

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

October 13, 2014—7:00 p.m.

AGENDA

I. INVOCATION

Rev. David Allred, High Places Community Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating Sunday, October 19, 2014 as *Oak Ridge Unitarian Universalist Church Day*.

VI. SPECIAL REPORTS

City Manager Evaluation Committee Chair D. Jane Miller

Adoption of a resolution to amend the City Manager's Employment Agreement (approved by Resolution 7-73-10 and amended by Resolutions 7-72-11, 7-61-2012 and 11-103-2013) to provide for an equivalent two percent (2%) salary increase retroactive to August 3, 2014.

VII. CONSENT AGENDA

- a. Approval of the September 8, 2014 City Council meeting minutes.
- b. Approval of the September 22, 2014 City Council Work Session minutes.
- c. Approval of the September 26, 2014 City Council Special Meeting minutes.
- d. Adoption of a resolution awarding a bid in the estimated amount of \$74,494.00 to Irby Electrical Distributor, Knoxville, Tennessee, for the furnishing of four variable frequency drives for the motors at Turtle Park Sewer Pump Station.
- e. Adoption of a resolution approving revised bylaws for the Environmental Quality Advisory Board (EQAB).
- f. Adoption of a resolution amending Resolution 7-75-77, as amended, to eliminate all designated groups and organizations for representation on the board, with the total number of board members remaining the same.

VIII. RESOLUTIONS

- a. A RESOLUTION TO EXTEND THE EMPLOYEE MEDICAL INSURANCE CONTRACT BETWEEN THE CITY OF OAK RIDGE AND THE STATE OF TENNESSEE LOCAL GOVERNMENT HEALTH INSURANCE PROGRAM FOR THE PERIOD OF JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 AT AN ESTIMATED COST OF \$4,520,000.00.
- b. A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC.; EXPRESS

EMPLOYMENT PROFESSIONALS; FIRST PLACE FINISH; ROBERT HALF INTERNATIONAL (ACCOMTEMPS AND OFFICE TEAM); STAFFING SOLUTIONS; TEMP SYSTEMS, INC.; AND QUALIFIED TECHNICAL FIRMS SUCH AS RECRUITWISE FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR FISCAL YEAR 2015 IN THE ESTIMATED AMOUNT OF \$175,000.00.

- c. A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT (FY2015-005) WITH MORGAN CONTRACTING, INC., BAKER, FLORIDA, APPROVED BY RESOLUTION 09-93-2014 FOR CONSTRUCTION OF THREE (3) NEW EQUALIZATION BASINS AND ASSOCIATED MECHANICAL, ELECTRICAL, AND INSTRUMENTATION APPURTENANCES BY REDUCING THE CONTRACT AMOUNT BY \$444,820.00 FOR A NEW ESTIMATED AMOUNT OF \$6,027,180.00.
- d. A RESOLUTION AUTHORIZING THE TRANSFER OF OWNERSHIP OF A PORTION OF THE REMAINING POTABLE WATER DISTRIBUTION SYSTEM AT HERITAGE CENTER AND DESIGNATED WATER LINE ALONG WEST BEAR CREEK ROAD FROM THE U. S. DEPARTMENT OF ENERGY (DOE) FOR PERPETUAL MAINTENANCE BY THE CITY.
- e. A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR DESIGN AND CONSTRUCTION OF A ROUND-A-BOUT AT THE INTERSECTION OF PROVIDENCE ROAD, PENNSYLVANIA AVENUE, EAST PASADENA LANE, AND NORTH TULANE AVENUE IN THE ESTIMATED AMOUNT OF \$748,113.00, AND TO ACCEPT SAID GRANT IF APPROVED BY TDOT.
- f. A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY AND THE OAK RIDGE CONVENTION AND VISITORS BUREAU (CVB) FOR THE PROVISION OF SERVICES AND MATERIALS TO PROMOTE TOURISM IN OAK RIDGE FOR THE REMAINDER OF FY2015 IN AN AMOUNT NOT TO EXCEED \$225,000.00.
- g. PLACEHOLDER: Consideration of a resolution authorizing a contract between the City of Oak Ridge and the low bid contractor for construction relating to revitalization of the Jackson Square parking lot area.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

- a. AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 13, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 13, TITLED "MECHANICAL CODE"; BY DEDICATING CHAPTER 14, PREVIOUSLY RESERVED, TO BE A NEW CHAPTER 14, TITLED "LICENSES FOR MECHANICAL CONTRACTORS;" AND BY DEDICATING CHAPTER 15, PREVIOUSLY RESERVED, TO BE A NEW CHAPTER 15, TITLED "MECHANICAL WORK PERMIT," ALL FOR THE PURPOSES OF ESTABLISHING NEW PROVISIONS TO THE MECHANICAL CODE TO ESTABLISH A LICENSING/PERMITTING AND INSPECTION PROGRAM FOR COMPLIANCE WITH STATE LAW; AND TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 6, TITLED "ADMINISTRATIVE HEARING OFFICER," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO AMEND SECTION 3-601(1)(E), TITLED "ADMINISTRATIVE HEARING OFFICER," TO ADD THE NEW CHAPTERS OF THE MECHANICAL CODE TO THE LIST OF VIOLATIONS THE ADMINISTRATIVE HEARING OFFICER IS AUTHORIZED TO HEAR.

- b. AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "OAK RIDGE PROPERTY MAINTENANCE CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "OAK RIDGE PROPERTY MAINTENANCE CODE," TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING APPENDIX A, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

X. FINAL ADOPTION OF ORDINANCES

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY ADDING A NEW SECTION 13.1, TITLED "FACILITIES CHARGE," PERTAINING TO THE U.S. DEPARTMENT OF ENERGY'S (DOE) WASTEWATER UTILITY BILLINGS FOR COSTS RELATED TO THE EQUALIZATION BASIN THAT WILL SERVICE THE WASTEWATER FLOW FROM DOE FACILITIES.
- b. AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "ENVIRONMENTAL QUALITY ADVISORY BOARD," AND SUBSTITUTING THEREFORE A NEW CHAPTER 2 OF THE SAME TITLE TO ADDRESS UPDATES REQUESTED BY EQAB.

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

- a. Elections/Appointments
 - i. 2014 Election Notice for the end-of-year elections.
 - ii. Appointments of the Budget and Finance Committee.
- 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

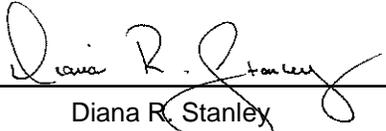
CITY CLERK MEMORANDUM
14-73

DATE: October 6, 2014
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: PROCLAMATIONS FOR OCTOBER CITY COUNCIL AGENDA

The following proclamation is presented for the October 13, 2014 City Council meeting for City Council's consideration:

Oak Ridge Unitarian Universalists Church Day

This request was submitted by Ms. Maureen Hoyt in recognition of the Oak Ridge Unitarian Universalist Church's new location. The proclamation will be accepted by members of the church.



Diana R. Stanley

Attachments:
Oak Ridge Unitarian Universalists Church Proclamation

PROCLAMATION

WHEREAS, the 260 members of Oak Ridge Unitarian Universalist Church (ORUUC), a denomination that welcomes people of diverse spiritual understanding, has moved to its new location at 809 Oak Ridge Turnpike after more than six decades at the corner of Robertsville Road and Oak Ridge Turnpike; and

WHEREAS, the ORUUC worked in interfaith coalitions and partnerships to affirm and promote the inherent worth and dignity of every person, justice, equality, compassion, and the love of God for every person; and

WHEREAS, the ORUUC also worked to achieve racial integration in the City, and was helpful in establishing non-profit, social service agencies, such as Aid to Distressed Families of Appalachian Counties and the Ecumenical Store House; and

WHEREAS, volunteers are constantly striving to serve their communities through their long-standing continuing participation with other Oak Ridge congregations in such interfaith ministries as Tabitha's Table, the Ecumenical Storehouse and ORUUC's own Stone Soup ministry that has provided more than 5,000 free meals over the last four years; and

WHEREAS, the ORUUC long-established music program has added well-attended public events, such as the community sing by Ysaye Barnwell, and a music-based outreach ministry, sending members out to local retirement centers and nursing homes to serve people through music; and

WHEREAS, the ORUUC congregation believes that its new building will support the ongoing mission of its church in bigger and better ways, and its functional spaces will also enhance outreach to the larger Oak Ridge community even more in the future than over the last 65 years.

NOW THEREFORE, BE IT RESOLVED BY COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that Sunday, October 19, 2014, be proclaimed

OAK RIDGE UNITARIAN UNIVERSALIST CHURCH DAY

in the City of Oak Ridge, Tennessee, in honor of the church's new location at 809 Oak Ridge Turnpike and urge the residents of Oak Ridge to pay tribute and respect to this faith community as it reflects on its values and priorities to discern how to best continue the legacy of serving in the City of Oak Ridge throughout this century and beyond.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed this the 13th day of October in the year 2014.

THOMAS L. BEEHAN
MAYOR

SPECIAL REPORTS

**CITY MANAGER EVALUATION COMMITTEE
MEMORANDUM**

DATE: September 30, 2014

TO: Fellow Members of City Council

FROM: City Manager Evaluation Committee
Mayor Pro Tem D. Jane Miller, Chair
Councilmember Anne Garcia Garland
Councilmember L. Charles Hensley

SUBJECT: CITY MANAGER EVALUATION REPORT AND RECOMMENDATION FOR FY2014

The City Manager Evaluation Committee met on September 29, 2014 to develop its recommendation to the Council based on their review of the completed performance evaluations of the City Manager. The results of the completed performance evaluations are attached along with the City Manager's original Employment Agreement.

Following a review and discussion, the Committee recommends the continuation of Mr. Mark Watson's contract as City Manager and supports the following recommendation:

- That the City Manager be awarded a 2% salary increase—retroactive to the effective date of his employment agreement, August 8—consistent with the raise that all city employees received in FY2014. *The salary increase will be retroactive to August 3, 2014 for payroll purposes.*

The Committee recommends its adoption for an increase in compensation for the City Manager's performance as indicated by the evaluations completed by the councilmembers.

The attached resolution amends the City Manager's Employment agreement to provide for the recommended salary increase.

During committee discussions regarding a possible one-year contract extension, it was recommended that the extension be brought forward for discussion and possible action of the full Council during the October 13, 2014 City Council meeting.

Respectfully submitted,



D. Jane Miller, Chair
City Manager Evaluation Committee, 2014

Attachments:

City Manager Employment Agreement
FY2014 City Manager Evaluation Results
Resolution

EMPLOYMENT AGREEMENT
Mark S. Watson, City Manager

This is an agreement entered into this 15th day of July, 2010 between the City of Oak Ridge (the City) by the City Council and Mark S. Watson (City Manager) to provide for the employment of Mark S. Watson as City Manager of the City of Oak Ridge and to set forth the terms and conditions of his employment and the mutual obligations, rights and duties of each party.

Now, therefore, in consideration of the mutual promises as set forth in this agreement, the City of Oak Ridge and Mark S. Watson agree as follows:

Section 1. Duties

City Council agrees to employ Mark S. Watson as City Manager of the City of Oak Ridge to perform the functions and duties as specified in the City Charter and the City Code, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

Section 2. Term

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

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

C. Except as otherwise herein stated, this agreement shall become effective as of August 9, 2010 and shall continue in effect until August 8, 2013, except as provided in Section 2, Paragraph D.

D. In order to extend the term of this agreement, City Council shall take action by February 1, 2013. However, upon the request of the City Manager during this same period, City Council shall make a decision as to whether it desires to extend said agreement.

Section 3. Performance Evaluation

A. No later than the last business day of June of each year, City Council and the City Manager shall establish performance criteria and goals and objectives which shall provide the basis for the evaluation of the City Manager for the following fiscal year. The performance criteria and the goals and objectives will be those that are necessary for the proper operation of the City and the attainment of City Council's policy objectives. The performance criteria and the goals and objectives shall be assigned a relative priority, and shall generally be attainable within the time limitations established and within the annual operating and capital budgets and the appropriations provided.

B. The first formal evaluation of the City Manager's performance shall be completed by July 31, 2011. Thereafter, evaluations shall be conducted on an annual basis by July 31 of each year for the previous fiscal year.

Section 4. Code of Ethics

Inasmuch as the City Manager is an active member of ICMA, the "Code of Ethics" promulgated by ICMA is incorporated herein and attached hereto, and by this reference made a part hereof. Said Code of Ethics shall furnish principles to govern the City Manager's conduct and actions as the City Manager of the City.

Section 5. Termination and Severance Pay

A. In the event the City Manager is terminated by the Council at its will and pleasure, during such time that the City Manager is willing and able to perform his duties under this agreement, then in that event the City agrees to pay the City Manager a lump sum cash payment equal to six (6) months' aggregate salary plus one (1) additional month's aggregate salary for each year of service for the first six years, not to exceed a total of 12 months, plus any accrued general leave and benefits less applicable deductions as required by agreement, law, ordinance or policy for other employees and/or the City Manager's matching portion of benefits provided for and during said severance period. At City Council's option, the actual resignation date may be extended through earned and accrued leave balances due the City Manager then in effect. Provided, however, that in the event the City Manager is terminated "for just cause," then in such event, the City shall have no obligation to pay the aggregate severance sum designated in this paragraph. "Just cause" is defined and limited for the purposes of this Agreement to the following reasons: (1) willful neglect of duty; (2) felony or misdemeanor conviction of any crime involving moral turpitude; (3) violation of duties by the City Manager of honesty and sobriety; (4) any other act of a similar nature of the same or greater seriousness.

B. In the event the City at any time reduces the salary or other financial benefits of the City Manager in a greater percentage than an applicable across-the-board reduction for all City employees, then the City Manager may at his option be deemed to be "terminated" at the date of such reduction within the meaning and context of the herein severance pay provision.

Section 6. Disability

If the City Manager becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued leave, the City shall have the option to terminate this agreement, subject to the severance pay requirements of Section 5, Paragraphs A and B.

Section 7. Salary

A. City agrees to pay the City Manager for his services rendered pursuant hereto an annual base salary of \$131,996.80, payable in installments at the same time as other City employees are paid.

B. In addition, City agrees to increase said base salary and/or other benefits of the City Manager in such amounts and to such an extent as the City Council may determine desirable on the basis of the performance evaluation developed as required by Section 3 of this agreement. Nothing in this paragraph shall require the City to increase the base salary or other benefits of the City Manager.

Section 8. Hours of Work

The City of Oak Ridge requires the full-time service of its City Manager and, therefore, in the event the City Manager is not available for his duties, he shall designate a City employee as his representative to be responsible in his place, and so inform members of City Council when appropriate.

Section 9. Automobile and Communications Equipment

A. The City Manager requires that he shall have for business and personal use during his employment with the City an automobile provided to him by the City. City shall be responsible for paying liability, property damage, and comprehensive insurance and for the purchase, operation, maintenance, repair, and regular replacement of said automobile.

B. The City agrees to provide a mobile or portable radio compatible with the City's radio system for the City Manager's exclusive use.

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

Section 10. Dues and Subscriptions

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

Section 11. Professional Development

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

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

Section 12. Retirement

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

B. The City may contribute to the City Manager's Deferred Compensation Plan with the International City Management Association Retirement Corporation, on behalf of the City Manager, a sum equal to the annual contribution to such plan by the City Manager. Such annual contribution by the City shall not exceed three (3) percent of the City Manager's annual salary.

Section 13. Community Involvement

The City recognizes the desirability of representation in and before local civic and other organizations, and the City Manager is encouraged to participate in these organizations in order to maintain a continuing awareness of our community attitudes and ideas.

Section 14. Leave

The City Manager shall be credited 120 hours of general leave and 140 hours of emergency leave upon the effective date of his employment with the City and shall thereafter accrue leave in the same manner as other City employees and as specified in Article 11 of the City of Oak Ridge Personnel Plan.

Section 15. Medical, Dental, Disability, Long-Term Care, and Life Insurance Benefits

The City agrees to provide medical, dental, disability, long-term care and life insurance benefits to the City Manager, and to pay the premiums thereon equal to that which is provided all other general employees of the City.

Section 16. Liability Protection

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

Section 17. Bonding

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

Section 18. Residence

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

Section 19. Moving and Relocation Expenses

A. The City agrees to pay for the expenses of moving the City Manager, his family and personal property from Yuma, Arizona, to the City of Oak Ridge, with said moving expenses to include packing, moving, storage costs, unpacking, and insurance charges. The City Manager agrees to secure at least three bids from reputable moving companies for such services, and shall use the lowest responsible bidder.

B. The City shall assume the reasonable costs for one visit to Oak Ridge by the City Manager and his wife which shall be for the purpose of locating a principal residence within the City limits.

C. The City shall pay for up to one month's temporary housing costs if necessary.

Section 20. General Provisions

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

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

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

Kurt R. Kusheushi
City Attorney

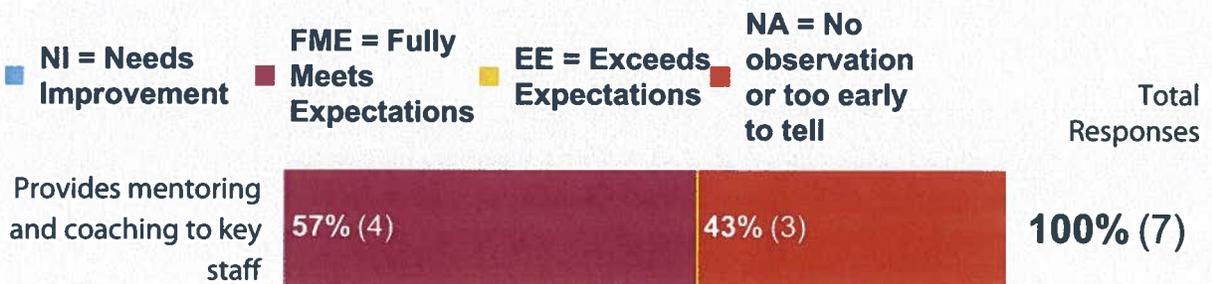
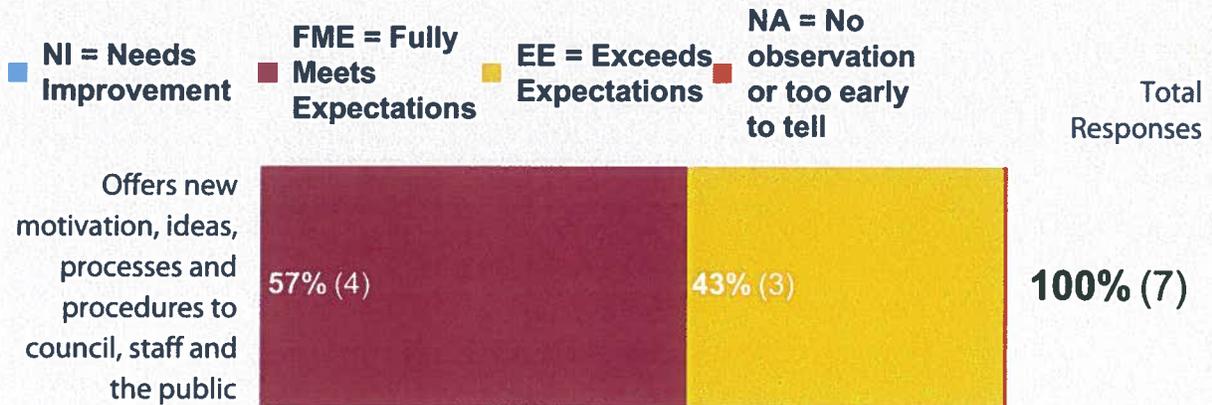
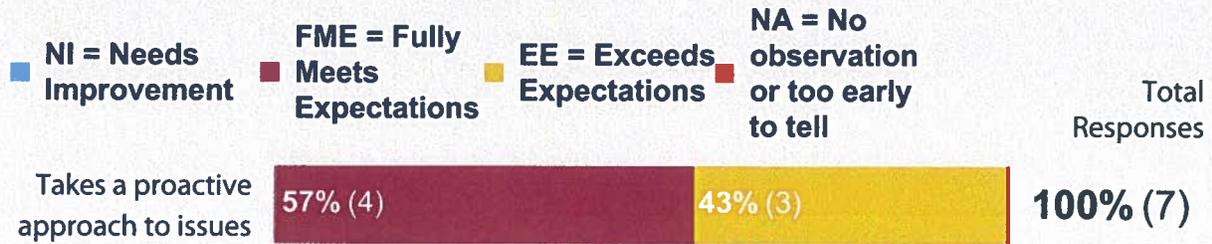
Sherry J. Beehan
Mayor

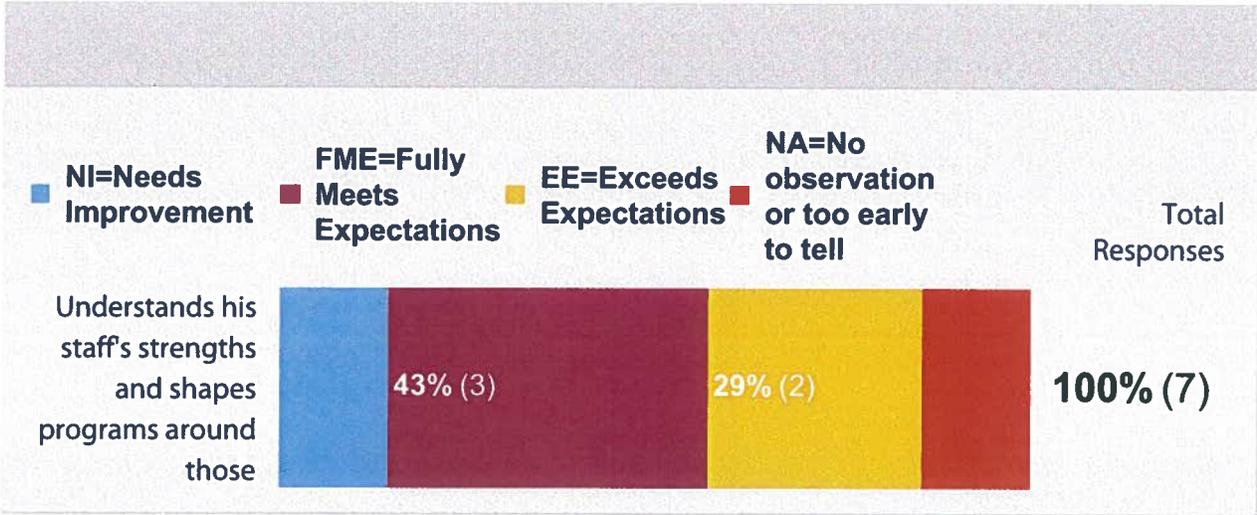
Mark S. Watson
City Manager

ATTEST:

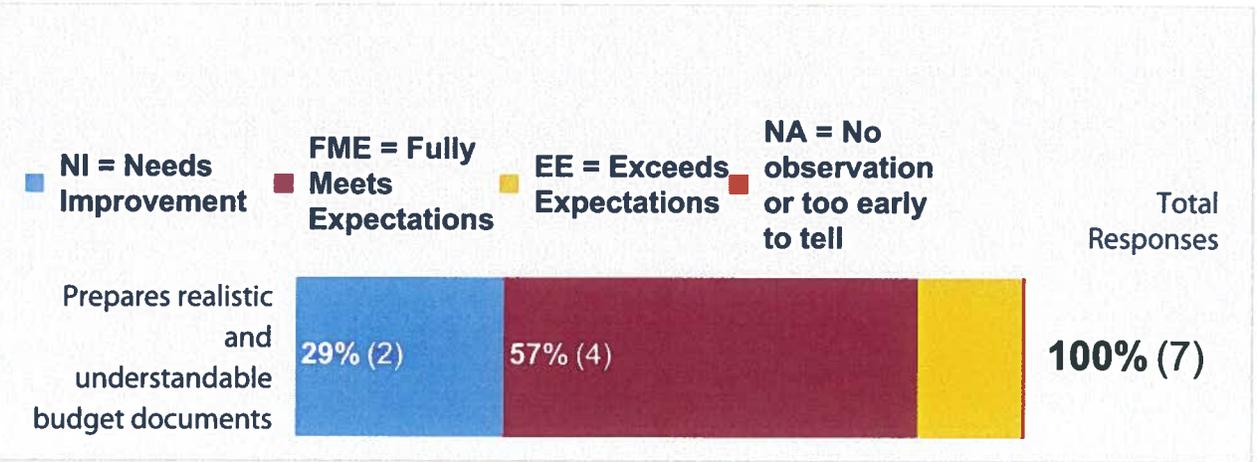
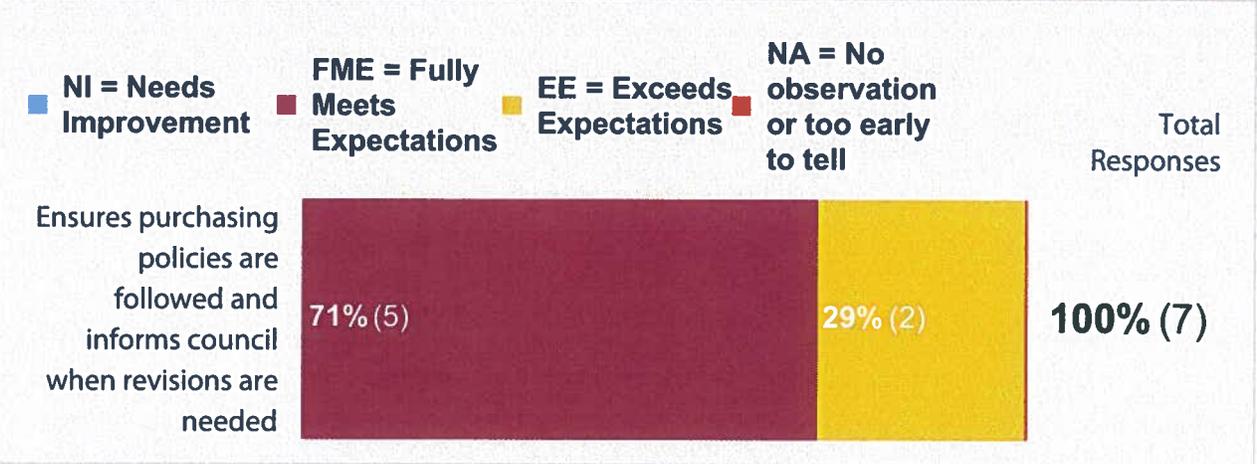
Jacquelyn J. Bernard
City Clerk

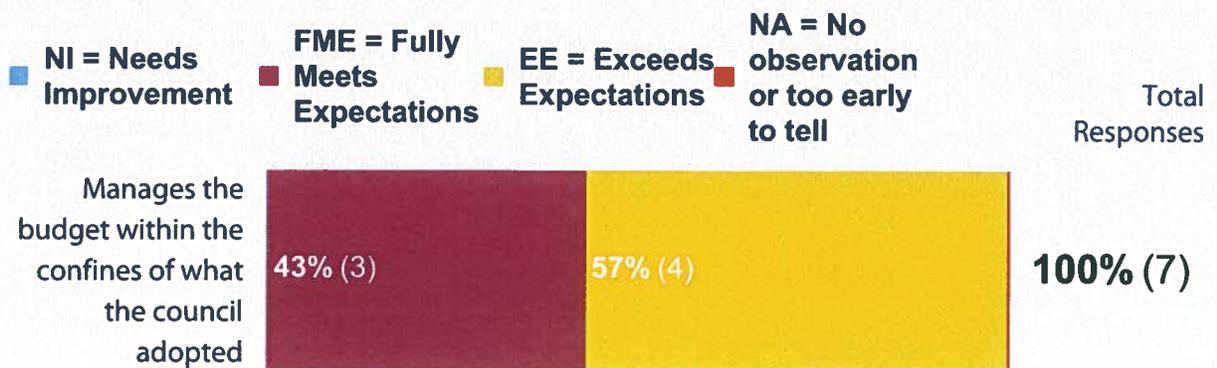
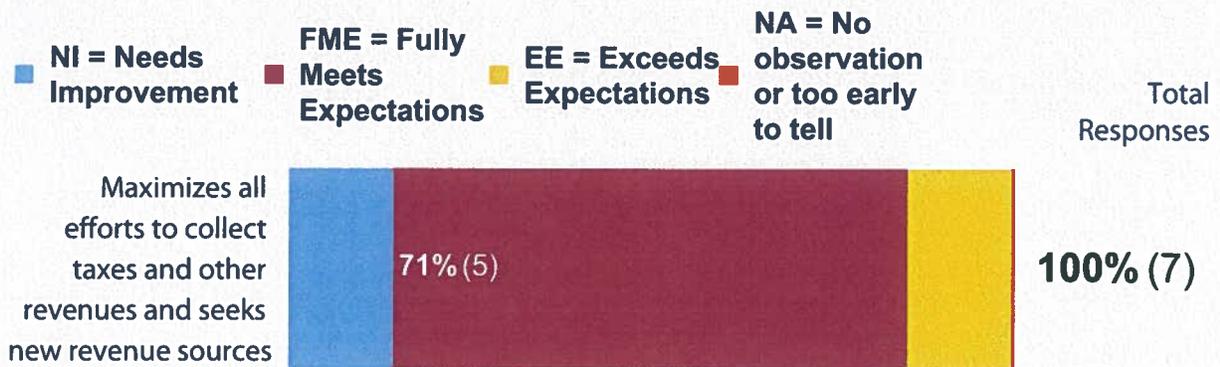
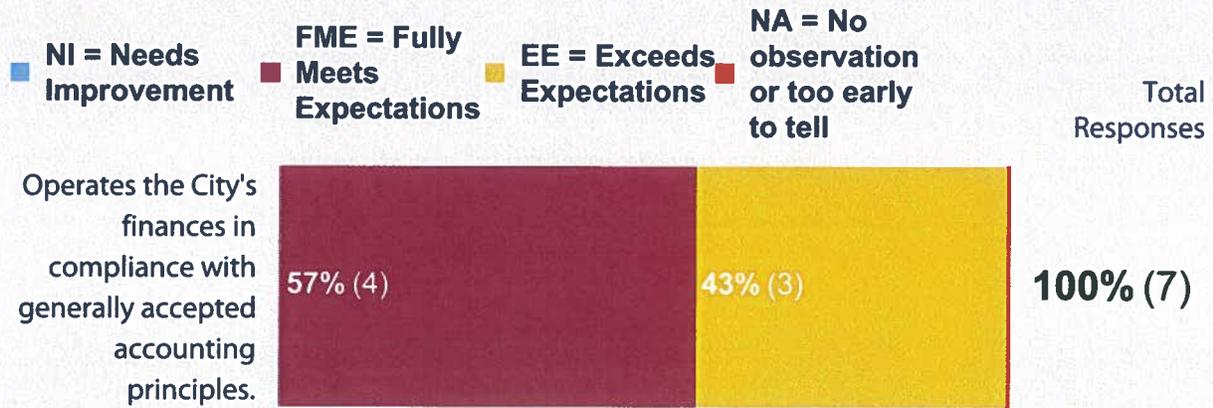
Leadership

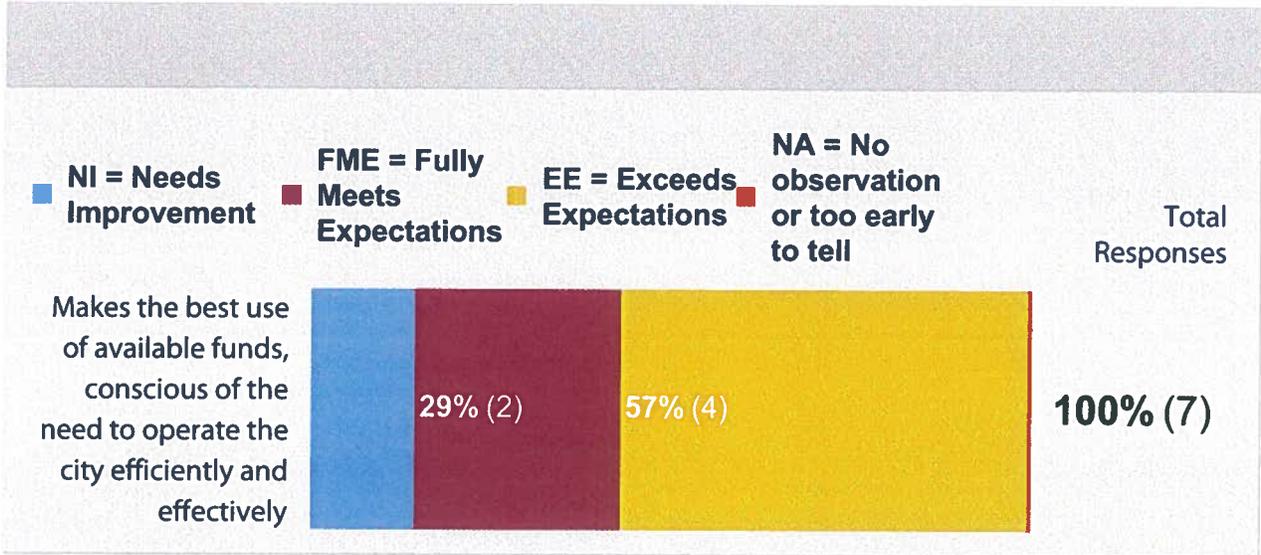




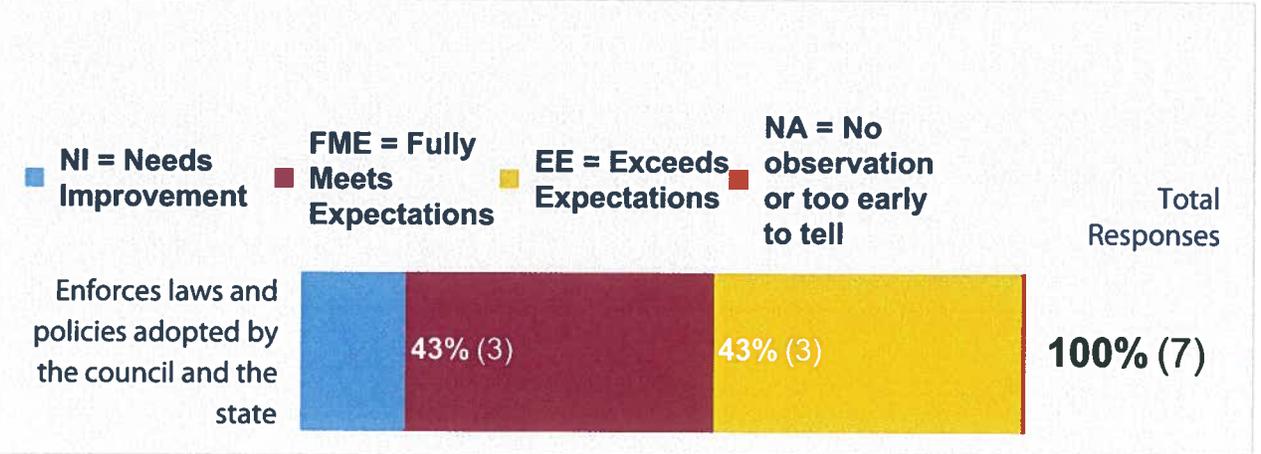
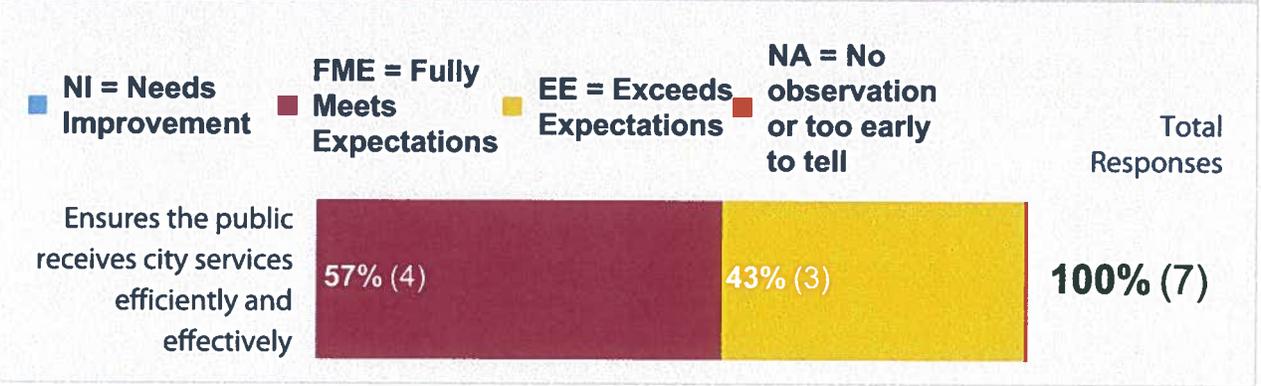
Fiscal Management and Budgeting

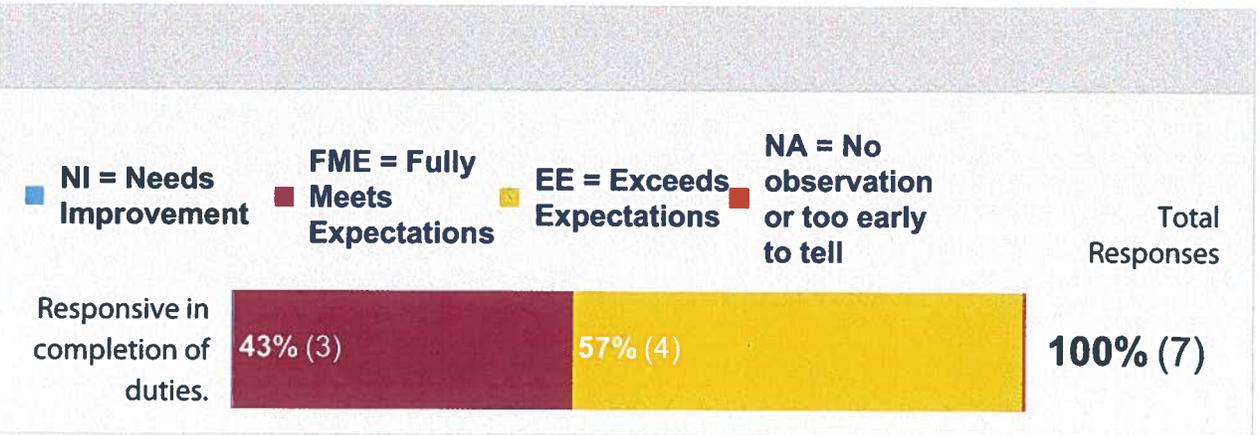
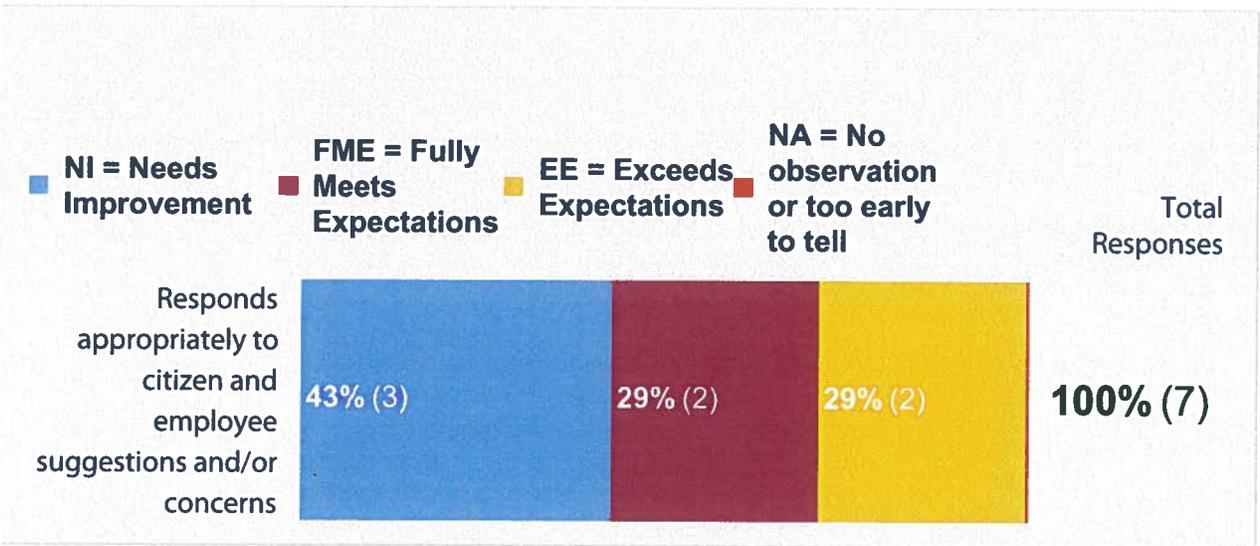
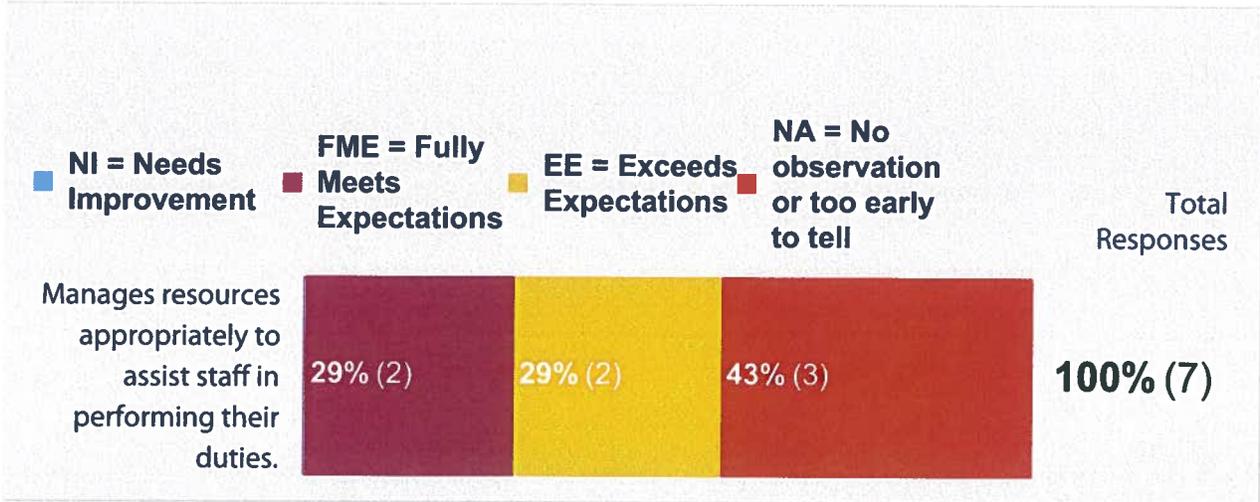




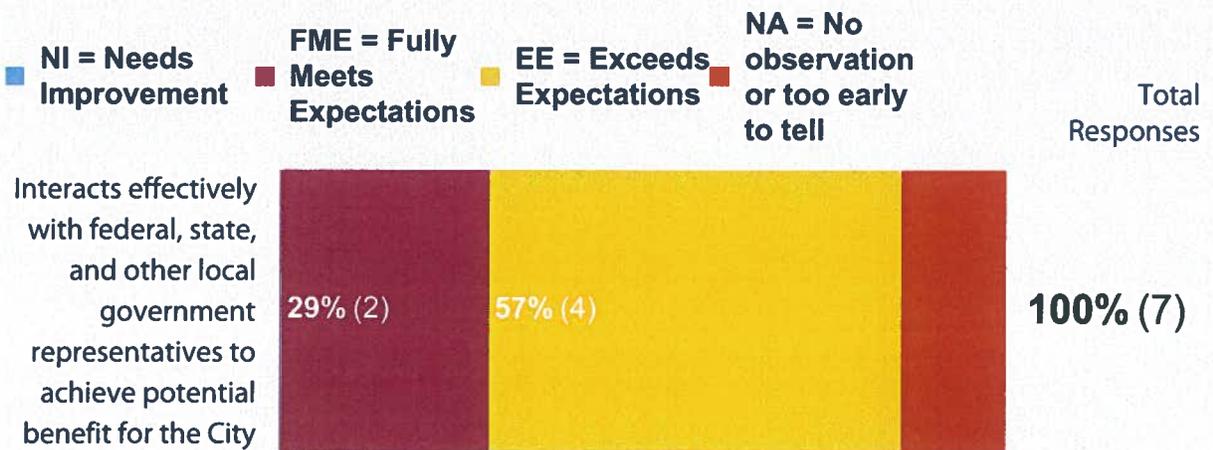
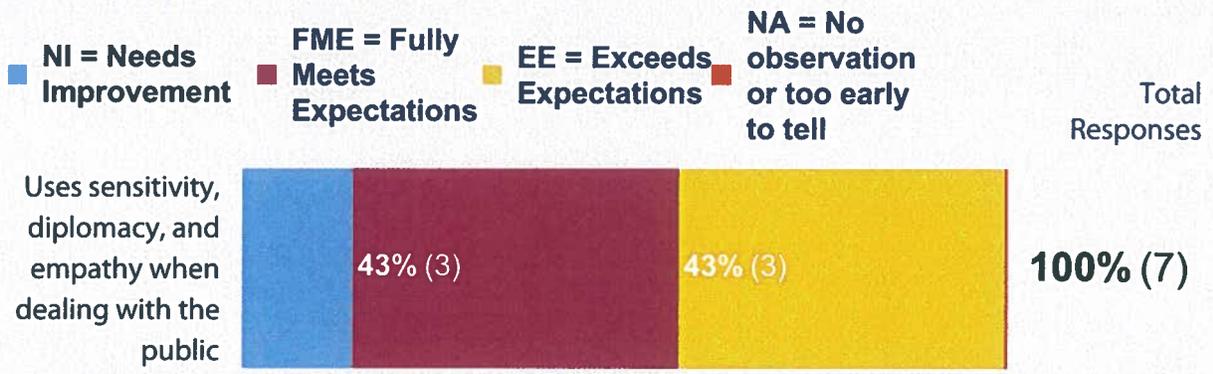
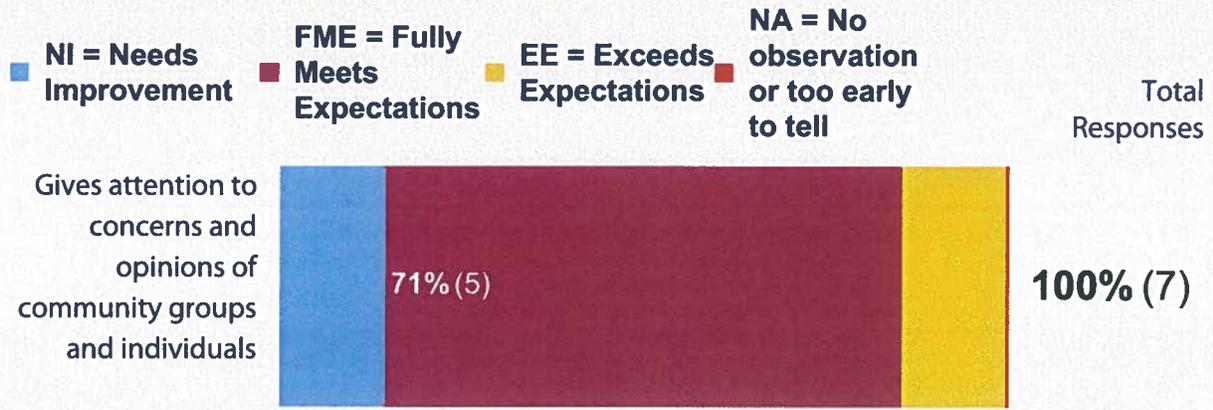


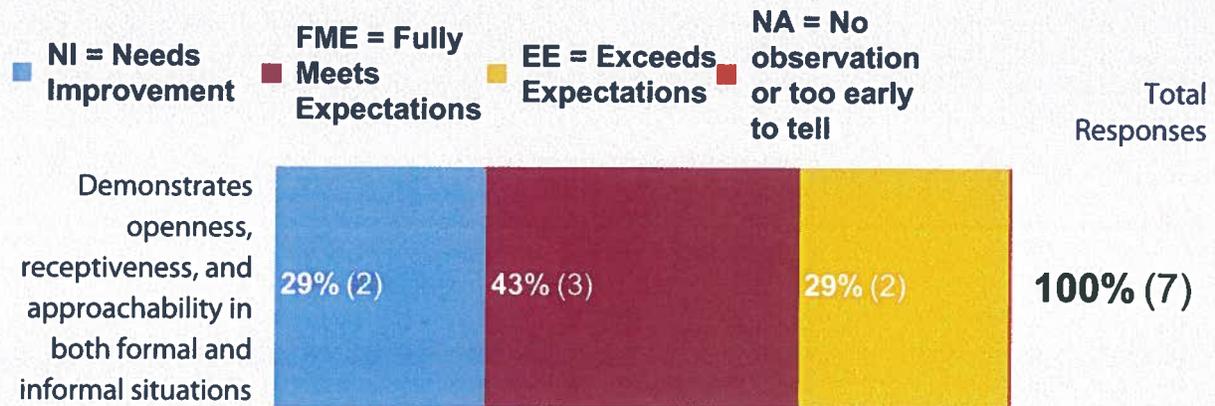
Service Delivery and Administration



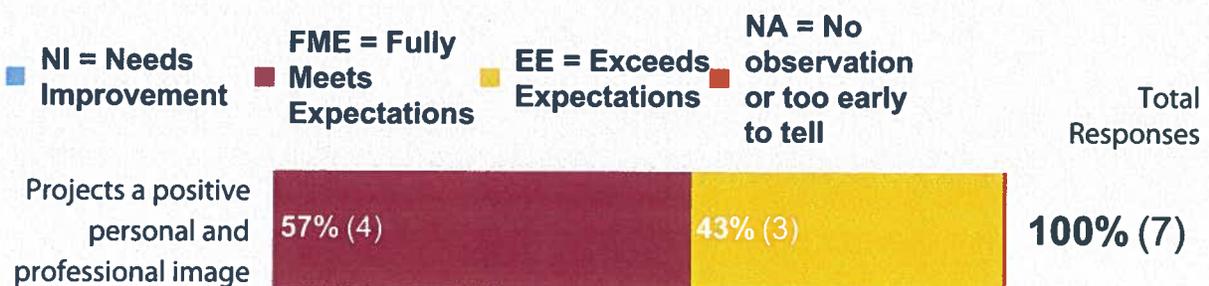


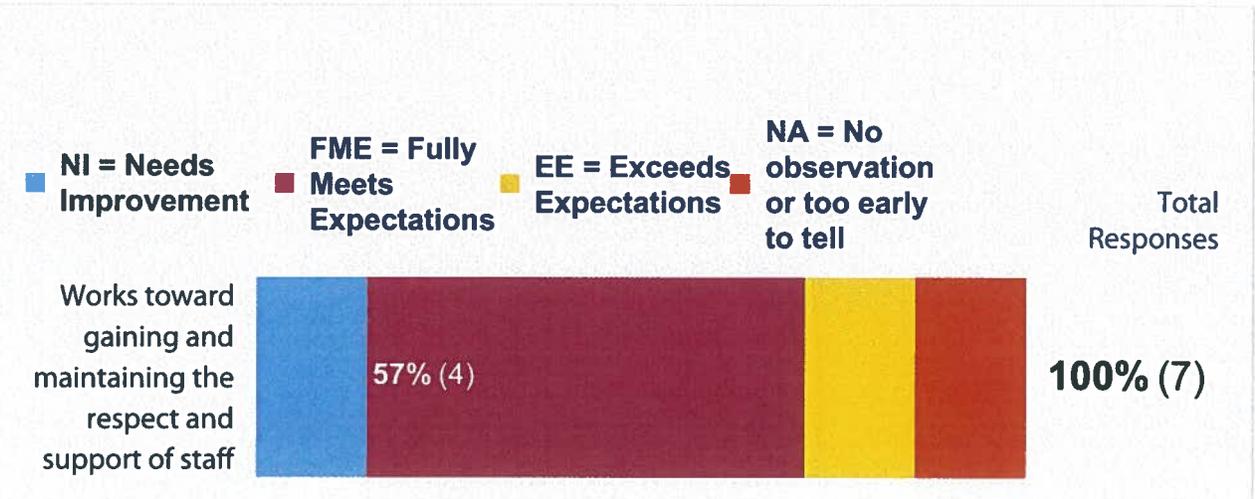
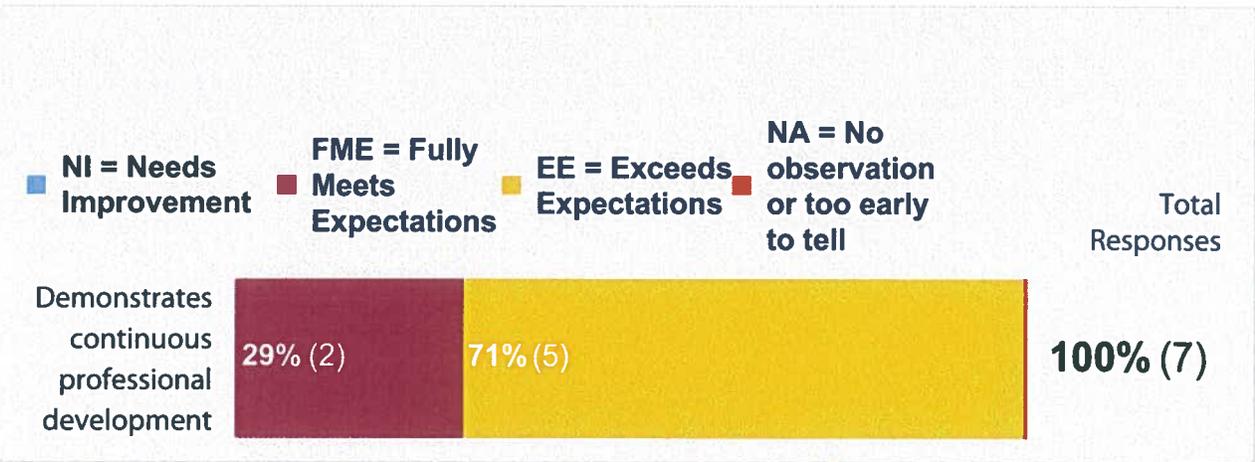
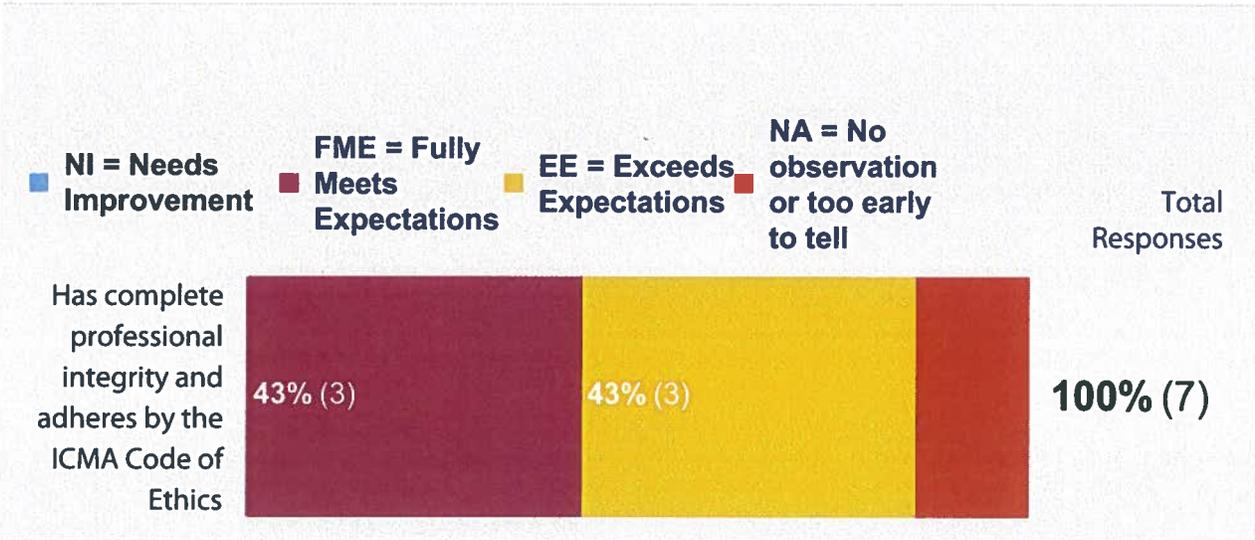
Citizen and Community Relations



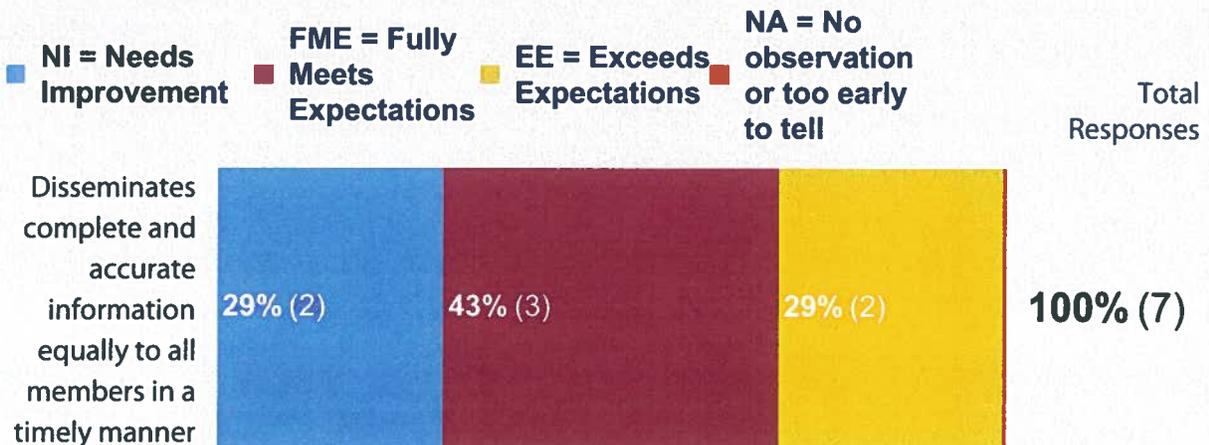
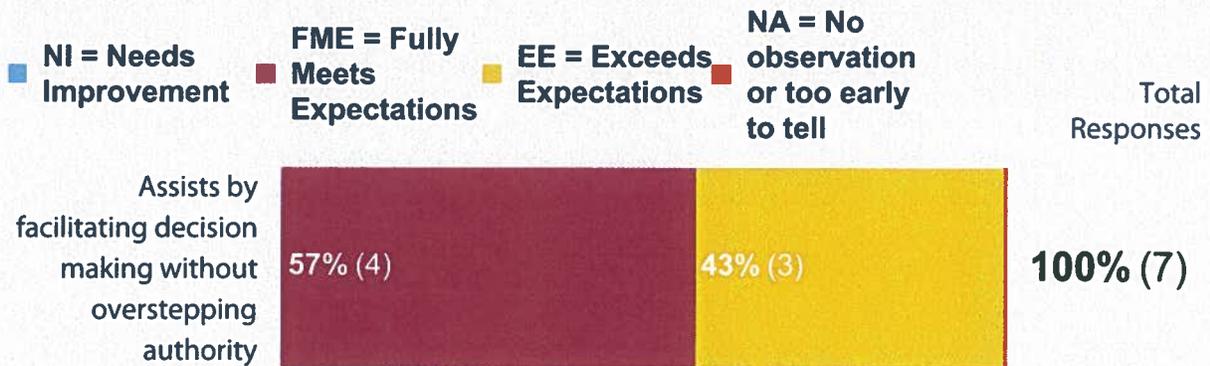
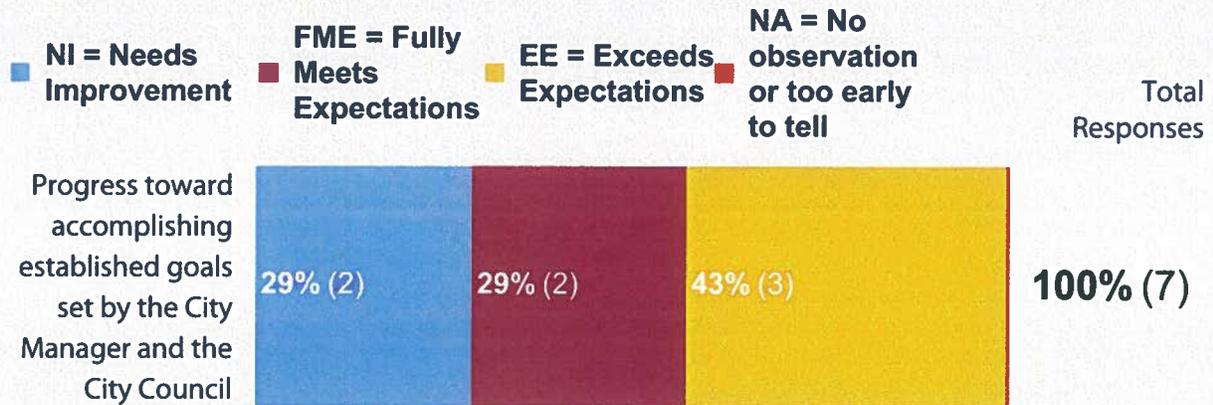


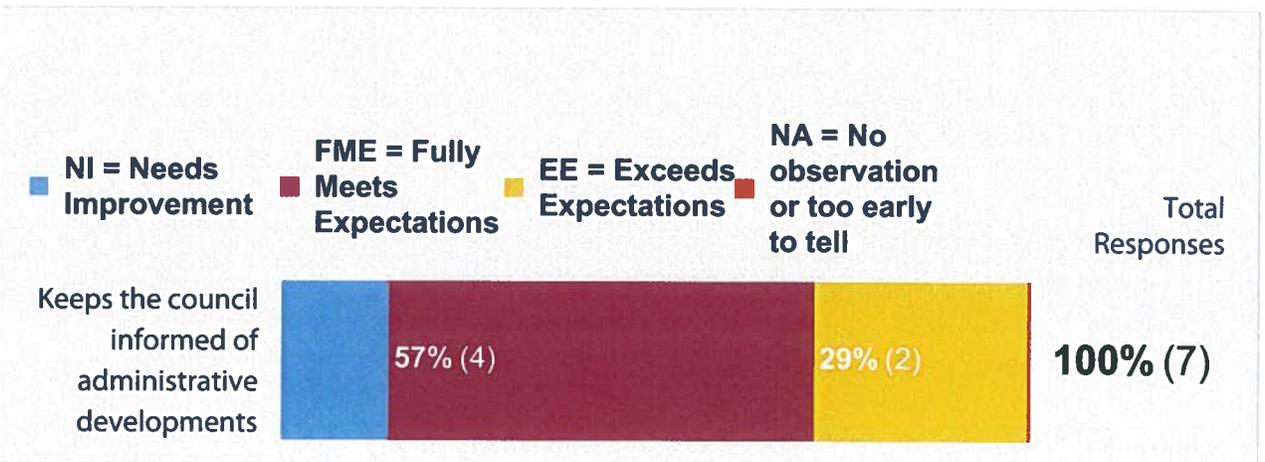
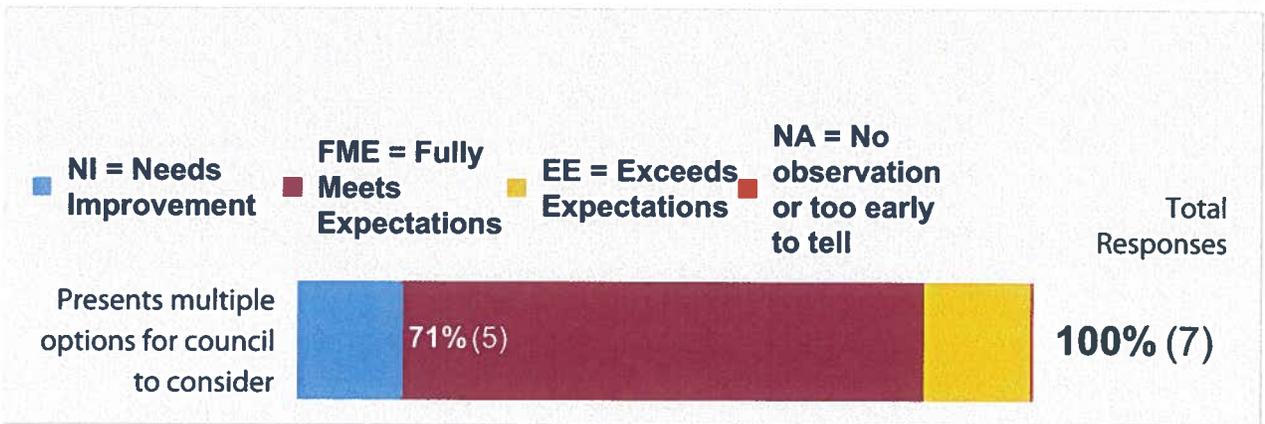
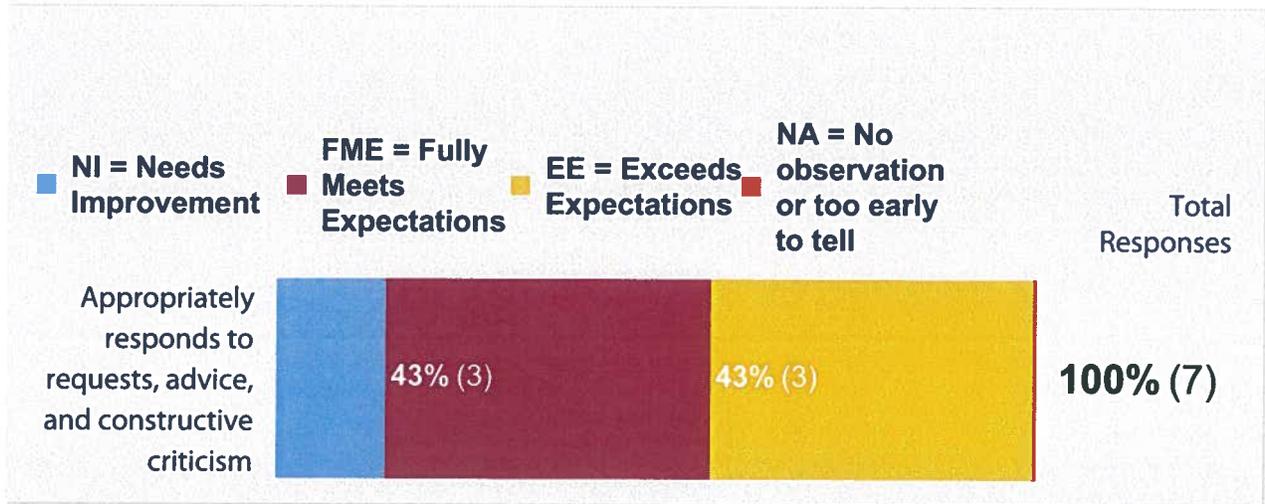
Personal and Professional Qualities





City Council Relations





Takes a proactive approach to issues□

Mark always seems to be on top of things and anticipating what is out there.

Mark definitely thinks long term and occasionally brings potential problems and solutions to council in advance. My only suggestion would be to brief us sooner rather than later as all too often issues come to us at the last minute.

Provides mentoring and coaching to key staff

Have no idea. Does he?

Although we do not get to hands-on witness this, it is evident that Mark coaches and mentors the key staff.

Continues to make improvements with key staff , and with changing the culture of how it has always been done this is an opportunity to institute 360 evaluation

Offers new motivation, ideas, processes and procedures to council, staff and the public

I would like to see a more open attitude with respect to participation of the public in on-going projects.

Not in Our City, Land Bank, Jackson Square, and many other ideas have been exceptional

Mark is not risk averse and does continually come to the table with new ideas and creative solutions.

Understands his staff's strengths and shapes programs around those

I don't know that this is so. I would like to hear about it. I am also not sure that shaping programs around staff's strengths is as good an approach as shaping staff to meet program needs.

I think we can do more with our existing staff resources but some initiative must be taken to glean those strengths and develop new initiatives around them.

Ensures purchasing policies are followed and informs council when revisions are needed

Does a super job with procurements and purchases following to the letter of the law on competitive bids when there is an opportunity. Knowing when cheapest is not best.

To my knowledge, the only indication we have of this would be the audit results which indicate compliance.

Operates the City's finances in compliance with generally accepted accounting principles.

Complies and exceeds. City audits come out on top every time.

To my knowledge, the only indication we have of this would be the audit results which indicate compliance.

Manages the budget within the confines of what the council adopted

Always operates at the Councils approval.
You are given great latitude that enables you to easily stay within the parameters established by council.

Prepares realistic and understandable budget documents

I would like more early and preliminary input on major expenditures...especially the schools. This would require earlier negotiations and input from both sides of issues.

I look forward to the reinstatement of the budget and finance committee because council benefits from discussions of the manager's budget proposals ahead of time.

Does a great job but staff needs to be prepared with answers that they know will be asked to help Mark.
Our budget documents are comprehensive and thorough.
Thank you.

Maximizes all efforts to collect taxes and other revenues and seeks new revenue sources

Mark gets it that it is all about the money and we cannot provide city services nor support the schools without money.

General Fund actuals from 2012 to 2013 (the most recently available data) indicate a slight decline of about 1%. What's more, by continuing to push for tax abatements and TIFS, there are untold dollars that continue to go uncollected and the burden is thus shifted to all of those who pay their full share, in some cases, for decades to come. An accounting for the businesses lost is the only way to determine the total effectiveness of these programs.

Further, our debt has increased 22% (\$33M) under your leadership which has caused water/sewer rates to more than double for our residents and businesses. Though alternatives to this debt were offered up for discussion, you did nothing to pursue any alternatives to further burdening our residents and businesses. I understand that council will be asked again to increase rates in the near future. Please look at this as an opportunity to take corrective action.

Makes the best use of available funds, conscious of the need to operate the city efficiently and effectively
Fully understands and does this.

For as long as we continue to fund organizations and efforts for the sake of "economic development" that produce absolutely no ROI, efficiency and effectiveness are highly disputable. Furthermore, public servants should not be afforded excessive travel privileges, nice SUVs or other perks when their constituency continues to struggle to make ends meet.

Ensures the public receives city services efficiently and effectively

Efficiently certainly. Effectively could use a little work. Some of staff in the administrative offices still give the public the impression that staff considers them a nuisance.

While there are areas in which we excel, we have areas that need improvement so I will stop short of checking "NI". Overall, our utilities, police and fire departments provide superior services. Council has shared with you some concerns regarding Parks and Rec and Community Development. I hope to see improvements in these areas in the next year. I reiterate my suggestion of conducting public surveys to better understand our strengths and weaknesses.

Manages resources appropriately to assist staff in performing their duties.

We have no feedback from staff to indicate this one way or the other. This would better be answered by staff anonymously.

This can only be presumed given the limitation of council's source of information to be yourself.

Responsive in completion of duties.

Enforces laws and policies adopted by the council and the state

By vote, council terminated the Redflex contract last April. To this day, the cameras remain up and we recently learned that you allowed them to remain operational (collecting data) beyond the contract end date. By allowing both, you are violating a council directive.

Responds appropriately to citizen and employee suggestions and/or concerns

On projects involving the public, I would like to see a more open minded approach.

Still have trust issues among staff such that some won't consider bringing suggestions or concerns. I am thinking that spending time with citizens beyond the political and social groups is taking a back seat. Neither condition seems to be for lack of intent. More a matter of too many demands on the manager's limited time.

Very difficult to respond to everyone - Mark does a super job. See comments elsewhere in this evaluation.

Gives attention to concerns and opinions of community groups and individuals

Here again, input from the public (especially those who are willing to co-fund) should be perceived as assets to projects.

Interacts effectively with federal, state, and other local government representatives to achieve potential benefit for the City

Mark has a large network and is highly respected in the federal state and local Gov. arenas.

Because you rarely brief council on your interactions with external entities, I am unable to adequately rate you on this component. I hope this area will be included in your newly-required monthly activity reports.

Deals effectively with the media

When your directors provide inaccurate information (on a number of occasions) to the media and when they abruptly hang up on them mid-conversation, council can only hold you accountable and can only presume that their actions are representative of the example you set. Though we addressed specific incidents with you, you refused to acknowledge the problem. The media provides you with the greatest opportunity to be transparent and they are a critical communication link with the public. Please endeavor to treat them with respect and provide them with accurate, complete information.

Uses sensitivity, diplomacy, and empathy when dealing with the public

In spite of repeated encouragement to treat our citizens and businesses better (both directly and via your staff), I continue to receive reports of rude interactions or non-responsiveness. You've gone too far in your pursuit of businesses in the name of code compliance. In addition to dragging many of them to court over very trivial and vague matters, some have reported that you've personally shown up at businesses to demand compliance. These actions have been viewed by some as intimidation tactics which are NEVER acceptable ways to interact with the public. These stories come from respectable individuals who contribute to the city's financial health and have earnestly worked to do the right thing.

Demonstrates openness, receptiveness, and approachability in both formal and informal situations

Logically so, you are open and receptive to council. However, far too many citizens and business owners have reported you to be non-responsive or dismissive. Please remember that it is not only council for whom you work, but also the taxpayer.

Projects a positive personal and professional image

Cleans up well and is gracious to all.
You achieve this consistently.

Demonstrates continuous professional development

Has complete professional integrity and adheres by the ICMA Code of Ethics

Works toward gaining and maintaining the respect and support of staff

Don't really know.

I continue to hear concerns about your treatment of staff as well as some of your directors treatment of their staff. I differentiate between the petty and the legitimate complaints and believe that you still have much room to improve. At the very least, I would like for you to reach a point where you can honestly say that you treat others as you would want to be treated.

Progress toward accomplishing established goals set by the City Manager and the City Council

This is an "average" grade. How would we know if information is complete, provided promptly and equally. And I think we still get surprised by issues. Mr. Watson is certainly tactful and available. There are instances where he is phenomenally responsive and others where I have my doubts. If he is not interpreting direction and intent of council properly I think that is council's failure. I do think Mr. Watson has strived to connect with each of council and listen carefully and graciously to our various concerns.

Trys very hard - although difficult as we all have had different goals.

There are few ways to truly measure the claimed "established goals" other than to consult the bottom line of our financial health. See my comments under budget and finance section.

Disseminates complete and accurate information equally to all members in a timely manner

Once again, who knows? Because council is expected to not meet in multiples where issues which will likely come to a vote are being discussed, unless it is a public meeting like a work session, we don't have much knowledge about what is said to other members in private meetings with the manager. And because the manager has chosen to be joined at the hip with the current mayor, there is often the appearance that the mayor is more privy to the manager's knowledge and thoughts. Yet again, I believe it is council's responsibility to arrive at processes that eliminate this as a concern.

Individual meetings counter this goal and can be overcome with simple summary sheets on pressing issues. Council Agenda packets are improving in their content and responses to council inquiries are timely most of the time.

Presents multiple options for council to consider

I did appreciate the recent evaluation of options on Clark Park.

I do think most of us could stand to ask more questions and elicit more information.

There usually are not a lot of different options - Mark provides all.

You provided council with multiple options regarding the CVB contract as you did the red light/speed camera contract and I believe this allowed for proper discussion and analysis by council to make the best decisions. You are handling the Clark Center Park and AMSE issues very well thus far and I hope to see multiple options come from those as well.

Assists by facilitating decision making without overstepping authority

Once he has set up the conditions for putting an item on the agenda, Mr. Watson is very careful to refrain from trying to pressure council.

Appropriately responds to requests, advice, and constructive criticism

I am very impressed with the response to requests and the gracious acceptance of advice and criticism. Of course, I do wish he take more of my advice to heart.:-)

I would estimate that between 50-75% of the time, you meet expectations. However, as discussed elsewhere in this evaluation, the 25% that you miss the mark needs much improvement.

Keeps the council informed of administrative developments

I like the choices "always, sometimes, and never." Then I could just say sometimes. I would have liked to know that the retrofit of the courtroom's sound and voting system were in progress sooner. One of the kinds of things Mr. Watson could include in his monthly update, for instance, as would be progress on the Peace/Friendship Bell. Folks in town really want to know.

As appropriate.

Far too often, we learn of issues from the press. i.e., the decertification of our police force by the TBI. To this day, we still do not know how this came about or when it will be corrected.

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

Mark is an exceptional city manager. He is very attentive and action oriented.

Mark clearly is capable of thinking out of the box and often suggests ideas that are unique.

He seems to have an excellent overview of the town's needs and its priorities. I think he is a skilled and well-educated manager for public systems. His ability to manage within a non-expanding budget is impressive. His willingness and ability to stand firm in the city's financial and economic development interests against emotional and political arguments from outside is excellent.

Mark is a great delegator and knows when he needs help. This is especially true with economic development. Using Steve and Ray was a great decision.

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

Continue to respond to Council requests for information in a more timely manner

Public-private partnerships can help the City greatly. I think more attention is needed here to be more open minded and receptive.

Seeking and accepting participation by more citizens in the on-going activities of the city on a volunteer basis.
Focusing on the assets of town over the challenges in public relations.

Always be sure staff is prepared with answers to the hard questions for Council so he will not be embarrassed.

Keeping council informed. We are usually in the dark about your planned absences, your meetings with external officials, or your monthly/quarterly activities. Hopefully, the recent resolution to require monthly reports will address this issue.

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

Have more one-on-one briefings with Council members and provide periodic listings of on-going projects and issues...in priority order.

Learn to share your ideas liberally and take in feedback from more quarters. Relax behind the irritations of angry or ranting citizens and hear the issues rather than the anger. People really do know what is wrong in the city. Let more people see your good ideas as they begin and allow the people to help the ideas grow.

Find funding for a person to develop a Volunteer Coordinator's office. (MBA's and local volunteers can do the heavy lifting. It could also be a project for IT classes at the high school or Roane St.

Mark does a super job and Oak Ridge is very fortunate to have him.

Travel less, engage council and staff more. Per my June email to which you did not refute: As best I can tell, you are taking anywhere from 10-15 trips per year on the taxpayer's dime. In addition to the travel budget, you are "on the clock" while on these travels and therefore being paid by the taxpayers. By my estimates, adding travel costs to the salary you receive while away, you are potentially costing Oak Ridge taxpayers up to \$60,000 per year to travel. What tangible benefits do these trips return to our taxpayers?

Foreign travel should be left up to state and federal officials. You should not have been compensated by Oak Ridge taxes while overseas for two weeks in Indonesia.

I invite you to disprove my estimates by submitting a complete annual report of your travels that is similar to the one Diana does on council travels.

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

I think that will come out of the planning sessions of the whole team. My priorities for the city are still infrastructure, industry, and professional PR.

Mark is well respected and very active in the community.

Please provide recommendations and comments on a possible change in compensation (currently \$150,321.60) and a contract extension beyond the current expiration date of August 8, 2016.

Mark should receive the same salary increase as general staff.

It's enough with perks. If council wants to extend the contract, I don't mind. It would be pretty difficult to find someone to replace Mr. Watson.

2 percent and 2 more years.

Given that council afforded Mr. Watson a generous raise last year of 10% and given how he responded (by pursuing another job opportunity shortly thereafter) and given that his total compensation package exceeds \$213,000, I recommend no salary increase and no contract extension.

RESOLUTION

A RESOLUTION TO AMEND THE CITY MANAGER'S EMPLOYMENT AGREEMENT (APPROVED BY RESOLUTION 7-73-10 AND AMENDED BY RESOLUTIONS 7-72-11, 7-61-2012 AND 11-103-2013) TO PROVIDE FOR AN EQUIVALENT TWO PERCENT (2%) SALARY INCREASE RETROACTIVE TO AUGUST 3, 2014.

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

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

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

WHEREAS, the Committee has completed its work and recommends that the City Manager receive an equivalent two percent (2%) salary increase consistent with the raise given to all City employees.

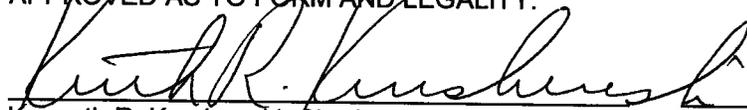
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That Section 7, Salary, Subsection A, of the Employment Agreement between the City of Oak Ridge and Mark S. Watson as City Manager is hereby amended to provide for a new annual base salary amount of \$153,337.60, which is the equivalent of a two percent (2%) salary increase, which shall become effective retroactive to the pay period beginning August 3, 2014.

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

This the 13th day of October 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING**

September 8, 2014

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on September 8, 2014, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by Mayor Pro Tem D. Jane Miller.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Ben Stephens.

ROLL CALL

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

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

APPEARANCE OF CITIZENS

Mr. Andy Marathe, 121 Westlook Circle, commented about the reason that people choose to live in Oak Ridge and remarked that there was no correlation between the tax rate and the appeal of the Oak Ridge School System.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

Councilmember Mosby requested that the proclamation for the Historically Black College and Universities Expo Weekend be removed from the Consent Agenda and acknowledged as part of this section of the agenda. No opposition was expressed by the councilmembers.

Agenda Amendment

A proclamation was requested to be added to the September 8, 2014 agenda, at the call of Mayor Pro Tem D. Jane Miller designating Sunday, September 14, 2014 as "*Sing-It America*" *Star-Spangled America Day*.

Councilmember Hope moved, seconded by Mayor Pro Tem D. Jane Miller to amend the agenda to include the above-referenced proclamation to the September 8, 2014 agenda. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Following the agenda amendment, Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the proclamation be approved. The proclamation was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

The proclamation was presented to Mr. Martin McBride.

Proclamation designating September 26 and 27, 2014, as "Historically Black Colleges and Universities Expo Weekend."

Councilmember Mosby moved, seconded by Councilmember Hensley that the proclamation be approved. The proclamation was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

SPECIAL REPORTS

City Manager Mark Watson requested time during this section of the agenda to review his recent travels to the City of Hera Nugrahayu, Indonesia as part of the International City Management Association (ICMA) Exchange Program and presented the City Council with tokens of appreciation from the Indonesian government.

“2013-2014 State of the Youth Address” delivered by the Chair of the Youth Advisory Board.

Ms. Shane Harris, Vice Chair, delivered the State of the Youth Address to the City Council. No action was taken by the City Council for this report.

City Attorney Evaluation Committee Chair Trina Baughn

Adoption of **Resolution No. 09-84-2014** to amend the City Attorney’s Employment Agreement to provide for an equivalent two percent (2%) salary increase retroactive to March 2, 2014.

Committee Chair Trina Baughn provided an overview of the evaluation process for the City Attorney for FY 2014. Following this overview, Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to approve the resolution as presented. The resolution was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

CONSENT AGENDA

Councilmember Hensley moved, seconded by Councilmember Garcia Garland to approve the Consent Agenda, minus the proclamation for the “Historically Black Colleges and Universities Expo Weekend” that was approved as part of “Proclamations and Public Recognitions.” The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye;” thereby:

- Approving the August 11, 2014 City Council meeting minutes.
- Adopting **Resolution No. 09-85-2014** authorizing the City to submit an employee safety grant application to the Tennessee Municipal League Risk Management and accept said grant if approved.
- Adopting **Resolution No. 09-86-2014** authorizing the City to submit a driver safety grant application to the Tennessee Municipal League Risk Management and accept said grant if approved.
- Adopting **Resolution No. 09-87-2014** to accept a \$34,000.00 Assistance to Firefighter Grant Award from the Department of Homeland Security Federal Emergency Management Agency (FEMA) for smoke alarms.
- Adopting **Resolution No. 09-88-2014** authorizing the City to utilize the services of Ross Meter Service, Inc., Morristown, Tennessee, to repair, replace, test, and inspect oil-filled equipment and substation systems for the Electric Department in an amount not to exceed \$60,000.00.
- Adopting **Resolution No. 09-89-2014** to approve a master agreement with U.S. Communities Government Purchasing Alliance to allow the City to be a participating member in a purchasing

cooperative.

RESOLUTIONS

Councilmember Garcia Garland requested that the resolution titled “A resolution to create a budget and finance committee, to establish monthly activity reports and quarterly reports to council by the city manager, and to establish access by council to the mayor’s calendar of city activities and events,” be considered first on the agenda under “Resolutions.” No opposition was expressed by the other members of City Council

Resolution No. 09-90-2014

A RESOLUTION TO CREATE A BUDGET AND FINANCE COMMITTEE, TO ESTABLISH MONTHLY ACTIVITY REPORTS AND QUARTERLY REPORTS TO COUNCIL BY THE CITY MANAGER, AND TO ESTABLISH ACCESS BY COUNCIL TO THE MAYOR’S CALENDAR OF CITY ACTIVITIES AND EVENTS.

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

During discussions of the resolution, Mayor Beehan requested consideration that the resolution request for access the Mayor’s calendar by the City Council be addressed to all future Mayors and all members of City Council, similarly, grant access to calendars regarding their city business.

Councilmember Garcia Garland moved, seconded by Councilmember Baughn to change the verbiage, as referenced in the title of the resolution, to *financial* quarterly reports. The motion was approved by voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting “Aye,” and Mayor Beehan voting “Nay.”

Councilmember Hensley moved to divide the question, seconded by Councilmember Mosby, into the following divisions:

1. Consideration of reinstating the Budget and Finance Committee
2. Consideration of establishing monthly activity and quarterly financial reports
3. Consideration of establishing access to the Mayor’s Calendar

The motion to divide the question was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

1. Consideration of reinstating the Budget and Finance Committee

Andy Marathe, 121 Westlook Circle, commented about the past composition and purpose of previous Budget and Finance Committees and its inefficiencies, and suggested the consideration of goals and objectives by the Committee for the budget.

The above consideration passed by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting “Aye,” and Mayor Beehan voting “Nay.”

2. Consideration of establishing monthly activity and quarterly financial reports

Councilmember Mosby moved, seconded by Councilmember Baughn to approve the consideration listed above.

Ms. Ellen Smith, 116 Morningside Drive, commented about the current account systems utilized by the City of Oak Ridge that is used to produce quarterly financial report, as required by the City Charter, noting that sometimes there were past idiosyncrasies that did not allow said reports to produce and that the City may need to pursue an upgrade of the system.

The above consideration passed by board vote with Councilmembers Baughn, Garcia Garland, Hope, Mosby, and Mayor Pro Tem Miller voting “Aye,” and Councilmember Hensley and Mayor Beehan voting “Nay.”

3. Consideration of establishing access to the Mayor’s Calendar

Mayor Pro Tem Miller moved, seconded by Councilmember Hope to approve the consideration listed above.

During consideration of this item, City Council discussed the idea that all of City Council would have to all councilmember calendars and that it would be a tool in a succession plan from Mayor’s participation and commitments as the current Mayor’s term comes to an end.

The above consideration passed by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Pro Tem Miller voting “Aye,” and Mayor Beehan voting “Nay.”

(Resolution Postponed)

A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC.; EXPRESS EMPLOYMENT PROFESSIONALS; FIRST PLACE FINISH; ROBERT HALF INTERNATIONAL (ACCOMTEMPS AND OFFICE TEAM); STAFFING SOLUTIONS; TEMP SYSTEMS, INC.; AND QUALIFIED TECHNICAL FIRMS SUCH AS RECRUITWISE FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR FISCAL YEAR 2015 IN THE ESTIMATED AMOUNT OF \$175,000.00.

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

Following discussions regarding the monetary reduction in FY2014 from FY2015 contractual temporary services with the Finance Director and the Personnel Director, the City Manager requested that City Council consider postponing this item to allow staff enough time to provide information to City Council.

Councilmember Hope removed his motion for his consideration of the resolution at the request of the City Manager.

Councilmember Hope moved, seconded by Councilmember Baughn to postpone consideration of the item until the next council meeting.

The motion was approved by voice vote with Councilmembers Baughn, Garcia Garland, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye,” and Councilmember Hensley voting “Nay.”

Resolution No. 09-91-2014

A RESOLUTION APPROVING A RIGHT-IN/RIGHT-OUT ACCESS TO SOUTH ILLINOIS AVENUE FROM ANDERSON COUNTY TAX MAP 106A, GROUP A, PARCELS 39.00 AND 40.00, SUBJECT TO APPROVAL BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller that the resolution be adopted.

Community Development Director Kathryn Baldwin responded to questions regarding the Planning Commission’s review of the access as part of the process for the Master Development Plan.

The resolution was approved unanimously by voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Nay.”

Resolution No. 09-92-2014

A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE JAPAN WORLD EXPOSITION 1970 COMMEMORATIVE FUND FOR MATCHING FUNDS TO REBUILD THE FRIENDSHIP BELL HOUSE, SAID GRANT REQUIRING A 50/50 MATCH.

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

The City Manager explained that this grant application is due by September 30, 2014 and due to the specifications required as part of the grant, and not currently available by city staff, the grant application would be submitted next year. The City Manager noted, however, that he would like to move forward with dedicating \$50,000.00 of city funds to the rebuild project. Additionally, Mr. Watson noted that the grant application specifics do not permit a fund match of community-raised funds.

Councilmember Garcia Garland moved to amend the resolution to include language that the City commits no less than \$50,000.00 from the FY2015 Capital Projects Fund to be used at an appropriate time in securing funds to reinstall the Friendship Bell. Councilmember Baughn seconded the motion for discussion purposes.

Upon discussions of language presented in the resolution and a means to incorporate the amendment into the resolution, the City Attorney noted that the language for the amendment would replace the presented language following “Now, therefore, be it resolved. . .”

The amendment passed by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

The resolution, as amended, was adopted by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye,” and Councilmember Baughn voting “Nay.”

Resolution No. 09-93-2014

A RESOLUTION AWARDED A CONTRACT (FY2015-005) TO MORGAN CONTRACTING, INC., BAKER, FLORIDA, FOR CONSTRUCTION OF THREE (3) NEW EQUALIZATION BASINS AND ASSOCIATED MECHANICAL, ELECTRICAL, AND INSTRUMENTATION APPURTENANCES IN THE ESTIMATED AMOUNT OF \$6,472,000.00.

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

Public Works Director Gary Cinder provided an overview of the construction and its schedule, as well as responded to questions regarding staff’s plan to move forward with the project to meet deadline and financial obligations.

The resolution was adopted by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye,” and Councilmember Baughn voting “Nay.”

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of An Ordinance

AN ORDINANCE TO AMEND TITLE 2, TITLED “BOARDS AND COMMISSIONS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED “ENVIRONMENTAL QUALITY ADVISORY BOARD,” AND SUBSTITUTING THEREFORE A NEW CHAPTER 2 OF THE SAME TITLE TO ADDRESS UPDATES REQUESTED BY EQAB.

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the ordinance be approved on first reading.

The ordinance was approved on first reading by unanimous board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting “Aye.”

FINAL ADOPTION OF ORDINANCES

Ordinance No. 10-2014

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCEL 039.00, ANDERSON COUNTY TAX MAP 106A, GROUP A, FROM R, RESIDENTIAL TO B, GENERAL BUSINESS.

Mayor Pro Tem Miller moved, seconded by Councilmember Hensley to approve the ordinance on second reading.

The ordinance was approved on first reading by unanimous board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Ordinance No. 11-2014

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 039.00, ANDERSON COUNTY TAX MAP 106A, GROUP A, FROM R-2 MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY, AND RG-1, RESIDENTIAL, OPEN SPACE, AND RESERVED, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; CHANGING THE ZONING DISTRICT OF PARCEL 040.00, ANDERSON COUNTY TAX MAP 106A, GROUP A, FROM R-2 MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY, TO UB-2 PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR SAID PARCELS.

Councilmember Hope moved, seconded by Councilmember Hensley to approve the ordinance on second reading.

The ordinance was approved on first reading by unanimous board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Ordinance No. 12-2014

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING THE FOLLOWING: ARTICLE II, TITLED "DEFINITIONS" TO ADD DEFINITIONS FOR "INDOOR SPORT SHOOTING RANGE" AND "OUTDOOR SPORT SHOOTING RANGE;" ARTICLE III, TITLED "GENERAL PROVISIONS," TO ADD A NEW SECTION 3.26, TITLED "SPORT SHOOTING RANGES"; SECTION 7.03, TITLED "B-2, GENERAL BUSINESS DISTRICTS," TO ADD "INDOOR SPORT SHOOTING RANGES" AS A USE REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; AND SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," TO ADD "INDOOR SPORT SHOOTING RANGES" AS A USE REQUIRING SPECIAL EXCEPTION APPROVAL FROM THE BOARD OF ZONING APPEALS; ALL FOR THE PURPOSE OF ESTABLISHING PROVISIONS FOR SPORT SHOOTING RANGES.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to approve the ordinance on second reading.

The ordinance was approved on first reading by unanimous board vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

- a. Elections/Appointments

- b. Announcements
- c. Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Mayor Pro Tem Miller encouraged everyone to join the Oak Ridge Heritage and Preservation Association (ORHPA), September 11, 2014 from 6:00 p.m. to 8:00 p.m. for their 15th Anniversary Celebration and join the “Sing-It America” event on Sunday, September 14, 2014 at 4:30 p.m. at the Secret City Commemorative Walk.

Councilmember Hensley wished to clarify that he requested to reschedule his request for a special-called meeting in October to discuss Department of Energy relationships and that a Work Session on the matter should be scheduled prior to the special-called meeting. Councilmember Baughn seconded Councilmember Hensley’s clarification and request for a special-called meeting in October.

Councilmember Garcia Garland requested interest from City Council to appoint a committee to study fluoride in water. No action was taken regarding this request.

SUMMARY OF CURRENT EVENTS

CITY MANAGER’S REPORT

The City Manager commented about the soon-to-be retirement of Recreation and Parks Director Josh Collins and that Mr. Jon Hetrick would be serving an Interim Director during the recruitment phase. Mr. Watson also requested any interest from a councilmember to attend the Energy Communities Alliance (ECA) Annual Intergovernmental Meeting in New Orleans in November. Lastly, the City Manager noted that the City of Oak Ridge has applied for Tennessee Valley Authority Extreme Energy Makeover Grant.

CITY ATTORNEY’S REPORT

ADJOURNMENT

The meeting adjourned at 9:40 p.m.

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

**OAK RIDGE CITY COUNCIL
WORK SESSION MINUTES**

September 22, 2014

The Work Session of the Oak Ridge City Council convened at 7:00 p.m. on September 22, 2014 in the Multipurpose Room in the Central Services Complex.

Present: Trina Baughn, Councilmember
Tom Beehan, Mayor
Anne Garcia Garland, Councilmember (arrived later in the meeting)
Charlie Hensley, Councilmember
Chuck Hope, Councilmember
Jane Miller, Mayor Pro Tem
David Mosby, Councilmember

Also Present: Mark S. Watson, City Manager
Ken Krushenski, City Attorney
Diana Stanley, City Clerk

Diverting from the original order of the agenda at the request of the Mayor.

UPDATES FROM CITY MANAGER:

The City Manager noted the following updates for City Council's information:

Friendship Bell Project (status)

The bell has been removed from the wooden structure and a grant will be applied for next year to assist with a replacement structure.

Submittal of TVA Extreme Energy Makeover Grant (status)

The grant application was submitted successfully.

Management reports from City Manager--Quarterly Finance Reports

The City Manager will be transmitting initial reports to City Council and would request feedback on structure of reports.

Additionally, the City Manager noted that the City will be obtaining additional information regarding the logistics of the land transfer of Clark Center prior to scheduling another public input meeting.

UPCOMING MEETINGS:

Annual Intergovernmental Meeting with DOE, November 12-14, 2014, New Orleans, Louisiana.

Councilmembers Baughn, Garcia Garland, Hensley, Hope, and Mayor Beehan expressed an interest in attending this meeting.

National League of Cities Congress of Cities and Expositions, November 19-22, 2014, Austin, Texas

Councilmember Mosby indicated that he was interested in attending this conference.

Special City Council Meeting request to discuss comprehensive review of DOE Assistance to City of Oak Ridge.

City Council discussed the order of meetings—work session prior to a special-called meeting or vice-versa—on the above referenced matter to allow for particular discussions. During these discussions, the meeting was determined to be set for October 20, 2014 as a special-called.

ADVANCE REVIEW OF THE PASS-THROUGH TVA WHOLESALE POWER RATE INCREASE (SCHEDULED FOR THE SPECIAL CITY COUNCIL MEETING ON SEPTEMBER 29, 2014).

The City Manager noted the TVA Wholesale Power Rate increase requirement that would be scheduled as part of the September 29, 2014 City Council Special Meeting.

DISCUSSION AND PRELIMINARY REVIEW OF ANNUAL CLIMATE ACTION PLAN PROGRESS REPORT FROM EQAB CHAIR STEVE KENWORTHY.

Mr. Kenworthy briefly reviewed the Climate Action Plan (CAP) noting the City's progress in energy conservation and energy efficiency since adopting the CAP. Mr. Kenworthy also noted that, moving forward, the City may want to consider future energy needs and the City formulating a formalized tracking process.

Additionally, Mr. Kenworthy and Robert Kennedy, Vice Chair, responded to questions and comments of City Council. During these discussions, the Council wished to learn about energy consumption, building by building, by the Oak Ridge Schools.

DISCUSSION AND REQUEST TO MODIFY MEMBERSHIP/COMPOSITION OF THE ELDER CITIZENS ADVISORY BOARD PRIOR TO COMMITTEE SOLICITATION IN FALL 2014.

Senior Advisory Board (SAB) Chair Liz Batchelor recommended that City Council appoint a committee to help determine a new composition and mission of the SAB as the board has struggled with membership in the last few years.

The City Manager noted that city staff would prepare a resolution for City Council's consideration at the October meeting to address a new mission and composition for the SAB in time for the end-of-year election for City Boards and Commissions.

DISCUSSION AND REVIEW OF MINOR CHANGES TO THE OAK RIDGE PROPERTY MAINTENANCE CODE TO CONFORM WITH ADMINISTRATIVE HEARING OFFICER PROGRAM AND DESCRIPTION CLARIFICATIONS.

Community Development Director Kathryn Baldwin reviewed the changes to the Property Maintenance Code that would be considered by City Council on the October agenda.

DISCUSSION AND SCHEDULING OF MEETING WITH BOARD OF EDUCATION ON CIP NEEDS AND FINANCIAL PROJECTIONS FOR ADVANCE DEVELOPMENT OF FY 2016 BUDGET.

The City Manager noted that the Board of Education had recommended a joint meeting with the Board and the Oak Ridge City Council on Thursday, November 20, 2014.

Additionally, Mr. Watson noted he would like for the City Council, the Budget and Finance Committee, or available members of Council to meet with the Board of Education in October to begin discussions on the Capital Improvement Program (CIP).

UPCOMING AGENDA ITEMS:

SPECIAL CITY COUNCIL MEETING CONCERNING MAIN STREET - OAK RIDGE RETAIL PROJECT (SEPTEMBER 29, 2014, AT 7:00 P.M.)

No discussions occurred with the City Council.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

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

**MINUTES OF THE
OAK RIDGE CITY COUNCIL
SPECIAL MEETING**

September 26, 2014

The special meeting of the Oak Ridge City Council convened at 4:00 p.m. on September 26, 2014, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

At the request of the Mayor, Mayor Pro Tem D. Jane Miller delivered the Invocation and Mr. Ben Redmond led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

DISCUSSION AND CONSIDERATION

The following was considered at the September 26, 2014 City Council Special Meeting:

Discussing and possibly taking action on the formation of a PAC [Political Action Committee] by the Oak Ridge Chamber following their lawyer's assurances that no political action other than the traditional candidate forums was intended.

Mayor Beehan noted, for the record, a communication received by the by the Oak Ridge Chamber of Commerce to the Oak Ridge City Council, indicating that members of staff would be in attendance, but would not be commenting during the meeting.

Councilmember Baughn requested that Mayor Pro Tem Miller indicate whether she would be participating in deliberations and the vote as, according to Ms. Baughn, she is a member of the Board of Directors of the Chamber as a City representative to which Ms. Miller indicated that she would not participate in the vote or opt to abstain if action were initiated.

Following discussions amongst the City Council regarding the formation of the Political Action Committee by the Oak Ridge Chamber of Commerce, Councilmember Baughn moved, seconded by Councilmember Garcia Garland for discussion, to request that the City Attorney provide his opinion, via a report, at the following City Council meeting on the following inquiries:

- 1) Who was involved in the formation of the PAC, and if City Manager Mark Watson and Oak Ridge School Superintendent Dr. Bruce Borchers were involved in the decision of the formation of the PAC, were the two in compliance with the Hatch Act?
- 2) Does the Little Hatch Act apply to city employees as well?
- 3) If City Manager Mark Watson and Oak Ridge School Superintendent Dr. Bruce Borchers were involved in the decision of the formation of the PAC, were there violations in the Oak Ridge City Charter?
- 4) If City Manager Mark Watson were involved in the decision of the formation of the PAC, did Mr. Watson violate the ICMA Code of Ethics, Tenants 3 and 4, and/or his employment agreement with the City of Oak Ridge?
- 5) Would the Tennessee Ethics Commission have an opinion regarding Mr. Robert Eby's possible decision to participate in the Oak Ridge Chamber of Commerce's decision, as a member of the Board of Directors, to form the PAC?

Mr. Andy Marathe, 121 Westlook Circle, indicated that he disagreed with the Chamber's decision to form

a PAC.

Mr. Chuck Agle, 101 West Melbourne Drive, indicated that he disagreed with the Chamber's decision to form a PAC.

Mr. James Arthur, 100 Delmar Circle, commented regarding the complexities that lead to the formation of the PAC.

Mr. David Stanley, 108 Orchard Lane, commented as to whether a PAC was necessary in the community.

Ms. Virginia Jones, 103 Burgess Lane, spoke regarding the relationship with the City of Oak Ridge and the Oak Ridge Chamber of Commerce and spoke to the importance of ethics when evaluating this situation.

Councilmember Hope indicated that he would recuse himself from participating in the vote due to this membership with the Oak Ridge Chamber of Commerce. Councilmember Mosby similarly indicated that he would recuse himself from participating in the vote giving that he is currently seeking reelection to the Oak Ridge City Council.

By show of hands, Councilmembers Baughn and Garcia Garland voted "Aye," and Councilmember Hensley and Mayor Beehan voted "Nay." Councilmembers Hope, Mosby, and Mayor Pro Tem Miller did not participate in the vote.

ADJOURNMENT

The meeting adjourned at 5:00 p.m.

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

PUBLIC WORKS DEPARTMENT MEMORANDUM
14-35

DATE: September 26, 2014
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Public Works Director
SUBJECT: VARIABLE FREQUENCY DRIVES FOR TURTLE PARK SEWER PUMP STATION

Introduction

An item for City Council's consideration is a resolution authorizing the expenditure of funds in the estimated amount of \$74,494 to Irby Electrical Distributor, Knoxville, Tennessee, for the purchase of four variable frequency drives (VFDs) for the motors at Turtle Park Sewer Pump Station located on Monterey Road.

Funding

Funding for this project is available in the FY2015 Waterworks budget.

Background

Turtle Park Pump Station is the final station of the sewer system that pumps flow to the wastewater treatment plant. VFDs allow the motors in the pump station to operate at an energy efficient speed allowing the Wastewater Treatment Plant operator to match the pump speed to the incoming flow as needed. The VFDs are major components of the pump station with each one operating a separate pump.

The recommended purchase of the four VFDs will be replacements for existing equipment with one replacing a VFD has failed completely and the other three replacing VFDs that have reached the end of their useful life. The new VFDs are part of the pump station upgrade and have been sized to accept new pumps when required. Upgrades to sewer pump stations are made as needed to help prevent overflows due to equipment failures.

Recommendation

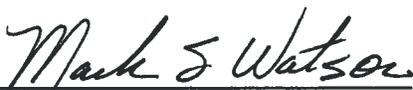
Sealed bids were solicited from several vendors for these VFDs with Irby Electrical Distributor submitting the low bid. Staff recommends approval of the accompanying resolution.



Gary M. Cinder, P.E.

City Manager's Comments:

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



Mark S. Watson



Date

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

RFQ #140848

OPENING DATE: September 23, 2014 2:00 P.M.

FOR -- M-Flex Drive			BIDDER: Irby Electrical Distributor 1918 N. Cherry St. Suite 105 Knoxville, TN 37917		BIDDER: Gray Bar Electric 3020 North Central Avenue Knoxville, TN 37917		BIDDER: W.W. Grainger, Inc. 6500 Baum Drive Knoxville, TN 37919		BIDDER:		
DESCRIPTION	ITEM	QTY	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
PURCHASE OF 4 (FOUR) SQUARE D M-FLEX DRIVES - 350 HP VARIABLE TORQUE VFD PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	4	\$ 18,623.50	\$ 74,494.00	\$ 18,650.00	\$ 74,600.00	\$ 19,282.00	\$ 77,128.00			
TOTAL PRICE			\$ 74,494.00		\$ 74,600.00		\$ 77,128.00		\$ -		
TERMS			Net Next EOM		Net 30 Days		Net 30				
DELIVERY DATE			40 Days ARO		40-45 Days ARO		40 Business Days ARO				
F.O.B.			Shipping Point		Destination		Destination				
VIA			Irby Truck		Best Way		UPS				
OTHER BIDDERS CONTACTED: Stokes Electric Company - Knoxville, TN Nedrow and Associates, Inc. - Murfreesboro, TN							BIDS OPENED AND RECORDED BY-- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager				
REASON FOR AWARD:			RECOMMEND AWARD BE MADE TO:				BIDS REVIEWED BY-- <i>Janice McGinnis</i> Janice McGinnis Finance Director				
ONLY BID MEETING BID SPECIFICATIONS <input type="checkbox"/>			Irby Electrical Distributor 1918 N. Cherry St. Suite 105 Knoxville, TN 37917								
LOW PRICE <input type="checkbox"/>											
BETTER OR REQUIRED DESIGN <input type="checkbox"/>											
EARLY DELIVERY <input type="checkbox"/>											
LOWEST TOTAL COST <input checked="" type="checkbox"/>											

RESOLUTION

A RESOLUTION AWARDING A BID IN THE ESTIMATED AMOUNT OF \$74,494.00 TO IRBY ELECTRICAL DISTRIBUTOR, KNOXVILLE, TENNESSEE, FOR THE FURNISHING OF FOUR VARIABLE FREQUENCY DRIVES FOR THE MOTORS AT TURTLE PARK SEWER PUMP STATION.

WHEREAS, the City issued an invitation to bid for the purchase of four variable frequency drives for the motors at Turtle Park Sewer Pump Station located on Monterey Road; and

WHEREAS, bids were received and publicly opened on September 23, 2014, with Irby Electrical Distributors, Knoxville, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

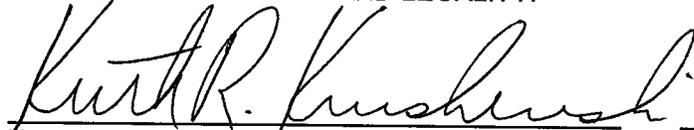
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Irby Electrical Distributor, 1918 N. Cherry Street, Suite 105, Knoxville, Tennessee 37917, for the purchase of four variable frequency drives for the motors at Turtle Park Sewer Pump Station located on Monterey Road; said award in strict accordance with Requisition No. 140848, the required specifications, and the bid as publicly opened on September 23, 2014, and in the estimated amount of \$74,494.00.

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

This the 13th day of October 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CITY COUNCIL MEMORANDUM

14-44

DATE: September 25, 2014
TO: Mark Watson, City Manager
FROM: Kathryn G. Baldwin, Community Development Director *KEB*
SUBJECT: RESOLUTION ADOPTING BYLAWS FOR EQAB

Introduction

An item for City Council's consideration is a resolution authorizing the adoption of revised bylaws for the Environmental Quality Advisory Board (EQAB).

Funding

No funding is required.

Background

The Environmental Quality Advisory Board requested several minor changes to organization and membership of the Board and select Board activities. These changes necessitated amendments to both the ordinance establishing the EQAB as well as the bylaws. Ordinance changes were approved on first reading in the September 8th City Council meeting with second reading scheduled concurrently with the resolution to approve amended bylaws.

Amendments to the bylaws include:

- Functions and Powers as granted by City Code
- Specific reference to Ad Hoc Working Groups
- Quorum and Attendance reflect policies established by City Council
- Minor changes to the Agenda and Order of Business

Recommendation

Approval of the attached resolution is recommended to improve the functional aspect of the Environmental Quality Advisory Board and maintain compliance with policies established by City Council. Members of the EQAB have considered and recommended these changes in their October meeting.

City Manager's Comments:

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

Mark S. Watson

Mark S. Watson

Oct 6, 2014

Date

BOLD-STRIKETHROUGH BYLAW CHANGES

ENVIRONMENTAL QUALITY ADVISORY BOARD
BYLAWS

- I. Name. The name of the organization is: Environmental Quality Advisory Board
- II. Functions and Powers. The function of the Board is to serve as an advisory body to City Council **in accordance with City Code Title 2 Chapter 2**. ~~When requested by City Council, the Board will give advice and assistance in matters contributing to a quality environment. Further, upon request, the Board will advise the City Manager and the Oak Ridge Regional Municipal Planning Commissions on specific environmental matters (Sec. 2-106 City Code §2-206). The Board will recommend for approval and authorization by City Council a proposed annual work program involving studies for the preservation and improvement of the environment; it will issue reports and findings on such studies (Sec. 2-108 City Code §2-208). The Board will prepare an annual written report of its activities and recommendation for submission to City Council (Sec. 2-109).~~
- III. Meetings.
 - A. The Board shall hold meetings at regular monthly intervals as it shall designate.
 - B. Special meetings may be called upon the request of the Chairperson or any three (3) members of the Board. The notice of special meetings shall be given at least **twenty four (24)** hours prior to the meeting and shall state the subject matter to be considered and no other matter shall be before the Board.
 - C. In the event there is no matter to be considered, the Chairperson may dispense with a meeting by notifying each Board member at least **twenty four (24)** hours prior to the time set for the meeting.
 - D. **The Board may form ad hoc working groups to meet for a designated project. Ad hoc working groups may include members of the public. Ad hoc working group meetings are open to the public.**
- IV. Quorum. ~~A majority of the Board Six (6) members shall constitute a quorum for the transaction of business, however, the student members count as only one member for purposes of calculating a quorum. and all All action shall require the concurring vote of a majority of the members present, with the student members again counting as only one member (Sec. 2-107 City Code §2-207).~~ **Quorum requirements are established by City Code §2-207.**
- V. Attendance. ~~When a member of the Board is absent from three (3) regularly scheduled or regularly called meetings during the Board's term year, the Chairman shall request that the member provide a written explanation of the absences. The Board shall determine whether to accept or reject the explanation by a majority vote. If the Board votes to accept the explanation, the absences shall be considered "excused" and will not accrue for the purposes of removal from the Board. If the Board votes to reject the explanation, the absence will accrue for purposes of removal. If a member is absent from three (3) meetings and makes no effort to comply with the Chairman's request for an explanation, those absences will accrue for purposes of removal. Accrual of four (4) unexcused absences shall result in removal from the Board.~~

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

- VI. Officers. There shall be elected at the regular ~~October~~ **January** meeting from among the members of the Board the following officers: Chairperson, Vice Chairperson, and Secretary. The Chairperson shall preside at all meetings of the Board, decide all points of order, appoint membership to such temporary committees as deemed necessary, sign documents on behalf of the Board, and call regular or special meetings of the Board. The Vice Chairperson shall assume all of the duties of the Chairperson in his or her absence. The Secretary shall conduct all official correspondence of the Board and keep a record of all official meetings and actions of the Board.
- VII. Agenda. At least **forty-eight (48)** hours prior to each meeting, the members shall be furnished an agenda reflecting items to be considered. The Chairperson or such other person designated by the Board shall be responsible for preparation and distribution of the agenda. **The Board shall vote to approve the agenda at the beginning of each meeting.**
- VIII. Notice. Adequate public notice of all meetings and matters to be discussed shall be given to the public. All meetings shall be open to the public.
- IX. Order of Business. ~~The order of business of all regular meetings shall be as follows:~~
- a) ~~Call to Order~~
 - b) ~~Reading of minutes of previous meetings~~
 - e) ~~Communications~~
 - d) ~~Staff reports~~
 - e) ~~Unfinished business~~
 - f) ~~New business~~
 - g) ~~Adjournment~~
- X. Amendment. These Bylaws may be amended by majority vote of the members of the Board. An amendment to the bylaws shall be voted on at the next regular meeting after the regular meeting at which the amendment is proposed. **All amendments to the bylaws also require approval of City Council before becoming effective.**

Approved by EQAB

Chairperson

Meeting Date

Approved by City Council
Resolution _____

NUMBER _____

RESOLUTION

A RESOLUTION APPROVING REVISED BYLAWS FOR THE ENVIRONMENTAL QUALITY ADVISORY BOARD (EQAB).

WHEREAS, the Bylaws for the Environmental Quality Advisory Board (EQAB) were last amended September 7, 1995; and

WHEREAS, on October 2, 2014, the Board approved revised Bylaws for Council's consideration and approval.

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

That the attached Bylaws for the Environmental Quality Advisory Board are hereby approved.

This the 13th day of October 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

ENVIRONMENTAL QUALITY ADVISORY BOARD
BYLAWS

I. Name.

The name of the organization is: Environmental Quality Advisory Board

II. Functions and Powers.

The function of the Board is to serve as an advisory body to City Council in accordance with City Code Title 2 Chapter 2.

III. Meetings.

- A. The Board shall hold meetings at regular monthly intervals as it shall designate.
- B. Special meetings may be called upon the request of the Chairperson or any three (3) members of the Board. The notice of special meetings shall be given at least twenty four (24) hours prior to the meeting and shall state the subject matter to be considered and no other matter shall be before the Board.
- C. In the event there is no matter to be considered, the Chairperson may dispense with a meeting by notifying each Board member at least twenty four (24) hours prior to the time set for the meeting.
- D. The Board may form ad hoc working groups to meet for a designated project. Ad hoc working groups may include members of the public. Ad hoc working group meetings are open to the public.

IV. Quorum.

Quorum requirements are established by City Code §2-207.

V. Attendance.

All members shall adhere to the attendance policy established by City Council.

VI. Officers.

There shall be elected at the regular January meeting from among the members of the Board the following officers: Chairperson, Vice Chairperson, and Secretary. The Chairperson shall preside at all meetings of the Board, decide all points of order, appoint membership to such temporary committees as deemed necessary, sign documents on behalf of the Board, and call regular or special meetings of the Board. The Vice Chairperson shall assume all of the duties of the Chairperson in his or her absence. The Secretary shall conduct all official correspondence of the Board and keep a record of all official meetings and actions of the Board.

VII. Agenda.

At least forty-eight (48) hours prior to each meeting, the members shall be furnished an agenda reflecting items to be considered. The Chairperson or such other person designated by the Board shall be responsible for preparation and distribution of the agenda. The Board shall vote to approve the agenda at the beginning of each meeting.

VIII. Notice.

Adequate public notice of all meetings and matters to be discussed shall be given to the public. All meetings shall be open to the public.

IX. Amendment.

These Bylaws may be amended by majority vote of the members of the Board. An amendment to the bylaws shall be voted on at the next regular meeting after the regular meeting at which the amendment is proposed. All amendments to the bylaws also require approval of City Council before becoming effective.

Approved by EQAB

Chairperson

Meeting Date

Approved by City Council
Resolution _____

CITY COUNCIL MEMORANDUM
14-34

DATE: October 2, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SENIOR ADVISORY BOARD

Introduction

An item for City Council's consideration is a resolution eliminating the designated group and organization membership requirements of the Senior Advisory Board and re-establishing the Board's purpose and function.

Funding

There is no funding impact with this change, as it is a clarification of lease activities.

Background

The Senior Advisory Board is comprised of nine (9) individuals that are currently representative of certain designated senior groups and senior organizations, as well as at-large community members. The City desires to eliminate the designated group and organization membership requirements, which have in the past sometimes been a hindrance to fulfilling vacant seats designated for those groups and organizations. Instead, the City desires to establish the nine-member board as representative of the community at large with a preference for membership that reflects a variety of ages as well as knowledge and background in senior interests such as health, safety, recreational activities, and transportation.

The City further desires to re-establish the Board's purpose and function to provide advice to City Council on senior related issues including but not limited to: health, nutrition, safety and security, recreational activities and facilities, transportation, and intergenerational interaction, all in order to enrich and enhance the quality of life for senior citizens in Oak Ridge.

The above changes will also require an amendment to the Board's bylaws to reflect these changes.

Recommendation

Approval of the attached resolution is recommended.


Mark S. Watson

Attachments: Bold-Strikethrough of Proposed Amendment to Bylaws
Resolution

CITY OF OAK RIDGE, TENNESSEE
SENIOR ADVISORY BOARD
BYLAWS

Proposed Amendments

- II. **Membership.** The number of Board members is established by resolution of City Council. ~~Additionally, by resolution City Council establishes a list of designated groups or organizations that are represented on the Board because of their connection to seniors or senior issues, and also designates the number of at-large members from the community. Although a member may be elected as a representative from a particular senior organization, he or she serves on the Board as a representative of all senior citizens of Oak Ridge.~~ **Members of the Board shall share a concern for the senior members of the community and a preference is establishment for membership to reflect a variety of ages as well as knowledge and background in senior interests such as health, safety, recreational activities, and transportation.** Each member is elected for a three-year term of office. Any vacancies occurring during the year will be filled in accordance with current city policies and procedures.
- III. **Functions and Powers.** The function of the Board shall be to ~~advise and assist the City Council in the continual development and reassessment of the program of Senior Activities and Services~~ **provide advice to City Council on senior related issues including but not limited to: health, nutrition, safety and security, recreational activities and facilities, transportation, and intergenerational interaction, all in order to enrich and enhance the quality of life for seniors in Oak Ridge.**

In performance of its functions, the Board is authorized to:

- a. **Recommend and conduct, as require,** ~~Conduct~~ any studies or reviews ~~it deems worthwhile as advised~~ regarding **assessment of needs**, development, and maintenance of a program of activities and services which meet the needs and wishes of senior citizens in Oak Ridge **so that seniors may continue to contribute, participate, and share in the life of the community.**
- b. Cooperate with any group or organization in any way that ~~it judges~~ will aid in fulfilling its functions **to enhance senior lifestyles.**
- c. Make recommendations regarding ~~a policy~~ **policies** for (1) use of the Senior Center ~~by non-senior citizens~~ and (2) the reserving of certain hours for exclusive use by senior citizens.
- d. Adopt any rules and procedures it feels advisable for the conduct of its meetings.
- e. Act as a sounding board for senior citizens in the community who seek new or altered opportunities for activities, education, policies, and services.
- f. Support the use of the Senior Center as a source of education and programming for senior health, nutrition, ~~and~~ **safety and security, recreational activities, transportation, and intergenerational interaction.**
- g. **Engage senior citizen participation in activities that will enhance intergenerational action, such as literacy, tutoring, or mentoring programs.**

CITY OF OAK RIDGE, TENNESSEE
SENIOR ADVISORY BOARD

BYLAWS

RECEIVED
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OFFICE OF THE CITY CLERK

- I. **Name.** The name of the organization is: Senior Advisory Board
- II. **Membership.** The number of Board members is established by resolution of City Council. Additionally, by resolution City Council establishes a list of designated groups or organizations that are represented on the Board because of their connection to seniors or senior issues, and also designates the number of at-large members from the community. Although a member may be elected as a representative from a particular senior organization, he or she serves on the Board as a representative of all senior citizens of Oak Ridge. Each member is elected for a three-year term of office. Any vacancies occurring during the year will be filled in accordance with current city policies and procedures.
- III. **Functions and Powers.** The function of the Board shall be to advise and assist the City Council in the continual development and reassessment of the program of Senior Activities and Services.

In performance of its functions, the Board is authorized to:
 - a. Conduct any studies or reviews it deems worthwhile regarding development and maintenance of a program of activities and services which meet the needs and wishes of senior citizens in Oak Ridge.
 - b. Cooperate with any group or organization in any way that it judges will aid in fulfilling its functions.
 - c. Make recommendations regarding a policy for (1) use of the Senior Center by non-senior citizens and (2) the reserving of certain hours for exclusive use by senior citizens.
 - d. Adopt any rules and procedures it feels advisable for the conduct of its meetings.
 - e. Act as a sounding board for senior citizens in the community who seek new or altered opportunities for activities, education, policies, and services.
 - f. Support the use of the Senior Center as a source of education and programming for senior health, nutrition, and safety.
- IV. **Meetings.**
 - A. The Board shall meet the first Monday of each month at the Senior Center, unless it is a city holiday and then the Board shall meet on the second Monday of the month.
 - B. Special meetings may be called upon the request of the Chairperson or any three members of the Board. The notice of a special meeting shall be given at least 24 hours prior to the meeting and shall state the subject matter to be considered and no other matter shall be before the Board.
 - C. In the event there is no matter to be considered, the Chairperson may dispense with a meeting by notifying the Board's staff liaison and each Board member at least 24 hours prior to the time set for the meeting.
- V. **Quorum.** A majority of the Board shall constitute a quorum for the transaction of business, and all actions shall require the concurring vote of a majority of members present.
- VI. **Absences.** Absences shall be treated in accordance with the established City Council attendance policy for boards and commissions.
- VII. **Officers.** At the regular January meeting after all newly-elected or reelected members have taken the oath of office, the Board shall elect a Chairperson and a Vice Chairperson for one-year terms beginning immediately. A member shall be eligible for reappointment to one of these offices as long as he or she remains on the Board.

Duties of Officers

The **Chairperson** shall preside at all meetings of the Board, decide all points of order, appoint membership to such temporary committees as deemed necessary, sign documents on behalf of the Board, and call regular or special meetings of the Board.

The **Vice Chairperson** shall assume all the duties of the Chairperson in his or her absence.

The Board's staff liaison will record the minutes of the meeting and be responsible for their distribution to Board members and appropriate city offices.

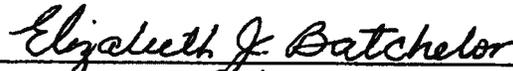
- VIII. **Agenda.** At least 48 hours prior to each meeting, the members shall be furnished with an agenda reflecting items to be considered. The Board's staff liaison is responsible for preparation and distribution of the agenda and the minutes of the previous meeting, as well as any other materials relative to the upcoming agenda. The order of business of all regular meetings shall be as follows:

1. Call to Order
2. Approval of Minutes
3. Reports
4. Unfinished Business
5. New Business
6. Announcements
7. Adjournment

Under each heading shall be listed the items scheduled for consideration at the meeting. (See attached example.)

- IX. **Notice.** Adequate notice of all meetings and matters to be discussed shall be given to the public and appropriate City offices, and shall be posted at the Senior Center. All meetings shall be open to the public.
- X. **Annual Report.** The Board will prepare an annual written report of its activities and recommendations for submission to City Council by June 30 of each year.
- XI. **Amendment.** These bylaws may be amended by majority vote of the members of the Board. An amendment to the bylaws shall be voted on at the next regular meeting after the regular meeting at which the amendment is proposed.

APPROVED BY THE SENIOR ADVISORY BOARD



Chairperson

April 1, 2013
Date of Meeting

Approved by City Council by Resolution 4-25-2013
Effective Date for Bylaws: 4-8-2013

Attachment: Sample Agenda

EXAMPLE OF AGENDA FOR SENIOR ADVISORY BOARD

1. **Call to Order** - Chairperson _____
2. **Approval of Minutes** - January 8, 2013
3. **Appearance of Citizens (Items not on the Agenda)**
4. **Reports**
 - a. **Senior Center Manager's Report**
 - b. **Secretary's Review of Correspondence or other Actions**
 - c. **Recent Actions of City Council**
 - d. **Oak Ridge Senior Foundation Report**
5. **Unfinished Business**
Construction of New Senior Center
6. **New Business**
New Funding Opportunities
7. **Announcements**
8. **Adjournment**

RESOLUTION

A RESOLUTION AMENDING RESOLUTION 7-75-77, AS AMENDED, TO ELIMINATE ALL DESIGNATED GROUPS AND ORGANIZATIONS FOR REPRESENTATION ON THE BOARD, WITH THE TOTAL NUMBER OF BOARD MEMBERS REMAINING THE SAME.

WHEREAS, Resolution 7-75-77, as amended, establishes a designated list of groups and organizations for membership on the Senior Advisory Board (formerly the Elder Citizens Advisory Board) as well as at-large membership from the community; and

WHEREAS, the City desires to eliminate the group and organization designations for membership on the Board and instead establish a preference for the membership to be representative of the community with a broad range of ages, backgrounds, and senior interests; and

WHEREAS, additionally, the City desires to re-establish the board's purpose to provide advice to City Council on senior related issues including but not limited to: health, nutrition, safety and security, recreational activities and facilities, transportation, and intergenerational interaction, all in order to enrich and enhance the quality of life for seniors in Oak Ridge.

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

That Resolution 7-75-77, as amended, is hereby amended to remove the designated group and organization membership requirements on the Senior Advisory Board resulting in all nine (9) members being from the community at large with a preference for membership that reflects a variety of ages as well as knowledge and background in senior interests such as health, nutrition, safety and security, recreational activities, and transportation.

BE IT FURTHER RESOLVED that the Senior Advisory Board's purpose and function is re-established to provide advice to City Council on senior related issues including but not limited to: health, nutrition, safety and security, recreational activities and facilities, transportation, and intergenerational interaction, all in order to enrich and enhance the quality of life for seniors in Oak Ridge.

BE IT FURTHER RESOLVED that the Board's Bylaws are hereby amended accordingly to reflect the changes instituted above.

This the 13th day of October 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTIONS

Personnel Memorandum
14-101

September 23, 2014

TO: Mark S. Watson, City Manager
FROM: Penelope H. Sissom, Personnel Director
SUBJECT: MEDICAL INSURANCE RENEWAL

The attached resolution extends the contract with the State of Tennessee Local Government Health Insurance Program to purchase employee medical insurance for calendar year 2015.

The State program that became effective January 1, 2011 offers a wide variety of choices with different premium rates for Employee Only, Employee plus Child(ren), Employee plus Spouse, and Employee plus Spouse plus Child(ren) and Employee Dual (both spouses are City employees under one contract). The employee then chooses either a Standard PPO (Preferred Provider Organization), a Partnership PPO or a PPO Limited and all three of these options are offered by both Blue Cross Blue Shield and CIGNA HealthCare. Each of the plans has different coinsurance and different deductible amounts. Another factor in the employee's decision is that not all physicians and hospitals are in every plan.

The charts below reflect the current and proposed medical insurance premium charges for each plan and the impact these premiums have on both the City and employees.

Level of Coverage	Total Premiums			
	Blue Cross Blue Shield		CIGNA HealthCare	
	Monthly	Annual	Monthly	Annual
Partnership PPO				
Employee	\$611.55	\$7,338.60	\$631.55	\$7,578.60
Employee + Child(ren)	\$947.90	\$11,374.80	\$987.90	\$11,854.80
Employee + Spouse	\$1,314.81	\$15,777.72	\$1,354.81	\$16,257.72
Employee + Spouse + Child(ren)	\$1,651.18	\$19,814.16	\$1,691.18	\$20,294.16
Standard PPO				
Employee	\$636.55	\$7,638.60	\$656.55	\$7,878.60
Employee + Child(ren)	\$972.90	\$11,674.80	\$1,012.90	\$12,154.80
Employee + Spouse	\$1,364.81	\$16,377.72	\$1,404.81	\$16,857.72
Employee + Spouse + Child(ren)	\$1,701.18	\$20,414.16	\$1,741.18	\$20,894.16
PPO-Limited				
Employee	\$391.61	\$4,699.32	\$411.61	\$4,939.32
Employee + Child(ren)	\$606.99	\$7,283.88	\$646.99	\$7,763.88
Employee + Spouse	\$841.96	\$10,103.52	\$881.96	\$10,583.52
Employee + Spouse + Child(ren)	\$1,057.35	\$12,688.20	\$1,097.35	\$13,168.20

Employee Cost

Level of Coverage	Blue Cross Blue Shield		CIGNA HealthCare	
	Pay Period	Annual	Pay Period	Annual
Partnership PPO				
Employee	\$24.68	\$641.68	\$33.91	\$881.66
Employee + Child(ren)	\$110.25	\$2,866.50	\$128.71	\$3,646.46
Employee + Spouse	\$152.97	\$3,977.22	\$171.43	\$4,457.18
Employee + Spouse + Child(ren)	\$199.55	\$5,188.30	\$218.01	\$5,668.26
Employee Dual	\$49.36	\$1,283.36	\$67.82	\$1,763.32
Standard PPO				
Employee	\$36.22	\$941.72	\$45.45	\$1,181.70
Employee + Child(ren)	\$121.79	\$3,166.54	\$140.25	\$3,646.50
Employee + Spouse	\$176.05	\$4,577.30	\$194.51	\$5,057.26
Employee + Spouse + Child(ren)	\$222.63	\$5,788.63	\$241.09	\$6,268.34
Employee Dual	\$72.44	\$1,883.44	\$90.90	\$2,363.40

PPO-Limited – No Charge for Employee with Any Option

Fortunately, the City was advised in April of this year that based on medical trends and plan reserves, there will be **no increase in premiums in CY 2015**. Therefore, the premiums and employee costs indicated above are identical to those in effect this calendar year.

Employees have been advised that the annual enrollment transfer period will be during the period of October 1 through November 1, 2014. During that time employees may change plans (Partnership, Standard or Limited PPO), may change medical providers (BCBS or CIGNA) or may enroll dependents without a qualifying event.

Sufficient funds are included in the FY 2015 Budget for medical insurance premiums. Therefore, Staff recommends adoption of the attached resolution.

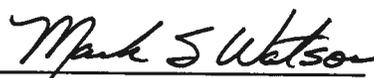


 Penelope H. Sissom

Attachment

City Manager's Comments:

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



 Mark S. Watson



 Date

RESOLUTION

A RESOLUTION TO EXTEND THE EMPLOYEE MEDICAL INSURANCE CONTRACT BETWEEN THE CITY OF OAK RIDGE AND THE STATE OF TENNESSEE LOCAL GOVERNMENT HEALTH INSURANCE PROGRAM FOR THE PERIOD OF JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 AT AN ESTIMATED COST OF \$4,520,000.00.

WHEREAS, it is appropriate for the City to ensure that its employees have affordable medical insurance coverage for themselves and their families; and

WHEREAS, it is appropriate for the City to provide medical insurance coverage for its employees that is comparable to that provided by similar cities and employers; and

WHEREAS, it is appropriate for the City to ensure that those who have retired from City employment after having served the City have medical insurance coverage for themselves and their families; and

WHEREAS, it is appropriate for the City to provide for a medical reimbursement account for those employees who elect not to have medical insurance through the City; and

WHEREAS, the State of Tennessee offers to local government employees and retirees a self-insured medical insurance plan and contracts for the administration of said plan; and

WHEREAS, by Resolution 9-148-98, City Council approved a contract with the State of Tennessee for the purchase of employee medical insurance; and

WHEREAS, the City of Oak Ridge has the option to extend said contract for the period of January 1, 2015 through December 31, 2015, at an estimated cost of \$4,520,000.00; and

WHEREAS, the City Manager recommends extension of said contract.

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

That the recommendation of the City Manager is approved and the contract between the City of Oak Ridge and the State of Tennessee Local Government Health Insurance Program, Nashville, Tennessee, to provide employee medical insurance is hereby extended for the period January 1, 2015 through December 31, 2015 at an estimated cost of \$4,520,000.00.

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

This the 13th day of October 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

FINANCE DEPARTMENT MEMORANDUM
14-22

DATE: September 30, 2014
TO: Mark S. Watson, City Manager 
THROUGH: Janice E. McGinnis, Finance Director 
FROM: Lyn Majeski, Accounting Division Manager

SUBJECT: ANNUAL ORDER – TEMPORARY EMPLOYMENT SERVICES

Introduction

An item for City Council's consideration is a resolution authorizing the utilization of temporary employees in the estimated amount of \$175,000.

Background/Analysis/Review/Consideration

Over the last twenty years, the City has utilized temporary employees in clerical, technical and field crew positions. Temporary employees are used to perform duties in place of sick or injured employees, vacancies, seasonal duties and special projects. A Request for Proposal (RFP) was issued by the Finance Department with six (6) companies submitting proposals for review and evaluation.

Of the six proposals received, only two (2) met the requirements, (i.e., CDL drivers) for the supply of general labor temporary workers. Staff recommends utilizing the services of Alternate Staffing, Inc., Knoxville, TN and First Place Finish, Oak Ridge, TN.

All six proposals received for the supply of clerical/office temporary workers met the identified requirements. Department personnel can request specific certifications, resumes, and cost information from the Accounting Division Manager and review them prior to hiring a temporary employee. Staff recommends utilizing the services of Alternate Staffing, Inc., Knoxville, TN; Staffing Solutions, Oak Ridge, TN; Temp Systems, Inc., Knoxville, TN; Robert Half International (Accountemps and Office Team), Knoxville, TN; Express Employment Professionals, Knoxville, TN; and First Place Finish, Oak Ridge, TN.

Other firms, such as RecruitWise, may be considered for hiring temporary workers when a specific or more technical skill set is needed.

At the September 8, 2014 Council meeting a question was asked, "This amount is \$50,000 less than last year, where in the budget was it reduced by \$50,000?" There is not one line item that reflects the reduction. From year to year this amount will vary depending on the needs of the city. If a department has a vacancy the funding for a temporary employee comes from the salary line. If a department has a project that is being funded and there is a need for a temporary employee(s) on the project the funding is covered in the cost of the project. If a temporary employee is needed for a City employee that is on extended leave then the cost of that temporary employee comes from the budget for that department. Each department monitors their budget and makes adjustment(s) in spending as needed.

Below is a table of the amounts for temporary services for the previous three fiscal years.

	FY2012	FY2013	FY2014
Information Services	\$ 130,000.00		
Public Works	\$ 298,000.00	\$ 160,000.00	\$ 78,000.00
All other departments	\$ 129,000.00	\$ 5,000.00	\$ 28,000.00
TOTAL	\$ 557,000.00	\$ 165,000.00	\$ 106,000.00

Finance Department Memorandum 14-22
Page 2 of 2

Based on historical data over the last three years, staff felt a reduction of \$50,000 for temporary services from last year was warranted.

The Public Works Department has more semi-skilled workers than any other department, so this department utilizes temporary workers more than other departments. The Public Works Department use temporary workers to fill vacancies as turnover occurs, seasonal projects and building maintenance projects. By utilizing temporary workers, the Public Works Department is able to complete required work tasks without hiring permanent staff that would then have to be laid off during the winter months. Over the years, employees that began as temporary workers have been hired and promoted within the Public Works Department as vacancies arise.

Recommendation

Staff recommends approval of the attached resolution as submitted.


Lyn Majeski

RESOLUTION

A RESOLUTION MAKING AWARDS TO ALTERNATE STAFFING, INC.; EXPRESS EMPLOYMENT PROFESSIONALS; FIRST PLACE FINISH; ROBERT HALF INTERNATIONAL (ACCOUNTEMPS AND OFFICE TEAM); STAFFING SOLUTIONS; TEMP SYSTEMS, INC.; AND QUALIFIED TECHNICAL FIRMS SUCH AS RECRUITWISE FOR FURNISHING AS NEEDED TEMPORARY EMPLOYMENT SERVICES FOR FISCAL YEAR 2015 IN THE ESTIMATED AMOUNT OF \$175,000.00.

WHEREAS, the City issued a Request for Proposals (RFP) for as needed temporary employment services for clerical/office and general labor positions during Fiscal Year 2015; and

WHEREAS, six (6) proposals were received from Alternate Staffing, Inc.; Express Employment Professionals; First Place Finish; Robert Half International (Accountemps and Office Team); Staffing Solutions; and Temp Systems, Inc.; and

WHEREAS, two (2) of the six (6) proposals (Alternate Staffing, Inc. and First Place Finish) were responsive to the RFP for general labor temporary workers and all six (6) proposals were responsive to the RFP for clerical/office temporary workers; and

WHEREAS, the City Manager recommends awards be made to the six (6) responsive companies for as needed temporary employment services, and to allow awards to qualified firms such as RecruitWise when more technical skill sets are needed for temporary workers.

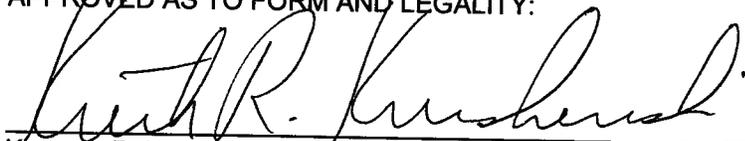
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendations of the City Manager are approved and awards are hereby made to Alternate Staffing Inc., Knoxville, and First Place Finish, Oak Ridge, for furnishing as needed general labor temporary workers; to Alternate Staffing Inc., Knoxville; Express Employment Professionals, Knoxville; First Place Finish, Oak Ridge; Robert Half International (Accountemps and Office Team), Knoxville; Staffing Solutions, Oak Ridge; and Temp Systems, Inc., Knoxville; for furnishing as needed clerical/office temporary workers; and to qualified firms such as RecruitWise for furnishing as needed temporary workers when more technical skill sets are needed; said services for Fiscal Year 2015 and in the estimated amount of \$175,000.00.

BE IT FURTHER RESOLVED that, since the employment of temporary workers is sometimes needed on an urgent rather than pre-planned basis, the City Manager is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 13th day of October 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
14-36

DATE: September 26, 2014
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Public Works Director
SUBJECT: EQUALIZATION BASINS – CONTRACT FY2015-005 CHANGE ORDER

Introduction

An item for City Council's consideration is approval of a change order to Contract FY2015-005 for the construction of three equalization basins and associated mechanical, electrical and instrumentation appurtenances, to Morgan Contracting, Inc. reducing the amount awarded by City Council Resolution 09-93-2014 by \$444,820.

Funding

The change order is a reduction of the original bid amount; therefore the total amount of the contract is decreased by \$444,820, for a new total of \$6,027,180. The funding for this project will be from the TDEC State Revolving Fund, loan 2013-325, approved by City Council Resolution 2-12-2013 on February 25, 2013 in the amount of \$14,000,000.

Background

As stated in Public Works Department Memorandum 14-31, the low bid received for the Equalization Basins was approximately 12% over the projected amount for the project. The City's Program Manager, LDA Engineering, the contractor and subcontractors have negotiated reductions for the contract as explained in the attached document.

The Equalization Basins project has been submitted to TDEC for review of the bids and bid process. Upon receiving approval from TDEC, the City will officially execute the reduction change order.

Recommendation

Staff recommends approval of the accompanying resolution.



Gary M. Cinder, P.E.

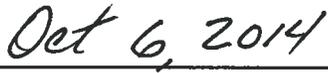
Attachment:
LDA Engineering Analysis and Recommendation

City Manager's Comments:

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



Mark S. Watson



Date



WATER
WASTEWATER
STORMWATER

September 29, 2014

Mr. Gary Cinder, P.E.
Engineering & Public Works Director
City of Oak Ridge
Post Office Box 1
Oak Ridge, Tennessee 37831

Reference: Value Engineering Review of the Equalization Basins

Dear Mr. Cinder:

LDA Engineering has been engaged in assisting the City of Oak Ridge with design and bidding of three equalization basins. Following the evaluation of the initial bid proposals, the Program Management Team chose to perform a Value Engineering (VE) assessment of the design and proposed bid. This process helps identify potential cost-saving opportunities by providing an opportunity to review the project details following the contractors' assessment of the plans and specifications during the bid process.

The VE review team consisted of the following team members:

Steve Bostic, P.E. – Senior Project Manager and Design Lead
Lamar Dunn, P.E. – Senior Consultant for Program Management
Greg Jones, P.E. – Sewer Rehabilitation Program Manager
Morgan Construction – Proposed Construction Contractor (apparent low bidder)

The team has completed the VE review process for the equalization basins. We have enclosed a report of our findings which includes our recommended items for value engineering reductions in the bid proposal.

Our team is available at your direction to assist with the final decision making process. We care about the Oak Ridge community and welcome the opportunity to continue assisting with the implementation of the wastewater compliance program. Please let me know how we may assist you on this task as it moves forward in the process.

Sincerely,

A handwritten signature in blue ink that reads 'Jason D. Brooks'.

Jason D. Brooks, P.E.
President & CEO
LDA Engineering

CITY OF OAK RIDGE WASTEWATER SYSTEM EQUALIZATION BASIN EVALUATION

As a part of the Administrative Order (A.O.) issued by the EPA, the City developed a rehabilitation program to eliminate overflows from the sewer system from storm events with a two-year reoccurrence probability. That program included sewer line replacement, rehabilitation of sewers by lining, rehabilitation of manholes, and the construction of three equalization basins strategically located within the system. Bids were taken on August 12, 2014, for the construction of the three basins.

After opening the bids and determining the lowest and best bid, LDA opened discussions with the contractor to review a breakdown of the bid and perform a value engineering exercise. The purpose of value engineering is to determine if cost savings can be affected without compromising quality and the design intent. The process of value engineering is not uncommon and has been used by LDA on other City projects successfully.

During the value engineering process, the following issues were learned to be of concern by the contractor in preparing their bid:

- Time allowed for construction. The schedule was dictated by the A.O.
- Restrictions at the Scarboro site included:
 - Telecommunication lines, which were unknown until after the design process began.
 - A tree which was to be protected.
 - Poor soil conditions at the Scarboro site.
- Rock excavation at the Emory Valley site.
- The configuration of the Emory Valley pumping station.

The design team and the contractor began a process of collaboration as to ways to address each of the issues discovered. The first was the schedule for completion. The tank subcontractor indicated that to build the three tanks within the schedule, their resources would be taxed and they would need an extra crew, which affected their efficiency. The prime contractor indicated that due to that matter, if they could construct a cast-in-place tank in-lieu of the pre-stressed unit designed for the East Plant basin, both time and money could be saved. The geometry and size of the tank would not be compromised and valuable time would be saved. The other tanks were of a different configuration due to location and operation; therefore, cast-in-place construction was not applicable.

To address the cost in the bid for the Scarboro site, LDA raised the question of savings for a change in diameter of the tank, which would address the communication lines matter and the tree. When pre-stressed tanks are constructed, the manufacturer has standard sized tanks which they consider to be the most economical to construct. The design for each of the three tanks used a five-year reoccurrence interval rather than the two-year, as required by the A.O., for a factor of safety. It was determined that by reducing the Scarboro tank to a 750,000 gallon tank from the 1.0 million gallon tank, many of the site issues could be addressed and still provide some factor of safety relative to the design storm. The tank, which was bid, was a standard 1.0 million gallon unit that provided slightly more than the required volume for a five-year storm. The required volume for the design storm (two-year) is less than the volume provided by a 0.75 million gallon basin. Therefore, reducing the diameter of the basin and the resulting smaller volume allows for a factor of safety, for the required design storm, and addresses shoring issues to protect the communication infrastructure.

The recommended changes to the Scarboro tank, resulting in a reduction of \$133,220.00, are as follows:

- Reduce the tank from 1.0 MG to 0.75 MG maintaining a factor of safety. This allows the elimination of special shoring to protect communication infrastructure on the site.
- Due to the contractor's method of approaching the construction, a savings was found by locating pre-cast concrete structures closer together on the site which does not affect the intent of design. The function of these structures is unchanged.
- The contractor offered a savings to use PVC pipe rather than ductile iron which does not adversely affect the design intent. This is a contractor choice. Some other contractors may have viewed it differently. This savings does not restrict the required flow.
- There is an oak tree on the site that had special protection with shoring to stabilize a steep slope required during the construction process. Savings could be available if that tree was not afforded the protection provided in the design. LDA consulted with a University of Tennessee arborist relative to the tree. He determined that the tree was healthy and should survive with the protection provided. The City is currently inventorying trees, and it is understood that the tree in question is not included in the inventory. A comment was made that it was not a special tree and could be replaced with other species, which would provide better screening of the tank for less money than the potential savings that can be realized by amending the shoring.
- The original design of all three tanks included a concrete additive for protection from corrosion. It was determined that due to the nature of the material entering the existing tank and the duration of storage for the Scarboro tank, the cost of that protection did not warrant its continued consideration.

- Each of the three tanks had a paint coating in their floor. Based on the cost included in the bid, it is recommended that the coating be eliminated from each tank.

The recommendations for the Emory Valley tank resulting in a reduction of \$94,600.00, are as follows:

- Due to the cost of rock excavation at the site, the tank floor can be raised five feet and with no adverse effect on the system hydraulics. The tank roof elevation is therefore also increased by five feet.
- The same pipe material change as recommended for the Scarboro tank is also recommended here for the same reason.
- Typically, a pumping station is designed with duplicate pumps. However, since this basin is only expected to operate infrequently, it is recommended that a single pump be installed. As a back-up situation, the yard piping can be modified with the addition of fittings and valves to allow the use of the City's mobile by-pass pump to be used if the installed pump needs service during a wet weather event.
- Eliminate the floor coating.
- Due to the raising of the tank floor, a hatch and ladder will no longer be required.

The East Plant equalization basin recommendations resulting in a reduction of \$217,000.00, are as follows:

- As mentioned earlier, due to construction scheduling by a subcontractor, this tank can be constructed by the general contractor without a time extension or extra money. The contractor offered to build the tank under the time allowed in the A.O. by using cast-in-place construction. Effectively, this approach is equal to the initial design.
- The East Plant site has a site fence and locked gate; therefore, discussions with City staff advises that the secondary fence around the tank in the bid can be eliminated.
- Due to the change from pre-stressed construction to cast-in-place, the work area is reduced which eliminates the need for shoring to protect an existing gravity sewer.
- The East Plant site is fenced and not accessible to non-city employees on a routine basis. When the bid price of paving was reviewed, it was recommended that the paving be deleted from this site, but remain at the other two sites. A gravel drive will be very serviceable for maintenance vehicles.

The basins are to be operated in concert with each other and controlled by a SCADA system. There are no proposed changes to the control system. Data to be collected for system operation control includes:

- Flow rate monitoring at strategic locations
- Rainfall at three locations
- Tank levels.

As engineer of record for this project, LDA recommends these changes be incorporated in a change order to reduce the cost of construction by a total of \$444,820.00 which will not affect the design intent of this valuable system.

RESOLUTION

A RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT (FY2015-005) WITH MORGAN CONTRACTING, INC., BAKER, FLORIDA, APPROVED BY RESOLUTION 09-93-2014 FOR CONSTRUCTION OF THREE (3) NEW EQUALIZATION BASINS AND ASSOCIATED MECHANICAL, ELECTRICAL, AND INSTRUMENTATION APPURTENANCES BY REDUCING THE CONTRACT AMOUNT BY \$444,820.00 FOR A NEW ESTIMATED AMOUNT OF \$6,027,180.00.

WHEREAS, by Resolution 09-93-2014, City Council awarded a contract to Morgan Contracting, Inc., for the construction of three equalization basins and associated mechanical, electrical and instrumentation appurtenances in the estimated amount of \$6,472,000.00; and

WHEREAS, the bid being was approximately twelve percent (12%) over the projected amount for the project; and

WHEREAS, the City and Morgan Contracting, Inc., along with the engineer and subcontractors, have negotiated a reduction in the scope and price of the project; and

WHEREAS, this reduction will be evidenced through a change order to the contract once the contract is approved by the Tennessee Department of Environment and Conservation; and

WHEREAS, the City Manager recommends approval of the change order.

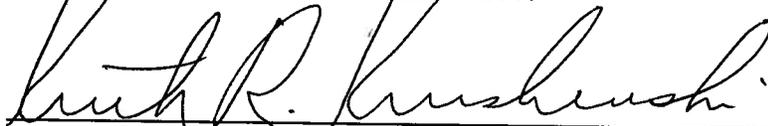
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and a change order to the contract (FY2015-003) with Morgan Contracting, Inc., approved by Resolution 09-93-2014, for construction of three (3) new equalization basins and associated mechanical, electrical, and instrumentation appurtenances is hereby approved; said change order reducing the contract amount by \$444,820.00 for a new estimated amount of \$6,027,180.00.

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

This the 13th day of October 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
14-34

DATE: September 26, 2014
TO: Mark S. Watson, City Manager
FROM: Gary Cinder, P.E., Public Works Director
SUBJECT: HERITAGE CENTER-WATER INFRASTRUCTURE ACCEPTANCE

Introduction

An item for City Council's consideration is a resolution accepting a portion of the remaining potable water distribution system at the Heritage Center.

Funding

The approval of this resolution will not require any expenditure of funds by the City and perpetual costs are not anticipated to be any greater than normal maintenance costs for water line.

Background

The Department of Energy (DOE) has been working for several years to decommission and re-industrialize the former K-25 Gaseous Diffusion plant an area now known as Heritage Center, with many of the old structures being demolished and removed.

The presence of DOE personnel has diminished as Federal operations have ceased at the facility. In 2008 the City entered an agreement with DOE to assume operation and ownership of the former K-25 water plant, the water tanks and water lines providing service to Heritage Center. Portions of the water system, which were isolated from the City system by backflow devices, remained private. Included in the 2008 agreement, the City began providing wastewater collection and treatment services for the site. The 2008 agreement, which is fee based, for operations and maintenance of the system as well as to provide water and sewer service is scheduled to expire on September 30, 2014. Upon expiration of the 2008 agreement, DOE plans to convert all water and sewer service to metered retail utility customers of the City.

In order to conform to City policy, all metered water and sewer customers are to be served from meters connected to the appropriate utility lines that are operated and maintained by the City. The lines being proposed for acceptance actually serve occupied facilities that are believed to have been fed via DOE operated and maintained lines. In order to install the required water meters, the City will need ownership of the specific lines

DOE contractors have been isolating and abandoning inactive lines as well as the fire distribution system, which will remain private but metered. No additional sewer collection lines are being recommended for acceptance. A new 6" water meter which will provide water to the fire protection basin and be isolated from the City system has been constructed.

In addition to the on-site infrastructure approximately 800 feet of water line on West Bear Creek Road, needed to serve the Y-12 Central Training and NNSA facilities is included so that these facilities can be separately metered.

The attached drawing shows the locations of the infrastructure listed below that is recommended for acceptance:

- 1,375 linear feet 4" diameter Ductile Iron Pipe
- 3,738 linear feet 6" diameter Ductile Iron Pipe
- 6,287 linear feet 8" diameter Ductile Iron Pipe
- 1,940 linear feet 12" diameter Ductile Iron Pipe
- 22 new water meters ranging in size from 5/8 to 6" Assorted valves, fittings and hydrants

The agreement with DOE has funded approximately \$1,480,000 annually towards west end expenses. This included approximately \$500,000 per year for capital improvements to the west end infrastructure. The change from a fee base to retail will cause this revenue stream to end. In anticipation of this change, the Public Works Department has ceased operation of the antiquated water treatment plant on October 1, 2014 and is providing all water from the new 16" water transmission line recently constructed as part of the TDOT widening of State Route 95/58. It is anticipated that approximately \$235,000 of the annual revenue shortfall will be offset by this shutdown.

In addition, a work crew that had been dedicated to west end operations and paid for through the fee based DOE agreement has been disbanded. The personnel have been assigned to fill vacancies which had been held open in anticipation of this change to avoid any layoffs. Vehicles and equipment associated with that crew have been assimilated into the existing city fleet. This will further offset the lost revenue by approximately \$365,000.

The total amount of reduced costs is estimated to be \$1,100,000, which will result in an estimated \$380,000 net loss in revenue to the Waterworks Fund as shown below primarily to fund depreciation of remaining west end assets as well as the Rarity Ridge wastewater treatment plant infrastructure.

Revenue from DOE Agreement	\$1,480,000
less Capital Improvement Funds	(\$500,000)
less Water Plant decommissioning	(\$235,000)
less work crew savings	<u>(\$365,000)</u>
Net Reduction of Revenue	(\$380,000)

With new retail water and sewer customers created from this switch, additional revenues are expected which will further offset this loss however those accounts only started on October 1, 2014 and estimating the revenues is not possible at this time.

Recommendation

Staff recommends approval of the resolution as submitted to enable all water and sewer use at the Heritage Center site to be converted to full retail water and sewer customers of the City of Oak Ridge.



Gary M. Cinder

Attachment:
Drawing

City Manager's Comments:

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



Mark S. Watson



Date

ETTP HERITAGE CENTER

**PROPOSED WATER
LINE ACCEPTANCE**

**PROPOSED WATER
LINE ACCEPTANCE**

SR 58/OAKRIDGE TURNPIKE

BEAR CREEK ROAD

**PROPOSED WATER
LINE ACCEPTANCE**

--- PROPOSED WATER LINE ACCEPTANCE

RESOLUTION

A RESOLUTION AUTHORIZING THE TRANSFER OF OWNERSHIP OF A PORTION OF THE REMAINING POTABLE WATER DISTRIBUTION SYSTEM AT HERITAGE CENTER AND DESIGNATED WATER LINE ALONG WEST BEAR CREEK ROAD FROM THE U. S. DEPARTMENT OF ENERGY (DOE) FOR PERPETUAL MAINTENANCE BY THE CITY.

WHEREAS, by Resolution 5-50-08, City Council authorized the City to enter into all necessary legal documents to transfer the utility infrastructure at the East Tennessee Technology Park from the U.S. Department of Energy (DOE) to the City, which documents included but were not limited to a quit claim deed for the ETTP water treatment plant and associated facilities such as the river intake pump station and two above-ground storage tanks, a services agreement for the City to provide water and sewer service to DOE facilities, and easement documents for the various utilities; and

WHEREAS, DOE is now ready to turn over a portion of the remaining potable water distribution system at the Heritage Center to the City as part of DOE's plan to convert all water and sewer service at the site to metered retail customers of the City; and

WHEREAS, by City policy, all metered water and sewer customers are to be served from meters connected to appropriate utility lines that are operated and maintained by the City, therefore, the City needs to obtain ownership of the utility lines; and

WHEREAS, additionally, the City desires to obtain ownership of water line on West Bear Creek Road needed to serve the Y-12 Central Training and NNSA facilities so that these facilities can be separately metered; and

WHEREAS, the City Manager recommends acceptance of the requested utility infrastructure.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into all necessary legal documents to transfer ownership of a portion of the remaining potable water distribution system at the Heritage Center from the U.S. Department of Energy (DOE) to the City of Oak Ridge for perpetual maintenance as shown on the attached drawing.

BE IT FURTHER RESOLVED that the City is also authorized to accept 800 feet of water line on West Bear Creek Road to serve the Y-12 Central Training and NNSA facilities as separately metered customers.

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

This the 13th day of October 2014.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CITY COUNCIL MEMORANDUM
14-43

DATE: September 25, 2014
TO: Mark Watson, City Manager
FROM: Kathryn G. Baldwin, Community Development Director 
SUBJECT: TDOT GRANT SUBMITTAL

Introduction

An item for City Council's consideration is a resolution authorizing the submittal of a grant to the Tennessee Department of Transportation for design and construction of a roundabout at the intersection of Providence Road/Pennsylvania Avenue/East Pasadena Lane/North Tulane Avenue.

Funding

The Transportation Alternative Program (TAP) is solely funded by TDOT and is designed to increase multi-modal, pedestrian, and bicycle usage of public road networks. TDOT will fund 80% of a project, excluding design and the 20% local match. If selected the project would be included in the Transportation Improvement Program (TIP) with cost expenditures spread over a minimum of a three (3) year time frame. Total cost of the project, excluding engineering design and ROW acquisition is \$748,113.

Analysis

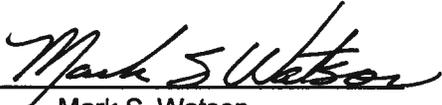
The purpose of the proposed modern roundabout at the Providence Road/Pennsylvania Avenue/East Pasadena Lane/ North Tulane Avenue intersection would serve as a traffic calming device for vehicular traffic traveling through the intersection to schools and public facilities as well as commercial trips. The roundabout would also mitigate safety issues for vehicular, pedestrian and bicycle traffic, hopefully reducing the incidence of traffic accidents per year. There are approximately seven (7) to eight (8) vehicle incidents that occur at the intersection each year. This five-point intersection is located primarily in a residential setting but serves as a high volume collector street for commuters from nearby arterials streets, schools, business districts and Methodist Medical Center hospital. It is also part of the City's East-West Bicycle route. Heavy traffic volumes occur during both morning and late afternoon traffic hours, as well and during Oak Ridge High School lunch and mid-afternoon dismissal times. Motorists traveling along Pennsylvania Avenue have the right-of-way, as well as the left-turn movement from Pennsylvania Avenue onto either North Tulane Avenue or Providence Road. Motorist traveling east on Providence Road, north on North Tulane Avenue and south (right-turn movement) from Pennsylvania Avenue are required to stop at the intersection. The proposed roundabout would provide a safe and aesthetic transition from a residential neighborhood to the commercial City core. The existing configuration can be confusing, especially for inexperienced drivers, and the proposed roundabout will improve the flow of traffic while providing a clear path for pedestrians and bicyclists.

Recommendation

Approval of the attached resolution is recommended to secure eligibility of the TDOT TAP Grant Program submitted by the Community Development Department and the City Engineer. A public hearing will be conducted by the Traffic Safety Advisory Board on October 21, 2014. The project will be implemented over a 3-4 year time frame, reducing the individual amount to be allocated in any one budget year.

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 AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR DESIGN AND CONSTRUCTION OF A ROUND-A-ABOUT AT THE INTERSECTION OF PROVIDENCE ROAD, PENNSYLVANIA AVENUE, EAST PASADENA LANE, AND NORTH TULANE AVENUE IN THE ESTIMATED AMOUNT OF \$748,113.00, AND TO ACCEPT SAID GRANT IF APPROVED BY TDOT.

WHEREAS, the Tennessee Department of Transportation (TDOT) has grant monies available under its Transportation Alternative Program which is designed to increase multi-modal, pedestrian, and bicycle usage of public road networks; and

WHEREAS, the City desires to submit a grant application to TDOT for design and construction of a round-a-bout at the intersection of Providence Road, Pennsylvania Avenue, East Pasadena Lane, and North Tulane Avenue to serve as a traffic calming device; and

WHEREAS, said grant requires a twenty percent (20%) local match and the total cost of the project is estimated at \$748,113.00 excluding engineering design and right-of-way acquisition; and

WHEREAS, the City Manager recommends submittal of an application for said grant and recommends acceptance of said grant should it be approved by TDOT.

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

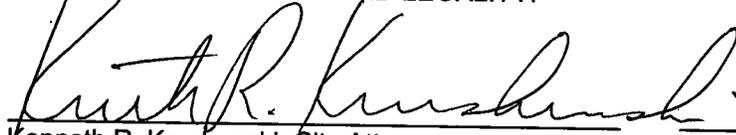
That the recommendation of the City Manager is approved and the City is hereby authorized to submit a grant application to the Tennessee Department of Transportation for a Transportation Alternative Program Grant in the amount of \$748,113.00, which grant requires a twenty percent (20%) local match.

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

BE IT FURTHER RESOLVED that if said application is approved by the Tennessee Department of Transportation, the Mayor is authorized to accept said grant for the City.

This the 13th day of October 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

CITY COUNCIL MEMORANDUM
14-35

DATE: October 6, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: OAK RIDGE CONVENTION AND VISITORS BUREAU CONTRACT
REMAINDER OF FY 2015

Introduction

An item for City Council's consideration is a resolution approving a contract between the City and the Oak Ridge Convention and Visitors Bureau (CVB) for tourism promotion in Oak Ridge for the remainder of FY2015 in an amount not to exceed \$225,000.00.

Funding

The funding source for this contract is hotel/motel occupancy tax collections.

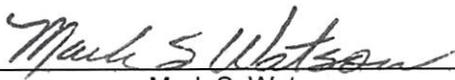
Background

On July 21, 2014, City Council extended the FY2014 contract between the City and the CVB for tourism promotion in Oak Ridge through October 30, 2014 in an amount not to exceed \$100,000.00. A copy of Resolution 07-77-2014 is attached for reference.

City Council further directed the City Manager to meet with the CVB and develop a contract for moving forward. The City Manager and the CVB Executive Director met to discuss and develop a contract for promotion of tourism in Oak Ridge for the remainder of FY2015 (October 31, 2014 through June 30, 2015). The attached contract sets forth the provisions that were agreed to by the CVB and the City Manager for City Council's consideration and approval. Funding for the contract for the remainder of FY2015 is an amount not to exceed \$225,000.00.

Recommendation

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments: Resolution 07-77-2014
Resolution
Proposed Contract

RESOLUTION

A RESOLUTION EXTENDING THE CONTRACT APPROVED BY RESOLUTION 7-67-2013 BETWEEN THE CITY AND THE OAK RIDGE CONVENTION AND VISITORS BUREAU (CVB) FOR THE PROVISION OF SERVICES AND MATERIALS TO PROMOTE TOURISM IN OAK RIDGE THROUGH OCTOBER 30, 2014 IN AN AMOUNT NOT TO EXCEED \$100,000.00.

WHEREAS, by Resolution 7-67-2013, City Council approved a contract between the City and the Oak Ridge Convention and Visitors Bureau for the promotion of tourism in Oak Ridge for FY2014 in an amount not to exceed \$300,000.00; and

WHEREAS, the City desires to extend the FY2014 contract through October 30, 2014, in an amount not to exceed \$100,000.00.

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

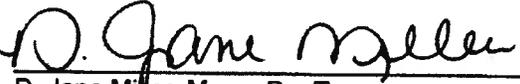
That the contract between the City of Oak Ridge and the Oak Ridge Convention and Visitors Bureau for the provision of services and materials to promote tourism in Oak Ridge for the period July 1, 2013 through June 30, 2014, as approved by Resolution 7-67-2013, is hereby extended through October 30, 2014; said contract extension in an amount not to exceed \$100,000.00.

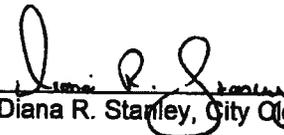
BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 21st day of July 2014.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney


D. Jane Miller, Mayor Pro Tem


Diana R. Stanley, City Clerk

RESOLUTION

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY AND THE OAK RIDGE CONVENTION AND VISITORS BUREAU (CVB) FOR THE PROVISION OF SERVICES AND MATERIALS TO PROMOTE TOURISM IN OAK RIDGE FOR THE REMAINDER OF FY2015 IN AN AMOUNT NOT TO EXCEED \$225,000.00.

WHEREAS, by Resolution 7-77-2014, City Council extended the FY2014 contract between the City and the Oak Ridge Convention and Visitors Bureau (CVB) for the promotion of tourism in Oak Ridge through October 30, 2014 in an amount not to exceed \$100,000.00; and

WHEREAS, the City Manager and the CVB Executive Director met to discuss and develop a contract for the promotion of tourism in Oak Ridge for the remainder of FY2015, and agreed to the terms contained in the attached contract; and

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

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

That the attached contract between the City of Oak Ridge and the Oak Ridge Convention and Visitors Bureau for the provision of services and materials to promote tourism in Oak Ridge for the remainder of FY2015 (October 31, 2014 through June 30, 2015) is hereby approved; said contract in an amount not to exceed \$225,000.00.

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

This the 13th day of October 2014.

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 13th day of October, 2014 by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the "City," and the Oak Ridge Convention and Visitors Bureau, hereinafter referred to as the "CVB."

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

1.0 Term

- 1.1 This Contract shall be for a term of eight (8) months commencing October 31, 2014 through June 30, 2015.

2.0 CVB Requirements and Objectives

The CVB shall:

- 2.1 Show at least a 1% increase in collected city hotel tax revenue by the end of the contract term compared to that collected for the previous fiscal year.
- 2.2 Determine separate occupancy rates for tourism, government and business visitors, respectively. Additionally, the CVB shall determine occupancy rates during weekdays compared to weekends.
- 2.3 Generate revenue in addition to and exclusive of any funds provided by the City as described herein by the end of the contract term. These funds shall be equal to or greater than 3.0% of the total amount of funds allocated by the City.
- 2.4 Develop and publish vision and mission statements for the CVB by February 1, 2015.
 - 2.4.1 To achieve objective 2.4, the CVB's Executive Director will plan and execute at least one (1) working meetings with the City Manager before February 1, 2015. The City Manager will schedule joint meetings of City Council and the CVB Board as required.
- 2.5 Develop a strategic plan that includes quantitative goals and a description of the methods and strategies that will be used to achieve these goals by April 1, 2015.
 - 2.5.1 To achieve objective 2.5, the CVB Executive Director will plan and execute at least three (3) working meetings with the City Manager by April 1, 2015.
- 2.6 Develop one (1) other measure of economic activity related to tourism in Oak Ridge by the end of the contract term (e.g. visitor use of restaurants, surveys of festival visitors for various statistics).
 - 2.6.1. To achieve objective 2.6 the CVB shall consult and meet with representatives from the local hospitality, retail, service, sports, historic and academic communities at least once per quarter.

The CVB shall emphasize and prioritize the following actions to achieve the above objectives:

- 2.7 Prioritize promotion of local events that increases the number of overnight visitors to Oak Ridge's hotels/motels.

- 2.8 Provide support by promoting and assisting with coordination of events conducted by businesses, non-profit organizations and governmental agencies within Oak Ridge and Anderson-Roane Counties.
- 2.9 Identify, develop and use multimedia and social networking facilities to maximize and promote Oak Ridge as a venue for premier events and activities including but not limited to those identified in the UT-MBA study prepared for the City in 2013
- 2.10 Identify and budget (less than \$10,000.00) for minor but impactful improvements that will enhance business and hotel/motel industry and their associated promotions.
- 2.11 Shall develop projects within its strategic plan to exploit the SMERF (Social, Military, Educational, Religious, Fraternal) market both locally and regionally.
- 2.12 Shall coordinate with local sports programs to promote events that draw in out-of-town visitors.

3.0 Monitoring and Reporting Requirements

- 3.1 For the purposes of monitoring and reporting, the CVB shall provide to the City periodic reports addressing progress toward strategic goals on January 15, 2015; and April 15, 2015.
- 3.2 The CVB shall submit an annual financial report, which will be audited by the City, to summarize expenditure of City funds and a statement of cash position, by July 31, 2015.

4.0 Availability of Documents for Inspection

- 4.1 All CVB documents and reports pertaining shall be available for inspection by the City Manager or the City Manager's duly authorized designee and shall be made available for inspection following written request. The CVB shall allow the inspection within a reasonable timeframe, but no later than seven (7) business days from receipt of the request.
- 4.2 The CVB shall maintain records in such a manner as to enable the City and/or the City's auditors to audit the expenditures for compliance with this Contract during regular City business hours.

5.0 Compensation to CVB for Services Rendered

- 5.1 The City shall pay the CVB \$225,000.00 for each year of the term of the contract, in exchange the services specifically defined in Section 2.0 of this contract. The City will pay the CVB in three (3) equal installments of \$75,000.00 on or about the following dates provided the periodic reports required by Section 3.0 above have been submitted: October 31, 2014; January 20, 2015; and April 20, 2015. For purposes of cash flow and business management, the CVB shall have a goal of a thirty-day reserve for payroll and expenses.
- 5.2 Conditions:
 - 5.2.1. The City may provide cash advances, not to exceed the total amount indicated in section 5.1, to the CVB through a written request procedure and approval from the City Manager, at the City Manager's discretion, with concurrence by the City Council.

- 5.2.2. The CVB may request budget revisions in writing. Any City approval of budget revisions shall be made in writing.
- 5.2.3. CVB Staff: The CVB shall pay its employees under this Contract, not including volunteers, at least the federal minimum wage. The CVB shall not increase its employees' salaries to an extent greater than the salary increases allowed by the City for its employees during the same fiscal year.
- 5.2.4. Anti-Discrimination: In carrying out the work of this Contract, the CVB shall not discriminate against any employee or applicant for employment because race, color, religion, creed, sex, sexual orientation, national origin, age, disability or any other legally protected status.
- 5.2.5. If, through any cause, the CVB shall fail to fulfill in a timely and proper manner the obligations under this Contract, or if the CVB shall violate any of the covenants, agreements, or stipulations of this Contract, the CVB shall provide satisfactory explanation to the City Manager before the next partial payment is made.
- 5.2.6. Any expenditure desired to be made that is outside of the scope of this Contract shall receive prior concurrence of the City Manager in writing.

6.0. Termination

- 6.1. If, through any cause, the CVB shall fail to fulfill the obligations under this Contract, or if the CVB shall violate any of the covenants, agreements, or stipulations of this Contract, the City shall thereupon have the right to terminate this Contract by giving written notice to the CVB of such termination and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination.
- 6.2. In that event, all finished and unfinished documents and other materials prepared by the CVB under this Contract shall, at the option of the City, become its property and the CVB shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials, any such amount not to exceed the City's budgeted amount under this Contract.
- 6.3. Notwithstanding the above, the CVB shall not be relieved of liability by the City by virtue of any breach of the Contract by the CVB, and the City may withhold any payments to the CVB for the purpose of off-set until such time as the exact amount of damages due the City from the CVB is determined.

7.0. Contract Representatives

- 7.1. The CVB's contact person for this Contract shall be the CVB's Executive Director and/or his or her duly authorized designee.
- 7.2. The City's contact person for this Contract shall be the City Manager and/or the City Manager's duly authorized designee.

8.0. Communications

- 8.1. Any suggested changes in the CVB's scope of work shall be presented to the CVB's Board of Directors, in writing, for consideration and approval.

8.2 The CVB Executive Director and the City Manager shall schedule a joint meeting with the CVB Board of Directors and City Council before February 15, 2015 to provide a mid-year performance report and discussion.

9.0 Assignment

The CVB may utilize the services of specialty subcontractors for those services which, under normal contracting practices, are performed by specialty subcontractors. Except as set forth for specialty subcontractors, the CVB's obligations under this Contract may not be assigned in whole or in part without the prior written consent of the City Manager, which consent shall not be unreasonably withheld. Nothing contained in this Contract shall create any contractual relation between any subcontractor and the City.

10.0. Governing Law

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

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

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

City Attorney

Mayor

Date

Date

OAK RIDGE CONVENTION AND VISITORS
BUREAU

Executive Director

Date

Board of Directors Chairperson

Date

Approved by Resolution _____

PUBLIC WORKS MEMORANDUM
14-37

DATE: October 3, 2014
TO: Mark S. Watson, City Manager
FROM: Steven R. Byrd, P.E., City Engineer
THROUGH: Gary M. Cinder, P.E., Public Works Director *GM*
SUBJECT: **Advance Information on Jackson Square Revitalization Project Phase I – Construction Contract**

An item for the City Council October 13, 2014 meeting will be a resolution authorizing a contract between the City of Oak Ridge and the low bid contractor for construction relating to revitalization of the Jackson Square parking lot area.

The construction plans have been completed and a bid opening is scheduled for October 13, 2014 at 10:00 AM. Immediately after the bid opening the consultant firm of Vaughn & Melton and city staff will review the low bid contract and bid item schedule and, if found acceptable, a memorandum detailing the project and a resolution for Council's consideration of contract approval can be presented on the floor that night at the Council meeting with a request from city staff to amend the agenda to include this item as an add-on.

The scope for the project includes revitalization of the historic Jackson Square into a landscaped pedestrian plaza and parking lot and includes an interactive fountain, colored concrete paving, stone pavers, curbing, paving, lighting, benches, sidewalks and ADA upgrades.

The urgency for City Council's consideration of approving the contract at the October 13 meeting is felt to be necessary to allow several more weeks to construct the project in anticipation of it being completed prior to the Lavender Festival in June 2015. A few more weeks should also allow excavation work to be completed during better weather conditions. Per the construction contract the contractor must complete the project in 180 days. Work is expected to begin in November 2014 with completion anticipated in May 2015.

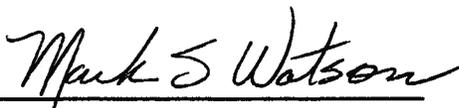
If the construction low bid is an unbalanced bid or an unacceptable high bid, the final agenda material will not be brought forward to City Council October 13 and possibly presented at a later Council meeting date. City staff will advise City Council at the October 13 meeting if this scenario occurs. The resolution will state that approval will be subject to the Tennessee Department of Transportation approving the contract and bid item schedule.

This memo is being presented in advance of the final agenda material so that the City Council has introductory information on the project and is aware of this future consideration.


Steven R. Byrd, P.E.

City Manager's Comments:

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


Mark S. Watson

10/3/14
Date

**PUBLIC HEARINGS
&
FIRST READING OF
ORDINANCES**

First Reading of Ordinances

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
14-40**

DATE: September 25, 2014
TO: Mark Watson, City Manager
THROUGH: Kathryn G. Baldwin, Community Development Director *KGB*
FROM: Denny J. Boss, Code Enforcement Supervisor *DJB*
RE: **ORDINANCE TO ADOPT MECHANICAL LICENSING AND INSPECTION PROGRAM**

Introduction

An item for the agenda is a proposed ordinance to amend the City Code to establish a mechanical licensing and inspection program to be in compliance with requirements of the State of Tennessee.

Background

The State of Tennessee Department of Commerce and Insurance, Division of Fire Prevention has advised the City of Oak Ridge to be in compliance with state requirements for a Mechanical License and Inspection Program. This program will be primarily a mirror image of the existing electrical and plumbing license and inspection programs.

Adoption of the Mechanical Code 2012 edition in October of 2012 was the first step in the process of implementing the state requirements to establish our mechanical permitting and inspection process. The Trade Licensing Board Rules have been amended to include members that are mechanical contractors or have a mechanical background. This change has been discussed with the Trade Licensing Board, and staff will work with the Board to implement the program.

Staff is proposing a grace period of the mechanical licensing and inspection program to March of 2015. Adoption at this time will provide staff adequate time to schedule informational meetings with our development community and local contractors to ensure a clear understanding of the Mechanical Licensing and Inspection Program. These changes also require an amendment to the Administrative Hearing Officer provisions to allow the Administrative Hearing Officer to hear violations of the new chapters (chapters 14 & 15) of the mechanical code. As currently written the Administrative Hearing Officer can only hear violations of Title 12, Chapter 13 which was the original mechanical code.

Recommendation

City staff recommends approval of the attached ordinance.

Attachment

City Manager's Comments:

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

Mark S Watson *Oct 6, 2014*

Mark Watson

Date

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 13, TITLED "MECHANICAL CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 13, TITLED "MECHANICAL CODE"; BY DEDICATING CHAPTER 14, PREVIOUSLY RESERVED, TO BE A NEW CHAPTER 14, TITLED "LICENSES FOR MECHANICAL CONTRACTORS;" AND BY DEDICATING CHAPTER 15, PREVIOUSLY RESERVED, TO BE A NEW CHAPTER 15, TITLED "MECHANICAL WORK PERMIT," ALL FOR THE PURPOSES OF ESTABLISHING NEW PROVISIONS TO THE MECHANICAL CODE TO ESTABLISH A LICENSING/PERMITTING AND INSPECTION PROGRAM FOR COMPLIANCE WITH STATE LAW; AND TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 6, TITLED "ADMINISTRATIVE HEARING OFFICER," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, TO AMEND SECTION 3-601(1)(E), TITLED "ADMINISTRATIVE HEARING OFFICER," TO ADD THE NEW CHAPTERS OF THE MECHANICAL CODE TO THE LIST OF VIOLATIONS THE ADMINISTRATIVE HEARING OFFICER IS AUTHORIZED TO HEAR.

WHEREAS, the City desires to establish a mechanical licensing/permitting and inspection program for compliance with state law; and

WHEREAS, an expansion of the mechanical code also requires an amendment to City Code §3-601 to authorize the City's Administrative Hearing Officer to hear violations of the additional provisions of the mechanical 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," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 13, titled "Mechanical Code," in its entirety and substituting therefor a new Chapter 13, titled "Mechanical Code," which new chapter shall read as follows:

Chapter 13**Mechanical Code****Sec. 12-1301. Mechanical Code Adopted.**

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

Sec. 12-1302. Amendments.

- (1) The International Mechanical Code, as adopted by ordinance, is amended as set out in this section.
- (2) In Section 101.1, "Title," of the International Mechanical Code, insert "City of Oak Ridge, Tennessee" for name of jurisdiction.

Sec. 12-1303. Short title.

The provisions embraced within Chapters 3, 13, 14 and 15 of this Title shall constitute, be known as, and may be cited as "The Mechanical Code of the City of Oak Ridge."

Sec. 12-1304. Definitions.

In the enforcement of Chapters 3, 13, 14 and 15 of this Title, the following definitions shall apply, unless clearly indicated to the contrary:

- (1) "Apprentice" or "helper" is an individual not holding any type of Mechanical license, employed by a Class I Mechanical Contractor, and/or Class II Residential Mechanical Contractor to assist in the performance of mechanical work for which the mechanical contractor is licensed.
- (2) "Board." The term "Board" shall mean the Trade Licensing Board created by City Code §12-301.
- (3) "City Manager" means the City Manager for the City of Oak Ridge, Tennessee, or the City Manager's duly authorized designee.
- (4) "Class I: Mechanical Contractor." The words "Class I Mechanical Contractor" shall mean a person, firm or corporation who has been issued such a license and certificate by the City of Oak Ridge. A Class I Mechanical Contractor can engage in mechanical work on commercial and residential buildings with a job cost not exceeding \$25,000.
- (5) "Class II: Residential Mechanical Contractor." The words "Class II Residential Mechanical Contractor" shall mean a person, firm or corporation who has been issued such a license and certificate by the City of Oak Ridge. A Class II Mechanical Contractor can engage in Mechanical work on residential buildings with up to four units and a job cost not exceeding \$25,000.
- (6) "On-site representative" is either the qualifying party or his or her on-site designee who is the on-site authorized company representative.
- (7) "Qualified person" is an individual who has taken and passed the required mechanical examination from the appropriate examining authority and shall be responsible for all work performed under the license.

Sec. 12-1305. Provisions remedial; construction of provisions.

The provisions of The Mechanical Code of the City of Oak Ridge are hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes, which are general public safety and welfare, by regulating the installation and maintenance of all mechanical work in the city.

Sec 12-1306. Application of provisions.

The provisions of Chapters 3, 13, 14 and 15 of this Title, shall apply to every mechanical installation, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems, within the city.

Sec. 12-1307. Appointment of inspectors, etc., to administer and enforce provisions.

The city manager shall appoint such number of officers, inspectors, assistants and other employees as shall be authorized from time to time in order to promote the public safety and to administer and enforce the provisions and intent of The Mechanical Code of the City of Oak Ridge. All persons so appointed shall be experienced in the mechanical craft and fully qualified to perform their assigned duties.

Sec. 12-1308. Duty of city manager to enforce provisions.

The city manager shall enforce the provisions of The Mechanical Code of the City of Oak Ridge, and such persons, consistent with any constitutional limitations, may enter any building to perform his or her official duties.

Sec. 12-1309. Records.

The city manager shall keep or cause to be kept records of the administration and enforcement of The Mechanical Code of the City of Oak Ridge.

Sec. 12-1310. Restrictions on city employees engaging in mechanical business.

No officer or employee of the City charged with the duty of enforcing The Mechanical Code of the City of Oak Ridge shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration or maintenance of mechanical installations or in the making of plans or of specifications therefor, unless he or she is owner of the building involved. No such officer or employee shall engage in any work which is inconsistent with his or her duties or with the interest of the city.

Sec. 12-1311. Liability insurance; workers' compensation.

All mechanical contractors who have been issued a Class I or II license must meet the following requirements:

- (1) Liability insurance required for mechanical contracting business. Every person, firm or corporation engaged in the business of mechanical contracting in the city shall present evidence of liability insurance and/or assurance with coverage in an amount acceptable to the city manager.
- (2) Workers' compensation insurance. Every person, firm or corporation engaged in the business of mechanical contracting in the city shall present evidence of workers' compensation insurance in compliance with state regulations.

Sec. 12-1312. Inspection of new work generally.

All new mechanical work and such portions of existing systems as may be affected by new work or any changes shall be inspected to ensure compliance with all of the requirements of The Mechanical Code of the City of Oak Ridge.

Sec. 12-1313. Roughing-in inspection of new work.

When any part of a mechanical system installation is to be hidden from view by the permanent placement of parts of the building, the person installing the mechanical system shall notify the city manager and such parts of the mechanical system installation shall not be concealed until they have been inspected and approved by the city manager. On large installations where concealment of parts of mechanical system proceeds continuously, the person installing the mechanical system shall notify the city manager so that he or she can make inspections periodically during the progress of the work.

Sec. 12-1314. Final inspection of new work.

Upon the completion of the work which has been authorized by issuance of a permit under The Mechanical Code of the City of Oak Ridge, it shall be the duty of the person installing the same to notify the city manager who shall inspect the completed installation.

Sec. 12-1315. Certificate of approval for new work—generally.

If the completed mechanical installation inspected pursuant to this chapter is found to be fully in compliance with the provisions of The Mechanical Code of the City of Oak Ridge, the city manager shall issue a certificate of approval.

Sec. 12-1316. Certificate of approval for new work—temporary work.

When a certificate of approval is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the city manager for cause.

Sec. 12-1317. Stop work order.

Upon notice from the city manager that work or any mechanical installation is being done contrary to the provisions of The Mechanical Code of the City of Oak Ridge or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of such property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, oral notice given by the city manager shall be sufficient, but it shall be immediately followed by written notice.

Sec. 12-1318. Periodic inspections of existing installation; repair or demolition of unsafe installations.

- (1) The city manager, at his or her discretion, shall periodically make a thorough re-inspection of the installation of all mechanical systems including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems now installed or that may hereafter be installed within the city and within the scope of The Mechanical Code of the City of Oak Ridge, and when the installation of any such mechanical system is found to be in a dangerous or unsafe condition, the person owning, using, or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such mechanical system in safe condition and have such work completed with fifteen (15) days or any longer period specified by the city manager in such notice.
- (2) All mechanical installations, regardless of type, which are unsafe, or which constitute a hazard to human life, health or welfare, are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition as the city manager directs in compliance with the provisions of this section, provided where such dangerous or defective condition constitutes an immediate hazard to human health, safety, or welfare, immediate repair or abatement may be required.

Sec. 12-1319. Appeals from decisions of city manager.

- (1) Whenever the city manager shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used, or when it is claimed that the provisions of The Mechanical Code of the City of Oak Ridge do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of The Mechanical Code of the City of Oak Ridge or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his or her duly authorized agent, may appeal from the decision of the city manager or his or her designee to the board of building code appeals. Notice of appeal shall be in writing and filed within sixty (60) days after the decision is rendered by the city manager or his or her designee. Fees for appeals shall be established by the city manager.
- (2) In case of a condition which, in the opinion of the city manager or the city manager's designee is unsafe or dangerous, the city manager may, in his or her order, limit the time for such appeal to a shorter period.
- (3) Appeals under this section shall be on forms provided by the city manager.

Section 2. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 14, currently reserved, in its entirety and substituting

therefor a new Chapter 14, titled "Licenses for Mechanical Contractors," which new chapter shall read as follows:

Chapter 14

Licenses for Mechanical Contractors

Sec. 12-1401. Required—generally.

- (1) Except as otherwise provided in City Code §12-1402, no person shall engage in the business of installing, altering or repairing, within the city, any mechanical system including ventilating, heating, cooling, air conditioning and refrigeration systems incinerators and other energy related systems, unless such person shall have received a Class I Mechanical Contractor's license, or a Class II Residential Mechanical Contractor's license, as the case may be depending upon the type of mechanical work contracted for or engaged in, issued in accord with this chapter.
- (2) Any firm, corporation, or other such person engaged in the mechanical business shall have employed a qualified person having a Class I Mechanical Contractor's license, a Class II Residential Mechanical Contractor's license, depending upon the type of work being engaged in by such firm or corporation, and everyone who does any actual mechanical work for such firm or corporation must be licensed or supervised as set forth in this chapter. When the qualified person providing technical expertise for mechanical contract work for a firm or corporation leaves the firm or corporation, the firm or corporation shall have ninety (90) days to employ another qualified person.
- (3) Any employee of the city or city school system employed to do mechanical work for the city or school system shall have a Class I Mechanical Contractor's License.

Sec. 12-1402. Exceptions.

The following persons shall not be required to have the license required by City Code §12-1401:

- (1) Any person doing his or her own work personally, in a single-family dwelling used exclusively for living purposes, and who is the bona fide owner of and occupies or will occupy such dwelling, and who personally purchases all materials and performs all labor in connection therewith, shall not be required to have a license under The Mechanical Code of the City of Oak Ridge. Such privilege does not convey the right to violate any of the provisions of this chapter, nor is it to be construed as exempting any such owner from obtaining a permit, except for minor repairs, and paying the required fees therefor.
- (2) Apprentice or mechanical helpers are not required to have a license under this chapter. However, an apprentice or mechanical helper will only be allowed to work for a person, firm or corporation that holds a valid Class I Mechanical Contractor's license, or a Class II Residential Mechanical Contractor's license as the case may be depending upon the type of mechanical work authorized to be done by such license holder.

Sec. 12-1403. Application.

Any person, firm or corporation desiring a license or certificate required by this chapter shall apply therefor to the Board, in writing, using the forms provided by the city. The application must be filled out completely, legibly, and be dated and signed. Obtaining the verifiable references required by City Code §12-1404 is the responsibility of the applicant. The applicant's references shall show broad mechanical experience.

Sec. 12-1404. Qualifications of applicant.

Subject to the authority of the Board to set higher standards with city council approval, the following minimum standards and qualifications shall be met before the Board grants a license required by this chapter.

- (1) Class I: Mechanical Contractor's License. The applicant must establish a regular ongoing place of business, obtain a current city business license, supervise or perform mechanical work, have a minimum of five (5) years' total full-time experience in the mechanical craft, have demonstrated competency, honesty, and integrity in the performance of mechanical work, have obtained a passing score on the written examination required by City Code §12-1410 and must evidence honesty and integrity in former dealings with the public as demonstrated by at least three (3) favorable work references from employers or clients starting with most recent employers or clients and progressing back to cover a five-year period. The applicant must have and keep current the bond and insurance specified in City Code §12-310.
- (2) Class II: Residential Mechanical Contractors License. The applicant must establish a regular ongoing place of business, obtain a current city business license, be a person, firm or corporation, other than a Class I Mechanical Contractor, who engages in the actual installation of mechanical systems in residential buildings not exceeding four (4) units, who has at least four (4) years' total full-time experience in the mechanical craft, has obtained a passing score on the written examination required by City Code §12-1410, and must evidence honesty and integrity in former dealings with the public by at least three (3) favorable work references from former employers or clients, starting with most recent employers or clients and progressing back to cover a four-year period. The applicant must have and keep current the bond and insurance specified in City Code §12-310.

Sec. 12-1405. Public hearing on application for Class I and Class II Mechanical Contractor Licensing.

The Board shall conduct a public hearing before a license is issued under this chapter to a Class I Mechanical Contractor, or Class II Residential Mechanical Contractor, Such hearing shall be announced in a newspaper of general circulation at least ten (10) days prior to the date of the scheduled hearing. The announcement shall state the time, date, and place of hearing, and the name of the contractor as follows:

"On (Date and Location) there will be a hearing before the Trade Licensing Board of the City of Oak Ridge on a petition by (Applicant's Name) for a license to operate as a (Class I Mechanical Contractor, or Class II Residential Mechanical Contractor) in the City of Oak Ridge. Any person who as a result of former dealings with (Applicant's Name) has reason to doubt his/her integrity or honesty or has a complaint about workmanship is urged to come forward at the above time and place and announce such information. Evidence reviewed in the public hearing will be considered in determining the competency, integrity, and honesty of applicants."

Sec. 12-1406. License to be obtained thirty days after meeting minimum licensing requirements: exception.

An applicant for a license under this chapter must obtain the license within thirty (30) days after successfully meeting all licensing requirements or the application will be null and void; provided, however, in the event of possible extenuating circumstances affecting an individual, a maximum period of ninety (90) days may be allowed for compliance with this section.

Sec. 12-1407. Fees.

Fees for mechanical examinations shall be established by the city manager. Fees for licenses and certificates granted or renewed under this chapter shall be established by the city manager. No examination shall be given or license granted until such fees have been paid.

Sec. 12-1408. Issuance generally.

The city manager shall issue an appropriate license or certificate under this chapter to each person, firm, or corporation who:

- (1) Meets the qualifications therefor, pays the necessary fees, and who successfully passes the examination given by the Board, or
- (2) Holds a current and valid State of Tennessee Mechanical Contractors license.

The Board shall notify the city manager of all persons, firms or corporations who are eligible for issuance of a license or certificate.

Sec. 12-1409. Issuance by reciprocity.

Any person not licensed under this chapter who exhibits a valid and effective license issued by a lawfully organized board of mechanical examiners or similar licensing body of another city in the United States having a standard of requirements equal or superior to that of this city which board or body grants reciprocity to persons issued licenses by this city, shall be issued a license under this chapter without an examination, if such person otherwise meets the requirements of this chapter, for which the city shall collect a fee as established by the city manager for Class I Mechanical Contractors, and Class II Residential Mechanical Contractors. The renewal fees for licenses issued under this section shall be as provided in City Code § 2-1413. The Board may waive the requirement that the licensing body from another jurisdiction grant reciprocity to persons issued licenses by the City of Oak Ridge where such other jurisdiction is outside a 100-mile radius from the city.

Sec. 12-1410. License contents.

Each certificate for a license issued in accordance with the provisions of this chapter shall specify the name of the person who has passed the examination, and, in the case of Class I Mechanical Contractors, and Class II Residential Mechanical Contractors, the name of the person, firm or corporation the qualified person is employed by.

Sec. 12-1411. Work authorized.

- (1) Class I Mechanical Contractor's License. A Class I Mechanical Contractor's License shall entitle the person, firm or corporation to whom it is issued to contract for, supervise, and engage in any type of mechanical work within the city.
- (2) Class II Residential Mechanical Contractor's License. A Class II Residential Mechanical Contractor's License shall entitle the person, firm or corporation to whom it is issued to contract for and to engage in the business of mechanical work for residential dwellings not exceeding three (3) stories in height and four (4) dwelling units. For the purpose of this section, residential dwellings shall not include motels, hotels, health care facilities, retirement centers, and other such similar facilities.

Sec. 12-1412. Display.

Every holder of a license under this chapter shall keep his or her license certificate displayed in a conspicuous place in his or her principal place of business or employment.

Sec. 12-1413. Expiration and renewal.

All licenses and certificates issued by the board under this chapter shall be issued annually with an expiration date of March 31 each year. Licenses and certificates may be renewed upon payment of the fee established by the city manager. If the license or certificate has not been renewed within one (1) year following the date of expiration, the complete application process must be repeated, including repeating and passing the examination. The license or certificate must be renewed by the person, firm or corporation in whose name it was issued.

Sec. 12-1414. Disciplinary action.

- (1) The Board is hereby authorized to reprimand, suspend for up to one (1) year, or to revoke any license issued under this chapter:
 - (a) If the license was obtained through nondisclosure, misstatement, or misrepresentation of a material fact;
 - (b) Upon a finding of violation of The Mechanical Code of the City of Oak Ridge by an administrative hearing officer or judge where the conduct constituted a serious threat to the public safety;
 - (c) For repeated violations of The Mechanical Code of the City of Oak Ridge; provided a reprimand or suspension of up to ninety (90) days may be issued for any violation of The Mechanical Code;
 - (d) For civil fraud or intentional misrepresentation in the performance of work for which a license was issued under The Mechanical Code of the City of Oak Ridge;
 - (e) For allowing another to use the licensee's name to obtain permits;
 - (f) For doing business or work under the license of another or allowing a license to be used by another to do business; or
 - (g) For the licensed permit holder who has not provided an on site representative at the job site during the performance of Mechanical work for which the permit was issued.
- (2) Before any disciplinary action is taken against a licensee or certificate holder under this section, the licensee or certificate holder shall have notice in writing, enumerating the charges against him or her and be entitled to a hearing before the Board no sooner than ten (10) days from receipt of this notice. The licensee or certificate holder shall be given an opportunity to present relevant testimony, oral or written, and shall have the right to cross-examination, and the right to be represented by an attorney. All testimony shall be given under oath. The Board shall have the power to administer oaths, issue subpoenas, and compel the attendance of witnesses for the purpose of hearings on licenses. The decision of the Board shall be based upon the evidence produced at the hearing and made a part of the record thereof.
- (3) Any person may bring a complaint before the Board against a licensee or certificate holder for the purpose set forth in subsection (1). If the Board finds a complaint provides

a reasonable basis to indicate a reason for disciplinary action under this section, a hearing on the licensee or certificate holder shall be scheduled as set forth in subsection (2) hereof.

- (4) A person, firm or corporation whose license or certificate has been revoked under this section shall not be permitted to reapply within one (1) year from the date of revocation, provided the Board may waive any or all of such waiting period.

Section 3. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 15, currently reserved, in its entirety and substituting therefor a new Chapter 15, titled "Mechanical Work Permit," which new chapter shall read as follows:

Chapter 15

Mechanical Work Permit

Sec. 12-1501. When required.

Except as otherwise provided in City Code §12-1502, all mechanical work done in the city, including installing, altering, or repairing any mechanical installation, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems, shall be undertaken only after the issuance of a permit therefor by the city manager; provided, however, that emergency repairs and replacements may be made under the condition that a permit therefor shall be obtained within the next five (5) days.

Sec. 12-1502. When not required.

- (1) For the purposes of this section, minor "maintenance and repair" is defined as the replacement or repair of existing equipment.
- (2) No permit shall be required for minor mechanical maintenance and repairs.

Sec. 12-1503. Who is entitled to receive.

Permits required by this chapter shall be issued only to:

- (1) Class I Mechanical Contractors.
- (2) Class II Residential Mechanical Contractors.
- (3) Homeowners doing their own work as authorized by City Code §12-1505.

Sec. 12-1504. Fees.

The fees for permits required for inspection of new construction shall be established by the city manager. No permit or amendment to a permit shall be valid until such fees have been paid.

Sec. 12-1505. Issuance.

Before issuing a permit under this chapter, the city manager shall:

- (1) Determine that the applicant has a current license or, in the case of a homeowner, that the homeowner has the knowledge and qualifications prescribed by The Mechanical Code of the City of Oak Ridge for mechanical installation and repair;
- (2) Shall collect all fees due;

- (3) Shall see to it—for a current license holder, not a homeowner—that a responsible person is designated as the license holder's on-site representative who is authorized to represent the company for the work to be done under the permit; and
- (4) Shall require plans of the proposed mechanical work as required by the code official.

A change in the on-site representative shall require written notification to the city manager.

Sec. 12-1506. Effect.

A permit issued under this chapter shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of The Mechanical Code of the City of Oak Ridge, nor shall such issuance of a permit prevent the city manager from thereafter requiring correction of errors in construction, or of violations of The Mechanical Code of the City of Oak Ridge.

Sec. 12-1507. Invalidity if work not commenced or is abandoned.

A permit issued under this chapter shall become invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced; provided that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed in writing by the city manager.

Sec. 12-1508. Revocation.

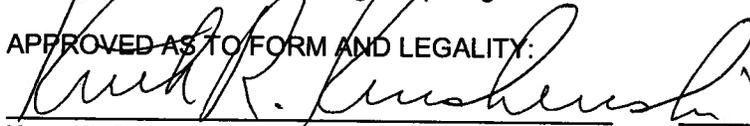
The city manager may revoke a permit issued under the provisions of this chapter, where there has been any false statement or misrepresentation as to a material fact upon which the permit was based, or when the permit has been otherwise erroneously issued. In all such cases, no permit fees shall be refunded.

Section 4. Title 3, titled "Municipal Court," Chapter 6, titled "Administrative Hearing Officer," Section 3-601, titled "Administrative Hearing Officer," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding the phrase "..., Chapter 14, and Chapter 15," to the end of Subsection (1)(e).

Section 5. Enforcement of this ordinance will begin March 2015, which will allow city staff adequate time to schedule informational meetings to educate the development community and local contractors on the changes.

Section 6. 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: _____

COMMUNITY DEVELOPMENT MEMORANDUM

14-42

DATE: September 25, 2014
TO: Mark S. Watson, City Manager
FROM: Matthew Widner, Kathryn Baldwin 
SUBJECT: 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

Introduction

An item for City Council's consideration is the proposed adoption of the 2012 IPMC with amendments.

Funding

None Required

Analysis

The current International Property Maintenance Code (IPMC) is the 2003 edition, which was last amended in 2007. The City has already adopted the 2012 suite of construction codes making the current IPMC to be outdated. Significant changes are as follows per section:

1. Sections 104.5, 106.3, 106.8 107.3.1, 107.3.2 (exception) and definitions reference the Administrative Hearing Officer.
2. Sections 108.1.4 modified Unlawful Structures and 108.6.1 inserts Extensive Alteration provisions to address incomplete structures with expired required permits.
3. Section 109 Emergency Measures is reinstated from being previously deleted.
4. Section 110 Demolition is reinstated from being previously deleted.
5. Sections 111-111.6.3 has been administratively reformatted to fit in the proposed IPMC without having a separate numbering system. Amendments keep in place the Board of Building & Housing Code of Appeals (BBHCA) essential functions.
6. Chapter 7 Fire Safety Requirements is reinstated from being previously deleted.
7. Section 304.4.2 and definition recognizes and regulates the use of native gardens.
8. Sections 304.10 and 308.1 specifically addresses accumulation of inappropriate storage or inappropriate items on or under decks, porches and open carports.

Recommendation

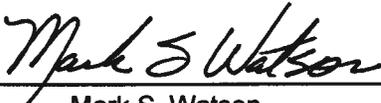
Proceed with actions to adopt the 2012 International Property Maintenance Code as amended.

Attachment(s)

Draft amendments for the proposed 2012 International Property Maintenance Code adoption.

City Manager's Comments:

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



Mark S. Watson



Date

TITLE

AN ORDINANCE TO AMEND TITLE 13, TITLED "PROPERTY MAINTENANCE REGULATIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "OAK RIDGE PROPERTY MAINTENANCE CODE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 2, TITLED "OAK RIDGE PROPERTY MAINTENANCE CODE," TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING APPENDIX A, AND TO PROVIDE FOR ANY NECESSARY AMENDMENTS THERETO.

WHEREAS, the City of Oak Ridge has adopted the International Property Maintenance Code, 2003 edition, establishing minimum standards for the condition of maintenance of all property, buildings, and structures within the City Limits of Oak Ridge for the protection and safety of the public; and

WHEREAS, an updated edition of the International Property Maintenance Code is available for adoption; and

WHEREAS, the City desires to adopt the International Property Maintenance Code, 2012 edition, specifically including Appendix A, Boarding Structures, with any necessary amendments thereto.

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

Section 1. Title 13, titled "Property Maintenance Regulations," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 2, titled "Oak Ridge Property Maintenance Code," in its entirety and substituting therefor a new Chapter 2, titled "Oak Ridge Property Maintenance Code," which new chapter shall read as follows:

Chapter 2

Oak Ridge Property Maintenance Code

Sec. 13-201. International Property Maintenance Code Adopted.

The International Property Maintenance Code, 2012 edition, specifically including Appendix A, *Boarding Standard*, as published by the International Code Council, Inc., is hereby adopted by reference as the "Oak Ridge Property Maintenance Code" for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said code; and shall become a part of this chapter as if copied herein verbatim, with the additions, insertions, deletions and changes prescribed in this chapter.

Sec. 13-202. Deletions and Insertions to the International Property Maintenance Code, 2012 Edition.

The City of Oak Ridge, Tennessee, hereby amends the International Property Maintenance Code, 2012 Edition, as follows:

Section 101.1 Title. Delete in its entirety and Insert a new section: "Section 101.1 Title. These regulations shall be known as the Oak Ridge Property Maintenance Code of the

City of Oak Ridge, Tennessee, hereinafter referred to as "this code", "ORPMC" and/or "IPMC."

Section 103 Department of Property Maintenance Inspection. Shall be renamed and known as the "Code Enforcement Division of the Community Development Department."

Section 103.1 General. Delete in its entirety and insert a new section: "Section 103.1 General. "The Code Enforcement Division of the Community Development Department is hereby created and the City Manager or his/her duly authorized designee is in charge thereof shall be known as the code official for the enforcement of the provisions of the Oak Ridge Property Maintenance Code."

Section 103.5 Fees. Delete in its entirety and Insert a new section: "Section 103.5 Conflict of Interest. No City employee having investigative or enforcement responsibilities under this code shall be financially benefited or involved in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or in the making of plans or specifications thereof, unless he or she is the owner of such building."

Section 104.5 Notices and Orders. Delete in its entirety and Insert a new section: "Section 104.5 Notices and Orders. The City Manager or his/her duly authorized designee, the City of Oak Ridge Board of Building and Housing Code Appeals or the Administrative Hearing Officer shall issue all necessary notices or orders as needed to ensure compliance with this code."

Section 106.3 Prosecution of Violation. Delete second sentence in its entirety and insert a new sentence: "If the notice of violation is not complied with, the City Manager or his designee shall institute the appropriate proceeding at law including the issuance of A.H.O. citation(s) or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the property or structure in violation of the provisions of adopted codes or the order or direction made pursuant thereto."

Section 106.4 Violation Penalties. Delete in its entirety and insert a new section: "Section 106.4 Violation Penalties. It shall be unlawful for an owner, lessee, occupant or any other person, corporation or other entity to fail to comply with the provisions of this code or any notice or order by the city manager or his/her duly authorized designee or the Board of Building and Housing Code of Appeals. Failure to comply with such notice or order may be 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. Each day such failure to comply continues beyond the fixed date set by a notice of violation or order for compliance constitutes a separate offense."

Section 106 Violations. Insert a new section: "Section 106.6 Repeat Violations. Owners, operators or legal occupants of any occupancy that previously violated provision(s) of this code which ultimately caused the City to abate such violation(s) any repeat or future violation(s) of the same provision(s) within twelve (12) calendar months shall give cause to the City to correct or abate the same violation(s) with notice per § 107 of this code with exception of registered mail requirement at the owners, operators or legal occupants expense and the City may assess unpaid expenses against the property as a lien."

Exception:

- (a) Violations of Unfit for Human Occupation or Use
- (b) Change of property ownership, operator or legal occupant"

Section 106 Violations. Insert a new section: "Section 106.7 Recovery of Costs. If any person fails to comply with any order or notice given under the Oak Ridge Property Maintenance Code, the city manager may cause such structure to be repaired, altered, improved, vacated, cleaned and sealed or closed, or demolished or removed and the cost of the same shall be assessed against the owner and shall, upon filing of a notice of lien on the property in the office of register of deeds in the county in which the property is located, constitute a lien on the property in favor of the city, second only to liens of the state, county and municipality for taxes, or any other special assessments and any other valid lien, right or interest in such property duly recorded or duly perfected prior to the filing of such notice. These costs shall be placed upon the tax roll of the city as a lien, and shall be added to the property tax roll to be collected at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes. Any cost recovered by the sale of any of the materials of a structure demolished or removed hereunder shall be credited to the cost of demolition or removal, and any balance remaining shall be deposited in the chancery court and shall be disbursed by such court to such person(s) found to be entitled thereto. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceeding or otherwise."

Section 106 Violations. Insert a new section: "Section 106.8 Legal Action. The city attorney or the city attorney's duly authorized designee may institute appropriate action to compel necessary repairs, vacating, demolition or payment of penalties as provided by notice or order of the city manager, the Board of Building and Housing Code Appeals or the Administrative Hearing Officer under the City of Oak Ridge adopted building or property maintenance codes."

Section 107 Notice and Orders. Insert a new section: "Section 107.3.1 Complaints, Notice or Orders; service and filing. Complaints, notices or orders involving decisions of unfit for occupation or use or other non-immediate danger related notice violations issued by the city manager, or the Board of Building and Housing Code Appeals shall be served upon persons either personally, electronic mail with confirmed receipt or by registered mail as required, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the city manager, the board or the administrative hearing officer in the exercise of reasonable diligence, the city manager or his/her duly authorized designee or the board shall make affidavit to that effect, then the serving of such complaint or order upon such person(s) may be made by publishing a legal abstract of the same once each week for two (2) consecutive calendar weeks in a newspaper or other legally acceptable medium published, posted or distributed in the city at large. A copy of such complaint, notice or order shall also be posted in a conspicuous place on the premises affected by the complaint, notice or order. A copy of such complaint, notice or order shall also be filed for record in the register of deeds of the county in which the structure or property is located, and such filing of the complaint, notice or order shall have the same force and effect as other lis pendens notices provided by law."

Section 107 Notice and Orders. Insert a new section: "Section 107.3.2 Presumption. There is hereby created a rebuttable presumption that the person listed upon the most recent County tax roll as the owner of a property, dwelling, dwelling unit or structure is the owner for purposes of enforcement of the Oak Ridge Property Maintenance Code."

Section 107.3 Method of Service. At bottom of new section 107.3.2, insert "EXCEPTION: Administrative Hearing Officer process method of service and process shall be

accordance to Title 3, Chapter 6 of the City of Oak Ridge Code of Ordinances and T.C.A. § 6-54-1001 et seq.”

Section 108.1.3 Structure Unfit for Human Occupancy. Delete in its entirety and insert a new section: “Section 108.1.3 Structures Unfit for Human Occupation or Use. Under Tennessee Code Annotated (T.C.A.), §13-21-102, the City has the power to exercise its police powers to repair, vacate or demolish structures found to be unfit for human occupation or use if any or all of the following conditions exist due to dilapidation or lack of maintenance, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, illumination, heating facilities or sanitary facilities, contains filth and contamination, vermin or rat infested, or due to other conditions rendering such structures defective, unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the City which therefore constitutes a public nuisance that is declared unlawful, and shall be repaired, vacated, demolished or otherwise abated as provided herein or by other applicable law.”

Insert a new section: “Section 108.1.3.1 Structural Defects. Structures to be considered unfit for human occupation or use for structural defects, the following conditions apply but not limited to: those interior vertical walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base; or those which exclusive of the foundation show thirty-three percent (33%) or more of damage or deterioration of the supporting member(s) of fifty percent (50%) or more of damage or deterioration of the non-supporting portions of the structure or outside walls or coverings; or those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.”

Section 108.1.4 Unlawful Structure. Delete in its entirety and insert a new section: “Section 108.1.4 Unlawful Structure. An unlawful structure is one found in whole or in part standing incomplete with invalid/expired building permits with no evidence of a reasonable completion plan from the owner or was erected, altered or occupied contrary to the law or is or to be occupied by more persons than permitted under this code.

Insert a new section: “Section 108.1.6 Extensive Alterations. When the total area of all the work areas included in an alteration or repair exceeds 50 percent of the area of the structure or dwelling unit, the work shall be considered a reconstruction and shall comply with the requirements of the provisions for reconstruction work.”

“Exception: Work areas in which the alteration work is exclusively plumbing, mechanical, or electrical shall not be included in the computation of the total area of all work areas.”

Section 109.2 Temporary Safeguards. Modify section by inserting the phrase: “or the recognition of a public or attractive nuisance” after the existing “imminent danger due to an unsafe condition,…”

Section 110.1 General. Modify this Section by deleting all references to the “code official” and replace in lieu thereof “Board of Building and Housing Code Appeals” and delete reference to the “building official” and replace in lieu thereof “city manager or his/her duly authorized designee”.

Section 111 Means of Appeal. Delete in its entirety and Insert a new section: “Section 111 Board of Building and Housing Code Appeals.

Section 111.1 The Board of Building and Housing Code Appeals may be referred to as “the board” or “BBHCA” in this code.

Section 111.2 BBHCA; Appointment.

- (a) There is hereby created a board of building and housing code appeals consisting of seven (7) members, which shall be residents of the City of Oak Ridge, Tennessee and shall consist of the following: one physician or person from a health related field; one architect or engineer; one building-related contractor or building supply dealer; one realtor; and three members from the public at large; provided that, if no individuals meeting these criteria apply for appointment, City Council may appoint persons who do not possess such qualifications.
- (b) Appointment to the board shall be staggered three (3) year terms, provided the terms of members of the initial board shall be as follows:
 - (i) Three (3) members from the public at large--3 years
 - (ii) One (1) Physician or other member from health related field--2 years
 - (iii) One (1) Architect or Engineer--2 years
 - (iv) One (1) Realtor--1 year
 - (v) One (1) Building related contractor or building supply dealer--1 year
- (c) Members of the board may be removed by the City Council for good cause shown.
- (d) Vacancies on the board shall be filled by City Council for the unexpired term of such vacancy.
- (e) All members of the board shall serve without compensation.
- (f) As soon as practical after appointment, the members of the board shall meet and organize by electing a chairperson, vice-chairperson and secretary. The City Manager or his/her duly authorized designee shall serve as Ex-Officio. Thereafter, officers of the board shall be elected by the members at the first annual meeting of the board. Four (4) members shall constitute a quorum and the affirmative vote of at least four (4) members shall be required to take any action, except to continue a meeting where no quorum is present. A member shall not act in a case in which such member or his or her family member or employer has a personal or financial interest. The board shall establish such other written rules and regulation for its own procedure not inconsistent with the provisions of ORMPC and a copy shall be kept on file with the City Clerk.
- (g) All hearings before the board shall be open to the public. The appellant, the appellant's representative, the City Manager or his/her duly authorized designee and any person whose interests are affected shall be given the opportunity to be heard.
- (h) Any reference in any provision of the Code of Ordinance, City of Oak Ridge, Tennessee to the board of building code appeals or the board of housing code appeals shall be deemed to refer to the Board of Building and Housing Code Appeals.

Section 111.3 Duties and Powers of the Board of Building and Housing Code Appeals.
The board shall hear all City of Oak Ridge Property Maintenance Code appeals submitted by any person directly affected by a decision of the City Manager or his/her duly authorized designee or a notice or order issued under this code shall have the right to appeal to the board in accordance to Section 111.6 of this code.

- (a) Board of Building and Housing Code Appeals shall meet monthly or as needed to hear all cases of structures unfit for human occupation or use and shall hear all appeals of notices for housing violations, if any have been filed, but in any event shall meet within fifteen (15) business days after receipt of an application or notice of appeal if so requested by the City Manager or his/her duly authorized designee or by the Appellant.
- (b) At such hearings, the board shall hear and receive such relevant testimony and evidence as presented by the City Manager or his/her duly authorized designee or by the Appellant.
- (c) The board shall determine whether the structure is unfit for human occupation or use, whether an appealed violation exists, whether the City Manager or his/her duly authorized designee's notice of violation is proper and/or whether a request for an extension of time or waiver shall be granted.
- (d) Extensions of time may be granted only upon a showing of undue hardship, or that such is necessary to complete the abatement of violation, and shall not exceed ninety (90) calendar days from the date the board's decision. After a hearing, additional extensions may be granted, not to exceed a total of ninety (90) calendar days, if they are requested at least fifteen (15) business days prior to the expiration of the current order, provided such extension shall only be granted where the appellant/owner shows that he or she has been making a good faith effort and progress toward completing the abatement of violation(s), and that such additional time is necessary.
- (e) Anything herein to the contrary notwithstanding, no more than one thirty (30) calendar days extension of time may be granted to complete board ordered repairs or demolition to any structure that constitutes an imminent or immediate threat or danger to the health, safety or general welfare of any person or to the public. As a condition of granting such extension, the board may impose restrictions on the appellant/owner to secure the property or to take other measures to protect the health, safety and general welfare of the public.
- (f) Upon application, the board is empowered to grant a waiver from specific minimum requirements of this ordinance, provided however, waivers shall be granted only for unique or special conditions of the dwelling or structure or that imposition of the minimum requirement to the applicant would impose an extreme and undue hardship; and that waiver of the particular requirement would not endanger the health, safety or welfare of the occupants or the general public, or would not cause or threaten an imminent deterioration of property values in the area in which such property/structure is located. It is the intent of this provision that waivers are not to be liberally granted, but rather are intended only for purposes specifically enumerated herein. Economic hardship alone shall be insufficient reason for granting of a waiver.
- (g) Appeals of notice and orders (other than Imminent Danger notices per Section 109 of this code) shall stay the enforcement of the notice and order until the appeal is heard by the board.
- (h) The board shall issue a written decision upholding or dismissing the notice of the City Manager or his/her duly authorized designee, or modifying the notice to the extent the board determines the order was improper, or granting or denying an extension of time for compliance or granting or denying a waiver, or declaring a structure unfit for human occupation or use. Copies of all decisions shall be

given to the City Manager or his/her duly authorized designee and the appellant/owner, and filed with the city clerk.

- (i) The board shall also hear appeals under the building code or any other city code wherein the board is designated to hear appeals.
- (j) The board shall further have the duty, in accordance with § 11-105 of the Code of Ordinances, City of Oak Ridge, Tennessee, to receive and investigate complaints of discrimination in housing, and to recommend ways of eliminating any injustices caused thereby.

Section 111.4 Standards for Repair, Vacation or Demolition. The following standards shall be followed in substance by the BBHCA in ordering repair, vacation or demolition of a structure unfit for human occupation or use:

- (a) If the structure can reasonably be repaired, altered or improved so that it will no longer exist in violation of the provisions of this code, it shall be ordered repaired, altered or improved to render the structure fit for human occupation or use or to vacate and close the structure as a place of human occupation or use.
- (b) If the structure is fifty percent (50%) or more damaged or decayed or in disrepair from its value or condition prior to becoming a nuisance, and it is otherwise unreasonable to repair, it shall be ordered vacated and demolished or removed.
- (c) In any case where the structure is abandoned or in such a condition as to make it dangerous to the health, safety or general welfare of its occupants or the general public, it shall also be ordered vacated and the BBHCA may additionally order the structure and the property to be secured in such a manner to protect the health, safety or general welfare of the public or persons on the property until such repairs or demolition has been completed, or may order other immediate actions reasonably necessary.

Section 111.5 Duties of the City Manager or his/her duly authorized designee.

- (a) Whenever a petition is filed with the city manager by at least five (5) residents of the city that a structure is unfit for human occupation or use or is in violation of the Oak Ridge Property Maintenance Code, or whenever it appears to the city manager (upon the city managers own motion) that a structure is unfit for human occupation or use, the city manager shall, if the city managers preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest of such structure a complaint stating the specific charge(s) and containing a notice that a hearing will be held before the BBHCA at a place fixed therein, no less than ten (10) calendar days and no more than thirty (30) calendar days after serving the notice; provided that by mutual agreement the time for the hearing may be lessened or extended. Such notice shall state that:
 - (i) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and to give testimony at the hearing.
 - (ii) The rules of evidence prevailing in a court of law or equity shall not be controlling at the hearing.
- (b) If, after such notice and hearing, the BBHCA determines that a structure is unfit for human occupation or use, the board shall issue written findings of fact in support of such determination and shall issue and cause to be served upon the

owner thereof an order to repair, vacate or demolish the structure, in accordance to Section 110 of this code, and shall provide a reasonable time for the compliance not to exceed ninety (90) calendar days.

- (c) If the owner fails to comply with an order or to vacate and close the structure, the BBHCA may cause such structure to be repaired or to be vacated and closed and shall cause to be posted at the main entrance to the structure so closed a placard stating: *"This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful."*
- (d) If the owner fails to comply with an order to demolish or remove the structure, the city manager may cause such structure to be demolished or removed.
- (e) For any structure that has been ordered vacated during the repairs or demolition of the structure, the owner of the structure shall cause to be posted at the main entrance to the structure a placard stating: *"This structure has been found to be unfit for human occupation or use. This notice is to remain posted conspicuously on the property until the structure is repaired or demolished."*

Section 111.6 Right to Appeal. Any person receiving or aggrieved by a notice issued by the city manager or his/her duly authorized designee pursuant to the Oak Ridge Property Maintenance Code, except environmental violations (including but not limited to weeds, vines, bushes and hedges, motor vehicles abandoned or inoperable or otherwise illegal, and accumulation of rubbish and garbage) which appeals are handled by the community development department of the City of Oak Ridge, may appeal such notice to the Board of Building and Housing Code Appeals. The appeal may contest the fact of the violation(s) set forth in the notice or may request additional time to comply with the notice.

- (a) **Form.** The appeal shall be made on a form prescribed by the board or the city, which form shall minimally identify the name of the appellant, the property on which the violation(s) is said to occur and the date of the notice and shall contain a statement of why the appeal is made and what relief is sought.
- (b) **Timeframe.** Such appeal must be filed with the city manager or his/her duly authorized designee within ten (10) calendar days of the date of the notice, or within three (3) business days from the date of the notice for environmental violation to the community development director or his/her duly authorized designee of the City of Oak Ridge.
- (c) **Extension of time to complete.** If the owner has undertaken in good faith to correct the violation as set forth in the notice, the owner may request an extension of time to complete the cleanup, repairs or demolition provided the owner files such a request with the city manager or his/her duly authorized designee at least ten (10) business days prior to the date such cleanup, repairs or demolition were ordered to be completed. While the board may waive this ten (10) calendar day requirement for good cause shown, no request for an extension of time shall be filed after the expiration of the time of completion set forth in the notice. The decision made by the community development department will be final and the extension of time will not be granted.

Section 111.6.1 Right to Appeal an Order Declaring a Structure Unfit for Human Occupation or Use.

- (a) As set forth in state law, any person affected by an order declaring a structure to be a non-imminent danger unfit for human occupation or use may file a bill in the

chancery court for an injunction restraining the BBHCA from carrying out the provisions of the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the board pending the final disposition of the cause; provided, that within sixty (60) calendar days after the posting and service of the order of the board, such person shall file such bill in the court.

- (b) The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the board as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the board shall be entitled to recover any damages for action taken pursuant to any order of the board, or because of non-compliance by such person with any order of the board.

Section 112.4 Failure to Comply. Delete in its entirety and Insert a new: "Section 112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable and subject to penalties of not less than \$50.00 or more than \$500.00 per violation and as set forth in Section 106.4 of this code."

Section 202 General Definitions. Delete title "General Definitions" and insert a new title: "General Definitions and Phrases"; also insert respectively:

"Abandoned Motor Vehicle. A motor vehicle or trailer or recreational vehicle designed to be towed by a motor vehicle that is left unattended on public property for more than thirty (30) calendar days; is in an obvious state of disrepair and is left unattended on public property for more than ten (10) calendar days; has remained illegally parked or placed on public property for any period of time exceeding forty-eight (48) consecutive hours; has remained on private property without the consent of the owner or person in control of the property for any period of time exceeding forty-eight (48) consecutive hours."

"Administrative Hearing Officer (A.H.O). Means the Administrative Hearing Officer created by Title 3, Chapter 6 of the City Code pursuant to Tennessee Code Annotated §6-54-1001 et seq. who hears violations of designated building and property maintenance codes.

"Antique Motor Vehicle. A motor vehicle over twenty-five (25) years old with a non-modified engine and body which is used for participation in club activities, exhibits, tours, parades and similar uses as a collector's item, but in no event used for general transportation."

"Any and all other objectionable, unsightly or unsanitary matter of whatever nature. means any condition, object, material or other matter that is dangerous or detrimental to human life or health; that renders the ground, the water, the air or food a hazard or likely to cause injury to human life or health; that is offensive to the senses; or that threatens to become detrimental to the public health. The term includes but is not limited to any abandoned wells, pools, landscape water features, shafts or basements; abandoned refrigerators; stagnant or unwholesome water; sinks; privies; filth; carrion; rubbish; junk, trash, debris or refuse; impure or unwholesome matter of any kind; and any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities."

“Attractive Nuisance. The doctrine in tort law which holds that one who maintains a dangerous instrumentality on his or her property which is likely to attract children is under a duty to reasonably protect those children against the dangers of that attraction.”

“Bushes and Hedges. means vegetative growth or plant that includes but not limited to holly, box hedges, azaleas, roses, rhododendrons, laurel, lilac, hibiscus and evergreens.”

“Corner Visibility Triangle. means a triangular area formed within a corner lot by the intersecting lot lines abutting the streets or the projections thereof and a straight line connecting them 7.5 meters (24.6 feet) from their point of intersection.”

“Driveway Visibility Triangle. means a triangular area formed by the intersection of the lateral limit of the travelled portion of a driveway and a lot line abutting a street or the projections thereof and a straight line connecting them 4.57 meters (15 feet) from their point of intersection.”

Delete “Inoperable motor vehicle” and insert new definition: **“Inoperable Motor Vehicle.** A vehicle, motor vehicle or trailer or recreational vehicle designed to be towed by a motor vehicle which cannot be driven or operated upon the public streets for reason including but not limited to being unlicensed, unregistered, wrecked, abandoned, in a state of disrepair causing unsafe operation, one or more flat tires or incapable of being moved under its own intended power.”

“Lot or parcel of real estate. includes, in addition to those grounds within their respective boundaries, all lots or parcels of ground lying and being adjacent thereto and extending beyond the property line of any such lot or parcel of real estate to the curb-line of adjacent streets where a curb-line has been established, and any abutting rights-of-way beyond the property line where no curb-line has been established and also to the center of adjacent alleys.”

“Natural Landscaped Area - Natural landscaping, also called **native gardening,** is the use of native plants, including trees, shrubs, groundcover, and grasses which are indigenous to the geographic area of the garden which is either naturally established or designed and cultivated that when established will sustain itself with minimal maintenance effort that do not contain noxious weeds or poisonous plants that cause a public nuisance.”

“Nuisance. Use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience which can also be considered an attractive or public nuisance.

“Parties of Interest. Means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof.”

“Place of Public Accommodation. Means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited.”

“Public Nuisance. Means a nuisance which affects numerous members of the public or the public at large (how many people it takes to make a public is unspecified), as distinguished from a nuisance which only does harm to a neighbor or a few private individuals. A public nuisance is an unreasonable interference with the public's right to property. It includes conduct that interferes

with public health, safety, peace or convenience. The unreasonableness may be evidenced by statute, or by the nature of the act, including how long, and how bad, the effects of the activity may be. All structures and appurtenances which are found unfit for human occupation or use within the terms of § 108.1.3 as determined by the Board of Building and Housing Code Appeals are also considered a public nuisance.”

“Rental Unit. Dwelling, dwelling unit, rooming unit, or sleeping unit or any part of a structure used as a home, residence, or sleeping unit by a single person, household unit by any person(s) other than the legal owner of the property which is leased, rented, or otherwise occupied from the owner or other person in control of such unit(s), whether by day, week, month, year or any other term, regardless of monetary exchange.”

“Swimming Pool. Means any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

“Trash and Debris. means all manner of refuse, including but not limited to mounds of dirt, compost, piles of leaves, grass and weed clippings, paper trash, useless fragments of building material, rubble, household items and appliances, items of salvage such as scrap metal and wood, barrels, tires, objects that hold water for an extended time, tree and brush trimmings, and other miscellaneous wastes or rejected matter.”

“Turf grass - refers to all species of grass that are perennial and are typically used for lawns.”

“Vines. means a vegetative growth or plant with a long stem that grows along the ground or climbs a support such as, but not limited to: Clematis, Climbing Roses, Honey Suckle, Ivy, Jasmine, Morning Glory, Trumpet Vines, and Wisteria.”

“Weeds - a plant other than trees, shrubs, turf grass and cultivated flowers or gardens that is not valued where it is growing and is usually of vigorous growth; especially one that tends to overgrow or choke out more desirable plants.”

Section 302.4 Weeds. Insert height in bracket: “10 inches”

Section 302.4 Weeds. Insert new section: “302.4.1 Accumulation or Condition Declared Unlawful.

- (a) Whenever and wherever weeds, shrubbery, rubbish or any other objectionable, unsightly and unsanitary matter of whatever nature shall exist, covering or partly covering the surface of any lot or parcel of real estate within the city so as to produce an unsightly appearance or which may harbor reptiles or rodents, create a fire hazard or result in unsanitary conditions, such a condition is declared to be unlawful, the abatement of which shall be a public necessity.
- (b) Vines that cover 50 percent or more of the ground surface area in a residential front yard, to include side yards if visible from the street, shall not exceed 12 inches in height. Vines used as ground cover, shall be cut back so they do not grow onto any curb, sidewalk, or driveway.
- (c) Bushes and hedges shall be trimmed to prevent encroachment on any sidewalk, walk-way or extend over the curb or edge of a street. Bushes and hedges shall not be allowed to create a visibility triangle issue for vehicles or pedestrians.”

Insert new section: "302.4.2 Natural Landscaped Area, Native Gardens shall be allowed for the purposes of vegetated buffers, stormwater retention and control, stabilizing slopes and preventing erosion, supporting birds and other desirable wildlife and establishment of plant communities' native to this region. Natural landscaped areas and native gardens shall not violate the provisions of this code or have a negative impact on any structures or appurtenances nor be permitted to become a public nuisance or fire hazard as determined by the authority having jurisdiction.

Insert new section. "Section 302.10 Dog to be controlled so as to not commit nuisances. It shall be unlawful for any person owning or having control or custody of any dog to permit the animal to defecate upon the public property of this City or upon the private property of another unless the person immediately remove the feces and properly dispose of it; provided, however, that nothing herein contained authorizes such person to enter upon the private property of another without permission."

Insert new sub-section. "Section 302.10.1 Suitable container or instrument for removal. It shall be unlawful for any person to walk a dog on public property of this City or upon the private property of another without carrying at all times a suitable container or other suitable instrument for the removal and disposal of dog feces."

Insert new sub-section. "Section 302.10.2 Seeing Eye Dog. Visually handicapped persons who use Seeing Eye Guide Dogs are exempt from this law."

Section 304.14 Insect Screens. Insert dates in two brackets respectively: "April 1"... "November 1"

Section 304.10 Stairways, decks, porches and balconies. Insert new language to continue sentence: "and shall not be used for outdoor storage of excessive trash, junk, debris or items with intended purpose for indoor use.

Section 308.1 Accumulation of rubbish or garbage. Insert after "...property and premises," new language to sentence: "including decks, porches, and open carports..."

Section 602.3 Heat Supply. Insert dates in two brackets respectively: "September 1" ... "May 1"

Section 602.4 Occupiable Work Spaces. Insert dates in two brackets respectively: "September 1" ... "May 1"

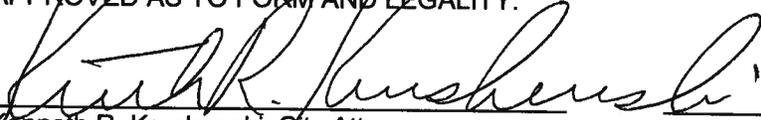
Appendix A, Boarding Standards. A102 Materials insert new subsection "Section A102.4 Other approved method(s). The city manager may allow alternative means or methods of boarding structures meeting the intent of this code in the event the requirement herein is determined to be impractical or cost infeasible."

Section 2. All other ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Section 3. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

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: _____

FINAL ADOPTION OF ORDINANCES

FINANCE DEPARTMENT MEMORANDUM

14-21

DATE: September 30, 2014
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: WASTEWATER ORDINANCE AMENDMENT FOR DOE FACILITIES CHARGE –
SECOND READING

Introduction

An item for City Council's consideration is second reading of the amendment to Wastewater Ordinance Number 21-82 to add Section 13.1 to include a facilities charge to the US Department of Energy's (DOE) monthly wastewater billing for costs related to the land acquisition, engineering fees and construction of the equalization basin near Y-12 (Scarboro Lane EQ Basin) that will service wastewater flow coming out of the federal reservation. First reading of the ordinance was at the June 2, 2014 City Council meeting. The monthly charge to DOE will need to be amended for second reading of the ordinance as outlined below to reflect the revised EQ basin construction costs.

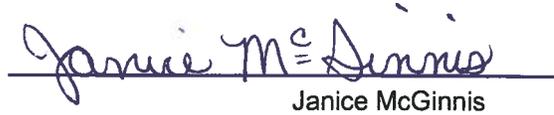
Analysis

Wastewater flows from DOE facilities are estimated to be two-thirds of the total wastewater flow coming into the Scarboro Lane EQ Basin. Based on a two-third DOE and one-third City split, DOE's share of the costs related to the Scarboro Lane EQ Basin would be \$1,497,853. The substitute ordinance amendment contains a monthly facilities charge of \$25,788.70 which is based on an amortization of \$1,497,853 over 60 months at an interest rate equivalent to that of the applicable State Revolving Fund Loan. The monthly facilities charge would begin in November 2014 and end in October 2019.

Recommendation

Staff recommends the adoption of the attached ordinance in order to recover costs from DOE related to the construction of the EQ Basin that services wastewater flow from federal reservation facilities.

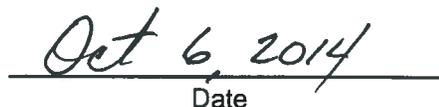
Attachment


Janice McGinnis

City Manager's Comments:

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


Mark S. Watson


Date

SUBSTITUTE ORDINANCE

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY ADDING A NEW SECTION 13.1, TITLED "FACILITIES CHARGE," PERTAINING TO THE U.S. DEPARTMENT OF ENERGY'S (DOE) WASTEWATER UTILITY BILLINGS FOR COSTS RELATED TO THE EQ BASIN THAT WILL SERVICE THE WASTEWATER FLOW FROM DOE FACILITIES.

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

Section 1. Ordinance No. 21-82, as amended, is hereby amended by adding a new Section 13.1, titled "Facilities Charge," which new section shall read as follows:

Section 13.1 – Facilities Charge

On wastewater billings issued for consumption that occurred from November 2014 through October 2019 (sixty (60) months), the U.S. Department of Energy (DOE) will be billed an additional \$25,788.70 monthly as part of its wastewater utility billings for costs related to the EQ Basin that will service the wastewater flow from DOE facilities.

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: _____
Publication Date: _____
Effective Date: _____

FINANCE DEPARTMENT MEMORANDUM

14-08

DATE: May 15, 2014
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: WASTEWATER ORDINANCE AMENDMENT FOR DOE FACILITIES CHARGE

Introduction

An item for City Council's consideration is an amendment to Wastewater Ordinance Number 21-82 to add Section 13.1 to include a facilities charge to the US Department of Energy's (DOE) monthly wastewater billing for costs related to the construction of the equalization basin near Y-12 (Scarboro Lane EQ Basin) that will service wastewater flow coming out of the federal reservation.

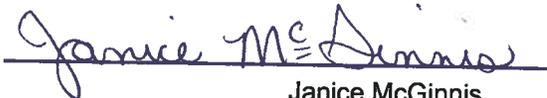
Analysis

Wastewater flows from DOE facilities are estimated to be 67% of the total wastewater flow coming into the Scarboro Lane EQ Basin. Based on a 67% DOE and 33% City split, DOE's share of the costs related to the construction of the Scarboro Lane EQ Basin is estimated to be \$1,407,000. The facilities charge established at \$24,190.49 monthly for a 60 month period beginning in July 2014, is based on an amortization of \$1,407,000 over 60 months at an interest rate equivalent to the State Revolving Loan rate of 1.23%.

Recommendation

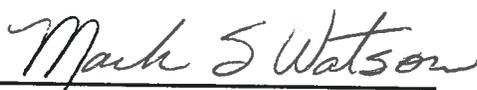
Staff recommends the adoption of the attached ordinance in order to recover costs from DOE related to the construction of the EQ Basin that services wastewater flow from federal reservation facilities. The construction project for the EQ Basin is schedule to be bid before second reading of this wastewater ordinance in July or August. If construction costs come in higher than anticipated, the facilities charge to DOE in this wastewater ordinance can be adjusted at second reading of the ordinance to reflect the actual cost bid for the project construction. The beginning billing month would be adjusted as well depending on the time frame that second reading of the ordinance occurs.

Attachment


Janice McGinnis

City Manager's Comments:

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


Mark S. Watson


Date

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY ADDING A NEW SECTION 13.1, TITLED "FACILITIES CHARGE," PERTAINING TO THE U.S. DEPARTMENT OF ENERGY'S (DOE) WASTEWATER UTILITY BILLINGS FOR COSTS RELATED TO THE EQUALIZATION BASIN THAT WILL SERVICE THE WASTEWATER FLOW FROM DOE FACILITIES.

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

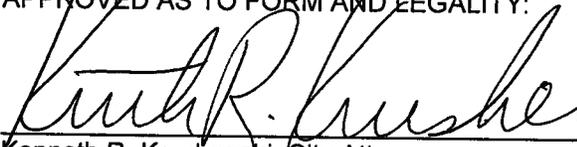
Section 1. Ordinance No. 21-82, as amended, is hereby amended by adding a new Section 13.1, titled "Facilities Charge," which new section shall read as follows:

Section 13.1 – Facilities Charge

On wastewater billings issued for consumption that occurred from July 2014 through June 2019 (sixty (60) months), the U.S. Department of Energy (DOE) will be billed an additional \$24,190.49 monthly as part of its wastewater utility billings for costs related to the Equalization Basin that will service the wastewater flow from DOE facilities.

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: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
14-35**

DATE: August 22, 2014
TO: Mark Watson, City Manager
FROM: Kathryn G. Baldwin, Community Development Director 
SUBJECT: EQAB By-Laws

Introduction

In item for City Council's consideration is a request to amend the By-Laws for the Environmental Quality Advisory Board (EQAB). By-Laws are amended by Resolution; however, the amendments requested by EQAB affect the organizational structure of the Board, which necessitates changes to the Ordinance establishing EQAB as a Board. Therefore, the Ordinance has been submitted for consideration in the September 2014 meeting with the Resolution amending the By-Laws considered concurrent with second reading of the Ordinance in October.

Attached please find a bold/strikethrough Ordinance addressing Title #2, Chapter #2, amending the following issues:

- Composition of the Environmental Quality Advisory Board
- Designation of Officers
- Required Quorum
- Annual Reports
- Eliminate Duplication of Council Requirements

Funding

No funding is necessary for this item.

Analysis

Many of the changes requested by Ordinance are to increase the flexibility of EQAB in addition to eliminating duplication of Council requirements such as quorum and attendance policies. Another issue is to eliminate the requirement for a Planning Commission representative in addition to any reference to that representative. These changes should clarify and streamline many of EQAB's activities.

Recommendation

These amendments are recommended by staff in addition to formal request by both the membership of EQAB and the Planning Commission.

Attachments

COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
14-22

DATE: July 1, 2014
TO: Diana R. Stanley, City Clerk
FROM: Kathryn G. Baldwin, Community Development Director 
SUBJECT: PLANNING COMMISSION APPOINTMENT TO THE ENVIRONMENTAL QUALITY
ADVISORY BOARD

Historically, the Oak Ridge Planning Commission has appointed a member to serve on the Environmental Quality Advisory Board (EQAB). This position was long held by Chuck Agle, whose term as a Planning Commissioner expired on December 2013. Since that time no one on the Planning Commission expressed a desire to serve as the Commission representative on EQAB. During discussion on a representative, board members felt representation on both boards was not necessary, and that in the event the EQAB needed feedback or input from the Planning Commission, the board could make the Commission aware of that need.

Based on this discussion, the Planning Commission members voted unanimously to request City Council for an amendment to the composition of EQAB to remove the requirement for a representative of Planning Commission to serve a dual term on the Environmental Quality Advisory Board.

This request will be presented to City Council during the August meeting.

cc: Mark S. Watson, City Manager
Kenneth R. Krushenski, City Attorney

BOLD-STRIKETHROUGH OF PROPOSED CHANGES TO ORDINANCE

TITLE 2
BOARDS AND COMMISSIONS, ETC.

CHAPTER 2
ENVIRONMENTAL QUALITY ADVISORY BOARD

§2-201. Definition.

As used in this chapter, the term board shall mean the environmental quality advisory board created by this chapter.

§2-202. Created; composition.

There is hereby created an environmental quality advisory board for the city consisting of twelve (12) members who shall be appointed by the city council. Two (2) members of the board shall be high school students ~~and one member shall be nominated by the Oak Ridge Regional Planning Commission from the membership of said commission.~~ All members shall have one vote ~~for all actions of the board requiring a vote~~ except the ~~two (2)~~ high school students shall share one vote, either from a consensus if both are present at the meeting or individually if only one student is present. ~~–~~ If no consensus is possible, then no vote shall be recorded for the students. **For clarification purposes, the board has eleven (11) possible total votes due to the student members sharing one (1) vote.**

§2-203. Terms of members.

Of the members first appointed to the board, four (4) shall serve until September 30, 1974; three (3) until September 30, 1975; and three (3) until September 30, 1976. Thereafter all appointments to the board, with the exception of the high school student members, shall be for terms of three (3) years and all terms shall commence on October 1. The high school student members of the board shall serve two-year terms of office. Of the students first appointed after the adoption of this amendment, one (1) shall serve until May 31, 1999, and one shall serve until May 31, 2000. Thereafter, all appointments of high school student members shall be for two years and all terms shall commence on June 1. If a successor has not been named at the expiration of a member's term, the member shall continue to serve until his or her successor is appointed. Whenever a vacancy occurs, an appointment shall be made for the remainder of the unexpired term. ~~In no case shall the planning commission member serve when his or her term upon the planning commission has expired. In such a case, the planning commission shall nominate to city council a member of the board who shall upon appointment serve the remaining portion of the term of the planning commission member of this board.~~

As of April 1, 2011, all current members' terms (except for student members which shall remain unchanged) shall be extended through to the following December 31, and all subsequent terms shall commence on a date established by resolution of City Council with the term lengths and staggered appointments remaining the same.

§2-204. Designation and term of chairperson and vice-chairperson.

The board shall elect from its membership a chairperson, vice-chairperson and secretary. ~~The member appointed from the Oak Ridge Regional Planning Commission shall be excluded from serving as an officer of the board.~~

§2-205. Compensation.

Members of the board shall serve without compensation but may be reimbursed for all necessary expenses incurred in the course of their duties in accordance with the appropriations made by the city council.

§2-206. Functions.

The function of the board shall be to serve as an advisory body to the city council. When requested by city council, the board shall give advice and assistance in matters contributing to a quality environment; and further, upon request, it shall advise the city manager and the ~~regional~~ **municipal** planning commission on specific environmental matters.

§2-207. Meetings; quorum.

~~A legal quorum of the board shall be considered the lesser of the majority of full votes or majority of seats currently duly occupied. The quorum is based on 11 votes if all twelve members are present. The board shall hold public meetings at such regular intervals and places as it may designate. A majority of the board shall constitute a quorum for the transaction of business, and all action shall require the concurring vote of a majority of the members present.~~
The board shall hold public meetings at such regular intervals and places at it may designate. Six (6) members A majority of the board shall constitute a quorum. For purposes of a quorum, the student members count as only one member because they share one vote and cannot vote separately. For clarification purposes, if one or both student members are present at a meeting, five other members must be present for there to be a quorum of the board. All actions shall require the concurring vote of a majority of the members present at a duly constituted meeting, with the student members again counting as only one member for the purposes of calculating a majority vote. For example, if eight members are present at a meeting, including both student members, a majority for voting purposes is four instead of five because the students only count as one regardless of

whether one or both are present at the meeting and regardless of whether or not there is a consensus for the student members' vote.

§2-208. Powers.

In the performance of its function, the board is authorized to adopt bylaws and rules of procedure for the conduct of its authorized activities; the board will recommend for approval and authorization by the city council a proposed annual work program involving studies for the preservation and improvement of the environment, it shall issue reports and findings on such studies. The board is further authorized to make specific recommendations on environmental questions referred by the city council, city manager, or regional municipal planning commission.

§2-209. Annual report to council.

~~A compendium of the previous year's minutes of the public meetings shall~~ The board shall annually prepare ~~serve as a~~ ~~The board shall annually prepare a written report of its~~ ~~the board's~~ activities and recommendations and a recommended program of work for the ~~ensuing year for submission to the city council by September 30, of each year which shall be published as a part of the official city records.~~ and a recommended program of work for the ~~ensuing year for submission to the city council by September 30, of each year which shall be published as a part of the official city records.~~

§2-210. Availability of city facilities and personnel to assist the board.

Subject to the approval of the city manager, the facilities and personnel of the city shall be made available to assist the board in carrying out its functions.

§2-210 ~~§2-214. Forfeiture of membership by failure to attend meetings; absences; appointment of successor.~~

~~Any member of the board who is absent without excuse for three (3) regular meetings during the board year shall cease to hold office as a member of the board. "Excused absence" shall be defined as an absence caused by illness or job requirement which necessitates absence from the city. In order to qualify for an excused absence, the member must notify the chairperson prior to the meeting for which the excused absence is requested. The majority of the members present shall be empowered to determine whether or not any particular absence shall be excused. Appointment of successor by city council shall be for the unexpired term of such member.~~

Attendance policy.

Members of the board are subject to the attendance policy adopted by city council for boards and commissions.

BOLD-STRIKETHROUGH BYLAW CHANGES

ENVIRONMENTAL QUALITY ADVISORY BOARD BYLAWS

- I. Name. The name of the organization is: Environmental Quality Advisory Board
- II. Functions and Powers. The function of the Board is to serve as an advisory body to City Council in accordance with City Code Title 2 Chapter 2. ~~When requested by City Council, the Board will give advice and assistance in matters contributing to a quality environment. Further, upon request, the Board will advise the City Manager and the Oak Ridge Regional Municipal Planning Commissions on specific environmental matters (Sec. 2-106 City Code §2-206). The Board will recommend for approval and authorization by City Council a proposed annual work program involving studies for the preservation and improvement of the environment; it will issue reports and findings on such studies (Sec. 2-108 City Code §2-208). The Board will prepare an annual written report of its activities and recommendation for submission to City Council (Sec. 2-109).~~
- III. Meetings.
 - A. The Board shall hold meetings at regular monthly intervals as it shall designate.
 - B. Special meetings may be called upon the request of the Chairperson or any three members of the Board. The notice of special meetings shall be given at least 24 hours prior to the meeting and shall state the subject matter to be considered and no other matter shall be before the Board.
 - C. In the event there is no matter to be considered, the Chairperson may dispense with a meeting by notifying each Board member at least 24 hours prior to the time set for the meeting.
 - D. The Board may form ad hoc working groups to meet for a designated project and the ad hoc working group shall establish a regular meeting schedule. ~~Ad hoc working groups shall provide a written update on their work to the staff liaison for inclusion in the agenda packet for the next available regular meeting of the Board. Ad hoc working groups dissolve automatically once the action items for the project have been completed.~~ Ad hoc working group meetings are open to the public and, as such, non-EQAB members are allowed to attend and may participate in the discussions as allowed by the working group.
- IV. Quorum. ~~A majority of the Board Six (6) members shall constitute a quorum for the transaction of business, however, the student members count as only one member for purposes of calculating a quorum, and all All action shall require the concurring vote of a majority of the members present, with the student members again counting as only one member (Sec. 2-107 City Code §2-207).~~ Quorum requirements are established by City Code §2-207.
- V. Attendance. ~~When a member of the Board is absent from three (3) regularly-scheduled or regularly-called meetings during the Board's term-year, the Chairman shall request that the member provide a written explanation of the absences. The Board shall determine whether to accept or reject the explanation by a majority vote. If the Board votes to accept the explanation, the absences shall be considered "excused" and will not accrue for the purposes of removal from the Board. If the Board votes to reject the explanation, the absence will accrue for purposes of removal. If a member is absent from three (3) meetings and makes no effort to comply with the Chairman's request for an explanation, those absences will accrue for purposes of removal. Accrual of four (4) unexcused absences shall result in removal from the Board.~~

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

- VI. Officers. There shall be elected at the regular ~~October~~ January meeting from among the members of the Board the following officers: Chairperson, Vice Chairperson, and Secretary. The Chairperson shall preside at all meetings of the Board, decide all points of order, appoint membership to such temporary committees as deemed necessary, sign documents on behalf of the Board, and call regular or special meetings of the Board. The Vice Chairperson shall assume all of the duties of the Chairperson in his or her absence. The Secretary shall conduct all official correspondence of the Board and keep a record of all official meetings and actions of the Board.
- VII. Agenda. At least **forty-eight (48)** hours prior to each meeting, the members shall be furnished an agenda reflecting items to be considered. The Chairperson or such other person designated by the Board shall be responsible for preparation and distribution of the agenda. **The Board shall vote to approve the agenda at the beginning of each meeting.**
- VIII. Notice. Adequate public notice of all meetings and matters to be discussed shall be given to the public. All meetings shall be open to the public.
- IX. ~~Order of Business.~~ ~~The order of business of all regular meetings shall be as follows:~~
- ~~a) Call to Order~~
 - ~~b) Reading of minutes of previous meetings~~
 - ~~c) Communications~~
 - ~~d) Staff reports~~
 - ~~e) Unfinished business~~
 - ~~f) New business~~
 - ~~g) Adjournment~~
- X. Amendment. These Bylaws may be amended by majority vote of the members of the Board. An amendment to the bylaws shall be voted on at the next regular meeting after the regular meeting at which the amendment is proposed. **All amendments to the bylaws also require approval of City Council before becoming effective.**

Approved by EQAB

Chairperson

Meeting Date

Approved by City Council
Resolution _____

TITLE

AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 2, TITLED "ENVIRONMENTAL QUALITY ADVISORY BOARD," AND SUBSTITUTING THEREFORE A NEW CHAPTER 2 OF THE SAME TITLE TO ADDRESS UPDATES REQUESTED BY EQAB.

WHEREAS, the Environmental Quality Advisory Board (EQAB) has requested changes to their bylaws, which changes require an amendment to their enabling ordinance; and

WHEREAS, the changes to the enabling ordinance are: elimination of the Oak Ridge Municipal Planning Commission representative, clarification regarding quorum and voting due to the shared vote by the two student members, elimination of the annual report due to Council, and simplification of the attendance policy to reference City Council's policy for boards and commissions; and

WHEREAS, the requested changes to the bylaws will be presented to City Council by resolution for approval along with second reading of this ordinance.

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

Section 1. Title 2, titled, "Boards and Commissions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 2, titled "Environmental Quality Advisory Board," in its entirety and substituting therefor a new Chapter 2, titled "Environmental Quality Advisory Board," which new title shall read as follows:

TITLE 2
BOARDS AND COMMISSIONS, ETC.

CHAPTER 2
ENVIRONMENTAL QUALITY ADVISORY BOARD

§2-201. Definition.

As used in this chapter, the term board shall mean the environmental quality advisory board created by this chapter.

§2-202. Created; composition.

There is hereby created an environmental quality advisory board for the city consisting of twelve (12) members who shall be appointed by the city council. Two (2) members of the board shall be high school students. All members shall have one vote except the high school students shall share one vote, either from a consensus if both are present at the meeting or individually if only one student is present. If no consensus is possible, then no vote shall be recorded for the students. For clarification purposes, the board has eleven (11) possible total votes due to the student members sharing one (1) vote.

§2-203. Terms of members.

Of the members first appointed to the board, four (4) shall serve until September 30, 1974; three (3) until September 30, 1975; and three (3) until September 30, 1976. Thereafter all appointments to the board, with the exception of the high school student

members, shall be for terms of three (3) years and all terms shall commence on October 1. The high school student members of the board shall serve two-year terms of office. Of the students first appointed after the adoption of this amendment, one (1) shall serve until May 31, 1999, and one shall serve until May 31, 2000. Thereafter, all appointments of high school student members shall be for two years and all terms shall commence on June 1. If a successor has not been named at the expiration of a member's term, the member shall continue to serve until his or her successor is appointed. Whenever a vacancy occurs, an appointment shall be made for the remainder of the unexpired term.

As of April 1, 2011, all current members' terms (except for student members which shall remain unchanged) shall be extended through to the following December 31, and all subsequent terms shall commence on a date established by resolution of City Council with the term lengths and staggered appointments remaining the same.

§2-204. Designation and term of chairperson and vice-chairperson.

The board shall elect from its membership a chairperson, vice-chairperson and secretary.

§2-205. Compensation.

Members of the board shall serve without compensation but may be reimbursed for all necessary expenses incurred in the course of their duties in accordance with the appropriations made by the city council.

§2-206. Functions.

The function of the board shall be to serve as an advisory body to the city council. When requested by city council, the board shall give advice and assistance in matters contributing to a quality environment; and further, upon request, it shall advise the city manager and the municipal planning commission on specific environmental matters.

§2-207. Meetings; quorum.

The board shall hold public meetings at such regular intervals and places as it may designate. Six (6) members of the board shall constitute a quorum. For purposes of a quorum, the student members count as only one member because they share one vote and cannot vote separately. For clarification purposes, if one or both student members are present at a meeting, five other members must be present for there to be a quorum of the board. All actions shall require the concurring vote of a majority of the members present at a duly constituted meeting, with the student members again counting as only one member for the purposes of calculating a majority vote. For example, if eight members are present at a meeting, including both student members, a majority for voting purposes is four instead of five because the students only count as one regardless of whether one or both are present at the meeting and regardless of whether or not there is a consensus for the student members' vote.

§2-208. Powers.

In the performance of its function, the board is authorized to adopt bylaws and rules of procedure for the conduct of its authorized activities; the board will recommend for approval and authorization by the city council a proposed annual work program involving studies for the preservation and improvement of the environment, it shall issue reports and findings on such studies. The board is further authorized to make specific recommendations on environmental questions referred by the city council, city manager, or municipal planning commission.

§2-209. Availability of city facilities and personnel to assist the board.

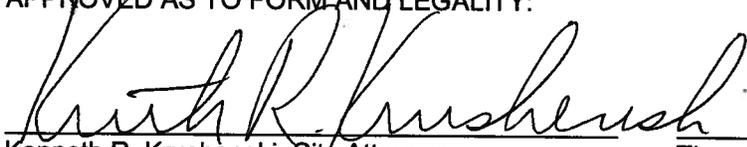
Subject to the approval of the city manager, the facilities and personnel of the city shall be made available to assist the board in carrying out its functions.

§2-210 Attendance policy.

Members of the board are subject to the attendance policy adopted by city council for boards and commissions.

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: _____
Publication Date: _____
Effective Date: _____

**ELECTIONS/
APPOINTMENTS,
ANNOUNCEMENTS, AND
SCHEDULING**

Elections/Appointments

2014 ELECTION NOTICE

Boards and Commissions

The Oak Ridge City Council will appoint members to serve on the following boards and commissions at a special meeting of the Oak Ridge City Council scheduled for **December 15, 2014**

Boards or Commissions	Number of Vacancies	Terms of Office	Qualifications	Incumbents
Anderson County Board of Equalization	1	Two (2) years commencing on January 1, 2015	The applicant must be an Oak Ridge resident and a "freeholder and taxpayer."	Leonard Abbatiello
Anderson County Community Action Commission	1	One (1) year commencing on January 1, 2015	The applicant must be an Oak Ridge resident and may include a member of City Council.	Mare Martell-Stotler
Beer Permit Board	2	Three (3) years commencing on January 1, 2015	The applicants must be least twenty-two (22) years of age who have resided within the corporate limits of the City for a period of at least two (2) years immediately preceding their election by the City Council.	William Bailey Colin Colverson
Board of Building and Housing Code Appeals	2	Three (3) years commencing on January 1, 2015	No special qualifications, other than Oak Ridge residency.	Philip Nipper Amy Seiber
Board of Zoning Appeals	1	Five (5) years commencing on January 1, 2015	No special qualifications, other than Oak Ridge residency.	Judith Mason
Convention and Visitors Bureau	7	The one (1) vacant position for is a balance of an unexpired term ending on December 31, 2015; three (3) positions are for three (3) years commencing on January 1, 2015; and the remaining three (3) positions are for a one (1) year term commencing on January 1, 2015.	Four (4) members shall be residents at-large, two (2) members shall be the general managers of the top local hotel/motel establishments based upon actual hotel/motel occupancy collections, and one (1) member shall be the general manager of one of the remaining local hotel/motel establishments.	Vacant Jim Dodson Patti Shelton Carol Smallridge Gretchen Julius (Hotel) Troy Patel (Hotel) Misty Williams (Hotel)
Environmental Quality Advisory Board	3	Three (3) year commencing on January 1, 2015	No special qualifications, other than Oak Ridge residency.	Patricia Imperato Robert Kennedy Sylvia Milanez
Industrial Development Board	3	Six (6) years commencing on January 1, 2015	All applicants shall be duly qualified electors of and taxpayers of the City of Oak Ridge.	Louise Dunlap Harold Trapp David Wilson

2014 Election Notice

Boards or Commissions	Number of Vacancies	Terms of Office	Qualifications	Incumbents
Oak Ridge Housing Authority	1	Five (5) years commencing on January 1, 2015	No special qualifications, other than Oak Ridge residency.	Vacant
Oak Ridge Land Bank Corporation Board of Directors	3	Two (2) years commencing on January 1, 2015	Preference may be given to applicants with expertise in the fields of banking (including financing and property acquisitions); real estate (including marketing, appraisals, and assessments); and law (especially those with an interest in property law). If persons with such fields of expertise are not available, consideration should be given to persons with experience in residential construction, renovation, and/or rehabilitation; knowledge of the historic neighborhood stock, individual neighborhoods and community assets; knowledge in land bank functions; and experience in non-profit organizations; or if no individuals meet the aforementioned criteria, Council may appoint persons with the best attributable qualifications.	Colin Anderson Colin Colverson Hugh Ward
Oak Ridge Municipal Planning Commission	2	Four (4) years commencing on January 1, 2015	No special qualifications, other than Oak Ridge residency.	Sharon Kohler Austin Lance
Personnel Advisory Board	2	Three (3) years commencing on January 1, 2015	No special qualifications, other than Oak Ridge residency.	Mary Frances Tolliver Martha Wallus
Recreation and Parks Advisory Board	3	Three (3) years commencing on January 1, 2015.	No special qualifications, other than Oak Ridge residency.	Daniel Robbins Bradley Spears Catherine Toth
Senior Advisory Board*	--	--	--	--
Trade Licensing Board	2	Three (3) years commencing on January 1, 2015	One (1) applicant shall hold a currently and valid plumber's license from the City of Oak Ridge; and the remaining applicant shall hold a current and valid Class I or II electrical license from the City of Oak Ridge.	Brian Hayden Jeff Lewis
Traffic Safety Advisory Board	2	Three (3) years commencing on January 1, 2015	No special qualifications, other than Oak Ridge residency.	Vacant William Davis

*The Senior Advisory Board's composition and purpose is currently under review and will be determined by the City Council on October 13, 2014. Following a final determination, the Election Notice will be adjusted to include this new information and the application will include a selection for consideration for SAB.

Individuals interested in serving on the above boards and commissions must submit a completed 2014 Boards and Commissions Application to the City Clerk's Office in the Municipal Building by **5:00 p.m. on Friday, November 7, 2014**. Please visit www.oakridgetn.gov/online/cityclerk/bcelections for additional information.

ALL APPLICANTS MUST BE RESIDENTS OF THE CITY OF OAK RIDGE

For further information, contact the City Clerk's Office at (865) 425-3411.

Last Updated: 09/04/2014

CITY CLERK MEMORANDUM
14-65

DATE: September 11, 2014
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: REESTABLISHMENT OF THE BUDGET AND FINANCE COMMITTEE

Introduction

At the September 8, 2014 City Council meeting, City Council approved Resolution No. 09-90-2014 titled "a resolution to create a Budget and Finance Committee, to establish monthly activity reports and financial quarterly reports to Council by the City Manager, and to establish access by Council to the Mayor's Calendar of city activities and events."

Since the reestablishment of the Budget and Finance Committee has been achieved as part of Resolution No. 09-90-2014, the composition of the Committee will be addressed at the October 13, 2014 City Council meeting.

Review

Resolution No. 09-90-2014 outlines that the "Committee shall be composed of three (3) members of City Council who shall be initially appointed in October and annually appointed thereafter in July, in accordance with Resolution 11-106-07." Resolution No. 11-106-07 established a policy of rotating councilmembers from committees with coordination by the City Clerk. That policy has been in effect for the selection of councilmembers for the Evaluation Committees for the City Attorney and City Manager, as was in practice when selecting members to serve on past committees, including previous Budget and Finance Committees.

Since the initial appointment for this committee is to occur in October 2014 for three (3) councilmembers, the appointments will need to default to Councilmembers Baughn, Hensley, and Hope as their terms will not expire until November 2016 while the remaining four (4) councilmembers have terms expiring in November 2014. In accordance with Resolution No. 09-90-2014, appointments hereafter will occur annually in July.

Pursuant to Section V of the current edition of *City Council's Rules and Procedures* and Resolution No. 09-90-2014, the following charges are outlined for the Budget and Finance Committee:

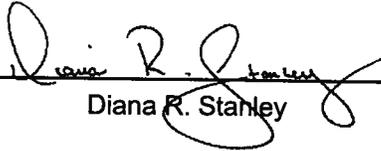
- 1) The Committee's mission shall be to assist City Council in providing guidance to the City Manager with respect to budget preparation, as required by Article V, Section 10, of the City Charter.
- 2) The charge of the Committee is to work with staff to maintain the City's fiscal responsibility, to develop budgeting and finance policy recommendations for City Council's consideration, to develop recommended strategies for funding City services and employee raises, to work with staff in actively seeking expanded revenue streams, and to develop strategies for communicating factual information to the public about the financial position of the City and the elements that drive the tax rate.

The City Manager shall also provide staff support for the Committee.

Recommendation

The City Clerk recommends the below composition for the FY 2015 Budget and Finance Committee:

Charles J. Hope, Jr., Chair
Trina Baughn
L. Charles Hensley


Diana R. Stanley