGREEMENT

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.

9. RESOLUTION – SOLAR PROJECT AT OAK RIDGE HIGH SCHOOL

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.

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

A resolution approving a contract between the City 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, in an amount not to exceed \$404,208.00.

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

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.

VII. FINAL ADOPTION OF ORDINANCES

1. SEWER USE ORDINANCE – AMENDMENT TO CITY CODE SECTION 18-307 (12)
[2ND READING]

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.

VIII. ELECTIONS & APPOINTMENTS / ANNOUNCEMENTS / SCHEDULING

1. ELECTIONS & APPOINTMENTS

ELECTIONS

Environmental Quality Advisory Board

- One (1) student seat to the Environmental Quality Advisory Board to fill a term of office ending May 31, 2013.

Mayor and Mayor Pro Tem Positions

- Election of Mayor to serve until November, 2012
- Election of Mayor Pro Tem to serve until November, 2012

NOTICE OF ELECTIONS FOR JULY 11, 2011

- Sixteen (16) members to the Youth Advisory Board who shall be students in the Oak Ridge School System, 8th – 12th grade levels.

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

11-27

DATE: June 7, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna Patterson, City Clerk
SUBJECT: PROCLAMATIONS

Secret City Festival Time – June 17 - 18

Recreation and Parks Director Josh Collins requested this proclamation in honor of the Oak Ridge Secret City Festival.

League of Women Voters of Oak Ridge 65th Anniversary

This proclamation is to honor the League of Women Voters of Oak Ridge and to celebrate their 65th Anniversary. The Co-Presidents, Norman Mulvenon and Brenda Parker, will be present to receive the proclamation.


Donna L. Patterson, City Clerk

PROCLAMATION

WHEREAS, the weekend of June 17 and 18, 2011, has been set aside in Oak Ridge as a time for celebration of Oak Ridge's heritage from the 40's to the future; and

WHEREAS, during this time the public will be invited to participate in a variety of activities intended to provide both entertainment and enhancement of the community's cultural life; and

WHEREAS, these activities will be presented by the City of Oak Ridge, the Arts Council of Oak Ridge, and the Oak Ridge Convention & Visitors Bureau; with Festival sponsors being B&W Y12 and the City of Oak Ridge; media sponsorship by The Oak Ridger, WBIR -TV, Comcast, Lamar Outdoor Advertising, and BBB Communications; and

WHEREAS, these activities will include arts and crafts shows, antiques and collectables, juried art show, dances, musical groups, athletic events, ORHPA's historical exhibits, community exhibitors, tours, and special children and youth activities; and

WHEREAS, to commemorate Oak Ridge's heritage, the events will encompass numerous activities planned for the Civic Center area, including two Festival Concerts – Friday night featuring The Village People and Saturday night featuring Ricky Skaggs; and

WHEREAS, springtime in Oak Ridge is cause for great celebration.

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that June 17 and 18, 2011 be designated as

'SECRET CITY FESTIVAL TIME'

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to honor this special time by participating in the events provided by the Arts Council, the Convention and Visitors Bureau, the City and other organizations for our entertainment and cultural enrichment.

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 13th day of June, in the year 2011.

Thomas L Beehan, Mayor

ATTEST:

Donna L. Patterson, City Clerk

PROCLAMATION

WHEREAS, the League of Women Voters of Oak Ridge is the organization where hands-on work to safeguard democracy leads to civic improvement; and

WHEREAS, the League of Women Voters of Oak Ridge is a nonpartisan political organization, that has fought since 1946 to improve our system of government and impact public policies through citizen education and advocacy; and

WHEREAS, the League of Women Voters of Oak Ridge members are constantly striving to serve their community to make it a strong, safe, fair and vibrant place to live; and

WHEREAS, the League of Women Voters of Oak Ridge believes in representative government and in the individual liberties established in the Constitution of the United States; and

WHEREAS, the League of Women Voters of Oak Ridge has always worked to promote the values and processes of representative government; and

WHEREAS, the League of Women Voters of Oak Ridge collaborates with other organizations to achieve mutual goals, increase civic participation, create lasting change in the community; and

WHEREAS, the League of Women Voters of Oak Ridge, for 65 years, has held the public trust by respectfully bringing elected leaders and the public together through non-partisan, civil means and through thoughtfully advancing solutions; and

WHEREAS, Oak Ridge, Anderson County and Roane County, Tennessee have benefited tremendously from the countless volunteer hours donated by League of Women Voters of Oak Ridge members over its 65 year history of enhancing our democracy by registering voters and defending voters rights, informing citizens about their responsibilities, informing the public through in-depth issues analysis, sponsoring candidate debates and public forums and taking action through lobbying for change.

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that June 2011 be designated as

'LEAGUE OF WOMEN VOTERS OF OAK RIDGE MAKING DEMOCRACY WORK MONTH'

in the City of Oak Ridge, Tennessee, and in honor of their 65th Anniversary and that all residents of Oak Ridge and Anderson and Roane Counties are urged to pay great tribute and respect to the League of Women Voters for all they do to make our community healthy, vibrant and strong.

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 13th day of June, in the year 2011.

Thomas L Beehan, Mayor

ATTEST:

Donna L. Patterson, City Clerk

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING
MAY 9, 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: Reverend David Allred, Associate Pastor of High Places Church

PLEDGE OF ALLEGIANCE: Jim Dodson and art students

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, City Attorney Kenneth Krushenski, Deputy City Manager Steven Jenkins, and Sandy B. Sexton, Administrative Assistant to the City Clerk.

I. APPEARANCE OF CITIZENS

Mayor Beehan opened the meeting for public comments.

T.J. Garland, 120 Outer Drive, came forward and stated that he believes that the Oak Ridge Police Department is selectively enforcing a Tennessee gold-buying law – House Bill 218, Title 38 - passed in July of 2009 relative to scrap metal and jewelry dealers. Mr. Garland stated that out-of-state dealers are not complying with the law as required.

Mayor Beehan directed the City Manager and City Attorney to meet with Mr. Garland and report their findings back to the Council.

Steve Meade, 104 Walton Lane, came forward and stated that the law specifically requires that the materials purchased at the jewelry businesses be on the premises where the purchases were made for thirty days. Out-of-town businesses set up a hotel room to sell their wares. Mr. Meade stated that he does not believe that the businesses are staying on the premises for thirty days in accordance with the law.

Kay Williamson, 420 Jefferson, came forward and stated that she concurs with Mr. Garland and Mr. Meade. She stated that she has also made a police report concerning the issue.

Ms. Williams stated that Oak Ridge is selectively enforcing their sign ordinance. Her signs are immediately taken down and signs posted by other people are left standing.

Ms. Williams also requested a speed bump placed behind the Glenwood Elementary School due to the vehicles coming over the hill too fast and children running across the street.

II. PROCLAMATIONS AND PUBLIC RECOGNITIONS

1. PRESENTATION TO THE #1 RESIDENTIAL RECYCLER IN OAK RIDGE

Divisional Municipal Marketing Manager Doug McGill with Waste Connections of Tennessee presented an award to Rita Moore for being the #1 residential recycler in Oak Ridge. Mr. McGill stated that last year three citizens of Oak Ridge recycled a ton of material. This year ten citizens recycled a ton of material, so the program is improving each year. Oak Ridge resident Ms. Moore recycled 2124 pounds of material for the year and averaged 177 pounds a month. The City of Oak Ridge was the first city in Tennessee to participate in the recycling program.

Rita Wilson received a plaque, gift certificates, and a round of applause.

2. PROCLAMATION – ‘APPRECIATION OF STUDENT ART’

Administrative Assistant Sandy Sexton read the proclamation in appreciation of the student art.

A motion was made by Councilmember Hayes, 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 commented that it was an honor to have the art displayed in the Municipal Building. On behalf of the Council and the community, Mayor Beehan expressed appreciation to the students and teachers for the enjoyment it brings to City Hall employees and those visiting the Municipal Building.

Jefferson Middle School art teacher Jim Dodson came forward and introduced the teachers and students that were involved in this year’s art work. Mr. Dodson thanked Community Development Director Kathryn Baldwin, Mayor Beehan, and the Council for their support and encouragement. He also thanked the art teachers for their hard work and dedication, and the art students who donated their art work.

Mayor Beehan and Mayor Pro Tem Miller presented a proclamation to each student and teacher.

3. PROCLAMATION – ‘POLICE WEEK’ MAY 15-21 & ‘POLICE MEMORIAL DAY’ MAY 15

Administrative Assistant Sandy Sexton read the proclamation designating May 15-21 as ‘Police Week’ and May 15th as ‘Police Memorial Day’ in Oak Ridge.

A motion was made by Councilmember Hensley, 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 Chief Massengill with the proclamation. He also encouraged everyone to use this time to express and acknowledge appreciation to the men and women of the Oak Ridge Police Department for their vital public service in our community.

Chief Massengill announced that a public service will be held on May 16th at the Municipal Building to honor officers who have lost their lives or become disabled in the performance of their duty.

4. PROCLAMATION – ‘NATIONAL PRESERVATION MONTH’ - MAY

Administrative Assistant Sandy Sexton read the proclamation designating the month of May as ‘National Preservation Month’ in Oak Ridge.

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

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

The motion carried unanimously.

Mayor Beehan stated that this proclamation is co-sponsored by the Oak Ridge Heritage & Preservation Association and the National Trust for Historic Preservation. He presented Betty Stokes, a board member of the Oak Ridge

Heritage and Preservation Association and also a board member of the East Tennessee Preservation Alliance, with the proclamation.

5. PROCLAMATION – ‘BUILDING SAFETY MONTH’ MAY

Administrative Assistant Sandy Sexton read the proclamation designating the month of May as ‘Building Safety Month’ in Oak Ridge.

A motion was made by Councilmember Smith, seconded by Councilmember Garcia Garland, to adopt the proclamation.

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

The motion carried unanimously.

Mayor Beehan stated that this proclamation is sponsored by the International Code Council and International Code Council Foundation in appreciation to code officials, building safety and fire prevention officials, architects, engineers, builders and others in the construction industry who work to address critical safety issues. It also encourages citizens to be aware of building safety and to consider needed improvements in homes and in the community. He presented Community Development Director Kathryn Baldwin and Code Enforcement Supervisor Denny Boss with the proclamation.

6. PROCLAMATION – ‘NATIONAL KIDS TO PARKS DAY’ –MAY 21st

Administrative Assistant Sandy Sexton read the proclamation designating May 21, 2011 as ‘National Kids to Parks Day’ in Oak Ridge.

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

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

The motion carried unanimously.

Mayor Beehan stated that this proclamation is in support of the first ‘National Kids to Parks Day’ which was organized and launched by the National Park Trust to encourage families to visit parks, be more active, and to enjoy nature and the outdoors.

7. BUDGET PRESENTATION AWARD & CERTIFICATE OF RECOGNITION

Mayor Beehan read a letter from the Government Finance Officers Association of the United States and Canada (GFOA) announcing that the City of Oak Ridge, Tennessee, has received the GFOA’s Distinguished Budget Presentation Award. Also, Finance Director Janice McGinnis was awarded a Certificate of Recognition for Budget Presentation.

City Manager Mark Watson stated that this award represents a significant achievement by the City of Oak Ridge. It reflects the commitment of the governing body and staff to meeting the highest principals of governmental budgeting. In order to receive the budget award, the City had to satisfy nationally recognized guidelines for effective budget presentation. He also congratulated Finance Director Janice McGinnis, Deputy Manager Steve Jenkins, and all those who contributed their dedication and excellent work on the City of Oak Ridge Budget.

III. SPECIAL REPORTS

1. FISCAL YEAR 2012 BUDGET PRESENTATION

The FY 2012 City of Oak Ridge Proposed Budget was presented by City Manager Mark Watson as required by the Oak Ridge City Charter.

City Manager Mark Watson stated that this document represents the spending plan for the City during the coming year. Primarily, the budget document retains the same level of expenditures as the previous year, while providing for limited capital projects and equipment replacements. Minor adjustments have been made, with accommodations taken to address additional expenses caused to the Utility Fund due to the EPA Administrative Order.

The City's General Fund municipal expenditures are budgeted at \$19,453,250. This is a 1.1%, \$212,979 increase over FY 2011 budgeted expenditure levels. The City's operating transfer to the Oak Ridge Schools is presented at the School Board's requested FY2012 funding level of \$15,529,302. This is a 7.3% increase over FY 2011 funding levels.

Agencies budgeted for funding for economic development and/or tourism services are the Convention & Visitors Bureau, Oak Ridge Chamber of Commerce, Anderson County Economic Development Association, Innovation Valley, Roane Alliance, and Oak Ridge Revitalization Effort. Agencies budgeted for social service/cultural programs funding include Aid to Distressed Families of Appalachian Counties, Prevent Child Abuse TN for the Healthy Start Program, Arts Council of Oak Ridge, Youth Advisory Board and Sister City Support Organization. Funding for these agencies remains constant at the FY 2011 level, with the exception of the Oak Ridge Chamber of Commerce, which is budgeted to increase 2.7% based on annual contractual inflationary adjustments.

A new fund has been added, titled 'Housing Fund', to account for the City's anticipated housing initiatives. The usage of a separate fund will provide a better segregation and accounting of expenditures and will allow for the accumulation of a fund balance that may be expended in a subsequent fiscal year. Initial cash to establish the fund will be provided by a \$250,000 transfer for the Economic Diversification Fund and a \$50,000 operating transfer from the General Fund.

2. FY 2012 SCHOOL BUDGET PRESENTATION

The FY 2012 Oak Ridge Schools Proposed Budget was presented by Mr. Keys Fillauer, Chairman of the Board of Education, and Vice Chairman Mr. Robert Eby.

Mr. Fillauer stated that for approximately ten years, Oak Ridge City Schools has worked hard to support the City Financial Model. On October 11, 2006 the Board of Education continued to discuss the City Financial Model that calls for a flat tax rate or less. Board members were vocal in their thoughts that a flat tax rate without establishing city priorities could be detrimental to the school system now and in the future. However, the Superintendent and Board have tried very hard to honor the City Financial Model.

November 6, 2006, the City Council and School Board held a joint meeting so that City Council could better understand how the school budget is developed, is discussed and reviewed publicly line item by line item, what the expectations are and how the School see the future funding needs. Central to the discussion were the following topic: (1) The budget process including budget timeline and its relationship to the release of county, city, state and federal allocations, (2) Discussions of new and existing budget considerations, (3) Security, (4) Technology, (5) Capital Improvements, (6) Alternative Education, (7) No Child Left Behind and State regulations, (8) Long-term financial picture for the district as it relates to the City's Strategic Plan and fiscal assumptions.

Mr. Fillauer presented his revenue facts findings as follows: (1) Total City of Oak Ridge Revenue has increased by over 307% since 1987 while the school appropriation has not kept up, increasing only 248% over that same period, (2) Since 1987 Oak Ridge Schools revenue as a percentage of total City revenue has decreased by 10% as of 2010.

Mr. Fillauer stated that during this same period even larger decreases have occurred on occasional annual basis. From 1986 to 1996, the average for school appropriations was 41% of the total city revenue. From 1997 to 2010, the average dropped to 34.53%. If the school appropriations would have stayed at the 41% average of city revenue, the schools would have received \$25,175,599 additional during that time period. In fiscal year 2010, that difference would have been an additional \$959,658 to the schools.

Mr. Fillauer explained that the school's budget constantly changes as they receive additional financial information from the Federal, State and City funding sources.

Mr. Fillauer stated that the Board of Education for the past nine or more years has had to make reductions that are so deep that they are doing damage to the schools. If they have to take additional cuts, the delivery of instruction will continue to be negatively impacted. Some citizens and officials believe that the schools can continue to absorb endless reductions without affecting student opportunities and outcomes but that is not true.

As a Board, they have been careful fiscal stewards, placing their emphasis on student experiences and learning. Over the past years, because of budget reductions and expenditure controls the school has made the following cuts over the years: 12 teacher assistant positions district wide; 1.6 Oak Ridge High School teacher; 2 positions in Transportation; 1 secretary position at the central office; a court liaison at the central office; a part-time accounting position at the central office; 1 human sexuality consultant; Partners in Education Program; middle school activities bus; morning transportation for pre-school; Artists in Residence Program; Tremont 6th grade program; Summer Library Program district wide; Driver's Education Program; SECME funding; Summer band camp; 2 supplements for Professional Library; Elementary Foreign Language Program; and, the Willow Brook Transition Program. This adds up to approximately \$1,271,880 of reoccurring funds.

Mr. Fillauer stated that other factors have and are affecting the School System Budget. State regulations changed on student fees and the LEA had to pick up \$120,000 funding. The Certified Retirement Rate increased last year costing approximately \$656, 773. The school has to meet State pupil teacher ratios. The Carl Perkins IV funding for the Career and Technical Education Programs has been cut to \$51,225. The State funding for the Family Resource Center will be cut approximately 12%.

Mr. Fillauer stated that five years ago the new high school was funded with a 5% sales tax increase along with \$17 million from citizens, private businesses, major corporate donors and QZAB funding. School general operating funds would not be needed unless Anderson County superseded before five years. They did so in two years. When that happened, it was their understanding that the school's general operating funding would be transferred to the City to retire debt on the high school project for those remaining years. The School Board is requesting to end this funding at the close of fiscal year 2011.

On April 20, 2011, the School Board received the first official estimate from the Department of Education regarding estimated BEP allocations for fiscal year 2012. The estimate was lower than expected, but it is subject to change. Funding levels could go up or down. Final allocations will be announced in July. Final sales and property tax collections also have to be estimated until the final figures are provided.

Vice Chair Robert Eby stated that the School Board is very concerned with having reoccurring dollars to fund technology for the school staff and students for the 21st Century. Oak Ridge City schools currently spend around \$128 per student. They are requesting the Council to consider providing an additional \$500,000 to bring the allocation to \$248 per student. This would allow for the repair/replacement of minimum allocations of staff and student computers, software needs, infrastructure needs and other technologies to enhance delivery of instruction.

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING
MAY 16, 2011**

The 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: Reverend Tim Borchert, First Baptist Church of Oak Ridge, TN

PLEDGE OF ALLEGIANCE: Steve Reddick

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, City Attorney Kenneth Krushenski, Deputy City Manager Steven Jenkins, and City Clerk Donna Patterson.

I. APPEARANCE OF CITIZENS

Mayor Beehan opened the meeting for public comments. There were no citizen comments.

II. PUBLIC HEARING AND 1ST READING OF ORDINANCES

**1. PROPOSED FY 2012 CITY OF OAK RIDGE BUDGET ORDINANCE
[PUBLIC HEARING & 1ST READING]**

City Clerk Donna Patterson read the ordinance title as follows: An ordinance to provide revenue for municipal purposes for the fiscal year beginning July 1, 2011, by imposing a tax on all property within the city, fixing the rate of the tax, adopting a budget, and adopting appropriations.

City Manager Mark Watson stated that tonight is the public hearing and 1st reading of the proposed FY 2012 City of Oak Ridge Budget Ordinance. This allows Council and staff discussion and citizen comments.

City Manager Mark Watson explained that the proposed FY 2012 budget has been available for public review on the City's website, the Oak Ridge Library, and in the City Clerk's office. The City's General Fund municipal expenditures are budgeted at \$19,453,250. This is a 1.1%, \$212,979, increase over fiscal 2011 budgeted expenditure levels. The presented property tax rate is \$2.49 per \$100 of assessed valuation as outlined in Section 2 of the ordinance. The tax increase is primarily due to funding requested by the Oak Ridge Schools, which is an additional \$159,171 request. The City's operating transfer to the Oak Ridge Schools is presented at the School Board's requested fiscal 2012 funding level of \$15,529,302.

City Manager Mark Watson gave a general overview of the total budget for City operations, the formal presentation having been made at a previous meeting. Following his overview, he responded to questions and comments of the City Councilmembers.

Following his presentation, Mayor Beehan opened the public hearing for citizen comments.

The following citizens came forward and spoke in favor of a property tax increase in order to provide the full amount of funding requested by the School Board: Steve Reddick, 109 Belle Creek Drive and a teacher at Jefferson Middle School; Dr. Marian Phillips, 10 Raintree Place and Preschool Principal; Mardee Miller, 101 Davidson Lane and Principal of Willow Brook Elementary; Roger Ward, 117 Winchester Circle and Principal of Linden Elementary School; Mike Baker, 107 Graystone Drive and Principal of Robertsville Middle School; Amber Godbee, 103

Davidson Lane and speaking on behalf of Oak Ridge High School Principal Dr. Jody Goins; Pearl Goins, 161 Cypers Lane and Principal of Glenwood Elementary School; Dr. Hal Jernigan, 1138 W. Outer Drive and Director of Special Education for Oak Ridge Schools.

Martin McBride, 954 W. Outer Drive, came forward and requested for the Council to balance the shortfall of school funds against other City priorities in the non-school budget, which would not require a tax increase.

Trina Baughn, 119 Newport Drive, came forward and spoke against a property tax increase in order to provide the funding requested by the School Board.

Janet Westbrook, 112 Baltimore Drive, doesn't think additional funding should be spent on upgrading technology in the schools.

There being no further comments, Mayor Beehan called for a motion to close the public hearing.

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

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

The motion carried unanimously.

A motion was made by Councilmember Hayes, seconded by Councilmember Smith, to approve the ordinance as presented.

A motion was made by Councilmember Garcia Garland to amend Section 5 of the ordinance to reduce the transfer to the General Purpose School Fund for Operations by \$1,059,171 for a new transfer amount of \$14,470,131 which reduces the tax rate implied from \$2.49 to \$2.39.

The motion failed for lack of a second.

Councilmember Smith noted that the Council is not in a position to instruct the schools how to spend the funds they are allotted. The School Budget presented to the Council does not show cuts in preschool teacher positions or other items that were mentioned tonight. She feels that the Council is being accused of threatening to do things they have no control over.

Robert Eby, Vice Chairman of the Oak Ridge Board of Education, came forward and explained that the budget presented to the Council covers the needs of the schools. If the budget is not fully funded, then the School Board will have to decide how they will reduce that budget. It will be a decision made by the Board of Education in the future.

A motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to amend Section 5 of the ordinance to reduce the transfer to the General Purpose School Fund for Operations by \$900,000 for a new transfer amount of \$14,629,302 which reduces the tax rate from \$2.49 to \$2.39 and obligates the City to a future funding commitment to the schools in the amount of \$159,171 above FY 2011 appropriations.

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

The motion carried unanimously.

A motion was made by Councilmember Smith, seconded by Councilmember Garcia Garland, to remove the second sentence in the Operating Budget Policies #9 which states 'In particular, the City will continue the scheduled level of maintenance and replacement for its infrastructure and fleet.'

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

The motion carried unanimously.

A motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to amend the Operating Budget Policies by changing #5 to state that 'The Council will meet at least three times annually with the Board of Education to discuss the services offered by the schools and factors affecting budget preparation for next fiscal year.' *instead of* 'The Council may meet once or more annually with the Board of Education to discuss the services offered by the schools and factors affecting budget preparation for next fiscal year.'

Councilmember Garcia Garland requested for Councilmember Hensley to amend his motion to also add 'as well as a means of cooperating between city administration and school administration' to the sentence.

Councilmember Hensley amended his motion and Councilmember Garcia Garland amended her second.

Mayor Beehan called for a vote.

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

Those voting against: Councilmember Hayes

Motion carried.

Councilmember Hayes explained that he does not think that the Council and School Board should be tied down to a certain number of meetings before adopting the budget. It may not be possible at the time.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to remove all of the policies from the Operating Budget Policies with the exception of #7 and #11.

Councilmember Hensley suggested a review of all the policies at a later date.

After discussion, Councilmember Smith withdrew her motion and Councilmember Hensley withdrew his second, with the understanding that the City Manager will provide a briefing and overview of the Operating Budget Policies prior to voting on the 2nd reading of the FY 2012 Budget Ordinance.

Mayor Beehan called for a vote on the 1st reading of the FY 2012 Budget Ordinance as amended.

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

The motion carried unanimously.

III. FINAL ADOPTION OF ORDINANCES

1. FY 2011 BUDGET APPROPRIATION AMENDMENT ORDINANCE FOR SCHOOL FUND

City Clerk Donna Patterson read the ordinance title as follows: An ordinance to amend Ordinance No. 8-10, 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, 2010, by amending said appropriations.

A motion was made by Councilmember Miller, seconded by Councilmember Hensley, to adopt the ordinance as presented.

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

The motion carried unanimously.

IV. SUMMARY OF CURRENTS EVENTS

1. CITY MANAGER'S REPORT

City Manager Mark Watson invited everyone to the Cedar Hill Park Playground Rebuild project beginning on Wednesday and ending on Sunday with a ribbon-cutting.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.

Approved this 13th day of June, 2011.

Donna L. Patterson, City Clerk

Thomas L. Beehan, Mayor

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING
MAY 23, 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 Pro Tem Jane Miller presiding.

INVOCATION: Myra Mansfield, Oak Ridge Police Department Chaplin

PLEDGE OF ALLEGIANCE: Dr. Tom Scott

ROLL CALL:

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

Mayor Thomas Beehan was absent. He is attending a conference concerning City business.

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

I. PUBLIC RECOGNITION

1. CEDAR HILL PARK REBUILD

City Manager Mark Watson asked Parks Director Josh Collins and Parks Supervisor John Hetrick to come forward and commended them on their leadership in the completion of the Cedar Hill Park rebuild.

Mr. Watson also expressed appreciation to all the volunteers, businesses, schools, churches, and civic organizations that made this possible and successful.

A four minute time lapse video showing the beginning and ending of the Community Build Week for the Cedar Hill Park rebuild was shown.

II. APPEARANCE OF CITIZENS

Mayor Pro Tem Miller opened the meeting for public comments.

Andy Marathe, 121 Westlook Circle, came forward and stated that the park rebuild is the beginning of other projects that the community could achieve working together.

Leroy Gilliam, 108 Tracy Lane, came forward and voiced concerns with ADA accessibility in the City of Oak Ridge. The biggest problem is signage for wheelchair loading zones.

Yajit Jain, 100 Windham Road and a high school senior, came forward and spoke in favor of the approving the school budget as requested by the Oak Ridge School Board. He appreciates the education that was provided to him in Oak Ridge.

Joe Lee, 99 E. Pasedena Road, came forward and stated that the Council needs to be thinking about the tax base and the need to focus on growth in the City.

III. RESOLUTIONS

1. RESOLUTION NO. 5-38-11 AUDIT CONTRACT WITH PUGH & COMPANY, P.C.

City Clerk Donna Patterson read the title of the resolution as follows: A resolution to renew the contract with Pugh

& Company, P.C., Knoxville, Tennessee, approved by resolution 5-44-08, to conduct an audit of the city's accounts and funds for fiscal year 2011 and for preparation of financial statements in the comprehensive annual audit report, in the estimated amount of \$51,700.

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

Finance Director Janice McGinnis came forward and answered questions from the Council.

After discussion, Mayor Pro Tem Miller called for a vote.

Those voting for: Councilmembers Hensley, Mosby, Smith, and Mayor Pro Tem Miller.

Those abstaining: Councilmembers Garcia Garland and Hayes.

Motion carried.

2. RESOLUTION NO. 5-39-11 FY 2012 BUDGET ASSUMPTIONS

City Clerk Donna Patterson read the title of the resolution as follows: A resolution to approve the FY 2012 Budget Assumptions, as recommended by the City Manager, as being reflective of the general content of the FY 2012 Budget.

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

Councilmember Smith stated that she expected a review of the policies and questioned if the Budget Assumptions were taking the place of the Budget Policies.

Councilmember Hensley also questioned if the Budget Assumptions were taking the place of the Budget Policies.

City Manager Mark Watson stated that it is taking the place of some of the budget policies.

A motion was made by Councilmember Hensley, seconded by Councilmember Mosby, to delete the 2nd line of the Budget Assumptions – 'Reviewed By City Council Acting As A Committee Of The Whole'.

Those voting for: Councilmembers Garcia Garland, Hensley, and Mosby.

Those voting against: Councilmember Hayes, Smith and Mayor Pro Tem Miller.

The motion failed.

Mayor Pro Tem Miller called for a vote on the original motion to adopt the resolution as presented.

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

The motion carried.

IV. FINAL ADOPTION OF ORDINANCES

1. ORDINANCE NO. 8-11 FY 2012 BUDGET

City Clerk Donna Patterson read the title of the ordinance as follows: An ordinance to provide revenue for municipal purposes for the Fiscal Year beginning July 1, 2011, by imposing a tax on all property within the city, fixing the rate of the tax, adopting a budget, and adopting appropriations.

A motion was made by Councilmember Smith, seconded by Councilmember Garcia Garland, to adopt the FY 2012 Budget Ordinance.

The following school students came forward to speak in favor of approving the requested School Budget: Emily and Catherine Backus, 130 Windham Road; Ben Gaun, 101 Camden Drive; Ellen Bast, 100 Pelham Road; and, Woa Byun, 118 Maltese Lane.

School Board Chairman Keys Fillauer and Vice Chair Robert Eby also came forward and requested the Council to reconsider funding the total School Budget request.

Andy Marathe, 121 Westlook Circle, came forward and spoke against approving the requested School Budget.

Councilmember Smith stated that she believes the Operating Budget Policies, the Revenue Policies, and the Debt Management Guidelines should be included in the Budget Ordinance. They were discussed and amended at the last meeting and were to be brought back for consideration tonight.

Deputy Manager Steve Jenkins stated that they would be included in the Budget Ordinance as amended at the last meeting. The policies are outdated and currently under review. The Finance Department will present resolutions, within the next six months, to the Council with recommended policy changes. The amendments to the policies at the last Council Meeting actually amended a previous resolution and not the Budget Ordinance itself.

City Attorney Ken Krushenski concurred that the changes should be made by resolution and not within the Budget Ordinance.

Councilmember Smith wants to ensure that budget policies are reviewed on a yearly basis in the future, and that the current budget policies are updated and presented to the Council as soon as possible for FY 2012.

All of the Council agreed that they support and care about Oak Ridge schools, students and teachers. They have always given the school what they requested in their budgets. It is very painful but the economy is bad for the whole nation. Everyone has to cut back and live within their means. The City of Oak Ridge is 168 million dollars in debt. The City has allotted 14.6 million dollars for the school budget. The schools are only a part of the City's needs. It was also noted that the City doesn't decide how the school spends the money they are allotted.

A motion was made by Councilmember Mosby to add a statement under 'Other Funds, Page 5, Object Code 5480' to focus on three special initiatives as follows: (1) mall redevelopment, (2) revisiting of the water-front proposal, and (3) a Comprehensive Plan for the City of Oak Ridge.

Those voting for: Councilmembers Garcia Garland, Hensley, and Mosby.

Those voting against: Councilmembers Hayes, Miller, and Mayor Pro Tem Smith.

The motion failed.

After further discussion, Mayor Pro Tem Miller called for a vote on the motion to approve the budget ordinance as amended and approved at the first reading on May 16, 2011.

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

The motion carried.

V. SPECIAL REPORTS

1. OAK RIDGE FIRE DEPARTMENT STRATEGIC PLAN, 2011-2015

Deputy Chief Darryl Kerley, speaking on behalf of Fire Chief Mack Bailey, presented the first Oak Ridge Fire Department Strategic Plan for 2011-2015.

In the fall of 2010, the staff of the Oak Ridge Fire Department committed to the formation of a Strategic Planning Committee. After 7 months of research, meetings, input from consultants and fire department employees, and guidance from the book 'Fire Department Strategic Planning, Creating Future Excellence', by Chief Mark Wallace; they developed that first Oak Ridge Fire Department Strategic Plan. This is a tool that will be used to take action today to give Oak Ridge Fire Department the best chance of becoming the most effective and efficient department that our citizens deserve. The identification and publication of Department Values, an updated Department Mission Statement, and a strong Department Vision Statement will serve to provide the Oak Ridge Fire Department personnel with a consistent yardstick to measure their progress towards and prevent any detours from their goals.

VI. SUMMARY OF CURRENT EVENTS

1. SUPPORT LETTER FOR SECTION 202 PROJECT

City Manager Mark Watson stated that a group is interested in applying for Section 202 Tax Credit Projects which would provide apartment housing for the elderly. He will provide a copy of the support letter to the Mayor and Council.

2. UPDATE ON RECREATION AND PARKS ADVISORY BOARD MEETING

City Manager Mark Watson stated that the newly elected Recreation and Parks Advisory Board held their first meeting on May 12, 2011. At that meeting City Attorney Ken Krunshenski clarified certain legal issues such as open records and conflict of interest. They were also briefed on upcoming projects such as the Waterfront Plan.

VII. ADJOURNMENT

The meeting adjourned at 10:12 p.m.

Approved this the 13 day of June, 2011.

Donna L. Patterson, City Clerk

Thomas L. Beehan, Mayor

LEGAL MEMORANDUM
11-22

DATE: June 6, 2011
TO: Honorable Mayor and Members of city Council
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: RETAIL LIQUOR STORE APPLICATION FOR PERMIT AND
CERTIFICATE OF COMPLIANCE

The accompanying resolutions authorize the granting of a permit for the retail sale of alcoholic beverages and the issuance of a certificate of compliance to Troy Joseph Howe, Hilltop Wine & Spirits, 346 N. Illinois Avenue. The Andersons are the former owners and have held the Retailer's Permit at this location for several years.

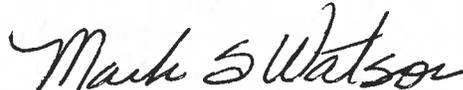
Pertinent information concerning Mr. Howe's application has been distributed to the Council. A notice was published in The Oak Ridger on June 6, 2011 advising that consideration of the issuance of a Certificate of Compliance would be considered at the June 13, 2011 Council meeting. Staff has advised the applicant to be in attendance at the meeting to answer any questions Council may have.


Kenneth R. Krushenski

Attachments

City Manager's Comments:

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


Mark S. Watson


Date

NUMBER _____

RESOLUTION

A RESOLUTION GRANTING A PERMIT TO TROY JOSEPH HOWE TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF OAK RIDGE AT HILLTOP WINE & SPIRITS, 346 N. ILLINOIS AVENUE.

WHEREAS, Title 8, Chapter 4, of the Oak Ridge Code of Ordinances requires a permit to be issued before anyone may engage in the retail sale of alcoholic beverages; and

WHEREAS, Troy Joseph Howe has made proper application for such a permit; and

WHEREAS, said applicant meets all the necessary conditions and requirements of the laws of the City of Oak Ridge and the State of Tennessee.

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

That Troy Joseph Howe is hereby granted a permit to engage in the retail sale of alcoholic beverages in the City of Oak Ridge at Hilltop Wine & Spirits, 346 N. Illinois Avenue and that the Mayor is authorized to sign said permit on behalf of the City of Oak Ridge.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

NUMBER _____

RESOLUTION

A RESOLUTION ISSUING A CERTIFICATE OF COMPLIANCE TO TROY JOSEPH HOWE FOR THE PURPOSES OF ENGAGING IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF OAK RIDGE.

WHEREAS, after diligent inquiry and careful investigation of Troy Joseph Howe, City Council has found his general character to be good; and

WHEREAS, City Council feels assured that said applicant will refrain from any violation of Title 8, Chapter 4, of the Oak Ridge Code of Ordinances; and Title 57, Chapter 3, of the Tennessee Code Annotated, which are the alcoholic beverage laws, or any statutory amendment thereof or any rule or regulation promulgated pursuant thereto; and

WHEREAS, City Council has granted the necessary permit to Troy Joseph Howe for the retail sale of alcoholic beverages thereby signifying compliance with the ordinances of the City of Oak Ridge; and

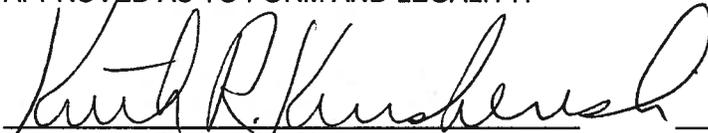
WHEREAS, City Council is of the opinion that said applicant is entitled to the State license applied for.

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

That the Mayor is hereby authorized to sign and issue a certificate of compliance for Troy Joseph Howe, City Council finding that all local regulations have been complied with and that he will refrain from any violations hereinabove set forth.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

**COMMUNITY DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
11-41**

DATE: May 25, 2011

TO: Mark Watson, City Manager

FROM: Timothy P. Ward, Community Development Division Manager 

THROUGH: Kathryn Baldwin, Community Development Director 

RE: Trade Licensing Board Rules and Procedures Approval

The attached item titled "Trade Licensing Board Rules and Procedures" is requested to be placed on City Council's June 13, 2011 agenda.

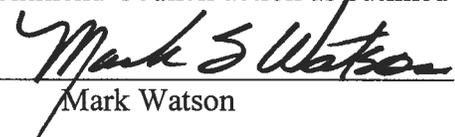
As a result of combining the former Board of Electrical Examiners and Board of Plumbing Examiners to form the new Trade Licensing Board (TLB), revisions to existing Rules and Procedures became necessary.

The Legal Department reviewed the Board's draft version in March, making additional suggested changes for board consideration. The board incorporated all of the Legal Department's suggested changes.

On May 10, 2011 the TLB unanimously approved all necessary revisions and recommended the revised rules be sent to Council for final approval. Staff herewith transmits the final, Board-approved copy, and requests this matter be placed on Council's agenda for June 13, 2011.

City Manager's Comments:

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



Mark Watson

6/6/11

Date

NUMBER _____

RESOLUTION

A RESOLUTION TO APPROVE THE RULES AND PROCEDURES OF THE TRADE LICENSING BOARD AS REQUIRED BY CITY CODE §12-307.

WHEREAS, by Ordinance 4-11, City Council established the Trade Licensing Board (Board), which Board's responsibilities are set forth in City Code §§12-301—12-310; and

WHEREAS, pursuant to City Code §12-307, the Board is authorized to establish written rules and regulations for its own procedures consistent with the provisions of the electrical and plumbing codes; and

WHEREAS, the Board has created Rules and Procedures, which by City Code §12-307 are required to be approved by City Council; and

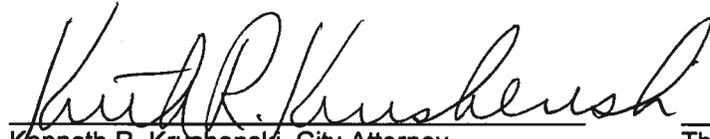
WHEREAS, the Board requests approval by City Council of their proposed Rules and Procedures.

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

That the attached Rules and Procedures for the Trade Licensing Board are hereby approved and shall become effective immediately.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

RULES AND PROCEDURES

City of Oak Ridge Trade Licensing Board

ARTICLE I. MEMBERS

Section 1. Members. The Board shall consist of seven (7) members with at least two (2) members holding a current and valid Class I or Class II electrical license from the City of Oak Ridge, if such qualified applicants are available; two (2) members holding a current and valid plumber's license from the City of Oak Ridge, if such qualified applicants are available; and the remaining members from the public at large, including persons who may possess current and valid electrical and plumbing licenses.

Section 2. Chairperson. The Chairperson of the Board shall be elected by the Board from members serving on the Board.

Section 3. Secretary. A Secretary shall be elected by the Board from the members serving on the Board.

Section 4. Election of Officers. The Chairperson and Secretary of the Board shall be elected for a one year term of office beginning at the first meeting in January, except for the initial election of officers when the Board was first created. In the event that an office is vacated prior to the end of the current term, the Board shall elect a new officer from its membership to serve the remainder of the term.

ARTICLE II. DUTIES

Section 1. General. The Board shall establish standards and procedures for the qualification, examination, and licensing of Class I and Class II electrical contractors, master plumbers and journeyman plumbers under provisions of the Oak Ridge Code of Ordinances (City Code).

Section 2. Chairperson. The Chairperson shall preside at all meetings and hearings of the Board, decide all points of order or procedure, and perform any duty required by law, ordinance, and/or these Rules and Procedures.

Section 3. Secretary. The Secretary shall prepare or have prepared minutes of all meetings and shall serve as Chairperson Pro Tem in the Chairperson's absence. In the absence of both the Chairperson and the Secretary, the Board shall elect a Chairperson Pro Tem and a Secretary Pro Tem for the meeting. Copies of all minutes shall be filed with and kept in the custody of the City Clerk, and shall be available for public inspection.

Section 4. Issuance of Licenses. The City Manager shall issue an appropriate license to each person who meets all minimum qualifications and standards as specified in Title 12 Chapters 5 and 9 of the City Code, and pays all necessary fees. The Board shall notify the City Manager of all persons who have passed the examination and are eligible for issuance of a license.

Section 5. Staff Representative. The Staff Representative to the Board shall process all official correspondence of the Board; send out all notices required by law and these Rules and Procedures; keep a record of each meeting, hearing or

any official action of the Board; and perform all other duties required by law, ordinance, and/or these Rules and Procedures. The Staff Representative shall be responsible for preparation and distribution of the agenda to the Board.

Section 6. Examinations. The Board shall use the Thomson Prometric Examinations or the current Board approved testing agency for measurement of competency in the electrical and/or plumbing profession, which shall include the State of Tennessee Licensing Board's approved test designed to measure competency in the electrical and plumbing professions. A minimum score of seventy (70) shall be required for passing the examination in all categories.

ARTICLE III. REGULAR MEETINGS

Section 1. Regular Meetings. Regular meetings of the Board shall be held on the second Tuesday of each month at 5:00 p.m. in the City Manager's Conference Room in the Municipal Building, when there is business to be conducted. Regular meeting dates, times, and/or locations may be rescheduled by the Board due to City-observed holidays, other holidays of practice in the community, emergency/special meetings, or other schedule conflicts.

Section 2. Special Meetings. Special meetings may be held upon call of the Chairperson and at such other times as the Board may determine, provided that at least twenty-four (24) hours notice of the meeting is given to each member. Notice shall be considered to be given if delivered to the member's residence. The notice of a special meeting shall state the purpose of such meeting and no other matter shall be considered.

Section 3. Quorum. A quorum shall consist of four (4) members of the Board.

Section 4. Order of Business. The order of business of all regular meetings of the Board shall be as follows:

- (A) Roll call.
- (B) Reading and adoption of minutes from the previous meeting.
- (C) Deliberation on new applicants for licenses.
- (D) Disciplinary actions.
- (E) Staff report.
- (F) Unfinished business.
- (G) New business.
- (H) Adjournment.

Section 5. Agenda. At least forty-eight (48) hours prior to each regular meeting, the members shall be furnished an agenda reflecting items to be considered and the order of business as specified in III.4 above. No matter not shown on the agenda shall be brought before the Board unless there is unanimous consent of all members present.

Section 6. Minutes. The Secretary shall keep minutes of the proceedings of each meeting of the Board, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Such minutes shall be

forwarded to members of the Board prior to the next regular meeting along with the meeting agenda. Approved minutes, signed by the Chairperson, shall be forwarded by the Staff Representative to the office of the City Clerk.

Section 7. Public Meetings. All meetings and hearings of the Board shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting and all decisions shall be by public vote, public ballot or public roll call.

The Board shall conduct a public hearing before a license is issued to a Class I Electrical Contractor, Class II Residential Electrical Contractor, Master Plumber or Journeyman Plumber. Such public hearing will be advertised in the official city newspaper ten (10) days before the date of the scheduled hearing.

Section 8. Attendance. When a member of the Board is absent from three (3) regularly-scheduled or regularly-called meetings during the Board's term-year, the Chairperson shall request that the member provide a written explanation of the absences. The Board shall determine whether to accept or reject the explanation by a majority vote. If the Board votes to accept the explanation, the absences shall be considered "excused" and will not accrue for purposes of removal from the Board. If the Board votes to reject the explanation, the absence will accrue for purposes of removal. If a member is absent from three (3) meetings and makes no effort to comply with the Chairperson's request for an explanation, those absences will accrue for purposes of removal. Accrual of four (4) unexcused absences shall result in removal from the Board per policy established by City Council.

When a member is absent from four (4) regularly-scheduled or regularly-called meetings during the Board's term-year and, consistent with the procedure set forth, the Board rejects the explanation of absences or no explanation is forthcoming, the member shall be notified that he/she has been removed from the Board by a vote of his/her peers. The Chairperson of the Board shall notify City Council of the vacancy by letter, and the City Clerk shall schedule an election to fill the vacancy in the customary manner.

ARTICLE IV. PROCEDURES OF THE TRADE LICENSING BOARD

Section 1. Application for Licenses. All applications for licenses shall be made on forms provided in the Department of Community Development, Code Enforcement Division.

Section 2. Equal Opportunity. All applicants for licenses will be given equal consideration without regard for organizational affiliation, place of residence, race, color, creed, gender, national origin, or other matters not pertaining to reliability for electrical or plumbing work.

Section 3. Deliberation on Applicants. A decision on the issuance of a license shall be reached by the Board after review of the applicant's file and a determination that the applicant fulfills the requirements set forth in Title 12 Chapters 5 & 9 of the City Code. The Board may grant conditional approval up to ninety (90) days for recommending the issuance of a license by the City Manager to any applicant subject to verification of specific minimum standards and qualifications under the City Code including minimum work experience, favorable work references, an acceptable score on the examination and/or any other requirements for licensing. Any license granted to an applicant by the City Manager under conditional approval status shall be reviewed by the Board at the

next regular meeting.

Section 4. Notification to Applicants. Applicants will be notified by the Staff Representative as to the results of their application.

Section 5. Consultation with Applicants. Applicants failing to fulfill license requirements may, upon appropriate request, appear before the Board and receive guidance toward understanding areas of weakness that need to be improved.

Section 6. Reciprocity. The Board shall issue licenses without examination to applicants from outside Oak Ridge provided that they successfully meet the minimum score on the appropriate Thomson Prometric Examination and/or other current State of Tennessee approved testing agency and meet the other requirements specified under the City Code.

Section 7. Examination Scores. The outcome of individual examinations are a public record and shall be available to any citizen making such a request of the City of Oak Ridge.

Section 8. Official Actions. All official actions of the Board shall have the concurrence of at least a majority of the official members of the Board.

Section 9. Processing Actions. The Board shall render its decisions without unreasonable or unnecessary delay.

ARTICLE V. RECORDS

Section 1. Files. A file of all materials and decisions relating to each applicant shall be kept in the Department of Community Development, Code Enforcement Division, and shall serve as the official records of the Board.

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

ARTICLE VI. AMENDMENTS

Section 1. These rules and procedures may be amended on the affirmative vote of four (4) members of the Board, subject to approval by City Council and filed with the City Clerk.

Section 2. The Board shall be allowed to make name changes to the business that provides testing services which would include any subsequent company mergers or different testing providers approved by the Board and/or by the **State of Tennessee Licensing Board.**

Section 3. The Board shall be allowed to permanently change the time, date, and/or location that it conducts its business without further approval of City Council. In the event the Board does permanently change the time, date and/or location of the meetings, the Board shall submit written notice of the change to City Council through the City Clerk's Office.

Section 4. The Board shall be allowed to make any City Department or Division

FINANCE DEPARTMENT MEMORANDUM
11-08

DATE: June 2, 2011
TO: Mark S. Watson, City Manager 
THROUGH: Steven W. Jenkins, Deputy City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: City and U.S. Department of Energy Water Services Agreement Extension

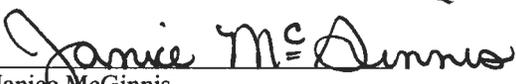
The accompanying resolution extends the contract for the City to sell drinking and raw water to the U.S. Department of Energy through June 30, 2012.

On April 28, 2000, as part of the City's acquisition of the DOE water plant, a contract, DE-AC05-00OR22777, was jointly executed by both parties which provided for the sale of city drinking and raw water to the U.S. Department of Energy sites at Y-12 and ORNL. The original agreement ended on April 30, 2010, but was extended through June 30, 2011.

The City has hired Lamar Dunn and Associates to perform a water rate review that is scheduled for completion by the end of calendar 2011. Rate structuring options for billing DOE for water services will be included as part of the rate study. The year extension will allow the City and DOE to review and come to terms for a mutually satisfactory agreement going forward.

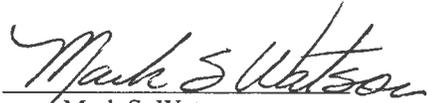
The accompanying resolution authorizes the City to enter into a mutually agreed upon contract amendment which will extend the water services agreement between the City and the United States Department of Energy through June 30, 2012.

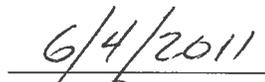
Staff recommends approval of the attached resolution.


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

RESOLUTION

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.

WHEREAS, by Resolution 4-47-98, City Council approved a Memorandum of Understanding between the City and the United States Department of Energy (DOE) to transfer the Y-12 Water Plant from DOE to the City; and

WHEREAS, the transfer documents included a water services agreement whereby DOE purchases water from the City; and

WHEREAS, the water services agreement had an original term of ten years (May 1, 2000 through April 30, 2010) with DOE having the option to extend for up to six (6) months; and

WHEREAS, DOE exercised its option to extend through October 31, 2010; and

WHEREAS, by Resolution 10-98-10, City Council amended the water services agreement to provide for an extension through June 30, 2011; and

WHEREAS, the City and DOE desire to amend the current water services agreement to provide for an extension through June 30, 2012; and

WHEREAS, the requested extension will allow sufficient time for the parties to draft a new agreement for these services after the City's water rate review is completed.

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

That the City is hereby authorized to enter into the necessary legal documents to amend the water services agreement between the City and the United States Department of Energy to extend the agreement through June 30, 2012.

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

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

ADMINISTRATIVE SERVICES MEMORANDUM
11-11

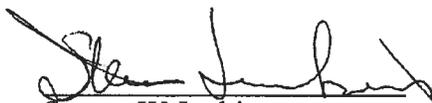
DATE: June 2, 2011
TO: Mark S. Watson, City Manager
FROM: Steven W. Jenkins, Deputy City Manager
SUBJECT: **Administration of Oak Ridge Tax Freeze and Tax Relief**

In December of 2010, City Council approved a local option property tax freeze for taxpayers 65 years of age and older. As discussed with City Council, the City contracted with the Anderson County Trustee to administer the tax relief program for Oak Ridge residents. In addition, the Trustee is contracting with the City to administer the City's tax relief program and to accept City property tax payments at the County's Emory Valley Office in Oak Ridge.

There are several reasons for contracting with the County in this manner. First and foremost is customer service. This provides a one-stop shop for the City's senior citizens. They can sign-up for the City and County tax relief and tax freeze programs at the same office. In addition, they or any other Oak Ridge citizen can pay their tax bills at the same time. Without this cooperative effort, the seniors would have to process the same paperwork at 2 different offices. The total cost of providing these services will be \$13,000 annually.

The Anderson County Clerk recently met with the State and it was determined that the City needs to adopt resolutions clearly stating that the County will be providing these services for the City. Prior to those meetings, City and County staff felt that the contract between the City and the County would provide the necessary documentation for the State.

Staff recommends approval of the attached resolutions.


Steven W Jenkins

City Manager's Comments:

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


Mark S. Watson.

6/3/2010
Date

RESOLUTION

A RESOLUTION TO OUTSOURCE THE ADMINISTRATION OF THE PROPERTY TAX FREEZE PROGRAM TO THE ANDERSON COUNTY TRUSTEE AS PROVIDED BY TENNESSEE CODE ANNOTATED §67-5-705.

WHEREAS, by Resolution 12-115-10, City Council adopted a property tax freeze program for certain elderly home-owners in accordance with Tennessee Code Annotated §67-5-705 and the applicable rules developed by the State Board of Equalization; and

WHEREAS, the City desires to outsource the administrative process of the City's property tax freeze program to the Anderson County Trustee; and

WHEREAS, the Anderson County Trustee has agreed to accept, maintain, and perform all duties and expenses required Tennessee Code Annotated §67-5-705 for eligible participants of the tax freeze program in Oak Ridge; and

WHEREAS, the City will contract with the Anderson County Trustee to perform the above services as approved by the Comptroller of the Treasury; and

WHEREAS, the City agrees to pay \$6,500.00 for services rendered for FY 2011; and

WHEREAS, the City Manager recommends the administration of the City' property tax freeze program be outsourced to the Anderson County Trustee.

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 Anderson County Trustee is hereby authorized to administer the City's property tax freeze program, in the amount of \$6,500.00.

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

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

RESOLUTION

A RESOLUTION TO OUTSOURCE THE ADMINISTRATION OF THE STATE PROPERTY TAX RELIEF PROGRAM TO THE ANDERSON COUNTY TRUSTEE.

WHEREAS, the State of Tennessee offers a property tax relief program for eligible homeowners, which is separate and apart from the City's property tax freeze program adopted by Resolution 12-115-10 and authorized by Tennessee Code Annotated §67-5-705; and

WHEREAS, it is in the best interests of citizens of Oak Ridge that the City outsource the administration of the State property tax relief program; and

WHEREAS, the Anderson County Trustee has agreed to accept, maintain, and perform all duties and expenses required of the program; and

WHEREAS, the City will contract with the Anderson County Trustee to perform the above services as approved by the Comptroller of the Treasury; and

WHEREAS, the City of Oak Ridge agrees to pay the Anderson County Trustee \$6,500.00 for services rendered for FY 2011-2012; and

WHEREAS, the City Manager recommends the administration of the State property tax relief program be outsourced to the Anderson County Trustee, which is the entity administering the City's property tax freeze program which will provide greater convenience for our citizens to be able to apply for both programs at the same location.

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 Anderson County Trustee is hereby authorized to administer the State's property tax relief program on behalf of the City, in the amount of \$6,500.00.

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

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM
11-13

DATE: June 3, 2011

To: Mark Watson, City Manager

From: Jack L. Suggs, Electrical Director

SUBJECT: MEMBERSHIP AND DUES PAYMENT FOR ETEDA

Attached is a resolution approving membership in the East Tennessee Economic Development Agency (ETEDA) and authorizing payment of membership dues in the amount of \$26,116.00.

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

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

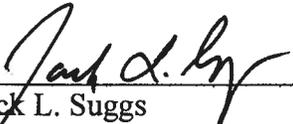
The full range of services offered to industrial clients can be found on the ETEDA website, but these include providing information such as labor and training statistics, utility service availability and cost of transportation information. ETEDA also provides regional real estate location information,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

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

The City joined ETEDA through its functioning as a TVA Regional Industrial Development Agency (RIDA). Thus, the funding for the membership is through the Electric Fund and the Electrical Director sits on the ETEDA Board. TVA encourages membership on the Board by reimbursing the City for approximately one half of the membership dues. Therefore, the actual cost of membership will be \$13,058.00.

Measuring accomplishments in an Economic Development Program is always difficult. This is especially true in regional organizations where any success is the result of a variety of players.

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



Jack L. Suggs
Electrical Director

City Manager's Comments:

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



Mark Watson

6-4-2011
Date

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO CONTINUE PARTICIPATION IN THE EAST TENNESSEE ECONOMIC DEVELOPMENT AGENCY, WITH ANNUAL MEMBERSHIP DUES IN THE AMOUNT OF \$26,116.00 FOR THE 2011 CALENDAR YEAR.

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

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

WHEREAS, the membership dues for ETEDA for calendar year 2011 are \$26,116.00; and

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

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

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

That the recommendation of the City Manager is approved and the City is hereby authorized to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2011 calendar year.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

Inter-Departmental Memorandum
Fire Department Headquarters
11-19

Date: June 1, 2011

To: City Manager Mark Watson

From: Acting Fire Chief Darryl Kerley

Subject: Request To Spend DOE Refundable Money from West End Fire Fund

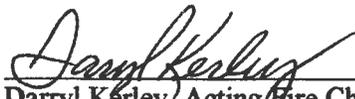
The accompanying resolution authorizes the Public Works Department to spend DOE refundable monies accumulated in the West End Fire Fund account to perform maintenance work on Building K-1652 at East Tennessee Technology Park. This building is owned by the City and co-occupied by Oak Ridge Fire Department and DOE contractors. The funds were accumulated through the annual operation budget for Fire Station 4 over the last four years within the agreement between the City of Oak Ridge and DOE detailed in the Memorandum of Agreement (MOA-07-165).

Within MOA-07-165, there were four line items: Ambulance Operations, Hazardous Materials Operations, Building Maintenance, and Equipment Repairs and Maintenance, which were over estimated due to the lack of historical data. It was agreed upon between both parties of the MOA, that unspent funds from these four line items would be refunded to the Department of Energy at the conclusion of the four year operational period.

As we approached the end of the operational period it was noted that Building K-1652 had developed several deficiencies which could impact daily operation of the facility for both fire department operations and DOE activities within the building. Therefore, in a letter dated March 29, 2011 to J.T. Howell, Deputy Assistant Manager Office of Nuclear Fuel Supply, the Fire Department requested permission to spend refundable monies accumulated as described.

On April 26, 2011 the City received letter from Mr. Howell approving the City's request to spend the refundable monies on the items described above.

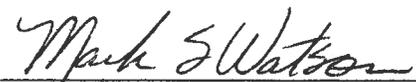
Staff recommends approval of the accompanying resolution.



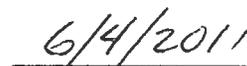
Darryl Kerley, Acting Fire Chief

City Manager's Comments:

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



Mark S. Watson, City Manager



Date



**FIRE DEPARTMENT
Operations Office**

**(865) 425-3524 BUS
(865) 425-3428 FAX**

Post Office Box 1, Oak Ridge, Tennessee 37831-0001

March 29, 2011

J.T. Howell
Deputy Assistant Manager
Office of Nuclear Fuel Supply
Oak Ridge Operations

Dear Mr. Howell:

Several months ago, we met with Brian Henry and Susan Cange to discuss our concerns with the quality of maintenance Bechtel Jacobs was providing in building K-1652. Bechtel Jacobs provided a report describing how the maintenance funds for this facility were spent, and at that time it was suggested the City use the refundable excess monies from MOA-07-165 to make needed repairs to the building. Please consider this communication as a request for permission to use the funds from the rebate program to make repairs to the critical infrastructure at building K-1652.

The City recently hired an architectural and mechanical firm to evaluate the building and the heat and air systems. There are three (3) items identified as critical needs, and both firms recommend we develop a plan to correct these needs as soon as possible. We also have a fourth request relating to the ambulance service operation.

1. The most pressing issue is our roof on K-1652. Upon inspection it was determined that the 15 year membrane replacement roof installed in or around 2000 may have not been properly installed and is not recommended for this particular type application in the southern climate of the United States. We also found that the wall weep drains have been caulked closed with a silicone material and needs to be removed. The architect described the conditions expected in this application, and upon site visit and inspection it was found exactly as described. The membrane roof is bubbling up and tearing. It can be seen where BJC made attempts to repair the bubbles, but the bubbles are holding water between the membrane and original roof. This situation will lead to further separation of the membrane, along with mold and rotting of both roof materials. It is suggested by the architectural firm that the membrane roof be removed, along with the original roof and new materials be installed with a 25 year life expectancy. The estimate to perform this work is \$272,000.

2. The second item is the air conditioning system in the Wackenhut secured alarm room. BJC has made several attempts to “repair” the system; however the mechanical contractor is still exploring how this system might be repaired or replaced. Because of the self-contained packaging of this system for installation in this type of secured facility, the system may need to be replaced. Based on the records we have been provided, the system is believed to be 30 years old. It is estimated that this system could cost as much as \$88,000.00 to replace.
3. The exhaust ventilation fan for the men’s restroom, showers and locker room has been out of service for approximately 3 years. Several complaints have been file requesting the fan be repaired or replaced. It cannot be determined if BJC has ever written a package to repair or replace this fan. It will only take one visit to this facility to determine this is a need. The city would like to repair or replace this exhaust unit if approved. Approximate cost \$4,800.00
4. Finally, COR would like to request that any residual funds be used for the replacement of the ambulance at station 4. Since transition, the Oak Ridge Fire Department has re-licensed the ambulances as Advance Life Support (ALS) ambulances and are currently staffing the ambulance with firefighter/paramedics and EMT’s and staff is required to carry their personal protective equipment on the ambulance. The ambulances also carry additional materials to care for contaminated patients, requiring additional storage space on the ambulance. Both ambulances are over 14 years old. Medic 42 is the newest ambulance and it was transferred from Rocky Flats when that facility closed in 2005. Bechtel Jacobs had a replacement plan for the ambulances, but placed the plan on-hold in 2006 when it was announced the fire department would be closed by 2010 and began the “Operate to Failure” program. A fire medic ambulance similar to the one ORNL and Y-12 just acquired will meet current and projected needs at ETTP. Based on discussions with ORNL, the estimated cost of the new ambulance to be \$190,000.00. A new ambulance may be cost prohibitive at this time, depending on the cost of the first three items, but reserving that option is prudent.

COR seeks Department of Energy approval and will begin implementing this plan, items 1 and 2 being started as soon as practical.

Respectfully,

Darryl Kerley, CFO
Deputy Chief - Operations

Cc: Brian Henry



Department of Energy

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

April 26, 2011

Mr. Darryl Kerley
Deputy Chief – Operations
City of Oak Ridge
Fire Department Operations
Post Office Box 1
Oak Ridge, Tennessee 37831-0001

Dear Mr. Kerley:

APPROVAL TO USE REBATE PROGRAM FUNDS FOR EAST TENNESSEE TECHNOLOGY PARK (ETTP) FIRE STATION MAINTENANCE/REPAIR NEEDS

The purpose of this letter is to respond to your March 29, 2011, letter requesting approval to use funds from the rebate program, established under Memorandum of Agreement (MOA-07-165), to address repair or replacement needs for building and vehicle infrastructure at the ETTP Fire Station. Per Section 4.0 of MOA-07-165, the rebate program was established as a mechanism to refund unused portions of the budgeted cost for “consumable materials.”

The City’s request to apply the rebate funds to certain infrastructure needs, specifically replacement of the roof, the air conditioning system in Wackenhut secured alarm room, the exhaust ventilation fan in the men’s restroom/shower/locker room, and the ambulance, is reasonable considering that these infrastructure improvements, particularly those addressing the Department of Energy (DOE) contractor occupied portions of the building, are mutually beneficial to DOE and the City. Hence, the requested use of the rebate funds is hereby approved with the stipulation that once the projects are completed, a reconciliation of the final rebate amount for the periods covered by MOA-07-165 through September 30, 2011, be submitted to DOE along with the actual costs expended for the efforts listed above. If the reconciliation shows any unused rebateable funds, these shall be deducted from the final year compensation due for Year 4 consistent with Section 4.0 of MOA-07-165.

DOE would like to thank the Fire Department personnel for their efforts since the City began providing the fire protection and emergency response services for ETTP. If you have any questions regarding this matter, please contact Brian Henry, of my staff, at (865) 241-8340.

Sincerely,

A handwritten signature in black ink that reads "J. T. Howell".

J.T. Howell
Assistant Manager
for Nuclear Fuel Supply

cc:

Larry Perkins, NS-50, ORO
Brian Henry, NS-53, ORO
Steve Cooke, NS-53, ORO
Jeff Deardorff, CROET
Lydia Birk, BJC

RESOLUTION

A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$500,000.00 FROM THE UNITED STATES DEPARTMENT OF ENERGY FOR MAINTENANCE/IMPROVEMENTS TO BUILDING K-1652 (FIRE STATION #4) AND TOWARDS THE PURCHASE OF AN AMBULANCE, IF FUNDS PERMIT.

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 providing for DOE and DOE's contractor to reimburse the City's cost of operations which is estimated at \$10,000,000.00 over the next four years; and

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

WHEREAS, under the terms of the agreement, the costs of certain items were overestimated due to a lack of historical data and the City and DOE agreed to refund the unexpended funds due to the overestimation back to DOE; however, additional maintenance issues have surfaced; and

WHEREAS, Building K-1652 is in need of maintenance to correct several deficiencies which could impact the daily operations of the facility both for the Fire Department and for DOE; and

WHEREAS, the City requested, and DOE approved, the use of the unexpended funds (up to \$500,000.00) that was originally scheduled to be refunded back to DOE to be spent by the City on maintenance of Building K-1652 and toward the purchase of an ambulance if funds permit; and

WHEREAS, in order to expedite correction of the deficiencies, the City Manager requests approval to spend up to \$500,000.00 on Building K-1652 and toward the purchase of an ambulance, if funds permit, without further Council action, with the understanding that the City's bid process for purchases and contracts associated with the expenditure of said funds will be utilized.

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 spend up to \$500,000.00 in funds which were originally scheduled to be refunded back to the U.S. Department of Energy (DOE) as unexpended funds due to overestimation of costs under the agreement approved by Resolution 9-92-07 pertaining to the transfer of certain assets at the East Tennessee Technology Park (ETTP), including Building K-1652 (Fire Station #4); said funds being utilized toward maintenance and improvements of Building K-1652 and toward the purchase of an ambulance if funds permit.

BE IT FURTHER RESOLVED that the City shall utilize the City's bid process for all purchases and contracts associated with the expenditure of said funds.

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

This the 13th day of June 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
11-13**

DATE: June 6, 2011
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Public Works Director
SUBJECT: **AMENDMENT TO MOWING CONTRACT COR 01-01**

The accompanying resolution authorizes the amendment to the current mowing contract (COR 01-01) for right-of-ways, medians and city facilities for the period of July 1 through October 31, 2011 in the estimated amount of \$162,035.

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. During construction of the road widening project, the right-of-way changed in width and slope. Public Works staff has requested the contractor to mow the right-of-way for sight distance and aesthetics, as it would be cost prohibitive to mow the entire right-of-way along State Route 95. 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.

The extension of this contract will also allow for the contract to be awarded based on a calendar year instead of a fiscal year. The mowing season is the seven-month period of April 1 through October 31 each year, thus making this contract best suited for a calendar year.

The current contractor is Diversified Services, Inc. who has been the mowing contractor for the City of Oak Ridge for more than twenty years. Diversified Services, Inc. was the sole bidder for COR 01-01 in January 2001. Public Works staff is pleased with the contractor's performance. The estimated amount of \$162,035 for the contract amendment includes a 2.88% CPI adjustment to the current year contract amount.

Public Works staff has met with the contractor and they have agreed to the proposed amendment and extending the contract through October 31, 2011. Adequate funds are available in the FY2012 budget. Staff recommends approval of the attached resolution as submitted.



Gary M. Cinder, P.E.

City Manager's Comments:

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



Mark S. Watson

Date

RESOLUTION

A RESOLUTION TO EXTEND THROUGH OCTOBER 31, 2011 THE CONTRACT (COR 01-01) APPROVED BY RESOLUTION 5-82-01 BETWEEN THE CITY AND DIVERSIFIED SERVICES 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.

WHEREAS, by Resolution 5-82-01, City Council approved a contract (COR 01-01) with Diversified Services Associates, Inc., Oak Ridge, Tennessee, for the furnishing of mowing services for rights-of-way along City and State streets and various City-owned parcels; and

WHEREAS, due to recent changes to State Route 95 on the west end, the City needs time to determine the appropriate frequency and width for mowing; and

WHEREAS, the City desires to extend the current contract through to October 31, 2011, thereby allowing time for the City to determine the appropriate frequency and width for mowing State Route 95; and

WHEREAS, the City will issue an invitation to bid for this service after the conclusion of this contract term; and

WHEREAS, the City Manager recommends approval of the contract extension.

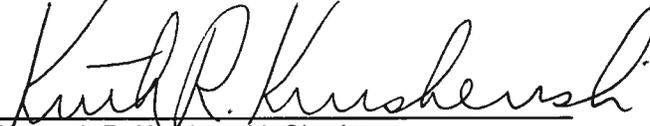
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the contract approved by Resolution 5-82-01 between the City and Diversified Services Associates, Inc., P.O. Box 5263, Oak Ridge, Tennessee 37831, (COR 01-01) is hereby extended through to October 31, 2011; said contract extension in the estimated amount of \$162,035.00.

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

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

CITY COUNCIL MEMORANDUM
11-27

DATE: June 6, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: ADA COMPLIANCE OFFICER

An item for the agenda is a resolution naming and reaffirming the Public Works Operations Maintenance Manager, Pat Fallon, as the City's ADA Compliance Officer.

In 1992, former City Manager Jeff Broughton developed an internal committee to address Americans with Disabilities Act (ADA) compliance issues for City facilities in Oak Ridge. This committee identified numerous compliance aspects of the ADA. Subsequent to that time, many accommodations have occurred to make City facilities come into compliance with original ADA requirements.

Additional amendments have come into existence to the Act as well as court cases defining and clarifying the requirements. Most cities have designated an individual to serve as the ADA Compliance Officer, although in Oak Ridge, I cannot find that an official designation has been made, although Pat Fallon has been understood to be contacted on all ADA issues dealing with City facilities. Community Development, by virtue of its code authority, is another area that gets involved with ADA matters.

The community of Oak Ridge has an active group of individuals that point out non-compliant situations throughout town, particularly parking. The ADA bill grandfathered many buildings in 1992 until a renovation or remodeling occurs, which are addressed through plans review, such as the new Applebee's Restaurant. Signage has been addressed through advisories, while strict enforcement has been limited.

The City Council has received numerous letters from citizens during my limited tenure that pertain to ADA. By resolution, I would recommend that the City Council approve the designation of Pat Fallon, as the City of Oak Ridge ADA Compliance Officer. Grievances, suggestions, and accommodations would fall under his supervision. Citizens would have a "person" that would be empowered to review matters to ensure compliance. Since Mr. Fallon's duties also include capital repairs to City facilities, he would also ensure that ADA matters are reviewed during any capital upgrades to the city facilities, such as a new ADA compliant doorway entrance to City Hall that is underway because of security changes.

As part of the duties of this position, I would ask him to provide records of all contacts regarding ADA issues and identifying resolution of said matters. Citizens would be asked to provide these concerns to Mr. Fallon for resolution or response. Mr. Fallon would be able to report on these matters directly to the City Manager.

Approval of the attached resolution is recommended.



Mark W. Watson

Attachment

RESOLUTION

A RESOLUTION NAMING AND REAFFIRMING THE PUBLIC WORKS OPERATIONS MAINTENANCE MANAGER, PAT FALLON, AS THE CITY'S ADA COMPLIANCE OFFICER.

WHEREAS, Title II of the Americans with Disabilities Act (ADA) protects individuals with disabilities from discrimination on the basis of disability in the services, programs, and activities of all state and local governments; and

WHEREAS, in 1992, former City Manager Jeff Broughton developed an internal committee to address ADA compliance issues for City facilities, with the City's Public Works Operations Maintenance Manager designated as the initial point of contact; and

WHEREAS, the City Manager desires to re-affirm and formally appoint the City's Public Works Operations Maintenance Manager as the City's ADA Compliance Officer; and

WHEREAS, the City's ADA Compliance Officer will be the initial point of contact for all inquiries and complaints regarding accessibility of the City's facilities, parks, and recreational facilities, as well as questions regarding the City's involvement with accessibility issues regarding places of public accommodation; and

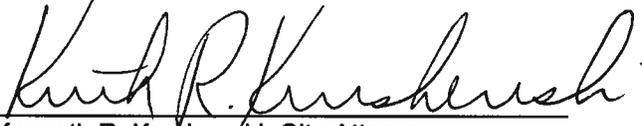
WHEREAS, the City Manager hereby recommends the naming and re-affirming of Pat Fallon, Public Works Operations Maintenance Manager, as the City's ADA Compliance Officer.

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 Pat Fallon, Public Works Operations Maintenance Manager, is hereby named and re-affirmed as the City's ADA Compliance Officer and shall be the initial point of contact for all inquiries and complaints regarding accessibility of the City's facilities, parks and recreational facilities, as well as questions regarding the City's involvement with accessibility issues regarding places of public accommodation.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

RESOLUTIONS

**JOINT MEMORANDUM
ELECTRIC DEPARTMENT 11-14
ADMINISTRATIVE SERVICES 12-11**

DATE: June 3, 2011

To: Mark Watson, City Manager

From: Jack L. Suggs, Electrical Director
Steven W. Jenkins, Deputy City Manager

SUBJECT: AWARD OF DESIGN CONTRACT FOR FIBER SYSTEM

Attached is a resolution entering a professional services contract with Fiber Planners, Biltmore Lake, North Carolina for providing design and construction review services for the construction of a Fiber Optic system in the City of Oak Ridge.

As you are aware, City staff has been in discussions with School system officials and others regarding the construction of a fiber network for the City of Oak Ridge and the School system. Such a network is not envisioned at this time to connect to the homes in Oak Ridge, but rather is intended to serve as a communication link between City Facilities, utility infrastructure and School facilities. The network will service three distinct needs in the City.

First, the City has communication lines that we use for electronic and voice data communications between City facilities. Service is currently inadequately supplied through a network of leased and owned lines that connect the City's fire stations, service facilities and the Municipal Building. The lines are used for provision of telephone service, data transfers, security systems and the like. Included in this category of use are also video feeds and security systems. The need for this type of service is already outstripping the available capacity, and the future points toward an increase in the need for connectivity, especially given the trends in computing technology- which are migrating toward "cloud" data services. These current needs can most effectively be met with a fiber optic system. Such a system will also open the door for the future, which, if the past is any indication, will require more and more data transfer and interconnect ability.

Second, the City utilities are in need of a strong communication system for strictly operational reasons. Significant parts of the utility systems currently run on "remote control." In the case of the Electric System, for example, the intelligence for system operation and response lies distributed in the substations and "downline" equipment. There is no means for an engineer at our office to control those devices, or indeed to even monitor their state. Although the need for this type of monitoring and control has existed for some time, we have avoided the investment of money and resources. As we have discussed, a future is coming, however, where we will need control and monitor our systems from a central location. This will assist us in the traditional rolls of responding to outages and system emergencies, but will also allow us to monitor real time loads, minutely control voltages and perhaps send pricing and load reduction signals. A SCADA system (which service for Supervisory Control and Data Acquisition) lies at the heart of the ability to exercise this kind of control, and a SCADA system will require a strong, resilient and reliable communications system. Further, in the near future (October, 2012), TVA will begin charging the City different electric rates depending on the time of day that power is used (in addition to the seasonality they have already introduced). This in combination with customer

service needs will push us into an era where real time communication with our power meters is essential- the world, in essence, of the Smart Grid. This communication and control is also needed for the water and wastewater systems. The management of pumping equipment is key to conserving energy consumption and controlling operational costs in these funds. It is anticipated that they will also need a SCADA system to provide critical control of flows in the future. As new technology is implemented to better monitor and control our systems, the communication backbone is essential.

Finally, the Oak Ridge School system has a need for data and voice transmission between their facilities. These needs are currently under realized through a series of leased lines. The School system needs are essentially similar to the needs of the City- and they are excited about sharing in the cost and the benefits of a City-owned fiber network. This network will help them realize real savings as they are able to release leased lines that they pay for every month.

Given these needs, staff contracted with Fiber Planners to design and prepare conceptual cost estimates for a network. The company was able to define a two-phase work product that will meet the City's needs (including the Schools) and have a closed loop for reliability. The project was designed with several options, and can be built in stages. Currently, the School system and City have \$575,000 budgeted to get the project underway. An additional \$350,000 is budgeted in the Capital Improvements Program, for a total cost of \$925,000. This level of funding will provide a strong backbone and required taps that should serve the City for many years.

The firm of Fiber Planners has provided excellent service to the City in the project to date. They have an excellent reputation and demonstrated expertise in the field. Further, they have partnered in this project with Cannon and Cannon to provide engineering services, a firm with which the City is very familiar and whom themselves have provided excellent services.

The total estimated cost of the service agreement is \$55,000. This includes design, bid reviews, material specifications and training. Staff believes this is an excellent value and recommends approval.

Funds are available from a variety of sources, including the Capital Improvements Fund and the Utility Funds. Cost will be shared in accordance with the benefit derived from the investment.



Jack L. Suggs
Electrical Director



Steven W Jenkins
Deputy City Manager

City Manager's Comments:

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



Mark Watson 6/4/2011
Date

RESOLUTION

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 \$55,000.00.

WHEREAS, the City has a need for professional services for the provision of design and construction oversight for the construction of a fiber optic system for the City; and

WHEREAS, the fiber optic system will serve as a communication link between City facilities, utility infrastructure, and School facilities; and

WHEREAS, Fiber Planners, Inc., of Biltmore Lake, North Carolina, has provided the City with cost estimates and a two-phase work product that meets the needs of the City and the Schools; and

WHEREAS, due to their expertise in the field and excellent reputation, the City desires to contract with Fiber Planners for design, bid review, material specification, training and construction oversight of the project; and

WHEREAS, the City Manager recommends the use of Fiber Planners for this project.

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 a Professional Services Agreement between the City of Oak Ridge and Fiber Planners, Inc., 18 La Rue Court, Biltmore Lake, North Carolina 28715, for the provision of professional services to prepare design plans and material specifications, and to provide bidding and construction oversight, for the construction of a fiber optic system to serve as a communication link between City facilities, utility infrastructure, and School facilities, in the estimated amount of \$55,000.00, is hereby approved.

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

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

LEGAL DEPARTMENT MEMORANDUM
11-20

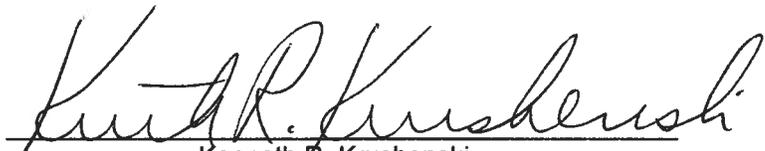
DATE: June 3, 2011
TO: Mark S. Watson, City Manager
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: PROFESSIONAL SERVICES AGREEMENTS — BILL NOLAN & ASSOCIATES AND THE FERGUSON GROUP, LLC — FY2012

Two items for the agenda are resolutions approving professional services agreements with the City's current state and federal consultants for Fiscal Year 2012.

The City has been utilizing the services of Bill Nolan & Associates for consulting services in the area of relations with the Tennessee General Assembly and the Executive Branch of the State of Tennessee, and The Ferguson Group, LLC, for consulting services to develop a comprehensive federal government relations agenda and action plan. Both of these agreements expire on June 30, 2011. Funds were approved by City Council in the budget to continue these agreements for Fiscal Year 2012.

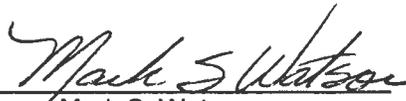
Attached is a professional services agreement and resolution for each consultant. The attached agreements are substantially similar to the current agreements, with the level of compensation remaining the same for both consultants.

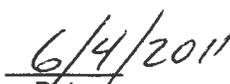
Staff recommends approval of the attached resolutions.


Kenneth R. Krushenski

City Manager's Comments:

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


Mark S. Watson


Date

RESOLUTION

A RESOLUTION APPROVING A 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 \$55,800.00.

WHEREAS, by Resolution 6-45-10, City Council approved a Professional Services Agreement in the estimated amount of \$55,800.00 between the City of Oak Ridge and Bill Nolan and Associates, 104 Cypress Lane, Oak Ridge, Tennessee 37830, to provide 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 for fiscal year 2011; and

WHEREAS, the City Manager recommends that the Professional Services Agreement with Bill Nolan and Associates be continued for fiscal year 2012 at the same rates as the current 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 attached Professional Services Agreement between the City of Oak Ridge and Bill Nolan and Associates, 104 Cypress Lane, Oak Ridge, Tennessee 37830 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 \$55,800.00, is hereby approved.

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

This the 13th of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement is entered into as of the 13th day of June, 2011, by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the City, and Bill Nolan and Associates, 104 Cypress Lane, Oak Ridge, Tennessee 37830, hereinafter referred to as BNA.

WHEREAS, the City desires to engage a professional consulting firm to provide consultation in the area of relations with the General Assembly and the Executive Branch of the State of Tennessee for agreed upon priorities; and

WHEREAS, BNA has provided such services in the past and is willing to provide such services again on behalf of City under the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

1. ENGAGEMENT OF BNA

City hereby engages BNA to perform the services hereinafter set forth, and BNA hereby accepts such engagement.

2. SCOPE OF SERVICES

The City desires to engage BNA to provide consultation in the area of relations with the General Assembly and the Executive Branch of the State of Tennessee for agreed upon priorities. BNA shall perform the following services for City:

- A. Track the introduction and movement through committees of legislation of interest to the City.
- B. Keep abreast of changes within local governments and represent the interests of the City to the General Assembly, state government officials and others in his capacity as governmental affairs representative.
- C. Maintain regular contact with the Mayor, City Council, and the City Manager and report any legislation that affects the City.
- D. Attend City Council meetings with the purpose of reporting on legislative matters.

BNA agrees to keep detailed records of activities conducted on behalf of the City and expenses related to the business of the City. BNA agrees to report to the City regularly on the status of legislation and to advise the City on additional steps to be taken in order to achieve the City's goals and objectives. In addition, BNA agrees to file all required documentation according to the Lobbying Disclosure Act to represent the City before the Tennessee General Assembly and state agencies.

3. TERM

This Agreement shall commence on July 1, 2011 and terminate on June 30, 2012, unless terminated earlier as specified in Section 6.

4. COMPENSATION

A. Fixed Fee

For the services provided under this Agreement, the City shall pay BNA an amount not to exceed \$55,800.00. This amount is based upon a fixed fee of \$4,650.00 per month.

B. Performance Bonus

At the conclusion of this Agreement, City Council may, upon recommendation of the City Manager, award BNA a performance bonus based upon the services provided under this Agreement. A performance bonus will require separate action by City Council.

5. ASSISTANCE FROM CITY

To assist BNA in performing legal representation, City shall furnish to BNA, without charge, copies of all available agreements, reports, memoranda, correspondence, ordinances, legislation, rules and regulations, technical data and other information reasonably requested by BNA relevant to the services to be provided by BNA.

6. TERMINATION

Either party may terminate this Agreement at any time upon thirty (30) days written notice to the other party without penalty.

7. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement among the parties with respect to the transactions contemplated by this Agreement, and it supersedes all prior oral or written agreements, commitments or understandings with respect to the matters provided for in this Agreement. No amendment, modification or discharge of this Agreement shall be valid or binding unless set forth in writing and duly executed by the party against whom enforcement of the amendment, modification or discharge is sought.

8. INDEPENDENT CONTRACTORS

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

9. GOVERNING LAW

This Agreement, the rights and obligations of the parties and any claims or disputes relating thereto shall be governed and construed in accordance with the laws of the State of Tennessee.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on their behalf, as of the day and year first written above.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE



City Attorney

Mayor

BILL NOLAN AND ASSOCIATES

Bill Nolan, President

Tax ID Number

Approved by Resolution _____

RESOLUTION

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE FERGUSON GROUP, LLC, WASHINGTON, D.C., FOR THE PROVISION OF CONSULTING SERVICES TO PROVIDE GRANT SUPPORT AND 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.

WHEREAS, by Resolution 6-46-10, City Council approved a Professional Services Agreement in the estimated amount of \$102,000.00 between the City of Oak Ridge and The Ferguson Group, LLC, Washington, D.C., to provide consulting services to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities for the City for fiscal year 2011; and

WHEREAS, the City Manager recommends that the Professional Services Agreement with The Ferguson Group, LLC, be continued for fiscal year 2012 at the same rates as the current agreement.

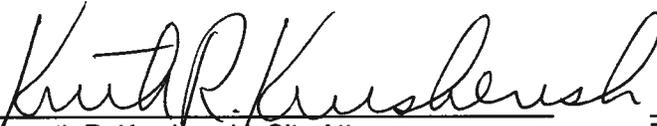
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached Professional Services Agreement between the City of Oak Ridge and The Ferguson Group, LLC, 1130 Connecticut Avenue, Suite 300, Washington, D.C. 20036, for the provision of consulting services to provide grant support and to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities for the City, in the estimated amount of \$102,000.00, is hereby approved.

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

This the 13th of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement is entered into as of the 13th day of June 2011 by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the City, and The Ferguson Group, LLC, 1130 Connecticut Avenue, Suite 300, Washington, D.C. 20036, hereinafter referred to as TFG.

WHEREAS, the City desires to engage a professional consulting firm to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities; and

WHEREAS, TFG has provided such services in the past and is willing to provide such services again on behalf of City under the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

1. ENGAGEMENT OF TFG

City hereby engages TFG to perform the services hereinafter set forth, and TFG hereby accepts such engagement.

2. SCOPE OF SERVICES

The City desires to engage TFG to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities. TFG shall perform the following services for City:

- A. Monitor in general terms developments in Washington D.C. that may influence the City's interests and report such developments that come to the attention of TFG. Counsel with the City and recommend appropriate response to such developments.
- B. Track the introduction and movement through committees of legislation of interest to the City.
- C. Undertake specific assignments as requested by the City from time to time.
- D. Attend City Council meetings with the purpose of reporting on legislative matters.
- E. Provide grant support to the City.

TFG agrees to keep detailed records of activities conducted on behalf of the City and expenses related to the business of the City. TFG agrees to report to the City regularly on the status of the agenda and to advise the City on additional steps to be taken in order to achieve the City's goals and objectives. In addition, TFG agrees to file all required documentation according to the Lobbying Disclosure Act to represent the City before Congress and federal agencies.

3. TERM

This Agreement shall commence on July 1, 2011 and terminate on June 30, 2012, unless terminated earlier as specified in Section 6.

4. COMPENSATION AND EXPENSES

A. Compensation

For the services to be provided under this Agreement, the City shall pay TFG \$96,000.00 based upon a rate of \$8,000.00 per month.

B. Reimbursable Expenses

TFG shall be entitled to reimbursement of certain expenses, estimated at \$500.00 per month, which shall not exceed \$6,000.00 during the full term of this Agreement. Reimbursable expenses shall be invoiced separately to the City along with a detailed list of expenses. Reimbursable expenses shall include long distance telephone calls, faxes, document production, overnight delivery, courier services, business meals, out-of-town travel that has been pre-approved by the City, and in-town taxicab transportation within D.C. Similar expenses not specified above may be reimbursable by the City upon approval of the City.

5. ASSISTANCE FROM CITY

To assist TFG in performing legal representation, City shall furnish to TFG, without charge, copies of all available agreements, reports, memoranda, correspondence, ordinances, legislation, rules and regulations, technical data and other information reasonably requested by TFG relevant to the services to be provided by TFG.

6. TERMINATION

Either party may terminate this Agreement at any time upon thirty (30) days written notice to the other party without penalty.

7. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement among the parties with respect to the transactions contemplated by this Agreement, and it supersedes all prior oral or written agreements, commitments or understandings with respect to the matters provided for in this Agreement. No amendment, modification or discharge of this Agreement shall be valid or binding unless set forth in writing and duly executed by the party against whom enforcement of the amendment, modification or discharge is sought.

8. INDEPENDENT CONTRACTORS

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

9. GOVERNING LAW

This Agreement, the rights and obligations of the parties and any claims or disputes relating thereto shall be governed and construed in accordance with the laws of the State of Tennessee.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on their behalf, as of the day and year first written above.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE



City Attorney

Mayor

THE FERGUSON GROUP, LLC

William Ferguson, Jr.
Chief Executive Officer

Tax ID Number

Approved by Resolution _____

PUBLIC WORKS MEMORANDUM
11-12

DATE: May 26, 2011
TO: Mark S. Watson, City Manager
FROM: Steven R. Byrd, P.E., City Engineer
SUBJECT: Centennial Bluff Access to Melton Lake Drive - Proposed Modifications

The accompanying resolution authorizes approval of modifications to the existing limited-use access to Melton Lake Drive that serves the Centennial Bluff development. The developer, Mr. Bruce Matzel, has requested City Council approval for modifications to the access to allow left-turn out traffic movements onto Melton Lake Drive. Melton Lake Drive is an arterial street and such modifications require Council approval. The existing limited-use access is shown on the enclosed Exhibit-2 and the proposed access design for the left-turn out traffic movement is shown on Exhibit-3. The developer's letter requesting the modifications is enclosed.

The original Centennial Bluff development proposed 14 multi-story condominiums for a total of 405 dwelling units. Since the original recording of the Final Plat in 2009, a club house and one condominium have been completed and one smaller condominium is under construction. As a means to make the development more marketable, a revised development plan has been approved to include a reduced number of condo units, 10 residential duplex units and 24 single family units as shown on the enclosed Exhibit-1. A total of 344 total dwelling units are now proposed.

In November 2007, Oak Ridge City Council approved a Resolution (No. 11-105-07) for a permanent limited-use access to Melon Lake Drive located approximately 1,000-feet north of the Melton Lake Drive/Edgemoor Road (State Route 170) intersection. At that time, staff felt that the left-turn movement onto Melton Lake Drive would not be safe during the weekday p.m. peak traffic hour due to the vehicle queue length from the traffic signal at Edgemoor Road backing up well beyond the location of the Centennial Bluff access. Motorists desiring to travel north on Melton Lake Drive would use the street through the development, Centennial Bluff Boulevard, to get to Centennial Drive, then travel along Centennial Drive to take a left turn onto Edgemoor Road to the traffic signal at Melton Lake Drive. At the time of the original access approval, it was envisioned that Centennial Bluff Boulevard would be completed within one-year and the State would be starting the Edgemoor Road widening improvements within a few years. To date, Centennial Bluff Boulevard has not been completed and it appears that the Edgemoor Road project will not occur for several years.

During the period since completion of the limited-use access, illegal U-turn movements have been observed at three locations to travel north on Melton Lake Drive. U-turn movements are occurring at the existing Centennial Bluff access, on Edgemoor Road just west of the Melton Lake Drive traffic signal and on Edgemoor Road at Centennial Drive. Since initial construction of the limited-use access, it has also been observed that the length and time of the queuing of vehicles extending north beyond the Centennial Bluff access has been significantly reduced due to the construction of the right-turn out acceleration lane up to Edgemoor Road.

The proposed modifications to the existing limited-use access includes an acceleration lane that permits the left-turning vehicles to accelerate to a speed that is safe for merging into northbound Melton Lake Drive traffic. The acceleration lane is separated from the opposing southbound Melton Lake Drive traffic lane by a three feet wide cross-hatched area. The current posted speed

limit on Melton Lake Drive is 40 MPH. The roadway design parameters for the acceleration lane are set for a speed of 45 MPH. The left-turn traffic volume at full build-out is projected at approximately 50 for the a.m. and p.m. one-hour peak traffic periods based on an earlier Traffic Impact Study completed in 2003 for the original Centennial Village development. With some additional tree removal along Melton Lake Drive, the intersection sight distance will be adequate for speeds of 45 MPH.

At the May 17, 2011 meeting, the Traffic Safety Advisory Board reviewed and recommended approval of the modifications to the Melton Lake Drive access. The Board's motion stated concerns for proper pavement markings and traffic control signs and the need for street lights at the intersection. If the proposed modifications are approved, detailed construction drawings will be prepared by the developer's engineering consultant and submitted to the City for approval. Appropriate pavement markings and traffic signs will be included in the detailed design. The uncompleted infrastructure items in the development include street lights that extend along Centennial Bluff Boulevard to Melton Lake Drive.

Based on the proposed design that includes the acceleration lane and in consideration of the current safety issues aforementioned, staff recommends approval of the proposed modifications to the Melton Lake Drive access that will allow left-turn out movements from the Centennial Bluff development.



Steven R. Byrd

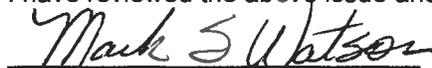
ks

Enclosures (4)

pc: Gary M. Cinder, P.E. Director of Public Works, w/enclosures
Brian Mills, Adams Craft Hertz and Walker, w/enclosures
Bruce Matzel, Developer, w/enclosures

City Manager's Comments:

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



Mark S. Watson



Date

May 10, 2011

Steve Byrd (City Engineer)
City of Oak Ridge
Public Works
P.O. Box 1
Oak Ridge, TN 37831

Re: Left Turn Lane Request
Centennial Bluff Blvd.-Melton Lake Drive Intersection
Oak Ridge, Tennessee

Dear Steve,

Centennial Bluff, LLC is requesting a change to the original approved plan for the configuration of an intersection of Centennial Bluff Boulevard and Melton Lake Drive. The development for active adults is underway with a clubhouse and one multi-story condo unit building completed along with access and parking for both. A second smaller multi-story condo unit and duplexes are currently under construction along with the pool/patio area for the clubhouse. A third phase which will include single family units has been approved but construction has not yet begun. The remaining land is shown as multi-story condos but will be developed with whichever unit type has the most demand. The current overall plan is shown on the attached exhibit (EX-1)

The original approved layout for the intersection is shown on the attached exhibit (EX-2). It has been constructed and is being used. The current layout has a left in/out with only a right turn allowed out of the development. The developer is requesting that a left turn lane out be added modifying the intersection to allow both left in/out and right in/out movements. The layout for the proposed intersection is shown on the attached exhibit (EX-3). The developer has decided that it is necessary to have the ability to make a left turn out of development in order to market and sell the units and to eliminate illegal u-turns. The intersection has been one of the most asked questions by potential buyers. The original plan would have owners that wanted to go north on Melton Lake Drive go out via Centennial Drive making a left onto Edgemoor Road (SR170) and take the recently modified access to Melton Lake Drive at the light.

In October 2003, a traffic impact study was performed by Barge Wagner Sumner & Cannon, Inc. for the entire Centennial Village development along Edgemoor Road (SR170). In this report the plan for the Centennial Bluff area showed several cul-de-sacs without access to Melton Lake Drive. The master plan at the time of this report had plans for 270 multi-family units to be built. The currently approved master plan for this area is 405 but has been reduced due to changes in the development. These changes include removing multi-story condo units and replacing them with a duplex section and single family section. The overall plan shows the location for these and then shows the remaining land to have multi-story condo units as previously approved. The developer will decide if the remaining land will consist of condo units, single family, or duplexes depending on what gets the most interest. The overall plan currently reflects about 344 units but would be greatly reduced if the condo units are not constructed. The other factor that needs to be mentioned is that the current development is for active adults and restricts the sale to any one not 55+. This would present a different driving pattern than without the age restriction. The active adult would have fewer trips anticipated for the peak hour as there would be several retired

people not needing to get out during peak morning or evening times. Thus, the possible 344 units of active adults would have similar driving patterns as the 270 units with no age restrictions used in the original Traffic Impact study. From the study in October 2003, we can anticipate the number of left turn movements at full build out to be about the same as was determined in the report as the future 10 year traffic making the a left turn out of Centennial Drive into Edgemoor Road which had 55 for peak a.m. and 52 for peak p.m. movements.

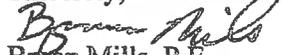
Comparing the original plan verse proposed improvements to go north on Melton Lake Drive, we feel that the reconfigure intersection of Centennial Bluff Boulevard and Melton Lake Drive will be the better of the two options by providing a left turn acceleration lane. It was determined that making a left onto Edgemoor Road (SR170) is just as hazardous if not more hazardous than the proposed intersection improvements because Edgemoor Road (SR170) does not have a left turn acceleration lane. The improvement to allow left turns out of the development will eliminate several illegal u-turns that are currently occurring. Cars have been witnessed making u-turns coming out of the right only lane in order to go north on Melton Lake Drive. Illegal u-turns have also been occurring on Edgemoor Rd (SR170) either to access the modified path to go north on Melton Lake Drive at the light or in front of the intersection to Centennial Drive (golf course access).

The current traffic patterns were observed at the proposed intersection during the afternoon and morning peak times. It appears that a majority of the afternoon traffic going south bound on Melton Lake Drive goes left on Edgemoor Road thus causing traffic to back up in the location of the proposed improvements due to waiting on the light. The north bound traffic at this time is limited as it is mostly regulated by the traffic light as well. Thus, north bound traffic is generally in groups of cars that occur every 2-3 minutes and very limited in between. The morning traffic south bound on Melton Lake Drive does not back up as most of the traffic seems to go right onto Edgemoor Road which is basically an unrestricted movement. The north bound traffic on Melton Lake Drive has about the same volume as the afternoon but is more spread out and does not flow in groups as in the afternoon. We believe that the proposed design with the acceleration lane will allow safe left turn movements at the intersection during these times.

The dimensions of the proposed left turn acceleration lane are based on using a slightly higher design speed increasing the length of the acceleration lane to make the merging movement a bit longer and safer. The sight distance for the left turn movement has been check to see that the proper 555' distance is available (based on 50mph design speed). The sight distance to the south is okay while the north will require a little tree trimming to provide unobstructed views. A three foot wide channelize strip has been added to provided additional separation for the left turn acceleration lane and the south bound traffic on Melton Lake Drive again attempting to increase the safety of the movement.

In summary, we feel that the left turn lane will be an asset to the development and the city by making the development more user-friendly and the traffic movement safer. It will provide the developer the ability to sell more units by making it easier to go north bound on Melton Lake Drive. The travel trip in and out of development will be made at off peak times due to the community's age restriction which should not increasing the traffic or negatively impacting the current condition in the area during these peak times.

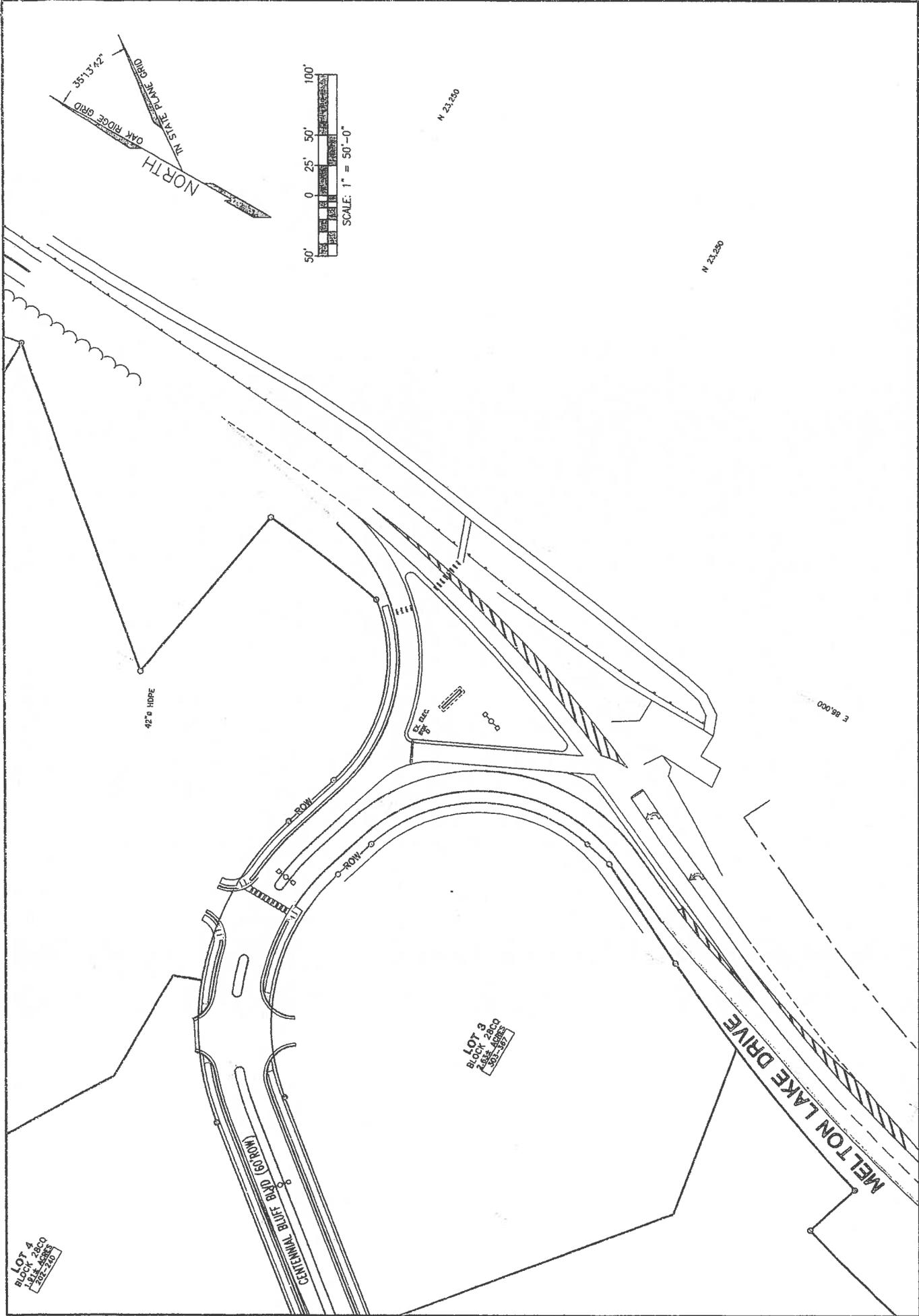
Sincerely,


Bryan Mills, P.E.

ACHW

cc: Bruce Matzel, Developer

ACHW #10501.0
05-10-11



**CENTENNIAL BLUFF AT CENTENNIAL VILLAGE
OAK RIDGE, TN**

EXISTING LEFT TURN LANE EXHIBIT

**ADAMS ARCHITECTS
CRAFT ENGINEERS
HERZ PLANNERS
WALKER SURVEYORS**

issue	drawn by	checked by	date	approval
original	BWM		05-09-11	

LEFT-TURN

105010

EX-2

drawing number

2011 MAY 24 AM 8:55
OFFICE OF THE CITY CLERK

COMMUNICATION

May 23, 2011

Subject: Modification of existing Centennial Bluff Access to Melton Lake Drive

To: Honorable Mayor and members of City Council:

At the May 17 regular called meeting of the Traffic Safety Advisory Board, a proposal was presented for modifying the existing access to Melton Lake Drive serving the Centennial Bluff Development. Present at the meeting were six members of the board, and Steve Byrd, City Engineer and staff representative to the board. There was no representative from the developer. The board reviewed the original access request to serve this development in late 2007, and forwarded its recommendations to Council in a communication dated Nov 5, 2007.

Steve presented the request from the developer, and staff's recommendation. The developer is getting questions from potential buyers about the design of the intersection, especially given that this access at present is the only access serving the development. Staff has observed people exiting the development, turning south on Melton Lake Drive, and making U turns on Melton Lake Drive, or along Edgemoor Road, to provide them access to north bound movement on Melton Lake Drive. The developer is requesting modification of the existing intersection to allow full access, including left turn egress which is presently prohibited by design. This change should eliminate questions from possible clients about the design of the intersection and also eliminate the presently observed U turns on two arterial roadways.

The proposed design includes construction of a left turn acceleration lane on Melton Lake Drive, which includes a three foot wide painted buffer between the acceleration lane and south bound Melton Lake Drive traffic. Right of way for these modifications will come from right of way on the west side of Melton Lake Drive. Some tree work will have to be done north of the intersection to provide the sight distance required for the intersection.

Following Steve's presentation the board discussed this proposal. Things brought up in the discussion were the funding for this work, and the board was told this work would be funded by the developer at no cost to the city. The development has not opened the access to Centennial Drive yet, so the only access for residents is the subject intersection. Members of the board have attended evening functions at this site, and observed that it is a bit disconcerting to them given that there is presently no on site lighting for the intersection. The proposed modification increases the number of potential conflict points at this intersection, but it should eliminate the illegal U turn movements being observed on Melton Lake Drive and Edgemoor Road. Hopefully this will give us a designed solution where overall traffic safety is not decreased. The main time when there will be issues for left turn egress is on work day afternoons, when south bound traffic backs up from the intersection of Melton Lake Drive and Edgemoor road to or past this intersection due to cars waiting for east bound access to cross the bridge on Edgemoor Road. Hopefully the age restrictions for this development will minimize the afternoon

demand for this movement, and the left turn acceleration lane and the fact that north bound Melton Lake Drive traffic is bunched by the nearby intersection will accommodate those drivers making this movement.

There were question about the installation of new signing on Melton Lake Drive, and Steve indicated this staff will check this as part of the final design review. It was suggested that skip dash striping be added to the roadway to guide left turn egress movement into the acceleration lane.

It was moved and seconded that the board support the recommendation from Staff regarding this access modification. The motion was amended to also recommend 1) that the developer be encouraged to install lighting at the intersection to improve its safety for his clients and the driving public, 2) that the final design include skip dash markings to guide left turn egress thru the intersection, and 3) that proper signing be installed on Melton Lake Drive to warn drivers of the approaching T intersection.

The amendment was passed unanimously. Following this action, the original motion to recommend approval of this access modification was passed unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "William A. Davis".

William A Davis
Chairman, Traffic Safety Advisory Board

RESOLUTION

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.

WHEREAS, by Resolution 11-105-07, City Council approved a permanent limited-use access to Melton Lake Drive from Anderson County Tax Map 101F, Group A, Parcel 2.00 (Centennial Bluff); and

WHEREAS, the limited-use access permits right-turn in and right-turn out traffic movements for the development and northbound Melton Lake Drive left-turn traffic movements into the development; and

WHEREAS, the left-turn out of the development onto Melton Lake Drive was prohibited; and

WHEREAS, Bruce Matzel, developer of Centennial Bluff, has requested a modification to the limited-use access to allow left-turn movements onto Melton Lake Drive from such parcel; and

WHEREAS, Melton Lake Drive is an arterial road requiring City Council approval of access; and

WHEREAS, the proposed access left-turn movement onto Melton Lake Drive has been reviewed by the Traffic Safety Advisory Board at its May 17, 2011 meeting, which Board recommended approval; and

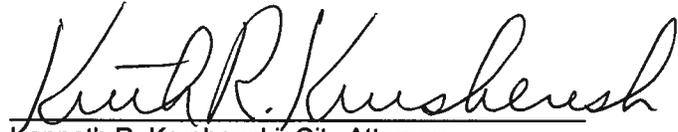
WHEREAS, the proposed access left-turn movement onto Melton Lake Drive is recommended by the City Manager.

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

That the recommendation of the City Manager is approved and the permanent limited-use access to Melton Lake Drive from Anderson County Tax Map 101F, Group A, Parcel 2.00 (Centennial Bluff), as approved by Resolution 11-105-07, is hereby modified to permit a left-turn movement onto Melton Lake Drive from the parcels and lots within Centennial Bluff.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

FINANCE DEPARTMENT MEMORANDUM
11-06

DATE: May 27, 2011

TO: Mark S. Watson, City Manager

THROUGH: Steven W. Jenkins, Deputy City Manager 
Janice E. McGinnis, Finance Director 

FROM: Lyn Majeski, Accounting Division Manager

SUBJECT: NEGOTIATED ANNUAL ORDERS FOR FISCAL YEAR 2012

The accompanying resolution provides for certain routine annual orders totaling **\$5,651,900** for those services and materials that do not lend themselves to the normal competitive bidding procedure. It is recommended that competitive bids be waived and awards made to a Sole Provider, Best Provider or Partnership Contract Provider based upon written quotations and agreements with the perspective suppliers.

While the bulk of the City's requirements for products and services are competitively bid on a routine basis, the nature and circumstances of certain needs require a negotiated award. Each requirement is listed in the accompanying resolution and the following information is provided by category to explain each recommendation.

SOLE PROVIDER

These providers are determined to be the sole source of the services or products based on being the only available supplier or the only practical supplier.

1. Shared Property Audit and Appraisal

The City is required to pay a share of Anderson and Roane County's costs for personal property identification and valuation, and reappraisal costs for property located within Oak Ridge based on Tennessee State law. The City also shares in costs for any outside appraisal services that the County may require to settle appraisal disputes on property located within Oak Ridge. The total estimated amount for these services from Anderson and Roane County is **\$35,000**.

2. Computer Software Upgrade and Field Support

The City utilizes four major computer software packages, one each for public safety, financial information, public works and the public library. Each software package has annual upgrades, available from the supplier of the software that must be purchased for the systems to remain viable. City staff may also require support (on-site and/or off-site) from the providers for various applications. The four providers are VisionAir (\$75,000), SirsiDynix (\$22,000) Infor Global Solution (\$20,000) and Oracle America, Inc. (\$24,000). The total estimated amount is **\$141,000**.

3. Radio Replacement

The City's 800 MHz radio system was purchased during FY94 from Motorola and upgraded to allow digital expansion capabilities of the system in 2008. The maintenance agreement for the radio communications system requires that the City utilize Motorola equipment. Heavily used handheld and automobile radios periodically require replacement. Additionally, the City has completed the upgrade of radios in FY11 in conjunction with the digital expansion of the system that occurred in 2008. Funds are budgeted in the Emergency Communications, Electric and Waterworks Funds for the replacement radios. Individual radios cost approximately \$2,500 each. The total estimated amount is **\$50,000**.

SOLE PROVIDER, Continued

4. Recycled Biosolids Disposal

During 2003, the City began using a portable belt press to process biosolids produced at the Wastewater Treatment Plant. The estimated annual production of biosolids should be approximately 4,000 wet tons, which require disposal at an approved solid waste facility. Chestnut Ridge Landfill owned and operated by Waste Management is an approved solid waste landfill and has requested the estimated unit rate of \$28.90 per ton for FY12 that will apply to biosolids produced. The total estimated amount is **\$116,000**.

5. Electric Meters and Related Equipment

Electric meters are purchased for the Electric Department on an as needed basis. Due to standardization of electric meters throughout the city, Staff is recommending that formal sealed bids be waived and purchases be awarded to Stuart C. Irby. Staff will be testing automatic meter reading (AMR) systems and new meters and related equipment would be purchased from a company such as Sensus Metering Systems, Inc. The total estimated amount is **\$100,000**.

6. Water Meters and Related Equipment

Water meters and expansion connections are purchased for the Public Works Department on an as needed basis for the meter replacement program and for residential and commercial growth. Due to standardization of water meters throughout the city, Staff is recommending that formal sealed bids be waived and purchases be awarded to Badger Meter, AMCO, Hayes Pipe & Supply, and Consolidated Pipe & Supply. Staff is considering an automatic meter reading (AMR) system and new meters and related equipment would be purchased from companies such as Sensus Metering Systems, Inc. The total estimated amount is **\$250,000**.

7. In-Car Digital Video Cameras for Police Vehicles

The sole source vendor is L3 Communications. They will provide in-car digital video recording equipment to be compatible with the City's existing equipment. This will fund 10 cameras for new police vehicles and replacements cameras during the year. The estimated amount is **\$55,000**.

BEST PROVIDER

These providers are determined to be the best source of the services or products based on the provider's expertise, service record or contractual agreement.

1. Unleaded and Diesel Fuel

The vendor is Mansfield Oil Company. This vendor saves several staff hours each month by monitoring and shipping fuel as needed. The City experienced a 36% increase in fuel cost from FY04 (\$259,650) to FY05 (\$353,420), a 45% increase from FY05 to FY06 (\$518,974), costs were stagnant from FY06 to FY07 (\$517,311), a 47% increase was realized in FY08 (\$758,465). FY09 (\$443,365) saw a 42% decrease from FY08 largely due to schools no longer purchasing fuel for buses at our station. FY10 (\$486,901) increased 10% over FY09. Estimated fuel cost for FY11 (\$635,000) is at a 30% increase over FY10. Due to fluctuating fuel costs, staff estimates a 10% price increase over the FY11 projected cost for this commodity. The total estimated amount is **\$698,500**.

2. Medical Supplies

The vendor is Emergency Medical Products, Inc. This vendor provides excellent customer service to the Fire Department. They will exchange out expired drugs (have found no other vendor that will) and provides free shipping with a minimum order. The total estimated amount is **\$45,000**.

BEST PROVIDER, Continued

3. Fire Hydrants

Hydrants are included in warehouse stock. The value of hydrants has increased due to manufacturing costs. The Public Works Department purchases each year approximately 135 four foot bury hydrants and 27 three foot bury hydrants for the City's hydrant replacement program and emergency use. The delivery for this item can be 4-6 weeks. The City staff has standardized hydrants used throughout the City, which are purchased directly from the manufacturer through G & C Supply Company, Piping Supply, Consolidated Pipe & Supply Co., and HD Water Supply. These items will be competitively bid as needed. The estimated amount is **\$205,000.**

4. Storm Drain Cleaning

The City has demonstrated a need for supplemental services for storm drain cleaning. During FY11, the City contracted on a trial basis with Rather Sewer Services, Oliver Springs, TN for these services and was pleased with their work. It is estimated that during FY12 these services will be required. The total estimated amount for is **\$40,000.**

PROFESSIONAL SERVICES

The following suppliers will be utilized on an as-needed basis throughout the fiscal year by various departments for professional services. These providers are chosen based on expertise, quality service and continuity of service. Tennessee Code Annotated §12-4-106 provides for the award of professional service contracts without competitive bidding.

1. Power Distribution System Consultants

The Electric Department has utilized the services of engineering consultant firms for over twenty years. This arrangement is required to allow for completion of specific projects in a timely manner. For work costing in excess of a few hundred dollars, a written proposal is required prior to commencement of the work. The expenditures are made to qualified engineering firms with electrical distribution expertise, including but not limited to: Allen and Hoshall, DHRS-Engineering Solutions, Inc., Lackey and Associates, Inc., Mesa Associates, Inc., Dean Orr and El Review and Company, Inc. The total estimated amount is **\$85,000.**

CONTRACTUAL SERVICES – CONTRACT RENEWALS

The following suppliers submitted bids or cost proposals in a previous fiscal year for the provision of materials and services on a multi-year basis.

1. Employee Uniforms

Aramark Uniform Service, Inc. has provided the City's uniform service contract for fourteen years. This contract provides work uniforms for approximately one hundred fifteen (115) City employees located in various departments. The uniform service contract consists of picking up dirty uniforms, laundering the uniforms and delivering clean uniforms for a weekly fee. The contractor also charges for the replacement of worn or damaged uniforms that are replaced on an as-needed basis. City staff estimates that the cost to supply all new uniforms to these employees at one time would exceed \$50,000. The current uniforms have a useful life of three to four years, which enables the City to pay for replacements on an "as needed" basis and thereby spreads the cost over multiple years. The supplier has agreed to continue this contract for the next two fiscal years, FY12 and FY13 at a 10% reduction per uniform cost. The total estimated amount is **\$59,000.**

BEST PROVIDER, Continued

CONTRACTUAL SERVICES – CONTRACT RENEWALS, Continued

2. Employee Life and Long Term Disability Insurance

Marsh USA, Inc., insurance broker for the City, negotiates the employee life insurance rates with Standard Insurance Company. The total estimated amount for FY12 is **\$188,000**.

- Life Insurance \$98,000
- LTD Premium \$90,000

3. Property, Liability and Workers' Compensation Insurance

TML Risk Management Pool has agreed to renew the City's property, liability and workers' compensation insurance policies for FY12. The City has been insured by TML Risk Management Pool since 1981 and has been satisfied with their service. The total estimated amount is **\$1,274,400**.

- Property Insurance \$307,500
- Liability Insurance \$466,900
- Workers' Compensation \$500,000

4. HAZMAT Medical Testing Services

OSHA statute and National Fire Protection Association standards require that all employees who respond to hazardous materials incidents have annual HAZMAT medical testing. This requirement is primarily for City fire service employees. Staff solicited proposals in May 2011 for this service and received responses from four providers. Park Med Urgent Care Center submitted the best bid for the various tests included in the HAZMAT medical testing. The total estimated amount is **\$51,000**.

5. Motorola Radio System

The City negotiated an extension to the contract with Motorola Communications and Electronics, Inc., for the provision of maintenance for the 800 MHz Trunked Communications System. The total estimated amount is **\$84,000**.

CONTRACTUAL SERVICES – ANNUAL CONTRACTS

The following suppliers will be utilized on an as needed basis throughout the fiscal year, by various departments for ongoing contractual services. These providers are chosen based on quality service and continuity of service to the City.

1. Temporary Employment Services

The City has demonstrated a need for temporary employees in clerical and technical positions. When a specific need is identified, companies such as Temp Systems, Inc., Accountemps, Alternate Staffing, Inc., RecruitWise, Staffing Solutions and At-Work will provide the temporary employment services. The award will be based on price, availability and the skills of the applicants. The following departmental amounts are estimated for FY12: Public Works, EPA related work - \$250,000, other Public Work activities - \$125,000, Administrative Services Division - \$200,000, all other departments - \$50,000. The total estimated amount is **\$625,000**.

2. Information Services Consultants

The City has demonstrated a need for temporary technical support in the Administrative Services Division for special projects that require expertise in a timely manner in specific fields such as Geographic Information Systems. The expenditures will be made to qualified companies such as Integracon, SDI Networks, Z11 Communications LLC and Rusty Jackson and Associates. The total estimated amount is **\$250,000**.

BEST PROVIDER, Continued
CONTRACTUAL SERVICES – ANNUAL CONTRACTS, Continues

3. Meter Reading Services

The City demonstrated a need in June 2005 for contract meter readers for electric and water meters due to a staffing vacancy and an injury. Utility Meter Services (UMS), Inc. provided contract meter readers to other area utilities and was able to provide contract meter readers to the City on a temporary basis in an expeditious manner. Based on the positive results obtained, the City has continued utilizing UMS rather than filling vacant positions. The expenditures will be made to a qualified company such as UMS. The total estimated amount is **\$200,000**.

4. Rental of Heavy Equipment

The City has demonstrated a need for the rental of heavy equipment for various projects. The urgencies and nature of some of these projects require a quick response, may not allow time for the competitive bid process and the rental equipment required could exceed the City's sealed bid limit. Staff has requested monthly rental prices of various types and sizes of heavy equipment, including delivery costs from eight area companies. Utilizing the information provided from the rental companies, the equipment will be rented on an as-needed basis by city departments throughout FY12. The award will be based on type of equipment required, price and availability. The total estimated amount is **\$100,000**.

5. Street Resurfacing Emergency Service

Historically, the City has had a street resurfacing contract with Rogers Group, Inc. including annual renewal options. The urgency of certain resurfacing projects associated with utility excavations require immediate repair and could exceed the City's sealed bid limit. In the past these projects were part of the resurfacing contract. When the need arises in FY12, the City will negotiate the cost of resurfacing services with qualified companies such as Rogers Group, Inc. The total estimated amount is **\$150,000**.

6. Raising/Leveling Manhole Rings

The City has demonstrated a need for assistance with the raising/leveling of manholes as part of the street resurfacing effort. During FY10, the City contracted on a trial basis with The Hutchins Group of Louisville, KY for these services and was pleased with their work. It is estimated that during FY12 approximately one hundred manholes will need to be adjusted at an approximate cost of \$950 per manhole for labor, materials, tools and equipment required, which is less than the city can complete the work and provide the materials required. The total estimated amount is **\$95,000**.

7. Street Striping Services

The City has demonstrated a need for street striping services. When this service is needed, Superior Pavement Marking, Inc. and Volunteer Pavement Marking, Inc. will provide the services. The award will be based on price and/or availability to perform the work timely. The total estimated amount is **\$85,000**.

8. Gravity Sewer Cleaning and/or Closed Circuit Television Inspection (CCTV)

Due to the EPA Administrative Order, the City has demonstrated a need for supplemental services for sewer cleaning and/or CCTV by contractors such as Performance Contracting Group (PCI Branch), Knoxville, TN and Rather Sewer Inspection Services, Oliver Springs, TN. The award will be based on price and/or availability to perform the work timely. The total estimated amount is **\$150,000**.

PARTNERSHIP CONTRACT PROVIDER

The partnership contracts with the State of Tennessee and the Tennessee Valley Authority (TVA) are the results of a competitive bid process by each agency. They have developed specifications, solicited bids, reviewed the bids and made an award. In general, the State and TVA have increased bargaining power with suppliers and receives a larger discount on their contracts than local governments.

STATE OF TENNESSEE CONTRACT PROVIDER

1. **Salt**

The storage area located at the Central Services Complex can hold approximately 2,400 tons of highway salt in two separate bins. During FY11 the City used approximately 1,765 tons of highway salt and will need to replace it during FY12. This commodity will be purchased using the State of Tennessee Contract from the awarded vendors as needed. The total estimated amount is **\$145,000**.

TVA PARTNERSHIP CONTRACT

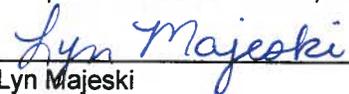
1. **Poles**

These items are warehouse stock and include all sizes of wood and metal poles for use by the Electric Department. This item varies by the size and quantity required for certain jobs. Staff will attempt to order by the full truckload so that freight charges will be less than with partial loads. The poles will be procured through the TVA Partnership Contract. The estimated amount is **\$60,000**.

2. **Cables**

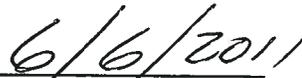
This item includes OH (overhead) and URD (underground) cables in warehouse stock for use by the Electric Department. The increasing cost of metals has directly influenced the price of these items. These items will be procured through the TVA Partnership Contract. The estimated amount is **\$315,000**.

Staff recommends approval of the attached resolution as submitted. Funds are budgeted and available in fiscal year 2012 and included in the existing property tax and utility rates. As the recommendation is that competitive bids be waived, council is reminded that a unanimous vote is required for approval.


Lyn Majeski

City Manager's Comment: I have reviewed the above issue and recommend council action as outlined in this document.


Mark S. Watson


Date

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING 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.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2012 (July 1, 2011 through June 30, 2012); and

WHEREAS, said materials and services do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, the City Manager recommends that competitive bids be waived and awards be made based upon the written quotations and agreements which have been negotiated with the respective suppliers of materials, equipment or services hereinafter set forth.

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

That the recommendation of the City Manager that competitive bids be waived is approved and awards are hereby made to the following firms for the furnishing of the designated materials, equipment or services for Fiscal Year 2012 (July 1, 2011 through June 30, 2012), such awards being based upon the written proposals of the suppliers of the materials or furnisher of the services:

To the Anderson County Trustee and the Roane County Trustee for the City's share of the cost for personal property identifications and valuation as required by State law, in an estimated amount of \$35,000.00.

To VisionAir as the sole supplier of upgrades and field support for the public safety computer system software, in an estimated amount of \$75,000.00.

To SIRSI Corporation as the sole supplier of upgrades and field support for the Public Library computer system software, in an estimated amount of \$22,000.00.

To Infor Global Solutions as the sole supplier of upgrades and field support for the information management system software, in the estimated amount of \$20,000.00.

To Oracle, Inc., as the sole supplier of upgrades and field support for the financial package software, in an estimated amount of \$24,000.00.

To Motorola as the sole supplier of compatible radios for the radio communications system, in an estimated amount of \$50,000.00.

To Waste Management for the disposal of the City's biosolids at the Chestnut Ridge Landfill based on a unit rate of \$28.90 per ton, in an estimated amount of \$116,000.00.

To Stuart C. Irby as the sole supplier of required warehouse stock electric meters for the Electric Department, and Sensus Metering Systems, Inc., and other suitable companies for the furnishing of automatic electric meter reading systems and related equipment, all in the estimated amount of \$100,000.00.

To Badger Meter Inc.; AMCO; Hayes Pipe & Supply, Inc.; and Consolidated Pipe & Supply, as the sole suppliers of required warehouse stock water meters for the Public Works Department, and

Sensus Metering Systems, Inc., and other suitable companies for the furnishing of automatic water meter reading systems and related equipment, all in an estimated amount of \$250,000.00.

To L3 Communications as the sole supplier of compatible in-car digital video recording equipment for new police vehicles and required replacements for the Police Department, in an estimated amount of \$55,000.00.

To Mansfield Oil Company for furnishing unleaded and diesel fuel, in an estimated amount of \$698,500.00.

To Emergency Medical Products, Inc., for furnishing medical supplies for the Fire Department, in an estimated amount of \$45,000.00.

To G & C Supply Company, Inc., Piping Supply, Consolidated Pipe & Supply Co., and HD Water Supply as the sole suppliers of required warehouse stock fire hydrants for use by the Public Works Department, in an estimated amount of \$205,000.00.

To Rather Sewer Services for furnishing storm drain cleaning services for the Public Works Department, in an estimated amount of \$40,000.00.

To Allen & Hoshall, DHRS-Engineering Solutions, Inc., Lackey and Associates, Inc., Mesa Associates, Inc., Dean Orr, El Review and Company, Inc., and other qualified consultants as needed for the furnishing of professional engineering services for the Electric Department, in an estimated amount of \$85,000.00.

To Aramark Uniform Services, Inc., for furnishing employee uniforms and various other services associated with employee uniforms, in an estimated amount of \$59,000.00.

To Marsh USA, Inc., insurance broker, for employee life insurance with Standard Insurance Company, in an estimated amount of \$98,000.00.

To Marsh USA, Inc., insurance broker, for long-term disability with Standard Insurance Company, in an estimated amount of \$90,000.00.

To Tennessee Municipal League Risk Management Pool for property, liability, and workers' compensation insurance, in the estimated amount of \$1,274,400.00.

To Park Med Ambulatory Care for furnishing hazmat medical testing services for City employees, in an estimated amount of \$51,000.00.

To Motorola Communications and Electronics, Inc., for furnishing of maintenance of the 800 MHz Trunked Communications System, in an estimated amount of \$84,000.00.

To Temp Systems, Inc., Accountemps, Alternate Staffing, Inc., RecruitWise, Staffing Solutions, At-Work, and other suitable companies as needed for furnishing temporary employment services, in an estimated amount of \$625,000.00.

To Integracon; SDI Networks; z11 Communications, LLC; Rusty Jackson and Associates; and other suitable companies as needed for furnishing temporary technical support for the Administrative Services Division, in an estimated amount of \$250,000.00.

To Utility Meter Services and other suitable companies as needed for residential and commercial meter reading services for the Business Office, in an estimated amount of \$200,000.00.

To various area City-approved companies for the rental of various heavy equipment on an as-needed basis, in an estimated amount of \$100,000.00.

To Rogers Group, Inc., and other suitable companies as needed for emergency street resurfacing, in an estimated amount of \$150,000.00.

To Hutchins Group as needed for raising and leveling manholes during street resurfacing, in an estimated amount of \$95,000.00.

To Superior Pavement Marking, Inc., and Volunteer Pavement Marking, Inc., for furnishing street striping services, in an estimated amount of \$85,000.00.

To Performance Contracting Group (PCI Branch), Rather Sewer Inspection Services, and other suitable companies as needed for sewer cleaning and CCTV inspection, in an estimated amount of \$150,000.00.

To the current State contractor supplier for salt, in an estimated amount of \$145,000.00.

To the current Tennessee Valley Authority contract supplier for warehouse stock wood poles for the Electric Department, in an estimated amount of \$60,000.00.

To the current Tennessee Valley Authority contract supplier for warehouse stock underground and overhead cables for the Electric Department, in an estimated amount of \$315,000.00.

Said awards in the grand total estimated amount of \$5,651,900.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute contracts for and on behalf of the City of Oak Ridge in connection with supplying the above materials and services, where required by law.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

FINANCE DEPARTMENT MEMORANDUM
11-07

DATE: May 27, 2011
TO: Mark S. Watson, City Manager
THROUGH: Steven W. Jenkins, Deputy City Manager
Janice E. McGinnis, Finance Director
FROM: Lyn Majeski, Accounting Division Manager



SUBJECT: COMPETITIVELY BID COMMODITY REQUIREMENTS FOR FISCAL YEAR 2012

The accompanying resolution provides for the approval of the City's routine commodity requirements that are competitively bid in the total estimated amount of **\$1,499,875**.

Annual contract orders effectively commit the City's full requirements for a specific commodity with the supplier for a specified period. The supplier agrees to meet the City's service requirements at the agreed upon price, generally fixed for the contract term. The supplier is ensured of a certain level of business activity at an estimated quantity and can adjust their inventory and service level accordingly. Delivery lead times are reduced and additional savings are achieved through paperwork and inventory reduction. The accompanying bid abstracts provide the bid quotation detail and explain the award recommendation. The following information is provided to further explain the evaluation and recommendation process.

WAREHOUSE STOCK STONE – REQUEST #123043

The recommended supplier for this product is Rogers Group, Inc. which provided the lowest bid received. This product is delivered to the stockpile located at the Central Service Complex. The FY12 estimated cost for this product is **\$174,000**.

STONE PRODUCTS – REQUEST #123044

The recommended supplier for these items is Rogers Group, Inc., which provided the lowest total bid received. The FY12 estimated cost for these products total **\$128,275**.

HOT MIX ASPHALT – REQUEST #123045

The recommended supplier for this product is Rogers Group, Inc., which provided the only bid. Staff prefers to have a secondary supplier for this item as in years past. However, no bids were received. Staff believes this to be a fair bid for the City's annual requirement after a review of current State pricing received for construction contracts this year. The FY12 estimated cost for this product is **\$297,600**.

DEMOLITION OF RESIDENTIAL STRUCTURES DECLARED UNFIT FOR HUMAN OCCUPATION

Staff is requesting that Council authorize an expenditure of \$250,000 for the demolition of residential structures declared unfit for human occupation. On March 1, 2011, seal bids were opened for demolition services for various common structure types in Oak Ridge along with a quote for an unidentified structure type. See attached bid summary from bids received. Staff will choose a pre-qualified demolition contractor based on bids received and availability of contractor for an expeditious demolition of residential structure(s) declared by the City to be in violation of the City's ordinances and unfit for human occupation. The FY12 estimated cost for these services is **\$250,000**.

The following items are routinely used by City departments. These items will be competitively bid and purchased on an as needed basis during the fiscal year.

CHEMICAL SUPPLIES FOR WATERWORKS

Chlorine and Hydrofluosilic Acid for the WTP, and Ferric Chloride and Activated Carbon for the WWTP and four items that are purchased for the Treatment Plants on an as needed basis from approved suppliers. These items will be competitively bid as needed. The estimated amount for FY12 is **\$450,000**.

COMPUTERS, PRINTERS, SERVERS AND OTHER COMPUTER RELATED EQUIPMENT

Staff is requesting that Council authorize an expenditure of \$200,000 for the purchase of computers and computer related items for City departments in FY2012 that are routinely replaced as needed. The estimated life of a computer is four years. These items will be competitively bid as the need arises. The estimated amount for FY12 is **\$200,000**.

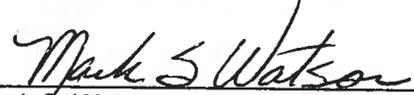
Staff recommends approval of the attached resolution as submitted. Funds are budgeted and available in fiscal year 2012 and included in the existing property tax and utility rates.



Lyn Majeski

City Manager's Comments:

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



Mark S. Watson



Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

REQUEST NUMBER: 123043
OPENING DATE: APRIL 29, 2011 2:00 P.M.

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
WAREHOUSE STOCK STONE			Rogers Group, Inc. 250 Union Valley Rd Oak Ridge, TN 37830		Aggregates USA P.O. 2389 Knoxville, TN 37901		Vulcan Materials Company P.O. Box 7 Knoxville, TN 37901	
	1	12,000 TONS	\$ 14.50	\$ 174,000.00	\$ 15.40	\$ 184,800.00	\$ 18.00	\$ 216,000.00
ANNUAL CONTRACT ORDER FOR THE PERIOD JULY 1, 2011 THROUGH JUNE 30, 2012 FOR STOCK STONE FOR USE BY VARIOUS CITY OF OAK RIDGE DEPARTMENTS.								
BASE STONE								
TOTAL PRICE			\$ 174,000.00	\$ 174,000.00	\$ 184,800.00	\$ 184,800.00	\$ 216,000.00	\$ 216,000.00
TERMS			NET 30 DAYS	NET 30 DAYS	NET 15 DAYS	NET 15 DAYS	NET 15 DAYS	NET 15 DAYS
DELIVERY			AS REQUESTED	AS REQUESTED	AS REQUIRED	AS REQUIRED	AS REQUIRED	AS REQUIRED
F.O.B.			DELIVERED	DELIVERED	DELIVERED	DELIVERED	DELIVERED	DELIVERED
VIA			TRUCK	TRUCK	TRUCK	TRUCK	TRUCK	TRUCK
BIDS OPENED AND RECORDED BY---								
			Lynn Majeski Lynn Majeski Accounting Division Manager					
			RECOMMEND AWARD BE MADE TO:			BIDS REVIEWED BY---		
REASON FOR AWARD			Rogers Group, Inc. 250 Union Valley Rd Oak Ridge, TN 37830			Janice McGinnis Financial Director		
ONLY AVAILABLE SOURCE								
LOW PRICE								
BETTER OR REQUIRED DESIGN								
EARLY DELIVERY								
LOWEST TOTAL COST			X					

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

REQUEST NUMBER: 123044
OPENING DATE: APRIL 29, 2011 2:00 P.M.

DESCRIPTION	ITEM	UNIT	BIDDER: Rogers Group, Inc. 250 Union Valley Rd. Oak Ridge, TN 37830		BIDDER: USA Aggregates 2209 Blount Avenue Knoxville, TN 37920		BIDDER: Vulcan Materials Company P.O. Box 7 Knoxville, TN 37901	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
ANNUAL CONTRACT ORDER FOR THE PERIOD JULY 1, 2011 THROUGH JUNE 30, 2012 FOR CRUSHED AND GRADED STONE FOR THE CITY OF OAK RIDGE.								
BASE STONE - REQUIRED TO MEET TDOT BASE STONE REQUIREMENTS	1	7,000 TONS	\$ 11.25	\$ 78,750.00	\$ 11.50	\$ 80,500.00	\$ 13.50	\$ 94,500.00
#4 STONE - REQUIRED TO MEET TDOT FOR #2 GRADATION	2	300 TONS	\$ 12.25	\$ 3,675.00	\$ 13.10	\$ 3,930.00	\$ 15.25	\$ 4,575.00
#57 OR 1" STONE REQUIRED TO MEET TDOT #57 GRADATION	3	3,000 TONS	\$ 12.50	\$ 37,500.00	\$ 13.10	\$ 39,300.00	\$ 15.25	\$ 45,750.00
GRADED RIP RAP	4	400 TONS	\$ 14.25	\$ 5,700.00	\$ 14.50	\$ 5,800.00	\$ 18.00	\$ 7,200.00
SURGE RIP RAP	5	200 TONS	\$ 13.25	\$ 2,650.00	\$ 12.60	\$ 2,520.00	\$ 15.00	\$ 3,000.00
TOTAL PRICE			\$ 128,275.00	\$ 128,275.00	\$ 132,050.00	\$ 132,050.00	\$ 155,025.00	\$ 155,025.00
TERMS			NET 30 DAYS	NET 30 DAYS	NET 15 DAYS	NET 15 DAYS	NET 30 DAYS	NET 30 DAYS
DELIVERY			AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUESTED	AS REQUIRED	AS REQUIRED
F.O.B.			OAK RIDGE QUARRY	OAK RIDGE QUARRY	KNOXVILLE QUARRY	KNOXVILLE QUARRY	KNOXVILLE QUARRY	KNOXVILLE QUARRY
VIA			TRUCK	TRUCK	TRUCK	TRUCK	TRUCK	TRUCK
REASON FOR AWARD			BIDS OPENED AND RECORDED BY---					
ONLY AVAILABLE SOURCE			Lyn Majeski Accounting Division Manager					
LOW PRICE			BIDS REVIEWED BY---					
BETTER OR REQUIRED DESIGN			Janice McGinnis Finance Director					
EARLY DELIVERY								
LOWEST TOTAL COST			X					
RECOMMEND AWARD BE MADE TO:			Rogers Group, Inc. 250 Union Valley Rd. Oak Ridge, TN 37830					

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

REQUEST NUMBER: 123045
OPENING DATE: APRIL 29, 2011 2:00 P.M.

FOR ---	DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:	
				UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
HOT MIX ASPHALT									
	ANNUAL CONTRACT ORDER FOR THE PERIOD JULY 1, 2011 THROUGH JUNE 30, 2012 FOR HOT MIX ASPHALT FOR THE CITY OF OAK RIDGE								
	HOT MIX ASPHALTIC CONCRETE TDOT SECTION 411, GRADE E, PICKED UP BY CITY TRUCKS	1	2,200 TONS	\$ 78.00	\$ 171,600.00				
	HOT MIX BITUMINOUS CONCRETE BASE MATERIAL TDOT SECTION 307, GRADE B, PICKED UP BY CITY TRUCKS	2	1,200 TONS	\$ 66.00	\$ 79,200.00				
	GRADE C HOT MIX, TDOT SECTION 411 AND 307, PICKED UP BY CITY TRUCKS	3	300 TONS	\$ 71.00	\$ 21,300.00				
	GRADE D HOT MIX, TDOT SECTION 411 AND 307, PICKED UP BY CITY TRUCKS	4	300 TONS	\$ 85.00	\$ 25,500.00				
	DELIVERY CHARGE PER TON OF ITEM 1, 2, AND 3. MINIMUM 20 TON LOAD NOTE: ALL QUANTITIES ARE ESTIMATED	5		\$ 3.50	\$ -				
	TOTAL PRICE				\$ 297,600.00				
	TERMS				NET 30 DAYS				
	DELIVERY				AS REQUIRED				
	F.O.B.				PLANT - 8 MILES				
	VIA				CITY TRUCK				

OTHER BIDDERS CONTACTED
Vulcan--Knoxville, TN
Aggregates USA--Knoxville, TN

BIDS OPENED AND RECORDED BY:--
Lyn Majeski
Lyn Majeski
Accounting Division Manager

BIDS REVIEWED BY:--
Janice McGinnis
Janice McGinnis
Finance Director

REASON FOR AWARD
 ONLY BID RECEIVED
 LOW PRICE
 BETTER OR REQUIRED DESIGN
 EARLY DELIVERY
 LOWEST TOTAL COST

RECOMMEND AWARD BE MADE TO:
Rogers Group, Inc.
250 Union Valley Rd
Oak Ridge, TN 37830

**COR 11-07
DEMOLITION OF RESIDENTIAL STRUCTURES
DECLARED TO BE UNFIT FOR HUMAN OCCUPATION
BID SUMMARY**

House Types/Models	GILLEY CONSTRUCTION INC 4741 Murfreesboro Hwy Manchester, TN 37355			FIRST PLACE FINISH INC 127 Rockbridge Greens Blvd. Oak Ridge, TN 37830			B&A CONSTRUCTION CO. INC P.O. Box 910 Caryville, TN 37714			ASBESTOS MANAGEMENT AND ENVIRONMENTAL SOLUTIONS CO P.O. Box 397 Lenoir City, TN 37771			LONG CONSTRUCTION EXCAVATING & GRADING 440 Elk Fork Road Pioneer, TN 37847		
	Base Bid (per Drawing)	Basement Bid (per Square Foot)	Additions Bid (per Square Foot)	Base Bid (per Drawing)	Basement Bid (per Square Foot)	Additions Bid (per Square Foot)	Base Bid (per Drawing)	Basement Bid (per Square Foot)	Additions Bid (per Square Foot)	Base Bid (per Drawing)	Basement Bid (per Square Foot)	Additions Bid (per Square Foot)	Base Bid (per Drawing)	Basement Bid (per Square Foot)	Additions Bid (per Square Foot)
Type A Cemento	\$ 2,880.00	\$ 3.25	\$ 4.75	\$ 4,479.00	\$ 9.49	\$ 5.63	\$ 3,900.00	\$ 3.00	\$ 4.90	\$ 4,000.00	\$ 5.21	\$ 7,180.08	\$ 16.00	\$ 12.00	
Type B Cemento	\$ 3,600.00	\$ 3.25	\$ 4.75	\$ 4,479.00	\$ 8.55	\$ 5.01	\$ 4,800.00	\$ 3.00	\$ 4.90	\$ 4,500.00	\$ 4.68	\$ 9,360.00	\$ 16.00	\$ 12.00	
Type C Cemento	\$ 4,736.00	\$ 3.25	\$ 4.75	\$ 4,865.00	\$ 7.84	\$ 4.98	\$ 5,328.00	\$ 3.00	\$ 4.90	\$ 5,000.00	\$ 4.68	\$ 11,544.00	\$ 16.00	\$ 12.00	
Type D-1 Cemento	\$ 6,336.00	\$ 3.25	\$ 4.75	\$ 5,250.00	\$ 7.17	\$ 4.65	\$ 6,336.00	\$ 3.00	\$ 4.90	\$ 6,000.00	\$ 3.79	\$ 14,652.00	\$ 16.00	\$ 12.00	
Type D-2 Cemento	\$ 6,336.00	\$ 3.25	\$ 4.75	\$ 5,250.00	\$ 7.17	\$ 4.65	\$ 6,336.00	\$ 3.00	\$ 4.90	\$ 6,000.00	\$ 3.79	\$ 14,449.00	\$ 16.00	\$ 12.00	
Type E Cemento	\$ 521,600.00	\$ 3.25	\$ 4.75	\$ 9,097.00	\$ 7.84	\$ 4.72	\$ 10,301.60	\$ 3.00	\$ 4.90	\$ 11,200.00	\$ 4.29	\$ 16,244.00	\$ 16.00	\$ 12.00	
Type F Cemento	\$ 6,075.00	\$ 3.25	\$ 4.75	\$ 5,250.00	\$ 7.01	\$ 4.65	\$ 6,499.00	\$ 3.00	\$ 4.90	\$ 6,836.00	\$ 4.68	\$ 5,795.00	\$ 16.00	\$ 12.00	
Type G Cemento	\$ 2,520.00	\$ 3.25	\$ 4.75	\$ 4,144.00	\$ 10.53	\$ 6.17	\$ 3,699.00	\$ 3.00	\$ 4.90	\$ 4,000.00	\$ 5.95	\$ 6,216.00	\$ 16.00	\$ 12.00	
Type H Cemento	\$ 2,880.00	\$ 3.25	\$ 4.75	\$ 4,479.00	\$ 9.49	\$ 5.63	\$ 3,799.00	\$ 3.00	\$ 4.90	\$ 4,000.00	\$ 5.20	\$ 7,104.00	\$ 16.00	\$ 12.00	
Type K Multi-Family	\$ 5,724.00	\$ 3.25	\$ 4.75	\$ 9,672.00	\$ 9.62	\$ 4.65	\$ 13,594.50	\$ 3.00	\$ 4.90	\$ 13,522.00	\$ 4.72	\$ 16,384.00	\$ 16.00	\$ 12.00	
Type L Duplex	\$ 8,016.00	\$ 3.25	\$ 4.75	\$ 8,326.00	\$ 9.75	\$ 4.15	\$ 9,819.60	\$ 3.00	\$ 4.90	\$ 9,512.00	\$ 4.50	\$ 19,539.00	\$ 16.00	\$ 12.00	
Type N Apartments	\$ 31,212.00	\$ 3.25	\$ 4.75	\$ 25,898.00	\$ 9.89	\$ 4.35	\$ 27,744.00	\$ 3.00	\$ 4.90	\$ 29,952.00	\$ 4.32	\$ 54,447.00	\$ 16.00	\$ 12.00	
Type TDU House	\$ 7,518.75	\$ 3.25	\$ 4.75	\$ 5,250.00	\$ 9.62	\$ 4.65	\$ 6,800.00	\$ 3.00	\$ 4.90	\$ 4,920.00	\$ 4.36	\$ 16,440.00	\$ 16.00	\$ 12.00	
Model B-1 House	\$ 2,160.00	\$ 3.25	\$ 4.75	\$ 3,094.00	\$ 10.80	\$ 5.37	\$ 3,499.00	\$ 3.00	\$ 4.90	\$ 3,500.00	\$ 6.08	\$ 4,608.00	\$ 16.00	\$ 12.00	
Model 16 House	\$ 2,823.75	\$ 3.25	\$ 4.75	\$ 4,865.00	\$ 8.55	\$ 6.04	\$ 4,199.00	\$ 3.00	\$ 4.90	\$ 4,000.00	\$ 4.97	\$ 9,324.00	\$ 16.00	\$ 12.00	
Model 17 House	\$ 4,688.25	\$ 3.25	\$ 4.75	\$ 5,250.00	\$ 8.55	\$ 5.32	\$ 5,099.00	\$ 3.00	\$ 4.90	\$ 4,200.00	\$ 4.25	\$ 11,449.00	\$ 16.00	\$ 12.00	
Model 18 House	\$ 4,835.50	\$ 3.25	\$ 4.75	\$ 5,250.00	\$ 8.55	\$ 5.16	\$ 5,199.00	\$ 3.00	\$ 4.90	\$ 4,400.00	\$ 4.32	\$ 11,808.00	\$ 16.00	\$ 12.00	
Model 19 House	\$ 3,390.00	\$ 3.25	\$ 4.75	\$ 4,479.00	\$ 9.10	\$ 4.95	\$ 4,599.00	\$ 3.00	\$ 4.90	\$ 4,200.00	\$ 4.65	\$ 8,362.00	\$ 16.00	\$ 12.00	
Model 20 House	\$ 2,610.00	\$ 3.25	\$ 4.75	\$ 4,479.00	\$ 10.48	\$ 6.44	\$ 6,960.00	\$ 3.00	\$ 4.90	\$ 4,000.00	\$ 5.74	\$ 7,934.00	\$ 16.00	\$ 12.00	
Model 21 House	\$ 4,032.00	\$ 3.25	\$ 4.75	\$ 4,865.00	\$ 9.16	\$ 5.43	\$ 8,512.00	\$ 3.00	\$ 4.90	\$ 7,200.00	\$ 4.02	\$ 9,623.00	\$ 16.00	\$ 12.00	
Model 32 House	\$ 4,916.00	\$ 3.25	\$ 4.75	\$ 8,619.00	\$ 9.62	\$ 7.01	\$ 5,799.00	\$ 3.00	\$ 4.90	\$ 4,795.00	\$ 3.91	\$ 8,332.00	\$ 16.00	\$ 12.00	
Model 33 House	\$ 5,768.00	\$ 3.25	\$ 4.75	\$ 9,299.00	\$ 9.62	\$ 6.48	\$ 6,599.00	\$ 3.00	\$ 4.90	\$ 5,872.00	\$ 4.07	\$ 9,877.00	\$ 16.00	\$ 10.00	
Model 34 House	\$ 4,836.00	\$ 3.25	\$ 4.75	\$ 5,250.00	\$ 9.62	\$ 4.34	\$ 6,599.00	\$ 3.00	\$ 4.90	\$ 4,920.00	\$ 4.07	\$ 9,877.00	\$ 16.00	\$ 10.00	
Unknown Structure	\$ 4.75 /ft ²	\$ 3.25	\$ 4.75	\$ 6.44 /ft ²	\$ 9.89	\$ 9.89	\$ 4.90 /ft ²	\$ 4.90	\$ 4.90	\$ 6.00 /ft ²	\$ 4.07	\$ 18.00 /ft ²	\$ 16.00	\$ 10.00	

*(all)

** Assume 2 Units as shown

***Partial Basement included in base bid as shown on spec sheet

****Maximum, (\$4.00 /ft2 minimum)

RESOLUTION

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.

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of various materials as required during Fiscal Year 2012 (July 1, 2011 through June 30, 2012) and has received competitive bids which were publicly opened; and

WHEREAS, other required materials, with an aggregate cost exceeding \$25,000 during Fiscal Year 2012, will be competitively bid during the year on an as needed basis; and

WHEREAS, the City Manager recommends that awards be made based upon the competitive bids that have or will be received with the respective suppliers of materials hereinafter set forth.

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 Rogers Group, Inc., 250 Union Valley Road, Oak Ridge, Tennessee 37830, for the furnishing of warehouse stock stone products, in accordance with its bid as submitted and publicly opened on April 29, 2011, as shown on Request No. 123043, in an estimated amount of \$174,000.00.

To Rogers Group, Inc., 250 Union Valley Road, Oak Ridge, Tennessee 37830, for the furnishing of non-stock stone products, in accordance with its bid as submitted and publicly opened on April 29, 2011, as shown on Request No. 123044, in an estimated amount of \$128,275.00.

To Rogers Group, Inc., 250 Union Valley Road, Oak Ridge, Tennessee 37830, for the furnishing of hot mix asphalt, in accordance with its bid as submitted and publicly opened on April 29, 2011, as shown on Request No. 123045, in an estimated amount of \$297,600.00.

To the lowest and best responsible bidders based upon availability to expeditiously perform the services of residential demolition for houses declared unfit for human occupation, in accordance with the bids submitted and publicly opened on March 1, 2011, in an estimated amount of \$250,000.00.

To the lowest and best responsible bidder for the furnishing of chlorine and hydrofluosic acid for the Water Treatment Plant, and ferric chloride and activated carbon for the Wastewater Treatment Plant, in an estimated amount of \$450,000.00.

To the lowest and best responsible bidder for the furnishing of computers, printers, servers, and other computer-related equipment for City departments, in an estimated amount of \$200,000.00.

Said awards in the grand total estimated amount of \$1,499,875.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute contracts for and on behalf of the City of Oak Ridge in connection with supplying the above materials and services, where required by law.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

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

RESOLUTION

AN 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.

WHEREAS, the City Council of the City of Oak Ridge, Tennessee (the "Municipality") has determined that it is necessary and advisable to borrow funds and incur indebtedness for certain public improvements as more fully set forth herein; and

WHEREAS, pursuant to Section 9-21-205 and Section 12-10-115(a)(2), Tennessee Code Annotated, as amended, prior to issuing bonds and/or obtaining of loans for said purposes, it is necessary to adopt an initial resolution authorizing said bonds and/or loans.

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

For the purpose of financing, in whole or in part, the (i) improvement, equipping, and expansion of the waterworks system of the Municipality (the "System"), which includes the water and wastewater systems of the Municipality; (ii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; (iii) reimbursement to the Municipality for funds previously expended for any of the foregoing; and (iv) payment of the costs related to the issuance and sale of the bonds referenced therein, there shall be issued bonds, in one or more emissions of the Municipality, in the aggregate principal amount of not to exceed \$10,000,000, which bonds shall bear interest at a rate or rates not to exceed six percent (6.00%) per annum. The bonds shall be payable from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. The bonds shall be additionally payable from and secured by a pledge of the revenues to be derived from the operation of the System, subject only to the payment of the reasonable and necessary costs of operating, maintaining, repairing and insuring the System and to any pledges of such revenues in favor of prior lien obligations payable from the revenues of the System.

BE IT FURTHER RESOLVED that the City Clerk be, and is, hereby directed and instructed to cause the foregoing initial resolution relative to the issuance of not to exceed \$10,000,000 general obligation bonds to be published in full in a newspaper having a general circulation in the Municipality, for one issue of said paper followed by the statutory notice:

NOTICE

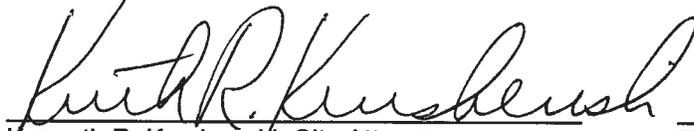
The foregoing resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition signed by at least ten percent (10%) of the registered voters of the Municipality shall have been filed with the City Clerk of the Municipality protesting the issuance of the bonds, such bonds will be issued as proposed.

Donna L. Patterson, City Clerk

BE IT FURTHER RESOLVED that this Resolution shall be in immediate effect from and after its adoption, the public welfare requiring it.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

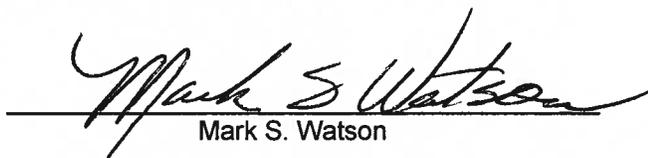
Donna L. Patterson, City Clerk

CITY COUNCIL MEMORANDUM
11-29

DATE: June 7, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: RESOLUTION OF SUPPORT FOR THE TENNESSEE OVERSIGHT AGREEMENT

An item for the June 13, 2011 City Council meeting is the attached resolution of support for the continued extension and full funding of the Tennessee Oversight Agreement (TOA). The agreement was established in 1991 by the U.S. Department of Energy (DOE) and the State of Tennessee to provide environmental oversight by the Tennessee Department of Environment and Conservation, as well as emergency response coordination by the Tennessee Emergency Management Agency (TEMA). The current agreement is set to expire June 30, 2011.

As this continuing agreement is being finalized, the resolution is brought forth at the request of the City Manager to express the support by the City of Oak Ridge for this program.


Mark S. Watson

Attachment

RESOLUTION

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

WHEREAS, the Tennessee Oversight Agreement (TOA) is a voluntary agreement between the United States Department of Energy (DOE) and the State of Tennessee (State) entered into in 1991, which reflects the obligations and agreements regarding DOE's technical and financial commitment for the environmental impacts associated with past and present activities at the DOE's Oak Ridge Reservation (ORR), and that state and affected local governments are prepared for any potential off-site impacts from DOE activities conducted at the ORR; and

WHEREAS, the Tennessee Department of Environment and Conservation's DOE Oversight Division (DOE-O), which is based in Oak Ridge is a 1991 non-regulatory program to conduct a program of independent monitoring and oversight to help the State of Tennessee assure that DOE's activities in Oak Ridge do not adversely impact the public health, safety, and the environment; and

WHEREAS, the Tennessee Emergency Management Agency (TEMA) is the lead agency for the emergency management activities, and with DOE-O and affected local governments participates in emergency exercises on the ORR, and has helped respond to emergencies that involved actual or potential environmental incidents; and

WHEREAS, independent oversight by DOE-O and TEMA's involvement with emergency situations are a continuing source of reassurance to the community over the last two decades regarding the public health, safety, and the environment; and

WHEREAS, given the current expectation that environmental remediation of the DOE Oak Ridge Reservation will not be completed until at least the year 2037, there is a continuing need for the services provided by DOE-O and TEMA; and

WHEREAS, the TOA is currently being renegotiated by the DOE and the State.

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

That the Tennessee Oversight Agreement should be extended to allow the Tennessee Department of Environment and Conservation DOE Oversight Division and the Tennessee Emergency Management Agency to continue to operate in Oak Ridge and that the Department of Energy should continue to provide the full allocation of resources needed to continue carrying each agency's important mission.

BE IT FURTHER RESOLVED that this resolution be transmitted to the U.S. Department of Energy, the Tennessee Department of Environment and Conservation, and the Tennessee Emergency Management Agency as the official position of the City of Oak Ridge.

This the 13th of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

CITY COUNCIL MEMORANDUM
11-28

DATE: June 6, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SOLAR PROJECT AT OAK RIDGE HIGH SCHOOL (ORHS)

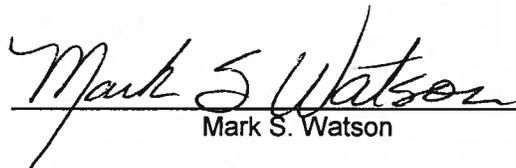
An item for the agenda is a resolution consenting to the participation by the School Board in a joint venture to provide a solar generation facility on the roof of the Oak Ridge High School (ORHS) provided the School Board obtains necessary protections to preserve the twenty-year roof warranty currently in place.

On April 18, 2011, I was approached by School Superintendent Tom Bailey about a proposed solar project to locate solar blankets on the roof of the Oak Ridge High School. The project was a proposal and analysis done by ORHS student Ben Terpstra. The project had a group of local investors who would provide capital for the project, with a desire for possible grant funding. Serious analysis had occurred as to the feasibility and size. At that meeting, there were two issues identified that would involve the City of Oak Ridge: 1) the ability to participate in the TVA Generation program, and 2) physical impact on the Oak Ridge High School.

Attached to this agenda package is recent correspondence between the School Superintendent and the City Manager. Additionally, verbal discussions on the actual agreement have occurred between the City Attorney and the School Attorney. As identified in my May 27, 2011 letter, Article 6 of the City Charter, charges the City of Oak Ridge with ultimate ownership of the School Buildings. Since the City will be paying bonds until 2041 on the recent improvements to ORHS, the warranty associated with the new roof was a concern. There is a twenty-year warranty on the ORHS roof. Typically, anytime a change is made to a roof system, a warranty may be affected. Given financial capacities of both governing groups in the future, clarification was requested and financial protection was examined.

Responses were provided to the City and proposed language in the contract between Oak Ridge Community Solar Initiative, LP, and Oak Ridge Schools provides responsible protections. As of agenda preparation, the final draft of the contract has not been received by the City Attorney's office.

It is recommended to approve a resolution consenting to the School Board's participation in this project based on provided protections and allowing the placement of a solar "blanket" by a third party on the roof of the ORHS.



Mark S. Watson

Attachments

CITY OF OAK RIDGE



Office of the City Manager

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

May 27, 2011

Dr. Thomas E. Bailey
Superintendent of Schools
Oak Ridge Schools
P. O. Box 6588
Oak Ridge, TN 37831-6588

Dear Tom,

Yesterday, I received a forwarded email from the City Attorney regarding the solar project we discussed in a meeting with Ben Terpstra, local ORHS student. The email contained a proposed contract between the School and a new group, the Oak Ridge Community Solar Initiative. Until this was received, I had not heard anything further on this project since our meeting on April 18, 2011.

A sense of urgency has been placed on this project due to grant applications due by the end of June. However, I learned today that the USDA REAP program, which may be the source of funding for this project, has been swept and removed from the federal budget. I have also contacted Jack Suggs, Electrical Director, who indicates that communication has occurred with the TVA on participation of this project in their Generation program.

At our meeting on April 18, I expressed concern for this project and any effects it will have on warranties for the roof of the building. As I understand Article 6 of the City Charter, the City of Oak Ridge is charged with ultimate ownership of the School buildings and the School Board manages these assets. These solar projects may have an adverse physical impact on those assets. Given that the Oak Ridge High School complex is recently renovated and that new warranties are now in effect, I still need to have this information resolved before the City can give approval for installation of this project. Primarily, I have the following questions which the School will need to resolve in writing before obtaining City approval to proceed:

- What effect will the solar installation have upon warranties existing for the HS roof?
- Will the contractor, architect, and roofing company consent to continuation of that warranty, and if not, under what conditions will they consent to keep the warranties in effect?
- What is the term of the warranty?
- How much money is at risk if damage occurs and what was the cost of the roof as part of the ORHS construction project?
- Is there another site option, as I noticed at your May 23, 2011 meeting that two roofs were approved for renovation?

The City Council has not been briefed and their meeting in June is scheduled for June 13, with supportive material assembled by June 7, 2011. I do have a work session scheduled for June 27. Once we understand the warranty situation, we can consider an approval process for the project. Thanks for reviewing this and helping us to understand the risk to the capital facilities.

Sincerely,

A handwritten signature in cursive script that reads "Mark S. Watson".

Mark S. Watson
City Manager



OAK RIDGE SCHOOLS
304 NEW YORK AVE.
P.O. BOX 6588
OAK RIDGE, TN 37831-6588

Telephone: 865.425.9002
Fax: 865.425.9070

Thomas E. Bailey
Superintendent
tbailey@ortn.edu

June 2, 2011

Dear Mark:

I was in Connecticut when your letter of May 27, 2011 arrived related to the Solar Initiative. I directed Mrs. Karen Gagliano to contact you to work through the details you needed.

Prior to my leaving for Connecticut, it was my understanding that Dan Terpstra and Ben Terpstra had met with Jack Suggs as you had requested in the April 18, 2011 meeting. During our meeting of April 18, 2011, Mr. Allen Thacker conveyed that the solar installation would not put the roofing warranty in jeopardy. In our discussion to the School Board, the solar proposal presented under section 1.3, calls for a professional inspection to ensure roof warranty will not be jeopardized. In addition to the provision from their ORCSI proposal, the Sarnafil roofing product used on the high school is commonly used without roof warranty violation. This should cover the answers you requested for questions one and two.

Question 3: The term of the warranty is 20 years beginning in 2008.

Question 4: There is no money at risk for damages to the roof because the project will not be considered if the warranties are not in place.

Question 5: As we discussed in the April 18, 2011 meeting, there is no other site being considered due to lack of square footage available and any alternative sites are not facing the correct direction to provide the optimal amount of power generation. What you noticed in our May 23, 2011 meeting that two roofs were approved for renovation was the roofing approved for three portable buildings donated to the school system by Messer Construction and the gym at Woodland. That roofing material is sprayed polyurethane foam and only carries a ten year warranty.

I had asked Karen Gagliano to contact all parties at our meeting of April 18, 2011, to inform them of what was being requested from your office. I know deadlines were mentioned at the April 18, 2011 meeting, and I was under the impression that after Dan, Ben, and Allen met with your staff that this proposal would move forward to inform and brief the city council so the project could move forward. Karen informed me that the city attorney and school board attorney are addressing the language needed in the contract to address the performance bond issue. I know all parties are available to assist you in anyway. Please let us know of any additional information you may need. Dan, Ben, Karen, Allen, and I are available as needed. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Tom".

Tom Bailey
Superintendent

RESOLUTION

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.

WHEREAS, through an initial request by an Oak Ridge High School student, the School Board has inquired into the feasibility of installing solar blankets on the roof of the Oak Ridge High School; and

WHEREAS, since the City will be paying bonds until 2041 to pay for the cost of the recent improvements to the Oak Ridge High School, the School Superintendent and the City Manager have been in discussions about the proposed installation of solar blankets on the roof; and

WHEREAS, the School Board desires to participate in a joint venture with the Oak Ridge Solar Initiative to obtain grant funding to install solar blankets on the roof; and

WHEREAS, the City Manager recommends support of the solar blanket project provided reasonable protections are put into place regarding the preservation of the twenty-year roof warranty currently in place for the Oak Ridge High School.

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

That the recommendation of the City Manager is approved and the City hereby consents 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.

This the 13th day of June 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Donna L. Patterson, City Clerk

CITY COUNCIL MEMORANDUM
11-30

DATE: June 7, 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 FY 2012

An item for the agenda is a resolution to approve a contract with the Oak Ridge Convention and Visitors Bureau (CVB) for the promotion of tourism in Oak Ridge for FY 2012 in an amount up to \$404,208.

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 FY 2011 contract has resulted in a recommendation to change a few provisions, which are outlined below.

Payment

Historically, the total contract amount has been distributed in four equal installments to the CVB regardless of whether the contract objectives have been met. It is recommended to change this provision to provide a consideration if the objectives are not met.

For FY 2011, the City budgeted \$404,208 for the contract with the CVB. In the current FY 2011 contract, the CVB is held accountable for increasing the City's hotel/motel room occupancy tax collections by seven percent (7%) over the previous year. Whether the CVB will meet this objective will not be known until final numbers are in to the City, which is expected to be by July 31, 2011. It is recommended to reserve seven percent (7%) of the total compensation amount for FY 2012 as an incentive to meet this year's objective. The remaining ninety-three percent (93%) will be paid in four (4) equal installments on a quarterly basis. Reconciliation of the balance due to the CVB shall be paid on or about August 1, 2012 when it is known whether the objective was met. If the FY 2012 hotel/motel room occupancy tax collections increase by only five percent (5%) over the FY 2011 collections, the CVB will be entitled to receive only five percent (5%) of the reserved total compensation amount and not the full seven percent (7%) reserved. Similarly, if collections remain constant, the CVB will not be entitled to receive any of the reserve amount.

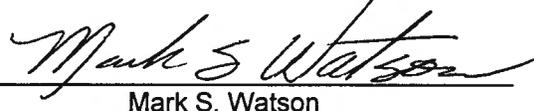
Reporting

The required mid-year report by the CVB under the FY 2011 contract was late, which does not permit the City the ability to monitor contract performance throughout the contract term. It is recommended that the FY 2012 contract provide for periodic reports in order to monitor performance, with periodic reports due quarterly in October, January, and April and the final annual report due in July. Requiring more frequent reports should assist the CVB in keeping the City informed of the status of this contract on a more regular basis.

Salary of CVB Employees

The FY 2011 contract provides for CVB employees to be paid at least the federal minimum wage. A recommendation for the FY 2012 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.

Other minor changes have been made between the FY 2011 and FY 2012 contracts. Approval of the attached resolution is recommended.


Mark S. Watson

Attachment

CONTRACT

This Contract entered into this 13th day of June, 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.

2. Scope of Work

A. This Contract shall be implemented in cooperation with other members of the region's economic development community.

B. The scope of work for this Contract shall be to promote the four (4) functions of the CVB which are: General Tourism Promotion, Convention Development, Special Events, and Aquatic Activities. In furtherance of these functions, the CVB will achieve the following:

1. Increasing visibility and use of Oak Ridge as a convention site for State and regional meetings and conventions.
2. Encouraging bus tour groups to spend more time in Oak Ridge, whether for meals or overnight.
3. Targeting consumer groups to encourage longer stays in Oak Ridge, especially American Automobile Association members, and develop special City-wide promotions for business travelers.
4. Enhancing weekend visitation with particular emphasis on overnight stays.
5. 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.
6. The CVB shall seek to accomplish the objective shown in Appendix A. It is understood that unusual circumstances affecting the economy may impact the achievement of these objectives.
7. 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.
8. The CVB shall promote aquatic activities by working with the Oak Ridge Rowing Association to develop and implement a marketing plan to attract colleges and universities, rowing associations, and other organizations to utilize Melton Lake for training activities, competitive races, regattas, and olympic time trials.
9. The CVB will partner with the Arts Council of Oak Ridge and the Recreation and Parks Department to market and promote the Secret City Festival.

10. The CVB will be accountable for increasing the City hotel/motel room occupancy tax collections by seven percent (7%) over the previous fiscal year by promoting through public relations efforts, direct advertising, internet marketing, motor coach markets, SMERF markets, leisure travelers, sports markets, etc.

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 up to \$404,208.00 for the services provided under this Contract as specified in Section 2, Scope of Work. The total compensation received will be dependent upon the performance of the CVB under this Contract.
- B. The City will reserve seven percent (7%) (\$28,294.56) of the total compensation as incentive for the CVB to meet the objectives set forth in Section 2. The remaining ninety-three percent (93%) (\$375,913.44) shall be paid to the CVB in four (4) equal quarterly installments of \$93,978.36 as follows, provided the required reports have been submitted: July 1, 2011; October 20, 2011; January 20, 2012; and April 20, 2012. The reserved seven percent (7%) of the total contract price (reserve amount) is payable to the CVB on or about August 1, 2012 provided the CVB meets the requirements of this Contract, specifically by increasing the City's hotel/motel room occupancy tax collections by seven percent (7%) over the previous year, as required by Section 2.B.10. If the CVB fails to meet this goal, the CVB will not be entitled to receive the full reserve amount and the reserve amount will be adjusted accordingly. For example, if collections increased by five percent (5%) and not seven percent (7%), the CVB would be entitled to receive five percent (5%) of the contract amount (\$20,210.40). Similarly, if collections remained constant or decreased, the CVB would not be entitled to any of the reserve amount.
- 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. All unexpended City funds at the end of the fiscal year be returned to the City within sixty (60) calendar days.

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 activities within the scope of this Contract shall be available for inspection by the City Manager or the City Manager's duly authorized designee during regular City business hours.
- 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.

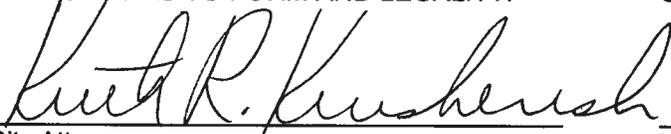
11. Governing Law

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 APPROVING A CONTRACT BETWEEN THE CITY 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, IN AN AMOUNT NOT TO EXCEED \$404,208.00.

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

This the 13th day of June 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**

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.

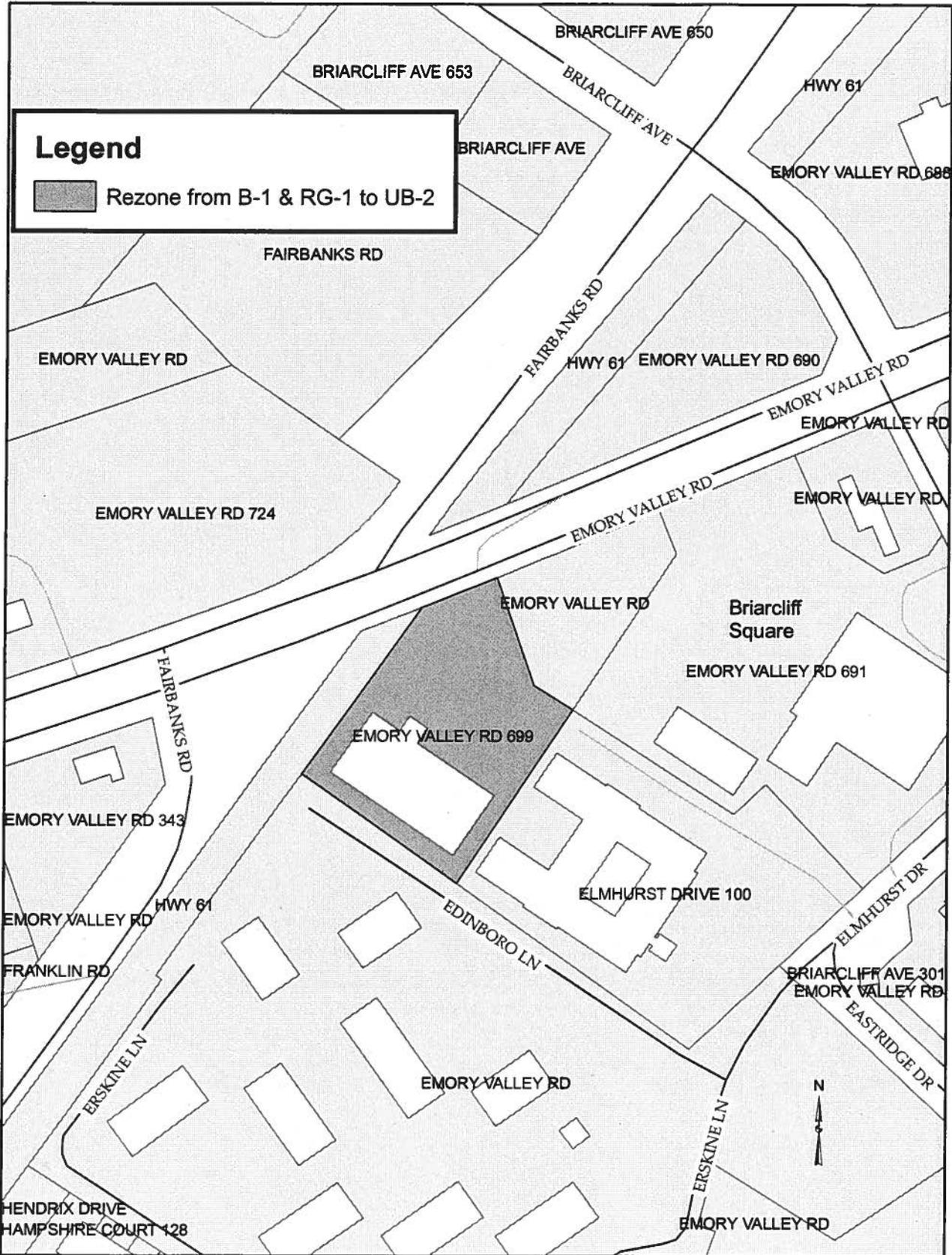
Notification of Property Owners Within 200': April 15, 2011

Rezoning signs posted: April 19, 2011

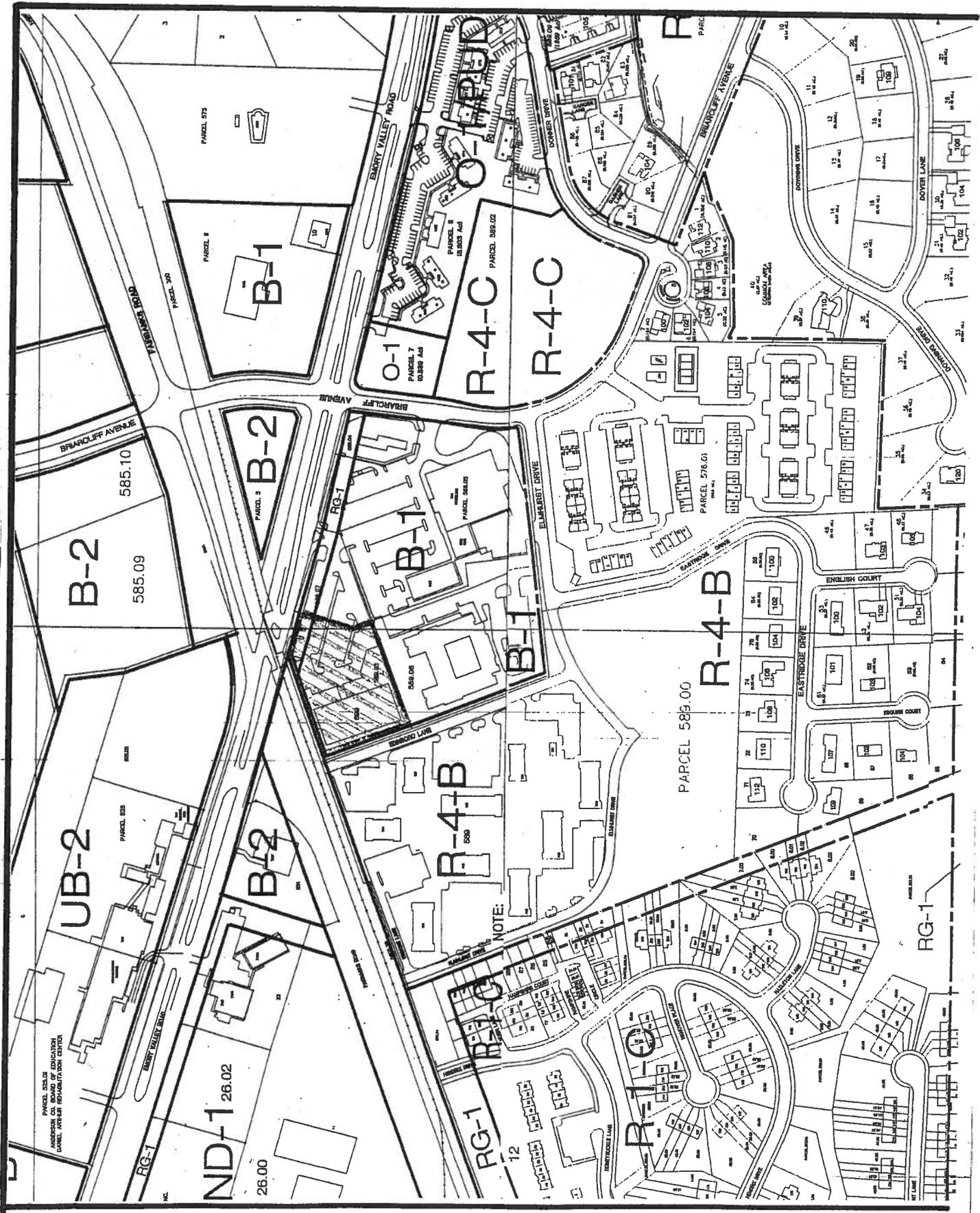
Conclusion and Planning Staff Recommendation: Staff recommends approval of UB-2, Unified Business zoning. The limitation to commercial uses within an enclosed building is seen as appropriate for a neighborhood shopping area such as Briarcliff. Rezoning to UB-2 will provide a greater variety of permitted 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: _____
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

**FINAL ADOPTION
OF
ORDINANCES**

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-33

DATE: April 29, 2011
TO: Mark S. Watson, City Manager
THROUGH: Kathryn G. Baldwin, Community Development Director 
FROM: Denny J. Boss, Code Enforcement Supervisor 
SUBJECT: Sewer Use Ordinance – Amendment to City Code Section 18-307 (12)

An item for the City Council agenda is an 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.

Unmanaged fats, oils, and grease, when released into the sewer, can generally result in unwanted blockage and sewer overflow.

The Environmental Protection Agency (EPA) guidelines for the development of a Management, Operation, and Maintenance (MOM) Program states:

“Fats, Oils, and Grease Control Program. This program prevents fats, oils, and grease from entering the utility infrastructure, therefore preserving sewer capacity, prolonging the infrastructure life, reducing overflow events, and saving the utility maintenance costs. The program includes a grease control ordinance, grease trap and interceptor design standards, permitting and inspecting commercial grease traps and interceptors, a credible enforcement component, a public education component for residential sources, performance measures, and a mechanism for including program information in the Information Management Systems (IMS).”

The FOG program is part of the comprehensive Management, Operation and Maintenance (MOM) Program for the City sewerage infrastructure (sewer system and wastewater treatment plant) which it owns and operates. The City has been given direction from the Environmental Protection Agency (EPA) to implement a MOM program.

The City will be using Monitoring and Management Services, LLC (MMS) to establish the FOG program. MMS is an established company with many years of experience in various communities including Metro Nashville/Davidson County, TN; Chattanooga, TN; and Louisville and Jefferson County, KY. Some of the tasks they will be assisting City staff with are listed below.

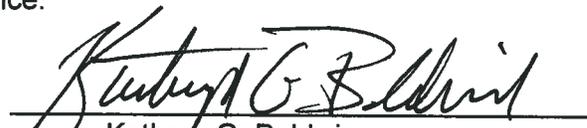
MMS will provide the City with a FOG Management Policy and Food Service Establishment (FSE) Enforcement Response Guide that provides details of grease control equipment sizing, installation and maintenance requirements, and enforcement action to be taken when

deficiencies are identified during FSE inspections. In addition, MMS will provide an electronic version of the following FOG inspection, certification, enforcement and educational materials.

- a. FSE FOG Management Policy for Oak Ridge, TN
- b. FSE Enforcement Response Guide for Oak Ridge, TN
- c. FSE Grease Interceptor Maintenance Handout
- d. FSE Grease Trap Maintenance Handout
- e. New FSEs and upgrades to existing FSEs requirements brochure
- f. Noncompliance Notification: 3 part
- g. FSE Inspection Form: 2 part
- h. FSE Stormwater Pollution Prevention hand-out
- i. Residential FOG notification mail-out
- j. FSE Grease Interceptor and Trap Maintenance Record form
- k. Grease Interceptor Certification form
- l. Grease Trap Certification form

MMS will also be conducting training classes on Grease Control Equipment (GCE) Certification and Grease Waste Hauler Agreement for area grease waste haulers and licensed plumbers.

Staff recommends approval of the attached ordinance.


Kathryn G. Baldwin

City Manager's Comments:

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


Mark S. Watson

5/2/2011
Date

TITLE

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.

WHEREAS, the City of Oak Ridge has a need to update its Sewer Use Ordinance to establish a fats, oils and grease (FOG) management policy for compliance with the requirements set forth by the State of Tennessee Department of Environment and Conservation.

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

Section 1. 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, is hereby amended by deleting Subsection (12), titled "Grease Traps," in its entirety and substituting therefor a new Subsection (12), titled "Grease Control Equipment," which new subsection shall read as follows:

Sec. 18-307. Building Sewers and Connections.

(12) Grease Control Equipment.

All food service establishments, including but not limited to cafes, restaurants, motels, hotels, grocery stores, retirement centers, hospitals, mobile food units, prisons, or other commercial food preparation establishments that cook or prepare food are required to comply with the City's Fats, Oils and Grease (FOG) Management Policy (FOG Management Policy). Food service establishments shall be required to install a grease interceptor, at the owner's expense within ninety (90) days after notification by the City, if and when the City determines that a grease problem exists which is capable of causing damage or operational problems to structures or equipment in the City sewer system, or if such is otherwise required by City ordinance, the FOG Management Policy, state law, or federal law. The City shall retain the right to inspect and approve installation of the grease interceptor. The grease interceptor must precede the septic tank on the kitchen waste line if a septic tank is used. The grease interceptor must be designed and installed in accordance with the FOG Management Policy and shall be easily accessible for cleaning. Grease interceptors and grease traps shall be maintained by the owner or operator of the facility as designated in the FOG Management Policy requirements. If City employees are required to clean out the City sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner or operator shall be required to pay the costs of the City's labor and materials required to clean out the sewer lines. The installation of grease interceptors and grease traps shall be in accordance with the FOG Management Policy and this ordinance. All grease waste haulers are required to comply with the FOG Management Policy requirements.

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: 5/09/11
Publication Date: 5/16/11
Second Reading: _____
Publication Date: _____
Effective Date: _____

ELECTIONS

&

APPOINTMENTS

ANNOUNCEMENTS

SCHEDULING

Elections

**ENVIRONMENTAL
QUALITY ADVISORY
BOARD**

(ORHS STUDENT)

City of
Oak Ridge
Achieving Excellence

RECEIVED

2011 JUN -6 AM 9:13

OFFICE OF THE CITY CLERK

**APPLICATION FORM
FOR A CITY BOARD, COMMISSION, OR COMMITTEE**

Please return completed application to Donna L. Patterson, City Clerk, P.O. Box 1, Oak Ridge, TN 37831-0001
Fax: 865-425-3409 or email: dpatterson@corn.org

BOARD, COMMISSION, OR COMMITTEE DESIRED:

Environmental Quality Advisory Board

(Use a separate application for each appointment desired)

Name: Ms. Mrs. Mr. David B. Hughes

Address: 128 Tabor Road, ORTN

Telephone: (865)-482-9491 Email: reallyboringbusinessman@gmail.com

Occupation: student (ORHS)

Retired: _____

Position: _____

Do you currently serve on any other City board, commission or committee? If so, please list:

Traffic Safety Advisory Board

Education, Professional and/or Community Activity (Present): completed 10th grade at ORHS;
member, German Nat'l Honors Society;

volunteer, Legal Aid (Rural Legal Services) in Jackson Square

Explain why you are interested in being appointed to this board, commission, or committee: Protection of the
environment is of great importance to me. This board would offer both opportunities to contribute to
the environment's protection as well as experience in order to deal with similar problems in the future.

Any special knowledge or past experience qualifying you for this appointment: served as chair of
the recycling committee at ORHS in 10th grade

All information provided is public pursuant to the Tennessee Public Information Act.

Applicant Statement: I understand that I am applying for appointment to a Board, Commission or Committee of the City of Oak Ridge; that I will be required to provide proof of my Oak Ridge residency, that I will be required to take an oath of office to uphold the United States and Tennessee Constitutions and the laws of the same if appointed. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in the application are true to the best of my knowledge.

Signature of Applicant: David B. Hughes

Date: 6-3-11

If you wish to provide a résumé or additional information, please attach to this form.

LEGAL DEPARTMENT MEMORANDUM
11-21

DATE: June 3, 2011

TO: Mark S. Watson, City Manager 

FROM: Kenneth R. Krushenski, City Attorney
Tammy M. Dunn, Senior Staff Attorney

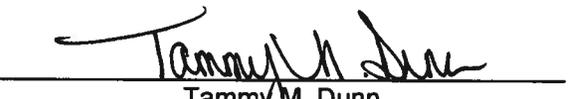
SUBJECT: PROCESS OF ELECTING THE MAYOR AND MAYOR PRO TEM AFTER NOVEMBER
2010 CHARTER CHANGES

By City Charter, the position of Mayor is elected by the members of City Council at the first regular meeting following a regular city election and after all newly-elected members have been duly qualified. (See City Charter Article II, Section 6.) Previously, Councilmembers were elected at a regular city election held biennially on the first Tuesday of June in odd-numbered years. (See City Charter Article I, Section 2, version prior to November 11, 2010 amendment). This placed the election for the position of Mayor in June of odd-numbered years.

The last election for Mayor was held in June 2009. The position of Mayor is a two-year term by City Charter, meaning Tom Beehan's current term as Mayor expires in June 2011. (See City Charter Article II, Section 6.) Therefore, City Council will need to elect the position of Mayor at its June 13, 2011 meeting to fill the vacancy until the next regular election. (City Charter Article II, Section 6.) The newly elected Mayor will serve until the next regular election of Mayor which will be held in November 2012 due to the recent amendment to City Charter Article I, Section 2, which places the election of Councilmembers biennially on the date of the general state election held on the first Tuesday after the first Monday in November of even-numbered years.

By City Charter, City Council also elects a Mayor Pro Tem who shall act in the temporary absence of disability of the Mayor. (See City Charter Article II, Section 7.) While not specified in the City Charter, City Council has elected this position at the same meeting as Mayor, which is in accordance with Section V.B. of City Council's Rules and Procedures, approved by Resolution 1-2-11.


Kenneth R. Krushenski


Tammy M. Dunn

**NOTICE
OF
ELECTIONS**

CITY CLERK MEMORANDUM

11-26

DATE: June 7, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna Patterson, City Clerk
SUBJECT: ELECTIONS – July 11, 2011

YOUTH ADVISORY BOARD

Election of sixteen (16) members to the Youth Advisory Board for one-year terms of office commencing on August 1, 2011.

ANDERSON COUNTY BOARDS

At the direction of City Manager Mark Watson, the following boards were contacted to see if the terms of office could be extended to coincide with the City's appointments in December. They agreed to extend the terms until December 31, 2011. The members currently serving in those positions also agreed to the extension.

The following confirmations are scheduled to be on the agenda for the July 11, 2011 City Council meeting:

Anderson County Community Action Commission

Confirmation to extend the term of office for the Oak Ridge representative to serve on the Anderson County Community Action Commission until December 31, 2011.

Anderson County Development Corporation

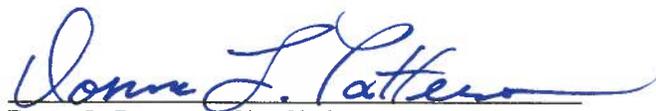
Confirmation to extend the term of office for the Mayor's appointees on the Anderson County Development Corporation Board of Directors until December 31, 2011.

Anderson County Economic Development Association

Confirmation to extend the term of office for the Mayor's appointee on the Anderson County Development Economic Develop Association until December 31, 2011.

Anderson County Tourism Council

Confirmation to extend the term of office for the Mayor's appointee on the Anderson County Tourism Council until December 31, 2011.



Donna L. Patterson, City Clerk