

## OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

December 8, 2014—7:00 p.m.

### AGENDA

#### I. INVOCATION

Tandy Scheffler, Associate Minister at Unitarian Universalist Church

#### II. PLEDGE OF ALLEGIANCE

#### III. ROLL CALL

#### IV. APPEARANCE OF CITIZENS

#### V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

Presentation of EPA Green Power Community of the Year award by Ms. Marlene Witt to City Council.

Recognition of and Remarks from retiring Board of Education members.

#### VI. SPECIAL REPORTS

Oak Ridge Heritage Authority Annual Report by Chairman Gordon G. Fee

#### VII. CONSENT AGENDA

- a. Approval of the November 24, 2014 City Council meeting minutes.
- b. Adoption of a resolution authorizing the City to enter into an agreement with the Tennessee Valley Authority (TVA) to amend the Green Power Providers Program.
- c. Adoption of a resolution authorizing the City to enter into a Wholesale Billing Adjustment Agreement with the Tennessee Valley Authority (TVA) which provides for billing of power provided through TVA's Renewable Standard Offer Program.
- d. Adoption of a resolution authorizing the City to enter into an agreement with the Tennessee Valley Authority to participate in the eScore program.
- e. Adoption of a resolution awarding a bid in the amount of \$66,686.70 to WESCO Distribution, Inc., Chattanooga, Tennessee, for the furnishing of 6,300 feet of 500 mcm copper underground cable.
- f. Adoption of a resolution authorizing the transfer of a surplus 1991 International 4700 Fire Truck (#376) to Medford Volunteer Fire Department, Rocky Top, Tennessee, at no cost for their use.

#### VIII. RESOLUTIONS

- a. A RESOLUTION TO SUPPORT CONSIDERATION OF MARK S. WATSON, CITY MANAGER, TO BE PRESIDENT-ELECT OF THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA).

- b. A RESOLUTION TO TRANSFER SIX (6) CITY-OWNED REAL PROPERTIES TO THE OAK RIDGE LAND BANK CORPORATION FOR DISPOSITION AS SET FORTH IN RESOLUTION 11-108-2013.
- c. A RESOLUTION AUTHORIZING AGREEMENTS WITH THE EMORY VALLEY CENTER AND AID TO DISTRESSED FAMILIES OF APPALACHIAN COUNTIES, INC., IN THE AMOUNT OF \$18,577.00 AND \$15,500.00 RESPECTIVELY, FOR SOCIAL SERVICES PROJECTS.
- d. A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO SUTPHEN CORPORATION FOR FURNISHING EQUIPMENT UPGRADES FOR THE FIRE DEPARTMENT'S TOWER TRUCK 10 IN THE ESTIMATED AMOUNT OF \$36,863.22.
- e. A RESOLUTION AWARDED A CONTRACT (FY2015-179) TO MORGAN CONTRACTING, INC., BAKER, FLORIDA, FOR THE WASTEWATER SYSTEM REHABILITATION PROGRAM TURTLE PARK I PROJECT AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE ORDER, SAID CONTRACT IN THE ESTIMATED AMOUNT OF \$1,864,513.00.
- f. A RESOLUTION AWARDED A BID IN THE ESTIMATED AMOUNT OF \$238,822.00 TO CONSOLIDATED ELECTRICAL DISTRIBUTORS, KNOXVILLE, TENNESSEE, FOR THE FURNISHING OF LED REPLACEMENT LIGHTING FOR THE OAK RIDGE PUBLIC LIBRARY.
- g. A RESOLUTION ACCEPTING INFRASTRUCTURE FOR OAK RIDGE SUMMIT SUBDIVISION FOR PERPETUAL MAINTENANCE.
- h. A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE ARTS COUNCIL OF OAK RIDGE TO PROVIDE ENTERTAINMENT, PRODUCTION SUPPORT, ACTIVITIES AND PROGRAMS RELATED TO THE UPCOMING 2015 SECRET CITY FESTIVAL AND AUTHORIZING THE REIMBURSEMENT OF ACTUAL COSTS INCURRED IN AN AMOUNT NOT TO EXCEED \$150,000.00.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 06-2014, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, BY AMENDING SAID APPROPRIATIONS.
- b. AN ORDINANCE TO AMEND TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 8, TITLED "WEAPONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 11-802, TITLED "CARRYING KNIFE WITH BLADE EXCEEDING FOUR INCHES," IN ITS ENTIRETY WITHOUT REPLACEMENT.
- c. AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 1, TITLED "IN GENERAL," SECTION §15-101, TITLED "DEFINITIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY UPDATING THE INTRODUCTORY LANGUAGE OF THE SECTION AND BY ADDING A NEW DEFINITION FOR THE WORD "CITATION"; AND TO AMEND

TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 4, TITLED "COURT ADMINISTRATION," BY CREATING A NEW SECTION 3-410, TITLED "ELECTRONIC TRAFFIC CITATION REGULATIONS AND FEES."

- d. AN ORDINANCE TO AMEND TITLE 6, TITLED "LAW ENFORCEMENT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY CREATING CHAPTER 1, TITLED "COMMUNITY NOTIFICATION SYSTEM," TO ESTABLISH A NOTIFICATION SYSTEM FOR SCHOOLS AND CHILD CARE FACILITIES THAT A SEXUAL OFFENDER OR VIOLENT SEXUAL OFFENDER IS RESIDING WITHIN THE CITY LIMITS, AND TO ESTABLISH A NOTIFICATION FEE TO DEFRAY NOTIFICATION COSTS, ALL IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §40-39-217.

X. FINAL ADOPTION 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.

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

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

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. CITY MANAGER'S REPORT

Applicants for City Boards and Commissions

b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

**PROCLAMATIONS  
AND  
PUBLIC RECOGNITIONS**

## ELECTRIC DEPARTMENT MEMORANDUM

14-37

**DATE:** November 20, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** Jack L. Suggs, Electric Director  
**SUBJECT:** PRESENTATION BY MARLENE WITT

### Introduction

Ms. Marlene Witt of the City of Oak Ridge Electric Department will present an award, received from the United States Environmental Protection Agency, to City Council. The award reflects achievements in Green Power efforts in the City.

### Background

The United States Environmental Protection Agency (EPA) recognizes achievements by communities each year in the area of Green Power. This year, the City of Oak Ridge received one of only two awards given nationwide as a "Green Power Community of the Year."

The Green Power Community of the Year award recognizes EPA Green Power Communities that distinguish themselves through their green power usage, leadership, citizen engagement, renewable energy strategy, and impact on the green power market.

Green Power is electricity that is generated from environmentally preferable renewable resources, such as wind, solar, geothermal, biogas and low impact hydro. The City provides Green Power to its customers through the Tennessee Valley Authority's "Green Power Switch" program. Corporate citizens, such as DOE also purchase Green Power from other sources not affiliated with the City.

According to the EPA, Oak Ridge's current green power use of more than 73 million kWh is equivalent to avoiding carbon dioxide (CO<sub>2</sub>) emissions of nearly 11,000 passenger vehicles per year.

The City has received other recognitions for its Green Power efforts as well. Within the last twelve months we have been recognized as TVA's Green Power Community of the Year and were designated as the EPA's first Green Power Community in the southeast United States.

Oak Ridge is also a Platinum Level Valley Sustainable Community as recognized by TVA.

Ms. Witt will receive the award on the City's behalf at the Renewable Energy Markets Conference held in Sacramento, California. She has also been asked to speak at the conference on the topics of program initiation and public involvement.

I regret that I will be out of state during the Council meeting of December 8. Ms. Witt will be present at the meeting and prepared to answer any questions.

  
\_\_\_\_\_  
Jack L. Suggs

cc: Marlene Witt, Business Office Manager

# SPECIAL REPORTS



Oak Ridge  
Heritage Railroad Authority

P. O. Box 5163  
Oak Ridge, TN 37831-5163

Phone: 865.220.4264  
Fax: 865.483.3218

Authority Members  
Gordon G. Fee, Chairman  
Dr. Pete Craven, Secretary/Treasurer

November 13, 2014

Mayor City of Oak Ridge  
P.O. Box 1  
Oak Ridge, TN 37831-0001

Subject: Oak Ridge – Heritage Railroad Authority Annual Report 2014  
(Covers from July 1, 2013 to September 30, 2014)

Dear Mayor:

The Oak Ridge – Heritage Railroad Authority is pleased to submit its 2013/2014 Annual Report to City Council in accordance with Council's resolution and State Law.

The Oak Ridge – Heritage Railroad Authority was established by the Oak Ridge City Council on August 20, 2001. By State Law Railroad Authorities are chartered to assist cities and counties to maintain adequate and safe railroad service. Historically Authorities, in fulfillment of this role, have been eligible to receive State appropriated funds to upgrade short-line railroads that fall in their service area. In this capacity the Oak Ridge – Heritage Railroad Authority has received from the State of Tennessee \$2,282,796.04 from 2002 through June 30, 2013. These funds have been used to upgrade the bridges and track owned by the Heritage Railroad Corporation that services the East Tennessee Technology Park. (A summary of the annual appropriations is provided in Exhibit A.) Heritage Railroad Corporation, which is a wholly owned subsidiary of EnergySolutions, contracts for the actual operations and maintenance of the railroad with Walden's Ridge Railway Corporation. THIS IS THE ONLY RAIL SERVICE AVAILABLE TO THE CITY OF OAK RIDGE.

During State fiscal year 2013/2014 and continuing into this fiscal year, no State Funds have been made available to any Railroad Authority or short-line railroad. The reason for this is that the large Class I main line railroads e.g. Norfolk Southern and CXS sued the State of Tennessee on the grounds that the taxing system that funded the short-line railroad upgrade program was unconstitutional. The Federal Judge who heard the case agreed and the case is now on appeal. To fix the problem the State Legislature passed legislation that changed the way the tax funds were collected and the Governor signed it into law. However the Class I railroads immediately filed suit again claiming it was still unconstitutional and that case is now moving forward through the court system. Therefore the State has now advised us that the earliest any new funds might be available is the fall of 2015 and that if funds are available there may be a change in the way they are distributed to the 18 short-lines across the State.

As a result of the State not providing any new funds to the Heritage Railroad Authority, EnergySolutions paid for all administrative costs created by the Authority e.g. the cost of a fiscal audit.

The required audit of the Authorities' books for the fiscal year ending June 30, 2014, was completed by Brown, Jake and McDaniel, PC and the final report was received on November 1, 2014. The auditors had no findings. Copies of the audit report are being submitted to the State of Tennessee and the City of Oak Ridge.

Report on the status of rail service

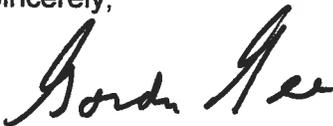
- A. Upgrade Status: As a result of receiving the \$2,000,000 from the State of Tennessee, and funding provided by the Railroad owners i.e. EnergySolutions and previously CROET, approximately 5 miles of the 11.5 miles of track have been upgraded to the 286 standard. (This means that that portion of the line can carry fully loaded freight cars weighing 286,000 pounds.) This is now the standard for all Class I railroads. NOTE: This is a standard and not a requirement. However, as previously stated, we have 5 miles of this standard 286 track. Energy Solutions plans on upgrading the remainder of the 6.5 miles of track to this standard over the next few years. State funds have also been used to rebuild several bridges and two major crossings. Without State funding in the future, it will be very difficult to complete upgrading the rest of the line.
- B. Bridge Inspection: To participate in the State-funding program, all bridges on the Heritage Railroad must be inspected each year by a qualified engineering firm. Crouch Engineering complete this annual inspection in February of 2014 and their final report was submitted to TDOT soon thereafter. THEIR INSPECTION INDICATED THAT ALL FIVE BRIDGES ON THE LINE ARE IN SATISFACTORY CONDITION AND THAT THERE WERE NO ISSUES REQUIRING IMMEDIATE REPAIR.
- C. Traffic Count: As in the past, the primary user of the Heritage Railroad was the Southern Appalachian Railroad Museum that operates passenger excursion trains. In 2013 and 2014 ridership on the SARM Trains was down significantly due to the recession and the uncertainty created by the problems encountered in trying to build a new depot. Now that a new site for the depot has been agreed to with CROET it is hoped that ridership can be increased to previous levels.

Other customers who use the railroad include EnergySolutions, East Tennessee Railroad Car Services, JM Huber, and Olin Chemical. Another reason for the decrease in rail car traffic was the decrease in the rail car storage business. A summary of the traffic carried over last several years is shown below.

<u>Year</u>	<u>Rail Cars</u>	<u>Passengers Carried</u>
2011	1,032	6,753
2012	1,491	6,209
2013	282	3,278
2014 YTD	149	1,928 through September

The Oak Ridge – Heritage Railroad Authority met and approved this report on October 28, 2014. We would be happy to provide any additional information needed by the City of Oak Ridge.

Sincerely,



Gordon Fee, Chairman

cc: Pete Craven, Secretary/Treasurer  
Mike Lahr, Chief Executive Officer  
Ken Krushenski, Oak Ridge City Attorney  
Mark Watson, Oak Ridge City Manager  
George Moss, TDOT

Exhibit A  
Annual Funding Received From State of Tennessee

Fiscal Year	Engineering	Bridge Upgrade	Track Upgrade	Total Allocation
2002/2003	\$ 44,981.00	\$ 54,942.00	\$ 191,004.00	\$ 290,927.00
2003/2004	\$ 25,915.00	\$ 60,896.00	\$ 191,004.00	\$ 277,815.00
2004/2005	\$ 24,293.00	\$ 48,454.00	\$ 197,721.00	\$ 270,468.00
2005/2006	\$ 19,328.00	\$ 50,661.00	\$ 97,788.00	\$ 167,777.00
2006/2007	\$ 20,197.00	\$ 49,374.00	\$ 119,635.00	\$ 189,207.00
2007/2008	\$ 20,197.00	\$ 49,374.00	\$ 119,635.00	\$ 189,206.00
2008/2009	\$ 20,197.00	\$ 49,374.00	\$ 119,635.00	\$ 189,206.00
2009/2010	\$ 19,576.00	\$ 52,291.84	\$ 103,176.20	\$ 175,044.04
2010/2011	\$ 25,842.00	\$ 37,368.00	\$ 105,084.00	\$ 168,294.00
2011/2012	\$ 17,743.00	\$ 37,368.00	\$ 107,981.00	\$ 163,092.00
2012/2013*	\$ 20,481.00	\$ 46,427.00	\$ 134,852.00	\$ 201,760.00
2013/2014	\$0	\$0	\$0	\$0
2014/2015	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$ 258,750.00</b>	<b>\$ 536,529.84</b>	<b>\$ 1,487,515.20</b>	<b>\$ 2,282,796.04</b>

In order to receive these funds from the State of Tennessee, the Railroad had to provide matching funds that ranged from 10 to 20% in any given year. In all cases, in accordance with the City Ordinance that created the Authority, no City funds were used. All matching funds were provided by the Railroad Owners, i.e. EnergySolutions or CROET.

# CONSENT AGENDA

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

November 24, 2014

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on November 24, 2014, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

**INVOCATION**

The Invocation was delivered by the Pastor Derrick Hammond, Oak Valley Baptist Church.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Pro Tem D. Jane Miller.

**ROLL CALL**

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

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; Alexander J. Ford, Acting City Clerk.

**RULES AND PROCEDURES**

Councilman Hope moved, seconded by Mayor Pro Tem Miller, to suspend the City Council Rules and Procedures. The motion was approved unanimously by voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**CONSENT AGENDA**

Councilman Hope moved, seconded by Councilwoman Baughn to approve the Consent Agenda thereby:

- Approving the October 13, 2014 City Council Meeting minutes.
- Approving the October 20, 2014 City Council Special Meeting minutes.
- Approving the October 27, 2014 City Council Special Meeting minutes.

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

**PUBLIC RECOGNITION**

Mayor Beehan delivered special remarks.

Councilman Mosby delivered special remarks.

Mayor Pro Tem delivered special remarks.

Councilwoman Garland delivered special remarks.

**ADJOURNMENT**

The Council adjourned at 7:25pm.

### **CALL TO ORDER WITH HE NEWLY ELECTED CITY COUNCIL**

The new City Council convened at 7:26pm.

### **PUBLIC RECOGNITION-OATHS OF OFFICE**

Oaths of office for the Office of Oak Ridge City Council were administered to the following newly-elected members: Ms. Ellen D. Smith; Mr. Kelly Callison; Mr. Warren Gooch; and Mr. R.G. Chinn, Jr.

### **ROLL CALL**

Upon roll call the following councilmembers were present: Councilwoman Trina Baughn; Councilman Kelly Callison; Councilman Rick Chinn; Councilman Warren Gooch; Councilman L. Charles Hensley; Councilman Charles J. Hope, Jr.; Councilwoman Ellen Smith.

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

#### **Elections/Appointments**

Election of Mayor of the City of Oak Ridge

Before first ballot Councilwoman Baugh moved to ask the following questions to Councilmembers Chinn, Gooch, Hope, and Smith.

- (1) Mayor or not, will you support the previous council's decision to formally request a DOE Community Assistance Review as allowed within AECA 1955, PL 84-221, DOE Order 2100.12A?
- (2) Did you, any of your immediate family members or your affiliated businesses contribute financially, in any amount, to the Progress PAC?
- (3) If you are a member of the Chamber of Commerce or if you have received their endorsement for your candidacy via their Progress PAC, will you recuse yourself from voting on the Chamber of Commerce contract when it comes up from renewal?

Councilmembers Baughn, Callison, Chinn, Gooch, Hope, and Smith voted "aye." Councilman Hensley voted "nay."

Responses to question 1: Councilman Chinn responded yes. Councilman Gooch responded yes. Councilman Hope responded yes. Councilwoman Smith responded yes.

Responses to question 2: Councilman Chinn responded no. Councilman Gooch responded no. Councilman Hope responded no. Councilwoman Smith responded no.

Responses to quest 3: Councilman Chinn responded no. Councilman Gooch responded no. Councilman Hope responded no. Councilwoman Smith responded no.

On first ballot:

Councilwoman Baughn voted for Councilwoman Smith. Councilman Callison voted for Councilman Hope. Councilman Chinn voted for himself. Councilman Gooch voted for himself. Councilman Hensley voted for Councilman Gooch. Councilman Hope voted for himself. Councilwoman Smith voted for herself.

Councilman Chinn received one vote; Councilman Gooch received two votes;

Councilman Hope received two votes; and Councilwoman Smith received two votes. Councilmembers Baughn, Callison, and Hensley did not received any votes and were dropped from the ballot. No member of Council received the four votes necessary to be elected mayor.

On second ballot:

Councilwoman Baughn voted for Councilwoman Smith. Councilman Callison voted for Councilman Hope. Councilman Chinn voted for himself. Councilman Gooch voted for himself. Councilman Hensley voted for Councilman Gooch. Councilman Hope voted for himself. Councilwoman Smith voted for herself.

Councilman Chinn received one vote; Councilman Gooch received two votes; Councilman Hope received two votes; and Councilwoman Smith received two votes. No member of Council received the four votes necessary to be elected mayor.

On third ballot:

Councilwoman Baughn voted for Councilwoman Smith. Councilman Callison voted for Councilman Hope. Councilman Chinn voted for himself. Councilman Gooch voted for himself. Councilman Hensley voted for Councilman Gooch. Councilman Hope voted for himself. Councilwoman Smith voted for herself.

Councilman Chinn received one vote; Councilman Gooch received two votes; Councilman Hope received two votes; and Councilwoman Smith received two votes. No member of Council received the four votes necessary to be elected mayor.

On fourth ballot:

Councilwoman Baughn voted for Councilwoman Smith. Councilman Callison voted for Councilman Hope. Councilman Chinn voted for himself. Councilman Gooch voted for himself. Councilman Hensley voted for Councilman Gooch. Councilman Hope voted for himself. Councilwoman Smith voted for herself.

Councilman Chinn received one vote; Councilman Gooch received two votes; Councilman Hope received two votes; and Councilwoman Smith received two votes. No member of Council received the four votes necessary to be elected mayor.

Before fifth ballot, Councilwoman Baughn moved, and Councilman Hensley seconded, to accept public comments before additional balloting. The motion was approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Gooch, Hensley, Hope, and Smith voting "aye."

Ms. Anne Garcia Garland of 120 Outer Drive suggested pulling a name out of the hat for Mayor.

Joy Henderson of 103 Paris Lane, a City resident for 44 years, voiced her support for Smith's candidacy.

Attican Sevara of 109 Clinton Drive suggested that the Council was not constrained by Robert's Rules of Order and that the Council could pick the Mayor an alternative way.

Tony Stevens of 110 Oak Ridge Turnpike suggested that the candidates for Mayor further elaborate and discuss their individual positions on issues.

Linda Maybree of 106 Montana Avenue voiced her support for Rick Chinn's candidacy.

On fifth ballot:

Councilwoman Baughn voted for Councilwoman Smith. Councilman Callison voted for Councilman Hope. Councilman Chinn voted for himself. Councilman Gooch voted for himself. Councilman Hensley voted for Councilman Gooch. Councilman Hope voted for himself. Councilwoman Smith voted for herself.

Councilman Chinn received one vote; Councilman Gooch received two votes; Councilman Hope received two votes; and Councilwoman Smith received two votes. No member of Council received the four votes necessary to be elected mayor.

Before sixth ballot, Councilman Callison moved, and Councilman Hensley seconded, to suspend the voting rules and drop the candidate that receives the fewest votes on ballot six. After brief discussion on the motion, Councilman Hensley called the question and Councilman Chinn seconded. The motion failed with three votes in favor. Councilmembers Hensley, Callison, and Smith voted "aye." Councilmembers Hope, Chinn, Gooch, and Baughn voted "nay."

After the vote, City Staff suggested that the Council move up the Resolutions paying tribute to the former City Council members. The motion was approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Gooch, Hensley, Hope, and Smith voting "aye."

On sixth ballot:

Councilwoman Baughn voted for Councilwoman Smith. Councilman Callison voted for Councilman Gooch. Councilman Chinn voted for Councilman Gooch. Councilman Gooch voted for himself. Councilman Hensley voted for Councilman Gooch. Councilman Hope voted for himself. Councilwoman Smith voted for herself.

Councilman Gooch was elected Mayor with four votes from Councilmembers: Callison; Chinn; Gooch; and Hensley.

#### Election of Mayor Pro Tem of the City of Oak Ridge

On first ballot: Councilwoman Smith was elected Mayor Pro Tem on first ballot with four votes from Councilmembers: Baughn, Hensley, Hope, and Smith. Councilman Callison voted for himself. Councilman Chinn voted for himself. Councilman Gooch voted for Councilman Chinn.

### **RESOLUTIONS**

- a. Adoption of **Resolution No. 11-109-2014** paying tribute to Mayor Thomas L. Beehan for his service on the Oak Ridge City Council.

Councilwoman Smith moved, and Councilman Hensley seconded, to adopt the Resolution. The motion was approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Gooch, Hensley, Hope, and Smith voting "aye."

- b. Adoption of **Resolution No. 11-110-2014** paying tribute to Councilwoman Anne Garcia Garland for her service on the Oak Ridge City Council.

Councilwoman Smith moved, and Councilwoman Baughn seconded, to adopt the Resolution. The motion was approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Gooch, Hensley, Hope, and Smith voting "aye."

- c. Adoption of **Resolution No. 11-111-2014** paying tribute to Mayor Pro Tem D. Jane Miller for her service on the Oak Ridge City Council.

Councilman Hope moved, and Councilwoman Smith seconded, to adopt the Resolution. The motion was approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Gooch, Hensley, Hope, and Smith voting “aye.”

- d. Adoption of **Resolution No. 11-112-2014** paying tribute to Councilman David N. Mosby for his service on the Oak Ridge City Council.

Councilman Hensley moved, and Councilman Hope seconded, to adopt the Resolution. The motion was approved unanimously by voice vote with Councilmembers Baughn, Callison, Chinn, Gooch, Hensley, Hope, and Smith voting “aye.”

#### **CITY COUNCIL OFFICIAL GROUP PHOTO**

#### **ADJOURNMENT**

City Council adjourned at 8:40pm.

Alexander Ford, Acting City Clerk  
CITY OF OAK RIDGE, TENNESSEE

ELECTRIC DEPARTMENT MEMORANDUM

14-38

**DATE:** November 20, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** Jack L. Suggs, Electric Director  
**SUBJECT:** CONTRACT MODIFYING THE GREEN POWER PROVIDERS PROGRAM

Introduction

An item for City Council's consideration is a resolution approving an agreement between the City of Oak Ridge and Tennessee Valley Authority (TVA), number TV-54097A Supplement 95 which modifies provisions of the Green Power Providers contract.

Funding

With the exception of costs associated with administering the program, there is no funding requirement for this resolution.

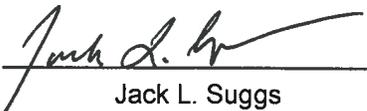
Background

The City of Oak Ridge participates in TVA's Green Power Provider (GPP) program so that customers of the system can install and operate alternative energy generation systems (such as photovoltaic systems) and receive financial incentives from TVA.

The program has been in place for several years. TVA is requesting a change to the GPP program in several technical areas. In essence, these changes remove metering and report challenges associated with units 50kW and less in size. Specifically, interval metering is no longer required which eliminates the need for a real time communication system with associated monthly charges. Less expensive meters can also be used.

Recommendation

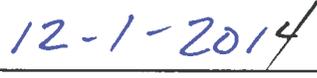
Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
Jack L. Suggs

**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 CITY TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE VALLEY AUTHORITY (TVA) TO AMEND THE GREEN POWER PROVIDERS PROGRAM.

WHEREAS, the City is currently a participant in the Tennessee Valley Authority's (TVA) Green Power Providers (GPP) Program so that customers can install and operate alternative energy generation systems (such as photovoltaic systems) and receive financial incentives from TVA; and

WHEREAS, TVA is requesting a change to the GPP Program in several technical areas, which will remove metering and report challenges associated with units 50kW and less in size; and

WHEREAS, the City desires to remain a participant in this program as a benefit to our customers; and

WHEREAS, the City Manager recommends approval the amendment to the GPP Program.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter an agreement (TV-54097A, Supplement 95) with the Tennessee Valley Authority to amend the Green Power Providers Program.

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

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

**ELECTRIC DEPARTMENT MEMORANDUM**

**14-34**

**DATE:** November 20, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** Jack L. Suggs, Electric Director  
**SUBJECT:** TVA CONTRACT AMENDMENT FOR SOLAR INSTALLATION

Introduction

An item for City Council's consideration is an approval of the attached Wholesale Billing Adjustment Agreement, document TV-54097A, Supplement 94 which provides for billing of power provided through the Tennessee Valley Authority (TVA) Renewable Standard Offer (RSO) program.

Funding

There is no financial impact associated with this resolution, excepting the administrative costs of participating in the program.

Review

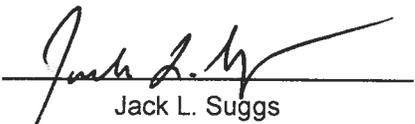
The City of Oak Ridge has a full requirements contract with TVA for the provision of power. One of the impacts of this agreement is that the City is not able to directly purchase power from third party generators – such as solar projects. Instead, power produced by solar projects is purchased by TVA and then resold under its green power programs.

Agreements exist for smaller solar installations in the City. Currently, however, a customer is preparing to construct a 1 MW solar facility near ETPP. Because of its size, this new facility is not covered by the previous agreements, and, therefore, a new amendment is required.

The contract provides that energy produced by the new facility will be charged against a specific Oak Ridge delivery point at the then current wholesale rates. This makes sense electrically and keeps both the City of Oak Ridge and TVA "whole" from a power produced basis.

Recommendation

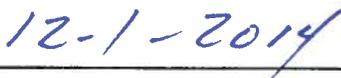
Staff recommends approval of the attached resolution.

  
Jack L. Suggs

**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 CITY TO ENTER INTO A WHOLESAL BILLING ADJUSTMENT AGREEMENT WITH THE TENNESSEE VALLEY AUTHORITY (TVA) WHICH PROVIDES FOR BILLING OF POWER PROVIDED THROUGH TVA'S RENEWABLE STANDARD OFFER PROGRAM.

WHEREAS, the City of Oak Ridge is a distributor of electric power purchased from the Tennessee Valley Authority (TVA) under an agreement known as the Power Contract (TV-54097A); and

WHEREAS, this agreement prohibits the City from purchasing power directly from third party generators such as solar projects, and instead power produced by solar projects is purchase by TVA and then resold under its green power programs; and

WHEREAS, a customer is preparing to construct a solar facility near the East Tennessee Technology Park (ETTP), which new facility is not covered by a current agreement with TVA and, therefore, a new agreement is necessary; and

WHEREAS, TVA has provided the City a Wholesale Billing Adjustment Agreement, which provides for billing of power through TVA's Renewable Standard Offer Program, in order to facilitate construction of this solar facility; and

WHEREAS, the City Manager recommends approval the wholesale billing adjustment agreement.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter a Wholesale Billing Adjustment Agreement (TV-54097A, Supplement 94) with the Tennessee Valley Authority which provides for billing of power provided through TVA's Renewable Standard Offer Program.

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

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

## ELECTRIC DEPARTMENT MEMORANDUM

14-35

**DATE:** November 20, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** Jack L. Suggs, Electric Director  
**SUBJECT:** TVA E-SCORE PARTICIPATION

### Introduction

An item for City Council's consideration is a resolution granting the City Manager to sign and execute documents authorizing the City of Oak Ridge to participate in the Tennessee Valley Authority (TVA) eScore program.

### Funding

With the exception of program administration, which will be handled by current staff, there are no funding requirements for this project.

### Review

TVA offers a variety of energy efficiency programs for residential and commercial customers through its distributors. Oak Ridge has participated in these programs to the benefit of our customers.

The current program for residential customers is called the In Home Energy Evaluation Program, or IHEEP. IHEEP has been a huge success for Oak Ridge, with 542 customers taking advantage of the program.

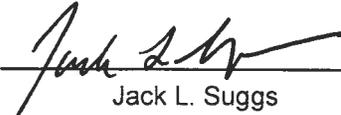
TVA is phasing out IHEEP and replacing it with a new program termed eScore. eScore is similar to IHEEP, in that in home evaluations are still available and incentives are provided for installing energy saving measures. The primary difference between the programs is that eScore improvements can take place over a long period instead of being time constrained after the initial inspection. Additionally, the homeowner can enter the program through a third party vendor, such as a Quality Contractor Network HVAC specialist, which can eliminate the need to pay for an initial inspection.

The program terminates portions of the Energy Right Program, which it supersedes. After adoption, the City will cease offering on-bill financing of improvements (including heat pumps), but will instead offer third party financing through TVA and the program.

Should it be desirable, the City can terminate the eScore agreement with thirty days' notice. This provides flexibility should a better program or opportunity arise.

### Recommendation

Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
Jack L. Suggs

cc: Marlene Witt, Business Office Manager

**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 CITY TO ENTER INTO AN AGREEMENT WITH THE TENNESSEE VALLEY AUTHORITY (TVA) TO PARTICIPATE IN THE ESCORE PROGRAM.

WHEREAS, the City is currently a participant in the Tennessee Valley Authority's (TVA) In Home Energy Evaluation Program (IHEEP); and

WHEREAS, TVA is phasing out IHEEP and replacing it with a new program termed eScore, which is similar to IHEEP in that in-home evaluations are still available and incentives are provided for installing energy saving measures; and

WHEREAS, further, eScore will supersede portions of the Energy Right Program which will result in the City no longer offering on-bill financing of improvements but instead offering third party financing through TVA and the program; and

WHEREAS, the City desires to participate in this program as a benefit to our customers; and

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

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

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

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

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Alexander J. Ford, Acting City Clerk

**ELECTRIC DEPARTMENT MEMORANDUM**

**14-36**

**DATE:** November 20, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** Jack L. Suggs, Electric Director  
**SUBJECT:** PURCHASE OF UNDERGROUND ELECTRIC CABLE

Introduction

An item for City Council's consideration is a resolution making an award to WESCO Distribution, Inc., Chattanooga, Tennessee in the amount of \$66,686.70 for 6,300 feet of 500 MCM copper underground cable.

Funding

The funding for this purchase is through the Electric Fund. The cable is charged to specific electrical upgrades or new construction projects as it is used.

Consideration

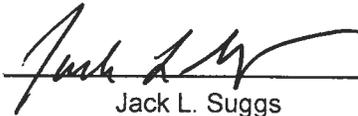
About one third of the Oak Ridge electric system is underground. Several different types of cable are used in this construction, depending on the anticipated loading of the cable in question. This cable, 500 MCM copper, is some of the largest capacity underground cable we use. It is used near substations or where heavy loads are expected to develop.

The cable in question is slated to be used to replace aged cable near Substation 300, located near California Avenue and Oak Ridge Turnpike. Because of the long delivery times, we also maintain a limited stock of this material so that it is available in case of a failure or if a development occurs which requires immediate action.

Three bids were received all of which met specifications. Award is recommended to the lowest bidder, WESCO Distribution, Inc. The bid price of \$10.11 per foot of cable is lower than expected and staff considers it to be a very good value.

Recommendation

Approval of the attached resolution is recommended.

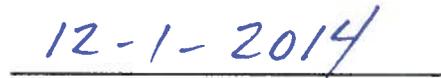
  
\_\_\_\_\_  
Jack L. Suggs

cc: Lyn Majeski, Accounting Division Manager

**City Manager's Comments:**

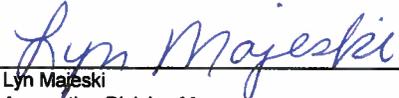
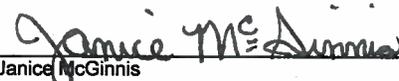
I have reviewed the above issue and recommend Council action as outlined in this document.

  
\_\_\_\_\_  
Mark S. Watson

  
\_\_\_\_\_  
Date

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

OPENING DATE: November 12, 2014 11:00 A.M.

FOR --- Underground Distribution Cable 500 MCM Cu			BIDDER: WESCO Distribution, Inc. 1709 North Orchard Knob Avenue Chattanooga, TN 37406		BIDDER: Power Supply Company, LLC 1907 Daisy Street Chattanooga, TN 37406		BIDDER: Stuart C. Irby Co. 501 West Mountain View Rd. Johnson City, TN 37604		BIDDER:		
MANUFACTURER:			PRYSMIAN		PRYSMIAN		OKONITE				
DESCRIPTION	ITEM	FEET	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
THE FURNISHING OF UNDERGROUND DISTRIBUTION CABLE 500 MCM CU PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE ELECTRIC DEPARATMENT	1	6,300	\$ 10.11	\$ 63,686.70	\$ 11.29	\$ 71,127.00	\$ 11.520	\$ 72,576.00		\$ -	
* CONTRACT AMENDMENT BUDGET FOR OVERAGE, SHALL NOT EXCEED 5%.	1*			\$ 3,184.34		\$ 3,556.35		\$ 3,628.80		\$ -	
TOTAL PRICE				\$ 66,871.04		\$ 74,683.35		\$ 76,204.80		\$ -	
TERMS				Net 30		Net 30		Net 30			
DELIVERY				18-20 Weeks ARO		18-20 Weeks ARO		6 Weeks ARO			
F.O.B.				Oak Ridge		Oak Ridge		Oak Ridge			
VIA				Best Way		Best Way		Best Way			
OTHER BIDDERS CONTACTED OR SUMMITTED A BID: Edwards Supply Co., Inc. - Oak Ridge, TN Border States Electric - Nashville, TN (KERITE) Bid arrived late, not opened							BIDS OPENED AND RECORDED BY--  Lyn Majeski Accounting Division Manager				
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:				BIDS REVIEWED BY--				
ONLY BID RECEIVED <input type="checkbox"/>			WESCO Distribution, Inc. 1709 North Orchard Knob Avenue Chattanooga, TN 37406				 Janice McGinnis Finance Director				
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 AMOUNT OF \$66,686.70 TO WESCO DISTRIBUTION, INC., CHATTANOOGA, TENNESSEE, FOR THE FURNISHING OF 6,300 FEET OF 500 MCM COPPER UNDERGROUND CABLE.

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of copper underground cable for use by the Electric Department; and

WHEREAS, bids were received and publicly opened on November 12, 2014, with WESCO Distribution, Inc., Chattanooga, 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 WESCO Distribution, Inc., 1709 North Orchard Knob Avenue, Chattanooga, Tennessee 37406, for the furnishing of 6,300 feet of 500 MCM copper underground cable for the Electric Department; said award in strict accordance with the required specifications and the bid as submitted and publicly opened on November 12, 2014, and in the amount of \$66,686.70.

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Alexander J. Ford, Acting City Clerk

**CITY COUNCIL MEMORANDUM**  
**14-42**

DATE: November 26, 2014  
TO: Honorable Mayor and Members of City Council  
FROM: Mark S. Watson, City Manager  
SUBJECT: SURPLUS PROPERTY – FIRE TRUCK

Introduction

An item for City Council's consideration is a resolution authorizing the transfer of a surplus 1991 International 4700 Fire Truck (#376) to the Medford Volunteer Fire Department, Rocky Top (Lake City), Tennessee at no cost for their use.

Financial

The City has incurred no cost in the disposal of this equipment as the unit will be provided "as is" to the Medford Volunteer Fire Department. The Medford Volunteer Fire Department will use as a backup unit in providing mutual aid to other Anderson County fire departments, including the City of Oak Ridge.

Background

The City has recently purchased new fire trucks for the Oak Ridge Fire Department. The new trucks have replaced our front line units, with the previous units now in backup status. The unit above is a previous backup for the department, but is no longer needed. It would be a significant replacement for the 1956 unit that is currently out of service at the Medford Volunteer Fire Department.

The City anticipated that we would only receive a minimum of cash at auction for the old unit at an estimated \$10,000 and that it could be put to better use by the neighboring department. In the event it would ever be needed for unanticipated reasons, our agreement with the Medford Volunteer Fire Department would be to provide backup in the event of an emergency.

Recommendation

Approval of the attached resolution is recommended.

  
\_\_\_\_\_  
Mark S. Watson

Attachments

# MEDFORD VOLUNTEER FIRE DEPARTMENT



3250 Lake City Hwy.  
Lake City, TN 37769  
(865) 426-2621

medfordchief7601@gmail.com

Chief: Michael A. Cable  
Fax (865) 426-2671  
Cell (865) 748-4657



November 4, 2014

Dear Mr. Mark Watson,

At the county chiefs' meeting on Tuesday, November 04, 2014, Chief Darryl Kerley mentioned that you recently replaced some of the city's fire engines with new fire engines. He also mentioned that the engines you replaced are being placed into surplus. Medford Volunteer Fire Department would like to be considered to receive one of these fire engines. Medford Volunteer Fire Department is a strictly volunteer department serving approximately 4700 homes. We also provide mutual aid for Andersonville, Briceville, and Marlow Volunteer Fire Departments, as well as Rocky Top Fire Department. Medford Volunteer Fire Department relies heavily on donations and our annual donation of \$20,000.00 from Anderson County. At this time, we are operating with one Class A pumper, a 2002 GMC. Our back up pumper, a 1956 International is out of service due to the inability to get parts for repairs. Our fire department and community would appreciate being considered to receive one of these fire engines. If our department can ever assist you in anyway, at anytime, please feel free to call on us.

Sincerely,

A handwritten signature in black ink that reads "Chief Michael Cable".

Michael Cable, Chief  
Medford Volunteer Fire Department

**RESOLUTION**

A RESOLUTION AUTHORIZING THE TRANSFER OF A SURPLUS 1991 INTERNATIONAL 4700 FIRE TRUCK (#376) TO MEDFORD VOLUNTEER FIRE DEPARTMENT, ROCKY TOP, TENNESSEE, AT NO COST FOR THEIR USE.

WHEREAS, the City's Fire Department has a 1991 International 4700 Fire Truck (#376) which has previously been used as a backup vehicle for the department; and

WHEREAS, with the purchase of new fire engines, the previous front line units are now backup vehicles for the department and the 1991 vehicle has been declared surplus; and

WHEREAS, Medford Volunteer Fire Department, Rocky Top, Tennessee, has requested the City to consider transferring the fire truck to them and has offered for the City to be able to still use the vehicle if needed in the event of an emergency; and

WHEREAS, Tennessee Code Annotated §12-3-1005 allows governmental entities to purchase, trade, or gift personal property to each other without public advertisement and competitive bidding; and

WHEREAS, the City Manager recommends the fire truck be donated to Medford Volunteer Fire Department for their use.

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 donation of the 1991 International 4700 Fire Truck (#376) to Medford Volunteer Fire Department, Rocky Top, Tennessee, is hereby approved.

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

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Alexander J. Ford, Acting City Clerk

# RESOLUTIONS

**CITY COUNCIL MEMORANDUM  
14-41**

DATE: November 24, 2014  
TO: Honorable Mayor and Members of City Council  
FROM: Mark S. Watson, City Manager  
SUBJECT: SUPPORT FOR INTERNATIONAL CITY/COUNTY MANAGEMENT  
ASSOCIATION PRESIDENT-ELECT

Introduction

An item for City Council's consideration is a resolution to support consideration of Mark S. Watson, City Manager, to be President-Elect of the International City/County Management Association (ICMA) for 2015-2016.

Financial

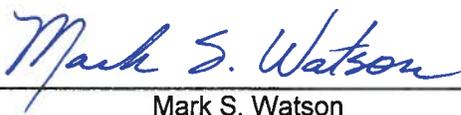
The City Manager's expenses associated with serving in the capacity of President-Elect and eventually President shall be an obligation of the ICMA organization. The only exceptions are the costs of the annual conference and the President's own state meeting, as is currently stipulated in the Employment Agreement with Mr. Watson.

Background

The City Manager of Oak Ridge is recognized throughout the country and in various parts of the world and certainly in Tennessee as a credentialed public manager. Over the years, he has actively participated in the activities of his profession and served in the capacity as a regional vice president in 1998-2001. The Tennessee City Management Association has recognized the City Manager as one of 41 members of ICMA who qualifies for the position of President. There has never been a President of the ICMA organization from Tennessee. The City Manager would be appreciative of support by the City Council in allowing participation in this effort, which is an opportunity to represent his profession and the City to over 9,000 colleagues in the United States and around the world.

Recommendation

Approval of the attached resolution is requested.

  
\_\_\_\_\_  
Mark S. Watson

Attachments



November 20, 2014

Honorable Mayor and City Council  
City of Oak Ridge  
P.O. Box 1  
Oak Ridge, TN 37831-0001

Dear Sirs and Madams:

On behalf of the Tennessee City Management Association (TCMA), we are requesting the support of the Oak Ridge City Council for City Manager Mark Watson to serve as President-Elect of the International City/County Management Association (ICMA). If selected, he would be in-line to become President of the professional association that represents 9,000 appointed City Managers, Administrators, and Assistants from across United States and the world.

In October, the TCMA Board of Directors approached Mark and encouraged him to consider and pursue the position of President for ICMA. Only a limited number of ICMA members have the qualifications to be considered for the position with Mark fitting in that group. Since his arrival in Tennessee over four years ago, Mark has represented the City of Oak Ridge well in activities across the State. He has been active in the state affiliate of ICMA and is well respected by his peers from across Tennessee for his leadership skills, knowledge and professionalism. If selected, Mark would become the first President in the 100-year history of ICMA from the State of Tennessee.

Your support for Mark will be greatly appreciated by the 114 TCMA members from across Tennessee. Please feel free to contact me at 615-306-9484 or by email at [Walker@TNCMA.org](mailto:Walker@TNCMA.org) if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Michael W. Walker". The signature is written in a cursive, flowing style.

Michael W. Walker  
Executive Director

**RESOLUTION**

A RESOLUTION TO SUPPORT CONSIDERATION OF MARK S. WATSON, CITY MANAGER, TO BE PRESIDENT-ELECT OF THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA).

WHEREAS, the International City/County Management Association (ICMA) is a nonprofit organization founded in 1941 to advance professional local government worldwide, with a mission and vision to create excellence in local governance by developing and fostering professional management to build better communities; and

WHEREAS, ICMA identifies leading practices to address the needs of local governments and professionals serving communities globally; and

WHEREAS, ICMA provides services, research, publications, data and information, peer and results-oriented assistance, and training and professional development to thousands of city, town, and county leaders and other individuals and organizations throughout the world; and

WHEREAS, the management decisions made by ICMA's members affect millions of people living in thousands of communities, ranging in size from small towns to large metropolitan areas; and

WHEREAS, City Manager Mark S. Watson has been recognized by the Tennessee City Management Association as one of forty-one (41) ICMA members worldwide eligible to serve as ICMA President-elect in 2015-2016; and

WHEREAS, the City Manager is recognized throughout the country and in various parts of the world, and certainly in Tennessee, as a credentialed public manager; and

WHEREAS, the City Manager has actively participated in ICMA activities, including but not limited to, serving as Regional Vice President from 1998-2001, Chairman of the International Committee from 2009-2012, Vice-Chair of Government Affairs and Policy Committee from 1999-2002, and most recently serving as an ICMA Professional Management Fellow with Indonesia in 2014; and

WHEREAS, this is a tremendous opportunity for the City Manager to support his profession and to represent the City of Oak Ridge as the ICMA President who shapes strategic initiatives to lead ICMA in its role as leader in professional local government management during the term year; and

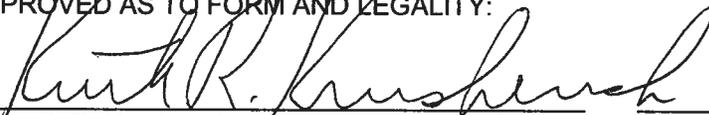
WHEREAS, the Oak Ridge City Council supports the City Manager and encourages him to seek consideration as ICMA's President-elect for 2015-2016.

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

That the Oak Ridge City Council hereby supports City Manager Mark S. Watson and encourages him to seek consideration as President-Elect of the International City/County Management Association (ICMA) in 2015-2016, and the City of Oak Ridge recognizes this honor for Mark S. Watson and supports this effort with time to attend ICMA related meetings and to serve as a representative for the Association and our City of Oak Ridge.

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
 Warren L. Gooch, Mayor

\_\_\_\_\_  
 Alexander J. Ford, Acting City Clerk

**COMMUNITY DEVELOPMENT MEMORANDUM**

**14-49**

**DATE:** November 21, 2014

**TO:** Mark S. Watson, City Manager

**FROM:** Kathryn G. Baldwin, Community Development Director 

**SUBJECT:** LAND BANK TRANSFER

Introduction

The Community Development Department has continued to purchase blighted property for demolition in compliance with the Community Development Block Grant (CDBG) Consolidated Plan for 2014-2017. The properties listed below are currently vacant and ready for transfer to the Oak Ridge Land Bank.

Funding

Initial funding for purchase of these properties was primarily carried out with monies from the Oak Ridge CDBG annual allocation. Federal Economic Development Initiative (EDI) and Oak Ridge Housing funds were used as well, depending on neighborhood circumstances.

Background

As part of the "Not in Our City Campaign" adopted by City Council, Community Development staff has pursued identification, purchase and demolition of the City's most blighted properties. In addition, Council adopted Ordinance 08-213, which established the Oak Ridge Land Bank. Initially twelve properties were transferred to the newly created Land Bank. Land Bank members were appointed in December of 2013 and have been actively pursuing goals and objectives established by City Council in Resolution 11-108-2013. At this time Community Development staff has purchased and removed structures from an additional six properties. The properties are referenced below. In addition, please find attached a letter from Charlie Jernigan, Chairman of Oak Ridge Land Bank, requesting ownership of these properties be transferred from the City of Oak Ridge to Oak Ridge Land Bank.

**Oak Ridge Land Bank Corporation - Anticipated 2nd Transfer of Property**

<b>Address</b>	<b>Funding</b>	<b>Purchase Price</b>	<b>Closing Date: mm/dd/yy</b>	<b>Appraised Value before remediation</b>	<b>Demolished mm/dd/yy</b>
124 Wainwright Rd	EDI	\$23,384.84	11/1/13	\$23,000.00	4/9/14
121 Wainwright Rd	CHF	\$21,361.72	2/12/14	\$21,000.00	5/7/14
117 Houston Ave	CHF	\$14,343.91	2/27/14	\$14,000.00	5/8/14
138 S. Purdue Ave	CHF	\$24,301.36	4/25/14	\$24,000.00	6/27/14
507 W. Outer Dr	CDBG	\$20,371.15	6/26/14	\$20,000.00	tbd
103 Jay Ln	CDBG	\$11,506.22	8/14/14	\$11,000.00	N/A

Recommendation

Staff recommends approval of the attached resolution, which will transfer ownership of the above referenced property to the Oak Ridge Land Bank in an effort to prepare for redevelopment.

**City Manager's Comments:**

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

  
\_\_\_\_\_  
Mark S. Watson

  
\_\_\_\_\_  
Date



November 13, 2014

Charlie Jernigan  
Chairman, Oak Ridge Land Bank, Inc

Mark Watson  
City Manager, City of Oak Ridge, TN

Mark,

To follow up with our discussion just before my recent overseas trip, I would like to make three requests on behalf of the Oak Ridge Land Bank.

1. I would like to have an agenda spot reserved on a City Council work session early in 2015 to make our status report to the Council.
2. I would request the transfer any additional properties to the Land Bank that the city is prepared at this time to convey. We have an active program prepared to start final disposal of property per our guidelines.
3. Finally, I would like to initiate the transfer of the budgeted funds designated for the Land Bank in this year's budget, as we did last year.

Thank you for your continuing support of the Oak Ridge Land Bank, Inc.,

A handwritten signature in black ink, appearing to read "Charlie Jernigan", written in a cursive style. The signature is positioned above the printed name.

Charlie Jernigan

**RESOLUTION**

A RESOLUTION TO TRANSFER SIX (6) CITY-OWNED REAL PROPERTIES TO THE OAK RIDGE LAND BANK CORPORATION FOR DISPOSITION AS SET FORTH IN RESOLUTION 11-108-2013.

WHEREAS, by Resolution 11-109-11, City Council approved the *Not in Our City* conceptual plan which included establishment of a land bank program to reclaim unused, vacant, and/or undesirable land for potential housing opportunities or public use; and

WHEREAS, by Ordinance 08-2013, City Council created the Oak Ridge Land Bank Corporation (Land Bank) and established requirements for the corporation set forth in City Code Title 13, Chapter 6, including requirements regarding ownership and conveyance of real property; and

WHEREAS, by Resolution 11-108-2013, City Council established a hierarchical ranking of priorities for the use of real property held by the Land Bank; and

WHEREAS, the City desires to transfer six (6) City-owned real properties to the Land Bank for disposition as set forth in Resolution 11-108-2013.

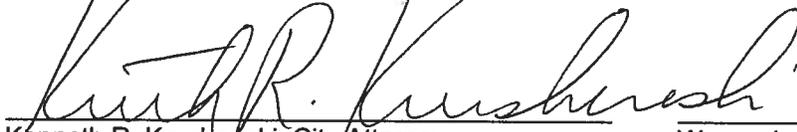
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the City hereby transfers to the Oak Ridge Land Bank Corporation by quit claim deed the following properties: 117 Houston Avenue, 103 Jay Lane, 138 S. Purdue Avenue, 121 Wainwright Road, 124 Wainwright Road, and 507 W. Outer Drive.

BE IT FURTHER RESOLVED that the Oak Ridge Land Bank Corporation shall follow the hierarchical ranking of priorities for the use of real property as set forth in Resolution 11-108-2013:

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

**COMMUNITY DEVELOPMENT MEMORANDUM**  
**14-50**

DATE: November 21, 2014

TO: Mark S. Watson, City Manager

FROM: Kathryn Baldwin, Community Development Director 

SUBJECT: CDBG COMMITTEE RECOMMENDATION FOR THE FUNDING OF CITY PUBLIC (SOCIAL) SERVICE PROJECTS

Introduction

An item for Council consideration is approval of a resolution awarding \$34,077 in monies designated for social service projects.

Analysis

During the May 2014 regular City Council meeting, Council directed Community Development to set aside 15% of the CDBG PY 2014/FY 2015 for local public (social) service projects. To ensure a fair selection of the allocation of funding to local agencies, the Community Development Block Grant (CDBG) Committee, (members listed below) called for all interested parties in the City to submit an application before a deadline of Thursday, September 25, 2014. Five applications were received by the deadline date, and the CDBG Committee met on Thursday, October 2, 2014 to evaluate each of the applications according to 1) completion and 2) comparison of the applicant's responses to the CDBG Committee's Evaluation Guide.

Funding

Funding for this award is provided through federal funds provided through the Oak Ridge CDBG Program and was included in the CDBG Consolidated Plan 2014-2017.

Recommendation

The City of Oak Ridge CDBG Committee recommends awarding two applicants for PY 2014/FY 2015 funding. One award recommendation in the amount of **\$18,577.00** for the **Emory Valley Center's Wadsworth Home Project**, the other award recommendation of **\$15,500.00** for the **Aid to Distressed Families of Appalachian Counties (ADFAC) Elder Repairs Program**. These two applicants received the highest scoring on their evaluation, and the Committee members felt that both projects were necessary, relevant to both the national and local CDBG priorities and could be accomplished in the six month time period from **January 1<sup>st</sup> to June 20, 2015**.

Attached are the evaluation forms for each of the applicants, and the CDBG Committee is providing a copy of each applicant's evaluation to the applicant agency's lead contact. When a decision about the allocation of these CDBG funds is approved by Council, the Community Development Department will move forward with establishing subrecipient agreements with the chosen agencies by December 15, 2014.

CDBG Committee Members include: Brandon Sharp, Oak Ridge Police Department; Kathryn Baldwin, Oak Ridge Community Development Director; Kay Brookshire, Oak Ridge Neighborhood Watch Vice President; Ken Krushenski, Oak Ridge City Attorney; Matt Widner, Oak Ridge Housing Specialist; Pat Imperato, Keep Anderson County Beautiful & Environmental Quality Advisory Board; Sheryl Ely, Oak

Ridge Senior Planner; and Susan Fallon, Oak Ridge Public Works. Sherith Colverson, Planner with Ridge to Valley Consulting, provided the CDBG Committee with technical assistance.

**City Manager's Comments:**

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

  
\_\_\_\_\_  
Mark S. Watson

  
\_\_\_\_\_  
Date

cc: City Council  
City Clerk

**RESOLUTION**

A RESOLUTION AUTHORIZING AGREEMENTS WITH THE EMORY VALLEY CENTER AND AID TO DISTRESSED FAMILIES OF APPALACHIAN COUNTIES, INC., IN THE AMOUNT OF \$18,577.00 AND \$15,500.00 RESPECTIVELY, FOR SOCIAL SERVICES PROJECTS.

WHEREAS, by Resolution 5-35-2014, City Council approved the Community Development Block Grant (CDBG) Consolidated Plan 2014-2017, the FY2015 Annual Action Plan, and proposed allocations of CDBG entitlement funds for FY2015 in the estimated amount of \$498,911.00; and

WHEREAS, as part of said resolution, \$34,000.00 was allocated to social services projects; and

WHEREAS, the City sought applications by local agencies for allocation of the social services project funds; and

WHEREAS, the CDBG Committee selected the Emory Valley Center and Aid to Distressed Families of Appalachian Counties, Inc., for funding, which 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 the City is hereby authorized to enter into agreements with the Emory Valley Center in the amount of \$18,577.00 for their Wadsworth Home Project and with Aid to Distressed Families of Appalachian Counties, Inc., in the amount of \$15,500.00 for their Elder Repairs Program, all as part of the City's Community Development Block Grant (CDBG) entitlement funds allocation for social services projects, with said agreements concluding by June 30, 2015.

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

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

FIRE DEPARTMENT MEMORANDUM

HQ-14-17

**DATE:** October 6, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** Darryl Kerley, Fire Chief  
**SUBJECT:** EQUIPMENT UPGRADES THE FIRE DEPARTMENT'S TOWER TRUCK 10

Introduction

An item for City Council's consideration is a resolution waiving competitive bids and making an award to Sutphen Corporation in the estimated amount of \$36,863.22 for cameras and nozzle upgrades on Tower 10.

Funding

Funds are available through the Equipment Replacement Fund to accomplish this task.

Review

During the FY15 budget approval process several modifications to the Fire Department Budget and staffing levels were adjusted. In the process city staff looked for ways to become more efficient with the new technology available in lieu of additional staffing. One of the most significant findings was by upgrading the 100-foot aerial device (Tower-10) the Fire Department could begin applying water to a significant fire with the staff on duty and reduce the danger to firefighters who would otherwise have to be in the danger area above the fire in-order to apply water.

After review of the Fire Department budget and the need to make cuts in programs where staffing was no longer available to accomplish the particular mission of the specialist program, the chief officers explored technology which could provide the required fire flows utilizing the tower truck, with limited staffing on the scene. It was determined that by replacing the fixed position, manually operated monitors mounted on the bucket of the tower with wireless remote control monitors, the department could flow up to 1000 gallons per minute of water without placing a firefighter in the bucket above the fire. The new technology allows the department to deploy the tower and begin flowing water in a matter of minutes with a single operator, reducing the risk to a firefighter who would normally be positioned in the bucket to direct the stream on water. The Sutphen Corporation has provided the cost to upgrade the nozzles and cameras for this project at a cost of \$ 36,863.22. The project will be scheduled in the next 90 days and once the tower truck arrives at Sutphen Headquarters in Ohio, the work should be complete within three weeks.

Recommendation

Staff recommends acceptance of the attached resolution to waive competitive bids and made award to Sutphen Corporation to modify Tower Truck 10 with the abovementioned specifications. It is important to note that a unanimous vote of City Council is required to approve the bid waiving

  
Darryl Kerley, Fire Chief

**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 WAIVING COMPETITIVE BIDS AND MAKING AN AWARD TO SUTPHEN CORPORATION FOR FURNISHING EQUIPMENT UPGRADES FOR THE FIRE DEPARTMENT'S TOWER TRUCK 10 IN THE ESTIMATED AMOUNT OF \$36,863.22.

WHEREAS, the City of Oak Ridge Fire Department has reviewed options to become more efficient; and

WHEREAS, one significant finding by the department was reduction in danger to firefighters by upgrading Tower Truck 10—which is a 100-foot aerial device—through camera and nozzle upgrades to allow water to be applied to a significant fire through remote operation rather than manual operation by a firefighter in the bucket above the fire; and

WHEREAS, Sutphen Corporation is the original manufacture Tower Truck 10 and is best suited to make any modifications to the vehicle; and

WHEREAS, Sutphen has provided an estimate for the equipment upgrades; and

WHEREAS, the City Manager recommends that competitive bids be waived and award be made to Sutphen Corporation for equipment upgrades to Tower Truck 10.

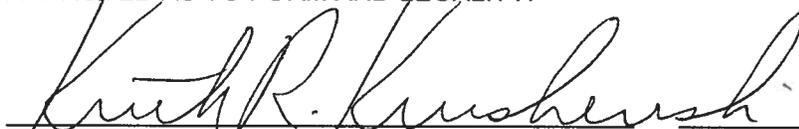
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager that competitive bids be waived is approved and award is hereby made to Sutphen Corporation, P.O. Box 158, Amlin, Ohio 43002, for the furnishing of equipment upgrades for Tower Truck 10, in the estimated amount of \$36,863.22.

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

This the 8<sup>th</sup> day of December 2014.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Alexander J. Ford, Acting City Clerk

**PUBLIC WORKS DEPARTMENT MEMORANDUM**  
**14-40**

**DATE:** November 20, 2014

**TO:** Mark S. Watson, City Manager

**FROM:** Gary M. Cinder, P.E., Public Works Director

**SUBJECT: EPA REMEDIATION PLAN PROJECT – CONTRACT FY2015-179 TURTLE PARK I**

Introduction

An item for City Council's consideration is award of the construction contract for sewer rehabilitation project, Contract FY2015-179, Turtle Park I, in accordance with the EPA Remediation Plan, to Morgan Contracting, Inc. in the estimated amount of \$1,864,513.

Funding

The funding for this project is available from the TDEC State Revolving Fund, loan 2014-337, approved by City Council Resolution 03-20-2014 on March 24, 2014 in the amount of \$3,000,000. Attached to this memo is the current cost analysis of the EPA Remediation Plan. The original budget for engineering services and construction for the EPA Remediation Plan is \$23,090,800. The Turtle Park I project is the final construction project for the EPA Remediation Plan. Upon approval of this project an estimated surplus of \$419,240 remains when comparing the original budget to actual amount spent plus project funds remaining. It is estimated that the surplus will increase as projects are closed out, as none of the projects have yet to exceed the City Council approved amount.

Background

The City of Oak Ridge received Administrative Order CWA-04-2010-4772 from the EPA on September 27, 2010 directing the City to eliminate all sewer overflows by September 28, 2015. Upon completion of various studies and analysis, a Remediation Plan was developed, detailing the process to make corrective actions within the sewer system, and submitted by the required deadline of October 2012.

The Remediation Plan originally included eighteen (18) construction projects, which were consolidated into nine (9) engineer designed projects including East Plant I, East Plant II, East Plant III, East Plant IV, Central City I, Y-12 I, West End I, Turtle Park I and Equalization Basins. Upon completion of all construction for the Remediation Plan, there will be eight (8) projects, as West End I project is being constructed by Hurst Excavating, LLC with remaining approved funds from the East Plant III project.

The Turtle Park I construction contract recommended for approval will include sewer rehabilitation activities in the sewer mini systems W-10, W-11, W-12, W-13, W-14, W-15, W-16, W18B, W-18C, W-18D, W-18E, W-18F, W-18G, W-18H, W-25, W-28, W-30, W-2, W-3, W-4, W-4A, W-18A, W-19, W-19A, W-21, W-23, W-23A, W-24, W-26, W-26A, W-28, W-31, W-32, W-33, W-34 and W-35, generally located west of Highland Avenue, east of Newport Road, south of West Outer Drive, north of Oak Ridge Turnpike. A map of the construction area is included with this memo. The work for this contract in general consists of the following:

1. Lining of 10,900 linear feet of existing gravity sewers by the pipe bursting method.
2. Replacement of 5,750 linear feet of existing gravity sewers by the cured-in-place method.
3. Replacement of 2,495 linear feet of existing gravity sewers by the open cut method.
4. Construction of 34 point repairs of existing gravity sewers.
5. Installation of 20 new manhole frames and covers.
6. Rehabilitation of 1,200 vertical feet of existing sanitary sewer manholes.

Construction for this contract is currently scheduled to begin the first week of February, with completion of the project by September 2015. Staff remains confident that the current project schedule will allow us to meet the September 2015 deadline of the EPA Administrative Order. Please see the attached EPA Remediation Plan Project Status for a listing of each project and the next milestone to accomplish and the associated date.

With this construction contract, the Public Works Department will be continuing a public notice procedure that will consist of the following:

- Color coded (green for this specific project) general information letter (copy attached) to all residents on streets within the boundaries of sewer mini systems W-10, W-11, W-12, W-13, W-14, W-15, W-16, W-18B, W-18C, W-18D, W-18E, W-18F, W-18G, W-18H, W-25, W-28, W-30, W-2, W-3, W-4, W-4A, W-18A, W-19, W-19A, W-21, W-23, W-23A, W-24, W-26, W-26A, W-28, W-31, W-32, W-33, W-34 and W-35.
- A second letter with specific information to all residents and/or property owners that will have sewer work performed outside of the street right-of-way (such as their backyard) that will include disturbing structures on the property (fences, driveways, landscaping, storage sheds, etc.).
- A weekly press release to the local media outlets and posted on the City's website, [www.oakridgetn.gov](http://www.oakridgetn.gov).
- Citizens will receive a color coded (green for this specific project) door hanger prior to work beginning in their area.
- The contractor will make every effort to have a personal conversation with each resident or business prior to beginning work on their property.

Recommendation

A requirement of the SRF loan is to forward the contract documents to TDEC for review. Therefore, final award of this contract is subject to TDEC approval. Staff recommends approval of the accompanying resolution.

  
\_\_\_\_\_  
Gary M. Corder, P.E.

Attachments:  
EPA Remediation Plan Cost Analysis  
EPA Remediation Plan Project Status  
Sewer Shed Map  
Copy of Notification Letter

**City Manager's Comments:**

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

  
\_\_\_\_\_  
Mark S. Watson

  
\_\_\_\_\_  
Date

## EPA Remediation Plan Cost Analysis As Of November 20, 2014

<u>PROJECT</u>	<u>REF</u>	<u>REMEDIA- TION PLAN BUDGET</u>	<u>APPROVED</u>	<u>RES</u>	<u>SPENT</u>	<u>PROJECT FUNDS REMAINING</u>	<u>REMEDIA- TION PLAN FUNDS REMAINING</u>
							<b>\$ 23,090,800</b>
East Plant I (COR 12-16)	1	\$ 1,075,800	\$ 1,098,253	a,b	\$ 893,375	\$ -	\$ 22,197,425
East Plant II (COR 12-17)	1	\$ 984,610	\$ 859,365	a,b	\$ 706,219	\$ 8,750	\$ 21,482,456
East Plant III (COR 13-06)	2	\$ 4,025,000	\$ 3,872,890	a,c,d	\$ 2,966,607	\$ 906,283	\$ 17,609,566
West End I	3	\$ 744,700 **	\$ 65,930	a,c,d	\$ 43,930	\$ 22,000	\$ 17,543,636
East Plant IV (Contract FY2014-35)	2	\$ 4,535,790	\$ 4,886,803	a,c,e	\$ 3,653,676	\$ 1,233,127	\$ 12,656,833
Central City I (Contract FY2014-98)	3	\$ 2,165,900	\$ 2,361,203	a,f	\$ 521,790	\$ 1,839,413	\$ 10,295,630
Y-12 I (Contract FY2014-99)	3	\$ 744,700	\$ 1,385,697	a,g	\$ 274,293	\$ 1,111,404	\$ 8,909,933
EQ Basins (Contract FY2015-005)	2	\$ 6,114,900	\$ 7,071,000	c,i	\$ 175,000	\$ 6,896,000	\$ 1,838,933
EQ Basins - Change Order	2	\$ -	\$ (444,820)	j	\$ -	\$ (444,820)	\$ 2,283,753
Turtle Park I	4	\$ 2,699,400 *	\$ 1,864,513	c,h,k	\$ 150,195	\$ 1,714,318	\$ 419,240
<b>TOTAL</b>		<b>\$ 23,090,800</b>	<b>\$ 23,020,834</b>		<b>\$ 9,385,085</b>	<b>\$ 13,286,475</b>	<b>\$ 419,240</b>

\*Pending City Council Approval

\*\*The West End I project construction costs are included with East Plant III project construction costs as Hurst Excavating performs the work with remaining authorized funds.

### REF (Reference):

- 1 Primarily funded by TMBF loan
- 2 Primarily funded by SRF 2013-325 (\$14,000,000 loan)
- 3 Primarily funded by SRF 2013-324 (\$4,000,000 loan)
- 4 Primarily funded by SRF 2014-337 (\$3,000,000 loan)

### RES (Resolutions):

- a 7-67-11 approved 7/11/2011 for engineering services \$ 1,000,000.00
- b 10-78-2012 approved 10/8/2012 for construction \$ 1,655,917.50
- c 6-39-2013 approved 6/10/2013 for LDA services \$ 1,432,000.00
- d 08-75-2013 approved 8/12/2013 for construction \$ 3,334,437.50
- e 10-100-2013 approved 10/14/2013 for construction \$ 4,205,603.00
- f 05-37-2014 approved 5/12/2014 for construction \$ 2,130,083.00
- g 06-45-2014 approved 6/2/2014 for construction \$ 1,170,565.00
- h 07-66-2014 approved 7/14/2014 for engineering \$ 350,000.00
- i 09-93-2014 approved 9/08/2014 for construction \$ 6,472,000.00
- j 10-103-2014 approved 10/13/2014 - change order \$ (444,820.00)
- k pending approval for construction \$ 1,871,113.00



## EPA Remediation Plan Project Status As Of November 20, 2014

Project Name	Current Status	Upcoming Milestone	Projected Date
East Plant I	Project Complete	N/A	8/15/2014
East Plant II	Project Complete	Construction Record Drawings	12/31/2014
East Plant III	Original Contract Complete	Construction Record Drawings	6/30/2015
West End I	Construction Underway (as part of East Plant III)	Complete Construction	6/30/2015
East Plant IV	Construction Underway	Complete Construction	1/31/2015
Central City I	Construction Underway	Complete Construction	4/30/2015
Y-12 I	Construction Underway	Complete Construction	5/31/2015
EQ Basins	Awaiting Construction	Begin Construction	12/1/2014
Turtle Park I	Recommend Construction Award	Send to TDEC for Review	12/17/2014

The West End I project is being constructed with the remaining authorized funding from the East Plant III project. To ensure that the West End I project is completed with the authorized funding available, a small section of the West End sewer shed was removed from the West End I project and is included in the Turtle Park I project, which is currently scheduled to begin construction in February 2015. The streets of the section to be included in the Turtle Park I project are:

- Macaw Lane
- Mallard Lane
- Maltese Lane
- Meadowlark Lane
- W. Melbourne Road
- Mockingbird Lane
- Montana Avenue
- Nantucket Way
- Nathan Lane
- New Bedford Lane
- New Hope Lane
- Newcastle Lane
- Newport Drive



## **EPA Sewer Work Information**

### **Turtle Park I Project**

January 2015

The City of Oak Ridge received an Administrative Order (AO) from the U.S. Environmental Protection Agency in September 2010. The AO directs the City of Oak Ridge to conduct numerous studies, prepare the associated analysis and to undertake significant work activities to eliminate sanitary sewer overflows by September 2015. The studies and analyses have been completed; these identified a tremendous amount of sewer rehabilitation work that will need to be performed throughout the City.

The required sewer rehabilitation work will challenge all of us: citizens, businesses, city staff and contractors performing the work. In order to achieve the best results we will all need to work together. Each individual can contribute to the success of the sewer rehabilitation work by communicating with contractors and having patience as daily routines are impacted.

You are receiving this notification because sewer rehabilitation will begin near your home within the next few weeks. The sewer rehabilitation project consists of a contractor with multiple crews repairing and/or replacing manholes and sewer lines. The rehabilitation work will primarily be in the street right-of-way, but there will be some work required in the City's sewer easements located in the front, back and side yards of some residential properties.

As the contractor performs preconstruction tasks, they will provide to the Oak Ridge Public Works Department a list of addresses that will require work outside of the street right-of-way. For citizens affected by this work, the Public Works Department will (1) mail a letter explaining the specific work required in the sewer easement, such as replacing a manhole located in their backyard or removing a fence to repair a sewer line. and/or (2) telephone the resident and leave a message. The letter will contain contact information for the contractor. Each individual is encouraged to call the contractor and discuss the work specific to their property.

**Prior to any work being performed, each resident will receive a door hanger notice (orange paper) that will include the contractor's name and phone number. Please look for and keep the door hanger for the duration of the sewer work in your neighborhood.**

With all of us working together, we anticipate few problems and minimal disruption. Please remember that communication is key for the success of the sewer projects. We thank you in advance for working with us.

Please refer to the EPA information on the City's website at [www.oakridgetn.gov](http://www.oakridgetn.gov) right side of main page, "Learn about the EPA Sewer Work." If you have any questions, concerns or comments about this sewer work, please email [pubworksdis@oakridgetn.gov](mailto:pubworksdis@oakridgetn.gov) or call and leave a message at 425-3495.

Thank you again for your cooperation and assistance.

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

FY2015-179

OPENING DATE: November 13, 2014 11:00 A.M.

FOR — Turtle Park Sewer Shed Wastewater System Rehabilitation Program EPA Administrative Order CWA-04-2010-4772			BIDDER: Morgan Contracting, Inc. 6575 HWY 189 N Baker, FL 32531		BIDDER: Hurst Excavating, LLC PO Box 5374 Knoxville, TN 37928		BIDDER: Portland Utilities Construction Company, LLC 117 Demase Street Portland, TN 37148		BIDDER:		
DESCRIPTION	ITEM		UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
THE FURNISHING OF ALL LABOR, TOOLS, EQUIPMENT AND SUPPLIES NECESSARY TO PERFORM ALL WORK AND SERVICES NECESSARY FOR THE TURTLE PARK SEWER SHED WASTEWATER SYSTEM REHABILITATION PROGRAM CONTRACT PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE, PUBLIC WORKS DEPARTMENT	1			\$ 1,864,513.00		\$ 1,925,850.00		\$ 2,046,360.00			
TOTAL PRICE				\$ 1,864,513.00		\$ 1,925,850.00		\$ 2,046,360.00		\$ -	
TERMS				Net 30		Net 30		Net 30			
DELIVERY				Per Contract		Per Contract		Per Contract			
F.O.B.				Oak Ridge		Oak Ridge		Oak Ridge			
VIA				Vendor		Vendor		Vendor			
OTHER BIDDERS CONTACTED: Layne Inliner - Shawnee, KS Insituform Technologies - Chesterfield, MO							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 RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>			Morgan Contracting, Inc. 6575 HWY 189 N Baker, FL 32531								

**RESOLUTION**

A RESOLUTION AWARDING A CONTRACT (FY2015-179) TO MORGAN CONTRACTING, INC., BAKER, FLORIDA, FOR THE WASTEWATER SYSTEM REHABILITATION PROGRAM TURTLE PARK I PROJECT AS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE ORDER, SAID CONTRACT IN THE ESTIMATED AMOUNT OF \$1,864,513.00.

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

WHEREAS, as part of the Administrative Order, the City is required to develop a plan for complete remediation of the Wastewater Collection and Transportation System, with all remediation work to be completed by September 2015; and

WHEREAS, bids were received and publicly opened on November 13, 2014 for the Wastewater System Rehabilitation Program Turtle Park I project with Morgan Contracting, Inc., Baker, Florida, submitting the lowest and best bid, which bid the City Manager recommends be accepted; and

WHEREAS, funding for this project is available from the Tennessee Department of Environment and Conservation State Revolving Fund loan approved by Resolution 3-20-2014.

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 Morgan Contracting, Inc., 6575 Hwy 189 North, Baker, Florida 32531, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the Wastewater System Rehabilitation Program Turtle Park I project; said award in strict accordance with Contract FY2015-179, the required specifications, and the bid as publicly opened on November 13, 2014, and in the estimated amount of \$1,864,513.00.

BE IT FURTHER RESOLVED that approval of this contract is contingent upon review and approval by the Tennessee Department of Environment and Conservation.

BE IT FURTHER RESOLVED that the scope of the contract may be expanded to address other areas of the sewer system for rehabilitation work provided the type work to be performed is of the type that was originally bid (unit prices) and the contract price remains unchanged.

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

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

**PUBLIC WORKS DEPARTMENT MEMORANDUM**  
**14-41**

**DATE:** November 20, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** Gary M. Cinder, P.E., Public Works Director  
**SUBJECT: LIBRARY LED LIGHTING – CLEAN TENNESSEE ENERGY GRANT PROGRAM**

**Introduction**

An item for City Council to consider is the accompanying resolution authorizing the purchase of various LED lighting for installation at the Public Library from Consolidated Electrical Distributors in the estimated amount of \$238,822.

**Funding**

In June 2013 the City of Oak Ridge was awarded a Clean Tennessee Energy Grant (32701-01710) in the amount of \$200,000 with required local matching funds of \$425,000. The grant budget includes \$400,000 for lighting and supplies. The recommended award of \$238,822 will leave sufficient funds to complete the Recreation Center and Municipal Building projects. The cost of the Library LED lighting will be split 50/50 between the grant and budgeted capital maintenance funds.

**Analysis**

The City has contracted with Red Chair Architects to develop the specifications and plan for the replacement of the original lighting fixtures at the Public Library which are now obsolete. The use of LED lighting will save in both energy consumption and maintenance as the LED lighting should have a much longer life, estimated at 20+ years, versus the fluorescent tubes which are changed annually.

Public Works and Electric Department personnel will install new fixtures in the Children's Library, Auditorium, work room, restrooms, hallway and offices in the same manner as the lighting and ceiling tile has been replaced in the Recreation Center. The main library area lighting replacement will be completed by an electrical contractor due to the complexity of the installation. Unfortunately, the main library area will have to be closed to patrons while the replacement work in that area is completed.

Staff is recommending that the City make this lighting purchase rather than the fixtures being provided by an electrical contractor as both a cost saving effort and in order to receive the lights in a timely manner due to the estimated two month lead time for delivery. While the City is awaiting delivery of the lights, sealed bids from electrical contractors will be solicited for the main library replacement work, with a contract expected to be recommended for approval during the City Council February 2015 meeting.

**Recommendation**

Included with this memo is a grant timeline of milestone dates and accomplishments. The sealed bid process was followed, with seven (7) bids received and Consolidated Electrical Distributors submitting the lowest bid. Staff recommends approval of the resolution as submitted.

  
\_\_\_\_\_  
Gary M. Cinder

**City Manager's Comments:**

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

  
\_\_\_\_\_  
Mark S. Watson

12-1-2014  
Date

## **Milestones for the City of Oak Ridge Clean Tennessee Energy Grant**

<u>January 14, 2013</u>	City Council approved the grant application (Resolution 01-05-2013) for a \$250,000 Clean Tennessee Energy Grant with the City matching 60% for a total project of \$625,000 and accepting the grant if awarded
<u>February 14, 2013</u>	TDEC selected the project to move forward to the 2 <sup>nd</sup> round and requested a full project proposal
<u>February 27, 2013</u>	Full project proposal submitted to TDEC
<u>Winter 2013</u>	Utilizing University of Tennessee interns all city owned buildings were surveyed and the existing lighting inventoried to develop the project.
<u>March 20, 2013</u>	TDEC agrees to partially fund the project with the grant amount reduced to \$200,000 and the project total remaining at \$625,000, with the signed agreement returned to TDEC
<u>June 17, 2013</u>	Governor Haslam announced that Oak Ridge had been awarded the grant at a ceremony in the Municipal Building
<u>September 5, 2013</u>	Notice to Proceed received from TDEC
<u>Fall 2013 and Winter 2014</u>	Decided to begin the project with the Recreation Center, due to the ability close off individual rooms without impacting programs Public Works and Electric Department staff reviewed LED lighting options and developed a schedule with the Recreation Department for the project Decided to replace the obsolete ceiling tile system while replacing the lighting
<u>April 2014</u>	Replaced the lighting in the Club and Craft rooms at the Recreation Center with LED lighting, reducing the number of fixtures the from 12 to 9, wattage required from 1,920W to 450W while increasing the available lighting by approximately 20%
<u>June 2014</u>	Contracted with Red Chair Architects to design the replacement lighting for the Library
<u>August 2014</u>	Replaced the lighting in the A-B, Social, Game rooms and Kitchen, reducing the number of fixtures from 102 to 58, wattage required from 16,320W to 2,900W
<u>September 2014</u>	Replaced the lighting in the hallways, gym entrance and staff offices, reducing the number of fixtures from 18 to 7, eliminating 63 can lights, replaced with 20 2 x 4 troffers
<u>October 2014</u>	Ordered replacement lighting for the gymnasium and indoor pool Received final plans for the Library project and began solicitations for bids to provide lighting fixtures and associated equipment
<u>December 2014</u>	Upon City Council approval, order lights for the Library Solicit bids from electrical contractors to install the Library lighting
<u>February 2015</u>	Recommend award to City Council for an electrical contractor to install the Library lighting Complete design of replacement lights for the Municipal Building
<u>March 2015</u>	Installation of Library lighting by an electrical contractor Order lights for the Municipal Building
<u>April 2015</u>	Installation of Municipal Building lighting
<u>May 2015</u>	Project closeout

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

RFQ #141605

OPENING DATE: November 18, 2014 2:00 P.M.

FOR ---		BIDDER:		BIDDER:		BIDDER:		BIDDER:	
Oak Ridge Public Library - LED Lights		Consolidated Electrical Distributors 807 Winona Street Knoxville, TN 37917		Stokes Electric Co. 1701 McCall Avenue Knoxville, TN 37915		Edwards Supply Co., Inc. 315 Oak Ridge Turnpike Oak Ridge, TN 37830		Customer Service Electric Supply Co. 1612 N. 6th Avenue Knoxville, TN 37917	
DESCRIPTION	ITEM	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
PURCHASE OF LED LIGHTING FOR THE OAK RIDGE PUBLIC LIBRARY PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1		\$ 238,822.00		\$ 246,750.99		\$ 248,143.74		\$ 248,927.80
<b>TOTAL PRICE</b>			\$ 238,822.00		\$ 246,750.99		\$ 248,143.74		\$ 248,927.80
<b>TERMS</b>			Net 30 Days		Net 30 Days		Net 30		Net 30 Days
<b>DELIVERY DATE</b>			Subject to Std Manufacturing		4 - 8 Weeks		6 Weeks ARO		3-6 weeks
<b>F.O.B.</b>			Jobsite/City Warehouse		Destination		Destination		Origin
<b>VIA</b>			CED Delivery Vehicle		Direct		Best Way		Best Way / Motor Freight
<b>OTHER BIDDERS WHO SUBMITTED A BID:</b> Irby Electrical Distributor - Knoxville, TN Graybar Electric - Knoxville, TN Apogee LED - Knoxville, TN						<b>BIDS OPENED AND RECORDED BY--</b>  Lyn Majeski Accounting Division Manager			
<b>REASON FOR AWARD:</b> ONLY BID MEETING BID SPECIFICATIONS <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>			<b>RECOMMEND AWARD BE MADE TO:</b>  Consolidated Electrical Distributors 807 Winona Street Knoxville, TN 37917			<b>BIDS REVIEWED BY--</b>  Janice McGinnis Finance Director			

**RESOLUTION**

A RESOLUTION AWARDING A BID IN THE ESTIMATED AMOUNT OF \$238,822.00 TO CONSOLIDATED ELECTRICAL DISTRIBUTORS, KNOXVILLE, TENNESSEE, FOR THE FURNISHING OF LED REPLACEMENT LIGHTING FOR THE OAK RIDGE PUBLIC LIBRARY.

WHEREAS, the City of Oak Ridge has issued an invitation to bid for the purchase of replacement LED lighting at the Oak Ridge Public Library, which will save in both energy consumption and maintenance costs over the original florescent light fixtures which are obsolete; and

WHEREAS, bids were received and publicly opened on November 18, 2014, with Consolidated Electrical Distributors submitting the lowest and best bid, which bid the City Manager recommends be accepted; and

WHEREAS, lighting will be installed by city crews except for the main library area which will be placed out for bid to electrical contractors due to the complexity of the installation; and

WHEREAS, partial funding for this project is available from a Tennessee Department of Environment and Conservation Clean Energy Grant approved by Resolution 1-5-2013.

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

That the recommendation of the City Manager is approved and award is hereby to Consolidated Electrical Distribution, 807 Winona Street, Knoxville, Tennessee 37917 for the furnishing of LED replacement lighting for the Oak Ridge Public Library; said award in strict accordance with the required specifications, and the bid as publicly opened on November 18, 2014, and in the estimated amount of \$238,822.00.

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

**PUBLIC WORKS MEMORANDUM**  
**14-42**

**DATE:** November 21, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** Steven R. Byrd, P.E., City Engineer  
**THROUGH:** Gary M. Cinder, P.E., Public Works Director *GMC*  
**SUBJECT: OAK RIDGE SUMMIT INFRASTRUCTURE ACCEPTANCE**

Introduction

An item for City Council's consideration is a resolution accepting infrastructure in the Oak Ridge Summit Subdivision. The owner, Scientific and Technical Resources, has requested the City to accept completed infrastructure for perpetual maintenance purposes.

Background

The Oak Ridge Summit Subdivision Final Plat was recorded in Anderson County on December 6, 2007 in Plat Cabinet 8, Envelopes 4B and 4C. Since the initial recording of the subdivision plat the lot configuration and street layout has change several times. The enclosed drawing shows the most recent lot layout and the infrastructure proposed for city acceptance.

In June 2010 the City accepted (Resolution 7-59-10) a portion of completed utility infrastructure in the subdivision that primarily served the BWXT developed site. Within the last few years the street alignment was changed to tie into the Centrifuge Way/Illinois Avenue interchange and utilities were adjusted accordingly. The developer has now completed the street, Summit Drive, and the remainder of the infrastructure proposed for City acceptance.

It is noted that the limits of the street acceptance along Summit Drive begins at the Centrifuge Way/Illinois Avenue interchange and extends westerly for 2,540 feet. At the west end of Summit Drive, an approximate 900 foot street section extending to Illinois Avenue will be open to traffic, but is not recommended for acceptance at this time due to deficiencies in meeting the City Subdivision Regulations. Such deficiencies include, but are not limited to, a steep roadway grade, final asphalt paving, storm drainage and tree plantings in the right-of-way. It is anticipated that these deficiencies will be corrected in the future and the remainder of the street will be recommended for City acceptance.

Infrastructure proposed for acceptance has been inspected by the City and has been completed in accordance with City Subdivision Regulations. The owner has posted a required one-year Warranty Bond in the amount of \$24,180 for workmanship and materials. A summary of the proposed infrastructure to be accepted by the City includes:

- 2,540 linear feet of Summit Drive with 50-foot ROW width
- 1,420 linear feet of sidewalk with easement
- 1,750 linear feet of sanitary sewer lines located in the ROW or dedicated easement
- 2,880 linear feet of water lines located in the ROW or dedicated easement
- 1,680 linear feet of storm drainage lines located in the ROW or dedicated easement
- Street lights along Summit Drive are provided privately and not maintained by the City

Recommendation

At the November 20, 2014 Planning Commission meeting a motion was approved to recommend to City Council acceptance of the infrastructure improvements for perpetual maintenance purposes. City staff recommends approval of a resolution accepting a portion of Summit Drive and the remaining completed infrastructure as itemized above.

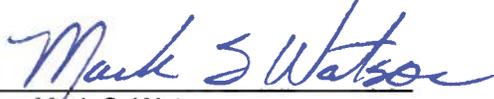
  
Steven R. Byrd

Attachment: Subdivision and infrastructure drawing

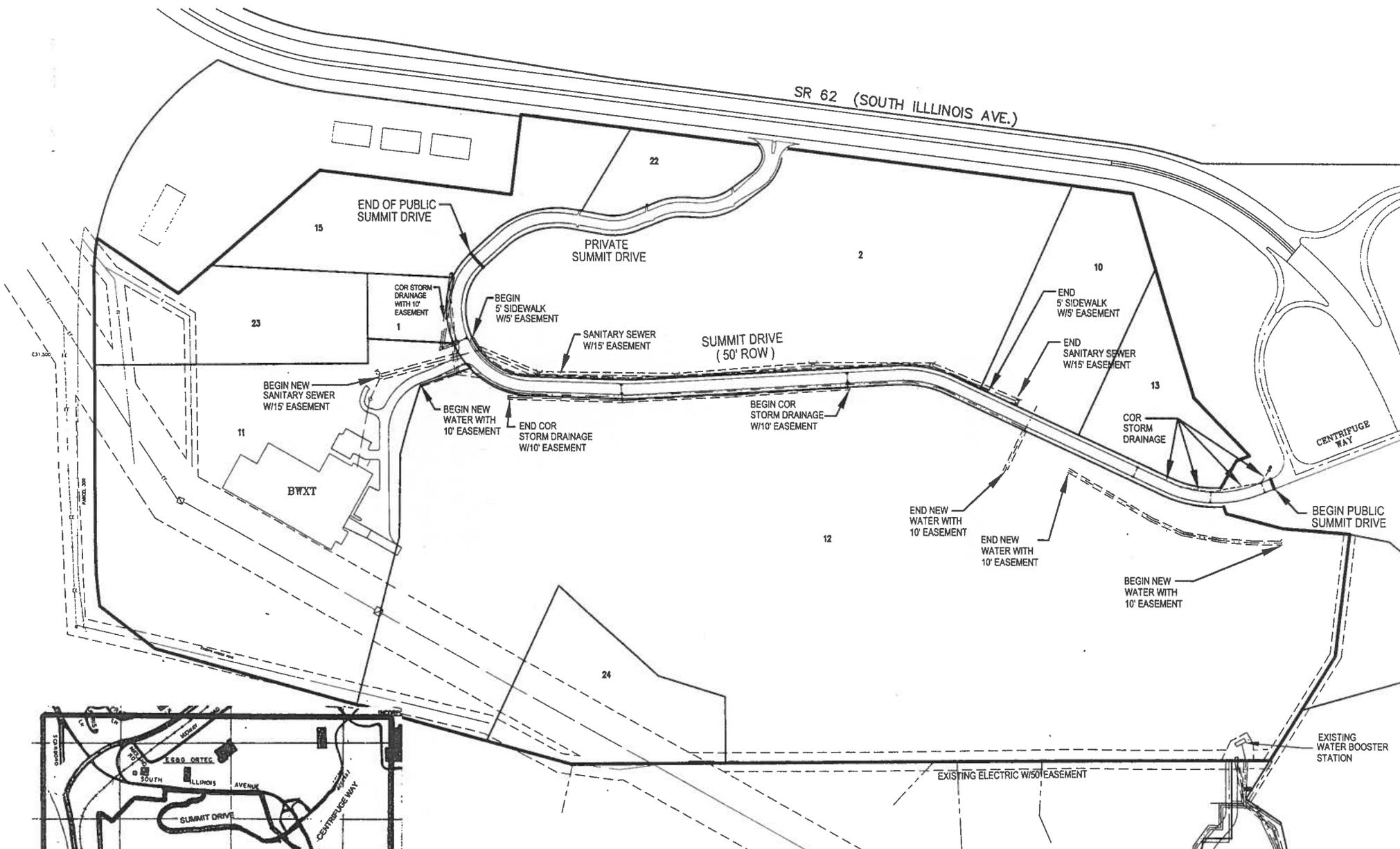
cc: Kathryn G. Baldwin, Community Development Director  
Jack L. Suggs, Electric Director  
Dr. Nathaniel Revis, Scientific and Technical Resources, Inc.

**City Manager's Comments:**

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

  
Mark S. Watson

12-1-2014  
Date



**LOCATION MAP**



ACCEPTANCE OF REMAINING INFRASTRUCTURE FOR OAK RIDGE SUMMIT				
<b>PUBLIC WORKS DEPARTMENT</b>				
OAK RIDGE, TENNESSEE				
DR. BY: CCB	CHK' BY: SRB	DATE: 11/20/14	SCALE: 1"=350'	DR. NO.: 1
				DIRECTOR: GARY CINDER

**RESOLUTION****A RESOLUTION ACCEPTING INFRASTRUCTURE FOR OAK RIDGE SUMMIT SUBDIVISION FOR PERPETUAL MAINTENANCE.**

WHEREAS, Scientific and Technical Resources has constructed a subdivision in Oak Ridge known as Oak Ridge Summit Subdivision; and

WHEREAS, the final plat of said subdivision was filed with the Oak Ridge Municipal Planning Commission, and the Commission approved the same for recording; and

WHEREAS, the plat was recorded in Plat Cabinet 8, Envelopes 4B and 4C, on December 6, 2007, in the Anderson County Register of Deeds Office; and

WHEREAS, since initial recording, lot configuration and street layouts have changed numerous times and have been recorded on subsequent Plats of Correction filed in the Anderson County Register of Deeds Office; and

WHEREAS, such plats contain a certification by the developer of the intention to dedicate all water, sanitary sewer and storm drainage infrastructure, with easements for the same as identified on the recorded Final Plat; and

WHEREAS, by Resolution 7-59-10, the City accepted a portion of utility infrastructure for Oak Ridge Summit Subdivision and the developer has now completed the street (Summit Drive) and the remainder of the infrastructure proposed for City acceptance; and

WHEREAS, Scientific and Technical Resources is now ready to deliver over to the City of Oak Ridge certain water, sanitary sewer, and storm drainage infrastructure, as well as sidewalk and roadway, as are constructed thereon and easements for the same, all of which are identified on the recorded Final Plat and subsequent Plats of Correction; and

WHEREAS, the Oak Ridge Municipal Planning Commission, at its regular meeting on November 20, 2014, recommended to City Council that the remaining infrastructure improvements on the referenced plats be accepted for perpetual maintenance.

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

That the City of Oak Ridge hereby accepts the dedication of 2,540 linear feet of Summit Drive with 50-feet of right-of-way width; 1,420 linear feet of sidewalk with easement; 1,750 linear feet of sanitary sewer lines located in the right-of-way or dedicated easement; 2,880 linear feet of water lines located in the right-of-way or dedicated easement; and 1,680 linear feet of storm drainage lines located in the right-of-way or dedicated easement, all as identified on the Final Plat and Plats of Correction for Oak Ridge Summit Subdivision, as recorded in the Anderson County Register of Deeds Office to be used for public purposes.

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
 Warren L. Gooch, Mayor

\_\_\_\_\_  
 Alexander J. Ford, Acting City Clerk

## RECREATION & PARKS MEMORANDUM

14-05

**DATE:** November 5, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** Jon Hetrick, Acting Recreation & Parks Director  
**SUBJECT:** ARTS COUNCIL AGREEMENT WITH THE SECRET CITY FESTIVAL

### Introduction

An item for City Council's consideration is a resolution approving an agreement with the Arts Council of Oak Ridge to provide professional services and activity support for the Secret City Festival and authorizes the reimbursement of actual costs incurred in an amount not to exceed \$150,000.

### Funding

The proposed award will allow the City to contract with the Arts Council of Oak Ridge to provide entertainment, production support, activities and programs for the Secret City Festival and reimburses the organization for actual costs incurred. These costs are already included in the Secret City Festival 2015 budget and will be offset by sponsorships, ticket sales and event vendor booth fees. The proposed agreement will not result in additional compensation for the Arts Council of Oak Ridge.

### Review

Currently, the Arts Council joins the Oak Ridge Convention and Visitor's Bureau and the City of Oak Ridge as presenters of the festival. The Arts Council schedules and manages the entertainment and production set-up for the two-day event. The agreement will designate certain responsibilities to the Arts Council and provide them with the flexibility to secure the services of professional artists and performers in a timely fashion. Under this agreement, the Arts Council of Oak Ridge will be able to expedite the process of contacting, negotiating, contracting and accommodating the festival entertainers and service providers. In addition to providing a more flexible process, the agreement will reduce the amount of staff time spent on securing services, preparing contracts and processing individual invoices for performers.

With the planning effort for the 2015 festival well underway, securing the Friday and Saturday night entertainment within the next two months is essential. The Arts Council has already started the process of evaluating performers and expects to have arrangements finalized no later than February 1, 2015. The Secret City Festival Executive Committee will continue its role of directing and managing the festival and will rely heavily on the Arts Council for its expertise in entertainment.

### Recommendation

Staff recommends approval of the accompanying Resolution as submitted. Funding for this agreement and the reimbursement of actual costs incurred will be provided from sponsorships, booth fees and ticket sales.

Attachment

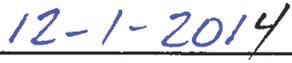


Jon Hetrick

**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 AN AGREEMENT WITH THE ARTS COUNCIL OF OAK RIDGE TO PROVIDE ENTERTAINMENT, PRODUCTION SUPPORT, ACTIVITIES AND PROGRAMS RELATED TO THE UPCOMING 2015 SECRET CITY FESTIVAL AND AUTHORIZING THE REIMBURSEMENT OF ACTUAL COSTS INCURRED IN AN AMOUNT NOT TO EXCEED \$150,000.00.

WHEREAS, the City of Oak Ridge has a need for services to provide entertainment, production support, activities, and programs related to the upcoming 2015 Secret City Festival; and

WHEREAS, the Arts Council of Oak Ridge has been providing such services in the past to the satisfaction of the City; and

WHEREAS, the City and the Arts Council of Oak Ridge desire to enter into an agreement to provide such services for the upcoming 2015 Secret City Festival, which agreement 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 an agreement between the City of Oak Ridge and the Arts Council of Oak Ridge, P.O. Box 4324, Oak Ridge, Tennessee 37831, to provide entertainment, production support, activities, and programs related to the upcoming 2015 Secret City Festival is hereby approved; said agreement in an amount not to exceed \$150,000.00.

BE IT FURTHER RESOLVED that this agreement is for reimbursement of actual costs incurred and the funding will be provided from sponsor donations, event vendor booth fees, and ticket sales.

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

This the 8th day of December 2014.

APPROVED AS TO FORM AND LEGALITY:

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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

**PUBLIC HEARINGS  
AND  
FIRST READING OF  
ORDINANCES**

**CITY COUNCIL MEMORANDUM**  
**14-37**

DATE: November 18, 2014  
TO: Honorable Mayor and Members of City Council  
FROM: Mark S. Watson, City Manager  
SUBJECT: SCHOOLS APPROPRIATION REQUEST – CHANGE IN  
TRANSPORTATION SERVICES

Introduction:

An item for City Council's consideration is an ordinance to amend Ordinance No. 06-2014, which ordinance imposes a tax on all property within the City, fixes the rate of the tax, adopts a budget, and adopts appropriations for the fiscal year beginning July 1, 2014, by amending said appropriations.

Funding:

Funding will be provided through the utilization of a \$500,000 fund balance draw.

Background:

The Oak Ridge Board of Education has amended its FY 2015 budget to reflect an increase in expenditures of \$500,000 for School transportation services that reverts service levels back to those of FY 2014. The proposed appropriation ordinance amendment increases the total appropriation of the General Purpose School Fund by \$500,000 to \$56,088,127. The requested amendment does not impact the amount appropriated by Council to the Schools or the tax rate, but does impact the overall budget appropriation and must be authorized by ordinance.

Recommendation:

The Oak Ridge Board of Education requests favorable consideration of this request.

  
\_\_\_\_\_  
Mark S. Watson

Attachments



# Oak Ridge Schools

OFFICE OF  
Superintendent of Schools

RECEIVED  
Telephone: (865)425-9011  
Fax: (865)425-9070

2014 OCT 20 PM 2:13

October 1, 2014 CITY MANAGER'S OFFICE

Honorable Mayor and Members of City Council  
City of Oak Ridge Schools  
P.O. Box 1  
Oak Ridge, TN 37831

Dear Mayor and Members of City Council:

The purpose of this letter is to request an amendment to the Schools FY 2015 Appropriations Ordinance to reflect budget adjustments that have been approved by the Board to date. The following summarizes those amendments.

FUND		APPROVED	AMENDED	CHANGE
141	General Fund	\$49,742,211	\$500,000	50,242,211
142	Federal Projects Fund	\$3,309,223	-	3,309,223
143	Central Cafeteria Fund	\$1,965,990	-	\$1,965,990
145	Special Revenue Fund	\$105,214	-	105,214
146	Extended School Program	\$416,482	-	\$416,482
262	Equipment Rental/Replacements	\$49,007	-	\$49,007
<b>GRAND TOTAL – ALL FUNDS</b>		<b>\$55,588,127</b>	<b>\$500,000</b>	<b>\$56,088,127</b>

The total change in the General Fund (\$500,000) is an increase to expenditures to reflect the change in transportation services back to the FY'14 level of service.

The requested amendment does not impact the amount appropriated by Council to the Schools or the local tax rate but does impact the overall budget appropriation and must be authorized by ordinance.

Thank you for your prompt attention to this matter.

Sincerely,

Keys Filauer  
Chairman, Board of Education

Bruce T. Borchers, Ph.D  
Superintendent of Schools

BTB/KLG/tv

## FY 15 FYTD Budget Amendment-1 Request Summary

Fund	FY15 Approved Budget	Changes in Budget Including Budget Amendment 1	FY15 Revised Budget Total
Fund 141 (General Fund)	\$ 49,742,211	\$ 500,000	\$ 50,242,211
Fund 142 (Federal)	\$ 3,309,223	\$ -	\$ 3,309,223
Fund 143 (Food Service)	\$ 1,965,990	\$ -	\$ 1,965,990
Fund 145 (Other Education)	\$ 105,214	\$ -	\$ 105,214
Fund 146 (Extended Child Care)	\$ 416,482	\$ -	\$ 416,482
Fund 262 (Equip. Rental/Replacement)	\$ 49,007	\$ -	\$ 49,007
<b>TOTAL All Funds</b>	<b>\$ 55,588,127</b>	<b>\$ 500,000</b>	<b>\$ 56,088,127</b>

## FUND 141 Amendment-1 - Transportation Changes

Account	Description	FY15 Original Approved Budget	Budget Amendment-1	FY15 Revised Budget
<b>REVENUE Account Changes (To be used from Fund Balance)</b>				
141-39000	Undesignated Fund Balance	\$ 706,880.00	\$ 500,000.00	\$ 1,206,880.00
*(Proposed Budget increase by using transfer from Fund Balance)				
*\$200,000 Approved at 6/23/14 Board of Education to change student transportation from "as the crow flies" to actual mileage.				
*\$300,000 approved at August 11, 2014 Board of Education meeting to return student transportation to previous year level.				
<b>Expenditure Account Increases</b>				
141 E 72710 312 000 00000 000	Transportation- Contracts with Other Agencies	\$ 612,989.00	\$ 500,000.00	\$ 1,112,989.00
<b>Total increase for budeted expenditures</b>			<b>\$ 500,000.00</b>	

**TITLE**

AN ORDINANCE TO AMEND ORDINANCE NO. 06-2014, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, BY AMENDING SAID APPROPRIATIONS.

WHEREAS, there exists a need to provide for an amendment to the original appropriations for Fiscal Year 2015 and for the accomplishment of the same, a public hearing has been held before the City Council after ten (10) days' notice thereof published in The Oak Ridger, the official newspaper, as provided by law; and

WHEREAS, the Oak Ridge Board of Education amended their FY2015 budget and the amendment is to reflect the School's adopted, revised appropriation to the General Purpose School Fund for \$56,088,127; and

WHEREAS, this is an increase in \$500,000.00 to reflect a change in the School's transportation services that revert back to FY2014 level of service; and

WHEREAS, based upon information provided by the Oak Ridge Board of Education, the City Manager has certified in writing that a sufficient amount of unappropriated revenue will be available for the needed amendment.

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

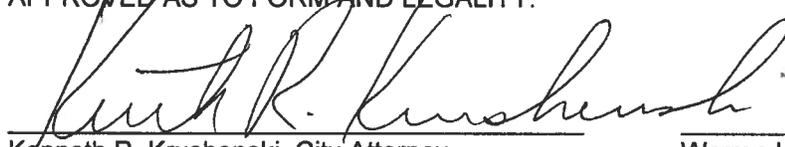
Section 1. Ordinance No. 06-2014, which adopts appropriations for Fiscal Year 2015, is hereby amended by revising Section 3 so that the same, as revised, will read as follows:

Section 3. In accordance with Article V, Section 13, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2015:

General Fund, Municipal Operations	\$ 20,517,510
Debt Service (Bond and Interest Redemption Fund)	\$ 8,000,000
State Street Aid Fund	\$ 2,221,000
Streets and Public Transportation Fund	\$ 260,000
Drug Enforcement Program Fund	\$ 255,200
Grant Fund	\$ 3,553,188
General Purpose School Fund	\$ 56,088,127
Golf Course Fund	\$ 1,292,112
Capital Projects Fund	\$ 2,797,272
Solid Waste Fund	\$ 2,704,000
West End Fund	\$ 2,729,522
Special Programs Fund	\$ 830,000

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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

Publication Date: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

## OAK RIDGE POLICE DEPARTMENT MEMORANDUM

14-10

**DATE:** November 24, 2014  
**TO:** Mark S. Watson, City Manager  
**FROM:** James T. Akagi, Chief of Police  
**SUBJECT:** DRAFT ORDINANCES – CITY CODE AMENDMENTS; KNIVES (INTENT TO GO ARMED), E-CITATIONS, COMMUNITY NOTIFICATION SYSTEM FOR SEXUAL OFFENDERS

### Introduction

Three items for City Council's consideration are revisions to the City Code, further specified as: (1) Deletion of City Code 11-802 (Carrying a Knife); (2) Adoption of new City Codes 15-101 and 3-410 (E-Citations); and (3) a City Code establishing a Community Notification System for sexual offenders and violent sexual offenders.

### Funding

No funding considerations are associated with these items.

### Consideration

#### **State Law Compliance Ordinance:**

##### *City Code 11-802 (Carrying a knife) – Deletion*

With the adoption of Public Chapter 647, it is no longer an offense for a person to carry a knife with a blade in excess of four inches with the intent to go armed. This law went into effect July 1, 2014. City Code 11-802 essentially mirrors the state statute that made this an offense and as such, is in need of deletion in order to keep the code current with state law.

#### **New Ordinances:**

##### *City Code 15-101 and 3-410 (E-Citations) – New*

With the adoption of Public Chapter 750 (effective July 1, 2014) a new state law provision was created regarding a five dollar (\$5.00) electronic traffic citation (e-citation) fee that is applicable to all traffic citations (written or electronic) resulting in a conviction. The fee is chargeable for a period of only five years from the date of adoption of the ordinance. By state law, the fee is to be used for defraying the cost of e-citations with \$1.00 going to City Court for computer equipment and \$4.00 going to the Police Department for related e-citation expenditures (system, technology, equipment, repairs, replacement, and training). The fee cannot, by law, revert to the general fund.

From conversations with Spillman and Brazos, the City should have e-citations in place by early 2015 (January-February), therefore, it would be beneficial to adopt changes to the code to establish the fee soon. Two changes to the code are necessary – (1) to clarify that citations can be written or electronic, and (2) to establish the fee.

##### *City Code (Community Notification System) – New*

With the adoption of Public Chapter 751 (effective April 21, 2014), a new state law provision was created to allow municipalities to establish a community notification system for sexual offenders and violent sexual offenders. The new law also authorized the establishment of a notification fee paid by the sexual offenders to defray the cost of notification to the community. The law is limited to notification to certain

residences, schools, and child care facilities. The law allows a notification fee to be paid by the offenders and limits the amount up to \$50.00.

The Police Department has requested notification to all schools and child care facilities within the city limits with written notification being made anytime a sexual offender or violent sexual offender resides in the city limits regardless of the distance of such resident to a school or child care facility. The Police Department has requested the maximum notification fee of \$50.00 to help with the salary cost of the employee(s) working on the notification system and the cost of supplies.

In addition to the written notification, the Police Department will establish a website to educate the public on the sexual offender registry and sex related crimes in the city. This website will be accessible by the general public and will link to the Tennessee Bureau of Investigation's sex offender registry.

Recommendation

Adoption of the three ordinances is recommended.

Attachment(s)



James T. Akagi, Chief of Police

**City Manager's Comments:**

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



Mark S. Watson



Date

TITLE

AN ORDINANCE TO AMEND TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 8, TITLED "WEAPONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 11-802, TITLED "CARRYING KNIFE WITH BLADE EXCEEDING FOUR INCHES," IN ITS ENTIRETY WITHOUT REPLACEMENT.

WHEREAS, Tennessee Code Annotated §39-17-1302 was recently amended by 2014 Public Chapter 647, which public chapter removed the offense of a person carrying a knife with a blade exceeding four inches with the intent to go armed; and

WHEREAS, City Code §11-802 mirrored the state law offense of carrying a knife with a blade exceeding four inches; and

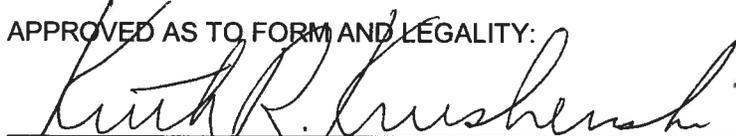
WHEREAS, as this is no longer an offense, the City desires to delete City Code §11-802 without replacement for compliance with state law.

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

Section 1. Title 11, titled "Municipal Offenses," Chapter 8, titled "Weapons," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 11-802, titled "Carrying knife with blade exceeding four inches," in its entirety without replacement.

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

\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 1, TITLED "IN GENERAL," SECTION §15-101, TITLED "DEFINITIONS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY UPDATING THE INTRODUCTORY LANGUAGE OF THE SECTION AND BY ADDING A NEW DEFINITION FOR THE WORD "CITATION"; AND TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 4, TITLED "COURT ADMINISTRATION," BY CREATING A NEW SECTION 3-410, TITLED "ELECTRONIC TRAFFIC CITATION REGULATIONS AND FEES."

WHEREAS, Tennessee Code Annotated §55-10-207 was recently amended by 2014 Public Chapter 750, which public chapter authorizes electronic citations (e-citations) to be issued and establishes a five dollar (\$5.00) e-citation fee to recover costs associated with both written and electronic traffic citations; and

WHEREAS, the City desires to amend the City Code to include electronic citations in the definition of "citation" and to establish the e-citation fee as authorized by state law.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 1, titled "In General," Section 15-101, titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting the word "chapter" in the introductory language and replacing it with the word "title," and by creating a new subsection for the word "citation," which new subsection shall be inserted alphabetically within the section and re-designating the remaining subsections accordingly, and which new subsection shall read as follows:

Section 15-101. Definitions.

The following words and phrases, when used in this title, have the meanings respectively ascribed to them in this section:

- ( ) "Citation." "Citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

Section 2. Title 3, titled "Municipal Court," Chapter 4, titled "Court Administration," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Section 3-410, titled "Electronic traffic citation regulations and fees," which new section shall read as follows:

Section 3-410. Electronic traffic citation regulations and fees.

- (a) *Establishment of fee.* Pursuant to Tennessee Code Annotated §55-10-207(e), the court clerk shall charge and collect an electronic traffic citation fee of five dollars (\$5.00) for each traffic citation—whether written or electronic—resulting in a conviction. Such fee shall be assessable as court costs and paid by the defendant for any traffic citation that results in a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes and charges.
- (b) *Distribution of fee.* Pursuant to Tennessee Code Annotated §55-10-207(e), one dollar (\$1.00) of such fee shall be retained by the court clerk. The remaining four dollars (\$4.00) of the fee shall be transmitted monthly by the court clerk to the city police department.

(c) *Use of fee.* Pursuant to Tennessee Code Annotated §55-10-207(e), all funds derived from the electronic traffic citation fee that are transmitted to the city police department shall be accounted for in a special revenue fund of the police department and may only be used for the following purposes:

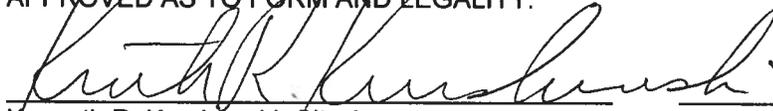
- (1) Electronic citation system and program related expenditures; and
- (2) Related expenditures by the police department for technology, equipment, repairs, replacement and training to maintain electronic citation programs.

Pursuant to Tennessee Code Annotated §55-10-207(e), all funds derived from the electronic traffic citation fee set aside for court clerks shall be used for computer hardware purchases, usual and necessary computer related expenses, or replacement. Such funds shall be preserved for those purposes and shall not revert to the general fund at the end of a budget year if unexpended.

Section 3. Sunset provision. This ordinance and its fee requirement shall terminate five (5) years from the date of adoption of this ordinance and the City Code shall be so annotated.

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

Warren L. Gooch, Mayor

Alexander J. Ford, Acting City Clerk

First Reading: \_\_\_\_\_  
 Publication Date: \_\_\_\_\_  
 Second Reading: \_\_\_\_\_  
 Publication Date: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

TITLE

AN ORDINANCE TO AMEND TITLE 6, TITLED "LAW ENFORCEMENT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY CREATING CHAPTER 1, TITLED "COMMUNITY NOTIFICATION SYSTEM," TO ESTABLISH A NOTIFICATION SYSTEM FOR SCHOOLS AND CHILD CARE FACILITIES THAT A SEXUAL OFFENDER OR VIOLENT SEXUAL OFFENDER IS RESIDING WITHIN THE CITY LIMITS, AND TO ESTABLISH A NOTIFICATION FEE TO DEFRAY NOTIFICATION COSTS, ALL IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §40-39-217.

WHEREAS, Tennessee Code Annotated §40-39-217 was recently created by 2014 Public Chapter 751, which public chapter authorizes municipalities to establish a community notification system for certain residences, schools, and child care facilities that a sexual offender or violent sexual offender is residing within a certain distance of said places, and to establish a notification fee of up to \$50.00 per offender to defray the costs of notification; and

WHEREAS, the City desires to amend the City Code to include a community notification system for schools and child care facilities and a \$50.00 notification fee as authorized by state law; and

WHEREAS, in accordance with state law, this ordinance has been adopted by at least a two-thirds (2/3) vote of City Council.

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

Section 1. Title 6, titled "Law Enforcement," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a Chapter 1, titled "Community Notification System," which chapter shall read as follows:

Chapter 1  
Community Notification System

Section 6-101. Community notification system created.

As authorized by Tennessee Code Annotated §40-39-217(a)(1), a community notification system is hereby established. Schools and child care facilities within the city limits will be notified by the police department when a person required to register as a sexual offender or violent sexual offender resides, intends to reside, or, upon registration, declares to reside within the city limits. Schools and child care facilities within the city limits will also be notified when a registered sexual offender or violent sexual offender changes residences within the city limits.

Section 6-102. Method of notification.

The police department will notify schools and child care facilities in writing sent by regular mail or delivered by hand.

Section 6-103. Notification fee.

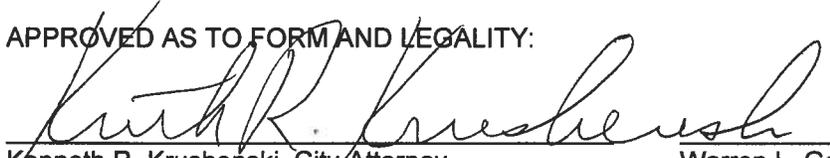
As authorized by Tennessee Code Annotated §40-39-217(a)(2), a notification fee of \$50.00 per year per offender in the city limits is hereby enacted for the purpose of defraying the costs of the community notification. The notification fee shall be collected at the same time as the administrative fee collected pursuant to Tennessee Code Annotated §40-39-204(b).

Section 6-104. Maintenance of website.

The City will maintain information on its website to educate the public on sex related crimes and will provide linked access to the Tennessee Bureau of Investigation's Sex Offender Registry.

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

Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting City Clerk

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**FINAL ADOPTION  
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.**

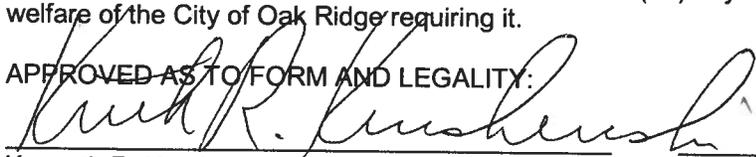
The city manager may revoke a permit issued under the provisions of this chapter, where there has been any false statement or misrepresentation as to a material fact upon which the permit was based, or when the permit has been otherwise erroneously issued. In all such cases, no permit fees shall be refunded.

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).

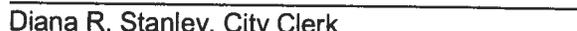
Section 5. Enforcement of this ordinance will begin March 2015, which will allow city staff adequate time to schedule informational meetings to educate the development community and local contractors on the changes.

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**

**14-48**

**DATE:** November 20, 2014  
**TO:** Mark S. Watson, City Manager  
**THROUGH:** Kathryn G. Baldwin, Community Development Department Director   
**FROM:** Matthew W. Widner, Housing Specialist   
**SUBJECT:** 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) – SUBSTITUTE ORDINANCE FOR COUNCIL'S CONSIDERATION

Introduction

An item for City Council's consideration is a substitute ordinance for the proposed adoption of the 2012 IPMC.

Funding

None Required

Consideration

At the October 13, 2014 regular meeting, City Council approved on first reading an ordinance to adopt the 2012 International Property Maintenance Code, as amended by the City. Since first reading of the ordinance, City Staff has determined additional amendments to the 2012 International Property Maintenance Code are necessary to effectively address continued housing concerns. Those changes are as follows:

1. Chapter 2 – Definitions: Add definitions for: "Permanent Heat Supply", "Recreational Vehicles" and "Utility Trailers".
2. Add new subsections 302.8.1 – 302.8.6 Exterior Property Areas to address residential off street parking and front, side and rear yard parking requirements that mirror the City's currently adopted Zoning Ordinance (See Zoning Ordinance §11.02(d) and §11.03(e)).
3. Section 602.3 Heat Supply is deleted and a new section 602.3 "Permanent Heat Supply" is inserted to require rental property to be equipped with permanent heat as defined in Chapter 2.

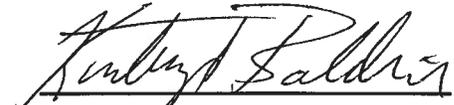
A substitute ordinance, which incorporates the above changes, is provided for Council's consideration as an attachment to this memorandum.

Recommendation

City Staff respectfully requests Council move to substitute the ordinance on the floor and approve the substitute ordinance instead of the ordinance as approved of first reading.

Attachment(s)

List of exact changes to the ordinance as approved on first reading  
Substitute Ordinance

  
Kathryn Baldwin

**City Manager's Comments:**

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

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Mark S. Watson

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Date

## 2012 IPMC – List of exact changes to the ordinance as approved on first reading

### Add to chapter 2 - Definitions

**“Permanent Heat Supply.”** – Any listed and approved heat source permanently wired or piped, safely attached, sized and operating properly, not removable without the use of tools and capable of continuously maintaining a temperature of 68 degrees Fahrenheit at an approximate height of 3 feet above the floor in the center area of each habitable space as required.

**“Recreational vehicles.”** - Any vehicular-type unit used primarily for recreational purposes including, but not limited to, boats, boat trailers, personal water craft carriers, personal watercraft trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motor coaches, motorized homes, and non-motorized vehicles.

**“Utility trailers.”** - Any wheeled structure, without motive power, designed to be towed by a motor vehicle and which is generally and commonly used to carry and transport personal effects and/or property.

### Insert new subsections chapter 3 - 302 Exterior Property Areas

**“302.8.1 Residential off-street parking.** Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as “approved parking surface”). All approved parking surfaces shall be located on the lot it is intended to serve and there shall be vehicular access from each approved parking surface to the public street via an approved curb cut. The portion of the vehicular access to the public street (approved parking surface such as driveway, parking strip, etc.) that is located on the street right-of-way shall have a hard paved surface.”

**“302.8.2 Single family detached dwellings and duplexes.** For single-family detached dwellings and duplexes, the approved parking surface shall be a hard surface which is comprised either of gravel, asphalt, concrete, pavers, or some combination thereof.”

**“302.8.3 Attached or multifamily dwellings.** For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all approved parking surfaces shall be paved.”

**“302.8.4 Front yard parking.** It is unlawful for any person to park or store any vehicle or trailer, including but not limited to recreational vehicles and utility trailers, within the front yard in any residential district unless such vehicle is parked on an approved parking surface. It is also unlawful for the registered owner of any such vehicle or trailer to allow another person to park or store a vehicle or trailer within the front yard in any residential district unless such vehicle is parked on an approved parking surface. No more than fifty percent (50%) of the required front yard shall be utilized for an approved parking space.”

**Exception:** Parking in a front yard off of an approved parking surface will be allowed under these special circumstances:

1. Temporary loading or unloading.
2. When construction, remodeling, maintenance, or repairs are being performed on the property, provided a Temporary Use Permit is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the Temporary Use Permit.
3. Parking for isolated, non-recurring gatherings or parties or for visitors. This exception is not intended and shall not be used to provide permanent or semi-permanent parking for extra vehicles.”

**“302.8.5 Side & Rear yard parking.** For single-family detached dwellings and duplexes, residential off-street parking is permitted outside of an approved parking surface only in the side and rear yard provided side and rear yard setbacks are met and remain clear of all vehicles.”

**“302.8.6 Attached or multifamily dwellings parking.** For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all off-street parking shall be on a paved approved parking surface.”

Delete Section 602.3 in its entirety and insert a new section. **“Section 602.3 Permanent Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish *permanent heat supply* as defined in Chapter 2 of this Code to the *occupants* thereof shall supply heat during the period from September 1 to May 1 to maintain a minimum temperature of 68 °F (20°C) in all habitable rooms, bathrooms and toilet rooms. Temporary electrically plugged or fuel burning space heaters are prohibited to be used in place of permanent heat except in an emergency case by case basis.”

# SUBSTITUTE ORDINANCE

ORDINANCE NO. \_\_\_\_\_

## 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 where 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.”

**“Permanent Heat Supply.”** Any listed and approved heat source permanently wired or piped, safely attached, sized and operating properly, not removable without the use of tools and capable of continuously maintaining a temperature of 68 degrees Fahrenheit at an approximate height of 3 feet above the floor in the center area of each habitable space as required.”

**“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.”

**“Recreational vehicles.** Any vehicular-type unit used primarily for recreational purposes including, but not limited to, boats, boat trailers, personal water craft carriers, personal watercraft trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motor coaches, motorized homes, and non-motorized vehicles.”

**“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.”

**“Utility trailers.** Any wheeled structure, without motive power, designed to be towed by a motor vehicle and which is generally and commonly used to carry and transport personal effects and/or property.”

**“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 sub-section: “302.8.1 Residential off-street parking. Residential off-street parking shall consist of a parking strip, driveway, garage, stall or combination thereof (collectively referred to as “approved parking surface”). All approved parking surfaces shall be located on the lot it is intended to serve and there shall be vehicular access from each approved parking surface to the public street via an approved curb cut. The portion of the vehicular access to the public street (approved parking surface such as driveway, parking strip, etc.) that is located on the street right-of-way shall have a hard paved surface.”

Insert new sub-section: “302.8.2 Single family detached dwellings and duplexes. For single-family detached dwellings and duplexes, the approved parking surface shall be a hard surface which is comprised either of gravel, asphalt, concrete, pavers, or some combination thereof.”

Insert new sub-section: “302.8.3 Attached or multifamily dwellings. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all approved parking surfaces shall be paved.”

Insert new sub-section: “302.8.4 Front yard parking. It is unlawful for any person to park or store any vehicle or trailer, including but not limited to recreational vehicles and utility trailers, within the front yard in any residential district unless such vehicle is parked on an approved parking surface. It is also unlawful for the registered owner of any such vehicle or trailer to allow another person to park or store a vehicle or trailer within the front yard in any residential district unless such vehicle is parked on an approved parking surface. No more than fifty percent (50%) of the required front yard shall be utilized for an approved parking space.”

Exception: Parking in a front yard off of an approved parking surface will be allowed under these special circumstances:

1. Temporary loading or unloading.
2. When construction, remodeling, maintenance, or repairs are being performed on the property, provided a Temporary Use Permit is obtained and all applicable requirements of Section 3.18(h) of the Zoning Ordinance are met prior to issuance of the Temporary Use Permit.
3. Parking for isolated, non-recurring gatherings or parties or for visitors. This exception is not intended and shall not be used to provide permanent or semi-permanent parking for extra vehicles.”

Insert new sub-section: “302.8.5 Side & Rear yard parking. For single-family detached dwellings and duplexes, residential off-street parking is permitted outside of an approved parking surface only in the side and rear yard provided side and rear yard setbacks are met and remain clear of all vehicles.”

Insert new sub-section: “302.8.6 Attached or multifamily dwellings parking. For single-family attached dwellings with three (3) or more contiguous units and multiple-family dwellings, all off-street parking shall be on a paved approved parking surface.”

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...”

Delete Section 602.3 Heat Supply in its entirety and substitute therefor a new section as follows: “Section 602.3 Permanent Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish permanent heat supply as defined in Chapter 2 of this Code to the occupants thereof shall supply heat during the period from September 1 to May 1 to maintain a minimum temperature of 68 °F (20°C) in all habitable rooms, bathrooms and toilet rooms. Temporary electrically plugged or fuel burning space heaters are prohibited to be used in place of permanent heat except in an emergency case by

case basis.”

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

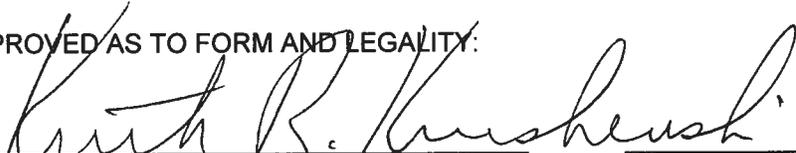
Appendix A, Boarding Standards. A102 Materials insert new subsection “Section  
A102.4 Other approved method(s). The city manager may allow alternative  
means or methods of boarding structures meeting the intent of this code in the  
event the requirement herein is determined to be impractical or cost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

  
\_\_\_\_\_  
Warren L. Gooch, Mayor

\_\_\_\_\_  
Alexander J. Ford, Acting 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  
Mark S. Watson

Oct. 6 2014  
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"

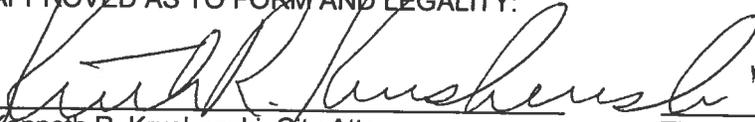
Appendix A, Boarding Standards. A102 Materials insert new subsection "Section A102.4 Other approved method(s). The city manager may allow alternative means or methods of boarding structures meeting the intent of this code in the event the requirement herein is determined to be impractical or cost infeasible."

**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: \_\_\_\_\_

# CITY MANAGER'S REPORT

**CITY COUNCIL MEMORANDUM**  
**14-43**

DATE: November 26, 2014  
TO: Honorable Mayor and Members of City Council  
FROM: Mark S. Watson, City Manager  
SUBJECT: CITY MANAGER'S REPORT – DECEMBER 8, 2014

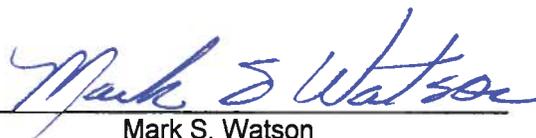
Applicants for City Boards and Commissions

Council Action Recommended: Approval of City Manager's suggestion.

On November 4, 2014 an election was held to fill four positions on the Oak Ridge City Council. Before the election, applications were advertised in October and November for current and end-of-year vacancies on both City and Non-City Boards and Commissions. The deadline for applications was November 7, at 5:00 p.m. A special Council meeting is scheduled for December 15, 2014 for Council to elect members to Boards and Commissions.

It has been expressed to the City Manager by several City Council Members (Gooch, Callison, Hensley) that the focus on applications was limited due to the attention given to the local and National elections, which resulted in a lighter number of applications than the previous year. Currently, the number of applications received provides a limited field to fill all the vacancies on the Boards and Commissions. In hindsight, perhaps the application deadline should not have ended so close to the local and national elections.

Due to these circumstances, I am suggesting the Council consider reopening the application process until 5:00 p.m. on December 31, 2014; cancelling the special Council meeting on December 15, 2014; and filling the vacancies at the regular City Council meeting on January 12, 2015.

  
\_\_\_\_\_  
Mark S. Watson