

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

September 10, 2012—7:00 p.m.

AGENDA

I. **INVOCATION**

The Reverend Joe Westfall, West Village Christian Church

II. **PLEDGE OF ALLEGIANCE**

III. **ROLL CALL**

IV. **APPEARANCE OF CITIZENS**

V. **PROCLAMATIONS AND PUBLIC RECOGNITIONS**

- a. Public swearing-in of Councilman Charles J. Hope, Jr.
- b. Proclamation in celebration of Oak Ridge's 70th Birthday.
- c. Public recognition of Public Works employees for their work on the renovation of the bathrooms at the Municipal Building.

VI. **SPECIAL REPORTS**

Presentation to City Council from two (2) City Boards and Commissions Representatives to provide information to the public about the structure, purpose, and achievements of their boards to generate interest in the end of year elections.

VII. **CONSENT AGENDA**

- a. Approval of the August 13, 2012 City Council meeting minutes.
- b. Adoption of a resolution acknowledging the City's submission of the Wastewater Collection System Remediation Plan to the U.S. Environmental Protection Agency (EPA) in accordance with the requirements of the Administrative Order.
- c. Adoption of a resolution to amend Resolution 12-117-11 to reschedule the November 2012 regular City Council meeting to November 5, 2012.
- d. Adoption of a resolution authorizing the City to enter into an agreement with the Tennessee Valley Authority (TVA) to participate in the Green Power Providers (GPP) Program.

VIII. **RESOLUTIONS**

- a. Adoption of a resolution awarding a contract to First Place Finish, Inc., Oak Ridge, Tennessee, for the restoration of bunkers at Centennial Golf Course in the estimated amount of \$128,442.22.
- b. Adoption of a resolution to extend through September 30, 2012 the water services agreement between the City and the United States Department of Energy (DOE), approved by Resolution 4-47-98 and extended by Resolutions 10-98-10, 6-46-11 and 5-

34-2012.

- c. Adoption of a resolution approving the execution of a Cooperation Agreement between Dogwood Manor Apartments, Inc. and the City to set out the responsibility of in-lieu of-tax payments (PILOT).
- d. Adoption of a resolution authorizing the City Manager to submit a letter to the Tennessee Department of Transportation releasing the Enhancement Grant Funds for the construction of the Southern Appalachian Railway Museum.
- e. Adoption of a resolution awarding a contract (COR 12-28) to B & A Construction Co., Inc., Caryville, Tennessee, for the demolition of two city-owned residential structures, said contract in the estimated amount of \$28,200.00.
- f. Adoption of an initial resolution authorizing the incurrence of indebtedness by the City of Oak Ridge, Tennessee, of not to exceed \$5,000,000, by the execution with the public building authority of the City of Clarksville, Tennessee, of a loan agreement to provide funding for certain public works projects, and to fund the incidental and necessary expenses related thereto.
- g. Adoption of a resolution authorizing a loan pursuant to a loan agreement between the City of Oak Ridge, Tennessee, and the public building authority of the City of Clarksville, Tennessee, in the principal amount of not to exceed \$5,000,000; authorizing the execution and delivery of such loan agreement and other documents relating to said loan; approving the issuance of a bond by such public building authority; providing for the application of the proceeds of said loan and the payment of such indebtedness; and, consenting to the assignment of the City's obligation under such loan agreement.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading

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 41.00, MAP 100P, GROUP F, (FORMERLY LOT 19, BLOCK 21-CB) FROM O-2/PUD, OFFICE PLANNED UNIT DEVELOPMENT TO UB-2, UNIFIED GENERAL BUSINESS.

First Readings

- a. AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- b. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 4, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ORDER TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE.

- c. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 7, TITLED "PLUMBING CODE - GENERALLY," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," AND BY DELETING SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE – AMENDMENTS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE – AMENDMENTS," IN ORDER TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PLUMBING CODE AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.
- d. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY RENUMBERING CHAPTER 12, TITLED "CITATIONS AND ORDINANCE SUMMONSES," TO BE CHAPTER 16 WITH THE TITLE REMAINING THE SAME; BY DESIGNATING CHAPTERS 13, 14, AND 15 AS "RESERVED FOR FUTURE USE"; AND BY CREATING A NEW CHAPTER 12, TITLED "INTERNATIONAL ENERGY CONSERVATION CODE," TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS REQUIRED BY THE STATE OF TENNESSEE.
- e. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 1, TITLED "BUILDING ACCESSIBILITY BY PHYSICALLY DISABLED PERSONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," AND SUBSTITUTING THEREFOR A NEW SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," IN ORDER TO ADOPT THE ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES ICC A117.1-2009 CODE.
- f. AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," CHAPTER 7, TITLED "ADULT ENTERTAINMENT ESTABLISHMENTS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 9-703, TITLED "LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS," TO ADD ADDITIONAL LOCATION RESTRICTIONS, INCREASE THE DISTANCE PROVISION FOR RESIDENTIAL AREAS, AND ALTER THE DISTANCE MEASUREMENT METHOD FOR COMPLIANCE WITH TENNESSEE CODE ANNOTATED §7-51-1407.

X. FINAL ADOPTION OF ORDINANCES

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

- a. Elections/Appointments
- b. Announcements
- c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

- a. CITY MANAGER'S REPORT
- b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM

12-41

DATE: August 31, 2012

TO: Honorable Mayor and Members of City Council

FROM: Diana R. Stanley, City Clerk

SUBJECT: PROCLAMATIONS AND PUBLIC RECOGNITIONS

The following proclamation and public recognitions will take place during the September 10, 2012 City Council meeting:

Oath of Office

Councilman Charles J. Hope, Jr. will take a public oath of office at the September 10, 2012 Council meeting.

Oak Ridge's 70th Birthday

A proclamation for City Council's consideration is in response to a request from the Oak Ridge Heritage and Preservation Association (ORHPA), and will be accepted by a representative from the ORHPA.

Pubic Recognition

The City Manager wishes to publicly recognize the Public Works employees, Mike Brooks, Facilities Maintenance Specialist; Sam Lands, Maintenance Worker; Debbie Palmer, Facilities Maintenance Specialist; and Ray Crawhorn, Facilities Maintenance Specialist, who worked diligently to transform the restrooms at the Municipal Building to a modern, accessible space.



Diana R. Stanley

Attachments

PROCLAMATION

WHEREAS, the Manhattan Project was the most important science and technology project of the Twentieth Century, and 2012 marks the Seventieth Anniversary of its beginning; and

WHEREAS, the Manhattan Project should be commemorated by this and future generations for bringing an end to the most dreadful war in history, and for saving at least a million Japanese and Allied lives that would have been lost in the invasion then-being planned; and

WHEREAS, mankind has been the beneficiary of numerous applications of the Manhattan Project's nuclear science and technology including Nuclear Medicine, Civilian Nuclear Power, a multitude of advances in Industry, Biology, and Agriculture, and effective nuclear defense programs that have helped avoid a subsequent world war; and

WHEREAS, on September 19, 1942 the decision was made by Commanding General Leslie R. Groves to acquire 90 square miles of East Tennessee farmland to be the location for the Manhattan Project Plants and for the temporary City of Oak Ridge in which the scientists, engineers, and the extraordinarily diverse Army and civilian supporting staff were to live; and

WHEREAS, it is fitting and proper that the City of Oak Ridge, whose roots were planted by the action of General Groves, celebrate September 19th as the birthday of its creation as the temporary WWII "Secret City" to be built and operated by the Army Engineers. It is likewise fitting and proper that the City of Oak Ridge should celebrate the birthday of our permanent, incorporated City of Oak Ridge 18 years later on July 1, 1960; and

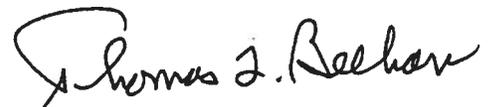
WHEREAS, the Oak Ridge Convention and Visitors Bureau, the Oak Ridge Heritage and Preservation Association, and the American Museum of Science and Energy along with a number of interested citizens have planned special commemorative events to celebrate the 70th birthday of the "Secret City" on Wednesday, September 19, 2012, in Historic Jackson Square, the center of the wartime city; and

WHEREAS, many Oak Ridge citizens and organizations recognize and appreciate the City's heritage, and are encouraged to participate in the birthday celebration.

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

That all citizens to join in commemorating the 70th Birthday of the World War II "Secret City's" creation as part of the Manhattan Project; honor the memory of those 75,000 patriots and citizens of our wartime City who came here from all over the Nation to do whatever they could to bring peace to the world; and that current citizens pledge to carry on the commitment to world peace and to apply science and technology in the service of our fellowman.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this 10th day of September in the year of 2012.



MAYOR

SPECIAL REPORTS

CITY CLERK MEMORANDUM

12-40

DATE: August 31, 2012

TO: Honorable Mayor and Members of City Council
Mark S. Watson, City Manager

FROM: Diana R. Stanley, City Clerk

SUBJECT: PRESENTATION FROM BOARDS AND COMMISSIONS REPRESENTATIVES

On February 14, 2011, City Council approved Resolution No. 2-8-11 to simplify the election process for certain boards and commissions by setting all terms of office (with the exception of student members) to commence on January 1, by extending current members' terms of office through to the December 31 following their current term, and by establishing all officers to be elected each January.

This time last year, a number of representatives from City Boards and Commissions gave brief presentations during City Council meetings for the public to learn about the structure and purpose of the various boards so as to generate interest in the end of year elections from those boards participating.

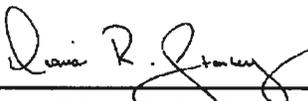
Following last year's format, Boards who will participate in the 2012 end of year election and did not give presentations during Council meetings last year, have been invited to speaking during the September 10, 2012 Council meeting.

The following Boards and Commissions Representatives will be speaking during the September 10, 2012 City Council Meeting:

Wayne Garber, Chair
William Biloski, Chair

Trade Licensing Board
Industrial Development Board

Information regarding the 2012 end of year election process will be forthcoming.



Diana R. Stanley

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

August 13, 2012

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on August 13, 2012, 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

The Pledge of Allegiance to the Flag of the United States of America was led by Mr. Barry Vickers.

ROLL CALL

Upon roll call, the following councilmembers were present: Mayor Thomas L. Beehan; Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Mayor Pro Tem D. Jane Miller; Councilmember David N. Mosby; and Councilmember Ellen D. Smith.

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

At the request of Mayor Beehan, City Manager Mark Watson explained that the reason Charles Hope's name was not announced during roll call was because the recent August 2, 2012 election results, in which Mr. Hope was declared a winner, had not been certified in time for the Council meeting.

Mayor Beehan requested that Mr. Hope be allowed to participate with City Council during the meeting given that he had been won the Council seat from the August 2 election, but clarified that Mr. Hope would be unable to vote. No dissention was expressed regarding this request.

APPEARANCE OF CITIZENS

(NONE)

PROCLAMATIONS AND PUBLIC RECOGNITIONS

(NONE)

SPECIAL REPORTS

(NONE)

CONSENT AGENDA

At the request of Councilmember Smith item c titled, "Adoption of a resolution authorizing the submittal of a grant application for FY2013 to the Tennessee Department of Transportation (TDOT) for an Operating Assistance Grant to reimburse the City for up to fifty percent (50%) of the net operating expenses of the City's Public Transportation Program in the estimated amount of \$268,424.00, and to accept said grant if approved by TDOT" was removed from the Consent Agenda.

The City Clerk also noted that Councilmember Smith had requested three (3) corrections in the July minutes for clarifications purposes prior to the beginning of the meeting which had been communicated to City Council via e-mail:

- (1) Include the word "by" in the Pledge of Allegiance sentence.
- (2) Under Resolution No. 7-56-2012, second paragraph, reference the titles of the three

- salaried Fire Department personnel who would issue citations.
- (3) Under Resolution No. 7-57-2012, first paragraph, redraft the first sentence into two for improved coherence.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to approve the minutes as noted. The minutes, as amended, were approved by unanimous voice vote with Councilmember Garcia Garland, Hensley, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Following removal of the resolution and approval of the amended minutes, Councilmember Hensley moved, seconded by Councilmember Smith to approve the remainder of the Consent Agenda as amended. The motion was unanimously approved by voice vote with Councilmember Garcia Garland, Hensley, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," thereby:

Adopting Resolution No. 8-62-2012 awarding bids in the estimated amount of \$20,859.00 to Wesco Distribution, Inc., Chattanooga, Tennessee, and in the estimated amount of \$25,116.00 to Ermco Distribution Transformers, Dyersburg, Tennessee, for the furnishing of single-phase pole mounted transformers for use by the Electric Department.

Resolution Removed from Consent Agenda

Resolution No. 8-63-2012

Adoption of a resolution authorizing the submittal of a grant application for FY2013 to the Tennessee Department of Transportation (TDOT) for an Operating Assistance Grant to reimburse the City for up to fifty percent (50%) of the net operating expenses of the City's Public Transportation Program in the estimated amount of \$268,424.00, and to accept said grant if approved by TDOT.

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

The City Attorney briefly reviewed the inspections process of the taxicabs, as well as ownership. Mr. Krushenski also noted that the cab owners were aware of the City's no smoking policy.

Following an inquiry from Councilmember Smith, the City Manager announced that any concerns regarding the taxicabs should be addressed to the City Manager's Office.

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

RESOLUTIONS

Resolution No. 8-64-2012

Adoption of a resolution to amend the Power Contract with TVA in order to establish a new wholesale rate structure.

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

Electric Department Director Jack Suggs provided an overview of the wholesale rate structure, as well as responded by questions and comments of City Council.

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 09-2012

AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED “A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE,” AS AMENDED, BY AMENDING SECTION 11.1, TITLED “GENERAL LEAVE,” SUBSECTION B., TITLED “CREDITING GENERAL LEAVE,” TO ADJUST THE LEAVE ACCRUAL RATES FOR POLICE DEPARTMENT PATROL SHIFT EMPLOYEES AND FIRE DEPARTMENT STATION-BASED SHIFT EMPLOYEES, AND BY AMENDING SECTION 11.3, TITLED “HOLIDAY LEAVE,” TO ADD A NEW HOLIDAY, PRESIDENTS’ DAY, IN CHRONOLOGICAL ORDER.

Councilmember Smith moved, seconded by Councilmember Hensley that the ordinance be approved.

The ordinance was approved as presented by voice vote with Councilmembers Garcia Garland, Hensley, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

(NONE)

Announcements

(NONE)

Scheduling

Discussion on potential election impacts causing rescheduling of the November 12, 2012 City Council Meeting.

The City Manager explained that because city elections now coincide with state and national elections, and that by law, the Election Commission has up to three (3) Mondays to certify the election results, it would be unlikely that the newly elected councilmembers would be able to take office in time for the November 12 City Council meeting.

The City Manager provided two options: (1) defer city business to December, or (2) reschedule the November City Council meeting to November 5, 2012. Mr. Watson suggested that the second option be pursued based on the pace of city business and a resolution be presented to City Council in September to reschedule the November Council meeting.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Hensley inquired about a City Council visioning session, to which the City Manager replied that the Council Work Session will deal with discussion on visioning.

Councilmember Garcia Garland requested a list of blighted properties before the August work session or retreat.

Councilmember Hope requested to receive the notes from the last City Council Retreat prior to the work session.

Councilmember Smith requested a report on the City’s leave policy in terms of its practice. The City

Manager provided some information to Councilmember's Smith request by highlighting employee satisfaction, clerical work improvement, and leave type definitions.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

The City Manager provided an update on the Department of Energy's Memorandum of Agreement (MOA) regarding the Alexander Inn property.

CITY ATTORNEY'S REPORT

The City Attorney briefly noted that the tax sale for Anderson County delinquent property taxes would occur in October.

ADJOURNMENT

The meeting adjourned at 7:40 p.m.

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

PUBLIC WORKS DEPARTMENT MEMORANDUM
12-27

DATE: August 29, 2012
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, Public Works Director

SUBJECT: WASTEWATER COLLECTION SYSTEM REMEDIATION PLAN REPORT

The accompanying resolution acknowledges the transmittal of the Oak Ridge Wastewater Collection System Remediation Plan Report to the Environmental Protection Agency in compliance with Administrative Order No. CWA-04-2010-4772.

The City of Oak Ridge received an Administrative Order (Order) from the U.S. Environmental Protection Agency (EPA) on September 30, 2010. The Order requires the submission and approval of a Wastewater Collection System Remediation Plan (Remediation Plan) that provides details of repairing the sewer system. The Remediation Plan was transmitted to EPA by the required deadline of September 3, 2012.

The Order was issued because of the history of sanitary sewer overflows (SSOs) in the system. A Capacity Assessment of the sewer system was required to know the magnitude of flows the system could transport without overflows occurring. To complete the Capacity Assessment, a geographic information system (GIS) was developed to document the size, location and slope of each sewer line in the system, as well as the location and elevations of each manhole in the system.

The Order also required a Sewer System Evaluation Survey (SSES). This effort required the entire system to be smoke tested, all manholes to be inspected, and all city-owned lines to be cleaned and inspected by closed circuit television (CCTV).

Utilizing the information from the Capacity Assessment work and the SSES, methods for corrective action so the anticipated flow would not cause SSOs were explored. Once the various options were identified to reduce flow during storm events, projections were developed to estimate the amount of reduction which could be reasonably expected. Seven alternatives were evaluated for the elimination of SSOs and were screened by a three-step progressive process:

Is the alternative hydraulically feasible?

Is the alternative economically feasible and practical?

What are the differential costs between the economically feasible and practical alternatives?

Once the evaluation process was complete, the Remediation Plan recommends a combination of actions as the most favorable approach of eliminating SSOs and includes the construction of three (3) equalization basins, sewer rehabilitation, manhole rehabilitation and increase selected pipe sizes. The remediation work effort has been prioritized based on ratings that considered health and environmental risk; SSO frequencies and volumes; and total system defects.

The Remediation Plan includes a listing of projects and the associated costs (pages E12 and IX-76) and a schedule meeting the September 2015 deadline of the Order. The projects are listed by sewer shed, with the eastern side of the city requiring the most work. The Remediation Plan schedule contains seventeen (17) rehabilitation projects and the construction of three (3) equalization basins, totaling an estimated cost of \$23,090,800.

The Remediation Plan is the culmination of a tremendous effort by our Program Manager, Lamar Dunn and Associates in conjunction with City field crews, technical staff and outside contractors. It is significant to mention that all required documents, reports, studies, plans etc. have been completed and submitted to EPA in advance of the respective deadlines and have received high praise from EPA for their thoroughness and accuracy. It is the continued dedication of all those involved that will help the City improve the wastewater collection system and comply with the requirements of the Order.

A copy of the submitted Remediation Plan has been provided to each City Council member, as well as copies placed in the Public Library, and the City Clerk's office.



Gary M. Corder

City Manager's Comments:

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



Mark S. Watson, City Manager

9-5-2012
Date

NUMBER _____

RESOLUTION

A RESOLUTION ACKNOWLEDGING THE CITY'S SUBMISSION OF THE WASTEWATER COLLECTION SYSTEM REMEDIATION PLAN TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) IN ACCORDANCE WITH THE REQUIREMENTS OF THE ADMINISTRATIVE ORDER.

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

WHEREAS, as part of the Administrative Order, the City is required to submit a Wastewater Collection System Remediation Plan providing details of repairing the sewer system, which plan must be approved by the EPA; and

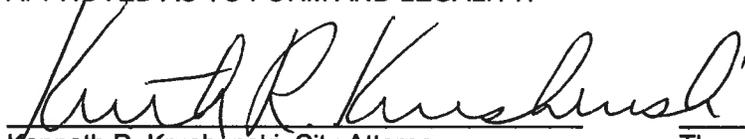
WHEREAS, the Remediation Plan was submitted to the EPA for approval by the September 3, 2012 deadline.

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

That, as required by the Administrative Order, the City submitted to the U.S. Environmental Protection Agency the City's Wastewater Collection System Remediation Plan by the September 3, 2012 deadline.

This the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**CITY CLERK MEMORANDUM
12-38**

DATE: August 27, 2012
TO: Mark S. Watson, City Manager
FROM: Diana R. Stanley, City Clerk
SUBJECT: RESCHEDULING OF NOVEMBER 12, 2012 CITY COUNCIL MEETING

Introduction

An item for City Council's consideration is a resolution amending Resolution No. 12-117-11 to reschedule the November 12, 2012 City Council meeting to November 5, 2012.

Background

At the December 12, 2011 City Council meeting, City Council approved Resolution 12-117-11 which established the City Council meeting schedule for calendar year 2012 in accordance with the City Charter. The resolution specifically outlined that regular meetings of the City Council shall, not counting two exceptions, occur on the second Monday of each month. That sequence meant that the November 2012 City Council meeting would be scheduled for November 12.

Of the eight (8) Charter amendments that occurred by referendum on November 11, 2010, Article I, Section 2, "Time of elections," was changed to schedule the regular city election biennially on the date of the general state election held on the first Tuesday after the first Monday in November of even-numbered years. In accordance with City Charter Article I, Section 7, "Term of office," three (3) City Council seats are up for election on November 6, 2012; however, Section 9, "Time of taking office," of the City Charter states that elected members cannot take office until after the county election commission has certified the election. Tennessee Code Annotated §2-8-101, explains that the county election commission has until the third Monday following the election (in this case November 26, 2012) to certify the election results. Following the conclusion of the August Special Election, it took approximately one week for the Election Commission to complete the certification for the one (1) City Council seat.

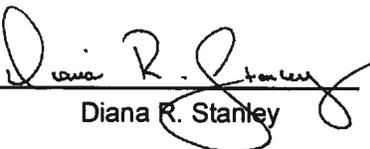
Given that November 6, 2012 is a general/presidential election, it is unlikely that the results will be certified prior to the November 12, 2012 City Council meeting thus only permitting four (4) City Councilmembers to participate in the regularly scheduled November City Council meeting since the elected members are not permitted to take office until the election results have been certified.

Recommendation

Given the current pace of city business and the brief discussions that was held at the August 13, 2012 City Council meeting regarding rescheduling of the November meeting, city staff would recommend changing the date of the November City Council meeting from November 12, 2012 to November 5, 2012. Moving the date would also allow city business to be conducted with full Council attendance.

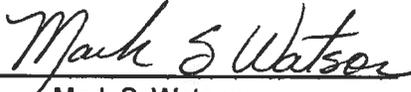
Adoption of the attached resolution is recommended.

Attachments


Diana R. Stanley

City Manager's Comments:

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



Mark S. Watson



Date

RESOLUTION

A RESOLUTION TO AMEND RESOLUTION 12-117-11 TO RESCHEDULE THE NOVEMBER 2012 REGULAR CITY COUNCIL MEETING TO NOVEMBER 5, 2012.

WHEREAS, by Resolution 12-117-11, City Council established the City Council meeting schedule for calendar year 2012 in accordance with City Charter Article II, Section 1, "Regular meetings of council"; and

WHEREAS, said resolution set the November meeting on November 12, 2012; and

WHEREAS, City Charter Article I, Section 2, "Time of elections," was changed by referendum on November 11, 2010 to schedule the regular city election biennially on the date of the general state election held on the first Tuesday after the first Monday in November of even-numbered years; and

WHEREAS, in accordance with City Charter Article I, Section 7, "Term of office," three (3) City Council seats are up for election on November 6, 2012; and

WHEREAS, pursuant to City Charter Article I, Section 9, "Time of taking office," elected members cannot take office until after the county election commission has certified the election; and

WHEREAS, by Tennessee Code Annotated §2-8-101, the county election commission has until the third Monday following the election (in this case November 26, 2012) to certify the election results; and

WHEREAS, the likelihood is great for the regularly scheduled November City Council meeting to only have four (4) members in attendance since the elected members cannot take office until the election results have been certified; and

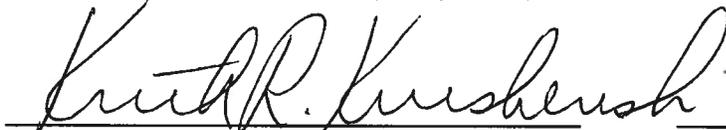
WHEREAS, in order to conduct business in the month of November, the City proposes to change the date of the November meeting from November 12, 2012 to November 5, 2012.

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

That Resolution 12-117-11 is hereby amended to reschedule the November 2012 regular City Council meeting to November 5, 2012 beginning at 7:00 p.m. in the Municipal Building Courtroom.

This the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM
12-20

Date: August 29, 2012
To: Mark S. Watson, City Manager
From: Jack L. Suggs, Electrical Director
Subject: APPROVAL OF GREEN POWER PROVIDERS PROGRAM PARTICIPATION

Attached is a resolution authorizing the City Manager to execute documents required for the City to participate in the Green Power Providers (GPP) Program through the Tennessee Valley Authority (TVA). Approval of this resolution is required in order for the City to continue to allow new customers to establish green power generation facilities and sell the power to TVA. The existing program is being terminated effective September 30, 2012.

This change, including the termination of the existing program, does not affect customers who are currently under contract with the City or who have existing generation sites. It does affect customers who may wish to sign up in the future.

The City of Oak Ridge has participated in the Generation Partners Pilot Program since February of 2008. We have two active facilities at this time and applications for several more. This program featured sign-on incentives plus a set premium for power produced over the life of the contract. TVA is closing this program effective the end of September, although customers with approved applications will continue to be accepted as long as they comply with the approved construction schedules for their projects.

TVA is replacing the Generation Partners Pilot Program with the GPP Program. There are several differences between the programs. These differences are designed to increase the renewable portfolio in a sustainable manner, which involves aligning supply with demand through the Green Power Switch Program and TVA's integrated resource plan. TVA seeks to recognize potential changes to the green energy market by adding flexibility to the contracts that do not exist in the Pilot Program, both at the customer and system levels.

A few key changes to the new program from the customer's perspective include:

- Establishing application fees
- Clarifying site and customer eligibility issues
- Establishing annual participation limits in Mega Watts that will be set each calendar year
- Establishing a declining premium schedule for power sold under new contracts

These changes will likely be perceived as negative by new customers; however, it is important to note that since the City cannot purchase power except from TVA, our participation in the program is the only avenue available to us to allow renewable generation for distribution in our area. (Customers can generate such power for on-site use with no premium if they so choose). Failure to approve this contract will eliminate the possibility for new green power sources in Oak Ridge effective September 30.

On the distributor side, the program will provide several options for payment of incentives and program administration. This should ease, but not eliminate, the burden of adapting our billing system to the new

Failure to approve this contract will eliminate the possibility for new green power sources in Oak Ridge effective September 30.

On the distributor side, the program will provide several options for payment of incentives and program administration. This should ease, but not eliminate, the burden of adapting our billing system to the new program. Staff is carefully examining the options and working to administratively select those that make the most sense to Oak Ridge.

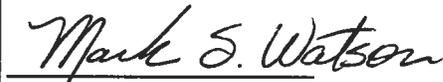
Staff recommends approval of the attached resolution. The only resulting cost will be administrative in nature and will be absorbed by the current staff.



Jack L. Suggs
Electrical Director

City Manager's Comments:

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



Mark S. Watson

9-5-2012
Date

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE VALLEY AUTHORITY (TVA) TO PARTICIPATE IN THE GREEN POWER PROVIDERS (GPP) PROGRAM.

WHEREAS, by Resolution 2-19-08, City Council approved an agreement between the City and the Tennessee Valley Authority (TVA) for the Generation Partners Pilot Program for green power; and

WHEREAS, TVA is replacing this program with the Green Power Providers (GPP) Program effective September 30, 2012; and

WHEREAS, the City desires to participate in this program which will allow renewable power generation for distribution in the area; and

WHEREAS, the City Manager recommends participation in the program and approval the agreement.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter an agreement with the Tennessee Valley Authority to participate in the Green Power Providers Program.

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

This the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTIONS

RECREATION AND PARKS MEMORANDUM
12-09

DATE: August 22, 2012
TO: Mark S. Watson, City Manager
FROM: Josh Collins, Recreation and Parks Director
SUBJECT: BUNKERS AT CENTENNIAL GOLF COURSE

The accompanying Resolution awards a contract to First Place Finish, Inc., Oak Ridge, Tennessee, for furnishing all necessary tools, labor and materials to restore and renovate 29 bunkers at Centennial Golf Course in the estimated amount of \$128,442.22.

The proposed project envisions the restoration and renovation of all 29 bunkers, or sand traps, scattered throughout the Centennial Golf Course. The city-owned golf course opened to the public in 1997 and has been under the management of Billy Casper Golf since that time. Although the bunkers receive daily routine maintenance, no significant renovation has taken place since the course opened. The current bunkers are high maintenance and require substantial hand work at the start of each day. Several have poor or inadequate drainage thus creating ponding problems after heavy rains. The new bunker design will feature lower entry points, wider bottoms and softer lips while eliminating drop offs. The lower entry points will help address ease of access and will make the course more ADA compliant.

City staff has worked closely with Billy Casper Golf Management to evaluate the Request for Proposals and determine the best course of action. After numerous phone calls and background checks, the golf course staff has determined that the proposal submitted by First Place Finish in concert with Signet Golf Associates offers the lowest cost and the most experienced team to accomplish the bunker project (see attached recommendation). Signet Golf Associates has vast experience in new course construction as well as renovation of existing facilities. The golf course staff will work with First Place Finish to complete the work while striving to minimize the adverse impact on the golfing community.

Staff recommends approval of the accompanying resolution as submitted. Funding for the proposed bunker restoration/renovation will come from the Golf Course Fund.

Attachments

City Manager's Comments:

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


Mark S. Watson

9-5-2012
Date



**Josh Collins, Director of Parks and Recreation
Oak Ridge, TN 37830**

Mr. Collins,

We are pleased to announce that the selection process for the Centennial Golf Course bunker renovation is now complete. Careful consideration was given during every step of the selection process starting with drafting and presenting a RFP that encompassed all necessary components of a successful renovation. Special emphasis was put on creating a bunkering layout to Centennial Golf Course that would not only increase operating efficiencies for years to come by lessening the severity of the flashed faces and contoured fingers but also create a more enjoyable golfing experience for the total guest population. The new design of the bunkering, with its soft lips, low entry points and wide bottoms, will also help make Centennial Golf Course more accessible and ADA compliant. This will classify as the first significant restoration of the bunkers, outside of everyday maintenance, since the course was opened in 1997.

After hosting a mandatory RFP course visit and reviewing all submitted quotes, First Place Finish Inc. in conjunction with Signet Golf Associates was selected as the firm that we recommend moving forward with for the bunker renovation at Centennial Golf Course. With a bid of nearly \$13,000 less than their competitors and impeccable references from three respected golf courses in the surrounding area, who we called to talk with, including Sanctuary in Bluffton, SC, First Place Finish Inc. /Signet Golf Associates is a clear choice to award the bid to.

Billy Casper Golf stands behind this recommendation of First Place Finish Inc. / Signet Golf Associates as the contracted partner to perform the bunker renovation at Centennial Golf Course. We will provide all the necessary oversight to ensure a successful renovation and look forward to presenting a revamped product that the residents and guests of Oakridge, TN will be proud of.

Sincerely,

**Brian Loveday
Regional General Manager
Billy Casper Golf**

CITY OF OAK RIDGE, TENNESSEE
Abstract of Proposals

COR 12-21
OPENING DATE: August 14, 2012 2:00 P.M.

FOR --- Centennial Golf Course Bunker Restoration Project

DESCRIPTION	PROPOSER: First Place Finish, Inc. * 733 Emory Valley Road Oak Ridge, TN 37830		PROPOSER: Titan Excavating & Grading, LLC 1328 E. Bull Run Valley Road Heiskell, TN 37754		PROPOSER:	
	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES FOR CENTENNIAL GOLF COURSE BUNKER RESTORATION PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE RECREATION AND PARKS DEPARTMENT				\$ 178,000.00		
* First Place Finish submitted two separate proposals with two different vendors						
Proposal 1 - with Signet Golf Associates, LLC	\$	128,442.22				
Proposal 2 - with Course Crafters, Inc.	\$	141,429.59				
TOTAL PRICE	\$	128,442.22	\$	178,000.00	\$	-
TERMS	NET 30		NET 30		-	
DELIVERY	PER CONTRACT		PER CONTRACT			
F.O.B.	JOB SITE		JOB SITE			
VIA	CONTRACTOR		CONTRACTOR			
OTHER BIDDERS CONTACTED: Benson Construction Company - Tifton - GA Lepanto Golf Construction, Inc. - Pomona Park, FL Better Billy Bunker, Inc. - Old Hickory, TN Golf Links, Inc. - Old Hickory, TN	Course Doctors - Flat Rock, NC Fore Front Construction - Woodstock - GA Baron + Dowdle Construction, LLC - Nashville, TN		BIDS OPENED AND RECORDED BY--- <i>Lynn Majeski</i> Lynn Majeski Accounting Division Manager			
REASON FOR AWARD ONLY PROPOSAL RECEIVED LOW PRICE BETTER OR REQUIRED DESIGN EARLY DELIVERY LOWEST TOTAL COST	RECOMMEND AWARD BE MADE TO: First Place Finish, Inc. ** 733 Emory Valley Road Oak Ridge, TN 37830		BIDS REVIEWED BY--- <i>Janice McGinnis</i> Janice McGinnis Finance Director			
			** (with Signet Golf Associates, LLC)			

RESOLUTION

A RESOLUTION AWARDING A CONTRACT TO FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR THE RESTORATION OF BUNKERS AT CENTENNIAL GOLF COURSE IN THE ESTIMATED AMOUNT OF \$128,442.22.

WHEREAS, the City of Oak Ridge has issued a request for proposals for the furnishing of all labor, tools, materials, equipment and supplies necessary for restoration of the bunkers at Centennial Golf Course; and

WHEREAS, proposals were received and publicly opened on August 14, 2012, with First Place Finish, Inc., Oak Ridge, in concert with Signet Golf Associates, LLC, submitting the lowest and best proposal, which proposal the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to First Place Finish, Inc., 733 Emory Valley Road, Oak Ridge, Tennessee 37830, for the furnishing all labor, tools, materials, equipment and supplies necessary to perform all work and services for the restoration of bunkers at Centennial Golf Course; said award in strict accordance COR 12-21, the required specifications, and the bid as publicly opened on August 14, 2012, and in the estimated amount of \$128,442.22.

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

This the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**FINANCE DEPARTMENT MEMORANDUM
12-12**

DATE: August 29, 2012
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: City and U.S. Department of Energy Water Services Agreement Extension

The accompanying resolution extends the contract for the City to sell drinking and raw water to the U.S. Department of Energy through December 31, 2012.

On April 28, 2000, as part of the City's acquisition of the DOE water plant, a contract, DE-AC05-00OR22777, was jointly executed by both parties which provided for the sale of city drinking and raw water to the U.S. Department of Energy sites at Y-12 and ORNL. The original agreement ended on April 30, 2010. The contract has previously been extended through September 30, 2012 by Resolution No. 5-34-2012.

The City is currently in the final stages of completing a proposed contract for remittance to DOE. The 3-month extension will allow time for contract review by both parties prior to being forward for City Council approval prior to December 31, 2012.

The accompanying resolution authorizes the City to enter into a mutually agreed upon contract amendment which will extend the water services agreement between the City and the United States Department of Energy through December 31, 2012.

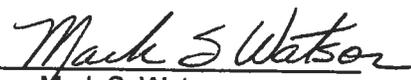
Staff recommends approval of the attached resolution.


Janice McGinnis

Attachment

City Manager's Comments:

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


Mark S. Watson

9-5-2012
Date

RESOLUTION

A RESOLUTION TO EXTEND THROUGH SEPTEMBER 30, 2012 THE WATER SERVICES AGREEMENT BETWEEN THE CITY AND THE UNITED STATES DEPARTMENT OF ENERGY (DOE), APPROVED BY RESOLUTION 4-47-98 AND EXTENDED BY RESOLUTIONS 10-98-10, 6-46-11 AND 5-34-2012.

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

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

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

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

WHEREAS, by Resolutions 10-98-10, 6-46-11 and 5-34-2012, City Council amended the water services agreement to provide for additional extensions through September 30, 2012; and

WHEREAS, the City and DOE desire to amend the current water services agreement to provide for an extension through December 31, 2012; and

WHEREAS, the requested extension will allow sufficient time for the City to complete a new proposed contract for submittal and review by DOE.

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

That the City is hereby authorized to enter into the necessary legal documents to amend the water services agreement between the City and the United States Department of Energy to extend the agreement through December 31, 2012.

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

This the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

LEGAL DEPARTMENT MEMORANDUM
12-42

DATE: August 30, 2012

TO: Honorable Mayor and Members of City Council

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: COOPERATION AGREEMENT - PILOT
DOGWOOD MANOR APARTMENTS, INC. – OWNER
CUMBERLAND REGIONAL DEVELOPMENT CORPORATION – SPONSOR

The accompanying resolution authorizes the execution of a Cooperation Agreement with Dogwood Manor Apartments, Inc. for the establishment of a Payment-In-Lieu-of-Tax (PILOT) for the Dogwood Manor Apartments, Inc. Very Low Income/Elderly Housing Project at 95 Adams Lane in the city of Oak Ridge. A copy of the Plat is attached for reference.

Cumberland Regional Development Corporation is acting as sponsor for this 23-unit housing project that will provide subsidized housing for very low-income elderly citizens. The project will be owned by Dogwood Manor Apartments, Inc., a non-profit 501 (c)(3) organization. State law in Tennessee Code Annotated § 67-5-207 allows property of Tennessee non-profit corporations used for housing low-income persons with disabilities or low-income elderly or handicapped persons an exemption when the property is financed under a qualifying loan from an agency of the federal government. The project will be financed by the U.S. Department of Housing and Urban Development (HUD).

State law and HUD require that PILOT payments be paid to taxing jurisdictions in lieu of property taxes, with such payment to be limited to a maximum of ten percent (10%) of "shelter rents." Shelter rents are defined as thirty percent (30%) of the payment by the tenants less utility bills. This PILOT payment will be shared on a proportional basis with Anderson County based upon the respective tax rates of the jurisdictions.

The ten percent (10%) PILOT payment will be paid over the life of the project unless ownership is acquired by a taxable entity, at which time the project shall become fully taxable. A copy of a letter dated August 29, 2012 from Ken Mabery, President of Dogwood Manor Apartments, Inc., requesting the City's participation in this Cooperative Agreement is attached. Anne Dunthorn is the Housing Consultant who will be representing Dogwood Manor in matters involving this project.

Staff recommends approval of the attached resolution as submitted.



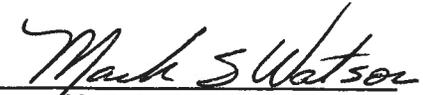
Kenneth R. Krushenski

Attachment

cc: Janice E. McGinnis, Finance Director

City Manager's Comments:

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



Mark S. Watson 9/5/2012
Date



CUMBERLAND REGIONAL DEVELOPMENT CORPORATION

1225 South Willow Avenue

Cookeville, TN 38506

Phone: (931) 432-4111

Fax: (931) 432-6010

August 29 2012

City of Oak Ridge
Legal Department
P O. Box 1
Oak Ridge TN 37871-0001

Dear Mr Krushenski

This letter is to follow up your meeting with our housing consultant Anne Dunthorn regarding a Payment in Lieu of Taxes (PILOT) agreement that Dogwood Manor, Inc. submitted to the City of Oak Ridge. We wish to clarify that this request is made in conjunction with an upcoming HUD-202 project at 95 Adams Lane. We will build 23 units of very low income housing for elderly, and a managers unit. While the property will be tax exempted through the State of Tennessee Board of Equalization, HUD agrees that we should pay our fair share of the property taxes to the City of Oak Ridge and Anderson County. As the City of Oak Ridge is the leading political jurisdiction this request needs to be made to you.

Please put this on the City Council agenda for the September 10, 2012 meeting it would be appreciated. We purchased the land on June 20th, and plan to start realigning the existing infrastructure on the lot in the near future. Additionally HUD likes this PILOT agreement to be fully in place by the time we start full construction. We anticipate this to begin in the fall. After the City of Oak Ridge enacts this agreement, we must present it to Anderson County for their concurrence. This agreement is like the ones done in the past for HDC and Oak Ridge Housing Authority.

Anne Dunthorn is our Housing Consultant and may officially represent us on behalf of this development. Please feel free to contact Anne or myself if you have any questions.

Regards,

Ken Mabery
President, Dogwood Manor, Inc.

RESOLUTION

A RESOLUTION APPROVING THE EXECUTION OF A COOPERATION AGREEMENT BETWEEN DOGWOOD MANOR APARTMENTS, INC. AND THE CITY TO SET OUT THE RESPONSIBILITY OF IN-LIEU OF-TAX PAYMENTS (PILOT).

WHEREAS, the Dogwood Manor Apartments, Inc., is developing a very low income elderly citizens housing project on Adams Lane utilizing U. S. Department of Housing and Urban Development (HUD) funds; and

WHEREAS, Dogwood Manor Apartments, Inc., is a nonprofit entity which would be exempt from ad valorem taxes; and

WHEREAS, State law in Tennessee Code Annotated § 67-5-207 and HUD require such projects make in-lieu-of-tax payments to the taxing jurisdictions; and

WHEREAS, HUD imposes a maximum of ten percent (10%) of the "shelter rents" for in-lieu-of-tax payments, which will be shared by the local taxing jurisdictions; and

WHEREAS, the City Manager recommends execution of a Cooperation Agreement to set forth the responsibility for the in-lieu-of-tax payments.

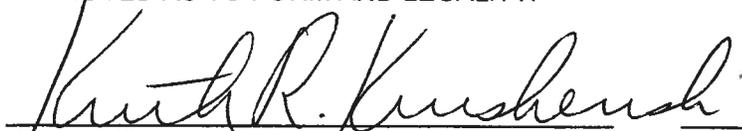
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City of Oak Ridge hereby approves the execution of a Cooperation Agreement for the payment of in-lieu-of-tax by the Dogwood Manor Apartments, Inc., for very low income elderly citizens housing project on Adams Lane in Oak Ridge whereby Dogwood Manor Apartments, Inc., will pay ten percent (10%) of the shelter rents from the project to the City of Oak Ridge, Tennessee, as an in-lieu-of-tax payment, which payment will be divided between the City of Oak Ridge and Anderson County based upon the proportion of taxes that would have been paid to each jurisdiction if the project were not tax exempt.

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

This the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

COOPERATION AGREEMENT
(Private Not-For-Profit Owners)

THIS AGREEMENT entered into this ____ day of _____, 2012, by and between **DOGWOOD MANOR APARTMENTS, INC.** (herein called the "Owner"), and **City of Oak Ridge and Anderson County, Tennessee** (herein collectively called the "Local Governing Entity"):

WITNESSETH:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. Whenever used in this Agreement:

a. The term "Project" shall mean any housing project acquired by the Owner which is financed by a loan made, insured or guaranteed by a branch, department or agency, of the United States Government under S 202 of the Housing Act of 1959 (12 U.S.C. S 1701q), §S 221, 231 or 236 of the National Housing Act (12 U.S.C. §S 17151, 1715v, 1715z-1), or § B of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974 (U.S.C., Title 42, § 1437f), as the same shall apply to lower income housing for elderly or handicapped persons as defined by the National Housing act, the Housing Act of 1959, or the said United States Housing Act of 1937, as amended, who have incomes not in excess of those limits established by the Department of Housing and Urban Development.

b. The term "Taxing Body" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to a Project if it were not exempt from taxation.

c. The term "Shelter Rent" shall mean the total of all amounts payable by all tenants of a Project toward the rents charged for dwelling units and non-dwelling units (excluding all other income of such Project), less the cost to the Owner of all dwelling and non-dwelling utilities. In the case of all assisted units, Shelter Rent is the tenants' share of the contract rents.

d. The term "Government" shall mean the United States Department of Housing and Urban Development, its successors and assigns.

2. The Owner (a) has obtained or shall endeavor to obtain a loan made or insured by the Government for the financing of the following Project:

Dogwood Manor

95 Adams Lane

Oak Ridge, Anderson County, Tennessee

(to be owned by Dogwood Manor Apartments, Inc.)

comprising 23+1 units of very low income elderly housing: and

(b) agreed to develop, own and administer such Project which shall be located within the jurisdictional limits of the Local Government Entity. The obligations of the parties hereto shall apply to such Project.

3. a. Under the constitution and statutes of the State of Tennessee, the Project is exempt from all real and personal property taxes and special assessments levied or imposed by any Taxing Body as long as the Owner remains a qualified not-for-profit corporation and so long as there is an unpaid balance outstanding on the aforementioned loan, provided that:

- (1) The not-for-profit corporation is first determined to be exempt from Federal income taxation by virtue of qualifying as an exempt charitable organization or as an exempt social welfare organization under the provisions of the United States Internal Revenue Code (U.S.C. Title 26) and any amendments thereto and
- (2) The corporation has charter amendments that provide in substance that (a) the directors and officers shall serve without compensation (b) the corporation is irrevocably dedicated to and operated exclusively for not-for-profit purposes: (c) no part of the income or assets of the corporation shall be distributed to nor inure to the benefit of any individual (d) in the event of dissolution of the corporation or other liquidation of its assets, the corporation's property shall not be conveyed to any individual for less than fair-market value of such property and (e) all assets remaining after payment of the corporation's debts shall be conveyed or distributed only to an organization or organizations created and operated for not-for-profit purposes similar to those of the corporation.

During such period that the project is exempt, the Local Governing Entity agrees that it will not impose any real or personal property taxes or special assessments upon such Project or upon the Owner with respect thereto, but the Owner shall make annual payments (herein called "Payments in Lieu of Taxes") in lieu of such taxes and special assessments and in payment for the public

services and facilities furnished from time to time without other cost or charge for or with respect to such Project.

- b. Each such annual Payment in Lieu of Taxes shall be made after June 30, and shall be in an amount equal to the lower of: (i) Ten percent (10%) of the Shelter Rent actually collected but no more than charged by the Owner in respect to such Project during such fiscal year or, (ii) the amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is the lower.
 - c. The Local Governing Entity shall distribute the payments in Lieu of Taxes among the Taxing bodies in the proportion which the real property taxes which would have been paid to each Taxing Body for such year if the Project were not exempt from taxation bears to the total real property taxes which would have been paid to all of the Taxing bodies for such year if the Project were not exempt from taxation provided, however, that no payment for any year shall be made to any Taxing Body in excess of the amount of the real property taxes which would have been paid to such Taxing Body for such year if the Project were not exempt from taxation.
4. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as the Owner remains a qualified not-for-profit corporation and as long as there is an unpaid balance outstanding on the loan, the Local Governing Entity without cost or charge to the Owner or the tenants of such Project (other than the Payments in Lieu of Taxes) shall:

- a. Furnish or cause to be furnished to the Owner and the tenants of such Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the jurisdictional limits of the Local Governing Entity:
 - b. Accept grants of easements necessary for the development of such Project
5. If by reason of the Local Governing Entity's failure or refusal to furnish or cause to be furnished public services or facilities to the Owner or to the tenants of the Project that are typically provided to other citizens and the Owner incurs any expense to obtain such services or facilities, then the Owner may deduct the amount of such expense from any Payments in Lieu of Taxes due or to become due to the Local Governing Entity in respect to the Project. This shall be in addition to any other remedies for default which the Owner may have under the laws of the State of Tennessee, including the right to seek specific performance of this Agreement.
6. No Cooperation Agreement heretofore entered into between the Local Governing Entity and the Owner shall be construed to apply to the Project covered by this Agreement.
7. No member of the governing body of the Local Governing Entity or any other public official of the Local Governing Entity who exercises any responsibilities or functions with respect to the Project during his tenure or for one year thereafter shall have any interest, direct or indirect, in the Project or any property included or planned to be included in the Project, or any contracts in connection with such Project or property. If any such governing body member or such other public official of the Local Governing Entity involuntarily acquires or had acquired prior to the beginning of his

tenure any such interest, he shall immediately disclose such interest to the Owner.

8. So long as the loan, in connection with the Project is held or insured by the Government, this Agreement shall not be abrogated, changed, or modified without the consent of the Government. The privilege and obligations of the Local Governing Entity hereunder shall remain in full force and effect with respect to the Project so long as the title to such Project is held by the Owner or other similar qualified not-for-profit corporation, and as long as there is an unpaid balance on said loan. If at any time title to the Project is held by any other qualified not-for-profit corporation which qualifies for an exemption from taxation under the constitution and statutes of the State of Tennessee, the provision hereof shall inure to the benefit of and may be enforced by such other corporation. This Agreement may only be assigned by Owner with the prior consent of the City of Oak Ridge, which consent shall not be unreasonably withheld, conditioned, or delayed.
9. Notwithstanding anything to the contrary, this Agreement will remain in effect for only as long as the Owner is entitled to an exemption from real and personal property taxation under the laws of the State of Tennessee and is required by said laws to make Payments in Lieu of Taxes to the Local Governing Entity.
10. Owner agrees to comply with all applicable laws and regulations of the United States Department of Housing and Urban Development. To the extent applicable to the Project, Owner agrees to comply with the Americans with Disabilities Act of 1990.

IN WITNESS WHEREOF, the Local Governing Entity and the Owner have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

(Seal) _____
(Local Governing Entity)

By: _____

ATTEST:

(Seal) _____
(Local Governing Entity)

By: _____

ATTEST:

(Owner)

By: _____

ATTEST:

CERTIFICATION

Oak Ridge City as identified above and **Anderson County**, the Local Governing Entity hereby certify that an agreement has been reached between them with respect to the allocation between them of the Payments in Lieu of Taxes on the Project and that each of them is bound by the terms and conditions of this Agreement.

DATED this _____ day of _____ 2012

Oak Ridge City

By _____

Its _____

ATTEST:

ANDERSON COUNTY

By _____

Its _____

ATTEST:

CITY COUNCIL MEMORANDUM
12-28

DATE: September 5, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SOUTHERN APPALACHIAN RAILWAY MUSEUM

Introduction

An item for City Council's consideration is a resolution authorizing the City Manager to send a letter to the Tennessee Department of Transportation releasing remaining 1999 enhancement grant funds for the construction of the Southern Appalachian Railway Museum.

Background

On August 21, 2012, City Attorney Ken Krushenski and I met with Tennessee Department of Transportation (TDOT) officials in Nashville concerning the status of the enhancement grant project for the proposed Southern Appalachian Railway Museum (SARM) located at the East Tennessee Technology Park (ETTP). By Resolution 6-94-00, dated June 19, 2000, former City Council authorized the submittal of the grant request, which was ultimately awarded and since has proceeded very slowly to the point that the State of Tennessee has now given them the last chance opportunity to reach an authorization to proceed by no later than November 1, 2012.

SARM has many hurdles to overcome between now and then, including major design revisions, a National Environmental Policy Act (NEPA) environmental clearance for the new site, identification of the right-of-way (ROW), and design review. CROET has been supporting the proceedings and must also develop agreements with the City for financial processing to include a continuing guarantee agreement to be responsible for all funding for the SARM museum not covered by the state grant. Below are the next steps to be taken by TDOT before re-authorization of funding can be made for the project. Again, note the above deadline.

- Updated environmental clearance (since location has changed)
- Updated right-of-way certification (since location has changed)
- Updated utility certification (since location has changed)
- Permit approval
- Design plans revisions
- Detailed cost estimate revisions
- Bid specs revisions
- Advertisement for bids revised

Funding for this project began with a \$480,000 grant with state and local match of \$120,000. The local match is now coming from CROET; however, estimates for the project are being developed before CROET agrees to provide additional funding as the project is reduced. The agreement and financial obligation for the project, however, is the responsibility of the City, as TDOT will only handle these projects on a government-to-government contract basis. It will be important for such information to be fully vetted and clear. SARM, CROET, and the City must proceed with a bid award if the accepted specifications do not exceed 110% of the proposed estimates.

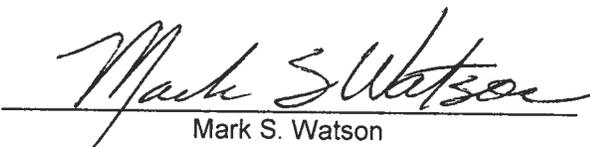
More importantly, TDOT is reserving any action on the recently announced Jackson Square grant until this grant is resolved. Many of the actors have changed in the original grant, and I would identify that CROET recently stepped up to the plate to see this project move forward. However, we are limited by time. If the City Council authorizes the City Manager to relinquish funds for the grant and advise TDOT,

the action will be completed, allowing the Jackson Square grant initial information to be started. The City Manager will coordinate with CROET to determine the likelihood of the grant project meeting the deadline of November 1st. If not, and it is determined to be highly unlikely, the City Manager can proceed immediately with the contact to TDOT.

Recommendation

Authorize the City Manager to submit a letter to TDOT to release SARM's grant funding to TDOT for other qualified projects.

Adoption of the attached resolution is recommended.


Mark S. Watson

Attachment

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A LETTER TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION RELEASING THE ENHANCEMENT GRANT FUNDS FOR THE CONSTRUCTION OF THE SOUTHERN APPALACHIAN RAILWAY MUSEUM.

WHEREAS, by Resolution 6-94-00, City Council authorized the submission of a grant application to the Tennessee Department of Transportation (TDOT) for construction of the Southern Appalachian Railway Museum (SARM), with the twenty percent (20%) local matching funds to come from the SARM non-profit organization; and

WHEREAS, the grant was subsequently awarded to the City by TDOT, however, the SARM project has proceeded slowly and TDOT has given a deadline of November 1, 2012 to meet certain requirements in order to obtain an authorization to proceed; and

WHEREAS, those requirements include environmental clearances, right-of-way and utility certifications, permit approvals, design plan revisions, detailed cost estimate revisions, bid specification revisions, and a revised bid advertisement; and

WHEREAS, the Community Reuse Organization of East Tennessee (CROET) is now providing the local match and must submit to the City an agreement to be responsible for all funding not covered by the grant; and

WHEREAS, while the City is not involved in the funding of this project, the City is the grantee and TDOT is not taking action on other City projects—such as the Jackson Square renovation—until this project is either underway or terminated; and

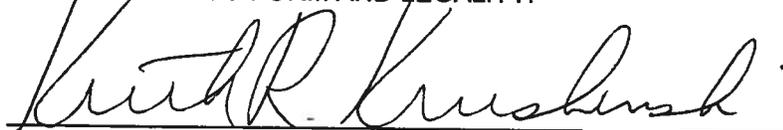
WHEREAS, the City Manager requests authorization from City Council to submit a letter to TDOT releasing the grant in the event it is determined by the City Manager, after consultation with CROET, that the requirements for the SARM project will not be met by the November 1, 2012 deadline.

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

That City Manager is hereby authorized to submit a letter to the Tennessee Department of Transportation (TDOT) releasing the enhancement grant for construction of the Southern Appalachian Railway Museum (SARM) in the event it is determined by the City Manager after consultation with the Community Reuse Organization of East Tennessee that the requirements for the SARM project will not be met by the November 1, 2012 deadline thereby allowing TDOT to utilize those grant funds for other projects and allow the grant for the Jackson Square renovation project to move forward.

This the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
12-31

DATE: September 4, 2012

TO: Mark S. Watson, City Manager

THROUGH: Kathryn G. Baldwin, Community Development Director 

FROM: Matthew W. Widner, Housing Specialist 

SUBJECT: AWARDING A CONTRACT TO B & A CONSTRUCTION CO., INC., FOR DEMOLITION OF TWO CITY-OWNED RESIDENTIAL STRUCTURES (121 GOUCHER CIRCLE AND 608 W. OUTER DRIVE)

An item for the agenda is a resolution awarding a contract to B & A Construction Co., Inc., Caryville, Tennessee, for the demolition of two city-owned residential structures located at 121 Goucher Circle and 608 W. Outer Drive, in the estimated amount of \$28,200.00 which the City is eligible for reimbursement through Housing and Urban Development's Community Development Block Grant (CDBG) funds.

121 Goucher Circle was previously owned by the TN Housing Development Agency and was purchased by the City of Oak Ridge on August 7, 2012 through the CDBG Voluntary Acquisition Program. The Board of Building and Housing Code Appeals declared this dwelling Unfit for Human Occupation and Use (Case#11-19) and ordered the structure to be demolished. Due to the unsafe condition of this structure, environmental testing and abatement is not possible. Demolition must be accomplished with the assumption that Regulated Asbestos Containing Material (RACM) is present.

608 W. Outer Drive was previously owned by Patty Burkau-Banzer and was purchased by the City of Oak Ridge on July 6, 2012 through the CDBG Voluntary Acquisition Program as well. Prior to purchase, this single family dwelling suffered extensive damage by fire and was on the brink of foreclosure. Due to the unsafe condition of this structure, environmental testing and abatement is not possible. Demolition must be accomplished with the assumption that Regulated Asbestos Containing Material (RACM) is present

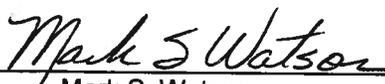
An invitation to bids was issued and bids were received on September 4, 2012 with B & A Construction Co., Inc., submitting the sole bid (\$28, 200.00). It is imperative that these two unsafe nuisance residential structures be demolished as soon as possible to protect the health and welfare of the public. Prior to issuing the bid, staff estimated this this specialized (RACM) demolition activity to be \$25-30K which is in-line with industry standard pricing for quantities and degree of difficulty. B & A Construction have successfully performed prior demolitions for the City as the lowest responsible bidder.

Approval of the attached resolution is recommended.

Attachments

City Manager's Comments:

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


Mark S. Watson

9-5-2012
Date

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR 12-28
OPENING DATE: September 4, 2012 11:00 A.M.

FOR --- RACM (Regulated Asbestos Containing Material)
Demolition for Two City-Owned Residential Parcels
121 Goucher Circle and 608 W. Outer Drive

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES FOR RACM DEMOLITION FOR TWO CITY-OWNED RESIDENTIAL PARCELS AT 121 GOUCHER CIRCLE AND 608 W. OUTER DRIVE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE COMMUNITY DEVELOPMENT DEPARTMENT			\$	28,200.00				
TOTAL PRICE			\$	28,200.00				\$
TERMS								
DELIVERY								
F.O.B.								
VIA								
OTHER BIDDERS CONTACTED:			BIDS OPENED AND RECORDED BY---					
M-3 Construction, Inc. - Oak Ridge, TN			John Wheeler - Oak Ridge, TN					
Len Hart Jr. - Oak Ridge, TN			Ronnie Lloyd - Oak Ridge, TN					
Evans Contracting Co., Inc. - Clinton, TN			Adkins Excavating Contractors - Oliver Springs, TN					
All Star Construction & Demolition - Morristown, TN			H&H Demolition & Hauling - Carrollton, GA					
Woods Construction - Oliver Springs, TN			Long Construction & Excavating - Pioneer, TN					
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:					
ONLY BID RECEIVED			<input checked="" type="checkbox"/>					
LOW PRICE								
BETTER OR REQUIRED DESIGN								
EARLY DELIVERY								
LOWEST TOTAL COST								
<p>OTHER BIDDERS CONTACTED:</p> <p>M-3 Construction, Inc. - Oak Ridge, TN</p> <p>Len Hart Jr. - Oak Ridge, TN</p> <p>Evans Contracting Co., Inc. - Clinton, TN</p> <p>All Star Construction & Demolition - Morristown, TN</p> <p>Woods Construction - Oliver Springs, TN</p>			<p>BIDS OPENED AND RECORDED BY---</p> <p><i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager</p> <p>BIDS REVIEWED BY---</p> <p><i>Janice McGinnis</i> Janice McGinnis Finance Director</p>					

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (COR 12-28) TO B & A CONSTRUCTION CO., INC., CARYVILLE, TENNESSEE, FOR THE DEMOLITION OF TWO CITY-OWNED RESIDENTIAL STRUCTURES, SAID CONTRACT IN THE ESTIMATED AMOUNT OF \$28,200.00.

WHEREAS, the City issued an invitation to bid for the demolition of two City-owned residential structures that have been found unfit for human occupation or use; and

WHEREAS, bids were received and publicly opened on September 4, 2012, with B & A Construction Co., Inc., submitting the sole bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to B & A Construction Co., Inc., P.O. Box 910, Caryville, Tennessee 37714, for the furnishing of all labor, tools, materials, equipment and supplies necessary to demolish two City-owned residential structures located on 121 Goucher Circle and 608 W. Outer Drive; said award in strict accordance with COR 12-28, the required specifications, and the bid as publicly opened on September 4, 2012, and in the estimated amount of \$28,200.00.

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

This the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**FINANCE DEPARTMENT MEMORANDUM
12-13**

DATE: September 5, 2012
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: \$5,000,000 Tennessee Municipal Bond Fund Loan

Attached is a resolution to issue up to \$5,000,000 in long-term debt to fund water and wastewater capital projects through a loan program administered through the Tennessee Municipal Bond Fund (TMBF). The TMBF's conduit for the loan program is the Public Building Authority of Clarksville, Tennessee (PBA). TMBF's variable rate loan program is funded through FDIC insured banks. Key points related to the loan are as outlined below.

Term:	20-year principal payment amortization beginning in May 2014
Cost of Issuance:	\$30,000 (.60% of Loan Amount)
Interest Rate Components:	Interest varies weekly based on SIFMA Index Purchasing bank charges .80% annually, which can be changed by the bank if the City's bond rating changes effective the following July 1 st or every 7 years Administrative Fee .15% annually (based on outstanding principal balance), fixed for life of loan
Other Fees:	\$100/month administrative fee, fixed for life of loan
Payment:	Annual Principal, Monthly Interest and fees
Pre-Payment:	Can pay additional principal without penalty during loan term, full loan payoff with 90-day notice
Bank Outage Options:	Every 7 years the bank has the option of getting out the loan or changing the .80% bank charges – principal amortization does not change and the TMBF would be responsible for placing the loan with another bank if the bank opts out of the loan
Bond Proceeds:	Drawn monthly as expenditures occur, interest based only on amount drawn
Spend Down Period:	Three years – longer if project is still ongoing

The advantages of this loan program are low issuance costs and ability to pay-off or refund the loan at any time. Loan proceeds are drawn monthly as work progresses and interest is applicable only on the outstanding loan amount. If at the end of the spend down period all funds are not drawn, the loan principal payment amortization is restructured based on the actual principal borrowed.

Based on the above, the variable interest rate for this week would be 1.12% (SIFMA index .17%, bank charge .80% and administrative fee .15%). The Securities Industry and Financial Markets Association (SIFMA) index is a weekly rate made up of the average of the five largest remarketing banks. The index was created in response to industry participants' demand for a short-term index which accurately reflected activity in the variable rate demand obligations market. Attached is a SIMFA annual average index rate history since 1995.

The Wastewater Collection System Remediation Plan Report, recently submitted by the City to the US Environmental Protection Agency (EPA) for their review, outlined \$23,090,800 in capital projects that will need to be performed by the City to meet the requirements of EPA's Administrative Order (AO). At the next City Council meeting, staff will be bringing forward a resolution to borrow funds from the State of Tennessee's Wastewater Revolving Loan Fund (SRF). The majority of the funding for the projects outlined in the Remediation Report are planned to be funded through the SRF loan. The SRF loan is not anticipated to close until early 2013. In discussions with the State, it is estimated that \$18,000,000 in SRF funding will be available to the City.

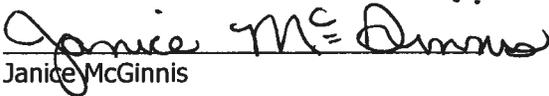
The City will continue to proceed with capital projects as outlined in the Remediation Plan. The \$5,000,000 TMBF loan will provide funding for projects prior to the close of the SRF loan and water and wastewater projects that are not covered by the SRF. The standard loan allowable loan draw period is three years. The majority of the loan proceeds will be utilized for wastewater projects including \$2,000,000 for two mini basin projects, labor and material costs for capital projects performed by city employees (force account), non-EPA related capital projects, such as sewer point replacement, and new and replacement wastewater equipment purchases. The loan will also fund EPA AO related project management and engineering costs that may be incurred prior to the closing of the SRF loan and costs for already contracted items that may exceed the remaining available proceeds of the prior \$9,810,000 bond issuance. The loan resolution allows for funding of water capital projects, although at this time it is anticipated that less than \$1,000,000 would be available for water projects which would predominately include improvements to the water treatment plant. These projects will be brought forward for City Council's approval if funding is available. Funding for wastewater projects will be the loan priority.

The loan is necessary to provide cash to proceed with EPA AO projects and to maintain wastewater infrastructure. The utilization of debt to fund capital projects is necessary to allow for cash generated from the recent rate increases to fund operational expenses and to stabilize cash levels in the Waterworks Fund.

Loan principal payments are scheduled to begin in May 2014 and end in May 2033. Attached is a sample principal amortization schedule detailing the anticipated principal payment pattern.

The next water and wastewater rate increases are effective January 1, 2013. Revenues are anticipated to be sufficient to fund the interest costs related to this loan until the next rate review. In the spring of 2013, staff will be reviewing the water and wastewater rate structures and a determination will be made at that time regarding the timing of future rate increases. As part of the SRF loan process, the wastewater rate structure will be reviewed and the State can require that rate increases be adopted prior to issuance of the SRF loan. This is viewed over the life of the loan and the effective date of the increase required by the SRF can fall at a future date (i.e. 2014).

Staff recommends approval of the attached resolution to issue not to exceed \$5,000,000 in debt to fund water and wastewater capital projects.


Janice McGinnis

Attachments

City Manager's Comments:

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



Mark S. Watson



Date

SIFMA INDEX RATE HISTORY
As of July 31, 2012

Averages for Calender Years

2012 to Date	0.16
2011	0.18
2010	0.27
2009	0.40
2008	2.21
2007	3.62
2006	3.45
2005	2.46
2004	1.23
2003	1.03
2002	1.38
2001	2.61
2000	4.12
1999	3.29
1998	3.43
1997	3.66
1996	3.43
1995	3.85

Average Since 1995 **2.69**

One Year Average
July 31, 2011 - July 31, 2012 **0.16**

Three Year Average
July 31, 2009 - July 31, 2012 **0.22**

Four Year Average
July 31, 2008 - July 31, 2012 **0.49**

Five Year Average
July 31, 2007 - July 31, 2012 **0.95**

Ten Year Average
July 31, 2002 - July 31, 2012 **1.56**

City of Oak Ridge, Tennessee
\$5,000,000 VR Loan-20 Years

Tennessee Municipal Bond Fund
Variable Rate Loan Program

Sample Amortization Schedule

<u>Period Ending</u>	<u>Principal</u>
5/25/2014	\$ 159,000
5/25/2015	\$ 166,000
5/25/2016	\$ 174,000
5/25/2017	\$ 182,000
5/25/2018	\$ 190,000
5/25/2019	\$ 199,000
5/25/2020	\$ 208,000
5/25/2021	\$ 217,000
5/25/2022	\$ 227,000
5/25/2023	\$ 237,000
5/25/2024	\$ 248,000
5/25/2025	\$ 259,000
5/25/2026	\$ 270,000
5/25/2027	\$ 282,000
5/25/2028	\$ 295,000
5/25/2029	\$ 308,000
5/25/2030	\$ 322,000
5/25/2031	\$ 337,000
5/25/2032	\$ 352,000
5/25/2033	\$ 368,000
Total	<u>\$ 5,000,000</u>

RESOLUTION

INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF INDEBTEDNESS BY THE CITY OF OAK RIDGE, TENNESSEE, OF NOT TO EXCEED \$5,000,000, BY THE EXECUTION WITH THE PUBLIC BUILDING AUTHORITY OF THE CITY OF CLARKSVILLE, TENNESSEE, OF A LOAN AGREEMENT TO PROVIDE FUNDING FOR CERTAIN PUBLIC WORKS PROJECTS, AND TO FUND THE INCIDENTAL AND NECESSARY EXPENSES RELATED THERETO.

WHEREAS, it is necessary and in the public interest of the City of Oak Ridge, Tennessee (the "Municipality"), to incur indebtedness (the "Indebtedness"), through the execution with The Public Building Authority of the City of Clarksville, Tennessee (the "Authority"), of a loan agreement (a "Loan Agreement"), for the purpose of financing certain public works projects, as hereinafter more fully described.

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

SECTION 1. For the purpose of financing all or a portion of the costs of certain public works projects, consisting of the extension, construction, improvement, and equipping of the water and wastewater systems of the Municipality, the acquisition of all other property real and personal, appurtenant thereto or connected with such work, and to pay legal, fiscal, administrative, and engineering costs, reimbursement for expenditures related to the foregoing projects, and to pay costs incident to incurring the Indebtedness (collectively, the "Project"), the Municipality is hereby authorized to incur Indebtedness in the amount of not to exceed Five Million Dollars (\$5,000,000), for the financing of the Project through the execution of a Loan Agreement with the Authority. The rate of interest payable pursuant to the provisions of a Loan Agreement shall be a variable rate, which rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

SECTION 2. The indebtedness evidenced by the Loan Agreement shall be payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the Municipality, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the Municipality will be irrevocably pledged. The indebtedness evidenced by the Loan Agreement shall be additionally payable from the revenues of the water and wastewater systems, subject only to the payment of reasonable and necessary costs of operating, maintaining, repairing, and insuring such water and wastewater systems and to a prior pledge of such revenues in favor of other obligations of the Municipality payable from revenues of the water and wastewater systems.

SECTION 3. The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

SECTION 4. After the adoption of this Resolution, the City Clerk is directed to cause this Resolution, with the notice prescribed by the Act, to be published in full once in a newspaper published and having general circulation in the Municipality.

SECTION 5. This Resolution shall take effect from and after its adoption, the welfare of the Municipality requiring it.

Adopted and approved this the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

NOTICE

The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of the City of Oak Ridge, Tennessee, shall have been filed with the City Clerk of the City of Oak Ridge, Tennessee, protesting the incurrence of the Indebtedness by the execution of the Loan Agreement, such Loan Agreement will be executed, as proposed.

RESOLUTION

RESOLUTION AUTHORIZING A LOAN PURSUANT TO A LOAN AGREEMENT BETWEEN THE CITY OF OAK RIDGE, TENNESSEE, AND THE PUBLIC BUILDING AUTHORITY OF THE CITY OF CLARKSVILLE, TENNESSEE, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$5,000,000; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND OTHER DOCUMENTS RELATING TO SAID LOAN; APPROVING THE ISSUANCE OF A BOND BY SUCH PUBLIC BUILDING AUTHORITY; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID LOAN AND THE PAYMENT OF SUCH INDEBTEDNESS; AND, CONSENTING TO THE ASSIGNMENT OF THE CITY'S OBLIGATION UNDER SUCH LOAN AGREEMENT.

WHEREAS, the City Council (the "Council"), of the City of Oak Ridge, Tennessee (the "Municipality"), has determined that it is necessary to finance the costs of certain "public works projects", as defined in Title 9, Chapter 21, Tennessee Code Annotated, as from time to time amended and supplemented, consisting of the extension, construction, improvement, and equipping of the water and wastewater systems of the Municipality, the acquisition of all other property real and personal, appurtenant thereto or connected with such work, and to pay legal, fiscal, administrative, and engineering costs, reimbursement for expenditures related to the foregoing projects, and to pay costs incident to the issuance of the bond and the loan to the Municipality (collectively, the "Project"), by obtaining a loan from The Public Building Authority of the City of Clarksville, Tennessee (the "Authority");

WHEREAS, it has been determined by the Council of the Municipality to be in the best interests of the Municipality to finance the Project through The Tennessee Municipal Bond Fund variable rate loan program;

WHEREAS, the Municipality is authorized by Title 9, Chapter 21, Tennessee Code Annotated, as amended, to borrow funds and incur indebtedness for the purpose of financing the Project;

WHEREAS, the Authority has been established pursuant to the provisions of Title 12, Chapter 10, Tennessee Code Annotated, as amended (the "Act"), and is authorized pursuant to the provisions of the Act to issue its bonds from time to time, in one more series, and to loan the proceeds thereof to the Municipality for the above described purposes;

WHEREAS, in order to effectuate the program, the Issuer has authorized and approved by its Resolution, adopted December 14, 2010, the issuance of its Local Government Loan Program Bonds, in an aggregate principal amount not to exceed \$300,000,000;

WHEREAS, the Authority will issue its Variable Rate Local Government Loan Program Bond, Series 2012 (City of Oak Ridge Water and Wastewater Systems Loan) (the "Bond"), in the principal amount of not to exceed Five Million Dollars (\$5,000,000), and loan the proceeds thereof to the Municipality pursuant to the provisions of a Loan Agreement, between the Municipality and the Authority, to be dated the date of issuance and delivery (the "Loan Agreement");

WHEREAS, the Municipality has adopted on the date hereof, an Initial Resolution authorizing the borrowing of funds and the incurring of indebtedness for the purpose of financing the Project in the amount of not to exceed \$5,000,000, and the City Clerk of the Municipality has been instructed to publish such Initial Resolution together with the Notice required by Section 9-21-206 of Tennessee Code Annotated, as amended, in a local newspaper in the Municipality;

WHEREAS, the indebtedness evidenced by the Loan Agreement shall be payable from any and all funds of the Municipality legally available therefor, including, but not necessarily limited to, ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the Municipality, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the Municipality will be irrevocably

pledged; provided, however, it is the intention of the Municipality that the indebtedness evidenced by the Loan Agreement shall be additionally payable from, but not secured by, the revenues to be derived from the operation of the water and wastewater systems, subject to the payment of reasonable and necessary costs of operating, maintaining, repairing, and insuring such water and wastewater systems, and to any pledge of such revenues in favor of other obligations of the water and wastewater systems; and,

WHEREAS, the Bond is to be secured by and contain such terms and provisions as set forth in (i) that certain Indenture of Trust (the "Indenture"), by and between the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), and (ii) that certain Bond Purchase Agreement, to be entered into between the Authority and the purchaser of the Bond (the "Purchaser").

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

Section 1. Approval of the Loan. (a) For the purpose of providing funds to finance the Project and to pay costs incident to the issuance and sale of the Bond and the loan of the proceeds thereof to the Municipality, the loan to the Municipality from the Authority is hereby authorized in the principal amount of not to exceed \$5,000,000 and the Municipality is hereby authorized to borrow such funds from the Authority.

(b) The Bond to be issued by the Authority shall bear interest at a variable rate, such variable rate to be based on the Securities Industry and Financial Markets Association Rate ("SIFMA"), plus an initial purchasing bank spread of not to exceed eighty basis points (0.80%), plus any additional fees, all as provided in the Indenture and Loan Agreement; provided, however, that such rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee. The Mayor and City Clerk are authorized to enter into the Loan Agreement. The Municipality shall make payments of interest and principal in the amounts and on the dates set forth in the Loan Agreement from the sources and funds described herein and in the Loan Agreement. The Loan Agreement shall be for a term of not to exceed twenty years. The final principal and interest payment dates, amortization of principal amounts of the loan evidenced by the Loan Agreement, and prepayment provisions of such Loan Agreement, may be established by the Mayor and the purchaser of the Bond, at the time of the sale of the Bond and the execution and delivery of the Loan Agreement, as shall be determined to be in the best interests of the Municipality.

Section 2. Approval of Loan Agreement. The form, terms, and provisions of the Loan Agreement are in the best interest of the Municipality and are hereby approved and the Council hereby authorizes the Mayor and the City Clerk of the Municipality to execute and deliver such Loan Agreement, such Loan Agreement to be in substantially the form of the Loan Agreement presented to this meeting, the execution of such Loan Agreement by the Mayor and the City Clerk to evidence their approval of any and all changes to such Loan Agreement, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement. The Municipality further agrees to comply with, and to enable the Authority to comply with, all covenants and requirements contained in the Indenture and the Bond Purchase Agreement.

Section 3. Fulfillment of Obligations. The Council of the Municipality is authorized and directed to fulfill all obligations of the Municipality under the terms of the Loan Agreement.

Section 4. Tax Levy. There shall be levied and collected in the same manner as other ad valorem taxes of the Municipality on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount, to the extent necessary in the event funds of the Municipality legally available to pay the indebtedness evidenced by the Loan Agreement are insufficient, a tax sufficient to pay when due the amounts payable under the Loan Agreement, as and when they become due, and to pay any expenses of maintaining and operating the Project required to be paid by the Municipality under the terms and provisions of the Loan Agreement. For the prompt payment of the Loan Agreement, both principal and interest, as the same shall become due, the full faith and credit of the Municipality are irrevocably pledged.

It is the intention of the Municipality that the indebtedness evidenced by the Loan Agreement shall be additionally payable from, but not secured by, the revenues to be derived from the operation of the water and wastewater systems, subject to the payment of reasonable and necessary costs of operating, maintaining, repairing, and insuring such water and wastewater systems, and to any pledge of such revenues in favor of other obligations of the water and wastewater systems.

Section 5. Approval of Bond, Indenture, and Bond Purchase Agreement. For the purpose of providing funds to make the loan to the Municipality evidenced by the Loan Agreement, as provided herein and in the Loan Agreement, and to pay legal, fiscal, and administrative costs incident thereto, including costs incident to the issuance and sale of the Bond related to the Loan Agreement, the issuance and sale of the Bond by the Authority in connection with the Loan Agreement is hereby approved. The Municipality further approves the execution and delivery of the Indenture and the Bond Purchase Agreement by the Authority in connection with the issuance of the Bond.

Section 6. Disposition of Proceeds. The proceeds from the sale of the Bond shall be paid, from time to time, to the official of the Municipality designated by law as the custodian of the funds of the Municipality, upon submission of a requisition for such funds by the Municipality to the Trustee, in accordance with the terms of the Indenture and Loan Agreement. Such proceeds shall be disbursed solely to finance the costs of the Project and to pay costs of issuance incurred in connection with the issuance of the Bond and the loan of the proceeds thereof to the Municipality.

Section 7. Consent to Assignment. The Municipality hereby consents to the assignment of all of the Authority's right, title, and interest in and to the Loan Agreement to the Trustee as security for the Bond to which such Loan Agreement relates, except for certain reserved rights of the Authority.

Section 8. Reimbursement Provisions. The Municipality may have made or may hereafter make expenditures with respect to the Project from a source of funds other than proceeds of the loan from the Authority under the Loan Agreement, such expenditures occurring prior to the execution and delivery of the Loan Agreement. The Municipality reasonably expects that it will reimburse such original expenditures with proceeds of the loan from the Municipality made pursuant to the Loan Agreement to the extent permissible under Treasury Regulation 1.150-2.

Section 9. Arbitrage Certification. The Municipality recognizes that the purchaser and owner of the Bond will have accepted it on, and paid therefor a price which 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 Bond. In this connection, the Municipality agrees that it shall take no action which may cause the interest on said Bond to be included in gross income for federal income taxation. It is the reasonable expectation of the Council of the Municipality that the proceeds of the Bond will not be used in a manner which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code, and to this end the said proceeds of the Bond and other related funds established for the purposes herein set out shall be used and spent expeditiously for the purposes described herein. The Council further covenants and represents that in the event it shall be required by Section 148(f) of the Code to pay any investment proceeds of the Bond 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 Bond from becoming taxable. The Mayor and City Clerk, or either of them, are authorized and directed to make such certifications in this regard in connection with the sale of the Bond as either or both shall deem appropriate, and such certifications shall constitute a representation and certification of the Municipality.

Section 10. Miscellaneous Acts. The Mayor, the City Clerk, the City Manager, the Finance Director, the City Attorney, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in connection with the execution of the Loan Agreement and the issuance of the Bond by the Authority, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be

necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved.

Section 11. Captions. The captions or headings in this Resolution are for convenience only and shall in no way define, limit, or describe the scope or intent of any provision hereof.

Section 12. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

Section 13. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 14. Effective Date. This Resolution shall take effect upon its adoption, the welfare of the Municipality requiring it.

Adopted and approved this the 10th day of September 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**PUBLIC HEARING
AND
FIRST READING
OF
ORDINANCES**

Date: August 23, 2012

Staff Review of Rezoning Request

Location & Approximate Area: Located between Potomac Circle and South Illinois Avenue, next to the TN Bank location at 401 South Illinois Avenue; Lot 19, Block 21-CB or Tax Map No. 100P, Group F, Parcel 41.00, approximately 1.539 acres.

Owner: Shailesh Patel
206 South Illinois Avenue
Oak Ridge, TN 37830

Applicant: BCS Land Company, LLC
P.O. Box 650
Powell, TN 37849

Request Rezoning:

Rezone Parcel 41.00, Control Map 100P, Group F, approx. 1.539 acres from O-2, Office Planned Unit Development to UB-2, Unified General Business.

Site Characteristics:

The site was previously comprised of three lots with a single-family house on each lot. The property was cleared and combined into one lot in anticipation of constructing a hotel.

Adjacent Land Uses & Zoning:

North: TnBank zoned O-1, detached single family homes on Potomac Circle zoned R-1-C/MDO

West: Across South Illinois Avenue, Carden Rentals office, Outback Steakhouse, TK Wheeler Jewelers, zoned B-2

South: Cemetery, zoned R-1-C

East: Detached single-family homes zoned R-1-C with MDO overlay to reduce setback requirements.

Previous Rezoning Requests: September 2006 – Request to rezone from R-1-C/MDO to R-3 PUD failed. September 2007 – rezoned from R-1-C/MDO, One-Family Residential to O-2, Office Planned Unit Development (PUD)

Background:

Purpose: The applicant's stated plan for development is for a convenience store.

Conformity with 1988 Comprehensive Plan:

a. **Land Use Plan:** The Land Use Plan designates the area proposed for rezoning as B, General Business.

b. **Applicable Policies:**

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

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

appropriately located and designed neighborhood shopping centers.

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

South Illinois Corridor Study

The recommended land uses include small commercial entities, service establishments and mixed-use developments with a maximum height of three stories. The recommended zoning district is TND, a “form based” code allowing uses that are a combination of commercial and residential. Recommended building materials include stone, brick and EIFS. Vegetative buffers and landscaped berms are recommended screens between commercial service areas and residential neighborhoods.

Analysis:

The following criteria were used to evaluate the rezoning request.

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

The proposed zoning district is consistent with the General Business land use designation and general policies within the Comprehensive Plan as listed above.

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

The adjacent area has been developed as commercial along South Illinois Avenue and residential on Potomac Circle.

3) Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?

Consideration has to be given to all of the allowable uses within the UB-2 Zoning District. The primary safety concern for any access along South Illinois Avenue is the left-turns in and left-turns out during a.m. and p.m. peak traffic periods. The proposed use, convenience store, would probably be the greatest traffic generator for this district.

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

No, this is an area of mixed zoning including O-1, B-2, UB-2, R-2, and R-1-C.

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

Public utilities are adequate. The proximity to the Rutgers Avenue intersection and the new red light installation for Woodland Town Center will cause difficulty with making left turns in and out of the property.

6) Would the requested rezoning have environmental impacts?

No

Neighborhood Position: To date we have not heard any comments from the adjacent property owners.

Landscaping/Buffering requirements: If new construction takes place, at least 20% of the site must remain in green space which includes site trees throughout the site and street trees along South Illinois Avenue and Potomac Circle. Additional landscaped buffers are required between commercial and residential use.

Notification of Property Owners Within 200': August 9, 2012

Rezoning signs posted: August 10, 2012

Conclusion and Planning Staff Recommendation:

In the fall of 2006 a request was made by the current property owner to rezone the site in question from R-1-C/MDO to R-3 PUD. The request was denied and City Council made a request for the Planning Commission to conduct a study of existing land use patterns and potential zone districts for the area adjacent South Illinois Avenue between Rutgers Avenue and Lafayette Drive. Staff prepared the Illinois Avenue Corridor Study, which was approved by both the Planning Commission and City Council. The Corridor Study recognized the developmental demand on property adjacent a roadway with 37,000+ vehicles a day. The recommendation was that the property, which fronts on South Illinois Avenue, from Quincy Avenue to Rutgers Avenue, be considered for commercial development. Subsequent to approval of the Corridor Study in the fall of 2007 the property was rezoned from R-1-C/MDO to O-2 with a Planned Unit Development (PUD) overlay.

Utilization of the property was limited to a hotel with a maximum of three floors. The PUD plan also identified various design components to mitigate offsite impact including: dark sky lighting, heavy landscape buffers, architectural building materials, and ingress/egress limitations based on an approved traffic study. Many of the design issues memorialized in the PUD plan are now addressed as minimum performance criteria in Article XIII of our design guidelines, including buffers, dark sky lighting, and architectural building materials. However, potential traffic issues must be addressed separately.

In 2008, City Council approved a full-use access for the proposed hotel. Traffic trip generation data was provided for the hotel which was the basis for approval due to anticipated low traffic volumes and difficulty accessing desired frontage roads or adjacent properties to the north and south. It was determined that the proposed hotel would have trip distributions spread out throughout the day and would not have a "real" peak traffic hour coinciding with the Illinois Avenue peak periods.

Last month, during the staff pre-submittal meeting, representatives for the proposed convenience store indicated they would be requesting a full-use access to South Illinois Avenue. City Engineer, Steve Byrd, expressed concern that uses associated with the proposed zone district, specifically a convenience store and associated traffic, would have an a.m. and p.m. peak traffic

period occurring simultaneous with the Illinois Avenue peak traffic period. It is estimated that this proposed use could generate trips greater than 200 during the a.m. and p.m. peak traffic periods and “heavy” traffic throughout the day.

In summary, the proposed zone change is an increase in the intensity of commercial land uses. However, similar commercial uses have been approved just south of this site, although greater attention has been given to design issues utilizing a PUD overlay, which is not proposed here. This would include hours of operation and joint access easements. In addition, Commission members must consider all the land use designations included in the UB-2, Unified General Business District, although the use proposed is probably the most intense allowable use.

In the event Commission members vote to recommend approval of the zone change request based on proposed land uses, a traffic impact study prepared by a licensed traffic engineer should be required, and reviewed by Steve Byrd, City Engineer with a recommendation by the Traffic Safety Advisory Board (TSAB). Results of the traffic study and the TSAB recommendation should accompany the rezoning request to City Council, for concurrent consideration with the request to rezone the property from O-2, Office with a Planned Unit Development (PUD) overlay to UB-2, Unified General Business District.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 41.00, MAP 100P, GROUP F, (FORMERLY LOT 19, BLOCK 21-CB) FROM O-2/PUD, OFFICE PLANNED UNIT DEVELOPMENT TO UB-2, UNIFIED GENERAL BUSINESS.

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

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

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

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

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 41.00, Map 100P, Group F (approx. 1.539 acres)	Between Potomac Circle and South Illinois Avenue	O-2/PUD, Office Planned Unit Development	UB-2, Unified General Business

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

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Publication Date: 08/23/2012
Public Hearing: 09/10/2012
First Reading: 09/10/2012
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
12-26**

DATE: August 29, 2012
TO: Mark Watson, City Manager
THROUGH: Kathryn G. Baldwin, Community Development Director 
FROM:  Denny J. Boss, Code Enforcement Supervisor
RE: **ORDINANCE AMENDMENTS TO ADOPT NEW CODES**

Items for the agenda are five (5) ordinance amendments to the City Code to continue to maintain compliance with the requirements of the State. The State of Tennessee Department of Commerce and Insurance, Division of Fire Prevention has noted that cities may be seven (7) years behind the most current edition of the building and fire codes available. Currently, the City of Oak Ridge utilizes the following code editions:

- 2006 International Building Code
- 2006 International Fire Code
- 2008 National Electrical Code
- 2006 International Plumbing Code
- 1999 North Carolina Accessibility Code; 2002 and 2004 Amendments

Several organizations encourage the adoption and enforcements of the most current codes, including: the International Code Council (ICC), the National Fire Protection Association (NFPA), the Insurance Services Organization (ISO) administrators of the Building Code Effective Grading System (BCEGS). City Staff is recommending the adoption of the following codes for compliance:

- 2012 International Fire Code
- 2011 National Electrical Code
- 2012 International Plumbing Code
- 2009 International Energy Conservation Code (IECC)
- 2009 Accessible and Usable Buildings and Facilities ICC A117.1-Code
(North Carolina Accessibility Code is no longer available and this is the latest version of the ICC A117.1 Code).

The 2009 IECC is an energy code new to the City of Oak Ridge and a requirement of the State of Tennessee. Previously, Chapter 11 of the 2006 International Residential Code was used for energy conservation. In addition, all cities in our region, and across the state, have the same state requirements and are in the process of adoption or planning for adoption.

Staff is proposing a 90-day grace period for implementation of the newly adopted codes. This will provide staff adequate time to schedule meetings with our development community and local contractors. This time will be used to share information and provide training to ensure a clear understanding of the revised code standards, and offer staff assistance during initial implementation. Additional codes are being evaluated and will be on the October City Council agenda.

Adoption of the codes will provide a mechanism to ensure the most efficient and effective methods of creating a safe, sustainable, and efficient community for residents, while maintaining compliance with the State of Tennessee.

City staff recommends approval of the attached five (5) ordinances.

Attachments

City Manager's Comments:

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

Mark S Watson 9-5-2012

Mark Watson

Date

**CODES TO BE CONSIDERED FOR FIRST READING BY CITY COUNCIL
SEPTEMBER 10, 2012**

The following codes are scheduled for first reading by City Council on September 10, 2012.

2012 International Fire Code
(Current version: 2006 International Fire Code)

2011 National Electric Code
(Current version: 2008 National Electric Code)

2012 International Plumbing Code
(Current version: 2006 International Plumbing Code)

2009 International Energy Conservation Code
(Current version: none, this one is new)

Accessible and Usable Buildings and Facilities ICC A117.1-2009
(Current version: North Carolina Accessibility Code, which is no longer in use)

A bold/strikethrough of each code is attached to show the changes in the City Code from the existing codes to the new codes. While the Fire Code has few changes, it was decided to go ahead and replace the entire chapter so that it would be easier for MTAS to update the Fire Code and give less opportunity for errors.

Title 7
Fire Protection and Fireworks

Chapter 1
Fire Code

Sec. 7-101. International Fire Code adopted.

The International Fire Code, ~~2006~~ **2012** edition, and all subsequent amendments to the ~~2006~~ **2012** edition, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

Sec. 7-102. Updated National Fire Protection Association standards.

Upon issuance of updated National Fire Protection Association standards, referenced in the International Fire Code, the updated National Fire Protection Association standards shall be used. The city manager or the city manager's designee shall be responsible for determining the "current" standard to be applied.

Sec. 7-103. Definitions.

- (1) Wherever the word "municipality" is used in the International Fire Code adopted by this chapter, it shall be held to mean the City of Oak Ridge.
- (2) Wherever the term "corporation counsel" is used in the International Fire Code adopted by this chapter, it shall be held to mean the attorney for the city.

Sec. 7-104. Revisions.

The following sections of the International Fire Code are hereby revised:

- (1) Section 101.1. Insert: City of Oak Ridge, Tennessee for the name of the jurisdiction.
- (2) Section 111.4. Insert: \$0.00 for the first amount and \$50.00 for the second amount.
- (3) Section ~~508.5.4~~ **507.5.1**. Delete the text of this section in its entirety and replace with the following language:
 - (a) Fire hydrants, where required; Residential.

The maximum distance between fire hydrants, measured along street centerlines, shall be 450 feet.
 - (b) Fire hydrants, where required; Non-Residential.

On roadways, the maximum distance between fire hydrants, measured along street centerlines, shall be 1000 feet.

In addition, no point on the exterior of a commercial building may be more than 500 feet from an approved fire hydrant.

In addition, in buildings required to have a sprinkler fire protection system installed, one accessible hydrant (either public or private) will be located not more than 100 feet from the fire siamese connection. For buildings with a sprinkler system, there will be one accessible hydrant provided on each of two opposing sides of the building. The hydrant required for the sprinkler system may be counted as one of these hydrants. There shall be additional hydrants provided to meet the requirement of a maximum 500-foot distance between a hydrant and any part of the building first floor. The hydrant(s) will be situated not less than two feet and not more than 10 feet from the curb of an access road, parking area, or public road. If situated in a parking area, there will be an area of NO PARKING marked around the hydrant for an area of 15 feet on all sides.

Example: A non-residential building of a 20,000 square feet area, sprinklered, would need a minimum of two hydrants (one within 100 feet of the sprinkler siamese connection and one on the opposing side of the building).

Paved access of a minimum of 20 feet in width shall be required within 100 feet of two sides of each non-residential building. Paved access roads shall be required to be within ten feet of each required fire hydrant.

Emergency access to each side of all buildings three or more stories in height shall be provided by means of an unobstructed area of at least 12 feet in width which would support the weight of a fire ladder truck. This area is not required to be a permanent roadway, but must be accessible during an emergency. Prior to completion of grading and landscaping design, the Fire Department should be consulted.

Sec. 7-105. Replacements.

The square footage amounts referred to in certain sections of the International Fire Code are hereby deleted and replaced as follows:

- (1) In Sections 903.2.1.1, 903.2.1.3, and 903.2.1.4, ~~903.2.8.1 and 903.2.8.2~~ of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.
- (2) In Section 903.2.3, ~~903.2.6, and 903.2.8~~ of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold **in Educational Occupancies**), replace the number 12,000 with the number 10,000, and ~~replace the number 24,000 with the number 20,000.~~
- ~~(3) In Section 903.2.2 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 20,000 with the number 10,000.~~
- (3) In Sections 903.2.4, and 903.2.7 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000, and replace the number 24,000 with the number 20,000.
- (4) In Sections 903.2.9, 903.2.9.1, and 903.2.10 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.

Sec. 7-106. Sprinkler Requirements.

Sprinkler requirements are set forth in Title 12, Chapter 2, of the Code of Ordinances.

Sec. 7-107. Geographic Limits.

The geographic limits referred to in certain sections of the International Fire Code are hereby established as follows:

- (1) Section ~~3204.3.1.1~~ **5504.3.1.1** (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, ~~and FIR and IMDO.~~

- (2) Section ~~3404.2.9.5.1~~ **5704.2.9.6.1** (geographic limits in which the storage of Class I and Class II liquids in outside above-ground tanks is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, ~~and FIR and IMDO.~~

Flammable or combustible liquids in Zones other than IND1, IND2, IND3, ~~or FIR or IMDO.~~ This use may be allowed on review by the fire chief. Approval will depend upon an engineering analysis of the hazards involved with the use and the location of the tank with respect to property exposures.

- (3) Section ~~3406.2.4.4~~ **5706.2.4.4** (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3 ~~and FIR and IMDO.~~

Flammable or combustible liquids in Zones other than IND1, IND2, IND3, ~~or FIR or IMDO.~~ This use may be allowed on review by the fire chief. Approval will depend upon an engineering analysis of the hazards involved with the use and the location of the tank with respect to property exposures.

- (4) Section ~~3804.2~~ **6104.2** (geographic limits in which the storage of liquefied petroleum gas is restricted): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, ~~FIR and IMDO.~~

Sec. 7-108. Appeals.

Appeals are made to the Board of Building and Housing Code Appeals and the process is set forth in Title 12, Chapter 2, of the Code of Ordinances.

Sec. 7-109. Fireworks – discharge prohibited without a permit.

The discharge of fireworks is prohibited within the City Limits without a permit, as set forth in Chapter ~~33~~ **56**, Explosives and Fireworks, of the International Fire Code.

Sec. 7-110. Violations.

Section 109.3 of the International Fire Code is deleted in its entirety and replaced with the following provisions:

- (1) Any person who shall violate any of the provisions of the International Fire Code adopted by this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in § 1-107 of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- (2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Title 12
Building, Utility, Etc. Codes

Chapter 4
Electrical Code

Sec. 12-405. National Electrical Code Adopted.

The National Electrical Code, ~~2008~~ **2011** edition, is hereby adopted by reference and shall become a part of The Electrical Code of the City of Oak Ridge as if copied herein verbatim, except as such code may be in conflict with other provisions of The Electrical Code of the City of Oak Ridge, in which event such other provisions shall prevail.

Note: The current City Code printed and online edition shows the Electrical Code as being in Chapter 3. The Electrical Code was moved to Chapter 4 by adoption of Ordinance No. 4-11 when the Trade Licensing Board was created. The City's website has a link to that ordinance so the public has access to the correct chapter information.

Title 12
Building, Utility, Etc. Codes

Chapter 7
Plumbing Code – Generally

Sec. 12-705. International Plumbing Code Adopted.

The International Plumbing Code, ~~2006~~ **2012** edition, is hereby adopted by reference and shall become a part of the plumbing code as if copied herein verbatim, except as such code may be in conflict with other provisions of the plumbing code, in which event such other provisions shall prevail.

Sec. 12-706. International Plumbing Code – Amendments.

The International Plumbing Code as adopted by §12-705 is amended as set out in this section.

All references to section numbers in the text of this section shall be construed as if followed by the words "of the International Plumbing Code," unless the context clearly indicates otherwise.

Section 101.1 Title.

Insert "City of Oak Ridge, Tennessee" for name of jurisdiction.

Section ~~305.6.4~~ **305.4.1** Sewer depth.

Insert "twelve" in both places for the number of inches, and delete all references to "(mm)."

Section ~~904.4~~ **903.1** Roof extension.

Insert "twelve" in place of the number of inches, and delete the first reference to "(mm)."

Title 12
Building, Utility, Etc. Codes

Chapter 12
Energy Conservation Code

Sec. 12-1201. International Energy Conservation Code Adopted.

The International Energy Conservation Code, 2009 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, and shall be known as the “Energy Conservation Code.”

Chapters 13, 14 and 15
Reserved for Future Use

Chapter ~~12~~ 16
Citations and Ordinance Summonses

Note: Citations and Ordinances Summonses is currently in Chapter 12 (relocated from Chapter 13 by Ordinance No. 4-11). In order to keep all codes that have been adopted by reference in title 12 together, the City proposes to relocate this chapter and designate Chapter 12 as the Energy Conservation Code. In order to avoid this situation in the future, the City is reserving three chapters for future use.

Title 12
Building, Utility, Etc. Codes

Chapter 1
Building Accessibility by Physically Disabled Persons

Sec. 12-103. Minimum specifications.

Any public building which is constructed, enlarged or substantially altered or repaired after the effective date of this ordinance shall be designed and constructed pursuant to specifications, approved by the responsible authority, making such building accessible to and usable by persons with disabilities. The minimum specifications shall be the 1999 edition of the ~~North Carolina Accessibility Code, with the 2002 and 2004 amendments thereto~~ **Accessible and Usable Buildings and Facilities ICC A117.1-2009 Code**, which ~~are~~ **is** hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

The minimum specifications for a project shall be those in effect at the time the project is submitted to the responsible authority for final approval of the construction, enlargement, alteration or repair.

All auditoriums, theaters, gymnasiums, stadiums and other public entertainment facilities must provide accommodations in level or nearly level locations from which persons confined in wheelchairs may see and hear the offered entertainment as well as persons regularly seated in the facility.

TITLE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge is currently utilizing the International Fire Code, 2006 edition; and

WHEREAS, the City desires to adopt the 2012 edition of the International Fire Code and to provide for any necessary amendments thereto, which furthers the City efforts to lessen conflicts between the various codes.

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

Section 1. The Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Title 7, titled "Fire Protection and Fireworks," in its entirety and substituting therefor a new Title 7, titled "Fire Protection and Fireworks," which new title shall read as follows:

Title 7

Fire Protection and Fireworks

Chapter 1

Fire Code

Sec. 7-101. International Fire Code adopted.

The International Fire Code, 2012 edition, and all subsequent amendments to the 2012 edition, are hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

Sec. 7-102. Updated National Fire Protection Association standards.

Upon issuance of updated National Fire Protection Association standards, referenced in the International Fire Code, the updated National Fire Protection Association standards shall be used. The city manager or the city manager's designee shall be responsible for determining the "current" standard to be applied.

Sec. 7-103. Definitions.

- (1) Wherever the word "municipality" is used in the International Fire Code adopted by this chapter, it shall be held to mean the City of Oak Ridge.
- (2) Wherever the term "corporation counsel" is used in the International Fire Code adopted by this chapter, it shall be held to mean the attorney for the city.

Sec. 7-104. Revisions.

The following sections of the International Fire Code are hereby revised:

- (1) Section 101.1. Insert: City of Oak Ridge, Tennessee for the name of the jurisdiction.
- (2) Section 111.4. Insert: \$0.00 for the first amount and \$50.00 for the second amount.
- (3) Section 507.5.1. Delete the text of this section in its entirety and replace with the following language:

- (a) Fire hydrants, where required; Residential.

The maximum distance between fire hydrants, measured along street centerlines, shall be 450 feet.

- (b) Fire hydrants, where required; Non-Residential.

On roadways, the maximum distance between fire hydrants, measured along street centerlines, shall be 1000 feet.

In addition, no point on the exterior of a commercial building may be more than 500 feet from an approved fire hydrant.

In addition, in buildings required to have a sprinkler fire protection system installed, one accessible hydrant (either public or private) will be located not more than 100 feet from the fire siamese connection. For buildings with a sprinkler system, there will be one accessible hydrant provided on each of two opposing sides of the building. The hydrant required for the sprinkler system may be counted as one of these hydrants. There shall be additional hydrants provided to meet the requirement of a maximum 500-foot distance between a hydrant and any part of the building first floor. The hydrant(s) will be situated not less than two feet and not more than 10 feet from the curb of an access road, parking area, or public road. If situated in a parking area, there will be an area of NO PARKING marked around the hydrant for an area of 15 feet on all sides.

Example: A non-residential building of a 20,000 square feet area, sprinklered, would need a minimum of two hydrants (one within 100 feet of the sprinkler siamese connection and one on the opposing side of the building).

Paved access of a minimum of 20 feet in width shall be required within 100 feet of two sides of each non-residential building. Paved access roads shall be required to be within ten feet of each required fire hydrant.

Emergency access to each side of all buildings three or more stories in height shall be provided by means of an unobstructed area of at least 12 feet in width which would support the weight of a fire ladder truck. This area is not required to be a permanent roadway, but must be accessible during an emergency. Prior to completion of grading and landscaping design, the Fire Department should be consulted.

Sec. 7-105. Replacements.

The square footage amounts referred to in certain sections of the International Fire Code are hereby deleted and replaced as follows:

- (1) In Sections 903.2.1.1, 903.2.1.3, and 903.2.1.4 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.
- (2) In Section 903.2.3 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold in Educational Occupancies), replace the number 12,000 with the number 10,000.
- (3) In Sections 903.2.4, and 903.2.7 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000, and replace the number 24,000 with the number 20,000.
- (4) In Sections 903.2.9, 903.2.9.1, and 903.2.10 of the International Fire Code (requiring sprinkler systems to be installed at a square footage threshold), replace the number 12,000 with the number 10,000.

Sec. 7-106. Sprinkler Requirements.

Sprinkler requirements are set forth in Title 12, Chapter 2, of the Code of Ordinances.

Sec. 7-107. Geographic Limits.

The geographic limits referred to in certain sections of the International Fire Code are hereby established as follows:

- (1) Section 5504.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, FIR and IMDO.
- (2) Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in outside above-ground tanks is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, FIR and IMDO.

Flammable or combustible liquids in Zones other than IND1, IND2, IND3, FIR or IMDO. This use may be allowed on review by the fire chief. Approval will depend upon an engineering analysis of the hazards involved with the use and the location of the tank with respect to property exposures.

- (3) Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3 FIR and IMDO.

Flammable or combustible liquids in Zones other than IND1, IND2, IND3, FIR or IMDO. This use may be allowed on review by the fire chief. Approval will depend upon an engineering analysis of the hazards involved with the use and the location of the tank with respect to property exposures.

- (4) Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted): All Zones (as defined in the City of Oak Ridge Zoning Ordinance) except IND1, IND2, IND3, FIR and IMDO.

Sec. 7-108. Appeals.

Appeals are made to the Board of Building and Housing Code Appeals and the process is set forth in Title 12, Chapter 2, of the Code of Ordinances.

Sec. 7-109. Fireworks – discharge prohibited without a permit.

The discharge of fireworks is prohibited within the City Limits without a permit, as set forth in Chapter 56, Explosives and Fireworks, of the International Fire Code.

Sec. 7-110. Violations.

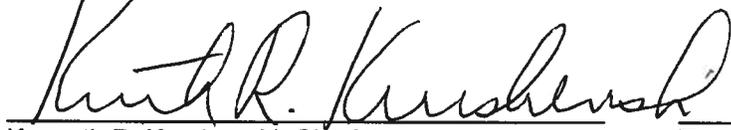
Section 109.3 of the International Fire Code is deleted in its entirety and replaced with the following provisions:

- (1) Any person who shall violate any of the provisions of the International Fire Code adopted by this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city court or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in § 1-107 of this code of ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- (2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 4, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-405, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ORDER TO ADOPT THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE.

WHEREAS, the City of Oak Ridge adopted by reference the National Electrical Code, 2008 edition; and

WHEREAS, the current version of the National Electrical Code is now the 2011 edition, which in the future will be adopted for use by the State of Tennessee; and

WHEREAS, the City desires to adopt the current edition of the National Electrical Code.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 4, titled "Electrical Code," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-405, titled "National Electrical Code Adopted," in its entirety and substituting therefor a new Section 12-405 titled "National Electrical Code Adopted," which new section shall read as follows:

Sec. 12-405. National Electrical Code Adopted.

The National Electrical Code, 2011 edition, is hereby adopted by reference and shall become a part of The Electrical Code of the City of Oak Ridge as if copied herein verbatim, except as such code may be in conflict with other provisions of The Electrical Code of the City of Oak Ridge, in which event such other provisions shall prevail.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

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

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 7, TITLED "PLUMBING CODE - GENERALLY," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-705, TITLED "INTERNATIONAL PLUMBING CODE ADOPTED," AND BY DELETING SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE – AMENDMENTS," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-706, TITLED "INTERNATIONAL PLUMBING CODE – AMENDMENTS," IN ORDER TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PLUMBING CODE AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge adopted by reference the International Plumbing Code, 2006 edition; and

WHEREAS, the City desires to adopt the 2012 edition of the International Plumbing Code and to provide for any necessary amendments thereto, which furthers the City efforts to lessen conflicts between the various codes.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 7, titled "Plumbing Code - Generally," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-705, titled "International Plumbing Code Adopted," in its entirety and substituting therefor a new Section 12-705, titled "International Plumbing Code Adopted," which new section shall read as follows:

Sec. 12-705. International Plumbing Code Adopted.

The International Plumbing Code, 2012 edition, is hereby adopted by reference and shall become a part of the plumbing code as if copied herein verbatim, except as such code may be in conflict with other provisions of the plumbing code, in which event such other provisions shall prevail.

Section 2. Title 12, titled "Building, Utility, Etc. Codes," Chapter 7, titled "Plumbing Code - Generally," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-706, titled "International Plumbing Code – Amendments," in its entirety and substituting therefor a new Section 12-706, titled "International Plumbing Code – Amendments," which new section shall read as follows:

Sec. 12-706. International Plumbing Code – Amendments.

The International Plumbing Code as adopted by §12-705 is amended as set out in this section.

All references to section numbers in the text of this section shall be construed as if followed by the words "of the International Plumbing Code," unless the context clearly indicates otherwise.

Section 101.1 Title.

Insert "City of Oak Ridge, Tennessee" for name of jurisdiction.

Section 305.4.1 Sewer depth.

Insert "twelve" in both places for the number of inches, and delete all references to "(mm)."

Section 903.1 Roof extension.

Insert "twelve" in place of the number of inches, and delete the first reference to "(mm)."

Section 3. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: _____

Publication Date: _____

Second Reading: _____

Publication Date: _____

Effective Date: _____

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY RENUMBERING CHAPTER 12, TITLED "CITATIONS AND ORDINANCE SUMMONSES," TO BE CHAPTER 16 WITH THE TITLE REMAINING THE SAME; BY DESIGNATING CHAPTERS 13, 14, AND 15 AS "RESERVED FOR FUTURE USE"; AND BY CREATING A NEW CHAPTER 12, TITLED "INTERNATIONAL ENERGY CONSERVATION CODE," TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS REQUIRED BY THE STATE OF TENNESSEE.

WHEREAS, the City of Oak Ridge is required by the State of Tennessee to adopt the International Energy Conservation Code; and

WHEREAS, the City desires to adopt the 2009 edition of the International Energy Conservation Code to be in compliance with State requirements; and

WHEREAS, the City desires to re-number existing Chapter 12 on citations and ordinance summonses in order to keep all adopted-by-referenced codes consecutively numbered and desires to reserve three chapters for future use.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by renumbering existing Chapter 12, titled "Citations and Ordinances Summonses," to be Chapter 16, titled "Citations and Ordinances Summonses."

Section 2. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by designating Chapter 12 as the "Energy Conservation Code," which chapter shall read as follows:

Chapter 12
Energy Conservation Code

Sec. 12-1201. International Energy Conservation Code Adopted.

The International Energy Conservation Code, 2009 edition, is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, and shall be known as the "Energy Conservation Code."

Section 3. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by reserving chapters 13, 14, and 15 for future use.

Section 4. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

Section 5. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: _____

Publication Date: _____

Second Reading: _____

Publication Date: _____

Effective Date: _____

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 1, TITLED "BUILDING ACCESSIBILITY BY PHYSICALLY DISABLED PERSONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," AND SUBSTITUTING THEREFOR A NEW SECTION 12-103, TITLED "MINIMUM SPECIFICATIONS," IN ORDER TO ADOPT THE ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES ICC A117.1-2009 CODE.

WHEREAS, the City of Oak Ridge currently lists minimum specifications for accessibility to public buildings according to the North Carolina Accessibility Code, 1999 edition with the 2002 and 2004 amendments (North Carolina Accessibility Code); and

WHEREAS, the North Carolina Accessibility Code is no longer available; and

WHEREAS, the City desires to adopt the Accessibility and Usable Buildings and Facilities ICC A117.1-2009 Code as the replacement for the North Carolina Accessibility Code.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 1, titled "Building Accessibility by Physically Disabled Persons," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-103, titled "Minimum specifications," in its entirety and substituting therefor a new Section 12-103, titled "Minimum specifications," which new section shall read as follows:

Sec. 12-103. Minimum specifications.

Any public building which is constructed, enlarged or substantially altered or repaired after the effective date of this ordinance shall be designed and constructed pursuant to specifications, approved by the responsible authority, making such building accessible to and usable by persons with disabilities. The minimum specifications shall be the Accessible and Usable Buildings and Facilities ICC A117.1-2009 Code thereto, which is hereby adopted by reference and shall become a part of this chapter as if copied herein verbatim, except as such code may be in conflict with other provisions of this chapter, in which event such other provisions of this chapter shall prevail.

The minimum specifications for a project shall be those in effect at the time the project is submitted to the responsible authority for final approval of the construction, enlargement, alteration or repair.

All auditoriums, theaters, gymnasiums, stadiums and other public entertainment facilities must provide accommodations in level or nearly level locations from which persons confined in wheelchairs may see and hear the offered entertainment as well as persons regularly seated in the facility.

Section 2. There shall be a ninety (90) day grace period from the effective date of the ordinance to allow City Staff time to educate the development community and local contractors on the changes.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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

LEGAL DEPARTMENT MEMORANDUM
12-51

DATE: August 27, 2012
TO: Mark S. Watson, City Manager
FROM: Kenneth R. Krushenski, City Attorney
Tammy M. Dunn, Senior Staff Attorney
SUBJECT: AMENDMENT OF CITY CODE §9-703, TITLED "LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS," FOR COMPLIANCE WITH STATE LAW

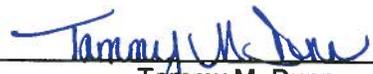
An item for the agenda is an ordinance to amend City Code §9-703 pertaining to the location of adult entertainment establishments for compliance with State law.

In 1999, the City enacted regulations for adult entertainment establishments by Ordinance 16-99. At the time of enactment, the State of Tennessee did not have any provisions in place regarding distance requirements for adult entertainment establishments. That has now changed. The State regulates distance requirements for adult entertainment establishments and some of the requirements are more stringent than the City's requirements. The City desires to bring the ordinance into compliance with State law, including the recent addition of placing a distance requirement between these businesses and family recreation centers (2012 Tennessee Public Chapter 1062).

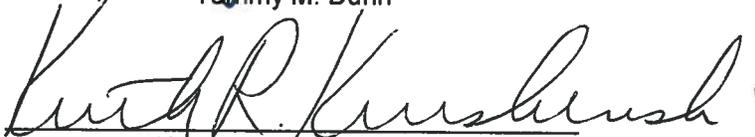
The specific changes are shown on the attached bold/strikethrough document and are briefly set forth below:

- Places that an adult entertainment establishment must be 1,000 feet away from: add charter school, eliminate the limitation of "K-12" school, change "child day care facility" to "child care facility," change "church" to "place of worship," and add "family recreation center" as that term is defined in Tennessee Code Annotated §7-51-1401.
- Increase the distance between adult entertainment establishments and residential districts from 500 feet to 1000 feet.
- Change the measurement of distance to be from property line to property line instead of nearest point of adult entertainment establishment building/structure to property line.

Approval of the attached ordinance is recommended.



Tammy M. Dunn

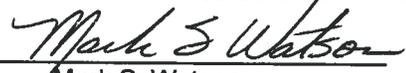


Kenneth R. Krushenski

Attachments

City Manager's Comments:

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



Mark S. Watson



Date

**ADULT ENTERTAINMENT ORDINANCE AMENDMENTS
BOLD/STRIKETHROUGH**

§9-703. Location of adult entertainment establishments.

All adult entertainment establishments must be located within an area zoned as B-2 as set forth in the zoning ordinance and must comply with the additional requirements set forth below.

(1) An operator commits an offense if he or she operates or causes to be operated an adult entertainment establishment within one thousand (1000) feet of any existing:

~~(a)~~—Public, ~~or private, or charter K-12~~ school;

~~(b)~~—Child ~~day~~ care facility;

~~(c)~~—Public park;

~~(d)~~—**Church Place of worship;**

Family recreation center (as defined in Tennessee Code Annotated §7-51-1401);

~~(e)~~—Hospital;

~~(f)~~—Mortuary; or

~~(g)~~—Adult entertainment establishment.

(2) An operator commits an offense if he or she operates or causes to be operated an adult entertainment establishment within ~~five hundred (500)~~ **one thousand (1,000)** feet of any existing residential zoning district.

(3) The distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the ~~building or structure used as part of the premises~~ **property line of a parcel** where an adult entertainment establishment is conducted, to the nearest **point on the property line of the premises parcel containing any of the areas listed in subsections (1) and (2).**

NOTE: Changes to this section are for compliance with Tennessee Code Annotated §7-51-1407. The addition of “family recreation center” has been recently added by 2012 Public Chapter 1062.

TITLE

AN ORDINANCE TO AMEND TITLE 9, TITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC.," CHAPTER 7, TITLED "ADULT ENTERTAINMENT ESTABLISHMENTS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 9-703, TITLED "LOCATION OF ADULT ENTERTAINMENT ESTABLISHMENTS," TO ADD ADDITIONAL LOCATION RESTRICTIONS, INCREASE THE DISTANCE PROVISION FOR RESIDENTIAL AREAS, AND ALTER THE DISTANCE MEASUREMENT METHOD FOR COMPLIANCE WITH TENNESSEE CODE ANNOTATED §7-51-1407.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains regulations for adult entertainment establishments, which regulations were put into place in 1999 by Ordinance 16-99; and

WHEREAS, the City desires to amend the City Code to update Section 9-703 for compliance with State law provisions on adult entertainment, specifically Tennessee Code Annotated §7-51-1407; and

WHEREAS, Tennessee Code Annotated §7-51-1407 contains additional distance prohibitions that are not currently included in the City Code (charter schools, places of worship as opposed to only churches, and family recreational centers), as well as provides for a 1,000 feet distance requirement from residential areas as opposed to the City Code distance requirement of 500 feet; and

WHEREAS, further, Tennessee Code Annotated §7-51-1407 contains a more restrictive distance measurement method than the City Code which measures from the property line of the adult entertainment establishment rather than from the building or structure.

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

Section 1. Title 9, titled "Business, Peddlers, Solicitors, Etc.," Chapter 7, titled "Adult Entertainment Establishments," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 9-703, titled "Location of Adult Entertainment Establishments," in its entirety and substituting therefor a new Section 9-703, titled "Location of Adult Entertainment Establishments," which section shall read as follows:

Sec. 9-703. Location of Adult Entertainment Establishments.

All adult entertainment establishments must be located within an area zoned as B-2 as set forth in the zoning ordinance and must comply with the additional requirements set forth below.

- (1) An operator commits an offense if he or she operates or causes to be operated an adult entertainment establishment within one thousand (1000) feet of any existing: public, private, or charter school; child care facility; public park; place of worship; family recreation center (as defined in Tennessee Code Annotated §7-51-1401); hospital; mortuary; or adult entertainment establishment.
- (2) An operator commits an offense if he or she operates or causes to be operated an adult entertainment establishment within one thousand (1,000) feet of any existing residential zoning district.
- (3) The distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of a parcel where an adult entertainment establishment is conducted, to the nearest point on the property line of the parcel containing any of the areas listed in subsections (1) and (2).

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, City Clerk

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