

**OAK RIDGE CITY COUNCIL  
SPECIAL MEETING**

Multipurpose Room  
Central Services Complex

August 26, 2013—8:00 p.m.

AGENDA

I. RESOLUTIONS

- a. A RESOLUTION TO AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL PROGRAMS FUND FOR TWO PEDESTRIAN SAFETY IMPROVEMENT PROJECTS; SPECIFICALLY \$370,000.00 FOR IMPROVEMENTS AT VARIOUS OAK RIDGE TURNPIKE INTERSECTIONS AND \$215,000.00 FOR ACCESSIBILITY IMPROVEMENTS AND PEDESTRIAN ACCESS FOR THE JACKSON SQUARE PARKING LOT (FARMER'S MARKET SITE).
- b. A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY AND THE OAK RIDGE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT ACTIVITIES IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR FY2014.

II. ADJOURNMENT

**ADMINISTRATIVE MEMORANDUM**  
**13-08**

DATE: August 19, 2013

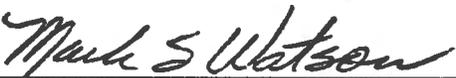
TO: Diana R. Stanley, City Clerk

FROM: Mark S. Watson, City Manager

SUBJECT: SPECIAL CITY COUNCIL MEETING

In accordance with Article II, Section 2, of the Charter of the City of Oak Ridge, you are hereby requested to call a special meeting of the Oak Ridge City Council for Monday, August 26, 2013, at 8:00 p.m. in the Multipurpose Room at the Central Services Complex, 100 Woodbury Lane, for consideration of:

- A RESOLUTION TO AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL PROGRAMS FUND FOR TWO PEDESTRIAN SAFETY IMPROVEMENT PROJECTS; SPECIFICALLY, \$370,000.00 FOR IMPROVEMENTS AT VARIOUS OAK RIDGE TURNPIKE INTERSECTIONS AND \$215,000.00 FOR ACCESSIBILITY IMPROVEMENTS AND PEDESTRIAN ACCESS FOR THE JACKSON SQUARE PARKING LOT (FARMER'S MARKET SITE).
- A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY AND THE OAK RIDGE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT ACTIVITIES IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR FY 2014.

  
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Mark S. Watson

CITY COUNCIL MEMORANDUM  
13-17

DATE: August 20, 2013  
TO: Honorable Mayor and Members of City Council  
FROM: Mark S. Watson, City Manager  
SUBJECT: TRANSPORTATION ENHANCEMENT PROJECTS UPDATE

Introduction

An item for City Council's consideration is a resolution authorizing the use of funds from the Special Programs Fund for two pedestrian safety improvement projects; specifically, \$370,000 for improvements at various Oak Ridge Turnpike intersections and \$215,000 for accessibility improvements and pedestrian access for the Jackson Square parking lot (Farmer's Market site).

Funding

The funding for Projects #1 and #2 as recommended by the City Engineer in the attached memorandum are approved from the Special Programs Fund (red-light camera monies) for pedestrian safety improvements at eight Oak Ridge Turnpike intersections, and Parking lot improvements and ADA improvements for the Jackson Square Parking lot (Farmer's Market site). Proposed allocations from the Special Programs Fund are: Project #1--\$370,000 and Project #2--\$215,000.

Background

The City Engineer continues work on the implementation of the traffic safety enhancement list as approved by the City Council with Resolution 4-30-11, which indicated City Council's desire to use said funds for traffic/pedestrian/bicycle safety improvements. A report has been provided by the City Engineer summarizing projects accomplished to date. Five new projects have been recommended. Funding is available for the first two projects.

Project #1 is designed and ready for bid, and provides a pedestrian walkway and crossway system along the businesses of the Oak Ridge Turnpike.

Project #2 is a new project and complimentary to the TDOT Jackson Square project. As the construction of Jackson Square approaches, an active Farmer's Market season has shown the importance of the pedestrian connections to Jackson Square. Additionally, they create conflict with ADA access to the market area. The Jackson Square area anticipates construction this coming winter, soon after the Christmas season. Parking will be unavailable for that period. We believe enhancements to the Farmer's Market parking lot can provide alternate parking to Jackson Square during construction, helping the small businesses located there. As an extension of Jackson Square, enhancements to the parking lot and current steps to the parking lot can improve it as one contiguous area for use by the public and special events such as the Lavender Festival. Overhead wiring will also be eliminated in the project for a total aesthetic appearance.

Staff recommends the use of funds from the Special Programs Fund for these two projects.

Recommendation

Adoption of the attached resolution is recommended.

  
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Mark S. Watson

Attachments

**PUBLIC WORKS MEMORANDUM**  
**13-18**

**DATE:** July 29, 2013  
**TO:** Mark S. Watson, City Manager  
**FROM:** Steven R. Byrd, P.E., City Engineer  
**THROUGH:** Gary M. Cinder, P.E., Director of Public Works  
**SUBJECT:** **Transportation Enhancement Projects Update**

The enclosed Attachment 1 summarizes completed transportation enhancement projects that are funded from the Special Programs Fund. Resolution 4-30-11 authorized approval of expenditures from the Special Programs Fund for transportation enhancement projects for traffic capacity/safety, school crossing, and bicycle/pedestrian safety. Projects are selected from the transportation enhancement project list that was presented to Council at the January 24, 2011 work session (Attachments 2A and 2B) or from the Oak Ridge Bicycle and Pedestrian Plan for identified spot and corridor locations (Attachment 3A, 3B and 3C) approved by Council in April 2011 by Resolution 4-27-11.

To date a total estimated cost of \$348,108 has been spent from the Special Programs Fund for six contracted projects as listed in Attachment 1. Some pictures are enclosed showing elements of completed projects.

A total estimated cost of \$853,000 is proposed to be funded by the Special Programs Fund for five new projects as listed below.

1. Pedestrian safety improvements at eight Oak Ridge Turnpike intersections and three other residential intersections that includes new and/or upgraded traffic/pedestrian signals, pavement markings, signs, sidewalks and handicap ramps. Project is designed and ready for bid. (\$370,000).
2. Parking lot reconstruction on north side of Broadway Avenue opposite Jackson Square to include design and construction of additional parking spaces, accessible pedestrian ADA ramps to replace steps and converting overhead to underground utilities. (\$215,000).
3. Construction of new sidewalks on the south side of Oak Ridge Turnpike from Tulane Avenue to Rutgers Avenue, at Katie Hunter soccer field and at Palisades Boulevard/Melton Lake Drive intersection. Project is designed and ready for bid. (\$235,000).
4. Installation of Pedestrian Crossing LED Warning Lights on Emory Valley Road at Emory Valley Center (\$25,000). Project is expected to be designed and constructed in-house.
5. Functional design and cost estimate for a round-about at the Providence Road/North Tulane Avenue/Pennsylvania Avenue/East Pasadena Road intersection (\$8,000).

With completion of the five proposed projects, 10 of the 13 projects identified in the transportation enhancement list will be completed and 19 of the 24 projects identified in the Bicycle and Pedestrian Plan for spot locations will be completed and two (with portions of two more) of the 18 corridor projects will be completed. It is noted that there is some overlap in projects between the Bicycle and Pedestrian Plan projects and the Enhancement projects.

Staff will continue to seek input from the Park and Recreation Board and the Traffic Safety Advisory Board on all future projects pertaining to enhancement projects.

Funds are available in the Special Programs Fund for the four proposed projects.

  
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Steven R. Byrd

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Enclosures

# ATTACHMENT 1

<b>Oak Ridge Transportation Enhancement Completed Projects- Funding Source - Special Programs Fund</b>			
Projects/Location	Description	Justification	Total Cost & Date Completed
<b>Rumble Strips - Emory Valley Road</b>	eight-inch rumble strips between road and greenway trail	Oak Ridge Bicycle and Pedestrian Plan - improve bicycle/pedestrian safety	\$3,700 - October 2011
<b>Pedestrian Crosswalk Improvements - various locations citywide</b>	crosswalk markings at intersections and mid-block locations on seven streets	Oak Ridge Bicycle and Pedestrian Plan - improve bicycle/pedestrian safety	\$24,750 - November 2011
<b>Bike Route Signage - east-west route on multiple streets</b>	along multiple local streets from Jefferson Ave. to Melton Lake Dr.	Oak Ridge Bicycle and Pedestrian Plan - improve bicycle safety	\$13,027 - December 2011
<b>Sidewalk and Pedestrian Crosswalk Improvements - Illinois Avenue, Jefferson Avenue, and Rutgers Avenue</b>	sidewalks, pavement markings and ped signals, ORT/Illinois Avenue geometric improvements	Oak Ridge Bicycle and Pedestrian Plan - improve pedestrian /bicycle safety	\$244,137 - Fall 2012
<b>Melton Lake Drive Pedestrian Crosswalk Improvements - three crossings near marina</b>	LED ped-crossing warning signs with ped push-button detection	Oak Ridge Bicycle and Pedestrian Plan - improve pedestrian/bicycle safety	\$37,594 - Spring 2013
<b>Traffic/Pedestrian Crosswalk Improvements - Oak Ridge Turnpike; engineering design services</b>	traffic/ped signal upgrades, sidewalk, handicap ramps, pavement markings, signs	Oak Ridge Bicycle and Pedestrian Plan - improve traffic/pedestrian safety	\$24,900 - Spring 2013
<b>TOTAL COST OF COMPLETED PROJECTS AS OF JULY 2013 - \$348,108</b>			

## ATTACHMENT 2A

<b>MAJOR TRAFFIC/PEDESTRIAN/BICYCLE ENHANCEMENTS (COST GREATER THAN \$50,000)</b>			
Project Location	TYPE OF IMPROVEMENTS	JUSTIFICATION	RANKING & APPROXIMATE COST
Oak Ridge Turnpike (SR95) at Illinois Avenue (SR62)	Geometric improvements, concrete islands, ped warning signs, LED lights, pavement markings, detection bollards	Pedestrian safety improvements	High - \$100,000 - \$165,000
Oak Ridge Turnpike (SR95) at Oak Ridge High School Entrance	Possible new traffic signal at three-way intersection, all "red" ped protection	Pedestrian safety & traffic capacity improvements	High - \$100,000 - \$125,000
Melton Lake Drive Ped Crossings at Amanda Drive, Emory Valley Road & Rivers Run Boulevard	Ped beacons, ped LED warning signs, push-button detection and pavement markings	Pedestrian safety	Medium - \$65,000
South Illinois Avenue Sidewalks	Complete missing sidewalk sections between Oak Ridge Turnpike and Lafayette Drive	Pedestrian Safety	Medium - \$50,000
Providence Road/North Tulane Avenue/Pennsylvania Avenue/East Pasadena Road multi-leg Intersection	New round-about - initial engineering services for conceptual design; round-about construction	Traffic capacity and safety; pedestrian safety	Low - \$8,000 conceptual; greater than \$500,000 construction
Melton Lake Drive at Emory Valley Road	New round-about - initial engineering services for conceptual design; round-about construction	Traffic capacity and safety; pedestrian safety	Low - \$8,000 conceptual; greater than \$500,000 construction

NOTE 1: Ranking based on available funds, traffic/pedestrian counts, signal warrants, capacity analysis, vehicle crash history, etc.

NOTE 2: Many locations listed on the Oak Ridge Bicycle Pedestrian Plan

## ATTACHMENT 2B

<b>MINOR TRAFFIC/PEDESTRIAN/BICYCLE ENHANCEMENTS (COST LESS THAN \$50,000)</b>			
PROJECT LOCATION	TYPE OF IMPROVEMENTS	JUSTIFICATION	RANKING AND APPROXIMATE COST
North Illinois Avenue at Robertsville Road	Add northbound North Illinois Avenue traffic signal protected left-turn phase	Traffic capacity and safety	High - \$5,000
Oak Ridge Turnpike (SR95) at Tyler Road/Administration Road	Pavement marking, new crosswalk, ped signal and ped push-buttons, count down timer	Pedestrian safety	High - \$10,000
Emory Valley Road - Greenway trail	Install 6" wide continuous rumble strip to separate lane from trail	Pedestrian safety/bicycle safety	High - \$4,500
Police enforcement fund	Targeted ped crossing locations	Pedestrian safety	High - \$5,000
Rutgers Avenue at Northwestern Avenue and Manhattan Avenue	Pavement markings, ped signals, ped LED warning signs, ped push-buttons, countdown timer, sidewalks	Pedestrian safety	Medium - \$40,000
Emory Valley Road at Emory Valley Center	Crosswalk, pavement markings, LED warning signs, ped push-button detection, countdown timer, sidewalks	Pedestrian safety	Medium - \$21,000
East-West bicycle route on secondary streets between ORT at Jefferson Ave. to ORT at Melton Lake Drive	Bicycle route signs and pavement markings	Establish east to west continuous bicycle route	Medium - \$15,000

NOTE 1: Ranking based on available funds, traffic/pedestrian counts, vehicle crash history, etc.

NOTE 2: Many locations listed on the Oak Ridge Bicycle Pedestrian Plan

# ATTACHMENT 3A

**COMPLETED  
PROJECTS**



**PROPOSED  
PROJECTS**

Spot Location projects			Destinations within 1/2 mile: 1 point each								
Map letter	Project location	Preliminary project description	school facility	community facility	park facility	major employer	residential (1-3 points)	network gap (10 points)	high health impact (5 points max)	ease of implementation (up to 5 points)	total score
	A Turnpike & Georgia	Enhanced pavement markings, countdown timers, signage needed. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	2	9	3	3	3	10	2	5	37
	B Rutgers & Northwestern	Enhance existing unsignalized crossing of Rutgers.	2	9	1	2	3	10	2	5	34
	C Turnpike & Tyler	Enhanced pavement markings, countdown timers, signage needed. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	1	8	3	5	0	10	2	5	34
	D Turnpike & W. Main	Enhanced pavement markings, countdown timers, signage needed. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	2	8	1	3	3	10	2	5	34
	E Emory Valley RD near the Senior Center	Icy sidewalk is often a problem. Enhanced crossing of Emory Valley needed to access the Senior Center.	1	6	2	3	3	10	2	5	32
	F Turnpike & Lafayette	Enhanced pavement markings, countdown timers, signage needed. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	2	4	3	4	2	10	2	5	32
	G ORTP between Tulane and Robertsville	Critical crossing between high school and Civic Center. Enhanced crossing treatments needed for unsignalized location.	1	11	1	1	0	10	2	5	31
	H Rutgers & Manhattan	Enhanced pavement markings, countdown timers, signage needed. Add sidewalks to Wal-Mart entrance on the west side of Rutgers. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	1	6	2	0	3	10	2	5	29
	I Turnpike & Illinois	Enhanced pavement markings, countdown timers, signage needed. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	1	5	1	1	3	10	2	5	28
	J Illinois & Robertsville	Enhanced pavement markings needed. Consider additional enhancements.	2	3	1	0	3	10	2	5	26
	K Illinois & Rutgers	Enhanced pavement markings, countdown timers, signage needed. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	0	5	1	0	3	10	2	5	26
	L Illinois & Tulane	Enhanced pavement markings, countdown timers, signage needed. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	0	8	2	1	0	10	0	5	26

continued >>

# ATTACHMENT 3B

**COMPLETED  
PROJECTS**



**PROPOSED  
PROJECTS**

Spot Location projects			Destinations within 1/2 mile: 1 point each								
Map letter	Project location	Preliminary project description	school facility	community facility	park facility	major employer	residential (1-3 points)	network gap (10 points)	high health impact (5 points max.)	ease of implementation (up to 5 points)	total score
M	Vermont & Pennsylvania	Marked crosswalk needed to ease crossing of Vermont.	3	3	1	2	2	10	0	5	26
N	Florida/Olney/Outer intersection	Enhancements needed to create safer pedestrian crossings.	1	1	1	2	1	10	0	5	21
O	Lafayette & Hendrix	Enhanced pavement markings, countdown timers, signage needed. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	1	0	0	4	1	10	0	5	21
P	Cedar Hill Park	Establish safe crossings for access to park.	1	1	2	0	1	10	0	5	20
Q	Melton Lake DR crossing at Amanda DR	Enhanced crossing of Melton Lake DR needed.	0	1	1	0	1	10	2	5	20
R	Melton Lake DR crossing at Emory Valley RD	Enhanced crossing of Melton Lake DR needed.	0	1	1	0	1	10	0	5	18
S	Solway Bridge	Bicycle and pedestrian facilities needed on bridge. Signs and pavement markings needed at Edgemoor Road interchange for guidance of bicyclists and drivers.	0	0	1	0	0	10	0	1	12
T	Lafayette/Illinois/Scarboro intersection	Critical crossing, especially for bicyclists. Provides access to ORNL and Y-12. Enhanced pavement markings, countdown times, signage needed. Check signal timing for pedestrian and bicycle crossings. Consider additional enhancements.	0	1	1	1	0	0	2	5	10
U	Illinois & Bethel Valley RD	Can't turn left from Bethel Valley to Illinois (this is to be corrected with signage and may be part of a bike route project).	0	0	1	1	0	0	2	5	9
V	Edgemoor Bridge	Bicycle and pedestrian accommodation needed. This bridge is part of TDOT's SR 170 widening project, which should include bicycle and pedestrian facilities.	0	0	4	0	0	0	2	1	7
W	Emory Valley Greenway access	Enhanced crossing(s) needed for access from neighborhoods to greenway.	0	1	2	0	1	0	0	3	7
X	Melton Lake DR crossing at Rivers Run BLVD	Enhanced crossing of Melton Lake DR needed.	0	0	0	0	1	0	0	5	6

# ATTACHMENT 3C

**COMPLETED  
PROJECTS**



**PROPOSED  
PROJECTS**

Corridor projects			Destinations within 1/2 mile: 1 point each									
Map letter	Project location	Preliminary project description	Corridor length (in miles)	school facility	community facility	park facility	major employer	residential (1-3 points)	network gap (10 points)	high health impact (5 points max.)	ease of implementation (up to 5 points)	total score
A	Oak Ridge Turnpike, between Illinois and Florida	Need bicycle lanes and sidewalks where there are gaps.	1.0	7	25	5	9	3	10	2	3	64
B	East-West bicycle route (follows Jefferson Ave., Robertsville Rd., Providence Rd., Pennsylvania Ave., Tennessee Ave., Florida Ave., Fairbanks Rd., Coalyard Rd., Warehouse Rd.)	Define route and create directional and other signage.	2.7	8	24	8	9	3	0	2	5	59
C	Illinois Avenue	Sidewalks needed where missing.	1.2	2	13	2	2	3	10	2	3	37
D	Lafayette DR	Sidewalk with curb (on west side) and bicycle lanes needed.	1.0	2	5	3	8	3	10	2	3	36
E	Melton Lake to Y-12 rail line	Create rail-to-trail greenway.	2.0	3	9	7	11	3	0	2	1	36
F	Oak Ridge Turnpike, between Florida and Melton Lake Drive	Need bicycle lanes and sidewalks.	1.5	2	5	3	4	3	10	2	1	30
G	Tuskegee DR-Illinois to Tempura DR	Bicycle facilities needed.	1.9	0	8	3	0	3	10	2	3	29
H	Emory Valley greenway	Where the greenway is along the road, install rumble strip or physical barrier. Rumble strip will be short-term fix, physical barrier long-term solution.	0.3	1	3	2	2	3	10	2	5 (rumble strip); 1 (physical barrier)	28 (rumble) or 24 (barrier)
I	Emory Valley RD-Lafayette to Donner RD	Add bicycle lanes or extend greenway.	2.0	3	9	3	4	3	0	2	1	25
J	Illinois Avenue	Bicycle lanes needed.	5.6	2	13	2	2	3	0	2	1	25
K	Hendrix Drive	Pedestrian facility or traffic calming needed.	1.7	2	4	2	6	3	0	2	1	20
L	95/58 Interchange	Signs and markings needed for bicycle safety around interchange.	2.0	0	1	0	0	0	10	0	5	16
M	Scarboro RD	Shoulders or another form of bicycle & pedestrian accommodation facility needed.	1.8	0	3	2	5	1	0	2	3	16
N	Gum Hollow RD	Bicycle and pedestrian facilities needed.	4.7	0	1	0	0	3	10	0	1	15
O	Outer and West Outer Drives-east of Illinois	Need bicycle lanes and sidewalks.	3.0	2	3	1	2	3	0	2	1	14
P	Edgemoor RD	Bicycle facilities needed. This is expected to be part of TDOT's SR 170 widening project, which should include bicycle and pedestrian facilities.	2.0	0	1	3	2	1	0	2	1	10
Q	Bethel Valley RD-Scarboro RD to Checkpoint	Shoulders or another form of bicycle & pedestrian accommodation facility needed.	4.0	0	0	1	1	0	0	2	3	7
R	West Outer Drive-west of Illinois	Need bicycle lanes and sidewalks.	5.0	1	0	0	0	1	0	2	1	5



**ILLINOIS AVENUE AND OAK RIDGE TURNPIKE**



**SOUTH ILLINOIS AVENUE @ DOUBLE TREE HOTEL**



**RUTGERS AVE. @ MANHATTAN AVE./PERIMETER RD.**



**MELTON LAKE DRIVE @ MARINA**

**RESOLUTION**

A RESOLUTION TO AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL PROGRAMS FUND FOR TWO PEDESTRIAN SAFETY IMPROVEMENT PROJECTS; SPECIFICALLY \$370,000.00 FOR IMPROVEMENTS AT VARIOUS OAK RIDGE TURNPIKE INTERSECTIONS AND \$215,000.00 FOR ACCESSIBILITY IMPROVEMENTS AND PEDESTRIAN ACCESS FOR THE JACKSON SQUARE PARKING LOT (FARMER'S MARKET SITE).

WHEREAS, by Resolution 4-30-11, City Council authorized the use of the Special Programs Fund for transportation enhancement projects for traffic capacity/safety improvements, school crossing, and bicycle/pedestrian safety improvements; and

WHEREAS, at this time, staff is ready to proceed with two pedestrian safety improvement projects; and

WHEREAS, the first project is pedestrian safety improvements at eight intersections along Oak Ridge Turnpike; and

WHEREAS, the second project is pedestrian safety improvements for pedestrian access and accessibility improvements to the parking lot at Jackson Square which is the current site of the Farmer's Market; and

WHEREAS, the City Manager requests authorization from City Council to utilize the Special Programs Fund for said projects.

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 City Council hereby authorizes the use of the Special Programs Fund for pedestrian safety improvements at various Oak Ridge Turnpike intersections and for the Jackson Square parking lot.

BE IT FURTHER RESOLVED that any project costs exceeding \$25,000.00 still requires City Council approval of the expenditure.

This the 26th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

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Thomas L. Beehan, Mayor

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Diana R. Stanley, City Clerk

CITY COUNCIL MEMORANDUM  
13-16

DATE: August 20, 2013  
TO: Honorable Mayor and Members of City Council  
FROM: Mark S. Watson, City Manager  
SUBJECT: CONTRACT WITH OAK RIDGE CHAMBER OF COMMERCE

Introduction

An item for City Council's consideration is a resolution approving a contract between the City of Oak Ridge and the Oak Ridge Chamber of Commerce for economic development activities in an amount not to exceed \$175,000 for FY 2014.

Funding

The City Council has authorized \$175,000 in the FY 2014 budget for this program. Funds would be used for specific economic development activities, but not used for personnel services and costs associated with the Chamber of Commerce regular membership activities. Funds would be for hard costs associated with travel, marketing, studies, data collection, prospect serving and fees.

Background

A change in approach was instituted by the City Manager's office this year providing for City funds in tangible, identifiable activities associated with economic development. The City Council has approved the allocation of \$175,000 to be made available for the coming year for these activities.

After budget adoption, the City Manager has met with the Chamber of Commerce President to discuss implementation. With the use of two part-time consultants for Oak Ridge (Ray Evans and Steve Jones), the City and Chamber are already coordinating responses in the region and statewide in a more reflective manner for Oak Ridge.

The contract will provide for the City to transfer funding to the Oak Ridge Economic Partnership 501C3 entity. The entity will be overseen by the City Manager; the Chamber President; the Chairman of the Chamber Board, or his designee; and the Mayor, or his designee. These four will oversee the use of funding for economic development. Initial capital startup will be allocated with \$50,000 and further increments as needed, not to exceed the authorized \$175,000. In return, the Chamber of Commerce is providing personnel assistance, facilities and servicing of economic development prospects, with a focus on retail sectors.

Recommendation

The City Manager recommends approval of the contractual agreement as attached. Due to an increase volume of activity in Nashville and regional recruitment, funds are needed to provide for these expenses.



Mark S. Watson

Attachments

**RESOLUTION**

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY AND THE OAK RIDGE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT ACTIVITIES IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR FY2014.

WHEREAS, the Oak Ridge Chamber of Commerce has contracted with the City for economic development services for several years to market industrial, office, research and development, commercial, retail, and residential development in order to expand and enhance the economy and to maintain and expand the City's current economic base; and

WHEREAS, the most recent contract between the parties expired on June 30, 2013; and

WHEREAS, the parties mutually desire to enter into a three-year contract, subject to available funding after FY2014, for economic development activities in an amount not to exceed \$175,000.00 for FY2014.

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

That the attached contract between the City of Oak Ridge and the Oak Ridge Chamber of Commerce for economic development activities beginning on July 1, 2013 and ending on June 30, 2016, provided funds are allocated in the City's budget each fiscal year, is hereby approved.

BE IT FURTHER RESOLVED that funds for FY2014 shall not exceed \$175,000.00.

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

This the 26th day of August 2013.

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

**CONTRACT**

This Contract entered into this the 26th day of August, 2013, by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the "City," and the Oak Ridge Chamber of Commerce, hereinafter referred to as the "Chamber."

WITNESSETH:

WHEREAS, the City and the Chamber have had a longstanding relationship in matters associated with economic development; and

WHEREAS, the parties desire to enter into a three-year contract to continue this relationship to build upon past successes, reduce costs, and jointly determine priorities, strategies, tactics, and actions.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, the City and the Chamber hereby agree as follows:

Section I. Term

This Contract shall be for a term of three (3) years commencing July 1, 2013 through June 30, 2016, subject to the provisions of Section XII, Termination.

Section II. Oak Ridge Economic Development Initiative

The parties hereby establish the Oak Ridge Economic Development Initiative, hereinafter referred to as the Initiative, as a three-year joint economic development program subject to annual appropriation. The priorities of the Initiative are to attract new capital investment, new jobs, building the City's tax base, generate retail sales, and grow the City and its economy.

Section III. Initiative's Steering Committee

The Initiative will be governed by a four (4) member Steering Committee comprised of the following members: the City Manager, the President/CEO of the Chamber, the Chairman of the Chamber Board or the Chairman's designee, and the Mayor or the Mayor's designee. The chairperson of the Steering Committee will rotate annually between the Chairman of the Chamber Board (or the Chairman's designee) and the Mayor (or the Mayor's designee), starting with the Chairman of the Chamber Board (or the Chairman's designee). The Steering Committee will determine appropriate economic development priorities, strategies, tactics, and actions, and will appropriately communicate matters with the Initiative to City Council, the Chamber Board, and other agreed upon stakeholders. The Steering Committee will provide general guidance in the management of economic development prospects, projects, and associated expenditures.

Section IV. Chamber Responsibilities

The Chamber will allocate resources in staff time and other personnel costs, indirect costs including but not limited to telephone, computer services, internet access, office supplies, utilities, etc. toward the following:

- A. Marketing Oak Ridge as a location for new and expanding business using Steering Committee approved methods, messages, and financial resources;
- B. Identifying prospective new and expanding business prospects from Steering Committee

approved sectors, clusters, and/or target markets;

- C. Responding to call-in or walk-in business location or expansion inquiries, will assist the City with Requests for Proposals/Information/Qualifications brought to its attention, coordinating the responsible response to such opportunities with appropriate City staff and consultants made available by the City Manager or the City Manager's designee; and
- D. Paying indirect costs associated with the Oak Ridge office of the Tennessee Small Business Development Center.

The Chamber shall determine the fair market value of its services for the purposes of this Contract.

#### Section V. City Responsibilities

The City will provide \$50,000.00 as initial capital start-up costs under this Contract. Additional funding by the City, not to exceed an additional \$125,000.00, will be provided under this Contract at the discretion of the City Manager.

#### Section VI. Funding

Funds provided under this Contract will be transferred to the Oak Ridge Economic Partnership (or its successor in interest), which is a 501(c)(3) organization, for use by the Initiative. The Chamber will make reasonable amendments to the charter and/or bylaws of the Oak Ridge Economic Partnership (or its successor in interest) to meet the needs of the Initiative. Funds will be used for Initiative marketing hard costs to include, but not be limited to, the following Steering Committee approved:

- A. Prospect servicing;
- B. Collateral materials, website presences, and other materials;
- C. Collection and dissemination data;
- D. Conduct of feasibility study or other projects requiring the use of third-party experts, consultants, etc.;
- E. Appropriate travel and actual lodging, dining, conference and convention fees and/or per diem allowances, as determined and approved by the Steering Committee;
- F. \$6,000.00 toward funding operations of the Oak Ridge office of the Tennessee Small Business Development Center, which amount will be reviewed and subject to adjustment by the Steering Committee on an annual basis.

#### Section VII. Economic Development Contacts

The President/CEO of the Chamber and the City Manager (or their designees) will jointly function as economic development contacts for regional and state economic allies including but not limited to the Tennessee Valley Authority, Tennessee Department of Economic and Community Development, East Tennessee Economic Development Agency, Innovation Valley, Roane Alliance, and Anderson County Economic Development Association.

#### Section VIII. City Representatives Membership on Chamber Board

During the term of this Contract, the Mayor or the Mayor's designee serving on the Steering

Committee will be designated a voting ex-officio member of the Chamber's Board of Directors and the City Manager will be designated as a non-voting ex-officio member of the Chamber's Board of Directors.

Section IX. Amendments

The parties may submit any proposed amendments to the other party for review. The other party will consider such proposal(s) in good faith and respond within sixty (60) days. This Contract may be amended by mutual agreement at any time in writing signed by the duly authorized representatives of each party. The approval of City Council and the Chamber Board is required for any amendments to this Contract.

Section X. Anti-Discrimination

In the performance of this Contract, the parties shall not discriminate against any person because of race, creed, color, national origin, age, sex, sexual orientation, disability, religion or other legally protected status.

Section XI. Indemnification

- A. *Generally.* To the extent allowable by Tennessee law, the parties hereby agree to protect, indemnify and hold harmless the other party from and against any and all loss, expense, damage, charges and costs (including court costs and counsel fees) for injury to or death of persons and injury to or destruction of property suffered or alleged to have been suffered as a result of any negligent or willful act or omission or violations of law on the part of the indemnifying party in the course of the performance of the services provided for in this Contract.
- B. *City Limitation.* The City is governed by the provisions of the Tennessee Governmental Tort Liability Act for causes of action sounding in tort. Further, no contract provision requiring the City to indemnify or hold harmless any other entity beyond the liability imposed by law is enforceable because it appropriates public money and nullifies governmental immunity without the authorization of the General Assembly.

Section XII. Termination

- A. *For Cause.* If either party shall fail to fulfill in a timely and proper manner its obligations under this Contract, or shall violate any of the covenants, agreements or stipulations of this Contract, and not cure said breach within thirty (30) days, after written notice from the other party specifying the obligations or violations which said party has failed to perform, the other party shall thereupon have the right to terminate this Contract by giving sixty (60) days written notice to the offending party of such termination. Provided however, that if the nature of the obligation is such that more than thirty (30) days are required for its performance and cure, then said party shall not be deemed to be in default if it shall commence such performance to cure within such thirty (30) day period and thereafter diligently prosecute the same to completion, subject to force majeure in either case. References to "force majeure" hereinabove shall refer to delays due to strikes, riots, acts of God, governmental intervention or any other causes beyond the control of the Parties. Delays directly caused by the foregoing shall be excluded from the computations of deadlines in this Contract.
- B. *Without Cause.* The parties may mutually agree to terminate this Contract by written agreement signed by the duly authorized representatives of each party after approval of City Council and the Chamber Board.
- C. *Available Funds.* Funds have been allocated by City Council in the FY2014 Budget (July

1, 2013 through June 30, 2014). Continuation of this Contract past June 30, 2014 is subject to the appropriation and availability of City funds. In the event that funds are not appropriated or are otherwise unavailable, the City reserves the right to terminate this Contract upon written notice to the Chamber. Said termination shall not be deemed a breach of contract by the City. Upon such termination, the Chamber shall have no right to recover from the City any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.

**Section XIII. Independent Contractors**

The parties acknowledge that the relationship created under this Contract is that of independent contracting parties and this Contract does not create a general agency, joint venture, partnership, employment relationship, or franchise between the parties.

The parties will publically acknowledge each other as a collaborative participant in economic development matters.

**Section XIV. Entire Agreement**

This Contract constitutes the entire agreement of the parties and may not be amended or modified orally, but only by written instrument executed by both parties after approval pursuant to Section IX, Amendments.

**Section XV. Governing Law**

This Contract shall be construed under the laws of the State of Tennessee and shall be binding upon and inure to the benefit of the parties thereto, their respective successors, and to the extent permitted herein, assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day and year first above written.

APPROVED AS TO FORM AND LEGALITY

CITY OF OAK RIDGE, TENNESSEE

\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

OAK RIDGE CHAMBER OF COMMERCE

\_\_\_\_\_  
Parker Hardy, President/CEO

\_\_\_\_\_  
(on file)  
Tax ID Number

Approved by Resolution \_\_\_\_\_