

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

August 8, 2011—7:00 p.m.

AGENDA

I. INVOCATION

The Reverend Howard Box, retired from Unitarian Universalist Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation paying tribute to Dr. F.G. (Skip) Gosling, U.S. Department of Energy (DOE) Chief Historian, for his professional achievements and contributions to Oak Ridge's historical recognition on the occasion of his retirement.

A presentation of three public recognition plaques, one to the City of Oak Ridge and the other two to City employees, by Mr. Jim Rackstraw, Deputy General Manager, Wackenhut Services, Inc., Oak Ridge, and field committee representative of the Employer Support of the Guard and Reserve (ESGR) program.

VI. SPECIAL REPORTS

City Attorney Evaluation Procedure, including the evaluation form and the schedule for completing the evaluation process.

VII. CONSENT AGENDA

- a. Approval of the minutes of the July 7, 2011 Special City Council Meeting.
- b. Approval of the minutes of the July 11, 2011 City Council Meeting.
- c. Approval of the minutes of the July 25, 2011 Special City Council Meeting.
- d. Adoption of a resolution amending Retailer's Permit No. 149, Turnpike Wine & Spirits, Inc., 331 Oak Ridge Turnpike, by removing Suzanne E. Davis, Lloyd C. Davis, and Donald L. Kittrell as individuals having an interest in the business, and adding Catherin D. Pattison so that said permit would be in the names of Patricia B. Gettys and Catherin D. Pattison, and authorizing the Mayor to sign said permit on behalf of the City of Oak Ridge.
- e. Adoption of a resolution authorizing the Mayor to sign a certificate of compliance for Catherin D. Pattison for the purposes of engaging in the retail sale of alcoholic beverages in the City of Oak Ridge at Turnpike Wine & Spirits, Inc., 331 Oak Ridge Turnpike.
- f. Adoption of a resolution authorizing the City to submit a grant application to the Tennessee Municipal League Risk Management and accept said grant if approved.
- g. Adoption of a resolution awarding a contract (COR 11-12) to First Place Finish, Oak

Ridge, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the Country Club Estates storm drainage improvement project on Graceland Road in the estimated amount of \$52,770.00.

- h. Adoption of a resolution to accept a grant from the U.S. Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership Grant Program in the amount of \$20,758.50, and to authorize the purchase of protective ballistic vests from Protective Apparel Corporation of America (PACA), Jacksboro, Tennessee, in the estimated amount of \$43,177.00.
- i. Adoption of a resolution to extend the terms of subrecipient agreements CDBG FY10-03, CDBG FY10-04, CDBG FY11-01, CDBG FY11-02 and CDBG-R FY09-11, between the City and Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) through December 31, 2011.

VIII. RESOLUTIONS

- a. A resolution in support of pending federal legislation (S. 1216 and H.R. 2257) to waive the requirement that existing traffic signs meet minimum retroreflectivity standards on or before the compliance date established by the Federal Highway Administration.
- b. A resolution authorizing an agreement with Studio Four Design, Inc., Knoxville, Tennessee, for architectural and engineering services for concept, programming, and a feasibility study for the construction of a new Senior Enrichment Center, in the estimated amount of \$15,000.00.
- c. A resolution authorizing the purchase of two (2) 2012 Ford Explorers from Ford of Murfreesboro for use by the Police Department in the estimated amount of \$46,998.00.
- d. A resolution authorizing the issuance of not to exceed ten million dollars (\$10,000,000) in aggregate principal amount of general obligation bonds, Series 2011 of the City of Oak Ridge, Tennessee; making provision for the issuance, sale and payment of said bonds; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the levy of taxes for the payment of principal of, premium, if any, and interest on the bonds.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

X. FINAL ADOPTION OF ORDINANCES

- a. Adoption of Ordinances (Second Reading)

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

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 1, TITLED "CITY COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY CREATING A NEW SECTION 3-104, TITLED "CONTEMPT OF

COURT," TO CLARIFY JUDICIAL AUTHORITY TO PUNISH FOR CONTEMPT OF COURT IN CITY COURT AS AUTHORIZED BY TENNESSEE CODE ANNOTATED §16-1-103, §16-18-306, AND §29-9-102, AND CITY CODE §3-206.

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

(NONE)

a. Elections/Appointments

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. City Manager's Report

b. City Attorney's Report

XIV. ADJOURNMENT

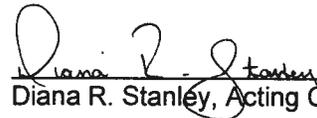
**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

**CITY CLERK MEMORANDUM
11-37**

DATE: August 3, 2011
TO: Honorable Mayor and Members of City Council
FROM: Diana Stanley, Acting City Clerk
SUBJECT: PROCLAMATION

Tribute to Dr. F.G. "Skip" Gosling

The accompanying proclamation is presented for the Council's consideration at the request of Dr. Amy Fitzgerald, Government and Public Affairs Coordinator.



Diana R. Stanley, Acting City Clerk

Attachments

PROCLAMATION

WHEREAS, Dr. F. G. (Skip) Gosling began his career with the U.S. Department of Energy (DOE) in 1988 after holding positions as a history professor at New Mexico State University and Vanderbilt University; and

WHEREAS, Dr. Gosling was named DOE's Chief Historian in 1994, and in 2000, he became the only historian in the federal government to be both a Chief Historian and a Federal Preservation Officer; and

WHEREAS, Dr. Gosling has done extensive research and writing about Oak Ridge and the Manhattan Project, the evolution of the Department of Energy's environmental and waste management programs, and the increasingly complex regulatory structure affecting DOE programs as a result of the growing body of national environmental legislation; and

WHEREAS, Dr. Gosling has traveled to more than 40 DOE sites, including numerous visits to Oak Ridge, and consulted with DOE stakeholders, state and local officials, Tribal representatives, and a wide range of community groups interested in, and concerned about DOE programs in their communities; and

WHEREAS, in 2006, the Deputy Secretary directed Dr. Gosling to work with the National Park Service (NPS) to investigate the feasibility of a Manhattan Project National Park; as a result of this effort, legislation to establish such a park is being drafted, with a focus on the history of Oak Ridge, Los Alamos, and Hanford; and

WHEREAS, Dr. Gosling was instrumental in historic preservation decisions that resulted in the designation of the Oak Ridge's Graphite Reactor, the Y-12 Calutrons, and the K-25 structure as DOE "Signature Facilities," and in the 2008 designation of the Hanford B Reactor as a National Historic Landmark; and

WHEREAS, in 2008, Dr. Gosling accepted the Chairman's Award from the federal Advisory Council for Historic Preservation for DOE's stewardship of these historically significant "Signature Facilities," dating from the Manhattan Project era, and located at Oak Ridge, Los Alamos, and Hanford; and

WHEREAS, in August 2011, Dr. Gosling will receive a second Chairman's Award from the federal Advisory Council on Historic Preservation for his efforts to increase public access to Hanford's B Reactor.

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

That in recognition of his distinguished service to this community, this region, and to our great state of Tennessee, the Oak Ridge City Council pays tribute to Dr. F.G. "Skip" Gosling and accords him an honored place in the history of this city.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this 8th of August in the year of 2011.

THOMAS L. BEEHAN
MAYOR

CITY COUNCIL MEMORANDUM
11-38

DATE: August 1, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: PUBLIC RECOGNITIONS

Mr. Jim Rackstraw, Deputy General Manager, Wackenhut Services, Inc., Oak Ridge, and field committee representative of the Employer Support of the Guard and Reserve (ESGR) program will appear at the August 8, 2011 City Council meeting to present three public recognition plaques—one to the City and the other two to City employees.

ESGR is a Department of Defense Agency that promotes public and private understanding of the National Guard and Reserve in order to gain employer and community support.



Mark S. Watson

SPECIAL REPORTS

MEMORANDUM

DATE: July 27, 2011
TO: Fellow Members of City Council
FROM: City Attorney Evaluation Committee
Councilmember D. Jane Miller, Chair
Councilmember Anne Garcia Garland
Councilmember L. Charles Hensley
SUBJECT: CITY ATTORNEY EVALUATION PROCEDURE

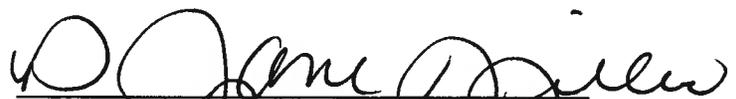
The City Attorney Evaluation Committee met on July 21, 2011 to develop a recommendation regarding the procedure for evaluating the performance of the City Attorney over the past year. All of the Committee members were present along with the City Attorney and the City Clerk. The Committee reviewed two evaluation forms that were presented by the City Clerk, as well as the City Attorney's progress report (Legal Department Memorandum 11-27, a copy is attached).

The Committee voted unanimously to recommend a specific evaluation form, a copy of which is attached, and to submit Legal Department Memorandum 11-27 to City Council.

The Committee also voted unanimously to recommend the following schedule for completion of the evaluation process:

- August 8 Presentation of the Committee's recommendations to City Council
- August 19 Deadline for return of the completed evaluation form to the City Clerk's Office.
- August 22-24 City Clerk's Office will compile the results of the evaluation form for the Committee
- August 25 Committee meeting to review the summary of the evaluation forms prepared by the City Clerk's Office and to develop recommendations regarding the City Attorney's salary and/or other amendments to his Employment Agreement
- September 12 Presentation of the Committee's final report and recommendations to City Council

The City Attorney Evaluation Committee unanimously recommends your approval of this procedure, including the evaluation form, and the schedule for completing the evaluation process. A copy of the City Attorney's Employment Agreement is also attached for your reference.


D. Jane Miller, Chair

Attachments

**LEGAL DEPARTMENT MEMORANDUM
11-27**

DATE: July 20, 2011

TO: City Attorney Evaluation Committee
Chair – Mayor Pro Tem Jane Miller
Councilmember Anne Garcia Garland
Councilmember Charlie Hensley

Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: PROGRESS REPORT AND EVALUATION OF FY 2010/2011 GOALS AND OBJECTIVES OF THE CITY ATTORNEY/LEGAL DEPARTMENT

INTRODUCTION

Pursuant to the City Attorney Evaluation Committee directive to submit a report and evaluation of the City Attorney and Legal Department Goals and Objectives for review by the Committee and City Council, I have prepared the following Report & Evaluation with the assistance of Tammy Dunn, Senior Staff Attorney. Some of the items listed as Goals and Objectives for FY10 carried over into FY11. Additionally, newly filed matters and new projects undertaken by City staff which required involvement of the City Attorney and Legal Department will continue as recognizable goals for FY11/FY12.

I. Goal: To provide City Staff with continuing education from the Legal Department in important areas of municipal law.

Objectives: A. To prepare a guideline on bidding procedures to guide City departments through the bid process.

- The Guidelines were distributed with Legal Memorandum 07-65.
- During this reporting period, Senior Staff Attorney Tammy Dunn has advised that the Legal Department participated in the drafting of approximately 248 contracts/professional services agreements and prepared or assisted in the preparation and review of 21 bid packages, as well as 9 requests for proposals/qualifications.

B. To provide guidance and/or conduct training sessions for City Staff and City Boards and Commissions on important and timely legal issues.

- The Legal Department provides continuing assistance to the Community Development/Code Enforcement staff in

prosecuting violations of the City's Property Maintenance Code which has resulted in City Court enforcement of fines and remediation of unfit structures.

- **Board of Building and Housing Code Appeals:** The City Attorney continues to attend hearings of the Board when requested to provide legal assistance on cases involving unfit structures.

The following cases have been taken by the Code Enforcement Division before the Building and Housing Board for demolition over the last calendar year 2010 and part of 2011.

- 144-150 Wade Lane was ordered demolished; order rescinded in order to sell property. Property has been restored and is now being leased.
- 396-398 W Outer Drive was demolished.
- 103 Newark Lane ordered demolished; property was sold and order rescinded.
- 106 Evans Lane – the carport was demolished.
- 116 Jonathan Lane was demolished.
- 108 Jersey Lane was demolished.
- 759 W Outer Drive was ordered demolished.
- 105-107 Ivy Lane was demolished.
- 147 Parsons Road was demolished.
- 161 Johnson Road was demolished.
- The Applewood Apartments are covered separately on pages 9, 13, and 14.

Note: There are also additional single-family dwelling units the Board and Staff have allowed extensions of time to repair.

- **Board of Zoning Appeals (BZA):** The Legal Department provided legal advice to the Board, but did not participate in contested hearings during the last year.

— **Personnel Advisory Board (PAB):** The City Attorney participated in the following grievance hearings before the Board:

- Leah White Johnson (see page 15 for a final report on the Appeal filed by Ms. Johnson).
 - Rhonda Bender: The Board heard Ms. Bender's appeal of her termination on May 4, 2011 and found that the City Manager did not violate the Personnel Ordinance in deciding to terminate her. The Board's Final Order was entered on June 16, 2011.
- The Legal Department will be available to conduct training sessions on harassment issues for new summer employees of the City if requested.
 - The Legal Department will be partnering with the Personnel Department to begin training sessions for all supervisors about harassment and discrimination, as well as any other topics requested by the departments. During this reporting period, the Legal Department participated in Harassment/Civility Training for the Police Department.
 - The Legal Department has processed 36 training reimbursement agreements under the City's Training Reimbursement policy during this fiscal year. This policy went into effect October 2005. The goal of this policy is to ensure the City receives the benefit of the training, and in the event the employee leaves employment, that the City is compensated for its cost in training that individual. This policy has resulted in the City being reimbursed for travel costs from several employees who have left employment prior to the expiration of the required employment commitment timeframe
 - The Legal Department is responsible for the City's Title VI compliance and is required to submit documentation annually to three state agencies/departments to indicate the City's compliance with Title VI of the Civil Rights Act of 1964. No Title VI complaints have been filed with the City.

C. To provide support and/or guidance to the Oak Ridge Beer Permit Board:

- Senior Staff Attorney Tammy Dunn is Staff Liaison for the Legal Department to the Beer Board. The Legal Department processed approximately 22 beer permit applications and 40 manager approval applications.
- During the past year, the Beer Board held two (2) show cause hearings which resulted in a voluntary surrender and one revocation of the Parties' Beer Permits.

II. **Goal: To insure that the City Code is current.**

Objectives: A. To review the Code of Ordinances and update those sections that are antiquated or in conflict with existing laws.

- **Ordinances and Resolutions:** The Legal Department prepared a total of 121 Resolutions and 22 New Ordinances.

- **Special Projects**

- ***Boards and Commissions:***

- Assisted in transferring all Boards and Commissions to a new calendar year schedule for election purposes (see Ordinance 3-11 and Resolution 2-8-11).
- Consolidated Board of Electrical Examiners and Board of Plumbing Examiners into the new Trade Licensing Board (See Ordinance 4-11)
- Created new Recreation and Parks Advisory Board (See Resolution No. 2-12-11)
- Changed City Court dates and times (See Ordinance No. 17-10)

B. To propose new ordinances to protect the City and its citizens when it becomes apparent that such new ordinances are necessary to the well-being and orderly function of City government.

- **Burn Ordinance** - This is under review.
- **Administrative Hearing Officer** – Public Chapter 1128 adopted by the Tennessee Legislature in 2010 allows local governments to conduct administrative inspections and enforce code violations by using an administrative procedure rather than using the City Court process, which is limited to a \$50.00 fine. Under the law cities are required to adopt the Administrative Process by ordinance. TML and MTAS are developing guidelines for local governments to use in implementing this alternative enforcement approach. The City Attorney will review the requirements of this law and present recommendations to the City Manager and Council on the adoption of an Administrative Hearing Officer Ordinance for the City.
- **Land Bank** – As part of the City Manager's "Not in our Town" initiatives, the City Attorney will be developing a legal framework which will allow the City of Oak to adopt a Land

Bank Program which will address blighted and deteriorated housing in the City.

- Debt Policy - The State of Tennessee Comptroller's Office has issued a requirement for local governments to adopt a Debt Management Policy by January 1, 2012. MTAS has published a Model Debt Policy for review and the City Attorney will be working closely with the City Manager and Finance Department to develop a Policy for the City of Oak Ridge which will be in compliance with the Comptroller's guidelines.
- Red Light Cameras - Council approved Ordinance No. 13-08 which amended Title 15 by creating a new section 15-348, titled "Automated Enforcement," to establish a nonmoving traffic offense for traffic violations evidenced by automated camera enforcement systems.

The following Requests for Hearing were prosecuted by the Legal Department in Oak Ridge City Court during this reporting period:

— June 3, 2010	66
— October 21, 2010	99
— February 17, 2011	<u>77</u>
Total:	242

The five year agreement between City of Oak Ridge and Redflex was executed on August 18, 2008. A total of 411 appeals have been filed in City Court during this time.

C. To assist the Charter Commission with review of Charter changes.

- Charter Commission – In 2008, a Petition for the Election of a Charter Commission was filed with the Election Commission. Legal Department Memorandum No. 08-40 advised Council that as a result of the filing of this Petition the Election of a Charter Commission was to be placed on the November 4, 2008 State Election Ballot. Seven (7) Commissioners were elected and their first meeting was held on November 14, 2008. The City Attorney provided assistance on an as-needed basis. Sid Hemsley, Senior Legal Consultant for MTAS, has also provided assistance. The commission completed its work and recommended eight (8) changes to the City Charter. The changes were forwarded to the Anderson County Election Commission by City Council Resolution 8-84-10 dated August 23, 2010. Revisions to the City Charter were approved by the Commission and were voted on in the November 2, 2010 State of Tennessee General Election, and all changes were approved by the voters. The new revisions have been incorporated in the most recent charter edition.

III. Goal: To enhance revenue by providing the City with additional sources of revenue through the use of the legal system.

Objectives: A. To re-establish the procedure for the collection of back property taxes and to implement this procedure by filing suits to collect back property taxes for prior tax years.

- The Anderson County Delinquent Property Tax Sale was held on October 16, 2010. Legal Department Memo No.10-50 dated November 23, 2010 informed Council that Chancellor Lantrip signed the Order confirming the sale on October 26, 2010. The 2011 Anderson County Delinquent Property Tax Case # 11CH2983 is pending. In Memorandum 11-23, Council was advised that Chancellor Lantrip signed the Order of Default on June 3, 2011. This year's Anderson County Delinquent Property Tax Sale is set for October 22, 2011.

B. To establish a procedure for collection of monetary damages due the City caused by the negligent acts or omissions of individuals against City property.

- This procedure has been established and the Legal Department is available to assist the City staff in collection of delinquent accounts.

C. To establish a procedure for collection of court costs and fines due the City.

- The total amount collected for court costs and fines for the past year was \$194,191.42.
- The \$50.00 fine limitation is still applicable to City Court cases. Any increase will require a Constitutional amendment.

D. To continue to provide legal support to City Staff to enable the City to realize the economic benefits to be derived from the following projects:

- Centennial Village Development, LLC/Centennial Village Apartments, LLC: The City Attorney has had limited involvement in these projects during the last year. At its December 16, 2008 meeting, Council passed Resolution 12-108-08 to approve a 50%, 20 year tax abatement for Centennial Village Apartments. The project is financed by a construction loan to Centennial Village Apartments in the amount of \$21,148,300.00 from Evanston Financial. The Project is nearing completion, and a Temporary Certificate of Occupancy was issued by Code Enforcement on May 2, 2011.

- The City Attorney has been involved in legal matters with reference to the following Projects during the last year:
 - Centennial Bluff, LLC – Performance Bond approval for revisions to Phase I and Phase II of the Development.
 - Rarity Oaks/Oak Ridge Land Company – Foreclosure Sale was held by Jefferson Federal Bank on October 4, 2010. As a result of the sale Jefferson Federal now owns the property.
 - Rarity Ridge/Oak Ridge Land Company – Foreclosure Sale was held by RL Regi-TN Oak LLC on June 2, 2011. As a result of the sale RL Regi-TN Oak LLC now owns the property.

- Horizon Center Development –On March 12, 2010, Horizon Center, LLC and the IDB entered into an agreement for the transfer of 476.17 m/l acres of land in the Horizon Center Park to the IDB for marketing and development purposes. This Agreement was unanimously approved by the Board of the IDB. The City Attorney participated in the review and drafting of all documents with Horizon's legal counsel. In conjunction with this land transfer, the IDB also unanimously approved an Agreement with the Oak Ridge Economic Partnership (OREP) to retain the services of the OREP President as Executive Director of the IDB for purposes of marketing the IDB property to industrial prospects. This Agreement was also signed on March 12, 2010. Copies of all documents are available in the Legal Department for review. The following projects are now being developed at Horizon:
 - Special Warranty Deed from IDB to ORNL Federal Credit Union dated July 22, 2010 recorded in Roane County Register of Deeds Office in Book 1365, Page 138, for a 39.23 acre, more or less, tract. The land was sold for \$25,000 per acre for a total contract selling price of \$945,500.00.
 - Warranty Deed from IDB to RRP, LLC dated February 8, 2011, recorded in Roane County Register of Deeds Office in Book 1386, Page 12, for a 9.95 acre, more or less, tract. The land was sold for \$25,000 per acre for a contract selling price of \$248,750.00. This site is the location for the Carbon Fiber Project.
 - RSI/F&C Land Company – a Contract to purchase approximately 11.75 acres is currently pending. The Contract price is \$293,750.00. A State of Tennessee Department of Economic and Community Development Fast Track Grant for sewer

line extension in the amount of \$248,765.00 approved on April 26, 2011.

- Heritage Center Development (Speculative Building Project)
The Speculative Building project referred to in prior reports is was completed and sold to 100 Heritage Center, LLC.. The building is a joint effort of the IDB and Heritage Center, LLC. The City Attorney and City staff have worked with the parties on the details of this project. The details of the sale are as follows:
 - Quit Claim Deed for sale of Lot 2 – ED5 East in Heritage Center from Heritage Center, LLC to 100 Heritage Center, LLC dated March 8, 2011, recorded in Book 1389, Page 5. The stated consideration for the transfer is \$1,443,000.00.

- Heritage Center Development (Additional Land Transfers for Re-Industrialization)
 - Quit Claim Deed from USA (DOE) to Heritage Center, LLC dated September 1, 2010, recorded in Roane County Register of Deeds Office in Book 1369, Page 290-305, for a 19.91 acre, more or less, tract of land, including Buildings K-791-B and K-796-A.

 - Quit Claim Deed from Heritage Center, LLC to Energy Solutions, LLC dated May 10, 2011, recorded in Roane County Register of Deeds Office in Book 1394, Page 988, for a tract of land designated as Lot 2 of the K-792 yard of Heritage Center. The stated consideration for the transfer is \$274,400.00.

 - Quit Claim Deed from Heritage Center, LLC to Manhattan Project, LLC dated May 16, 2011, recorded in Roane County Register of Deeds Office in Book 1394, Page 995, for a 12.98 acre, more or less, tract of land. The stated consideration for the transfer is \$-0-.

 - Quit Claim Deed from Heritage Center, LLC to JMM Realty, LLC dated May 16, 2011, recorded in Roane County Register of Deeds Office in Book 1396, Page 307, for a 2.29 acre, more or less, tract of land. The stated consideration for the transfer is \$-0-.

 - Quit Claim Deed from Heritage Center, LLC to JMM Realty, LLC dated May 17, 2011, recorded in Roane County Register of Deeds Office in Book 1396, Page 328, for a 1.48 acre, more or less, tract of

land. The stated consideration for the transfer is \$-0-.

- Scarboro/Habitat Development: The sale of the land to Habitat was closed on January 19, 2007, and the Deed was recorded on January 26, 2007 in the Anderson County Register of Deeds Office.
 - The Quit Claim Deed prepared by the City Attorney from City of Oak Ridge to Habitat contained a reversionary clause that required Habitat to commence development of the infrastructure of this property within two (2) years from October 23, 2006. The deadline was extended once by Council to October 2009 by Resolution No. 10-98-08. Habitat requested a second one-year extension of time for development to commence. Council Resolution 11-106-09 dated November 16, 2009 extended the deadline for another year to November 2010. A request to extend this deadline was not filed by Habitat until March 2, 2011. Discussions between the City Manager, staff, and Habitat about the Project's progress are ongoing at this time.
- Highland View/Applewood Apartments: Administrative Inspection Warrants were issued by the City Judge for all 13 Applewood Apartment buildings. All inspections are completed. The City Attorney has participated in numerous hearings during this reporting period with Joseph Levitt, Owner/Attorney for the Applewood Apartments. Ten (10) apartment buildings were taken before the City Board of Building and Housing Code Appeals and ordered demolished. These cases have been appealed by Levitt, as owner/attorney for Applewood, to Anderson County Chancery Court and are reported on at page 13-14. The Final Order from City Court on Building 182, 184, and 186 was appealed by Levitt to Circuit Court and is also reported on at page 13.
- Economic Development Initiative –Special Projects Grant/Highland View Redevelopment: City Council Resolution 11-107-09 dated November 16, 2009 authorized City acceptance of an Economic Development Initiative Special Projects Grant from the U. S. Department of Housing and Urban Development in the amount of \$237,500.00 to be used for the acquisition and demolition of blighted vacant properties in the Highland View neighborhood. City staff, including Kathryn Baldwin, Susan Fallon, Kahla Gentry, Tim Ward, along with the Interim City Manager Gary Cinder and the City Attorney participated in monthly meetings to review various properties which appear to meet the requirements of the Grant, and decide which ones are suitable for acquisition and demolition within the provisions of the Grant. The following properties were acquired after they were identified as meeting the Grant criteria:

<u>Address</u>	<u>Contract Price</u>
o 104 Jay Lane	\$ 5,400.00
o 161 Johnson Rd.	\$15,000.00
o 105 Ivy Lane	\$18,000.00
o 108 Jersey Lane	\$19,000.00
o 218-220 Robertsville Rd.	\$17,000.00

These properties have been or are in the process of being demolished and conveyed to ADFAC for redevelopment.

The following items have been identified by the City Attorney as carryover FY 09 Goals to be added for FY 10 and reported on:

A. State and Federal Legislation

- Legislative Issues – Dr. Amy Fitzgerald reviews State and Federal legislative issues that affect the City of Oak Ridge. The City Attorney participates with her in review on an "as-needed" basis.

B. Bill Nolan & Associates/The Ferguson Group: At its meeting on June 13, 2011, the City renewed both the Professional Services Agreement with Bill Nolan & Associates of Oak Ridge and The Ferguson Group of Washington, D.C. Both consultants are required to submit activity reports to the Council. The Contracts are set to expire June 30, 2012, unless renewed.

C. Oak Ridge Heritage Railroad Authority - The City Attorney continues to provide legal support to the Authority and attend its Board of Director's meetings. The Annual Report was delivered to Council on November 16, 2010. It was announced that the Railroad has received approximately \$1,749,650.04 in allocations from the Tennessee Department of Transportation (TDOT) for Track and Bridge Rehabilitation since 2002.

In September 2009, Energy Solutions, LLC, a for-profit corporation, purchased the assets of Heritage Railroad Corporation, a non-profit corporation. Energy Solutions, LLC has committed to the State of Tennessee and City of Oak Ridge that they will be obligated to provide all financial and administrative assistance to the Authority.

- **Southern Appalachia Railroad Museum (SARM):** On May 1, 2008, Heritage Center, LLC conveyed a 4.93 tract to Southern Appalachia Railroad Museum, Inc. for construction of the Museum. On April 23, 2010, SARM notified the City Attorney that it had submitted a Construction Implementation Schedule to the State of Tennessee. On March 3, 2011, the City Attorney received TDOT Contract #2001594 from the State of Tennessee for construction of the Museum. The Contract was forwarded to SARM and their contractor for review. It is still pending as of this date.

D. **Industrial Development Board (IDB)** – The City Attorney as Legal Advisor to the IDB has been involved in document preparation, negotiations, and closings on various IDB projects.

- **The following projects have been closed and the PILT Lease Agreements are on file in the City Attorney's office:**

- Pro2Serve
- Y-12 Complex
- Staybridge Inns & Suites
- NUCSAFE
- National Fitness
- Flatwater Grille
- Bristol Apartments
- Mullins Properties
- Centennial Village Apartments
- USEC

- **The PILT Leases on these projects have either expired or been terminated:**

- Theragenics (Now HJN Properties, LLC): This property continues to be leased to Impact Services, Inc. by HJN Properties, LLC. The City of Oak Ridge Board of Zoning Appeals (BZA) approved a special exception request filed by Impact to locate their radioactive waste recycling operation in the building. This approval was given on February 10, 2009.
- Protomet – This PILT Agreement expired on December 31, 2010.
- Holiday Inn/Amit Patel PILT Lease: This PILT Lease was terminated at the request of the Owner, Mr. Amit Patel. The owner still anticipates completing the Project.
- Airport Study Project: City Council approved Resolution 7-71-09 at its July 20, 2009 meeting. The Resolution supported the efforts of CROET to bring a General Aviation Airport to City of Oak Ridge on land either owned by CROET, or to be transferred to CROET by DOE. The Legal Department will provide assistance to this project on an "as-needed" basis.

- **Pending Projects**

- ATC Nuclear/Oak Ridge Tool & Engineering and Oak Ridge Industrial Development Board (IDB): A Memorandum of Understanding (MOU) was executed by the IDB on April 8, 2011. The applicants were approved for a 50% abatement for a term of four (4) years. Closing documents are presently being prepared.

- Omega Consultants, Inc. d/b/a Omega Technical Services, Inc./Modus Metrology, LLC/100 Heritage Center, LLC/and the IDB: A Memorandum of Understanding (MOU) was executed by the IDB on April 21, 2011. The applicants were approved for a 100% tax abatement for seven (7) years. Closing documents are presently being prepared.
- Oak Ridge City Center, LLC/Arnsdorr Mall Project: Resolution #3-22-11, dated March 7, 2011 was approved by City Council. It effectively repealed former Council Resolution #12-133-03 and voided all tax abatements that were the subject of that December 1, 2003 Resolution.
- **Economic Incentives:** At its April 21, 2008 meeting Council approved the IDB's Tax Increment Financing Policy & Procedure Guidelines and a Memorandum of Understanding to be used with the revised Tax Incentive Policy. Council Resolution No.4-33-08 approved the TIF Guidelines and Resolution 4-34-08 adopted the Memorandum of Agreement. The City Attorney assisted Mark Mamantov and the IDB in the preparation and review of these documents. Council Resolution 12-113-07 dated December 17, 2007 approved revisions to the City of Oak Ridge's Economic Development Incentives (PILT) Adjustments for a three-year term.
 - TIF Review: The IDB's proposed revisions to the existing TIF policy are currently being reviewed by the City Manager.
 - PILT Review: Council Resolution 10-99-10 dated October 12, 2010 approved the suggested revisions to the proposed Economic Development Incentives (PILOT) adjustments for use by the IDB as a guideline for tax abatements and payments in lieu of taxes for qualified entities in Oak Ridge for a three (3) year period to expire December 31, 2013.

IV. Goal: To resolve by trial or settlement pending litigation in which the City is a party.

Objectives: A. To complete discovery, set for trial, and ultimately dispose of the following cases:

- **The Estate of Rodney Eugene Harris/Patricia Harris v. City of Oak Ridge et al. - Seventh Judicial District for the State of Tennessee Circuit Division - Case: B1LA0253**
 - On July 14, 2011, Patricia Harris, widow of Rodney Eugene Harris filed a Complaint in Anderson County Circuit Court against the City of Oak Ridge, City Manager(s), Police Chief, and various other employees of the City of Oak Ridge Police Department.

- The Complaint is in the form of a Civil Rights Action along with claims for Assault and Battery, Outrageous Conduct, and Wrongful Death seeking damages in an unspecified amount against the Defendants for the death of Rodney Eugene Harris. The Plaintiff is represented by Attorneys Michael Ritter and Kevin Angel of Oak Ridge and H. David Forrester of Clinton.
 - Watson, Roach, Batson, Rowell & Lauderback, PLC, attorneys for the TML Risk Management Pool, will be defending the City. The Legal Department will assist in the defense. A copy of the Complaint is available for City Council Members to review in the City Attorney's office.
- **Christina Targonski v. City of Oak Ridge – Civil Action #3-11-CV-269 in the U.S. District Court for Eastern District of Tennessee**
 - On June 14, 2011, Christina Targonski, a former employee of the City of Oak Ridge Police Department filed this Civil Action in Federal Court in Knoxville.
 - The Plaintiff claims that she was forced out of her position on September 1, 2010 due to acts of harassment, retaliation and discrimination against her by employees in the Oak Ridge Police Department.
 - Plaintiff claims compensatory damage in the amount of \$250,000.00 and punitive damages in an amount of \$1,000,000.00.
 - Watson, Roach, Batson, Rowell & Lauderback, PLC, attorneys for the TML Risk Management Pool, will be defending the City. The Legal Department will assist in the defense. A copy of the Complaint is available for City Council Members to review in the City Attorney's office.
- **City of Oak Ridge, Appellee v. Tammy Sandlin, Manager, Joseph Levitt, Jr., Owner of Applewood Apartments, Appellants – Anderson County Circuit Court – Case No. B1LA0085**
 - On March 7, 2011, Joseph J. Levitt, Jr., owner and attorney for Applewood Apartments, filed an Appeal to Anderson County Circuit Court of a Final Order of Oak Ridge City Court which found Joseph Levitt, as owner of Applewood Apartments guilty of 98 violations of the City Oak Ridge Property Maintenance Code.
 - The Appeal seeks to reverse the Order of the City Court for those certain Applewood Apartment buildings located at 182, 184, and 186 Hillside Road. The Appeal is

currently pending on the Court's non-jury docket, and a trial date of April 2, 2012 has been set.

- **Levitt, Joseph v. City of Oak Ridge and Denny Boss– Anderson County Chancery Court –Case No. 11CH2768**

- On January 31, 2011, Plaintiff Joseph J. Levitt, Jr., owner and attorney for Applewood Apartments, filed a Complaint for Appeal, Certiorari, and Supersedeas, or in the Alternative to Supersedeas, for an Injunction against the City of Oak Ridge Board of Building and Housing Code Appeals and Denny Boss, as a representative of the City's Code Enforcement Division.
- The Complaint seeks injunctive relief and Chancery Court review of the Board's Order of Demolition for those certain Applewood Apartment buildings located at 115 W. Hunter Circle, 105 E. Hunter Circle, 119 W. Hunter Circle, and 121 W. Hunter Circle.
- Watson, Roach, Batson, Rowell & Lauderback, PLC, attorneys for the TML Risk Management Pool, will be defending the City. The Legal Department will assist in the defense. A copy of the Complaint is available for City Council Members to review in the City Attorney's office.

- **Joseph J. Levitt, Jr. v. City Of Oak Ridge, Board Of Building And Housing Appeals And Denny Boss Anderson County Chancery Court – Case No. 11CH3003**

- On April 11, 2011, Plaintiff Joseph J. Levitt, Jr., owner and attorney for Applewood Apartments, filed a Complaint for Appeal, Certiorari, and Supersedeas, or in the Alternative to Supersedeas, for an Injunction against the City of Oak Ridge Board of Building and Housing Code Appeals and Denny Boss, as a representative of the City's Code Enforcement Division.
- The Complaint seeks injunctive relief and Chancery Court review of the Board's Order of Demolition filed February 10, 2011 for those certain Applewood Apartment buildings located at 101 E. Hunter Cr., 102 E. Hunter Cr., 103 E. Hunter Cr., 112 E. Hunter Cr., 114 W. Hunter Cr., and 120 W. Hunter Cr.
- The Legal Department is reviewing the Complaint and a copy is available for City Council Members in the City Attorney's office.

- **Booker, Felix Charles v. Michael A. LaPaglia, M.D., Methodist Medical Center, City of Oak Ridge, Anderson County, ET AL. – Federal Court – U.S. District Court for Eastern Division - #3.11-CV-126**

- On February 11, 2011, Plaintiff Felix Charles Booker, filed a Complaint against Michael A. Lapaglia, M.D., Methodist Medical Center, City of Oak Ridge, Anderson County and various other listed defendants for false arrest and imprisonment, assault and battery, medical battery, outrageous conduct and various constitutional claims. The Plaintiff is claiming damages in an unspecified amount along with an award of attorney fees. This Case has been removed to Federal Court and is set for Trial December 3, 2013.
- Watson, Roach, Batson, Rowell & Lauderback, PLC, attorneys for the TML Risk Management Pool, will be defending the City. The Legal Department will assist in the defense. A copy of the Complaint is available for City Council Members to review in the City Attorney's office.
- **Johnson, Leah White v. City of Oak Ridge – Anderson County Chancery Court – Case No. 10CH2510**
 - The Plaintiff has Non-Suited her claim. Order was entered June 10, 2011.
- **Andrew D. Steuer, and his parents Joseph Steuer and Carmen Steuer v. City of Oak Ridge – Anderson County Circuit Court – Case No. BOLA0484**
 - Andrew D. Steuer and his parents, Joseph and Carmen Steuer, filed a Complaint in Anderson County Circuit Court on October 10, 2010 against the City of Oak Ridge for personal injuries alleged to be sustained by Andrew Steuer, while he was a minor, at the City of Oak Ridge Municipal Indoor Pool on October 14, 2009. Andrew Steuer was a member of the Atomic City Aquatic Club (ACAC) at the time and the injuries sustained are alleged to have been caused by a defective starting block, which broke while the Plaintiff was standing on it.
 - The Plaintiffs have notified the City of Oak Ridge they will amend this Complaint. The new Defendants added are Anderson County, State of Tennessee, USA Swimming, Inc., Mike Bowman and the Atomic City Aquatic Club.
 - Watson, Roach, Batson, Rowell & Lauderback PLC, attorneys for the TML Risk Management Pool will be defending the City. The Legal Department will assist in defense of this claim. A copy of the entire Complaint is available for review in the Legal Department.
- **Duff, Angelo v. City of Oak Ridge, Oak Ridge Police Department, Chief David Beams, Brad Jenkins and Matthew Tedford – U. S. District Court for Eastern District – Case #3:10-CV-230**

- Angelo Duff, Plaintiff filed a Civil Action in Anderson County Circuit Court against the City of Oak Ridge and other named Defendants on May 3, 2010. The Plaintiff alleged that the Defendants were liable for damages, in an unspecified amount, for violation of the Plaintiff's civil rights and malicious prosecution.
- The Plaintiff's original attorney, Andrew Hall of Morgan County, has withdrawn and the Plaintiff has retained the law firm of Eldridge & Gains to represent him. Legal Memorandum 10-51 indicated that this case is pending in Anderson County Circuit Court; however, all claims have been removed to Federal Court where trial dates have been set for November 14-18, 2011.
- Watson, Roach, Batson, Rowell & Lauderback PLC, attorneys for the TML Risk Management Pool will be defending the City. The Legal Department will assist in defense of this claim. A copy of the entire Complaint is available for review in the Legal Department.
- **Schubert, William R. and Delisa Simpson-Schubert v. Bruce Lay, Charles Gibson, David Sherrod, Tom Bailey, Board of Education and City of Oak Ridge – United States District Court – Case No. 3:06 – CV-92**
 - The trial date of October 4, 2011 has been continued to January 10, 2012. This was as a result of the School's Legal Counsel being replaced.
 - The District Court Judge has ordered mediation prior to trial.
- **Comcast v. Jeff Cole, Anderson County Clerk, City of Oak Ridge, et al**
 - The Plaintiffs Motion to Transfer this case to Davidson County Chancery Court and consolidate it with a similar case pending in that Court was denied and the Trial Court ruled that all pending cases shall be held in abeyance until the Davidson County litigation is finally decided.
 - At this time, the Davidson County litigation is still pending. The Court has entered a Scheduling Order requiring Discovery to be completed by January 31, 2011. A Motion Hearing is set for June 3, 2011. On July 8, 2011, a status conference will be held in Nashville before the presiding Trial Judge. It is anticipated a trial date will be set at that time.
- **Rivers Run Properties v. City of Oak Ridge, Oak Ridge Regional Planning Commission, The Cowperwood**

**Company and Ridge Realty and Parcel RP LLC v.
Anderson County and the City of Oak Ridge**

— These cases remain pending.

V. Goal: To provide legal assistance to City Staff in resolving legal issues that arise in the normal course of City business and do not fall into any identifiable category:

Objective: A. To enable City staff to efficiently perform their departmental duties and serve the public.

- **New China Palace Lease Agreement:** In April and May of 2010 as part of the Waterfront Development process, a Request for Proposals to seek out parties interested in establishing a casual dining restaurant for Melton Lake Park was developed. After months of review by City staff with comments from the general public, a decision was made to extend for two (2) years the Lease for the Restaurant with the current owners, Chung-Nan Chou and Fu-Li Chou d/b/a The New China Palace. City Council Resolution 2-6-11 dated February 14, 2011 approved a two-year (2) year lease to commence on March 1, 2011 and expire on February 28, 2013. The owners agreed to the terms of Lease.

- **Alexander Inn/Boatman/Oak Ridge Revitalization Effort/Code Violations:** This matter originally was initiated in Oak Ridge City Court on October 29, 2009 by the City Code Enforcement Division as a result of an Administrative Inspection of the property. At that time, the owner of the property was Oak Ridge Alexander Inn, Inc. The owner consented to the Administrative Inspection. The Court was advised by the Attorney for the Defendant that a sale of the property was pending with a closing date scheduled for December 2009. The sale closed on December 17, 2009 and the land and building was conveyed to the Oak Ridge Revitalization Effort (ORRE). The ORRE was substituted as a Defendant in the City Court Code cases. The ORRE agreed to enter into a written framework and timeline to proceed with repairs to the property as required by Council Resolution 2-19-10. The Agreement, in the form of a Memorandum of Understanding, was approved by City Court Order on March 30, 2010. The case was set to be called back up in December 2010 for review. An extension was granted and the case was set for review on June 27, 2011. Oak Ridge Revitalization Effort has announced it does not have the financial resources to continue the project, and requested the original owners take back the property. At the June 27, 2011 Hearing the case was reset to give ORRE time to retain a new attorney after their attorney, Robert W. Wilkinson withdrew.

- **Daniel Arthur Building/Oak Ridge Senior Center – Anderson County Lease:** The Legal Department participated with former City Manager Jim O'Connor, Josh Collins, the Anderson County Mayor and Law Director in negotiating a renewal of the lease for the Daniel Arthur Complex where a portion of it is occupied by the Oak Ridge Senior Center. City Council Resolution 12-117-09 dated December 14, 2009 approved the Lease for a five-year term from January 1, 2010 to December 31, 2014.
- **EPA Administrative Order #CWA-04-2010-4772 dated September 10, 2010:** In November 2008, the Environmental Protection Agency (EPA) requested information about the City's operation and maintenance of its sanitary sewer system. A response was provided by the City Manager in December 2008. EPA staff conducted a comprehensive field inspection in late October 2009 including the review of maintenance records, logs, maps, work orders and the associated paperwork. An inspection of several components of the system including selected manholes and pumping station was also conducted. A report of their findings was received in December 2009. This was reported to the Council at the January 11, 2010 Council meeting, and a follow-up report was provided to Council by Interim City Manager Gary Cinder in Council Memo 10-15 dated April 28, 2010.

The negotiations between the City and the EPA to formulate corrective actions and schedules for compliance with the Administrative Order involve the City Manager, City Attorney, Deputy City Manager, Public Works staff, Consultant Lamar Dunn, as well as outside legal assistance with expertise in dealing with EPA. As this matter progresses through the Compliance phases, it is anticipated there will be future discussions about the potential penalties that may be levied against the City.

- **Recreation and Parks Advisory Board:** The City Attorney participated in the Board's initial meeting on May 12, 2011 and provide the members with the following documents for discussion:
 - Legal Department Memorandum 07-36 (Code of Ethics Ordinance and Gift Policy)
 - Legal Department Memorandum 08-04 (MTAS-Open Meetings in Tennessee – January 8, 2008)
 - Legal Department Memorandum 08-35 (Comptroller of the Treasury/Office of Open Records – Director Ann Butterworth's Opinion)
 - Comptroller of the Treasury/Office of Open Records – Counsel Elisha Hodge's Presentation dated September 25, 2008.

Objective: B. To assist the Police Department in the rebanding of the public safety radio communication system.

- The City has completed the physical rebanding of its 800 MHz radio system, including subscriber and infrastructure activities, as of April 30, 2011. The City is in the process of completing the administrative tasks of rebanding.


Kenneth R. Krushenski

ADDITIONAL NARRATIVE – LOOKING AHEAD

What would you identify as the City Attorney's strength(s), expressed in terms of the principal results achieved during the rating period?

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

What constructive suggestions or assistance can you offer the City Attorney to enhance performance?

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

Please provide recommendations and comments on a possible change in compensation (currently \$102,460.80) and a contract extension beyond the current expiration date of March 1, 2015.

EMPLOYMENT AGREEMENT
City Attorney

This is an agreement entered into this 22nd day of February, 2001, between the City of Oak Ridge (the City) by the City Council and Kenneth R. Krushenski (City Attorney) to provide for the employment of Kenneth R. Krushenski as City Attorney of the City of Oak Ridge and to set forth the terms and conditions of his employment and the mutual obligations, rights and duties of each party.

Now, therefore, in consideration of the mutual promises as set forth in this Agreement, the City of Oak Ridge and Kenneth R. Krushenski agree as follows:

Section 1. Duties

City Council agrees to employ Kenneth R. Krushenski as City Attorney of the City of Oak Ridge to perform the functions and duties as specified in the City Charter and the City Code, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign. Article III, Section 13 of the Charter of the City of Oak Ridge specifies as follows:

The City Attorney shall be responsible for representing and defending the City in all litigation in which the City is a party, shall be the prosecuting officer in the City Court, shall advise the Council, City Manager, and other officers and employees of the City concerning legal aspects of the City's affairs, shall approve as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents and shall perform such other duties as may be prescribed by the Council or the City Manager.

The City Attorney shall also be responsible for representing all boards and commissions sanctioned by or established by the City Council. The City Attorney shall be responsible for defending all boards and commissions in all litigation in which the respective board or commission is a party and shall attend meetings of the various boards and commissions if in the discretion of the City Attorney his attendance is necessary.

Section 2. Term

A. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of the City Attorney at any time, subject only to the provisions set forth in Section 5, Paragraphs A and B of this Agreement.

B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Attorney to resign at any time.

C. Except as otherwise herein stated, this Agreement shall become effective as of March 1, 2001, and shall continue in effect until March 1, 2015, except as provided in Section 2, Paragraph D. (Amended 6/2/03, Resolution No. 6-70-03; 5/23/05, Resolution No. 5-54-05; 6/19/06, Resolution No. 6-64-06; 5/21/07, Resolution No. 5-58-07; 5/19/08, Resolution No. 5-45-08; 5/18/09, Resolution 5-44-09; 7/12/10, Resolution No. 7-65-10).

D. In order to extend the term of this Agreement, City Council shall take action no later than six months prior to the expiration of the current term . However, upon the request of the City Attorney during this same period, City Council shall make a decision as to whether it desires to extend said Agreement. (Amended 6/3/02, Resolution No. 6-60-02; 5/19/08, Resolution No. 5-45-08)

Section 3. Performance Evaluation

A. No later than July 1st of each year, City Council and the City Attorney shall establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Attorney. The performance criteria and the goals and objectives will be those that are necessary for the proper operation of the City and the attainment of City Council's policy objectives. The performance criteria and the goals and objectives shall be assigned a relative priority, and shall generally be attainable within the time limitations established and within the annual operating and capital budgets and the appropriations provided. Thereafter, City Council and the City Attorney may modify the performance criteria and the goals and objectives during the annual evaluation process. (Amended 5/19/08, Resolution No. 5-45-08)

B. The first formal evaluation of the City Attorney's performance shall be completed by May 30, 2002. Thereafter, evaluations shall be conducted on an annual basis by May 30th of each year.

Section 4. Code of Ethics

The City Attorney agrees to adhere to the standards of the American Bar Association Code of Professional Responsibility and the City of Oak Ridge Ethics Ordinance, and to conduct himself accordingly. (Amended 5/19/08, Resolution No. 5-45-08)

Section 5. Termination and Severance Pay

A. In the event the City Attorney's employment is terminated by the Council at its will and pleasure during such time that the City Attorney is willing and able to perform his duties under this Agreement, due to Kenneth R. Krushenski's longevity as City Attorney and his consistently high performance during fiscal years 2002 through 2009, the City agrees to pay to Mr. Krushenski a lump sum cash payment equal to nine (9) months' aggregate salary plus any accrued leave and benefits less applicable deductions as required by agreement, law, ordinance or policy for other employees and/or the City Attorney's matching portion of benefits provided for and during said nine (9) months' severance period. At City Council's option, the actual resignation date may be extended through earned and accrued leave balances due the City Attorney then in effect. Provided, however, that in the event the City Attorney is terminated "for just cause," then in such event, the City shall have no obligation to pay the aggregate severance sum designated in this paragraph. "Just cause" is defined and limited for the purposes of this Agreement to the following reasons: (1) willful neglect of duty; (2) felony or misdemeanor conviction of any crime involving moral turpitude; (3) violation of duties by the City Attorney of honesty and sobriety; (4) any other act of a similar nature of the same or greater seriousness. (Amended 5/18/09, Resolution No. 5-44-09)

B. In the event the City at any time reduces the salary or other financial benefits of the City Attorney in a greater percentage than an applicable across-the-board reduction for all City employees, then the City Attorney may at his option be deemed to be "terminated" at the date of such reduction under the terms of Section 5A, with the City Attorney being entitled to the lump sum cash payment as described.

Section 6. Disability

If the City Attorney becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of six (6) successive weeks beyond any accrued leave, the City shall have the option to terminate this Agreement.

Section 7. Salary

A. City agrees to pay the City Attorney for his services rendered pursuant hereto an annual base salary of \$102,460.80, retroactive to February 22, 2009, and payable in installments at the same time as other City employees are paid. (Amended 6/3/02, Resolution No. 6-60-02; 5/18/04, Resolution No. 5-71-04; 5/23/05, Resolution No. 5-54-05; 6/19/06, Resolution No. 6-64-06; 5/21/07, Resolution No. 5-58-07; 5/19/08, Resolution No. 5-45-08; 5/18/09, Resolution No. 5-44-09).

B. In addition, the City Attorney shall be entitled to longevity payments in the same manner as other City employees and as specified in Article 6 of the Personnel Plan for Employees of the City of Oak Ridge. (Amended 6/19/06, Resolution No. 6-64-06)

C. City agrees to increase said base salary and/or other benefits of the City Attorney in such amounts and to such an extent as the City Council may determine desirable on the basis of the performance evaluation developed as required by Section 3 of this Agreement. Nothing in this paragraph shall require the City to increase the base salary or other benefits of the City Attorney. (Amended 6/19/06, Resolution No. 6-64-06)

Section 8. Hours of Work

A. The City of Oak Ridge requires the full-time service of its City Attorney and, therefore, in the event the City Attorney is not available for his duties, he shall designate the Senior Staff Attorney as his representative to be responsible in his place, and so inform members of City Council when appropriate. (Amended 5/19/08, Resolution No. 5-45-08)

Section 9. Communications Equipment

The City agrees to provide a cellular or digital telephone for the exclusive business and personal use of the City Attorney.

Section 10. Dues and Subscriptions

A. The City agrees to budget and pay the professional dues and subscriptions of the City Attorney for his continuance and full participation in national, regional, state and local associations and organizations as necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

City Attorney

B. The City agrees to budget and pay the Tennessee Professional Privilege Tax and Tennessee Board of Professional Responsibility fees on behalf of the City Attorney.

Section 11. Professional Development

A. The City agrees to budget and to pay the travel and subsistence expenses of the City Attorney for professional and official travel, meetings, and occasions adequate to continue the professional development of the City Attorney and to adequately pursue necessary official and other functions for the City, including but not limited to the Annual Conference of the Tennessee Bar Association, the Tennessee Municipal League, and such other national, regional, state, and local governmental groups and committees thereof which the City Attorney serves as a member.

B. The City also agrees to budget and pay for the travel and subsistence expenses of the City Attorney for short courses, institutes, and seminars that are necessary for his professional development and for the good of the City.

Section 12. General and Emergency Leave

A. The City Attorney shall accrue general and emergency leave in the same manner as other City employees and as specified in Article 11 of the Personnel Ordinance.
(Amended 5/19/08, Resolution No. 5-45-08)

B. As of the date of commencement of the term of employment, the City Attorney shall have credited to his account ten (10) days of sick leave and one hundred twenty (120) hours of annual leave. Thereafter, the City Attorney shall accrue, and have credited to his personal account general leave and emergency leave at the same rate as other employees of the City. The City Attorney shall be entitled to all leave and employee benefit programs granted to all general employees of the City.
(Amended 5/19/08, Resolution No. 5-45-08)

Section 13. Medical, Dental, Disability and Life Insurance Benefits

The City agrees to provide medical, dental, disability, long-term care and life insurance benefits to the City Attorney and to pay the premiums thereon equal to that which is provided all other general employees of the City. (Amended 5/19/08, Resolution No. 5-45-08)

Section 14. Retirement

The City Attorney shall be immediately covered by the Tennessee Consolidated Retirement System in the same manner as is provided all other general employees of the City.

Section 15. Liability Protection

The City shall provide the same liability protection for the City Attorney as provided for all general employees of the City, as specified in Section 13.4 of the Personnel Ordinance.

City Attorney

Section 16. Bonding

The City agrees to bear the full cost of any fidelity or other bonds required of the City Attorney under any law, ordinance or regulation.

Section 17. Residence

The City requires and the City Attorney agrees to maintain his principal residence inside the corporate limits of the City during the term of this Agreement, including any renewals and extensions.

Section 18. General Provisions

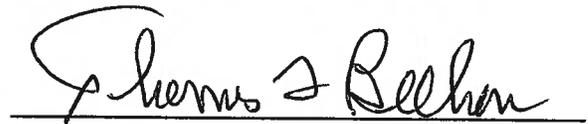
A. The text herein shall constitute the entire agreement between the parties.

B. If any provisions contained in this Agreement, or portion thereof, are held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE


City Attorney


Mayor


City Attorney

ATTEST:


City Clerk

CONSENT AGENDA

MINUTES OF THE OAK RIDGE CITY COUNCIL SPECIAL MEETING

July 7, 2011

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

INVOCATION

The Invocation was given by Councilmember David N. Mosby.

PLEDGE OF ALLEGIANCE

Police Chief James T. Akagi led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

Also present were Mark S. Watson, City Manager; Tammy M. Dunn, Senior Staff Attorney; Steven W. Jenkins, Deputy City Manager; and Donna L. Patterson, City Clerk.

Mayor Beehan announced Council would formally accept Councilmember Hayes' resignation at this meeting. Mayor Beehan expressed Council's appreciation to Councilmember Hayes for his service and expressed regret for his resignation. Councilmember Miller moved, seconded by Councilmember Hensley, to accept the resignation of Thomas Hayes, effective June 30, 2011, and the motion carried unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." City Manager Mark Watson explained that Council has 30 days to fill Hayes' vacant seat according to the Oak Ridge City Charter.

RESOLUTION

A resolution to set forth a procedure to fill the vacancy on City Council created by Councilman Tom Hayes' resignation, effective June 30, 2011. (Resolution No. 7-59-11)

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

Councilmember Hensley moved that Council could nominate a citizen to fill the vacancy at this meeting rather than go through the process set forth in the resolution. The motion was seconded by Councilmember Garcia Garland for purposes of discussion.

Councilmembers Smith, Mosby and Mayor Beehan commented on the motion, generally indicating support for the traditional process set forth in the resolution to solicit applications from the community.

The motion failed by voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Nay."

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

ADJOURNMENT

The meeting adjourned at 7:17 p.m.

City Clerk

MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

July 11, 2011

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on July 11, 2011 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Reverend Gabe Potter, New York Avenue Church of Christ.

PLEDGE OF ALLEGIANCE

Tom Burns led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

Also present were Mark S. Watson, City Manager; Tammy M. Dunn, Senior Staff Attorney; Steven W. Jenkins, Deputy City Manager; and Donna L. Patterson, City Clerk.

The City Manager formally introduced Police Chief James T. Akagi to Council and administered the oath of office to Chief Akagi, witnessed by the City Clerk.

APPEARANCE OF CITIZENS

Dan Terpstra, 127 Newport Drive, announced two public meetings of the Oak Ridge Community Solar Initiative (ORCSI) on July 19, 2011, and July 27, 2011, at the Amphitheater of the Oak Ridge High School. Mr. Terpstra invited the public to attend.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating July 11-16, 2011, as "Anderson County Fair Week."

Councilmember Smith moved, seconded by Councilmember Hensley, that the proclamation be adopted. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

A resolution in tribute to Councilman Thomas Hayes. (Resolution No. 7-60-11)

Councilmember Hensley moved, seconded by Councilmember Miller, that the resolution be adopted. Councilmembers Miller, Smith, Hensley and Mayor Beehan expressed appreciation for Councilmember Hayes' service. The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye." The resolution was presented to Tom Hayes along with a gift of appreciation from the community and City Council.

A resolution in memoriam of former Councilman Washington R. Butler, Jr. (Resolution 7-61-11)

Councilmember Mosby moved, seconded by Councilmember Smith, that the resolution be adopted. The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

SPECIAL REPORTS – None

CONSENT AGENDA

Councilmember Smith removed approval of the June 13, 2011 Council minutes from the Consent Agenda.

Councilmember Miller moved, seconded by Councilmember Smith, to approve the June 13, 2011 Council minutes. Councilmember Smith moved, seconded by Councilmember Hensley, to amend the June 13, 2011 Council minutes as follows:

- Under Resolution 6-45-11, in the fifth paragraph, change "suggested clerical changes" to "suggested minor wording changes."
- Under Resolution 6-46-11, after the second paragraph, add a new paragraph stating "In response to Council questions, staff clarified that DOE reimburses the City for the full cost of delivering the water it receives."
- Under Resolution 6-47-11, in the third paragraph, insert the following sentences after the first sentence "The City is currently administering the property tax relief program. Under this resolution, the County Trustee will administer both the property tax relief program and the new property tax freeze program."
- Under Resolution 6-48-11, after the third paragraph, add a new paragraph stating "Councilmember Smith asked about concerns citizens have expressed about the mowing operation. Staff clarified that the evaluation will address these items and others."
- Under Resolution 6-52-11, after the third paragraph, add a new paragraph stating "Councilmember Smith stated that she would vote for the contract for the current year, but wanted the City staff to develop capabilities to do this kind of work locally in the future."
- Under Resolution 6-54-11, after the third paragraph, add a new paragraph stating "In response to Councilmember questions, Mr. Watson clarified that, for several items that were identified in the resolution as having multiple vendors, price quotes would be obtained from qualified vendors before making a purchase."

Councilmember Mosby requested an addition to the language proposed by Councilmember Smith for Resolution 6-54-11 and requested the following language be added to the end of the sentence: "... in conformance with current City procurement practices." Councilmember Smith agreed to include this language as part of her motion and Councilmember Hensley agreed.

The motion to amend the minutes carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The motion to approve the minutes, as amended, carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Councilmember Garcia Garland moved, seconded by Councilmember Smith, to approve the Consent Agenda as amended and the motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye," thereby:

- Adopting Resolution No. 7-62-11 authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Stephan L. Babb, Elks Lodge No. 1684.
- Adopting Resolution No. 7-63-11 to accept set-aside Emergency Shelter Grant Program (ESGP) funds from the Tennessee Housing Development Agency, through the U.S. Department of Housing and Urban Development Emergency Shelter Grant Program, in the estimated amount of \$34,367.00, to fund ESGP activities.
- Adopting Resolution No. 7-64-11 authorizing an Assignment of Lease between the City of Oak Ridge, Tennessee; the United States Department of Energy (DOE); Bechtel Jacobs Company, LLC; and URS/CH2M Oak Ridge, LLC, to assign all rights and responsibilities in the leased space of building K-1652 (Fire Station #4) from Bechtel Jacobs Company, LLC, to URS/CH2M Oak Ridge, LLC.
- Adopting Resolution No. 7-65-11 acknowledging the City's participation in the City of Knoxville's Sustainable Communities Regional Planning Grant Project and authorizing the City to enter into a consortium agreement with the participating regional governmental entities provided the City Attorney approves the consortium agreement.

RESOLUTIONS

Gary Cinder, Public Works Director, presented an overview of the sewer rehabilitation program, which is the subject matter of four resolutions on this agenda, at the request of the City Manager.

Resolution No. 7-66-11 to amend Resolution 10-103-10, which authorized a Professional Services Agreement with Lamar Dunn & Associates, Inc., Knoxville, Tennessee, for assistance with various tasks required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, in order to increase the scope of work for additional needed services; said amendment in the estimated amount of \$2,400,750.00.

Councilmember Miller moved, seconded by Councilmember Smith, that the resolution be adopted. The issue was discussed by City Council at some length with Mr. Cinder and the City Manager responding to Councilmembers' questions and comments regarding some of the following: timeframe, completion punch list, labor, and citizen concerns. The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 7-67-11 authorizing professional services agreements with Barge, Waggoner, Sumner & Cannon, Inc.; Cannon & Cannon, Inc.; Fulghum, MacIndoe & Associates, Inc.; Jacobs Engineering Group, Inc.; and McGill Associates, P.A.; all of Knoxville, Tennessee, for engineering services pertaining to sewer remediation projects as required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, in the collective estimated amount of \$1,000,000.00.

Councilmember Miller moved, seconded by Councilmember Smith, that the resolution be adopted. After brief deliberation, the resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 7-68-11 awarding four (4) contracts to Intuitive Technologies, Inc., Knoxville, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary for cleaning and closed circuit television inspection of portions of the City's gravity sewer collection system as required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, in the grand total estimated amount of \$996,737.50.

Councilmember Miller moved, seconded by Councilmember Hensley, that the resolution be adopted. After brief deliberation, the resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 7-69-11 approving a contract between the City and the Oak Ridge Convention and Visitors Bureau (CVB) for the provision of services and materials to promote tourism in Oak Ridge for the period July 1, 2011 through June 30, 2012 (FY2012), in an amount not to exceed \$404,208.00 and to amend the CVB bylaws to reflect new CVB functions as set forth in the FY2012 contract.

Councilmember Miller moved, seconded by Councilmember Hensley, that the resolution be adopted. The City Manager provided a summary of the contract changes from previous years and reported that the primary goal for the CVB would be to increase the hotel/motel occupancy taxes. The issue was discussed by City Council at some length with many Councilmembers commenting on the improvements to the contract and showing support for the Oak Ridge Convention and Visitors Bureau. The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 7-70-11 to add three (3) new and designated members to the Convention and Visitors Bureau (CVB) Board for the General Managers of three local hotel/motel establishments and to amend the CVB bylaws to reflect the new membership requirements.

Councilmember Miller moved, seconded by Councilmember Smith, that the resolution be adopted. The issue was discussed by City Council at some length with the City Manager responding to Councilmembers' questions and comments. Councilwoman Smith expressed concerns over a ten member board and the potential for a tie vote. Katy Brown, Executive Director of the Oak Ridge Convention and Visitors Bureau, and Chuck Hope, member of the Oak Ridge Convention and Visitors Bureau Board, suggested the addition of two members, rather than three, to create a nine member board and to fill an upcoming vacancy on the board with a local hotel/motel general manager.

Councilmember Hensley moved, seconded by Councilmember Mosby, to amend the resolution per Mrs. Brown's and Mr. Hope's suggestion. Carol Smallridge, Chairperson of the Oak Ridge Convention and Visitors Bureau Board, mentioned the Board is having a retreat in August and could discuss this issue then; however, the Board was in support of having hotel/motel representation on the Board. The motion failed by voice vote with Councilmembers Hensley and Mosby voting "Aye" and Councilmembers Garcia Garland, Miller, Smith and Mayor Beehan voting "Nay."

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

Resolution No. 7-71-11 authorizing the issuance, sale, and payment of waterworks interfund loan capital outlay notes not to exceed \$5,000,000.00.

Councilmember Miller moved, seconded by Councilmember Smith, that the resolution be adopted. After brief deliberation, the resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Amended and adopted Resolution No. 7-72-11 to amend the City Manager's employment agreement, as approved by Resolution 7-73-10, to provide for a one-year contract extension and a two percent (2%) salary increase, with the salary increase effective on June 26, 2011.

Councilmember Miller moved, seconded by Councilmember Hensley, that the resolution be adopted. Mayor Beehan summarized the report of the City Manager's Evaluation Committee. Council briefly discussed the need to set goals and objectives for the City Manager for the current fiscal year.

Councilmember Mosby moved, seconded by Councilmember Hensley, to amend the resolution to include the following: "Be it further resolved that the report of the City Manager Evaluation Committee is approved and, pursuant to the terms of the employment agreement, City Council shall establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Manager for the 2012 fiscal year." The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

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

PUBLIC HEARING AND FIRST READING OF ORDINANCES

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

Mayor Beehan opened the public hearing. Having had no one speak at the public hearing, Councilmember Hensley moved, seconded by Councilmember Miller, to close the public hearing and the motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Councilmember Smith moved, seconded by Councilmember Hensley, that the ordinance be approved on first reading. After brief deliberation, the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

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

of Directors.

Councilmember Smith moved, seconded by Councilmember Hensley, that the ordinance be approved on first reading. After brief deliberation, the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

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

Councilmember Smith moved, seconded by Councilmember Miller, that the ordinance be approved on first reading. After brief deliberation and explanation that this ordinance is for clarification purposes, the ordinance was approved on first reading by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

FINAL ADOPTION OF ORDINANCES

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. (Ordinance No. 10-11)

Councilmember Miller moved, seconded by Councilmember Smith, that the ordinance be adopted. After brief deliberation, the ordinance was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

ELECTIONS & APPOINTMENTS/ANNOUNCEMENTS/SCHEDULING

Elections & Appointments

Calvin Cummings, Chairman of the Youth Advisory Board, presented Council with the State of the Youth Address. Councilmember Smith moved, seconded by Councilmember Hensley, to accept the State of the Youth Address for the record and the motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Youth Advisory Board

Councilmember Hensley moved, seconded by Councilmember Miller, to elect the recommended members to the Youth Advisory Board by acclamation and the motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye," thereby electing the following members: Cameron Brinkman, Caliope Brousal, Aaron Chasan, Emily Ducko, Patricia Edou, Courtney Follman, Shane Harris, Ross Landenberger, Emily Lockhart, Hannah Magill, Ashley Parks, Patrick Rader, Sarah Stokely, Kelsey Warmbrod, Patrick Williams, and Shichen Zhang. All terms of office are for a one-year term ending July 31, 2012.

Notice of Elections – None

Mayor Beehan reminded everyone of the Council vacancy appointment which will take place on July 25, 2011. Interested citizens must submit a resume by 5:00 p.m. on Monday, July 18, 2011 to the City Clerk's Office.

Announcements – None

Scheduling – None

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OF FUTURE BRIEFINGS – None

SUMMARY OF CURRENT EVENTS

City Manager's Report

The City Manager asked Council to look at their schedules for a retreat in late August 2011.

City Attorney's Report – None

ADJOURNMENT

The meeting adjourned at 10:05 p.m.

City Clerk

MINUTES OF THE OAK RIDGE CITY COUNCIL SPECIAL MEETING

July 25, 2011

A special meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on July 25, 2011 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Councilmember David N. Mosby.

PLEDGE OF ALLEGIANCE

Joseph Lee led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

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

RESOLUTIONS

A resolution authorizing the purchase of one (1) Chevrolet Equinox from Chevrolet Buick GMC of Murfreesboro, Tennessee, for use by the City Manager, in the estimated amount of \$27,999.00. (Resolution No. 7-74-11)

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

City Manager Mark Watson reported on the factors that were considered for the Equinox, such as gas mileage, travel accommodations, and interior space. Mr. Watson indicated that hybrid vehicles were not listed on the abstract of bids due to the long waiting list and how the wait would prolong the implementation of the vehicle into the City's fleet. Councilmember Mosby inquired as to the gas mileage of the current vehicle. The City Manager responded to Councilmember Mosby that although the V-6 engine affected the gas mileage of the Equinox, the vehicle would still be more fuel efficient than his current vehicle.

Councilmember Smith expressed an interest in the City looking at fuel efficient vehicles as well as considering vehicles other than SUVs. Additionally, Councilmember Smith would like for the City to examine avenues for acquiring hybrid vehicles. The City Manager discussed looking at a change out plan that allows the City to examine which vehicles in the City's fleet will be replaced in the years following and planning for vehicle replacement with hybrids.

Councilmember Hensley remarked that hybrids are in the City's future, but that the organization has not had an opportunity to evaluate the full cycle costs, including evaluating the battery technology's impact on the environment and the impact on the City's garage. He also provided an idea about the City looking at a systematic approach, so that hybrids could be ordered and planned for ahead of time.

Mayor Beehan indicated that when the time comes to replace police cars that the City should evaluate the needs and safety of the police force in order to provide an adequate vehicle.

Councilmember Garcia Garland reported that she would have like to have had more information provided. She expressed an interest in a repair report and condition report, as well as information about the down time of the vehicle, the consideration of used vehicles, and trade-in allowances.

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

FINAL ADOPTION OF ORDINANCES

An ordinance to amend Ordinance No. 8-11, which ordinance imposes a tax on all property within the city, fixes the rate of the tax, adopts a budget, and adopts appropriations for the fiscal year beginning July 1, 2011, by amending said appropriations. (Ordinance No. 10-11)

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

ELECTIONS/APPOINTMENTS

All City Council candidates who were present at the meeting were allotted three minutes to speak to Council regarding their application to fill the vacancy created by the resignation of Councilmember Thomas Hayes. Ms. Trina Baughn, Mr. Kelly S. Callison, Mr. Charles J. Hope, Jr., and Mr. Joseph H. Noecker spoke. Councilmembers Hensley, Mosby, Miller, and Mayor Beehan voted to appoint Charles J. Hope, Jr. Councilmembers Garcia Garland and Smith voted to appoint Trina Baugh. Having a majority of the vote on the first ballot, Charles J. Hope, Jr. was appointed to fill the vacancy on City Council created by the resignation of Councilmember Thomas Hayes and shall serve until the next general election scheduled for August 2012.

ADJOURNMENT

The meeting adjourned at 7:35 p.m.

City Clerk

LEGAL DEPARTMENT MEMORANDUM
11-33

DATE: August 2, 2011
TO: Honorable Mayor and Members of City Council
FROM: Kenneth R, Krushenski, City Attorney
SUBJECT: APPLICATION FOR RETAILER'S PERMIT
AND CERTIFICATE OF COMPLIANCE

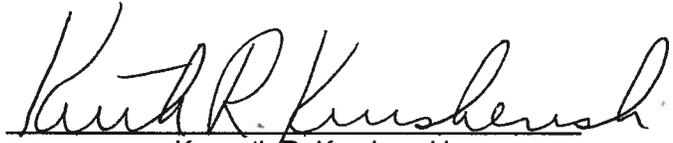
Attached for the Council's consideration are two resolutions pertaining to the retail sale of alcoholic beverages at Turnpike Wine & Spirits, Inc., 331 Oak Ridge Turnpike.

In March 2011, the Retailer's Permit and Certificates of Compliance at Turnpike Wine & Spirits, Inc. were renewed. At that time, the application listed Suzanne E. Davis, Lloyd C. Davis, Donald L. Kittrell and Patricia B. Gettys as officers of the corporation. Three of the four applicants no longer have an interest in the corporation; therefore, a new application has been received for Turnpike Wine & Spirits, Inc., showing Patricia B. Gettys and Catherine D. Pattison as the current officers of the corporation

The first resolution would amend the alcoholic beverage Retailer's Permit at this location by removing Suzanne E. Davis, Lloyd C. Davis, and Donald L. Kittrell and adding Catherine D. Pattison.

The second resolution would approve a Certificate of Compliance for Ms. Pattison, which is required by the state in connection with the operation of this establishment. Ms. Gettys was issued a certificate in March 2011, which is good for two years.

Approval of both resolutions is recommended.

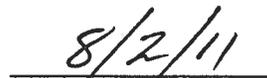

Kenneth R. Krushenski

Attachments

City Manager's Comments:

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


Mark S. Watson


Date

RESOLUTION

A RESOLUTION AMENDING RETAILER'S PERMIT NO. 149, TURNPIKE WINE & SPIRITS, INC., 331 OAK RIDGE TURNPIKE, BY REMOVING SUZANNE E. DAVIS, LLOYD C. DAVIS, AND DONALD L. KITTRELL AS INDIVIDUALS HAVING AN INTEREST IN THE BUSINESS, AND ADDING CATHERIN D. PATTISON SO THAT SAID PERMIT WOULD BE IN THE NAMES OF PATRICIA B. GETTYS AND CATHERIN D. PATTISON, AND AUTHORIZING THE MAYOR TO SIGN SAID PERMIT ON BEHALF OF THE CITY OF OAK RIDGE.

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, Turnpike Wine & Spirits, Inc., holds Permit No. 149 to engage in the retail sale of alcoholic beverages in Oak Ridge, which permit is under the names of Suzanne E. Davis, Lloyd C. Davis, Donald L. Kittrell and Patricia B. Gettys; and

WHEREAS, Patricia B. Gettys and Catherin D. Pattison have made proper application to amend Permit No. 149 by removing Suzanne E. Davis, Lloyd C. Davis, and Donald L. Kittrell as individuals having an interest in the business; and

WHEREAS, said applicants meet all the necessary conditions and requirements of the laws of the City of Oak Ridge and the State of Tennessee; and

WHEREAS, City Council is authorized to waive the residency requirement for an applicant who possesses sufficient contacts with the City that would permit Council to verify the moral character of that nonresident applicant.

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

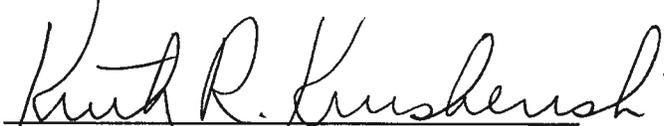
That Retailer's Permit No. 149 for Turnpike Wine & Spirits, Inc., 331 Oak Ridge Turnpike, is hereby amended to remove Suzanne E. Davis, Lloyd C. Davis, and Donald L. Kittrell as individuals having an interest in the business and to add Catherin D. Pattison, and that the Mayor is authorized to sign said permit on behalf of the City of Oak Ridge.

BE IT FURTHER RESOLVED that Permit No. 149 shall now be in the name of Patricia B. Gettys and Catherin D. Pattison.

BE IT FURTHER RESOLVED that Council does hereby waive the residency requirement for Catherin D. Pattison.

This the 8th day of August 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR CATHERIN D. PATTISON FOR THE PURPOSES OF ENGAGING IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF OAK RIDGE AT TURNPIKE WINE & SPIRITS, INC., 331 OAK RIDGE TURNPIKE.

WHEREAS, Tennessee Code Annotated, Section 57-3-208, requires that all applicants for the issuance of a Retail Liquor License shall submit with said application a certificate which evidences that the person has not been convicted of a felony within ten (10) years and the further opinion that the person will comply with the law; and

WHEREAS, after appropriate investigation it appears that Catherin D. Pattison has not been convicted of a felony and would comply with the provisions of the Alcoholic Beverage law; and

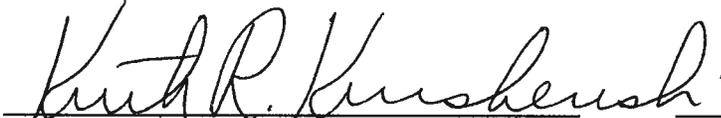
WHEREAS, the City Council has granted the necessary permit to Catherin D. Pattison for the retail sale of alcoholic beverages thereby signifying compliance with the ordinances of the City of Oak Ridge.

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 Catherin D. Pattison, City Council finding that all local regulations have been complied with and that Ms. Pattison will comply with the provisions of Title 57, Chapter 3, Tennessee Code Annotated.

This the 8th day of August 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

Personnel Memorandum
11-068

August 1, 2011

TO: Mark S. Watson, City Manager

FROM: Cindi G. Gordon, Personnel/Risk Manager

THROUGH: Penelope H. Sissom, Personnel Director 

SUBJECT: TML RISK MANAGEMENT POOL MATCHING GRANT PROGRAM

The TML Risk Management Pool is offering the Safety Partners Matching Grant for the fiscal year of 2011-12 to all Pool members for purchases or training related to workers' compensation. The grant will reimburse up to 50% of the cost of the approved item(s) with a maximum reimbursement of \$2000.00 for a city in our Priority Classification.

TML grant monies will be used to provide City of Oak Ridge employees who perform work in and around permit-required confined spaces with Initial Confined Space Certification, Recertification and informational safety meetings to fulfill City and Federal Regulatory training requirements. The accompanying resolution provides for authority to apply for and obtain this grant.

The City of Oak Ridge's opportunity for receipt of the \$2000.00 Matching Grant will be increased by early submittal as applications are reviewed on a first come-first served basis.

Staff recommends adoption of the attached resolution.



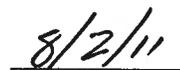
Cindi G. Gordon

Attachment

City Manager's Comments:

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



Mark S. Watson

Date

THE TMI POOL

Tennessee's Leader in Risk Management Services

www.thepool-tn.org

5100 MARYLAND WAY, BRENTWOOD, TN 37027 • (615) 371-0049 • IN TENNESSEE 1 (800) 624-9698 • FAX: 615-371-9212



*Safe Actions, First Time, Every Time,
The Pool and You!*



“Safety Partners”

Loss Control Matching Safety Grant Program



2011 – 2012



The Pool proudly announces the 15th annual “Safety Partners” **Loss Control Matching Safety Grant Program**. This grant will help our members purchase **employee** safety items, equipment and safety education/training. The Pool will **reimburse up to 50%** of the cost of the approved items(s) with a maximum reimbursement based on the Priority Classification matrix rating. *(listed on page 3)* **PLEASE READ THIS INFORMATION IN ITS ENTIRETY BEFORE FILLING OUT THE APPLICATION.**

Reimbursable items: Expenditures for employee safety devices, equipment and safety training, or employee education/training that is necessary to control an employee safety hazard.

Submittal Deadline: **Friday at noon (CST), August 5, 2011** - DO NOT WAIT until the deadline to submit your application. When you receive it, fill it out and send it back asap. The deadline date is actually when we close the program to allow the grant committee time to review the applications.

Grant Notification Date: Week of **August 22, 2011**

Eligibility Timeframe: Available **ONLY** to **The Pool** members with Workers Compensation coverage since 7/01/10. **PURCHASES MUST BE MADE BETWEEN JANUARY 1, 2011 – MAY 1, 2012.**

Funds are quickly exhausted in this very popular program. Don't delay, applications will be entered by date received, on a first come, first awarded basis. Don't be turned down because your application was too late in arriving and all budgeted funds were already disbursed to entities submitting their applications early.

JUL 05 2011

Grant Considerations:

Consideration of grants will be based on a variety of issues such as your risk management practices, loss experience, availability of funding and submission date.

- 1) The primary consideration will be the available funding for a particular fiscal year. This funding level is established by The Pool's Board of Directors. For the fiscal year July 1, 2011 through June 30, 2012, The Pool Board has designated \$175,000.00 for funding of this matching grant program.
- 2) Priority will be given to employee risk exposures noted in **loss control site surveys and recommendations and/or loss trends** and a history of sound risk management practices.
- 3) When all criteria are equal, the grant committee will give first consideration to those members that did not receive a grant in the previous year(s). Final consideration will be the **SUBMISSION DATE** (date application is received by The Pool). **FIRST RECEIVED, FIRST AWARDED.**
- 4) Grant funding will depend on the matrix rating (*Priority Classification – see below*) assigned to a Pool member which assesses the workers' compensation **earned premium** contribution and loss experience for the **previous year**. This process allows all members that might have high losses, but who are in compliance with sound risk management practices, to have equal consideration. Your **earned premium** from the previous year is available after 7/5/11, at which time you may call to inquire about your classification. Call 800-624-9698 and ask for Lottie Scobee.

Funding levels for the various rating classifications are as follows:

Class V	up to	\$ 250
Class IV	up to	\$ 500
Class III	up to	\$1,000
Class II	up to	\$1,500
Class I	up to	\$2,000

These classification areas are defined as follow for Pool Workers' Compensation participants.

- Class V** Contributed less than \$4,499 in **earned premium** for the previous year in the requested coverage area.
- Class IV** Contributed **earned premium** for the previous year between \$4,500 and \$14,999 in the requested coverage area.
- Class III** Contributed **earned premium** for the previous year between \$15,000 but less than \$49,999 in the requested coverage area.
- Class II** Contributed **earned premium** for the previous year between \$50,000 but less than \$99,999 in the requested coverage area.
- Class I** Contributed **earned premium** for the previous year \$100,000 or more in the requested coverage area.

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT A GRANT APPLICATION TO THE TENNESSEE MUNICIPAL LEAGUE RISK MANAGEMENT AND ACCEPT SAID GRANT IF APPROVED.

WHEREAS, grant monies are available through the Tennessee Municipal League Risk Management Pool for expenditures related to employee safety devices, equipment and safety training, or employee education/training that is necessary to control an employee safety hazard; and

WHEREAS, the City meets all of the grant requirements; and

WHEREAS, said grant requires a local match of \$2000.00; and

WHEREAS, the City Manager recommends that the City submit a grant application to the Tennessee Municipal League Risk Management Pool for a grant in the amount of \$2000.00 to be used for Permit Required Confined Space Certification, Recertification and informational sessions in an effort to fulfill City and Federal Regulatory training requirements.

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

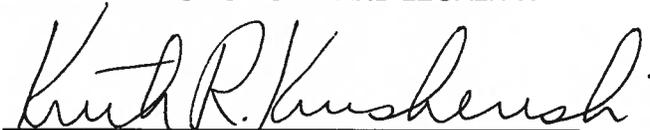
That the recommendation of the City Manager is approved and the City is hereby authorized to submit a grant application to the Tennessee Municipal League Risk Management Pool for a grant in the amount of \$2000.00.

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

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to accept said grant on behalf of the City if the application is approved.

This the 8th day of August 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

PUBLIC WORKS MEMORANDUM
11-18

DATE: July 28, 2011
TO: Mark S. Watson, City Manager
FROM: Steven R. Byrd, P.E., City Engineer
THROUGH: Gary M. Cinder, P.E., Director of Public Works *GMC*
SUBJECT: **Graceland Road Storm Drainage Pipe Replacement Project**

The accompanying resolution authorizes a contract with First Place Finish, Inc., Oak Ridge, in the estimated amount of \$52,770 for the removal and replacement of two 78-inch corrugated metal storm drainage pipes located on Graceland Road. The two 60-foot long pipes with concrete headwalls were installed during construction of the Country Club Estates Subdivision 35 to 40 years ago.

In May 2011, the City inspected a small street asphalt failure located over the drainage pipes. After exploratory digging, the asphalt failure was found to be located over a pipe joint section and the failure was temporarily fixed. Further investigation of the interior of the pipes revealed that several pipe joint sections were not properly connected and the bottom portions of the pipes along the entire length were completely deteriorated.

Project construction includes removal and pipe replacement within the existing headwalls, repairing the street/curbs/concrete spillways, placement of rip rap rock and installing an asphalt driveway to a sanitary sewer lift station located near the project. The City will purchase the metal pipes at an estimated cost of approximately \$14,000 and have the pipe delivered to the job site. A thicker twelve gauge aluminized metal pipe will be purchased to increase life expectancy.

The project is expected to start in early September 2011 with expected completion within 45 days. Graceland Road will remain open to traffic during construction for the three residents that live at the end of this street. The contractor will not be allowed to work during the night time hours.

City staff prepared the construction plans for the project and advertised for bids on July 14, 2011. Six bids were received with the low bid by First Place Finish, Inc. Staff reviewed and found the low bid to be reasonable for the work proposed.

Funding for the total cost of this project is available in the FY 2012 Capital Projects Fund. Staff recommends approval of the resolution to award the construction contract to First Place Finish, Inc. in the amount of \$52,770.



Steven R. Byrd

ks

Enclosure

pc: Laurel Patrick, First Place Finish

City Manager's Comments:

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



Mark S. Watson

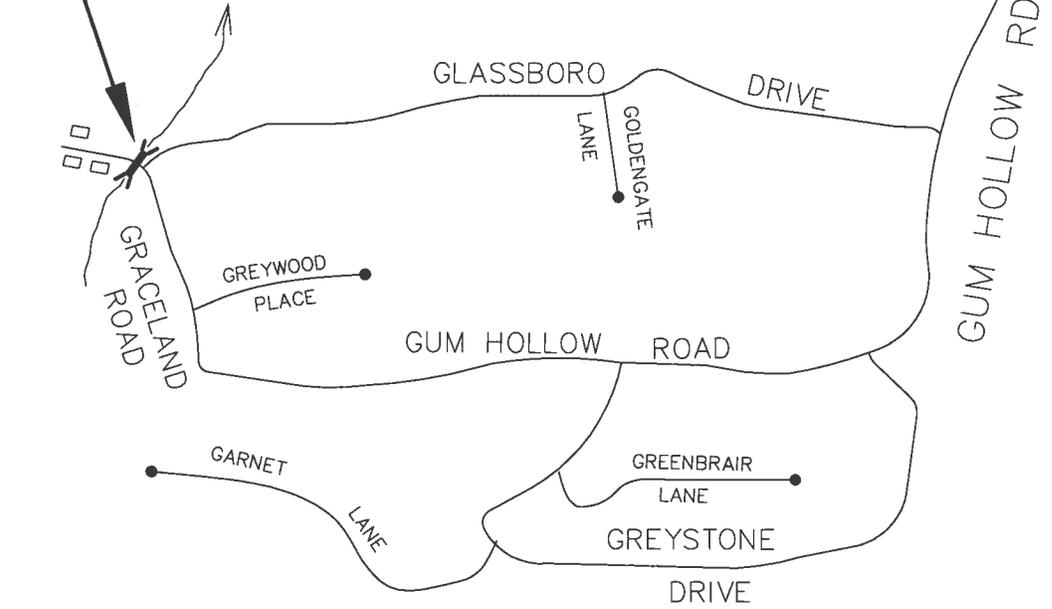


Date

OAK RIDGE TURNPIKE

OAK RIDGE
COUNTRY CLUB
GOLF COURSE

PROJECT
AREA



COUNTRY CLUB ESTATES - GRACELAND ROAD
PROPOSED STORM DRAINAGE IMPROVEMENT

PUBLIC WORKS DEPARTMENT

OAK RIDGE, TENNESSEE

DR. BY: CCB	CHK' BY: SRB	DATE: 7/27/11	SCALE: NTS	DR. NO.: 1	DIRECTOR: GARY CINDER
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CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR # 11-12
OPENING DATE: July 14, 2011 1:30 P.M.

DESCRIPTION	ITEM	LENGTH (LF)	BIDDER: First Place Finish 127 Rockbridge Greens Oak Ridge, TN 37830	TOTAL AVG. COST	TOTAL	BIDDER: Wattenbarger Grading, LLC 155 Carey Ct Crossville, TN 38571	TOTAL AVG. COST	TOTAL	BIDDER: Jack Southard Co., LLC 278 Joe Byrd Lane Clinton, TN 37716	TOTAL AVG. COST	TOTAL	BIDDER: B&D Equipment Co., Inc. P.O. Box 989 Clinton, TN 37717	TOTAL AVG. COST	TOTAL																																																																											
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR THE COUNTRY CLUB ESTATES STORM DRAINAGE IMPROVEMENT PROJECT - GRACELAND ROAD PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT				\$ 52,770.00			\$ 58,300.00			\$ 70,150.00			\$ 71,320.00																																																																												
<table border="0"> <tr> <td>TOTAL PRICE</td> <td>\$</td> <td>52,770.00</td> <td></td> <td>\$</td> <td>58,300.00</td> <td></td> <td>\$</td> <td>70,150.00</td> <td></td> <td>\$</td> <td>71,320.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>TERMS</td> <td></td> <td>Net 30</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>DELIVERY</td> <td></td> <td>per Contract</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>F.O.B.</td> <td></td> <td>Oak Ridge</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>VIA</td> <td></td> <td>Best Way</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>															TOTAL PRICE	\$	52,770.00		\$	58,300.00		\$	70,150.00		\$	71,320.00				TERMS		Net 30					DELIVERY		per Contract					F.O.B.		Oak Ridge					VIA		Best Way																																				
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<p>OTHER BIDDERS CONTACTED: Baker's Construction & Excavating Company - Bluff City, TN Rogers Group, Inc. - Oak Ridge, TN</p>																																																																																									
<p>BIDS OPENED AND RECORDED BY-- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager</p>																																																																																									
<p>BIDS REVIEWED BY-- <i>Janice McGinnis</i> Janice McGinnis Finance Director</p>																																																																																									
<p>REASON FOR AWARD</p> <table border="0"> <tr> <td>ONLY BID RECEIVED</td> <td><input type="checkbox"/></td> </tr> <tr> <td>LOW PRICE</td> <td><input type="checkbox"/></td> </tr> <tr> <td>BETTER OR REQUIRED DESIGN</td> <td><input type="checkbox"/></td> </tr> <tr> <td>EARLY DELIVERY</td> <td><input type="checkbox"/></td> </tr> <tr> <td>LOWEST TOTAL COST</td> <td><input checked="" type="checkbox"/></td> </tr> </table>															ONLY BID RECEIVED	<input type="checkbox"/>	LOW PRICE	<input type="checkbox"/>	BETTER OR REQUIRED DESIGN	<input type="checkbox"/>	EARLY DELIVERY	<input type="checkbox"/>	LOWEST TOTAL COST	<input checked="" type="checkbox"/>																																																																	
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<p>RECOMMEND AWARD BE MADE TO: First Place Finish 127 Rockbridge Greens Oak Ridge, TN 37830</p>																																																																																									

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (COR 11-12) TO FIRST PLACE FINISH, OAK RIDGE, FOR THE FURNISHING OF ALL LABOR, TOOLS, MATERIALS, EQUIPMENT AND SUPPLIES NECESSARY FOR THE COUNTRY CLUB ESTATES STORM DRAINAGE IMPROVEMENT PROJECT ON GRACELAND ROAD IN THE ESTIMATED AMOUNT OF \$52,770.00.

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for the Country Club Estates storm drainage improvement project on Graceland Road; and

WHEREAS, bids were received and publicly opened on July 14, 2011, with First Place Finish, Inc., Oak Ridge, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

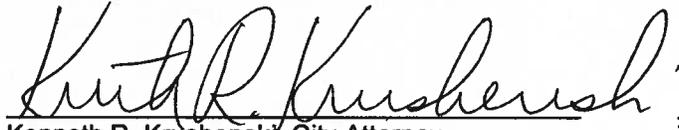
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby to First Place Finish, 127 Rockbridge Greens, Oak Ridge, Tennessee 37830, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the Country Club Estates storm drainage improvement project on Graceland Road; said award in strict accordance with COR 11-12, the required specifications, and the bid as publicly opened on July 14, 2011, and in the estimated amount of \$52,770.00,

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

This the 8th day of August 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

MEMORANDUM

To: Mark S. Watson
City Manager

From: James T. Akagi
Chief of Police

Date: July 28, 2011

Re: Purchase of Protective Ballistic Vests

An item for the agenda is a resolution to accept grant funds from the Bulletproof Vest Partnership and authorize the purchase of police protective ballistic vests from Protective Apparel Corporation of America (PACA), Jacksboro, Tennessee in the estimated amount of \$43,177.00.

The police department applied for and received a grant from the Bulletproof Vest Partnership. We have been approved to receive \$20,758.50 in funding that is to be matched by the City of Oak Ridge. A sealed bid process was posted by the Police Department on the City of Oak Ridge Website. Originally the proposal was for the purchase of 12 Tactical Body Armor, 60 Tactical Pouch Additions, 12 Tactical Ballistic Plates and 30 Concealable Body Armor. Two companies, Renegade Armor and PACA submitted bids.

The proposal submitted from Renegade Armor based on the above specifications was \$28,278.30 and the proposal from PACA was \$32,601.00. A recent inventory of protective ballistic vests that have been issued to all certified police officers revealed 40 vests have or will expire by 2012. The widely recognized life expectancy of a ballistic vest is five years. The police department also has a need for the purchase of 6 additional vests for officers that will be hired by mid-September. Rather than 12 Tactical Body Armor, our agency actually needs 14 Tactical Body Armor Vests. Based on the unit prices bid by Renegade Armor and PACA, the amounts to meet our current needs are as follows: Renegade Armor \$38,288.62 and PACA \$43,177.00.

Although the proposal from PACA is slightly higher, PACA's proposal is for the purchase of Tactical Body Armor that is front opening rather than side opening that Renegade suggested. The open front design is more comfortable and a much higher quality vest for the tactical officers of the police department. Our agency has a long history of working with PACA that has proven to be reliable.

Therefore, the police department is seeking approval to purchase Protective Ballistic Vests from PACA, \$20,758.50 funded through the Bulletproof Vest Partnership and the remaining \$22,418.50 allocated from the police department drug fund.

Staff recommends approval of the attached resolution.

Respectfully,



James T. Akagi
Chief of Police

City Manager's Comments:

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


Mark S. Watson, City Manager

8/2/11
Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

RFQ # 124619
OPENING DATE: July 28, 2011 10:00 A.M.

DESCRIPTION	ITEM	UNIT(S)	BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
PURCHASE OF PROTECTIVE VESTS PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE POLICE DEPARTMENT Item 1: Tactical Body Armor Item 2: Tactical Pouch Additions Item 3: Tactical Ballistic Plates Item 4: Concealable Body Armor	1	14	\$ 1,305.00	\$ 18,270.00	\$ 931.30	\$ 13,038.20		
	2	70	Included in price of item one		\$ 15.05	\$ 1,053.50		
	3	14	\$ 243.00	\$ 3,402.00	\$ 146.05	\$ 2,044.70		
	4	46	\$ 467.50	\$ 21,505.00	\$ 481.57	\$ 22,152.22		
TOTAL PRICE			\$ 43,177.00		\$ 38,288.62			
TERMS			Net 30		Net 30			
DELIVERY			20- 22 Weeks ARO		per Contract			
F.O.B.			Oak Ridge		Oak Ridge			
VIA			Best Way		Best Way			
OTHER BIDDERS CONTACTED: Force One, LLC - Fairfield, OH Safariland - Jacksonville, FL Prime Vendor, Inc. - Wilmington, NC								
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:					
ONLY BID RECEIVED LOW PRICE BETTER OR REQUIRED DESIGN EARLY DELIVERY LOWEST TOTAL COST			PACA Body Armor 179 Mine Lane Jacksboro, TN 37757					
<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>			BIDS OPENED AND RECORDED BY:--- <i>David Rose</i> David Rose Purchasing/Inventory Coordinator BIDS REVIEWED BY:--- <i>Lyn Majecki</i> Lyn Majecki Accounting Division Manager					

RESOLUTION

A RESOLUTION TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM IN THE AMOUNT OF \$20,758.50, AND TO AUTHORIZE THE PURCHASE OF PROTECTIVE BALLISTIC VESTS FROM PROTECTIVE APPAREL CORPORATION OF AMERICA (PACA), JACKSBORO, TENNESSEE, IN THE ESTIMATED AMOUNT OF \$43,177.00.

WHEREAS, grant monies are available through the U.S. Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership Grant Program, to provide critical resources to state and local law enforcement; and

WHEREAS, a grant application was submitted to the U.S. Department of Justice which application has been approved for funding in the amount of \$20,728.50, which grant requires one hundred percent (100%) in matching funds; and

WHEREAS, the City of Oak Ridge Police Department is in need of replacement protective ballistic vests; and

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of protective ballistic vests for the Police Department; and

WHEREAS, bids were received and publicly opened on June 28, 2011, with Protective Apparel Corporation of America (PACA), Jacksboro, Tennessee, submitting the best bid based upon product design and quality; and

WHEREAS, the City Manager recommends be accepted of the grant and the bid from PACA.

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

That the recommendations of the City Manager are approved and the grant from the U.S. Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership Grant Program, in the amount of \$20,728.50, which grant requires one hundred percent (100%) in matching funds, is hereby accepted.

BE IT FURTHER RESOLVED that award is hereby made to Protective Apparel Corporation of America, 179 Mine Lane, Jacksboro, Tennessee 37757, for the purchase of protective ballistic vests for the Police Department; said award in strict accordance with Requisition No. 124619, the required specifications, and the bid as publicly opened on June 28, 2011, and in the estimated amount of \$43,177.00, of which \$20,728.50 will be paid for with grant funds.

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

This the 8th day of August 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-54**

DATE: July 28, 2011

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **AMENDMENT TO SUBRECIPIENT AGREEMENTS WITH
ADFAC FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

The accompanying resolution recommends amending Community Development Block Grant (CDBG) subrecipient agreements with Aid to Distressed Families of Appalachian Counties (ADFAC) by extending the time allowed for project completion to December 31, 2011. This request is for the following agreements:

	<u>Total Approved</u>	<u>Total Remaining</u>
2009-2010 Down Payment Assistance	\$10,000	\$10,000
2009-2010 Home Buyer Training	\$ 2,000	\$ 1,000
2010-2011 Yard Enhancement	\$12,000	\$12,000
2010-2011 Minor Repairs	\$36,000	\$25,926
ARRA Down Payment Assistance	\$27,000	\$ 4,500

The request is for a six month extension of time to complete previously approved projects and the request does not affect CDBG funding levels.

As stated in the letter from Cindy Ross, the Director of ADFAC's Affordable Housing Program, having the combination of Recovery Act funds and regular CDBG funds for down payment assistance and home buyer training has taken a longer period of time to fully utilize than expected. However, ADFAC does have commitments with three families that will completely spend down the remaining funding for down payment assistance and home buyer training. These families have been approved for financing and construction bids have been received for their homes. ADFAC has already provided home buyer training and down payment assistance to five families.

When invoicing is submitted for the 34 Oak Ridge projects that were completed as part of the Repair Fair that took place June 19 – June 30 it is expected that the remaining funds for yard enhancement and minor repairs will also be fully expended. Any funding that may be left after invoicing for the Repair Fair projects will be used before December 31, 2011 for families that have been approved for home repair assistance if funding is available.

Staff recommends approved of the attached resolution as submitted.

City Manager's Comments:

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

Mark S. Watson 8/2/11
Mark S. Watson Date

July 28, 2011

Kahla Gentry
Senior Planner
CDBG – City of Oak Ridge
PO Box 1
Oak Ridge, TN 37831

Dear Ms. Gentry:

Aid to To Distressed Families of Appalachian Counties would like to respectfully request an extension of the remaining funds in the following CDBG Contracts:
2009-2010 Down Payment Assistance 10,000.00 (committed to 2 families)
2009-2010 Home Buyer Training 1000.00
2010-2011 Yard Enhancement 12,000.00
2010-2011 Minor Repairs 25,926.00 (we have approximately 16K spent but not yet invoiced from this cost center)
ARRA Down Payment Assistance 4,500.00. (committed to a family, not yet closed)

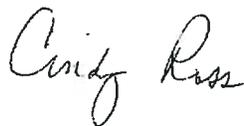
Due to some additional neighborhood stabilization and Recovery funds we received that had additional time issues connected to them, we held CDBG funds and did not spend them. Those amounts are represented above.

Please note the 2009-2010 Down Payment Assistance and ARRA Down Payment Assistance is committed to individuals that ADFAC staff has been working with, they are in the pipeline, permanent financing has been secured, however construction and closing will not be completed by the June 30, 2011 deadline.

The 2010-2011 yard enhancement and minor repair money is being spent on projects taking place from June 19-June 30. Approximately 34 Oak Ridge projects will be worked on, while we do not anticipate any money being left over, if there are funds left remaining, we would like to apply it to other projects not involved with the summer repair fair.

We feel all of the above listed funds would be completely spent and pay requests delivered to city staff by December 31, 2011.

Thank you for your consideration of this extension.
Sincerely,



Cindy Ross, Director
Affordable Housing Program

Aid to
Distressed
Families of
Appalachian
Counties

Affordable Housing
Program

Post Office Box 5953
Oak Ridge, TN 37831

phone 865.481.3837
fax 865.481.3822
www.adfac.org

ADFAC is an equal opportunity
provider, employer and lender

To file a complaint of
discrimination, write U.S.
Department of Housing and
Urban Development, Assistance
Secretary For Fair Housing and
Equal Opportunity, Washington,
D.C. 20410 or you may write
USDA, Office of Civil Rights, 1400
Independence Avenue,
Washington, D.C. 20250 or you
may call 800-795-3272 (voice) or
202-720-6382 (TTY).



RESOLUTION

A RESOLUTION TO EXTEND THE TERMS OF SUBRECIPIENT AGREEMENTS CDBG FY10-03, CDBG FY10-04, CDBG FY11-01, CDBG FY11-02 AND CDBG-R FY09-11, BETWEEN THE CITY AND AID TO DISTRESSED FAMILIES OF APPALACHIAN COUNTIES INCORPORATED (ADFAC) THROUGH DECEMBER 31, 2011.

WHEREAS, by Resolution 5-34-09, City Council authorized the allocation of Community Development Block Grant Entitlement funds for FY2010 in the total amount of \$261,000.00; and

WHEREAS, said allocations included \$10,000.00 to Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) for down payment assistance (CDBG FY10-03) and \$2,000.00 to ADFAC for homeownership counseling services (CDBG FY10-04); and

WHEREAS, the City and ADFAC entered into subrecipient agreements for these services for the period of July 1, 2009 through June 30, 2010; and

WHEREAS, by Resolution 8-77-10, the terms of CDBG FY10-03 and CDBG FY10-04 were extended to June 30, 2011; and

WHEREAS, by Resolution 5-41-09, City Council authorized the expenditure of 2009 American Recovery and Reinvestment Act (ARRA) funds, including \$27,000.00 to ADFAC for down payment assistance (CDBG-R FY09-11); and

WHEREAS, by Resolution 5-34-10, City Council authorized the allocation of Community Development Block Grant Entitlement funds for FY2011 in the total amount of \$282,187.00; and

WHEREAS, said allocations included \$36,000.00 to ADFAC for minor repairs (CDBG FY11-01) and \$12,000.00 to ADFAC for yard enhancement (CDBG FY11-02); and

WHEREAS, ADFAC has requested permission to carry-over the funds to provide the same services during this calendar year; and

WHEREAS, the City Manager recommends approval of an extension to the subrecipient agreements to allow ADFAC the ability to continue to provide the services during this calendar year.

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 subrecipient agreements between the City and Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) for down payment assistance (CDBG FY10-03), homeownership counseling (CDBG FY10-04), minor repairs (CDBG FY11-01), yard enhancement (CDBG FY11-02), and 2009 American Recovery and Reinvestment Act (ARRA) down payment assistance (CDBG-R FY09-11) are hereby extended until December 31, 2011 to allow ADFAC the opportunity to provide these services.

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

This the 8th day of August 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

RESOLUTIONS

CITY COUNCIL MEMORANDUM
11-39

DATE: August 3, 2011

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: RESOLUTION SUPPORTING BILLS BEFORE CONGRESS TO WAIVE
REQUIREMENT THAT EXISTING TRAFFIC SIGNS MEET MINIMUM
RETROREFLECTIVITY STANDARDS

An item for the agenda is a resolution in support of pending Federal legislation (S. 1216 and H.R. 2257) to waive the requirement that existing traffic signs meet minimum retroreflectivity standards on or before the compliance dates established by the Federal Highway Administration.

The City of Oak Ridge was recently notified of a new highway sign replacement requirement by the Town of Farragut. Congressman Chuck Fleischman has submitted legislation that eliminates the unfunded mandate aspects of this rule change by the Federal Highway Administration. The City of Oak Ridge has been asked to support this effort. Significant costs will be involved, as described by the Traffic Engineer, Steve Byrd, below:

Presently all replacement signs will be completed by City staff. Staff recently measured existing reflectivity for all signs in one of the City's nine traffic sign zones and found that approximately 80% of the signs presently do not meet the minimum requirements. Most signs in this zone have already been replaced with prismatic sheeting. This zone is located in the northeast portion of the city. To meet the mandated minimum requirements, it is estimated that all traffic signs within the city will have to be replaced in stages by 2018 at an estimated cost of \$397,370.

The Federal Highway Administration (FHWA) has issued a ruling for local jurisdictions to comply with an order relating to traffic sign reflectivity. The new sign retroreflectivity requirements are intended to improve safety on the nation's roadways. The requirements are particularly geared for nighttime hours. While only one-quarter of all travel occurs at night, about half of the traffic fatalities occur during nighttime hours. This disparity is being addressed with the FHWA adoption of new traffic sign retroreflectivity requirements. Visibility of traffic control devices is becoming increasingly important as our population ages.

The *Manual on Uniform Traffic Control Devices* (MUTCD) is the national standard for all traffic control devices on any street or highway open to public travel. The most recent changes to the MUTCD require a minimum retroreflectivity level that agencies must use to maintain traffic signs. The MUTCD requires signs to be either illuminated or made with retroreflective sheeting materials, which degrade over time and therefore have a limited life. There are several types of sheeting materials that meet the minimum reflectivity standard. City staff felt that the higher performance sheeting, even though it has a higher initial cost, would provide a better life-cycle cost. The high performance sheeting is expected to have a useful life of approximate 12 years. This sheeting is referred to as prismatic sheeting.

Given the numerous costs affecting the City of Oak Ridge at this time, staff recommends the addition of this item to its Federal agenda and approval of a resolution in support of this position.



Mark S. Watson

Attachment

RESOLUTION

A RESOLUTION IN SUPPORT OF PENDING FEDERAL LEGISLATION (S. 1216 AND H.R. 2257) TO WAIVE THE REQUIREMENT THAT EXISTING TRAFFIC SIGNS MEET MINIMUM RETRO-REFLECTIVITY STANDARDS ON OR BEFORE THE COMPLIANCE DATES ESTABLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION.

WHEREAS, the United States Department of Transportation Federal Highway Administration has issued a ruling for local jurisdictions to comply with an order related to the reflectivity of street and traffic signs according to the following schedule: by January 2012, municipalities and state road agencies must have a plan in place to replace all road signs; by 2015 replace all signs needed for safety purposes (stop signs, speed limit signs, etc.); and by 2018 all signs are to be replaced; and

WHEREAS, the City of Oak Ridge, Tennessee, has an estimated 3,868 signs with an estimated compliance replacement cost of \$397,370.00; and

WHEREAS, there is no funding from the federal government provided to local jurisdictions for the expense of replacing all signs, thus amounting to an unfunded mandate costing these local jurisdictions a large sum of money when taken in total as a nation; and

WHEREAS, the effective dates of this ruling come at a time when all local jurisdictions are challenged with stagnant or diminishing revenues because of the current national economic downturn; and

WHEREAS, Senator Bob Corker and Representative Chuck Fleischmann have introduced legislation to Congress to waive the requirement that existing traffic signs meet minimum retro-reflectivity standards on or before the compliance dates.

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

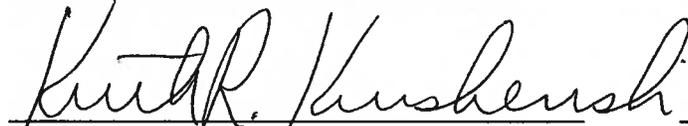
That the Oak Ridge City Council hereby supports Senator Bob Corker's bill (S. 1216) and Representative Chuck Fleischmann's bill (H.R. 2257) before Congress to waive the requirement that existing traffic signs meet minimum retroreflectivity standards on or before the compliance dates.

BE IT FURTHER RESOLVED that the Oak Ridge City Council calls upon Congress to either enact the proposed legislation or provide the necessary funding to local jurisdictions to cover the cost.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be transmitted to Senators Lamar Alexander and Bob Corker and to Representative Chuck Fleischmann.

This the 8th day of August 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

RECREATION AND PARKS MEMORANDUM
11-05

DATE: July 27, 2011
TO: Mark S. Watson, City Manager
FROM: Josh Collins, Recreation and Parks Director
SUBJECT: SENIOR ENRICHMENT CENTER CONTRACT AWARD

The accompanying resolution awards a contract to Studio Four Design, Inc., Knoxville, for providing Phase I architectural and engineering services for concept, programming, and a feasibility study for the construction of a new Senior Enrichment Center in the total estimated amount of \$15,000.

At its December 14, 2009, meeting, City Council approved two resolutions regarding the proposed construction of a new Senior Enrichment Center. The first resolution approved a lease agreement between the City and Anderson County to provide approximately 9,600 square feet of space for a five-year period to house the Oak Ridge Senior Center. At the end of the five-year period, the City could purchase the three buildings that fronted Emory Valley Road for \$1. The City could use the area for municipal purposes including the construction of a new Senior Center.

The second resolution directed the Elder Citizens Advisory Board (ECAB) and City staff to prepare a timeline and move forward with the selection of an architectural firm to conduct a needs assessment and a feasibility study for a new Senior Enrichment Center. Staff has worked with ECAB over the last few months to develop a Request for Qualifications (RFQ) to begin the search for an architect. The RFQ was released on May 6, 2011 and submissions were due on June 23, 2011. Eleven firms submitted the required documentation and were deemed qualified to conduct the study. ECAB in concert with the staff selected three candidates for interviews on July 21, 2011. The interview list included Studio Four, Knoxville; Adams Craft Herz Walker, Oak Ridge; and Barber McMurry, Knoxville. The interview team included ECAB members and City staff.

The proposed project timeline includes numerous opportunities for public participation and input during the process. One of the key considerations in selecting Studio Four Design was their experience conducting public meetings and data collection. In addition to 2-3 public meetings, staff anticipates posting information and soliciting input on the City's web page and other social media outlets, conducting a telephone survey, and holding one-on-one meetings with senior service providers.

At a special called meeting of the Elder Citizens Advisory Board on July 25, 2011, the board voted unanimously to recommend a contract with Studio Four Design for the Phase I needs assessment and feasibility study for construction of the center. ECAB will be represented at the August 8 City Council meeting should questions arise regarding the project. Study results could be presented to Council during its December or January work sessions.

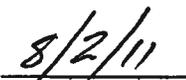
Staff recommends approval of the attached resolution as submitted. Funding for Phase I of the Senior Center project work will be provided by the Capital Projects Fund.

Attachments

City Manager's Comments:

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


Mark S. Watson


Date



Studio Four Design
Design Services Proposal:
July 22, 2011

**FEASIBILITY STUDY FOR
A NEW SENIOR ENRICHMENT CENTER**
Oak Ridge, Tennessee
S4D #11018

Attention: Mr. Josh Collins, City of Oak Ridge Director of Parks & Recreation

On behalf of Studio Four Design, I want to thank you and the committee for the opportunity to serve you as your design partner. At this time I am pleased to present you with this letter of agreement to provide a Feasibility Study for a new Senior Enrichment Center in Oak Ridge, Tennessee. Please find outlined below a description of the project, the scope of services required, the proposed fee and the terms and conditions of this agreement.

PROJECT DESCRIPTION & SCOPE OF SERVICES

This project shall consist of a feasibility study for the development of a new Senior Enrichment Facility in Oak Ridge Tennessee. The scope of services shall include the following:

- Meetings (up to 2) with current Senior Center representatives to review and document the sponsored activities and programs and to document space requirements
- Meetings (up to 2) with representatives from the Elder Care providers in the community to identify and document underserved or unmet needs for seniors (Conduct Public Meeting #1 to solicit input with the result of creating a "wish list" of items)
- Meetings (up to 2) with representatives from the Elder Citizens Advisory Board and Senior Center to review the "wish list" and identify and document needs for programs/services currently not being addressed.
- Compile documentation from preliminary meetings into a preliminary program document for review with Owner representatives – conduct an initial meeting to review and solicit comments and input and a second meeting to present revised document based on comments and input
- Conduct preliminary analysis of existing building to determine potential areas for demolition and other associated constraints.
- Conduct preliminary analysis of site to determine approximate location of existing utilities, parking, storm water controls, zoning constraints, etc.
- Prepare preliminary code and life safety analysis for new building
- Prepare preliminary assessment of sustainability options for LEED certification
- Prepare floor plan diagrams to reflect programmed spaces and activities and exterior building options—conduct an initial meeting to review and solicit comments and input and a second meeting to present revised plans and exterior building concepts based on comments and input





- Conduct Public Meeting #2 to present floor plan and building concepts and solicit input
- Finalize plan and building design concept for deliverables
- Prepare project cost estimate and project schedule for Phase 2: Design and Phase 3: Construction
- Prepare Deliverable Package
- Conduct Public Meeting #3 to present building design to City Council

DELIVERABLES

Studio Four Design, Inc. shall provide the following deliverables:

1. Feasibility Study Booklet

- Program Summary
- Site Plan
- Building Floor Plan
- Exterior Rendering(s)
- Preliminary Code/Zoning Analysis
- Preliminary LEED Analysis
- Design Narratives
- Project Budget
- Project Schedule

2. 3-D Model

- Creation of a simple animation to explain building mass and proposed exterior features
- Selected images to be included in Feasibility Study booklet

CLIENT RESPONSIBILITIES

The Client shall be responsible for the following:

- Assistance in establishing the program parameters, construction budget and project schedule
- Participation in public meetings, programming/design reviews
- Provide timely responses as required to facilitate project schedule

SERVICES NOT INCLUDED

The following services are not provided in this scope of work:

- Detailed Architectural Design and Engineering Services
- Site surveying / Environmental and/or Geotechnical Engineering
- Detailed Cost Estimating

These items or any other services not listed within this proposal may be provided as additional services if requested by the Client.



PROFESSIONAL SERVICES FEES & EXPENSES

Compensation for the scope of services shall be provided on an hourly basis and reimbursable expenses for printing of deliverables shall be invoiced per the terms and conditions of this agreement.

The total fee for time spent and reimbursable expenses for this scope of work shall not exceed Fifteen Thousand Dollars (\$15,000.00).

Services requested beyond the scope of services shall be provided on an hourly basis to a negotiated maximum fee.

Services for the detailed design of the building shall be determined during the completion of this scope of work. An AIA Contract for these services shall be executed if the project is approved and authorized by the Owner to move forward.

ACCEPTANCE

If you are in agreement, please sign on the space provided below and return a copy to our office. Once again, we thank you very much for your interest in working with us on this project.

Studio Four Design, Inc.

7/22/11

Date:

Accepted By:

Date:



TERMS & CONDITIONS OF AGREEMENT

Miscellaneous provisions of this agreement are as follows:

1. An initial payment equal to (0%) of the total fee shall be paid upon execution of this agreement with the remaining fee to be paid upon completion of the scope of services.
2. The fee will be invoiced monthly based on the percentage of work or hours completed in each phase. Invoiced amounts are due and payable in full no later than 30 calendar days from the invoice date. Studio Four Design may choose to suspend work on the project if payment is not received within this time frame and may choose not to continue with work until payment in full is received.
3. Additional services are provided on an hourly basis to a maximum fee mutually agreed upon by the Client and Architect. Additional services include, but are not limited to: (1) services not specified in this agreement, (2) major design revisions required due to changes in scope, budget or schedule, (3) changes required by interpretations made by authorities having jurisdiction inconsistent with prior interpretations
4. Expenses for oversize document reproductions (greater than 11x17), color printing, shipping and other related expenses are reimbursable expenses and shall be invoiced at 1.20 times the cost incurred.
5. Expenses for consulting engineers or services not included in the basic services agreement, if required, shall be marked-up at a rate of 1.20 times the cost incurred.
6. This agreement may be terminated or suspended at any time by Studio Four Design or the Client without cause by giving the other (15) fifteen days written notice. The Client shall be responsible for payment in full of all work completed up to the date of termination or suspension plus five percent (5%). A re-start fee of \$500 shall be assessed if the services described in this agreement are resumed after any unscheduled delay of more than thirty calendar days.
7. This agreement is between Studio Four Design and the Client. Designs and documents are prepared exclusively for this project are instruments of service furnished by Studio Four Design and shall not be used by anyone else without our written permission.
8. In recognition of the relative risks, rewards and benefits of the Project to both the Client and Studio Four Design, the risks have been allocated such that the Client agrees to limit Studio Four Design's total liability for any claim arising out of this agreement to an amount not to exceed the total amount of the design fee or \$50,000.00, whichever is greater for any claim arising out of Studio Four Design's negligence.
9. Studio Four Design is not responsible for construction costs associated with this project. The contractor shall be responsible for providing all pricing associated with this project.
10. The Client agrees to the fullest extent permitted by law, to indemnify and hold Studio Four Design harmless for any loss, claim or costs arising from the performance of such services by others and from any and all claims arising from modifications, clarifications, interpretations, adjustments or changes made after completion of Construction Documents and during construction.
11. This proposal shall be open for acceptance for a period of 30 days from the date of this letter of agreement.

DATE: July 25, 2011

TO: Honorable Mayor and Members of City Council

FROM: Kerry Trammell, Vice Chairman, Elder Citizens Advisory Board and Construction Committee Chairman

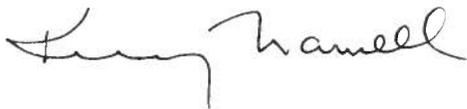
SUBJECT: Proposal for Design Services for Senior Enrichment Center

At its December 14, 2009, meeting, City Council directed the Elder Citizens Advisory Board (ECAB) and city staff to prepare a timeline and move forward with the selection of an architectural firm to conduct a needs assessment and a feasibility study for a new Senior Enrichment Center. On May 6, city staff released a Request for Qualifications (RFQ) to begin that process. ECAB received 11 submittals from the RFQ to provide a concept, programming, and feasibility study for the construction of a new Senior Enrichment Center. ECAB and staff narrowed the field to three and set up interviews for July 21. The interview team was composed of ECAB members and city staff. The three companies interviewed were Studio 4 Design, Adams Craft Herz Walker, and Baber McMurry.

On July 25, 2011, a special meeting was called to discuss this selection with ECAB. Each ECAB member that served on the interview panel presented his/her impressions and observations. After some discussion, a motion was made by Mary Helen Rose to recommend Studio 4 Design as ECAB's choice for Phase I work on the new Senior Enrichment Center. The motion was seconded by Elizabeth Batchelor and passed by a unanimous vote. ECAB believes Studio 4 Design possesses the experience and skill necessary to complete the Phase I scope of work as well as design and oversee the construction phase of the project.

Several ECAB members will be in attendance at the August 8 City Council meeting to answer any questions.

Members of ECAB stand ready to support and assist the City in this project, and will work in concert with Studio 4 Design to evaluate the need for a new Senior Enrichment Center to benefit the senior adults of our community.

A handwritten signature in cursive script, appearing to read "Kerry Trammell".

RESOLUTION

A RESOLUTION AUTHORIZING AN AGREEMENT WITH STUDIO FOUR DESIGN, INC., KNOXVILLE, TENNESSEE, FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR CONCEPT, PROGRAMMING, AND A FEASIBILITY STUDY FOR THE CONSTRUCTION OF A NEW SENIOR ENRICHMENT CENTER, IN THE ESTIMATED AMOUNT OF \$15,000.00.

WHEREAS, by Resolution 12-117-09, City Council authorized a lease agreement with Anderson County to lease space for a senior center at the Daniel Arthur Rehabilitation Center located at 728 Emory Valley Road; and

WHEREAS, by Resolution 12-118-09, City Council directed the Elder Citizens Advisory Board and City Staff to move forward with development of a timeline for construction of a new senior enrichment center; and

WHEREAS, a Request for Qualifications was issued for this project; and

WHEREAS, at their July 25, 2011 special meeting, the Elder Citizens Advisory Board unanimously voted to recommend the proposal from Studio Four Design, Inc., Knoxville, for this project; and

WHEREAS, the City Manager recommends the proposal from Studio Four Design, Inc., be accepted.

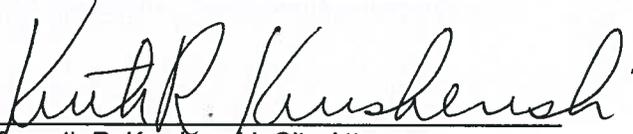
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the Elder Citizens Advisory Board and the City Manager is approved and the City is hereby authorized to enter into a Professional Services Agreement with Studio Four Design, Inc., 414 Clinch Avenue, Knoxville, Tennessee 37902, for concept, programming, and a feasibility study for the construction of a new senior enrichment center, in the estimated amount of \$15,000.00.

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

This the 8th day of August 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

MEMORANDUM

To: Mark S. Watson
City Manager

From: James T. Akagi
Chief of Police

Date: August 1, 2011

Re: Purchase of Ford Explorers

An item for the agenda is a resolution to authorize the purchase two Ford Explorer Sport Utility Vehicles from Ford of Murfreesboro, Tennessee. The estimated amount for the purchase would be \$46,998.00.

The purchase of the two additional sport utility vehicles is needed to replace two Ford Crown Victorias that are currently utilized by Administrative Staff. The two Ford Crown Victorias will be added to the fleet of existing police cars used daily by the patrol officers and investigators. While discussing the replacement of the two Administrative Staff vehicles, it was determined that the police department would purchase vehicles that would move away from the larger engine vehicles to ones that are more fuel efficient while maintaining police functionality.

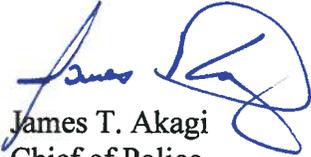
The bid for comparable Sport Utility Vehicles was sent out for bids and the results ranged in price of \$20,872.00 to \$25,126.36 for 2001 Nissan Pathfinder, 2012 Jeep Liberty, 2011 Ford Explorer, 2012 Ford Explorer, and 2012 Dodge Durango. The Jeep Liberty was bid at the lowest and the Dodge Durango was the highest.

Upon reviewing the specifications for the all of the vehicles, the cost, and time of delivery, the decision was made to purchase the 2012 Ford Explorer from Ford of Murfreesboro, Tennessee. The total purposed purchase price will be \$46,998.00 and will be available to the police department in September, 2011.

Although the purposed purchase price for the Jeep Liberty was a few thousand dollars less, the cost of maintenance and replacement equipment is unknown. The Ford Explorer is more fuel efficient than the Jeep Liberty. Currently, the City of Oak Ridge vehicle fleet is comprised of mostly Ford Products. The vehicle maintenance garage personnel is familiar with the up keep and repair of these products. The Ford Explorer provides ease of equipment availability and installation. Other city departments utilize the Ford Explorer for their employees and this allows for exchange of vehicle if needed. In comparison, the Ford Explorer also provided better safety features than the Jeep Liberty.

Staff recommends approval of the attached resolution.

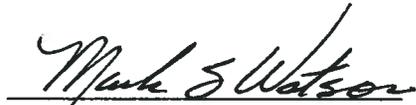
Respectfully,



James T. Akagi
Chief of Police

CITY MANAGER'S COMMENTS:

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



Mark S. Watson, City Manager

8/3/11
Date

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2012 FORD EXPLORERS FROM FORD OF MURFREESBORO FOR USE BY THE POLICE DEPARTMENT IN THE ESTIMATED AMOUNT OF \$46,998.00.

WHEREAS, the City of Oak Ridge Police Department is in need of two (2) replacement vehicles for administrative staff; and

WHEREAS, the City issued an invitation to bid for the purchase of two (2) sport utility vehicles, and bids were received and publicly opened on August 1, 2011; and

WHEREAS, Ford of Murfreesboro, Tennessee, submitted the most responsive bid based upon the Police Department's specifications, the City's ability to maintain the vehicles, and delivery time of the vehicles; and

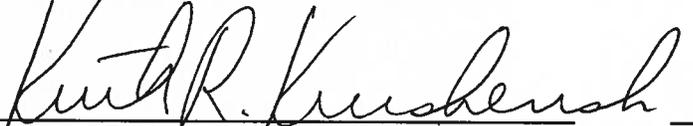
WHEREAS, the City Manager recommends approval of bid from Ford of Murfreesboro for the purchase of two (2) 2012 Ford Explorers.

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

That the recommendation of the City Manager is approved and award is hereby to Ford of Murfreesboro, 1550 N.W. Broad Street, Murfreesboro, Tennessee 37129, for the furnishing of two (2) 2012 Ford Explorers for use by the Police Department, in strict accordance with the bid as submitted and publicly opened on August 1, 2011, as shown on Requisition No. 124615, in the estimated amount of \$46,998.00.

This the 8th day of August 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

ADMINISTRATIVE SERVICES MEMORANDUM
101-12

DATE: July 28, 2011

TO: Mark S. Watson, City Manager

FROM: Steven W. Jenkins, Deputy City Manager

SUBJECT: \$10,000,000 Waterworks bond Resolution

Attached is a resolution authorizing the issuance of not to exceed \$10,000,000 in aggregate principal amount of general obligation bonds. The resolution provides for the issuance, sale and payment of the bonds. It also establishes the bond terms and the disposition of the proceeds and for the payment of principal, premium, if any, and interest on the bonds.

The bonds will provide financing for improvement, equipping, and expansion of the City's waterworks system. The bond proceeds will also be used for payment of related architectural, engineering, legal, fiscal and administrative costs and to reimburse the City for funds previously expended for any of the foregoing projects; and payment of the costs related to the issuance and sale of the bonds. The bond protest period that was triggered by the initial resolution ended on July 8, 2011. Assuming approval by City Council, the bonds will be sold in a competitive process that will occur in September.

The bond proceeds will be used to fund waterworks projects (see attached list) that total just under \$19,000,000 in estimated capital costs for FY 2011 through FY 2013. The majority of these capital outlays are directly related to the EPA Administrative Order requiring the City to make improvements to its wastewater system or face significant penalties. The total estimated cost for EPA order related capital projects and equipment is \$14,567,100. There is an additional \$4,150,000 in estimated costs for improvements to the City's water system. It is important to note that there will be more projects in FY 2014 and beyond.

The City's water and wastewater rates are currently under review by Lamar Dunn and Associates and the report is scheduled to be complete in September. There is no question that there will be rate increases, but the amount of the increase is still under review. It would not be prudent to speculate on the increase until the review is complete. This resolution is being presented prior to the rate study because of the large drain on waterworks fund cash reserves. The payment of capital expenditures related to the EPA Order has depleted the cash reserves in the waterworks fund. When approved, this resolution allows for the reimbursement from bond proceeds for capital expenditures that have or will occur prior to the bond sale. The reimbursement will help to replenish the cash reserves in the waterworks fund.

Based on this level of capital outlay and the timing of the projects, additional debt will be required in the future. Current projections indicate that additional debt will be necessary in May or June of next year. The timing will depend on how quickly the projects are constructed. The

State revolving loan fund may be an option for a portion of this future debt. The use of SRF funding has advantages and disadvantages that staff will discuss with Council in the future.

The structure of the 2011 issue is still under review, but it will primarily depend on interest rates at the time of the issue. The structure will be developed to strike a balance between increasing the water and wastewater rates and the interest rates that the City will pay on the 2011 bond issue.

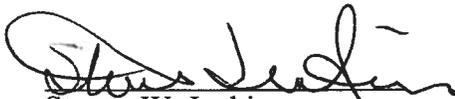
Attached are three charts and graphs prepared by the City's financial advisor Morgan Keegan & Company, INC. The first chart and graph shows the principal and interest payments for the current waterworks fund debt. The second chart and graph includes the current debt and the 2011 issue with a 20 year structure at an estimated average coupon rate of 4.41%. The third chart includes the 2011 issue with a 25 year structure at an estimated average coupon rate of 4.88%. If interest rates stay at the current levels, the 2011 issue will be structured with a 20 year amortization to reduce interest costs.

In both cases the debt is wrapped around the current debt with the bulk of the principal payments beginning in 2024. The current debt was structured to provide this flexibility; however, at that time, City staff did not anticipate issuing new debt this soon. In any case, staff is recommending this wrap technique to lessen the impact on the current utility rates and with the knowledge that it will not require an increase in future rates. In no case will the debt exceed the life of the project.

It is estimated that the cost of issuance will be between 1 and 1.25 percent of the principal. These fees pay for the bond rating agencies, the bond attorney, the financial advisor, underwriting, printing, promotion, and registration.

Again, as Council is aware from previous administrative services and public works communications, this bond issue is necessary to fund waterworks projects in a timely manner. This will help to avoid additional EPA penalties in the future.

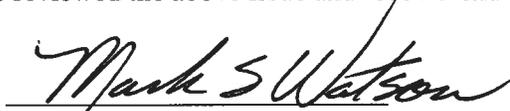
Staff recommends approval of the attached resolution.


Steven W. Jenkins

Attachments

City Manager's Comments:

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


Mark S. Watson

7/29/2011
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	\$ 6,145,000
				\$ 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	\$ 8,145,000
				\$ 18,717,100

CITY OF OAK RIDGE, TENNESSEE



**Preliminary
Funding
Analysis**

July 29, 2011

Prepared By:

MORGAN KEEGAN & COMPANY, INC.

Investment Bankers

11400 Parkside Drive, STE 110

Knoxville, Tennessee 37934

Telephone: (865) 777-5840

Facsimile: (865) 777-5836

\$10,000,000
City of Oak Ridge, Tennessee
Proposed New WaterWorks Bonds, Series 2011
Estimated Current Market Rates

Net Debt Service

Date	Principal	Coupon	Interest	Total P+I	Existing D/S	Net New D/S
06/01/2012	-	-	317,150.63	317,150.63	3,021,129.43	3,338,280.06
06/01/2013	100,000.00	0.750%	422,867.50	522,867.50	3,205,575.98	3,728,443.48
06/01/2014	100,000.00	1.050%	422,117.50	522,117.50	3,197,026.66	3,719,144.16
06/01/2015	100,000.00	1.400%	421,067.50	521,067.50	3,193,978.34	3,715,045.84
06/01/2016	100,000.00	1.750%	419,667.50	519,667.50	3,194,479.38	3,714,146.88
06/01/2017	100,000.00	2.150%	417,917.50	517,917.50	3,094,675.54	3,612,593.04
06/01/2018	100,000.00	2.600%	415,767.50	515,767.50	3,108,211.90	3,623,979.40
06/01/2019	100,000.00	3.000%	413,167.50	513,167.50	3,087,271.06	3,600,438.56
06/01/2020	100,000.00	3.250%	410,167.50	510,167.50	3,093,044.22	3,603,211.72
06/01/2021	100,000.00	3.400%	406,917.50	506,917.50	3,099,801.38	3,606,718.88
06/01/2022	100,000.00	3.600%	403,517.50	503,517.50	3,047,193.10	3,550,710.60
06/01/2023	70,000.00	3.750%	399,917.50	469,917.50	2,149,962.86	2,619,880.36
06/01/2024	390,000.00	3.900%	397,292.50	787,292.50	1,835,264.90	2,622,557.40
06/01/2025	415,000.00	4.050%	382,082.50	797,082.50	1,824,233.48	2,621,315.98
06/01/2026	495,000.00	4.100%	365,275.00	860,275.00	1,761,216.80	2,621,491.80
06/01/2027	625,000.00	4.200%	344,980.00	969,980.00	1,652,009.36	2,621,989.36
06/01/2028	895,000.00	4.300%	318,730.00	1,213,730.00	1,408,229.00	2,621,959.00
06/01/2029	970,000.00	4.400%	280,245.00	1,250,245.00	1,373,127.00	2,623,372.00
06/01/2030	995,000.00	4.500%	237,565.00	1,232,565.00	1,388,029.00	2,620,594.00
06/01/2031	2,025,000.00	4.600%	192,790.00	2,217,790.00	400,978.00	2,618,768.00
06/01/2032	2,120,000.00	4.700%	99,640.00	2,219,640.00	400,979.00	2,620,619.00
Total	\$10,000,000.00	-	\$7,488,843.13	\$17,488,843.13	\$48,536,416.39	\$66,025,259.52

Date And Term Structure

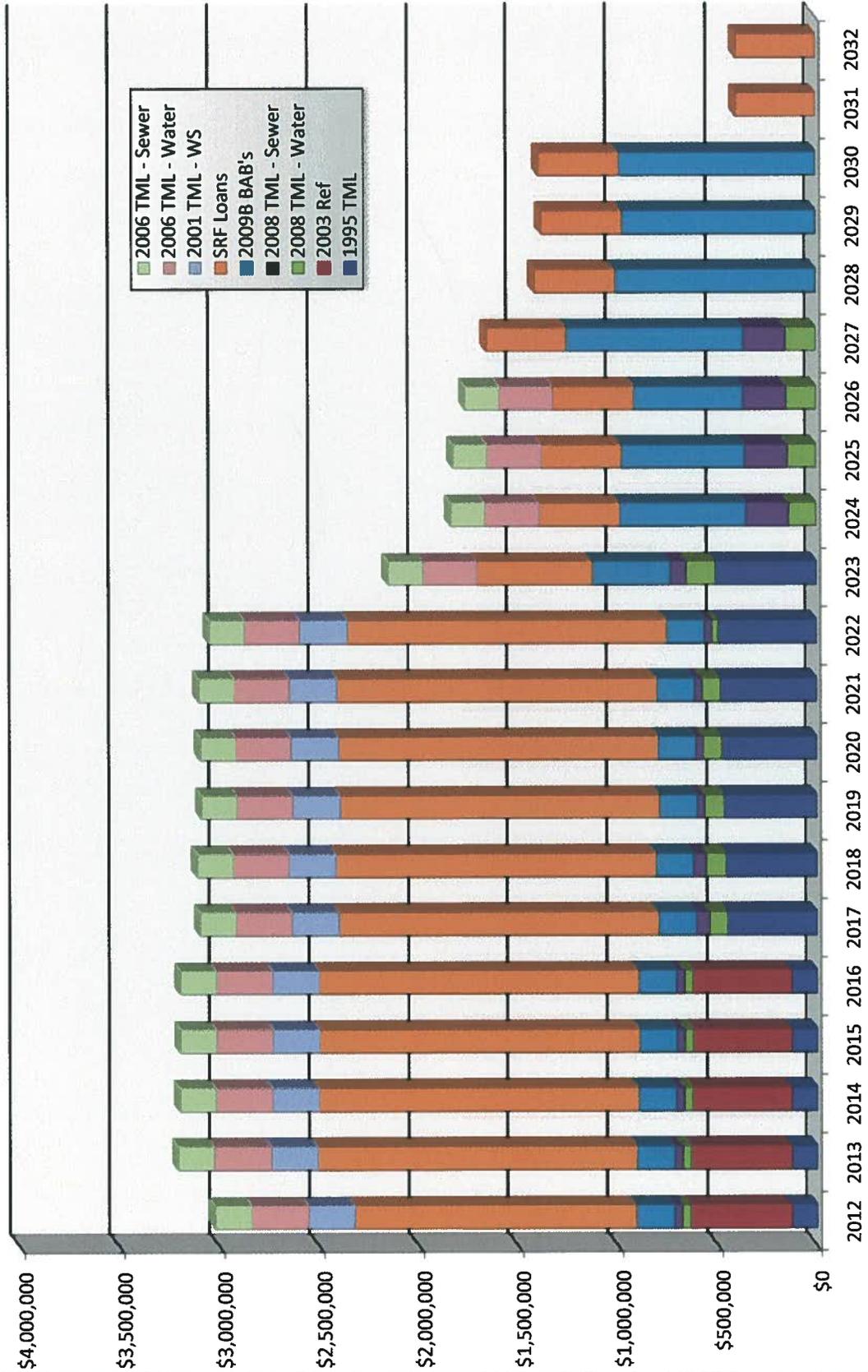
Dated.....	9/01/2011
First Coupon Date.....	12/01/2011
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	6/01/2013

Yield Statistics

Average Coupon.....	4.4118196%
Average Life.....	16.975 Years
Bond Yield for Arbitrage Purposes.....	4.3861429%
Bond Year Dollars.....	\$169,745.00

City of Oak Ridge, TN

Combined Outstanding WaterWorks Debt Service



City of Oak Ridge, Tennessee
Total Combined Outstanding WaterWorks Debt Service
(Budget Rates)

Aggregate Debt Service

Date	Principal	Interest	Treasury Rebate	Total P+I
06/01/2011	-	-	-	-
06/01/2012	1,585,274.00	1,538,099.17	(102,243.74)	3,021,129.43
06/01/2013	1,839,564.00	1,468,255.72	(102,243.74)	3,205,575.98
06/01/2014	1,907,660.00	1,391,610.40	(102,243.74)	3,197,026.66
06/01/2015	1,984,102.00	1,312,120.08	(102,243.74)	3,193,978.34
06/01/2016	2,067,297.00	1,229,426.12	(102,243.74)	3,194,479.38
06/01/2017	2,053,651.00	1,143,268.28	(102,243.74)	3,094,675.54
06/01/2018	2,154,951.00	1,055,504.64	(102,243.74)	3,108,211.90
06/01/2019	2,226,142.00	963,372.80	(102,243.74)	3,087,271.06
06/01/2020	2,327,064.00	868,223.96	(102,243.74)	3,093,044.22
06/01/2021	2,433,298.00	768,747.12	(102,243.74)	3,099,801.38
06/01/2022	2,484,720.00	664,716.84	(102,243.74)	3,047,193.10
06/01/2023	1,676,010.00	576,196.60	(102,243.74)	2,149,962.86
06/01/2024	1,426,774.00	507,234.64	(98,743.74)	1,835,264.90
06/01/2025	1,474,043.00	440,271.72	(90,081.24)	1,824,233.48
06/01/2026	1,471,752.00	370,686.66	(81,221.86)	1,761,216.80
06/01/2027	1,423,843.00	301,338.22	(73,171.86)	1,652,009.36
06/01/2028	1,237,073.00	228,906.00	(57,750.00)	1,408,229.00
06/01/2029	1,250,211.00	161,766.00	(38,850.00)	1,373,127.00
06/01/2030	1,313,863.00	94,116.00	(19,950.00)	1,388,029.00
06/01/2031	378,046.00	22,932.00	-	400,978.00
06/01/2032	392,783.00	8,196.00	-	400,979.00
Total	\$35,108,121.00	\$15,114,988.97	(1,686,693.58)	\$48,536,416.39

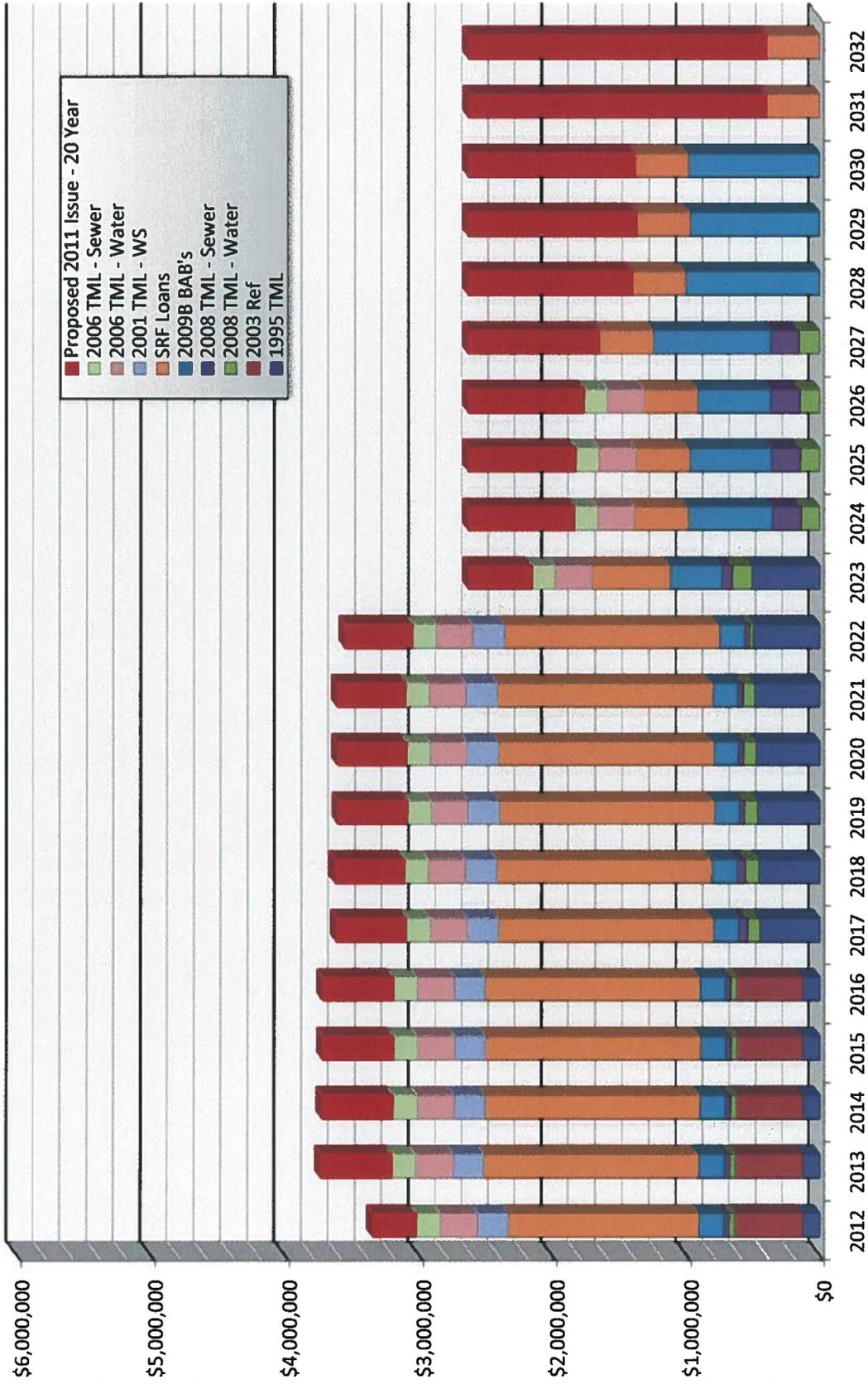
Par Amounts Of Selected Issues

TML 1995 - Non-Refunded Portion -WS - TML 1995.....	2,803,735.00
2003 Refunding -WS.....	2,240,000.00
TML 2008 -Water.....	931,139.00
TML 2008 -Sewer.....	863,277.00
2009B BAB Bonds -WS.....	5,000,000.00
WS - SRF 1997, 1998 & 2002.....	16,360,606.00
WS - 2001 TML.....	2,000,000.00
TML 2006 -Water.....	3,001,963.00
TML 2006 -Sewer.....	1,907,401.00
TOTAL.....	35,108,121.00

Morgan Keegan & Company, Inc - 865-777-5840
Tennessee Public Finance (Knoxville Office) - CCB

City of Oak Ridge, TN

Combined Outstanding WaterWorks Debt Service + Proposed \$10MM - 2011 Issue
20 Year Amortization



\$10,000,000
City of Oak Ridge, Tennessee
Proposed New WaterWorks Bonds, Series 2011
Estimated Current Market Rates

Net Debt Service

Date	Principal	Coupon	Interest	Total P+I	Existing D/S	Net New D/S
06/01/2012	-	-	350,223.75	350,223.75	3,021,129.43	3,371,353.18
06/01/2013	100,000.00	0.750%	466,965.00	566,965.00	3,205,575.98	3,772,540.98
06/01/2014	100,000.00	1.050%	466,215.00	566,215.00	3,197,026.66	3,763,241.66
06/01/2015	100,000.00	1.400%	465,165.00	565,165.00	3,193,978.34	3,759,143.34
06/01/2016	100,000.00	1.750%	463,765.00	563,765.00	3,194,479.38	3,758,244.38
06/01/2017	100,000.00	2.150%	462,015.00	562,015.00	3,094,675.54	3,656,690.54
06/01/2018	100,000.00	2.600%	459,865.00	559,865.00	3,108,211.90	3,668,076.90
06/01/2019	100,000.00	3.000%	457,265.00	557,265.00	3,087,271.06	3,644,536.06
06/01/2020	100,000.00	3.250%	454,265.00	554,265.00	3,093,044.22	3,647,309.22
06/01/2021	100,000.00	3.400%	451,015.00	551,015.00	3,099,801.38	3,650,816.38
06/01/2022	100,000.00	3.600%	447,615.00	547,615.00	3,047,193.10	3,594,808.10
06/01/2023	-	-	444,015.00	444,015.00	2,149,962.86	2,593,977.86
06/01/2024	-	-	444,015.00	444,015.00	1,835,264.90	2,279,279.90
06/01/2025	-	-	444,015.00	444,015.00	1,824,233.48	2,268,248.48
06/01/2026	-	-	444,015.00	444,015.00	1,761,216.80	2,205,231.80
06/01/2027	-	-	444,015.00	444,015.00	1,652,009.36	2,096,024.36
06/01/2028	-	-	444,015.00	444,015.00	1,408,229.00	1,852,244.00
06/01/2029	-	-	444,015.00	444,015.00	1,373,127.00	1,817,142.00
06/01/2030	-	-	444,015.00	444,015.00	1,388,029.00	1,832,044.00
06/01/2031	840,000.00	4.600%	444,015.00	1,284,015.00	400,978.00	1,684,993.00
06/01/2032	875,000.00	4.700%	405,375.00	1,280,375.00	400,979.00	1,681,354.00
06/01/2033	1,320,000.00	5.000%	364,250.00	1,684,250.00	-	1,684,250.00
06/01/2034	1,385,000.00	5.000%	298,250.00	1,683,250.00	-	1,683,250.00
06/01/2035	1,455,000.00	5.000%	229,000.00	1,684,000.00	-	1,684,000.00
06/01/2036	1,525,000.00	5.000%	156,250.00	1,681,250.00	-	1,681,250.00
06/01/2037	1,600,000.00	5.000%	80,000.00	1,680,000.00	-	1,680,000.00
Total	\$10,000,000.00	-	\$10,473,633.75	\$20,473,633.75	\$48,536,416.39	\$69,010,050.14

Date And Term Structure

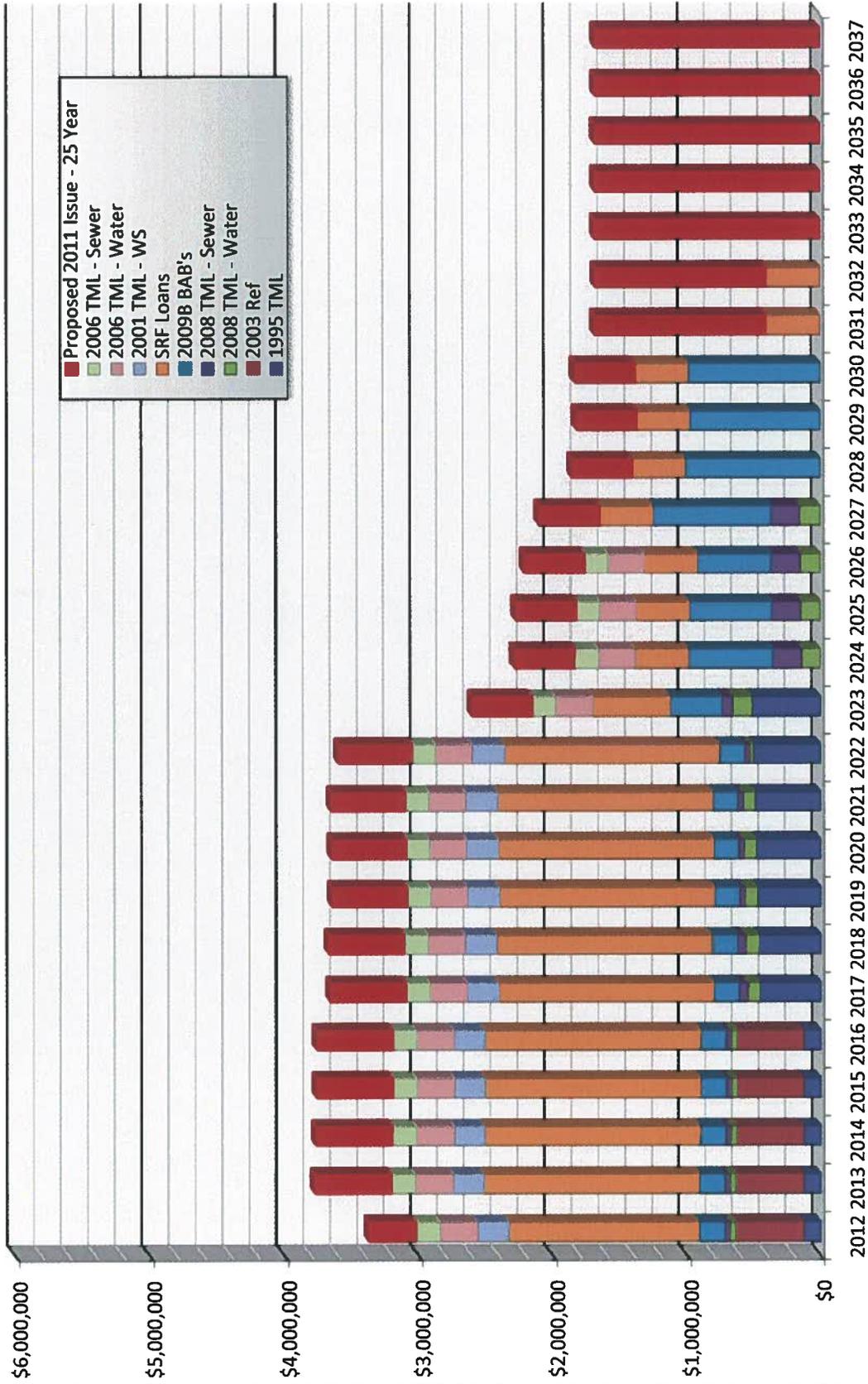
Dated.....	9/01/2011
First Coupon Date.....	12/01/2011
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	6/01/2013

Yield Statistics

Average Coupon.....	4.8779236%
Average Life.....	21.472 Years
Bond Yield for Arbitrage Purposes.....	4.8487292%
Bond Year Dollars.....	\$214,715.00

City of Oak Ridge, TN

Combined Outstanding WaterWorks Debt Service + Proposed \$10MM - 2011 Issue
25 Year Amortization



RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000) IN AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2011 OF THE CITY OF OAK RIDGE, TENNESSEE; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS; ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS.

WHEREAS, the City of Oak Ridge, Tennessee (the "Municipality") is duly incorporated pursuant to Sections 6-30-101 et seq., Tennessee Code Annotated, as amended; and

WHEREAS, the Municipality hereby determines that it is necessary and advisable to issue not to exceed \$10,000,000 in aggregate principal amount of general obligation bonds, to be issued in one or more emissions, for the purpose of financing, in whole or in part, (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; and

WHEREAS, Sections 9-21-101 et seq., Tennessee Code Annotated, authorizes municipalities in Tennessee to issue their revenue bonds to finance public works projects; and

WHEREAS, it is the intention of the City Council of the Municipality to adopt this resolution for the purpose of authorizing not to exceed \$10,000,000 in aggregate principal amount of general obligation bonds for the purposes described above, establishing the terms of such bonds, providing for the issuance, sale and payment of the bonds, as shall be determined by the Municipality in accordance with the provisions herein and disposition of proceeds therefrom.

WHEREAS, the City Council of the Municipality has adopted an Initial Resolution proposing the issuance of not to exceed \$10,000,000 in the aggregate principal amount of general obligation bonds, the proceeds of which shall be used for the Projects hereinabove set forth and payment of the costs of issuance of the bonds authorized herein; and

WHEREAS, the Initial Resolution, together with the notice required by Section 9-21-206, Tennessee Code Annotated, has been published as required by law.

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

Section 1. Authority. The bonds authorized by this resolution are issued pursuant to Sections 9-21-101 et seq., Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2. Definitions. The following terms shall have the following meanings in this resolution unless the text expressly or by necessary implication requires otherwise:

(a) "Bonds" shall mean not to exceed \$10,000,000 in aggregate principal amount of General Obligation Bonds, Series 2011, of the Municipality, to be dated their date of delivery, or such other series or designation and dated date of shall be determined pursuant to Section 8 hereof, authorized to be issued by this resolution;

(b) "Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical bond certificates in fully registered form are issued to a Depository, or to its nominee as registered owner, with the certificate of bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the Municipality or the Registration Agent, constitute the written record that identifies, and records the transfer of, the beneficial "book-entry" interests in those bonds;

(c) "Defeasance Obligations" shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations which at the time of the purchase thereof are permitted investments under Tennessee law for the purposes described in Section 10, which bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof;

(d) "Depository" means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to, DTC;

(e) "DTC" means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns;

(f) "DTC Participant(s)" means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC's system;

(g) "Financial Adviser" means Morgan Keegan & Company, Inc.

(h) "Governing Body" means the City Council of the Municipality;

(i) "Municipality" means the City of Oak Ridge, Tennessee;

(j) "Projects" shall mean the improvement, equipping, and expansion of the waterworks system of the Municipality (the "System"), which includes the water and wastewater systems of the Municipality, including all property real or personal, appurtenant thereto;

(k) "Registration Agent" shall mean the registration and paying agent appointed by the Mayor of the Municipality pursuant to Section 4 hereof, or any successor as designated by the Municipality; and

(l) "Resolution" shall mean this Resolution.

Section 3. Findings of the Governing Body. The Municipality hereby declares a need for funds to be used for the purposes described herein and adopts this resolution for such purposes. The Bonds authorized by this resolution are issued pursuant to Sections 9-21-101 et seq., Tennessee Code Annotated, as amended, other applicable provisions of law and this resolution.

Section 4. Authorization and Terms of the Bonds.

(a) For the purposes of providing funds (i) to pay the costs of the Projects and architectural, engineering, legal, fiscal and administrative costs incident thereto; and (ii) to pay the costs incident to the issuance and sale of the Bonds, as more fully set forth in Section 8 hereof, there are hereby authorized to be issued general obligation bonds of the Municipality in the aggregate principal amount of \$10,000,000. The Bonds shall be issued in fully registered, book-entry form, shall be known as "General Obligation Bonds, Series 2011," and shall be dated the date of issuance thereof, or other series designation and dated date as shall be established pursuant to Section 8 hereof. The Bonds shall bear interest at a rate or rates not to exceed the maximum rate of interest permitted by law, and subject to the adjustments permitted pursuant to Section 8 hereof, payable semi-annually on the first day of June and December in each year commencing December 1, 2011. The Bonds shall be issued initially in \$5,000 denominations or integral multiples thereof, as shall be requested by the purchaser of the Bonds. Principal of the Bonds shall be payable in such years and in such amounts as is determined by the Mayor, in consultation with the Finance Director of the Municipality (the "Finance Director") and the City's Financial Adviser, to be in the best interests of the Municipality but in to event shall the average weighted maturity of the Bonds exceed twenty-five years.

(b) Subject to the adjustments permitted pursuant to Section 8 hereof, the Bonds maturing prior to June 1, 2021 shall mature without option of prior redemption. Bonds maturing June 1, 2022 and thereafter shall be subject to redemption on June 1, 2021, in whole or in part, or at any time thereafter, at the redemption price of par plus accrued interest to the redemption date.

(c) If less than all of the Bonds shall be called for redemption, the maturities to be redeemed shall be selected by the Governing Body in its discretion. If less than all of the Bonds within a single maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

(d) Pursuant to Section 8 hereof, the Mayor, in consultation with the Finance Director and the City's Financial Adviser, is authorized to sell the Bonds, or any maturities thereof, as term bonds with mandatory redemption requirements as determined by the Mayor subject to the limitations of this Resolution. In the event any or all the Bonds are sold as term Bonds, the Municipality shall redeem term Bonds on redemption dates and in amounts so as to achieve an amortization of the indebtedness approved by the Mayor. The term Bonds to be so redeemed shall be selected by lot or in such other random manner as the Registration Agent in its discretion may designate.

(e) At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such mandatory redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than

through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory redemption provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

(f) Notice of call for redemption shall be given by the Registration Agent on behalf of the Municipality not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Bonds for which proper notice was given. As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant or Beneficial Owner will not affect the validity of such redemption. The Registration Agent shall mail said notices as and when directed by the Municipality pursuant to written instructions from an authorized representative of the Municipality (other than for a mandatory sinking fund redemption, notices of which shall be given on the dates provided herein) given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein.

(g) The Mayor or the City Manager of the Municipality (the "City Manager") is hereby authorized to appoint the Registration Agent and hereby authorizes and directs the Registration Agent so appointed to maintain Bond registration records with respect to the Bonds, to authenticate and deliver the Bonds as provided herein, either at original issuance or upon transfer, to effect transfers of the Bonds, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Bonds as provided herein, to cancel and destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the Municipality at least annually a certificate of destruction with respect to Bonds canceled and destroyed, and to furnish the Municipality at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds. The Mayor of the Municipality is hereby authorized to execute and the City Clerk is hereby authorized to attest such written agreement between the Municipality and the Registration Agent as they shall deem necessary and proper with respect to the obligations, duties and rights of the Registration Agent. The payment of all reasonable fees and expenses of the Registration Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

(h) The Bonds shall be payable, both principal and interest, in lawful money of the United States of America at the main office of the Registration Agent. The Registration Agent shall make all interest payments with respect to the Bonds by check or draft on each interest payment date directly to the

registered owners as shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by depositing said payment in the United States mail, postage prepaid, addressed to such owners at their addresses shown on said Bond registration records, without, except for final payment, the presentation or surrender of such registered Bonds, and all such payments shall discharge the obligations of the Municipality in respect of such Bonds to the extent of the payments so made. Payment of principal of and premium, if any, on the Bonds shall be made upon presentation and surrender of such Bonds to the Registration Agent as the same shall become due and payable. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each. In the event the Bonds are no longer registered in the name of DTC, or a successor Depository, if requested by the Owner of at least \$1,000,000 in aggregate principal amount of the Bonds, payment of interest on such Bonds shall be paid by wire transfer to a bank within the continental United States or deposited to a designated account if such account is maintained with the Registration Agent and written notice of any such election and designated account is given to the Registration Agent prior to the record date.

(i) Any interest on any Bond that is payable but is not punctually paid or duly provided for on any interest payment date (hereinafter "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid to the persons in whose names the Bonds are registered at the close of business on a date (the "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner: the Municipality shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment, and at the same time the Municipality shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which Date shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment to the registered owners. The Registration Agent shall promptly notify the Municipality of such Special Record Date and, in the name and at the expense of the Municipality, not less than ten (10) days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner at the address thereof as it appears in the Bond registration records maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Bonds shall impair any statutory or other rights in law or in equity of any registered owner arising as a result of the failure of the Municipality to punctually pay or duly provide for the payment of principal of, premium, if any, and interest on the Bonds when due.

(j) The Bonds are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Bond(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Bond(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Bond(s) in such form and with such documentation, if any, the Registration Agent shall issue a new Bond or the Bond to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the publication of notice calling such Bond for redemption has been made, nor to transfer

or exchange any Bond during the period following the receipt of instructions from the Municipality to call such Bond for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Bond, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bonds shall be overdue. The Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in any authorized denomination or denominations.

(k) The Bonds shall be executed in such manner as may be prescribed by applicable law, in the name, and on behalf, of the Municipality with the manual or facsimile signature of the Mayor of the Governing Body attested by the manual or facsimile signature of the City Clerk of the Municipality.

(l) Except as otherwise provided in this resolution, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. References in this Section to a Bond or the Bonds shall be construed to mean the Bond or the Bonds that are held under the Book-Entry System. One Bond for each maturity shall be issued to DTC and immobilized in its custody. A Book-Entry System shall be employed, evidencing ownership of the Bonds in authorized denominations, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Bonds. Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. The holders of these beneficial ownership interests are hereinafter referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Bonds representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Bonds. Transfers of ownership interests in the Bonds shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. **SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE BONDS, THE REGISTRATION AGENT SHALL TREAT CEDE & CO., AS THE ONLY HOLDER OF THE BONDS FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRATION AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS RESOLUTION.**

Payments of principal, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid by the Registration Agent directly to DTC or its nominee, Cede & Co. as provided in the Letter of Representation relating to the Bonds from the Municipality, and the Registration Agent to DTC (the "Letter of Representation"). DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. Neither the Municipality nor the Registration Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) to the extent permitted by the rules of DTC, the Municipality determines to discontinue the Book-Entry System, the Book-Entry System with DTC shall be discontinued. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the

Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner.

NEITHER THE MUNICIPALITY NOR THE REGISTRATION AGENT SHALL HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY DTC PARTICIPANT OR ANY BENEFICIAL OWNER WITH RESPECT TO (i) THE BONDS; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS, (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC, OR ITS NOMINEE, CEDE & CO., AS OWNER.

(m) The Registration Agent is hereby authorized to take such action as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by DTC (or any of its designees identified to the Registration Agent) by overnight delivery, courier service, telegram, telecopy or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the owners of the Bonds, provided, however, that the Registration Agent shall not be liable with respect to any such arrangements it may make pursuant to this section.

(n) The Registration Agent is hereby authorized to authenticate and deliver the Bonds to the purchaser thereof, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Bonds in exchange for Bonds of the same principal amount delivered for transfer upon receipt of the Bond(s) to be transferred in proper form with proper documentation as hereinabove described. The Bonds shall not be valid for any purpose unless authenticated by the Registration Agent by the manual signature of an officer thereof on the certificate set forth herein on the Bond form.

(o) In case any Bond shall become mutilated, or be lost, stolen, or destroyed, the Municipality, in its discretion, shall issue, and the Registration Agent, upon written direction from the Municipality, shall authenticate and deliver, a new Bond of like tenor, amount, maturity and date, in exchange and substitution for, and upon the cancellation of, the mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond, or if any such Bond shall have matured or shall be about to mature, instead of issuing a substituted Bond the Municipality may pay or authorize payment of such Bond without surrender thereof. In every case the applicant shall furnish evidence satisfactory to the Municipality and the Registration Agent of the destruction, theft or loss of such Bond, and indemnity satisfactory to the Municipality and the Registration Agent; and the Municipality may charge the applicant for the issue of such new Bond an amount sufficient to reimburse the Municipality for the expense incurred by it in the issue thereof.

Section 5. Source of Payment. The Bonds shall be payable from unlimited 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. For the prompt payment of principal of, premium, if any, and interest on the Bonds, the full faith and credit of the Municipality are hereby irrevocably pledged.

Section 6. Form of Bonds. The Bonds shall be in substantially in the following form, with such appropriate variations, omissions, and insertions as are permitted or required by this Resolution, all blanks appropriately completed when the Bonds are prepared and delivered, and such legends or text endorsed thereon as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or otherwise desired by the Municipality:

(Form of Bond)

REGISTERED
Number _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TENNESSEE
COUNTY OF ANDERSON
CITY OF OAK RIDGE, TENNESSEE
GENERAL OBLIGATION BOND,
SERIES 2011

Interest Rate:

Maturity Date:

Date of Bond:

CUSIP No.:

Registered Owner:

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS: That the City of Oak Ridge, Tennessee, a municipal corporation lawfully organized and existing in Anderson County, Tennessee (the "Municipality"), for value received, acknowledges itself indebted and hereby promises to pay to the registered owner hereof, hereinabove named, or registered assigns, in the manner hereinafter provided, the principal amount hereinabove set forth on the maturity date hereinabove set forth, or upon earlier redemption as set forth herein, and to pay interest (computed on the basis of a 360-day year of twelve 30-day months) on said principal amount at the annual rate of interest hereinabove set forth from the date hereof until said maturity date or redemption date, said interest being payable on December 1, 2011, and semi-annually thereafter on the first day of June and December in each year until this Bond matures or is redeemed. Both principal hereof and interest hereon are payable in lawful money of the United States of America at the principal office of _____, _____, Tennessee, as registration and paying agent (the "Registration Agent"). The Registration Agent shall make all interest payments with respect to this Bond on each interest payment date to the registered owner hereof shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by check or draft mailed to such owner at such owner's address shown on said Bond registration records, without, except for final payment, the presentation or surrender of this Bond, and all such payments shall discharge the obligations of the Municipality to the extent of the payments so made. Any such interest not so punctually paid or duly provided for on any interest payment date shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such defaulted interest shall be payable to the person in whose name this Bond is registered at the close of business on the date (the "Special Record Date") for payment of such defaulted interest to be fixed by the Registration Agent, notice of which shall be given to the owners of the Bonds of the issue of which this Bond is one not less than ten (10) days prior to such Special Record Date. Payment of principal of and premium, if any, on

this Bond shall be made when due upon presentation and surrender of this Bond to the Registration Agent.

Except as otherwise provided herein or in the Resolution, as hereinafter defined, this Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds of the series of which this Bond is one. One Bond for each maturity of the Bonds shall be issued to DTC and immobilized in its custody. A book-entry system shall be employed, evidencing ownership of the Bonds in \$5,000 denominations, or multiples thereof, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants, as defined in the Resolution, pursuant to rules and procedures established by DTC. So long as Cede & Co., as nominee for DTC, is the registered owner of the Bonds, the Municipality and the Registration Agent shall treat Cede & Co., as the only owner of the Bonds for all purposes under the Resolution, including receipt of all principal and maturity amounts of, premium, if any, and interest on the Bonds, receipt of notices, voting and requesting or taking or not taking, or consenting to, certain actions hereunder. Payments of principal, maturity amounts, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid directly to DTC or its nominee, Cede & Co. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners, as defined in the Resolution. Neither the Municipality nor the Registration Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants. In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) to the extent permitted by the rules of DTC, the Municipality determines to discontinue the book-entry system, the book-entry system with DTC shall be discontinued. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner. Neither the Municipality nor the Registration Agent shall have any responsibility or obligations to any DTC Participant or any Beneficial Owner with respect to (i) the Bonds; (ii) the accuracy of any records maintained by DTC or any DTC Participant; (iii) the payment by DTC or any DTC Participant of any amount due to any Beneficial Owner in respect of the principal or maturity amounts of and interest on the Bonds; (iv) the delivery or timeliness of delivery by DTC or any DTC Participant of any notice due to any Beneficial Owner that is required or permitted under the terms of the Resolution to be given to Beneficial Owners, (v) the selection of Beneficial Owners to receive payments in the event of any partial redemption of the Bonds; or (vi) any consent given or other action taken by DTC, or its nominee, Cede & Co., as owner.

Bonds of the issue of which this Bond is one maturing on or before June 1, 2021 shall mature without option of prior redemption. Bonds maturing on June 1, 2022, and thereafter shall be subject to redemption prior to maturity at the option of the Municipality on or after June 1, 2021 as a whole or in part at any time at the price of par plus interest accrued to the redemption date..

[If less than all the Bonds shall be called for redemption, the maturities to be redeemed shall be designated by the Municipality, in its discretion. If less than all the principal amount of the Bonds of a maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the amount of the interest of each DTC Participant in the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.]

[Subject to the credit hereinafter provided, the Municipality shall redeem Bonds maturing _____ 1, ____ and _____ 1, ____ on the redemption dates set forth below opposite the respective maturity dates, in aggregate principal amounts equal to the respective dollar amounts set forth opposite the respective redemption dates at a price of par plus accrued interest thereon to the date of redemption. The Bonds to be so redeemed within such maturity shall be selected by lot or in such other random manner as the Registration Agent in its discretion may determine. The dates of redemption and principal amount of the Bonds to be redeemed on said dates are as follows:

<u>Maturity Date</u>	<u>Redemption Date</u>	<u>Principal Amount of Bonds to be Redeemed</u>
_____ 1, ____	_____	\$ _____
	_____*	_____
_____ 1, ____	_____	\$ _____
	_____*	_____

*final maturity

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the Municipality, may (i) deliver to the Registration Agent for cancellation Bonds maturing June 1, ____ and June 1, ____, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation for any Bonds maturing _____ 1, ____ and _____ 1, ____, which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory redemption provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory redemption shall be accordingly reduced.]

Notice of call for redemption[, whether optional or mandatory,] shall be given by the Registration Agent on behalf of the Municipality, but only upon direction of the Municipality, not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any such defect in any such notice so mailed shall affect the sufficiency of the proceedings for the redemption of any of the Bonds for which proper notice was given. As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant will not affect the validity of such redemption. From and after any redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth in the Resolution, as hereafter defined.

This Bond is transferable by the registered owner hereof in person or by such owner's attorney duly authorized in writing at the principal corporate trust office of the Registration Agent set forth on the front side hereof, but only in the manner, subject to limitations and upon payment of the charges provided in the Resolution, as hereafter defined, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds of authorized denominations of the same maturity and interest rate for the same aggregate principal amount will be issued to the transferee in exchange therefor. The person in whose name this Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bond shall be overdue. Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in authorized denomination or denominations, upon the terms set forth in the Resolution. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular Record Date or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the notice calling such Bond for redemption has been made, nor during a period following the receipt of instructions from the Municipality to call such Bond for redemption.

This Bond is one of a total authorized issue aggregating not to exceed \$10,000,000 and issued by the Municipality for the purpose of providing funds of providing funds to pay costs of (i) improvement 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, under and in full compliance with the constitution and statutes of the State of Tennessee, including Sections 9-21-101 et seq., Tennessee Code Annotated, as amended, and pursuant to a resolution duly adopted by the City Council of the Municipality on August 8, 2011 (the "Resolution").

This Bond is one of a series of Bonds payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. This Bond 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. For the prompt payment of principal of, premium, if any, and interest on this Bond, the full faith and credit of the Municipality are hereby irrevocably pledged. As provided in the Resolution, the punctual payment of principal of, premium, if any, and interest on the series of Bonds of which this Bond is one shall be secured equally and ratably by said revenues without priority by reason of series, number or time of sale or delivery.

This Bond and the income therefrom are exempt from all present state, county and municipal taxes in Tennessee except (a) inheritance, transfer and estate taxes, (b) Tennessee excise taxes on interest on the Bond during the period the Bond is held or beneficially owned by any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee, and (c) Tennessee franchise taxes by reason of the inclusion of the book value of the Bond in the Tennessee franchise tax base of any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond,

together with all other indebtedness of the Municipality, does not exceed any limitation prescribed by the constitution and statutes of the State of Tennessee.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by its Mayor with his manual or facsimile signature and attested by its City Clerk with her manual or facsimile signature, all as of the date hereinabove set forth.

CITY OF OAK RIDGE, TENNESSEE

By: _____
Mayor

ATTESTED:

City Clerk

Transferable and payable at the principal corporate trust office of:

Date of Registration: _____

This Bond is one of the issue of Bonds issued pursuant to the Resolution hereinabove described.

Registration Agent

By: _____
Authorized Representative

FORM OF ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto _____, whose address is _____ (Please insert Social Security or Federal Tax Identification Number _____) the within Bond of the City of Oak Ridge, Tennessee, and does hereby irrevocably constitute and appoint _____, attorney, to transfer the said Bond on the records kept for registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of a Medallion Program acceptable to the Registration Agent.

Section 7. Levy of Tax. The Municipality, through its Governing Body, shall annually levy and collect a tax upon all taxable property within the City of Oak Ridge, Tennessee, in addition to all other taxes authorized by law, sufficient to pay principal of, premium, if any, and interest on the Bonds when due, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay principal of, premium, if any, and interest coming due on the Bonds in said year. Principal, premium, if any, and interest falling due at any time when there are insufficient funds from this tax levy on hand shall be paid from the current funds of the Municipality and reimbursement therefor shall be made out of the taxes hereby provided to be levied when the same shall have been collected.

Section 8. Sale of Bonds. (a) The Bonds shall be offered for public sale, as required by law, in one or more emissions, at a price of not less than ninety-eight percent (98%) of par, plus accrued interest, as a whole or in part from time to time as shall be determined by the Mayor, in consultation with the Financial Advisor. The Bonds, or any emission thereof, shall be sold at public sale by physical delivery of bids or by electronic bidding means of an Internet bidding service as shall be determined by the Mayor, in consultation with the Financial Advisor.

(b) If the Bonds are sold in more than one emission, the Mayor is authorized to cause to be sold in each emission an aggregate principal amount of Bonds less than that shown in Section 3 hereof for each emission, and to establish the maturity schedule of each emission, so long as the total aggregate principal amount of all emissions issued does not exceed the total aggregate of Bonds authorized to be issued herein.

(c) The Mayor is further authorized with respect to each emission of Bonds to:

- (1) change the dated date to a date other than the date of issuance;
- (2) specify the series designation or change the designation of the Bonds other than "General Obligation Bonds";

(3) change the first interest payment date to a date other than December 1, 2011, provided that such date is not later than twelve months from the dated date of such emission of Bonds;

(4) adjust the principal and interest payment dates and determine maturity or mandatory redemption amounts of the Bonds or any emission thereof, provided that (A) the total principal amount of all emissions of the Bonds does not exceed the total amount of Bonds authorized herein, and (B) the average weighted maturity of all emissions of the Bonds in the aggregate shall not exceed twenty-five years;

(5) adjust or remove the optional redemption thereof, provided that the premium amount to be paid does not exceed two percent (2%) of the principal amount thereof;

(6) sell the Bonds, or any emission thereof, or any maturities thereof as Term Bonds with mandatory redemption requirements as determined by the Mayor, as he shall deem most advantageous to the Municipality; and

(7) cause all or a portion of the Bonds to be insured by a bond insurance policy issued by a nationally recognized bond insurance company to achieve the purposes set forth herein and to serve the best interests of the Municipality and to enter into agreements with such insurance company to the extent not inconsistent with this Resolution.

(d) The Mayor, in consultation with the Finance Director, is authorized to sell the Bonds, or any emission thereof, simultaneously with any other bonds or notes authorized by resolution or resolutions of the Governing Body. The Mayor is further authorized to sell the Bonds, or any emission thereof, as a single issue of bonds with any other bonds with substantially similar terms authorized by resolution or resolutions of the Governing Body, in one or more emissions or series as she shall deem to be advantageous to the Municipality and in doing so, the Mayor is authorized to change the designation of the Bonds to a designation other than "General Obligation Bonds"; provided, however, that the total aggregate principal amount of combined bonds to be sold does not exceed the total aggregate principal amount of Bonds authorized by this resolution or bonds authorized by any other resolution or resolutions adopted by the Governing Body.

(e) The Mayor, in consultation with the Finance Director, is authorized to award the Bonds, or any emission thereof, in each case to the bidder whose bid results in the lowest true interest cost to the Municipality, provided the rate or rates on the Bonds does not exceed the maximum rate permitted by applicable Tennessee law. The award of the Bonds by the Mayor to the lowest bidder shall be binding on the Municipality, and no further action of the Governing Body with respect thereto shall be required. The form of the Bond set forth in Section 6 hereof, shall be conformed to reflect any changes made pursuant to this Section 8 hereof.

(f) The Mayor and City Clerk, or either of them, are authorized to cause the Bonds, in book-entry form (except as otherwise permitted herein), to be authenticated and delivered by the Registration Agent to the successful bidder and to execute, publish, and deliver all certificates and documents, including an official statement and closing certificates, as they shall deem necessary in connection with the sale and delivery of the Bonds. The Mayor is hereby authorized to enter into a contract with the Financial Advisor for financial advisory services in connection with the sale of the Bonds and to execute an engagement letter with Bass, Berry & Sims PLC to serve as bond counsel for the issuance of the Bonds.

Section 9. Disposition of Bond Proceeds. The proceeds of the sale of the Bonds shall be paid over to the Municipality and used and applied as follows:

(a) any pre-issuance accrued interest shall be deposited to the Bond Fund to be used to pay interest on the Bonds on the first interest payment date following delivery of the Bonds; and

(b) the remainder of the proceeds of the sale of the Bonds shall be deposited with a financial institution regulated by and the deposits of which are insured by the Federal Deposit Insurance Corporation or similar federal agency, in a special fund known and designated as the "Water and Sewer System Construction Fund" to be kept separate and apart from all other funds of the Municipality and the System. The funds in the Construction Fund shall be disbursed solely to pay the (i) costs of the Projects and (ii) costs of and issuance of the Bonds, including necessary legal, accounting, engineering, and fiscal expenses, printing, advertising and similar expenses, administrative and clerical costs, Registration Agent fees, bond insurance premiums, if any. Money in the Construction Fund shall be secured in the manner prescribed by applicable statutes relative to the securing of public or trust funds, if any, or, in the absence of such a statute, by a pledge of readily marketable securities having at all times a market value of not less than the amount in said Construction Fund. Money in the Construction Fund shall be expended only for the purposes authorized by this resolution. Any funds remaining in the Construction Fund after completion of the Projects and payment of authorized expenses shall be deposited to the Bond Fund. Moneys in the Construction Fund shall be invested as directed by the Municipality in such investments as shall be permitted by applicable law. All income derived from such investments shall be retained in the Construction Fund and regarded as part thereof.

Section 10. Discharge and Satisfaction of the Bonds. If the Municipality shall pay and discharge the indebtedness evidenced by all or any portion of the Bonds in any one or more of the following ways:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Bonds as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"; which Agent may be the Registration Agent) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Defeasance Obligations, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay premium, if any, and interest thereon when due until the maturity or redemption date (provided, if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice);

(c) By delivering such Bonds to the Registration Agent, for cancellation by it;

and if the Municipality shall also pay or cause to be paid all other sums payable hereunder by the Municipality with respect to such Bonds, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Escrow Agent to pay amounts when and as required to the Registration Agent for the payment of principal of and interest and redemption premiums, if any, on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the Municipality to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Defeasance Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Defeasance Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Defeasance Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and interest on said Bonds; provided that any cash received from such principal or interest payments on such Defeasance Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the Municipality as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Defeasance Obligations maturing at times and in amounts sufficient to pay when due the principal and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the Municipality, as received by the Registration Agent.

Section 11. Official Statement. The Mayor, the City Manager and the Finance Director, or any of them, working with the Financial Advisor, are hereby authorized and directed to provide for the preparation and distribution of a Preliminary Official Statement describing the Bonds. After the Bonds have been sold, the Mayor, the Manager and the Finance Director or any of them, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. The Mayor, the City Manager and the Finance Director, or any of them, shall arrange for the delivery to the purchaser of a reasonable number of copies of the Official Statement within seven business days after the Bonds have been sold for delivery, by the successful bidder for the Bonds, to each potential investor requesting a copy of the Official Statement and to each person to whom the such bidder initially sells the Bonds.

The Mayor, the City Manager and the Finance Director, or any of them, are authorized, on behalf of the Municipality, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the Municipality except for the omission in the Preliminary Official Statement of such pricing and other information.

Section 12. Federal Tax Matters. The Municipality recognizes that the purchasers and owners of the Bonds will have accepted them on, and paid therefor a price that reflects, the understanding that interest thereon is excludable from gross income for purposes of federal income taxation under laws in force on the date of delivery of the Bonds. In this connection, the Municipality, covenants that it shall take no action which may cause interest on any of said Bonds to be included in gross income for purposes of federal income taxation. It is the reasonable expectation of the Governing Body of the Municipality that the proceeds of the Bonds will not be used in a manner which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, and to this end the said proceeds of the Bonds and other related funds established for the purposes herein set out shall be used and spent expeditiously for the purposes described herein. The Governing Body of the Municipality, further covenants and represents that in the event it shall be required by Section 148(f) of the Code to pay "rebate amount" with respect to the Bonds to the United States government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on

the Bonds from being included in gross income for federal income tax purposes. The Mayor and the City Clerk, or either of them, are authorized and directed to make such certifications in this regard in connection with the sale of the Bonds as either or both shall deem appropriate, and such certifications shall constitute a representation and certification of the Municipality.

Section 13. Continuing Disclosure. The Municipality hereby covenants and agrees that it will provide financial information and material event notices as required by Rule 15c2-12 of the Securities Exchange Commission for the Bonds. The Mayor is authorized to execute at the closing of the sale of the Bonds, an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the Municipality to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the Municipality to comply with its undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

Section 14. Qualified Tax-Exempt Obligations. The Mayor is authorized to designate the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265 of the Internal Revenue Code of 1986, to the extent they may be so designated.

Section 15. Separability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 16. Repeal of Conflicting Resolutions and Effective Date. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

This the 8^h day of August, 2011.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

**FINAL ADOPTION
OF
ORDINANCES**

CITY COUNCIL MEMORANDUM
11-35

DATE: July 5, 2011

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

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

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

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

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

Approval of the attached ordinance is recommended.


Mark S. Watson

Attachment

TITLE

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

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

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

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

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

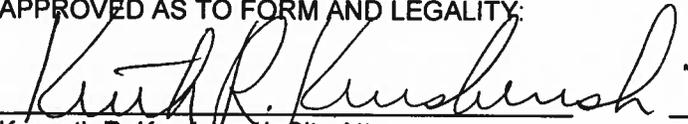
Section 1. Title 2, titled "Boards and Commissions, Etc.," Chapter 1, titled "Miscellaneous," Section 2-101, titled "Membership to boards and commissions; residency required," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new sentence to the end of this section,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

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

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

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

First Reading: 7/11/11
Publication Date: 7/18/11
Second Reading: _____
Publication Date: _____
Effective Date: _____

LEGAL DEPARTMENT MEMORANDUM
11-28

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

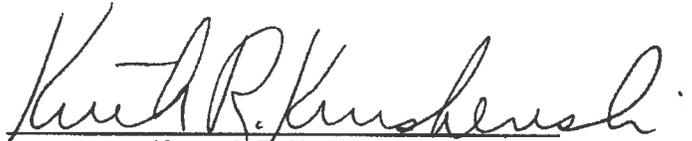
An item for the agenda is an ordinance to amend the City Code to create a new code section pertaining to contempt.

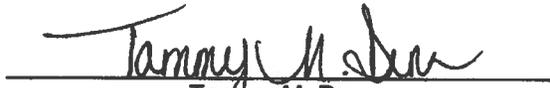
Every court, including a municipal court, is vested with the power to punish for contempt of court. (See Tennessee Code Annotated §16-1-103.) Contempt of court is limited to willful misbehavior in the presence of court or so near as to obstruct the administration of justice; willful misbehavior of any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

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

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

Staff recommends approval of the attached ordinance.

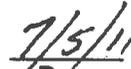

Kenneth R. Krushenski


Tammy M. Dunn

City Manager's Comments:

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


Mark S. Watson


Date

TITLE

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

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

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

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

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

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

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

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

Sec. 3-104. Contempt of court.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, Acting City Clerk

First Reading: 7/11/11
Publication Date: 7/18/11
Second Reading: _____
Publication Date: _____
Effective Date: _____