

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

March 18, 2013—7:00 p.m.

AGENDA

I. INVOCATION

The Reverend Shane Nivens, Pastor of Hope Covenant Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating March as *American Red Cross Month*.

VI. SPECIAL REPORTS

FY 2012 Independent Audit Report from Mr. Ted Hotz with Pugh & Company, P.C.

VII. CONSENT AGENDA

- a. Approval of the February 11, 2013 City Council meeting minutes.
- b. Approval of the February 25, 2013 City Council special meetings minutes.
- c. Adoption of a resolution to adopt an updated Occupational Safety and Health Program for the City of Oak Ridge.
- d. Adoption of a resolution authorizing the City to submit an application to the Tennessee Valley Authority (TVA) under the TVA Valley Sustainable Communities Program to receive certification as a sustainable community and to accept such certification if selected.
- e. Adoption of a resolution accepting utility infrastructure for Heritage Center ED-5 East Subdivision for perpetual maintenance.
- f. Adoption of a resolution accepting street and utility infrastructure for Woodland Town Center Phase I Subdivision for perpetual maintenance.
- g. Adoption of a resolution to accept a \$16,000.00 Emergency Management Grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency (TEMA).
- h. Adoption of a resolution granting renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waiving the residency requirements for nonresident applicants.
- i. Adoption of a resolution authorizing the Mayor to sign and issue certificates of compliance for persons granted permits to engage in the retail sale of alcoholic beverages for two years.

VIII. RESOLUTIONS

- a. A resolution awarding a contract (COR 13-07) to First Place Finish, Inc., Oak Ridge, for pedestrian crossing safety improvements along Melton Lake Drive in the estimated amount of \$37,594.00.
- b. A resolution reaffirming Resolution 9-65-2012 and confirming the City's willingness to proceed with the provisions of the Administrative Order set forth by the United States Environmental Protection Agency.
- c. A resolution awarding a contract to Adventures Outdoors, Oliver Springs, Tennessee, for a pilot recreational equipment rental program at Melton Lake Park, and authorizing the City to enter into a lease agreement with the company at the conclusion of the pilot program should expectations be met by both parties.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

X. FINAL ADOPTION OF ORDINANCES

- a. AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCELS 40.00, 41.00, AND 42.00, MAP 106A, GROUP A, FROM R, RESIDENTIAL TO B, BUSINESS.
- b. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 40.00 AND 41.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY, AND PARCEL 42.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY AND RG-1, RESIDENTIAL, OPEN SPACE, AND RESERVED, TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR WOODLAND TOWN CENTER PHASE II.
- c. AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM R, RESIDENTIAL TO B, BUSINESS, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.
- d. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM RG-1/, RESIDENTIAL OPEN SPACE AND RESERVED AND RG-1/FLOOD FRINGE, TO UB-2, UNIFIED GENERAL BUSINESS AND UB-2/FLOOD FRINGE, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

- a. Elections/Appointments

Elect one (1) member to the Elder Citizens Advisory Board

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. CITY MANAGER'S REPORT

- i. Update on status of Recycle Bank Incentive Program and proposed change (update, no action)
- ii. Change of March 25, 2013 Work Session to Council Retreat on Economic Development

b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM

13-11

DATE: March 8, 2013

TO: Honorable Mayor and Members of City Council

FROM: Diana R. Stanley, City Clerk

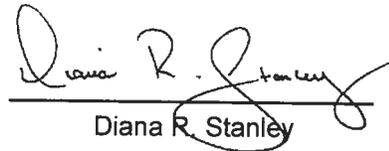
SUBJECT: PROCLAMATIONS AND PUBLIC RECOGNITIONS

The following proclamations are presented for the March 18, 2013 City Council meeting:

American Red Cross Month

A proclamation for City Council's consideration is in response to a request from Mr. Stan Gibert, Regional Director of Communications for the American Red Cross.

The proclamation will be presented by Mayor Pro Tem Miller on March 19, 2013 during the 14th Annual Humanitarian Awards Luncheon.


Diana R. Stanley

Attachment:

American Red Cross Proclamation

PROCLAMATION

WHEREAS, America has always been a place of humanitarian action and compassion—a place where people take care of each other, and are always willing to reach out and take care of others in need, whether they are down the block or around the globe; and

WHEREAS, that American desire to put our compassion into action is deeply rooted in the character of The American Red Cross East Tennessee Region; and

WHEREAS, The American Red Cross East Tennessee Region serves Anderson, Blunt, Campbell, Grainger, Jefferson, Knox, Loudon, Morgan, Roane, Scott, Sevier, and Union Counties; and

WHEREAS, The American Red Cross of Oak Ridge Office serves Anderson County Tennessee including Clinton, Lake City, Norris, Oak Ridge, Oliver Springs and many of the county's unincorporated communities; and

WHEREAS, for more than 95 years, the Red Cross in Anderson County has been the place where citizens join together, and the generosity and compassion of the American people finds purpose. Never has this been more evident than this past year, when local volunteers responded to numerous home fires, East Coast hurricanes, and wildfires of the Western States; and

WHEREAS, the Red Cross responds to an average of 976 disasters in East Tennessee each year, often to events that do not make headlines; and

WHEREAS, the Red Cross and its volunteer corps are among the first on the scene providing food, shelter, grief counseling, and more; and

WHEREAS, in East Tennessee, an average of 84,000 people annually turned to the Red Cross to learn lifesaving skills that help to make this area stronger and safer; and

WHEREAS, the Red Cross continues to provide support and comfort to our military families, briefing an average of 14,000 Reserves and National Guard troops and their families each year on how to access Red Cross services and connected loved ones separated by war and conflict; and

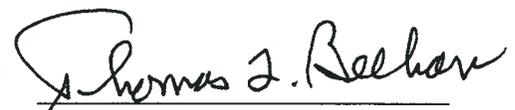
WHEREAS, as Americans, we share a common spirit that unites us during tough times, and like a mirror on America, the Red Cross shows us the best possible reflection of ourselves.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that March 2013 be proclaimed

AMERICAN RED CROSS MONTH

in the City of Oak Ridge, Tennessee, and that all citizens generously make contributions to the American Red Cross and its local offices, and celebrate the humanitarian and volunteer spirit that resides in the City of Oak Ridge, but all across America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 19th day of March in the year 2013.



THOMAS L. BEEHAN
MAYOR

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

February 11, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on February 11, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Reverend Troy Forrester, Associate Pastor of First United Methodist Church.

PLEDGE OF ALLEGIANCE

Mr. David McCoy led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

Mayor Pro Tem D. Jane Miller was absent.

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

APPEARANCE OF CITIZENS

Ms. Kris Light, 113 West Irving Lane, expressed her concern over smoking at Cedar Hill Park Playground and asked if City Council would consider the placement of signs recommending that residents not smoke on the playground given that the State of Tennessee cannot allow cities to enforce such regulations.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating March 1, 2013 as "Arbor Day."

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

The proclamation was accepted by Recreation and Parks Department Director Josh Collins.

SPECIAL REPORTS

Briefing to the City Council by Delegation Chair Chuck Hope on recent visit to Atlanta EPA offices by City Council EPA Sub-Committee, staff, and former Councilmember Ellen Smith.

Chairman Hope provided an overview of the EPA Sub-Committee—Garcia Garland, Hensley, Mosby, and former Councilmember Ellen D. Smith—and staff's recent visit to Environmental Protection Agency (EPA) facilities in Atlanta, Georgia. Other committee members Hensley, Mosby, Garcia Garland, and Smith (116 Morningside Drive) all provided additional comments regarding the recent visit and the processes for the City to complete the Administrative Order (AO). Additionally, staff and the committee members responded to questions of City Council.

Mr. Martin McBride, 954 West Outer Drive, expressed his gratitude for City Councilmembers meeting with the EPA. Mr. McBride inquired about the formality of the extension of time that the EPA would possibly grant related to the AO, and suggested that the City determine what was allowable per the EPA's

procedures.

CONSENT AGENDA

(The Mayor noted that the City Clerk had corrected two (2) typos on Councilmember Baughn's name in the minutes)

Councilmember Hensley moved, seconded by Councilmember Baughn that the Consent Agenda be approved as presented, thereby:

- Approving the January 14, 2013 City Council Meeting minutes.
- Adopting **Resolution No. 02-7-2013** amending the contract (COR 96-01) between the City and Waste Connections of Tennessee, Inc., to establish a residential customer number beginning January 2013 and to set forth a simpler residential customer number calculation for future use.
- Adopting **Resolution No. 02-8-2013** amending Resolution 6-46-2012 to allow the City to purchase in-car digital video recording equipment for the Police Department from Insight Public Sector instead of L3 Communications.

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

RESOLUTIONS

Resolution No. 02-09-2013

Adoption of a resolution authorizing a professional services agreement with Vaughn & Melton Consulting Engineering, Inc., Knoxville, for engineering services related to the Jackson Square Revitalization Project Phase I, in the estimated amount of \$152,945.00.

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

Mr. Ray Evans, City Consultant, responded to inquires of Councilmember Baughn.

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

Resolution No. 02-10-2013

Adoption of a resolution accepting an enhancement grant awarded by the State of Tennessee Department of Transportation to the City of Oak Ridge, Tennessee, to be utilized for construction of the Southern Appalachia Railway Museum in an amount not to exceed \$480,000.00; authoring the City to enter into the amended Enhancement Grant Agreement with TDOT; authorizing the City to enter into a construction management agreement with CROET and Heritage Center, LLC, for the project; and authorizing CROET and/or Heritage Center, LLC, to pay construction invoices for the project to be reimbursed by the City out of grant fund disbursements.

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

The City Attorney provided an overview of the project and responded to questions and comments of City Council.

Following brief discussions among City Council regarding completion date and the future of the project, the resolution was approved by voice vote with Councilmembers Baughn, Hensley, Hope, Mosby, and Mayor Beehan voting "Aye," and Councilmember Garcia Garland abstaining.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

*Elect one (1) member to the Oak Ridge Convention and Visitors Bureau
Elect one (1) member to the Elder Citizens Advisory Board*

Councilmember Hensley moved, seconded by Councilmember Baughn to elect Mr. Aaron Wells to serve on the Oak Ridge Convention and Visitors Bureau for the balance of an unexpired term ending on December 31, 2015, and Ms. Gene Dunaway to serve on the Elder Citizens Advisory Board for the balance of an unexpired term ending on December 31, 2013 by acclamation. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Beehan voting "Aye."

Appoint one (1) councilmember to the Sister City Support Organization

Mayor Beehan nominated himself to serve as the City Council representative of the Sister City Support Organization. Garcia Garland moved, seconded by Councilmember Hensley to nominate Mayor Beehan to serve in the aforementioned capacity. The nomination was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, and Mayor Beehan voting "Aye."

Announcements

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Hensley requested that the City Attorney determine what the policy is on the school debt service in an official communication. Councilmember Baughn added that a communication could be sent to the schools regarding the City's position on the debt service.

Councilmember Baughn requested two (2) briefings on the following: (1) the airport project; and (2) a return on investment regarding the City's commitment to PlanET in terms of labor hours and other expenses for the future, as well as the benefits received. Mayor Beehan responded that the five (5) counties participating are gaining access to a \$4 million dollar grant and is a visioning process for the area. Ms. Ellen Smith, 116 Morningside Drive, also responded to the benefits of the program regarding the existence of meetings in which different jurisdictions come together to meet, connect, and collaborate.

Councilmember Hensley concurred with Baughn's request for a briefing on the airport and suggested that Mr. Bill Marrison, President of Metropolitan Knoxville Airport Authority, provide insight as well.

Councilmember Hope requested that further discussions take place on economic development and for the City Manager to provide an update to City Council on the budgeting process.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

The City Manager reminded City Council that the February 25 Special Meeting was to consider rezonings and land use amendments and then to adjourn into Work Session. Mr. Watson noted that a retreat was being tentatively scheduled for March 7, 2013 at 5:30 p.m. with additional details to be forthcoming and Darryl Akins serving as the facilitator. Additionally, he explained that the City had recently received confirmation from the State of Tennessee on the City's State Revolving Fund application. Mr. Watson closed by indicating that the Economic Diversification Fund would be a focus for discussions during budget discussions.

CITY ATTORNEY'S REPORT

The City Attorney explained that the EPA Assistant Regional Counsel Michele Wetherington would be submitting information to him that would be forwarded to City Council in the week..

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

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

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

February 25, 2013

The special meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on February 25, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by Councilmember David N. Mosby.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Ms. Terry Frank.

ROLL CALL

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

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

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCELS 40.00, 41.00, AND 42.00, MAP 106A, GROUP A, FROM R, RESIDENTIAL TO B, BUSINESS.

Councilmember Baughn moved, seconded by Councilmember Hope that the ordinance be approved on first reading.

Community Development Department Director Kathryn Baldwin briefly reviewed the land use plan amendment.

Mayor Beehan opened the floor to receive citizens' comments. No citizens provided any comments during the designated public hearing.

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

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

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 40.00 AND 41.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY, AND PARCEL 42.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY AND RG-1, RESIDENTIAL, OPEN SPACE, AND RESERVED, TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR WOODLAND TOWN CENTER PHASE II.

MASTER PLAN FOR WOODLAND TOWN CENTER PHASE II.

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

Mayor Beehan opened the floor to receive citizens' comments. No citizens provided any comments during the designated public hearing.

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

Community Development Director Kathryn Baldwin briefly reviewed the rezoning and responded to questions of Councilmembers.

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

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM R, RESIDENTIAL TO B, BUSINESS, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

Councilmember Hensley moved, seconded by Councilmember Baughn that the ordinance be approved on first reading.

Community Development Director Kathryn Baldwin briefly reviewed the land use amendment and responded to questions and comments of City Council.

Mayor Beehan opened the floor to receive citizens' comments. No citizens provided any comments during the designated public hearing.

Mayor Pro Tem Miller moved, seconded by Councilmember Baughn that the public hearing be closed. The motion was approved by board vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye." Councilmember Hope abstained.

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

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM RG-1/, RESIDENTIAL OPEN SPACE AND RESERVED AND RG-1/FLOOD FRINGE, TO UB-2, UNIFIED GENERAL BUSINESS AND UB-2/FLOOD FRINGE, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

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

Mayor Beehan opened the floor to receive citizens' comments. No citizens provided any comments during the designated public hearing.

Councilmember Hensley moved, seconded by Councilmember Baughn that the public hearing be closed. The motion was approved by voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Mosby,

Community Development Director Kathryn Baldwin reviewed the rezoning and responded to questions of City Council regarding the flood fringe.

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

ADJOURNMENT

The meeting adjourned at 7:25 p.m. by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

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

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

February 25, 2013

The second special meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:25 p.m. on February 25, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was delivered by Councilmember David N. Mosby.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Ms. Terry Frank.

ROLL CALL

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

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

RESOLUTIONS

Resolution No. 2-11-2013

**Resolution authorizing and providing for the financing of the construction of a wastewater facilities project, including authorizing the execution of applications, contractual agreements, and other necessary documents, and making certain representations, certifications, and pledges of certain revenue in connection with such financing.
(\$4,000,000.00 Principal Amount)**

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

City Manager Mark Watson reviewed that the purpose of the loan was to serve as a line of credit to help complete projects listed in the City's Remediation Plan. Mr. Watson noted that the two (2) differences between the two (2) resolutions presented was that one (1) was for a \$4 million principal amount, which also has a principal forgiveness clause, and the other for \$14 million principal amount.

Finance Director Janice McGinnis responded to inquires of Councilmember Mosby regarding the principal forgiveness clause being listed as a source of funding.

Mr. Martin McBride, 954 West Outer Drive, commented that his general concern is that the City has not exhausted all available options regarding the Administrative Order's (AO) impact on the community based on the lack of regulatory experience on City Council. Mr. McBride indicated that there are two (2) aspects that could be pursued: (1) extension of AO; and (2) cut the total cost of the Remediation Plan by a particular percentage to gage in the impact made on the AO. Mr. McBride recommended deferring action on the resolutions to continue negotiations with the Environmental Protection Agency. Mr. McBride responded to questions of Councilmember Mosby regarding possible negotiations for the AO.

Review and discussion of the resolution was discussed in-depth by members of City Council.

Mr. Robert Humphreys, 500 Michigan Avenue, had several inquiries: (1) consideration be given to cut money and projects from the budget that are not a necessity; (2) concerned over the Department of

Energy (DOE) not paying more in rates; (3) explanation from engineers regarding operating DOE's plant efficiently under the reduced water requirements; (4) water usage from Poplar Creek.

Ms. Brenda Fellner, 913 West Outer Drive, expressed her concerns regarding the water and wastewater rate increases and the impact this would have attracting younger families. Additionally, Ms. Fellner commented that the City consider other solutions to repair the City's infrastructures then pursuing debt.

After additionally discussions amongst City Council and city staff, Councilmember Baughn presented her first motion which was that City Council table this item for one (1) week to allow time for Council, staff, and the public to explore alternative funding solutions that do not further burden the rate payers and to develop a total cost estimate to the public since, to date, the public has not been provided a total cost estimate of the AO. Councilmember Garcia Garland seconded the motion for discussion purposes.

After discussion among City Councilmembers regarding Councilmember Baughn's motion, the motion failed by board vote with Councilmember Garcia Garland, Hensley, Hope, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," and Councilmember Baughn and Mosby voting "Aye."

Councilmember Baughn's second motion was that the City make a public request to any firm who is willing to review the City's Remediation Plan and provide suggestions for improvement with the understanding that funding for that firm(s) could come from cost savings identified. Councilmember Garcia Garland seconded the motion for discussion purposes.

At the request of Councilmember Garcia Garland, Public Works Director Gary Cinder explained that it would not be feasible to review the Remediation Plan without also reviewing all other supporting documentation that accompanies the Remediation Plan, and that staff would not know how to assess the quality of the firm's assessment given that the task has been a multi-year project for staff.

Councilmember Baughn clarified that her motion would not preclude progress of the remediation plan.

Following additional discussions, Councilmember Baughn's motion failed by board vote with Councilmember Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," and Councilmember Baughn voting "Aye."

Councilmember Baughn's third motion was to commit to develop a plan of action to seek out those who are accountable for the many failures that lead to the EPA's decision to place an Administrative Order (AO) on the City. For discussion purposes, Councilmember Garcia Garland seconded the motion.

Following discussions, the third motion failed by board vote with Councilmember Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," and Councilmember Baughn and Garcia Garland voting "Aye."

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

Resolution No. 2-21-2013

Resolution authorizing and providing for the financing of the construction of a wastewater facilities project, including authorizing the execution of applications, contractual agreements, and other necessary documents, and making certain representations, certifications, and pledges of certain revenue in connection with such financing.

(\$14,000,000.00 Principal Amount)

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

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

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

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

PERSONNEL MEMORANDUM
13-024

DATE: March 4, 2013
TO: Mark S. Watson, City Manager
FROM: Cindi G. Gordon, Personnel/Risk Program Manager
THROUGH: Penelope H. Sissom, Personnel Director *PHS*
SUBJECT: UPDATING OF OCCUPATIONAL SAFETY AND HEALTH PLAN

Introduction

An item for City Council's consideration is a resolution recommending an update to the Occupational Safety and Health Program Plan for the City of Oak Ridge as required by the Tennessee Occupational Safety and Health Standards Act (TOSHA).

Funding

No additional funding is required for the TOSHA program update.

Background/Analysis/Review/Consideration

The accompanying resolution provides for updating the Occupational Safety and Health Program Plan for the City of Oak Ridge. The Tennessee Department of Labor and Workforce Development has contacted many Tennessee cities, including Oak Ridge, relative to the necessity of updating such plans. The City must manage its own program of compliance with the Tennessee Occupational Safety and Health Act of 1972, as amended, or be treated as a private employer under the act.

The City originally established its program by Ordinance Number 22-73 that became effective on November 30, 1973 and revised the program by resolution in February of 2004. The updated plan contains essentially the same provisions as the revised 2004 plan, but has been modified to reflect changes in department names and titles, organization structure, the City's policy and procedure #F-410 (Attending To and Reporting Accidents), and minor wording in certain sections. The City will continue to operate in the same manner as we have done for the past thirty (30) years, and will continue to work with both Tennessee Occupational Safety and Health Standards Act (TOSHA) employees and Tennessee Municipal League (TML) employees to provide a work environment for City employees that is as safe and healthy as possible.

Recommendation

Staff recommends approval of this resolution to comply with the mandate of the Department of Labor and Workforce Development.

Cindi G. Gordon

Cindi G. Gordon

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

3-12-2013

Date

RESOLUTION

A RESOLUTION TO ADOPT AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE CITY OF OAK RIDGE.

WHEREAS, by Ordinance 22-73, City Council authorized the City Manager to establish and implement a plan which encompassed the issues and standards promulgated by the Occupational Safety and Health Act of 1972 (now codified in Tennessee Code Annotated §50-3-101 et seq.) and designated the City Manager as Director of such program; and

WHEREAS, in accordance with said ordinance and state law, the City Manager established and implemented the Occupational Safety and Health Program for the City of Oak Ridge in 1974; and

WHEREAS, by Resolution 2-26-04, this program was updated for compliance with state requirements; and

WHEREAS, due to various changes in subsequent years, it is necessary to update the program to comply with current state requirements; and

WHEREAS, the City Manager recommends adoption of the attached Occupational Safety and Health Program for the Employees of the City of Oak Ridge.

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

That the recommendation of the City Manager is approved and the attached Occupational Safety and Health Program for the Employees of the City of Oak Ridge is hereby adopted for compliance with the Occupational Safety and Health Act of 1972.

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**OCCUPATIONAL SAFETY AND HEALTH
PROGRAM**

**FOR THE EMPLOYEES OF THE
CITY OF OAK RIDGE**

(Revised February 2013)

**PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR THE
EMPLOYEES OF THE CITY OF OAK RIDGE**

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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program for the employees of the City of Oak Ridge. This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Oak Ridge, in electing to establish and maintain an effective occupational safety and health program for its employees, will:

- A. Provide a safe and healthful place and condition of employment.
- B. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- C. Make, keep, preserve, and make available to the Commissioner of Labor, his designated representatives, or persons within the Department of Labor to whom such responsibilities have been delegated, including the Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- D. Consult with the Commissioner of Labor or his designated representative with regard to the adequacy of the form and content of such records.
- E. Consult with the Commissioner of Labor regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- F. Assist the Commissioner of Labor or his monitoring activities to determine program effectiveness and compliance with the occupational safety and health standards.
- G. Make a report to the Commissioner of Labor annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the occupational and health program.
- H. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this program, the following definitions apply:

- A. **COMMISSIONER OF LABOR AND WORKFORCE DEVELOPMENT** means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor.
- B. **EMPLOYER** means the City of Oak Ridge and includes each administrative department, board, commission, division, or other agency of the City of Oak Ridge.
- C. **WORKPLACE SAFETY COORDINATOR** means the person designated by the establishing resolution to perform duties or to exercise powers assigned so as to plan, develop, and administer the occupational safety and health program for the City of Oak Ridge.
- D. **INSPECTOR(S)** means the individual(s) appointed or designated by the Workplace Safety Coordinator to conduct inspections provided for herein. If no such compliance inspector(s) is

appointed, inspections shall be conducted by the Workplace Safety Coordinator.

- E. **APPOINTING AUTHORITY** means any official or group of officials of the City having legally designated powers of appointment, employment, or removal there from for a specific department, division, or other agency of the City of Oak Ridge.
- F. **EMPLOYEE** means any person performing services for the City and listed on the City payroll, as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as volunteers provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- G. **PERSON** means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- H. **STANDARD** means an occupational safety and health standard promulgated by the Commissioner of Labor in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- I. **IMMINENT DANGER** means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- J. **ESTABLISHMENT or WORKSITE** means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- K. **SERIOUS INJURY or HARM** means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. a part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. a part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- L. **ACT or TOSH Act** shall mean the Tennessee Occupational Safety and Health Act of 1972 as amended or modified.
- M. **GOVERNING BODY** means the City Council of the City of Oak Ridge.
- N. **CHIEF EXECUTIVE OFFICER** means the City Manager of the City of Oak Ridge.

III. CITY'S RIGHTS AND DUTIES

Rights and duties of the City of Oak Ridge shall include, but are not limited to, the following provisions:

- A. City shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- B. City shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- C. City shall refrain from any unreasonable restraint on the right of the Commissioner of Labor to inspect the City's place(s) of business. City shall assist the Commissioner of Labor in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- D. City is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- E. City is entitled to request an order granting a variance from an occupational safety and health standard.
- F. City is entitled to protection of its legally privileged communication.
- G. City shall inspect all worksites to insure the provisions of this program are complied with and carried out.
- H. City shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- I. City shall notify all employees of their rights and duties under this program.

IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- A. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this program and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- B. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the City a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- C. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the City for a variance from a standard or regulation promulgated under the Act.
- D. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this program may file a petition with the Commissioner of Labor or whoever is responsible for the promulgation of the standard or the granting of the variance.

- E. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the City with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- F. Subject to regulations issued pursuant to this program, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Workplace Safety Coordinator or Inspector at the time of the physical inspection of the worksite.
- G. Any employee may bring to the attention of the Workplace Safety Coordinator any violation or suspected violations of the standards or any other health or safety hazards.
- H. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this program.
- I. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a grievance or appeal against such discrimination in accordance with the City's Personnel Ordinance. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor alleging such discrimination.
- J. Nothing in this or any other provisions of this program shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others or when a medical examination may be reasonably required for performance of a specific job.
- K. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor in accordance with the City's policy regarding injury notification.

V. ADMINISTRATION

- A. The Workplace Safety Coordinator is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program.
 - 1. The Workplace Safety Coordinator may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this program.
 - 2. The Workplace Safety Coordinator may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Workplace Safety Coordinator.
 - 3. The Workplace Safety Coordinator shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this program.
 - 4. The Workplace Safety Coordinator may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this program.

5. The Workplace Safety Coordinator shall prepare the report to the Commissioner of Labor required by subsection (g) of Section 1 of this plan.
 6. The Workplace Safety Coordinator shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this City are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Workplace Safety Coordinator shall assist any officials of the City in the investigation of occupational accidents or illnesses.
 8. The Workplace Safety Coordinator shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. The Workplace Safety Coordinator shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees, insure that the Commissioner of Labor receives notification of the occurrence within eight (8) hours.
- B. The administrative or operational head of each department, division, board, or other agency of this City shall be responsible for the implementation of this occupational safety and health program within their respective areas.
1. The administrative or operational head shall follow the directions of the Workplace Safety Coordinator on all issues involving occupational safety and health of employees as set forth in this plan.
 2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Workplace Safety Coordinator within the abatement period.
 3. The administrative or operational head should make periodic safety surveys of the establishment under his or her jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
 4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him or her. He or she shall report such accidents, injuries, or illnesses to the Workplace Safety Coordinator along with his findings and/or recommendations in accordance with APPENDIX III of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this program are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 or which may, in the future, be developed and promulgated. Additional standards may be promulgated by the governing body of this City as that body may deem necessary for the safety and health of employees.

VII. VARIANCE PROCEDURE

The Workplace Safety Coordinator may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Workplace Safety Coordinator should definitely

believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor. The procedure for applying for a variance to the adopted safety and health standards is as follows:

- A. The application for a variance shall be prepared in writing and shall contain:
 - 1. A specification of the standard or portion thereof from which the variance is sought.
 - 2. A detailed statement of the reason(s) why the City is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 - 3. A statement of the steps City has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 - 4. A statement of when the City expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 - 5. A certification that the City has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor for a hearing.
- B. The application for a variance should be sent to the Commissioner of Labor by registered or certified mail.
- C. The Commissioner of Labor will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 - 1. The City
 - a. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - b. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - c. Has as effective program for coming into compliance with the standard as quickly as possible.
 - 2. The employee is engaged in an experimental program as described in subsection (b), section 13 of the Act.
- D. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- E. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.

- F. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORD-KEEPING AND REPORTING

- A. Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet, RECORD-KEEPING REQUIREMENTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 (Revised 1978) or as may be prescribed by the Tennessee Department of Labor.
- B. Details of how reports of occupational accidents, injuries, and illnesses will reach the record keeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix III to this plan.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he or she is assigned to work in conditions which might affect his or her health, safety, or general welfare at the present time or at any time in the future, he or she should file a grievance in accordance with the City's Personnel Ordinance.

If after the grievance process has been followed and the complainant is still not satisfied with the results, he or she may then file a complaint with the Commissioner of Labor. Any complaint filed with the Commissioner of Labor in such cases shall include copies of all related grievance documentation. Copies of all grievances and answers thereto will be filed by the Workplace Safety Coordinator who shall make them available to the Commissioner of Labor or his designated representative upon request.

X. EDUCATION AND TRAINING

- A. Workplace Safety Coordinator and/or Compliance Inspector(s):
 - 1. Arrangements will be made for the Workplace Safety Coordinator and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies.
 - 2. Reference materials, manuals, equipment, etc., deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.
- B. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

- 1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employee's work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
- 2. Instruct employees who are required to handle poisons, acids, caustics, explosives, and other harmful or dangerous substances in the safe handling and use of such items and make them aware of the potential hazards, proper handling procedures, personal protective measures,

person hygiene, etc., which may be required.

3. Instruct employees who may be exposed to environments where harmful plants or animals are present of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct employees required to handle or use flammable liquids, gases, or toxic materials in their safe handling and use and make employees aware of specific requirements contained in Subparts H and M and other applicable subparts of TOSHAct standards (1910 and/or 1926).
5. Instruct employees on hazards and dangers of confined or enclosed spaces
 - a. **Confined or enclosed space** means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4 ft.) in depth such as pits, tubs, vaults, and vessels.
 - b. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
 - c. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an occupational safety and health program that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- A. In order to carry out the purposes of this program, the Workplace Safety Coordinator and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the City; and
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- B. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Workplace Safety Coordinator or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before

inspecting the remaining portions of the establishment, facility, or worksite.

- C. An administrative representative of the Department and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Workplace Safety Coordinator or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- D. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- E. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- F. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- G. Advance Notice of Inspections.
 - 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 - 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
- H. The Workplace Safety Coordinator need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Workplace Safety Coordinator.
 - 2. Records are made of the inspections and of any discrepancies found and are forwarded to the Workplace Safety Coordinator.
- I. The Workplace Safety Coordinator shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Said inspection records shall be subject to review by the Commissioner of Labor or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- A. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 - 1. The Workplace Safety Coordinator shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
 - 2. If the alleged imminent danger situation is determined to have merit by the Workplace Safety Coordinator, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.

3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Workplace Safety Coordinator or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Workplace Safety Coordinator or Compliance Inspector and to the mutual satisfaction of all parties involved.
5. The imminent danger shall be deemed abated if:
 - a. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - b. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
6. A written report shall be made by or to the Workplace Safety Coordinator describing in detail the imminent danger and its abatement. This report will be maintained by the Workplace Safety Coordinator in accordance with subsection (i) of Section XI of this plan.

B. Refusal to Abate.

1. Any refusal to abate an imminent danger situation shall be reported to the Workplace Safety Coordinator and Chief Executive Officer immediately.
2. The Workplace Safety Coordinator and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- A. Whenever, as a result of an inspection or investigation, the Workplace Safety Coordinator or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Workplace Safety Coordinator shall:
 1. Issue an abatement order to the head of the worksite.
 2. Post, or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- B. Abatement orders shall contain the following information:
 1. The standard, rule, or regulation which was found to violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.

- C. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Workplace Safety Coordinator in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Workplace Safety Coordinator shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Workplace Safety Coordinator shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action in accordance with the City discipline guidelines, up to and including termination.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Workplace Safety Coordinator pursuant to this plan of operation or the legislation (Ordinance, or executive order) enabling this occupational safety and health program which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this program or when relevant in any proceeding under this program. Such information may also be disclosed to the Commissioner of Labor or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- A. Compliance with any other law, statute, resolution, or ordinance, as applicable, which regulates safety and health in employment and places of employment shall not excuse the City, the employee, or any other person from compliance with the provisions of this program.
- B. Compliance with any provisions of this program or any standard, rule, regulation, or order issued pursuant to this program shall not excuse the City, the employee, or any other person from compliance with the law, statute, Ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, Ordinance, or executive order, as applicable, is specifically repealed.

City Manager

Date

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX I - ORGANIZATIONAL CHART

Municipal Building 200 S. Tulane Avenue Oak Ridge, Tennessee 37830 865-425-3550	140 employees	Central Services Complex 100 Woodbury Lane Oak Ridge, Tennessee 37830 865-425-1875	116 employees
Oak Ridge Public Library 1401 Oak Ridge Turnpike Oak Ridge, Tennessee 37830 865-425-3457	24 employees	Oak Ridge Civic Center 1403 Oak Ridge Turnpike Oak Ridge, Tennessee 37830 865-425-3450	81 employees
Fire Station #1 1097 Oak Ridge Turnpike Oak Ridge, Tennessee 37830 865-425-3611	12 employees	Fire Station #2 609 Oak Ridge Turnpike Oak Ridge, Tennessee 37830 865-425-3612	12 employees
Fire Station #3 333 Tuskegee Avenue Oak Ridge, Tennessee 37830 865-425-3613	18 employees	Animal Shelter 395 Belgrade Road Oak Ridge, Tennessee 37830 865-425-3423	4 employees
Water Treatment Plant 1515 Bear Creek Road Oak Ridge, Tennessee 37830 865-425-1620	11 employees	Waste Water Treatment Plant Monterey Road Oak Ridge, Tennessee 37830 865-425-1642	19 employees
Scarboro Community Center 148 Carver Avenue Oak Ridge, Tennessee 37830 865-425-0656	4 employees	Fire Station #4 1010 Highway 58 Oak Ridge, TN 37830 865-425-3914	24 employees

Total Number of Employees: 465 (Full and Part-time)

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX II – OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

NOTICE TO ALL EMPLOYEES OF THE CITY OF OAK RIDGE:

The Tennessee Occupational Safety and Health Act of 1972 provides job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this program which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this program may file a petition with the Workplace Safety Coordinator.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the City and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this program, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this program.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may file a grievance or appeal in accordance with the City's Personnel Ordinance or file a complaint with the Commissioner of Labor alleging such discrimination.

A copy of the Occupational Safety and Health Program for the Employees of the City of Oak Ridge is available for inspection by any employee at the Personnel Department during regular office hours.

City Manager

Date

OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

APPENDIX III - ACCIDENT REPORTING PROCEDURES

Attached is a copy of the City's Administrative Policy and Procedure #F-410; Attending To and Reporting Accidents, pertaining to the City of Oak Ridge's accident reporting process to include the First Report of Work Injury and City Incident Report regarding work related injuries.

CITY OF OAK RIDGE, TENNESSEE

ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

Subject		Number
Attending To and Reporting Accidents		F-410
Effective Date	Revision	Page 1 of 4
April 12, 2011	3	

1.0 **POLICY STATEMENT:** It is the policy of the City of Oak Ridge that all employees take active responsibility for minimizing the harm to persons or the loss to property that might result from accidents, and that employees conscientiously analyze the cause of all accidents and take all reasonable steps to prevent or reduce the likelihood of similar accidents from recurring.

2.0 **PROCEDURES:** The following procedures shall be operative:

2.1 **Medical Care for Work Related Employee Injuries.** The Tennessee Workers' Compensation Act, Tennessee Code Annotated, Section 50-6-204, requires the identification of physicians whom employees may utilize for work related injuries. The following health care providers are to be used for work related injuries exclusively, unless permission is otherwise granted by the Personnel Department or through Tennessee Municipal League (TML), the City's workers' compensation claims manager:

ParkMed Urgent Care – Oak Ridge
115 B. S. Illinois Ave.
Oak Ridge, TN 48830
865-483-4040
M – F; 8am – 6pm
Sat.; 8am – 2pm

MMC Healthworks
990 Oak Ridge Turnpike
Physician's Plaza, Suite L-50
Oak Ridge, TN 37830
865-835-4320
M – F; 7:30am – 5pm

Methodist Medical Center Emergency Room
990 Oak Ridge Turnpike
Oak Ridge, TN 37830
865-481-1000

After Hours and Emergencies:
Methodist Medical Center Emergency Room

- 2.1.1 If an employee is seriously injured, 911 should be called so that the employee can be transported to the emergency room.
- 2.1.2 If the injury is not serious, but medical attention is needed, the employee should be driven to one of the health care providers listed above in 2.1.
- 2.1.3 Emergency room physicians provide emergency care. Methodist Medical Center Emergency Room should be used in the event of emergency or after hours care.
- 2.1.4 Any employee injured on the job may receive medical attention regardless of the severity. Supervisors shall ensure that employees receive medical attention if the supervisor feels it is advisable, regardless of the employees' refusal of treatment. An employee shall seek medical attention for a work related injury as soon as the injury occurs.
- 2.1.5 Any employee seeking treatment for a work related injury must complete the following forms. In the event of a non-emergency injury, the employee should complete in the Personnel Department prior to visiting a health care provider. For emergent injuries, the forms should be completed as soon as reasonably possible. Failure to complete the forms could result in denial of workers' compensation claim.
 - City Incident Report (Form 2-2-3).
 - First Report of Injury form must be completed as soon as possible. In the event of a non-emergency injury, the employee should complete prior to visiting a health care provider.
 - Medical Waiver Form
 - TN Department of Labor/Agreement Employer/Employee Choice of Physician
 - Express Scripts/Prescription Medication Referral Form (only required when medications are prescribed for injury)
- 2.1.6 Any employee in the workers' compensation program must present a "Return To Work" form completed by the health care provider in order to resume work in a full duty or restricted duty capacity.
- 2.1.7 Employees participating in the workers' compensation program must follow all health care provider care instructions and attend follow up or referral appointments as scheduled. In the event of emergency, the employee will contact their case manager and the Personnel Department to reschedule any appointment.
 - 2.1.7.1 Care resulting in a referral to a specialty physician: The employee will choose a specialty physician from a panel, available in the Personnel Department.

2.2 Attending to Non-employees Injured on City Facilities or in Connection with City Operations. When a non-employee is injured, employees should use their best judgment, taking into consideration the following general rules:

- 2.2.1 Decisions regarding medical care for a non-employee shall rest, when possible, with the injured adult or if an injured child, the adult responsible for the child. If an employee has written authorization to make medical care decisions, those decisions should be reasonable and conservative. In the event the employee does not have written authorization to make medical care decisions and no other authorized employee is available to make such decisions, they should provide only such care and make only such decisions they believe should not be postponed.
- 2.2.2 Employees shall not discuss the City's liability. Any questions regarding the City's liability should be directed to the Personnel Department.

2.3 Vehicular/Equipment Accidents

- 2.3.1 The procedures for medical care as describe in sections 2.1 and 2.2 are applicable for all injuries.
- 2.3.2 Any vehicular accident on a public roadway or involving more than one vehicle shall result in the Police Department being called. The vehicles should not be moved until the Police Department gives instructions to move the vehicles.
- 2.3.3 Any employee believed to be at fault in serious vehicle or equipment accidents while conducting City business shall participate in Post Accident Drug and Alcohol Testing (Drug & Alcohol Testing, Policy F-602). Serious accidents shall include all accidents in which any individual requires immediate medical attention away from the accident scene or in which any vehicle or major equipment is disabled.
- 2.3.4 In the event of a vehicle accident involving loss of life, all employees involved in the accident will be required to submit to alcohol and drug testing, regardless of perceived fault or cause of the accident (Drug & Alcohol Testing, Policy No. F-602).
- 2.3.5 Employees shall not discuss liability or fault. Any questions regarding the City's liability should be directed to the Personnel Department.

2.4 Damage To Private Property In Connection With City Operations

- 2.4.1 In the event private property is damaged in connection with City operations, reasonable steps may be taken to prevent further damage or to remove any immediate hazards.
- 2.4.2 Employees shall not discuss the City's liability. Any questions regarding the City's liability should be directed to the Personnel Department.

2.5 Reporting Accidents. City Form 2-2-3 (Incident Report) should be used to report (1) all work related injuries, (2) injuries to non-employees in connection with City operations that require medical treatment or that may have the potential for liability claims against the City, (3) all vehicular accidents, (4) any damage to private property in connection with City operations, (5) any significant damage to City property where an accident occurred or nearly occurred that could have resulted in significant damage or injury.

- 2.5.1 All relevant sections of the Incident Report (2-2-3) shall be completely filled out. The employee most involved should complete all sections except Preventative Measures, which should be completed by the supervisor, manager or Director. If

the employee is not available, the supervisor or another involved employee may complete those sections.

2.5.2 The report will be signed by the employee providing the information for the descriptive sections of the report and by the Department Director and forwarded to the Personnel Department within two (2) working days.

2.5.2.1 Written witness statements, if witnesses are present, should accompany the Incident Report.

3.0 **RESPONSIBILITY:** All Department Directors are responsible for ensuring that this policy is followed within their areas of responsibility. The Personnel Department is additionally responsible for administration of the City's Risk Management Program and for monitoring the accident information that is provided.

APPROVED:

Mark S. Watson
City Manager

Original: 3/15/88
Revisions: 7/27/92; 8/1/94; 4/12/11; 3/4/12

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

13-10

DATE: March 4, 2013
TO: Mark S. Watson, City Manager
THROUGH: Kathryn G. Baldwin, Community Development Director
FROM: Athanasia Senecal Lewis, Community Development Specialist
SUBJECT: TVA VALLEY SUSTAINABLE COMMUNITIES PROGRAM

Introduction

An item for City Council's consideration is adoption of a resolution to submit an application for the TVA Valley Sustainable Communities Program. The TVA Valley Sustainable Communities Program, created by TVA Economic Development, was designed to assist communities in gaining a competitive edge through their sustainability initiatives. The program's components allow communities to meet environmental, economic and social goals and be more competitive for jobs and investments.

Funding

There are no required matches for this program.

Background/Analysis/Review/Consideration

Program recipients will receive technical assistance provided by a team of professional consultants engaged by TVA Economic Development that will work with the community to develop a sustainability agenda. An inventory of existing initiatives will be identified and the community will receive a certification of Silver, Gold, or Platinum. If the community desires to advance its certification to the next level, the consultants will work with the community to identify gaps and develop an implementation plan. There are significant benefits of being certified as a Valley Sustainable Community, and the label will help us market our community to outside interests in a more competitive way. The consultants will develop marketing messages and tactics to increase awareness of the City's commitment to sustainability.

Recommendation

Adoption of the attached resolution is recommended. Demonstrated support by City Council is a requirement of the application.

Attachment(s)

Athanasia Senecal Lewis

City Manager's Comments:

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

Mark S. Watson

3-12-2013
Date

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE TENNESSEE VALLEY AUTHORITY (TVA) UNDER THE TVA VALLEY SUSTAINABLE COMMUNITIES PROGRAM TO RECEIVE CERTIFICATION AS A SUSTAINABLE COMMUNITY AND TO ACCEPT SUCH CERTIFICATION IF SELECTED.

WHEREAS, the Tennessee Valley Authority (TVA) has created a TVA Valley Sustainable Communities Program; and

WHEREAS, the TVA Valley Sustainable Communities Program assists communities in gaining a competitive edge through their sustainability initiatives; and

WHEREAS, program recipients receive technical assistance provided by a team of professional consultants engaged by TVA Economic Development that will work with the community to develop a sustainability agenda; and

WHEREAS, communities may be certified as Silver, Gold, or Platinum, and consultants will work with communities that desire to advance their certification to the next level by identifying gaps and developing an implementation plan; and

WHEREAS, the City of Oak Ridge desires to become a certified sustainable community through TVA's program, which will help the City market the community to outside interests in a more competitive way; and

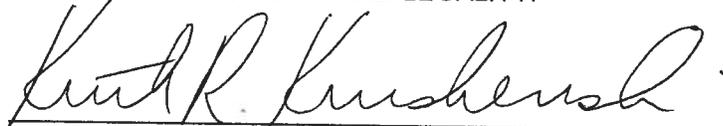
WHEREAS, the City Manager recommends the City submit an application to TVA under the TVA Valley Sustainable Communities Program to become certified as a sustainable community and to accept such certification if selected.

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 make application to the Tennessee Valley Authority (TVA) under the TVA Valley Sustainable Communities Program to receive certification as a sustainable community and to accept such certification if selected.

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM

13-04

DATE: March 5, 2013
TO: Mark S. Watson, City Manager
FROM: Steven R. Byrd, P.E., City Engineer
THROUGH: Gary M. Cinder, P.E., Director of Public Works *GM*
SUBJECT: HERITAGE CENTER ED-5 EAST SUBDIVISION - INFRASTRUCTURE ACCEPTANCE

Introduction

An item for City Council's consideration is a resolution accepting utility infrastructure completed in the Heritage Center ED-5 East Subdivision.

Background

The developer, Heritage Center, LLC, has requested the City to formally accept infrastructure for perpetual maintenance purposes. The subdivision Final Plat was recorded in Roane County on August 24, 2010 in Plat Cabinet E, Envelopes 263-267. The platted area and proposed infrastructure to be accepted is shown on the attached drawing.

City staff inspected the installation of infrastructure and all materials/construction are in compliance with the approved plans and requirements of the Subdivision Regulations. Infrastructure proposed for acceptance includes:

- 1,375 linear feet of 4 inch sanitary sewer force main located in the ROW or dedicated easements
- 200 linear feet of 8 inch sanitary sewer pipe located in the ROW or dedicated easements
- One sanitary sewer lift station
- 2,435 linear feet of 6 and 8 inch water pipe located in the ROW or dedicated easements
- 200 linear feet of 24 inch storm drainage pipe located in the ROW or dedicated easements
- Electric easement as shown on the recorded plats

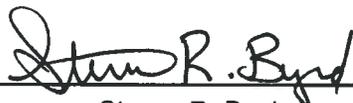
It is noted that Meritus Avenue and Europa Avenue are city streets previously transferred from DOE to the City in 2009.

Recommendation

At a February 21, 2013 meeting, the Oak Ridge Municipal Planning Commission recommended to City Council that the infrastructure be accepted for perpetual maintenance. City staff recommends approval of the resolution for utility infrastructure acceptance in the Heritage Center ED-5 East Subdivision.

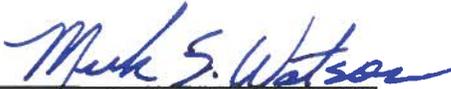
Attachment(s)

Subdivision and infrastructure drawing

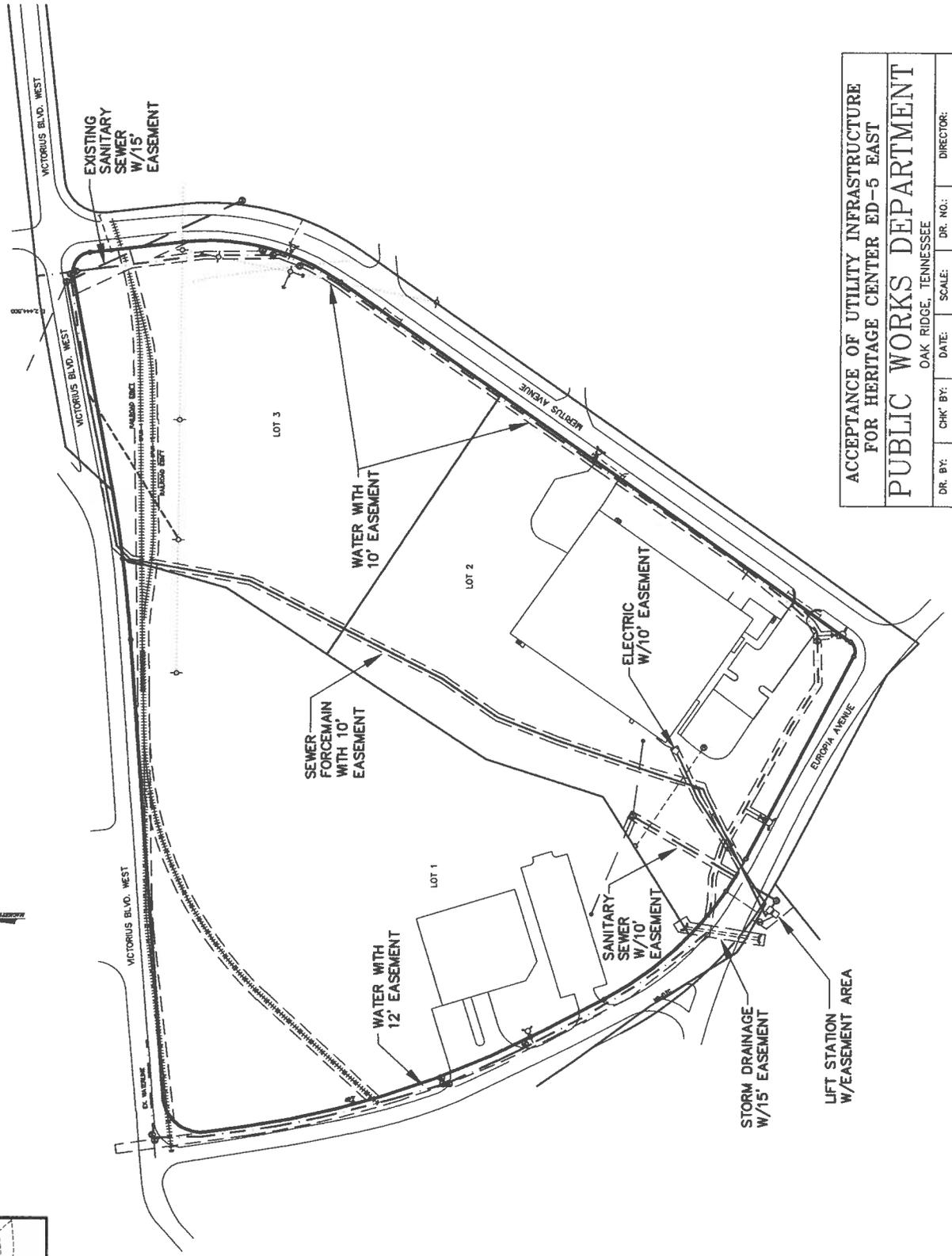
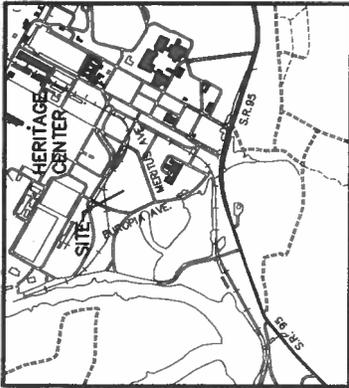

Steven R. Byrd

City Manager's Comments:

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


Mark S. Watson

3-12-2013
Date



ACCEPTANCE OF UTILITY INFRASTRUCTURE FOR HERITAGE CENTER ED-5 EAST			
PUBLIC WORKS DEPARTMENT			
DR. BY: CCB	CHK' BY: SRB	DATE: 2/5/13	SCALE: 1"=200'
		DR. NO.: 1	DIRECTOR: GARY CINDER

RESOLUTION

A RESOLUTION ACCEPTING UTILITY INFRASTRUCTURE FOR HERITAGE CENTER ED-5 EAST SUBDIVISION FOR PERPETUAL MAINTENANCE.

WHEREAS, Heritage Center, LLC, has constructed a subdivision in Oak Ridge, a portion of such development being known as Heritage Center ED-5 East Subdivision; and

WHEREAS, the final plat 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 E, Envelopes 262-267, on August 24, 2010, in the Register's Office of Roane County, Tennessee; and

WHEREAS, such plat contains a certification by the developer of the intention to dedicate all water, sanitary sewer and storm drainage infrastructure and electrical utilities, and sanitary sewer lift station, with easements for the same as identified on the recorded Final Plat; and

WHEREAS, Heritage Center, LLC, is now ready to deliver over to the City of Oak Ridge certain water, sanitary sewer, storm drainage infrastructure and electrical utilities as are constructed thereon and easements for the same, as well as a sanitary sewer lift station, all of which are identified on the recorded Final Plat as stated above; and

WHEREAS, the Oak Ridge Municipal Planning Commission, at its regular meeting on February 21, 2013, recommended to City Council that the infrastructure improvements on the referenced plat 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 all water, sanitary sewer, storm drainage infrastructure and electric utilities with easements for the same, as well as a sanitary sewer lift station, all as identified on the Final Plat for Heritage Center ED-5 East Subdivision, recorded in the Roane County Register of Deeds Office on August 24, 2010 to use for public purposes.

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:

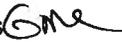


Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM
13-05

DATE: March 5, 2013
TO: Mark S. Watson, City Manager
FROM: Steven R. Byrd, P.E., City Engineer
THROUGH: Gary M. Cinder, P.E., Director of Public Works 
SUBJECT: WOODLAND TOWN CENTER PHASE I - STREET AND UTILITY INFRASTRUCTURE ACCEPTANCE

Introduction

An item for City Council's consideration is a resolution accepting street and utility infrastructure completed in the Woodland Town Center Phase I Subdivision.

Background

The developer, Center Park Development, has requested the City to formally accept infrastructure for perpetual maintenance purposes. The subdivision Final Plat was recorded in Anderson County on May 9, 2012 in Plat Cabinet 8, Envelope 150D. The platted area and proposed infrastructure to be accepted is shown on the enclosed drawing.

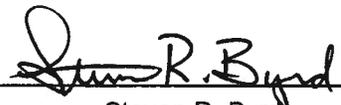
City staff inspected the installation of infrastructure and all materials/construction are in compliance with the approved plans and requirements of the Subdivision Regulations. Infrastructure proposed for acceptance includes:

- 365 linear feet of street – (Woodland Terrace East) with variable ROW widths
- 880 linear feet of sidewalk located in the ROW
- 305 linear feet of 8 inch sanitary sewer pipe located in the ROW or dedicated easements
- 157 linear feet of 6 inch water pipe located in the ROW or dedicated easements
- 365 linear feet of 15 and 18 inch storm drainage pipe located in the ROW or dedicated easements
- Traffic signal at Illinois Avenue/Woodland Terrace East intersection
- Electric easements as shown on the recorded plats

Recommendation

At a February 21, 2013 meeting the Oak Ridge Municipal Planning Commission recommended to City Council that the infrastructure improvements be accepted for perpetual maintenance. City staff recommends approval of the resolution for street and utility infrastructure acceptance in the Woodland Town Center Phase I Subdivision.

Attachment(s):
Subdivision and infrastructure drawing


Steven R. Byrd

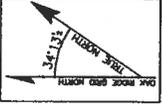
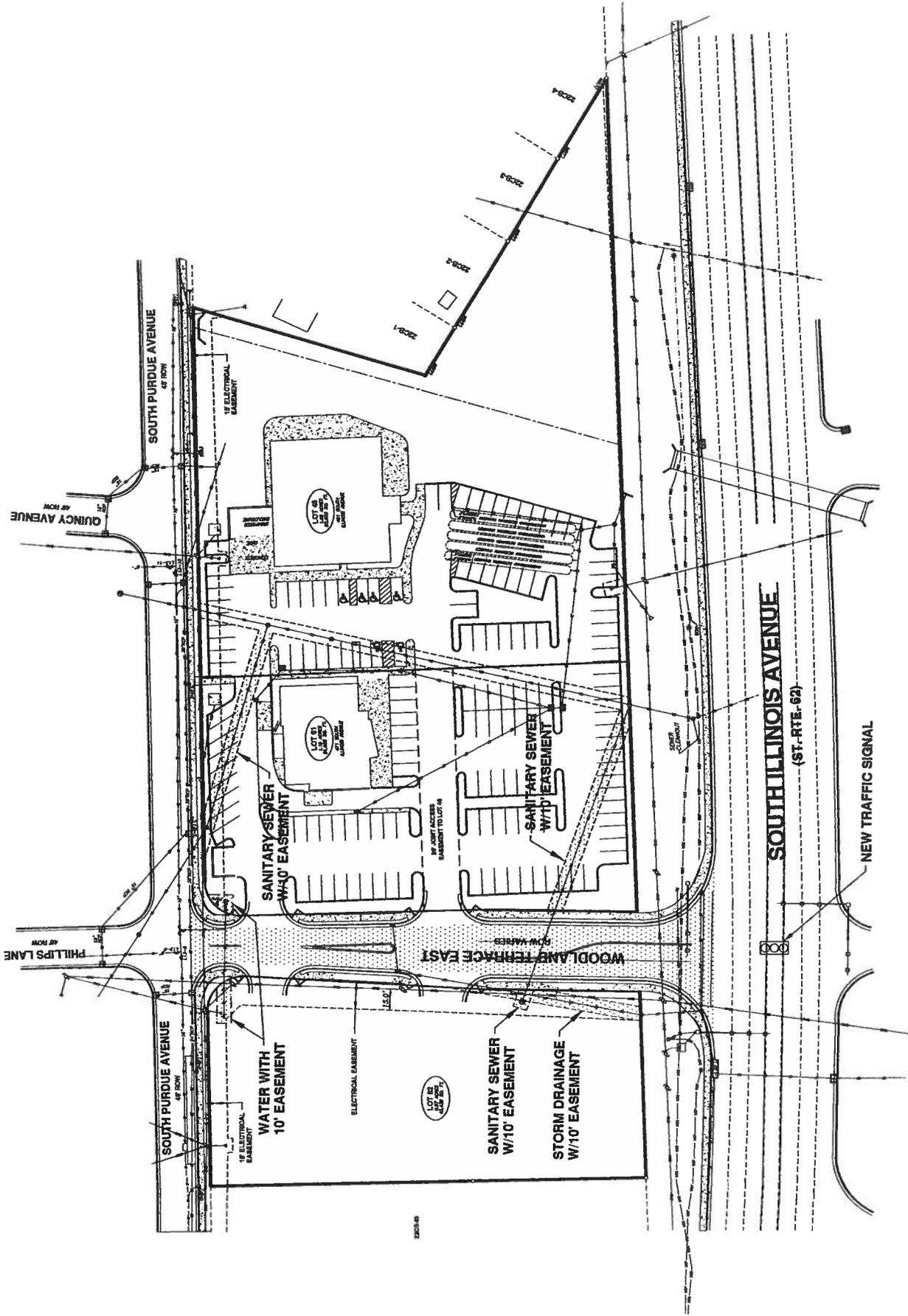
pc: Kathryn G. Baldwin, Community Development Director
Jack L. Suggs, Electric Director
Walter Wise
Terry Wheeler

City Manager's Comments:

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


Mark S. Watson

3-12-2013
Date



ACCEPTANCE OF STREET AND UTILITY INFRASTRUCTURE FOR WOODLAND TOWN CENTER PHASE I			
PUBLIC WORKS DEPARTMENT			
DR. BY: CCB	CHK. BY: SRB	DATE: 2/7/13	OAK RIDGE, TENNESSEE
DR. NO: 1	SCALE: 1"=100'	DR. NO: 1	DIRECTOR: GARY CINDER

INFRASTRUCTURE ACCEPTANCE

NUMBER _____

RESOLUTION

A RESOLUTION ACCEPTING STREET AND UTILITY INFRASTRUCTURE FOR WOODLAND TOWN CENTER PHASE I SUBDIVISION FOR PERPETUAL MAINTENANCE.

WHEREAS, Center Park Development has constructed a retail development in Oak Ridge, a portion of such development being known as Woodland Town Center Phase I Subdivision; and

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

WHEREAS, the plat for Phase I was recorded in Plat Cabinet 8, Envelope 150D, on May 9, 2012, in the Register's Office of Anderson County, Tennessee; and

WHEREAS, such plat contains a certification by the developer of the intention to dedicate all streets and sidewalks, together with all water, sanitary sewer and storm drainage infrastructure and electrical utilities, and traffic signal, with easements for the same as identified on the recorded Final Plat; and

WHEREAS, Center Park Development is now ready to deliver over to the City of Oak Ridge certain streets and sidewalks, together with all water, sanitary sewer, storm drainage infrastructure and electrical utilities as are constructed thereon and easements for the same, as well as a traffic signal, all of which are identified on the recorded Final Plat as stated above; and

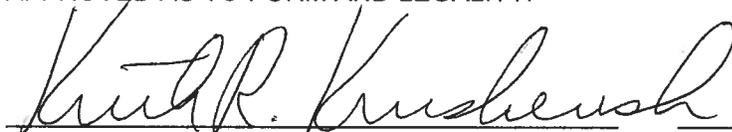
WHEREAS, the Oak Ridge Municipal Planning Commission, at its regular meeting on February 21, 2013, recommended to City Council that the infrastructure improvements on the referenced plat be accepted for perpetual maintenance.

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 such streets and sidewalks, together with all water, sanitary sewer, storm drainage infrastructure and electric utilities with easements for the same, as well as a traffic signal, all as identified on the Final Plat for Woodland Town Center Phase I Subdivision, recorded in the Anderson County Register of Deeds Office on May 9, 2012 to use for public purposes.

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

INTER-DEPARTMENTAL MEMORANDUM
FIRE DEPARTMENT HEADQUARTERS
HQ-13-06

DATE: March 12, 2013
TO: Mark S. Watson, City Manager
FROM: Darryl Kerley, Fire Chief
SUBJECT: **ACCEPTANCE OF DOE/TEMA GRANT**

The attached resolution authorizes the acceptance of \$16,000 from the Department of Energy through the Tennessee Emergency Management Agency for on-site and off-site emergency response planning, notification and equipment.

While there is no "local match" specified in the terms of the grant contract, this amount does not cover City of Oak Ridge costs in planning, attendance at meetings, and participation in exercises.

The terms of the grant contract are broad enough to allow our continuing upgrade of hazardous materials response and fire fighting capabilities to the sites. No decision has been reached on the use of these funds at this time. Last year's funds (\$16,000) were used to purchase a 24 month subscription to a community alerting system.

Staff recommends approval of the attached resolution.


Darryl Kerley, Fire Chief

Attachment

City Manager's Comments:

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


Mark S. Watson, City Manager

3-12-13
Date

RESOLUTION

A RESOLUTION TO ACCEPT A \$16,000.00 EMERGENCY MANAGEMENT GRANT FROM THE STATE OF TENNESSEE, DEPARTMENT OF MILITARY, TENNESSEE EMERGENCY MANAGEMENT AGENCY (TEMA).

WHEREAS, the City has determined that emergency management planning and response is in the best interest of its citizens; and

WHEREAS, the United States Department of Energy makes grant funds available to local jurisdictions through the State of Tennessee, Department of Military, Tennessee Emergency Management Agency (TEMA); and

WHEREAS, the City is eligible to receive \$16,000.00 in grant funds from TEMA; and

WHEREAS, said grant requires no local matching funds; and

WHEREAS, the City Manager recommends acceptance of said grant.

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

That the recommendation of the City Manager is approved and a grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency for United States Department of Energy pass-through funding for on-site and off-site emergency response planning, notification and equipment, in the amount of \$16,000.00, is hereby accepted.

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

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**LEGAL DEPARTMENT MEMORANDUM
13-12**

DATE: March 12, 2013
TO: Honorable Mayor and Members of City Council
FROM: Kenneth K. Krushenski, City Attorney
SUBJECT: RETAIL PACKAGE STORE RENEWAL APPLICATIONS

The accompanying resolutions authorize the granting of permits for the retail sale of alcoholic beverages in the city for the year 2013-2014 and the issuance of certificates of compliance for those granted such permits. All applications are for renewal of current permits. A list of permitted stores and any significant changes in the applications from last year is provided below:

Store Number

- 131 Ridge Liquor's, Inc. Two applicants, Donald R. Knight and Brenda S. Roach, reside outside the city limits of Oak Ridge, Tennessee. One applicant, Michael L. Knight, resides inside the city limits. No changes.
- 149 Turnpike Wine & Spirits, Inc. Two applicants, Patricia B. Gettys and Catherine D. Pattison, reside outside the city limits of Oak Ridge, Tennessee. No changes.
- 151 JB's Wine & Spirits, Inc. The applicant, Jeanette Bowen, resides outside the city limits of Oak Ridge, Tennessee. No changes.
- 152 Lizz's Wine & Spirits. The applicant, Kenneth L. Montgomery, resides outside the city limits of Oak Ridge, Tennessee. No changes.
- 153 Oak Ridge Package Store. The applicant, Scott E. Garriott, resides outside the city limits of Oak Ridge, Tennessee. No changes.
- 154 Hilltop Wine & Spirits. The applicant, Troy Joseph Howe, resides inside the city limits of Oak Ridge, Tennessee. No changes.

In accordance with Council's previous instructions, all nonresident applicants have been requested to be present at the March 18, 2013 Council meeting.

Each store is required to renew its city retail permit annually. This enables the city to learn of any changes that have occurred in local retail liquor store operations and to ensure compliance with applicable laws and regulations.



Kenneth R. Krushenski

lm

Attachments

RESOLUTION

A RESOLUTION GRANTING RENEWAL PERMITS TO PERSONS ENGAGED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR ONE YEAR AND WAIVING THE RESIDENCY REQUIREMENT FOR NONRESIDENT APPLICANTS.

WHEREAS, the individuals listed hereinafter were granted a permit to engage in the retail sale of alcoholic beverages in accordance with the ordinance of the City of Oak Ridge; and

WHEREAS, said permits will expire on March 31, 2013, and it is necessary that renewal permits be issued before that date; and

WHEREAS, the individuals listed hereinafter have made application for permits for the year 2013-2014; and

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

WHEREAS, City Council is authorized to waive the residency requirement for those applicants who possess sufficient contacts with the City which would permit Council to verify the good moral character of those nonresident applicants.

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

That the following persons are hereby granted a permit to engage in the retail sale of alcoholic beverages in the city at the indicated locations, for the year 2013-2014, and that the Mayor is authorized to sign said permits on behalf of the city:

<u>City Permit No.</u>	<u>Name of Applicant</u>	<u>Store and Location</u>
131	Donald R. Knight Brenda S. Roach Michael L. Knight	Ridge Liquor's, Inc. 858 Oak Ridge Turnpike
149	Patricia B. Gettys Catherine D. Pattison	Turnpike Wine & Spirits, Inc. 331 Oak Ridge Turnpike
151	Jeanette Bowen	JB's Wine & Spirits, Inc. 202 S. Illinois Avenue
152	Kenneth L. Montgomery	Lizz's Wine & Spirits 1505 Oak Ridge Turnpike
153	Scott E. Garriott	Oak Ridge Package Store 971 Oak Ridge Turnpike
154	Troy Joseph Howe	Hilltop Wine & Spirits 346 N. Illinois Avenue

BE IT FURTHER RESOLVED that City Council does hereby waive the residency requirement for the following nonresident applicants:

Donald R. Knight
Patricia B. Gettys
Jeanette Bowen
Scott E. Garriott

Brenda S. Roach
Catherine D. Pattison
Kenneth L. Montgomery

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ISSUE CERTIFICATES OF COMPLIANCE FOR PERSONS GRANTED PERMITS TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR TWO YEARS.

WHEREAS, after diligent inquiry and careful investigation of certain applicants, City Council has found their general character to be good, and feels assured that said applicants will refrain from any violation of Title 8, Chapter 4, of the Oak Ridge Code of Ordinances, and Title 57, Chapters 1, 6, 7, and 8, of the Tennessee Code Annotated, which are the alcoholic beverage laws, or any statutory amendment thereof or any rule or regulation promulgated pursuant thereto; and

WHEREAS, City Council has granted the necessary permits to said applicants for the retail sale of alcoholic beverages for one year beginning April 1, 2013, thereby signifying full compliance with the ordinances of the City of Oak Ridge; and

WHEREAS, City Council is of the opinion that said applicants are entitled to the State license applied for.

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

That the Mayor is hereby authorized to sign and issue certificates of compliance for the following persons, City Council finding that said persons have not been convicted of a felony, that all local regulations have been complied with, and that they will refrain from any violations hereinabove set forth:

<u>City Permit No.</u>	<u>Name of Applicant</u>	<u>Store and Location</u>
131	Donald R. Knight Brenda S. Roach Michael L. Knight	Ridge Liquor's, Inc. 858 Oak Ridge Turnpike
149	Patricia B. Gettys Catherine D. Pattison	Turnpike Wine & Spirits, Inc. 331 Oak Ridge Turnpike
151	Jeanette Bowen	JB's Wine & Spirits, Inc. 202 S. Illinois Avenue
152	Kenneth Montgomery	Lizz's Wine & Spirits 1505 Oak Ridge Turnpike
153	Scott E. Garriott	Oak Ridge Package Store 971 Oak Ridge Turnpike
154	Troy Joseph Howe	Hilltop Wine & Spirits 346 North Illinois Avenue

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

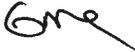
Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RESOLUTIONS

PUBLIC WORKS MEMORANDUM

13-06

DATE: March 5, 2013
TO: Mark S. Watson, City Manager
FROM: Steven R. Byrd, P.E., City Engineer
THROUGH: Gary M. Cinder, P.E., Director of Public Works 
SUBJECT: PEDESTRIAN CROSSING SAFETY IMPROVEMENT – MELTON LAKE DRIVE

Introduction

An item for City Council's consideration is a resolution authorizing a contract between the City of Oak Ridge and First Place Finish Incorporated for construction of pedestrian/bicycle crosswalk safety improvements at three Melton Lake Drive locations in the estimated amount of \$37,594.00.

Funding

Oak Ridge City Council Resolution No. 4-30-11 authorized approval of expenditures from the Special Programs Fund (red light and speed enforcement revenue) for transportation enhancement projects for traffic capacity/safety, school crossing, and bicycle/pedestrian safety. Enhancement projects are selected from a transportation enhancement list that was presented to Council by staff at a January 2011 work session and/or from spot/corridor locations listed in the Oak Ridge Bicycle and Pedestrian Plan that was approved by Council in April 2011 (Resolution 4-27-11). With the completion of the Melton Lake Drive project, the Public Works Department has spent an estimated \$330,556.00 from the Special Programs Fund, leaving an estimated fund balance of \$877,406.00.

Background

Proposed crosswalk enhancements on Melton Lake Drive are located at Amanda Drive, Rivers Run Boulevard, and at the greenway crossing near Emory Valley Road. The proposed improvements include new and restriped pavement markings and the installation of solar powered pedestrian crossing warning systems activated by push button as generally shown on the attached drawing. The push button activates a Rectangular Rapid Flash Beacon (RRFB), which flashes in a "wig-wag" pattern for a time period adequate for the crossing movement. This type of beacon conforms to the specifications of the Federal Highway Administration (FHWA) set forth in the Manual on Uniform Traffic Control Devices. Studies have shown that these enhancements substantially increase the compliance of vehicles yielding to pedestrians and enable pedestrians to cross more quickly. This type of flashing beacon may also be used in the future at other city locations, such as the crossing on Emory Valley Road at Emory Valley Center.

Through research and contacts with other cities that have similar locations, city staff determined that the TAPCO (Traffic & Parking Control Company) beacon was the most reliable traffic control device for the crosswalks on Emory Valley Road. The research also revealed that the flashing in-pavement lights, which are sometimes installed as a supplement to the beacons, are having maintenance issues. The in-pavement lights are presently not recommended by staff for crosswalk warning devices.

At a February 21, 2013 bid opening, four bids were received as shown on the attached abstract. First Place Finish Incorporated of Oak Ridge was the lowest bidder in the amount of \$37,594.00. City staff reviewed the low bid and found it to be acceptable and less than staff's projected estimate. Construction is expected to begin around April of 2013 and be complete within four to six weeks after the Notice to Proceed is issued.

PUBLIC WORKS MEMORANDUM
13-06

March 5, 2013

Page 2

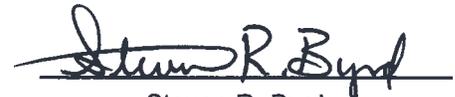
The next proposed Public Works Department safety enhancement project will be at several Oak Ridge Turnpike intersections and at other city street intersections as identified in the Pedestrian and Bicycle Plan. This project will be completed summer 2013 at an estimated cost of \$150,000.00. At an upcoming City Council work session, city staff will present a more detailed summary of completed and proposed safety enhancement projects that are funded from the Special Programs Fund.

Recommendation

Staff recommends approval of the resolution to award the construction contract to First Place Finish Incorporated in the estimated amount of \$37,594.00.

Attachment(s)

- 1) TAPCO Rectangular Rapid Flashing Beacon drawing
- 2) Bid abstract
- 3) Resolution


Steven R. Byrd

City Manager's Comments:

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


Mark S. Watson

3-12-2013
Date



RESOLUTION

A RESOLUTION AWARDING A CONTRACT (COR 13-07) TO FIRST PLACE FINISH, INC., OAK RIDGE, FOR PEDESTRIAN CROSSING SAFETY IMPROVEMENTS ALONG MELTON LAKE DRIVE IN THE ESTIMATED AMOUNT OF \$37,594.00.

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

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for pedestrian crossing safety improvements at three locations (Amanda Drive, Rivers Run Boulevard, and the greenway crossing near Emory Valley Road) along Melton Lake Drive; and

WHEREAS, said improvements include new and restriped pavement markings and the installation of solar powered pedestrian crossing warning systems utilizing a Rectangular Rapid Flash Beacon which flashes a "wig-wag" pattern on the roadway for a time period adequate for the crossing movement; and

WHEREAS, bids were received and publicly opened on February 21, 2013, with First Place Finish, Inc., submitting the lowest and best bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby to First Place Finish, Inc., 733 Emory Valley Road, Oak Ridge, Tennessee 37830, for the furnishing of all labor, tools, materials, equipment and supplies necessary to perform all work and services for pedestrian crossing safety improvements at three locations along Melton Lake Drive; said award in strict accordance with COR 13-07, the required specifications, and the bid as publicly opened on February 21, 2013, and in the estimated amount of \$37,594.00.

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

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

MEMORANDUM

DATE: March 6, 2013

TO: Fellow Members of City Council

FROM: Ad-Hoc EPA Committee
Councilmember Charles J. Hope, Jr., Chair
Councilmember L. Charles Hensley
Councilmember Anne Garcia Garland
Councilmember David N. Mosby
Ms. Ellen D. Smith, Citizen Representative

SUBJECT: AD-HOC EPA COMMITTEE RECOMMENDATIONS

The Ad-Hoc Environmental Protection Agency (EPA) Committee (the Committee) met on Friday, March 1, 2013 at 3:00 p.m. for continued discussions on the City's EPA Administrative Order (AO) and debriefing of the February 5, 2013 meeting with EPA officials in Atlanta, Georgia.

Committee members Hensley, Garcia Garland, Smith, and myself were present; however, Councilmember Mosby was absent. City Manager Mark S. Watson, City Attorney Kenneth R. Krushenski, Public Works Director Gary M. Cinder, Finance Director Janice E. McGinnis, and City Clerk Diana R. Stanley were present as well to answer questions and provide additional information.

Following in-depth discussions regarding the AO and the next course of action, Councilmember Hensley moved that the EPA Committee recommend to City Council that the City will comply with the AO and will write a correspondence to EPA Officials in Atlanta, Georgia stating the City's intentions to comply. The motion was seconded by Councilmember Garcia Garland and approved with Councilmembers Garcia Garland, Hensley, and Hope supporting the motion.

In order to solidify this recommendation, the Committee recommends reaffirming Resolution No. 9-65-2012, as well as submitting a letter from the City of Oak Ridge to the EPA confirming the City's willingness to proceed with the AO. A resolution has been attached to this memo for Council's consideration.

Respectfully submitted,



Charles J. Hope, Jr., Chair
Ad-Hoc EPA Committee, 2013

Attachments

Resolution No. 9-65-2012
Resolution Reaffirming Resolution No. 9-65-2012

RESOLUTION

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

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

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

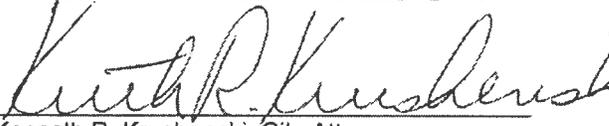
WHEREAS, the Remediation Plan was submitted to the EPA for approval by the September 3, 2012 deadline.

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

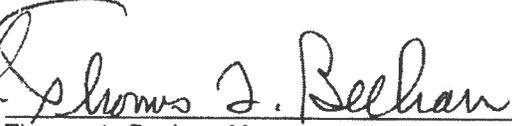
That, as required by the Administrative Order, the City submitted to the U.S. Environmental Protection Agency the City's Wastewater Collection System Remediation Plan by the September 3, 2012 deadline.

This the 10th day of September 2012.

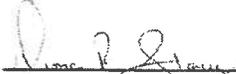
APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney



Thomas L. Beehan, Mayor



Diana R. Stanley, City Clerk

RESOLUTION

A RESOLUTION REAFFIRMING RESOLUTION 9-65-2012 AND CONFIRMING THE CITY'S WILLINGNESS TO PROCEED WITH THE PROVISIONS OF THE ADMINISTRATIVE ORDER SET FORTH BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

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 was required to submit a Wastewater Collection System Remediation Plan providing details of repairing the sewer system; and

WHEREAS, as set forth in Resolution 9-65-2012, said plan was submitted to the EPA for approval by the September 3, 2012 deadline; and

WHEREAS, the Ad-Hoc Environmental Protection Agency Committee, established per discussions held during the April 9, 2012 City Council meeting, met on March 1, 2013 and voted to recommend to City Council that the City comply with the Administrative Order, reaffirm Resolution 9-65-2012, and submit a letter to the EPA confirming the City's willingness to proceed with the Administrative Order.

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

That the recommendation of the Ad-Hoc Environmental Protection Agency Committee is approved and the City hereby reaffirms Resolution 9-65-2012 and states its intentions to comply with the Administrative Order set forth by the United States Environmental Protection Agency.

BE IT FURTHER RESOLVED that the City, under the Mayor's signature, shall submit a letter to the United States Environmental Protection Agency confirming the City's willingness to proceed with the provisions of the Administrative Order.

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

RECREATION & PARKS MEMORANDUM

13-02

DATE: March 6, 2013
TO: Mark S. Watson, City Manager
FROM: Josh Collins, Recreation & Parks Director
SUBJECT: RECREATIONAL EQUIPMENT RENTAL AT MELTON LAKE

Introduction

An item for City Council's consideration is a Resolution authorizing a pilot recreational equipment rental program agreement between the City of Oak Ridge and Adventures Outdoors, Oliver Springs, Tennessee, for temporary space along Houseboat Row at Melton Lake Park and space in the former New China Palace Restaurant for the purpose of renting recreational equipment to the public, and authorizing the City to enter into a lease agreement with the company at the conclusion of the pilot program should expectations be met by both parties (Adventures Outdoors was the only company to respond to the Equipment Rental Request for Proposals (RFP)).

Funding

The proposed agreement would grant exclusive equipment rental rights to Adventures Outdoors in return for in-kind labor and materials to refurbish the "bar area" at the former New China Palace Restaurant for indoor storage and perform required upgrades to one of the existing marina docks. No City investment is anticipated.

Background

In 2009, the Oak Ridge Planning Commission and city staff conducted a series of meetings to solicit public input into the development of the Oak Ridge Waterfront. Numerous features and amenities were suggested for inclusion into the final plan. The Oak Ridge Waterfront Development Plan was adopted by the Planning Commission at its October 22, 2009, meeting and was presented for City Council approval on December 14, 2009. City Council approval established the Oak Ridge Waterfront Development Plan as a tool to guide the City in future improvements of the waterfront area.

The plan included key features such as a new picnic pavilion, walking trails, new playground, permanent restrooms, enhanced lighting/landscaping, outdoor casual dining and recreational equipment rental. Since that time, a new pavilion has been built as a result of a generous donation from UT Battelle, Melton Lake Greenway Phase IV has been completed, and the staff is evaluating the reuse of the New China Palace Restaurant. The proposed resolution takes the next step in implementing the Waterfront Plan with the approval of a pilot recreational equipment program agreement with Adventure Outdoors to rent recreational equipment.

The pilot program would give the business a chance to establish itself and attract a clientele. It gives the City the opportunity to gauge the need for a recreational equipment rental concession along the waterfront. In December, city staff and Adventures Outdoors will evaluate the pilot program and determine whether the operation met the City's expectations. The lessee will provide a financial summary sheet to the City detailing revenue and expenses during the pilot program. If the City's expectations are met, a new lease agreement for a five-year period will be offered. Under the terms of the new lease, the lessee would be required to remove the current marina dock closest to the New China Palace Restaurant prior to the start of the 2014 season, install a smaller dock system to accommodate kayak launch/retrieval and pay the City 5% of the gross revenue.

In addition to one and two man kayaks, Adventures Outdoors will be renting adult and children's bikes. Additional equipment will be added as the business establishes its market. Helmets and life jackets will be issued as required safety equipment with each rental.

Recommendation

Staff recommends approval of the accompanying Resolution as submitted. Upon approval by City Council, the staff will work with Adventures Outdoors to establish a temporary storage facility on site and begin operation. Upon successful completion of the pilot program, Adventures Outdoors will be offered a five-year lease, will be required to remove and replace the old marina dock closest to the restaurant, and pay the City 5% of the gross revenue. The recreational equipment rental program and the possible reuse of the restaurant space for this activity has been discussed with the Recreation and Park Advisory Board during the RFP process and at its February 14, 2013, meeting.

Attachments

1. Recreational Equipment Rental RFP
2. Photo of Marina Docks
3. Oak Ridge Waterfront Development Plan Summary



Josh Collins

City Manager's Comments:

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



Mark S. Watson



Date



RECREATIONAL EQUIPMENT RENTALS AT MELTON LAKE PARK

REQUEST FOR PROPOSAL

NOTE: PRE-PROPOSAL MEETING & SITE TOUR: at Oak Ridge Marina on House Boat Row on February 8, 2013 2:00 p.m., Local Time, Attendance is Strongly Recommended

PROPOSAL DUE DATE

**February 22, 2013,
2:00 p.m., Local Time**

**at the
Central Services Complex Materials Management Conference Room
City of Oak Ridge
100 Woodbury Lane
P. O. Box 1
Oak Ridge, Tennessee 37831-0001**

**Telephone: (865) 425-1819
Fax: (865) 482-8475
Attn: Lyn Majeski**

REQUEST FOR PROPOSAL **RECREATIONAL EQUIPMENT RENTALS AT MELTON LAKE PARK**

SCOPE OF REQUEST

The City of Oak Ridge is soliciting proposals from interested individuals/businesses (respondents) for provision, management and operation of a recreation equipment rental concession for various outdoor/sports equipment such as bikes, kayaks, canoes and paddle boats at Melton Lake Park located at 695 Melton Lake Drive. Existing facilities include a 16-slip floating concrete walkway/dock area and security gate. Electrical service is available to the dock. Up until four years ago, the area was a functioning marina operated by the Oak Ridge Rowing Association (ORRA) under a lease agreement with the City of Oak Ridge. The facility is being offered as is. Maintenance and upkeep of the dock area and security gate will be the responsibility of the lessee.

Melton Lake Park hosts five to nine rowing events annually sponsored by ORRA. ORRA also leases space in a City-owned building adjacent to the embayment. During these rowing events, the ORRA restricts access to the Clinch River and the mouth of the embayment. Access to the river can be gained between heats and during breaks between races. During these events, a 2,000m course is anchored in the channel, is declared a "No Wake Zone" and uses available parking along Houseboat Row. Additional areas throughout the park will be used for boat and trailer parking. During these rowing events, ORRA has priority use of the embayment and the river.

The park is situated along the shoreline of Melton Hill Lake and serves as a trail head for the 6.1 mile Melton Lake Greenway. The Greenway links Melton Lake Park to the 800+ acre Haw Ridge Park that offers over 25 miles of hiking and mountain bike trails.

The City's objective is to secure the services of a qualified applicant to provide high quality recreational services and equipment. The successful applicant will be responsible for all services to the public including visitor safety, maintenance of facilities/grounds in the lease area, and for providing a quality recreational opportunity at a reasonable price and an agreed-upon period of instruction for use of the equipment. Consideration will be given to applicants that provide instructional classes to the general public. Applicants will be evaluated on, among other things, their experience and qualifications to develop, operate and manage a concession operation in a public park setting, their capability to perform the required services and meet minimum operation and maintenance standard set forth by the City and the completeness of their proposal.

The City of Oak Ridge reserves the right to reject any and all proposals and to waive any technical defects in the proposals. Proposals that include any false information or misrepresentation will be rejected. Plans and materials submitted with proposals will not be returned unless specifically requested by the applicant at the time of submission.

The minimum annual operating season will be seven months (April-October). Applicants are free to extend the season and should indicate their proposed operating season in the submittal. The successful applicant will be responsible for opening/closing the lease premises and maintaining the premises to the standards specified in the RFP. A more detailed description of the lessee responsibilities is included in the section entitled "Specific Requirements."

RECOMMENDED PRE-PROPOSAL MEETING AND SITE TOUR

A non-mandatory pre-proposal meeting and site tour will be held February 8, 2013 at 2:00 p.m., local time, at Oak Ridge Marina on House Boat Row, Oak Ridge, Tennessee 37830. **Prospective respondents are strongly encouraged to attend this meeting.** Please contact Lyn Majeski at (865) 425-1819 if directions to the site are needed.

QUESTIONS

For questions, please contact Lyn Majeski at lmajeski@oakridgetn.gov by February 15, 2013. Any interpretation or clarification given in accordance with this provision shall be in writing and will be distributed to known respondents who received the RFP packet from the City. Only questions answered in writing will be binding. Oral and other interpretations or clarifications will be without legal effect.

PROPOSAL DUE DATE

All proposals shall be sent in a sealed envelope to the following address:

By mail:

Attn: Lyn Majeski
Finance Department
City of Oak Ridge
P.O. Box 1
Oak Ridge, Tennessee 37831-0001

By express mail or personal delivery:

Attn: Lyn Majeski
Finance Department
City of Oak Ridge
100 Woodbury Lane
Oak Ridge, Tennessee 37830

The outside envelope should be clearly marked in the lower left-hand corner "RFP – Recreational Equipment Rental at Melton Lake Park." It is the Respondent's responsibility to deliver responses to the exact location specified on or before the time indicated above.

No faxed, emailed or telephoned proposals will be accepted. Late proposals are not accepted.

PROPOSAL INFORMATION

- It is the applicant's responsibility to make an assessment of the operational needs in considering a proposal. The City of Oak Ridge makes no warranties or representations, expressed or implied, about the information contained in this document.
- At least one individual from the business shall attend an onsite pre-submittal inspection and tour led by the City of Oak Ridge of the lease space being offered.
- Applicants may wish to designate those portions of their proposals which they consider confidential under Tennessee law. The City of Oak Ridge will independently determine whether such material may be exempt from public disclosure under Tennessee's open records laws.
- The provisions and conditions of this invitation may be changed or supplemented by the City of Oak Ridge.

METHOD OF CONVEYANCE

The City of Oak Ridge will grant the successful applicant an initial one (1) year lease with the option for five (5) additional one-year lease terms for development and operation of a sports equipment concession at Melton Lake Park. The lease agreement will be evaluated in November of each year to determine whether the lessee is meeting the objectives and goals set forth by the City. The City will determine, in its opinion, whether the lessee has provided the agreed upon service at a fair price, the facilities are attractive and well maintained, the public is adequately being served and safety issues are being addressed. The concession will be operated and maintained for the benefit and enjoyment of the general public. The lessee shall propose an annual rent to the City of Oak Ridge based on gross annual sales from January to December. The rate can be a percent of gross or a flat rate per month. The rent payment will be made by January 31 of the following year. Additionally, at the end of December of each year, the lessee will provide the City a financial summary sheet with required documentation to support its statement of gross revenue. This document must have copies of quarterly state and local sales and use tax forms submitted to the state for the 12-month period.

OPERATIONAL REQUIREMENTS

The boat dock area near the mouth of the embayment has been selected for the concession operation. This area will be leased as is. Construction of additional support facilities will be the responsibility of the lessee and any plans for such improvements must be described in detail in the submittal. Any upgrades to electrical connections, wiring and supports must meet applicable federal, state and local codes. The docks must be stable and level affording safe footing for the public. All equipment must be secured when not in use.

The following specific operational requirements will be included in the lease agreement:

- All facilities and services operated on the property by the lessee shall be available to all members of the general public without distinction or discrimination, including but not limited to discrimination because of race, color, religion, sex, sexual orientation, origin, disability or age.
- Lessee shall be responsible for keeping the lease space (grounds and facilities) attractive and safe at all times.
- Lessee will establish reasonable rental fees, deposits and use fees in accordance with fees charged by the public or private sector for comparable services.
- Lessee will be solely responsible for maintaining supervision over the lease space sufficient to control and secure the area. The lessee will be solely responsible for contacting the appropriate state or local officials to handle any law enforcement matters that arise.
- Lessee will be solely responsible for complying with all local, state and federal requirements for water safety equipment.
- The lessee may not sublease any portion of the lease space without the prior written approval of the City of Oak Ridge.
- The lessee must make arrangements to dispose of any and all trash generated by the lessee or brought on the lease space by the public.
- The lessee shall obtain written permission from the City of Oak Ridge before constructing any new facilities, structurally modifying existing facilities, placing storage facilities on site or making significant operational changes.
- Proposed plans to upgrade the existing docks and the estimated costs for such upgrades should be detailed in the submission.

- Without limiting any obligations or liabilities under the lease agreement, the lessee shall, at its own expense, provide and maintain in effect throughout the term of the lease agreement, Commercial General Liability Insurance, occurrence form, with bodily injury and property damage combined single limits of at least \$1,000,000 per occurrence. The policy shall list the City of Oak Ridge as an additional insured party. A copy of the Certificate of Insurance shall be presented to the City of Oak Ridge annually at the renewal of the lease agreement.
- Background checks will be required for all lessee employees.
- The City of Oak Ridge reserves the right to inspect the lease space and any/all equipment made available for public rental.
- Accommodations must be made to meet ADA requirements.
- Although two portable toilets remain on site year round, additional units may be required to support the equipment rental operation. Any additional units will be secured at the lessee's expense.

INSTRUCTIONS FOR PROPOSAL SUBMISSION

Applicants interested in operating a recreational equipment rental concession at Melton Lake Park shall submit five (5) copies of the following information to the City of Oak Ridge.

1. Proposal cover sheet.
2. Narrative describing all services/equipment to be provided and a time frame on beginning operation.
3. Applicable Business Experience: Describe experience relating to operation, management and maintenance of rental concession or similar operation.
4. Description of proposed upgrades to dock/lease facilities, ADA accommodations and a cost estimate for the work.
5. Business references to support the experience listed in item #3. Names, addresses and telephone numbers of three business references not related by blood or marriage should be submitted.
6. Operating proposal describing how the lease space will be utilized, what equipment will be offered, rental rates/time for each piece, personnel assigned/duties, operating hours and how the site will be secured at night.
7. Signature. Proposals must be signed by an official who is authorized to bind the application, and proposals shall remain binding for six months after the closing date of the proposal.
8. Provide a statement of insurance that provides sufficient coverage.

SELECTION PROCESS

A City Staff Committee will review and analyze each written submittal. Initial selection may be made of respondents deemed to be fully qualified and best suited among those submitting proposals on the basis of the factors involved in this RFP. Interviews may be conducted with a short list of respondents. After the interviews have been conducted, the City will rank the respondents. The City requires that the respondent's project manager attend any oral interviews. Contract negotiations will be initiated with the

top ranked respondent and, if unsuccessful in arriving at a mutually acceptable contract, negotiations will occur with the next highest ranked respondent and so on, until a mutually acceptable contract is prepared. The contract must be approved by the City Attorney and City Council.

PROJECTED SCHEDULE

RFQ Release	February 1, 2013
On-site Pre-Submittal Meeting and Tour Oak Ridge Marina on House Boat Row (Attendance is strongly recommended)	February 8, 2013, 2:00 p.m., local time
Proposals Due	February 22, 2013, 2:00 p.m., local time
Interviews Contract Negotiations	Week of February 25, 2013
Award by City Council	March 18, 2013
Notice to Proceed	April 1, 2013

CONDITIONS FOR RESPONDING

1. **Scope:** The following terms and conditions shall prevail unless otherwise modified by the City within this proposal document.
2. **Reservation of Rights:** The City reserves the right to accept or reject any or all of the proposals submitted, waive informalities and technicalities, correct clerical errors, and negotiate any or all elements of the proposals. The City reserves the right to request clarification of information submitted, and to request additional information from any respondent. Upon further analysis of need and analysis of costs resulting from responses to this proposal, the City reserves the right to award or reject any portions of the proposal. The City also reserves the right to withdraw this RFP.
3. **Completing proposal:** All information must be legible. Any and all corrections and/or erasures must be initialed. The Proposal Sheet must be provided. A neatly typed document of reasonable length is preferred. Proposals shall be prepared simply and economically providing a straightforward, concise description of the respondent's capabilities and experience to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content and ease of location responses to requested information.
4. **Rejection of Proposals:** In order to be considered for selection, the respondent must submit a complete response to those portions of this RFP for which a proposal is being requested. The City reserves the right to reject any and all responses, without incurring any liability whatsoever, when such rejection is in the best interest of the City of Oak Ridge; to reject the proposal of a respondent who has previously failed to perform properly or complete on time jobs of a similar nature; to reject the proposal of a respondent who is not, in the opinion of the City, in a position to perform the services required; to reject the proposal of a respondent that is in default on any prior contract or for misrepresentation; and to reject the proposal of a respondent not submitted in accordance with this RFP. Submission of a proposal indicates acceptance of the conditions contained in the RFP unless an exception is specifically noted by the respondent, and the City reserves the right to reject any proposal that takes exception to the terms and conditions of the RFP.

5. Cost liability: Expenses incurred in developing and submitting a proposal is borne entirely by the respondent. The City assumes no responsibility and no liability for any costs incurred by respondents responding to this RFP or prior to the issuance of a contract.
6. Profitability: The City cannot ensure a profitable operation to the successful respondent and each respondent is encouraged to make his or her own economic appraisal of the opportunity offered by this RFP.
7. Confidentiality of proposal information: Each proposal and supporting documents must be submitted in a sealed envelope. All proposals and supporting proposal documents become public information after the proposal opening and are available for inspection by the general public.
8. Accuracy of proposal: It is necessary that any and all information presented is accurate and/or will be that by which the respondent will complete the contract.
9. Addenda: All changes in connection with this proposal will be issued in the form of a written addendum and sent to the known respondents not less than three (3) days prior to the proposal due date. Signed acknowledgement of receipt of each addendum must be submitted with each proposal. Oral instructions, clarifications, and additional information supplied by the City representatives are not binding.
10. Late proposals and modification or withdrawals: Proposals received after the designated deadline shall not be considered and shall be returned unopened. Proposals may be withdrawn or modified prior to the proposal deadline. All such transactions must be submitted in writing and received prior to the proposal deadline.
11. Proposals binding: All proposals submitted in accordance with the terms and conditions of this RFP shall be binding upon the respondent for six (6) months after the proposal opening.
12. Disclaimer of liability: The City will not hold harmless or indemnify any respondent for any liability whatsoever.
13. Hold Harmless: The selected respondent agrees to protect, indemnify and hold harmless the City and their consultants, agents and employees from and against any and all claims, loss, expense, damage, charges and costs direct, indirect or consequential (including but not limited to fees and charges of engineers, architects, attorneys and other professional and court costs), collectively referred to as "claims," for injury to or death of persons and injury to or destruction of property suffered or alleged to have been suffered as a result of any act or omission on the part of the consultant, any of the consultant's subcontractors, anyone for whose acts any of them may be liable, or others whose services are engaged by the consultant or anyone directly or indirectly employed or controlled by either of them in the course of the performance of the work provided for in the Contract, except such injury, destruction or death as may be caused by the negligence or fault of the City. When the City submits notice, the respondent shall promptly defend any aforementioned action. The limits of insurance required shall not limit the respondent's hold harmless obligations.
14. Insurance: The successful respondent will be required to maintain Workers' Compensation, Comprehensive General Liability, and Comprehensive Automobile Liability and Property Damage Insurance, naming the City as an additional insured.
15. Law governing: All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Tennessee and applicable U.S. laws. The successful respondent shall comply with all applicable federal, state, and local laws, statutes, rules, regulations, and ordinances, including licensing and permitting requirements.

16. Anti-discrimination clause: No respondent to this request shall in any way, directly or indirectly, discriminate against any person because of race, creed, color, national origin, religion, age, sex, sexual orientation, disability or other legally protected status.
17. Collusion: The Respondent certifies by submission of a response to this RFP that it has not colluded, conspired, connived, or agreed, directly or indirectly, with any other Respondent or person to refrain from proposing, and further, that it has not in any manner, directly or indirectly sought by agreement, collusion, communication, or conference, with that of any person, to fix the proposal amount herein or that of any other Respondent, or to fix the proposal amount herein or cost element of said proposal amount, or that of any other Respondent, or to secure any advantage against the City or any person interested in the proposed contract. In addition, the Respondent implies that it did not participate in the RFP development process and had no knowledge of the specific contents of the RFP prior to its issuance.
18. Oral agreements: Any oral agreement or arrangement made by a respondent with any employee will be superseded by the written agreement/contract.
19. Equal Opportunity: The respondent will at all times abide by the equal opportunity provisions of the Civil Rights Act of 1964 as amended.
20. Debarment: The respondent certifies by submission of a response to this RFP, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal, State, or local department or agency.
21. Licenses, permits, and taxes: The successful respondent shall be appropriately licensed for the work required as a result of the contract. The cost for any required licenses or permits shall be the responsibility of the respondent. The respondent is liable for any and all taxes due as a result of the contract.
22. Responsible companies: Nothing herein is intended to exclude any responsible company or in any way restrain or restrict competition. On the contrary, all responsible companies are encouraged to submit proposals.
23. Respondent Presentation of Supporting Evidence: A respondent, if requested, must be prepared to present additional evidence of experience, ability and financial standing necessary to satisfactorily meet the requirements set forth or implied in the proposal.
24. City Officers and Employees Not to have Conflict of Interest: No contract shall be made with any officer or employee of the City or any firm or corporation in which any officer or employee of the City has a conflict of interest.

RECREATIONAL EQUIPMENT RENTAL AT MELTON LAKE PARK
Request for Proposal
City of Oak Ridge, Tennessee
Proposal Cover Sheet

Proposal due: February 22, 2013 at 2:00 p.m., local time

GENERAL INFORMATION/SPECIFICATIONS

1. Sealed proposals submitted to:

By mail:

Attn: Lyn Majeski
Finance Department
City of Oak Ridge
P.O. Box 1
Oak Ridge, Tennessee 37831-0001

By express mail or personal delivery:

Attn: Lyn Majeski
Finance Department
City of Oak Ridge
100 Woodbury Lane
Oak Ridge, Tennessee 37830

2. If any additional information is needed, please contact: Lyn Majeski at (865) 425-1819

3. Proposal must conform to requirements set forth in the Request for Proposal

PROPOSAL SUBMITTED BY:

Company: _____

Physical Address: _____

Mailing Address: _____

Rep Name: _____

Phone: _____ Fax: _____

E-mail: _____

Tax ID Number: _____

Receipt of Addenda

Addendum #1 _____ Addendum #2 _____ Addendum #3 _____

Respondent attests that no officers or employees of the City of Oak Ridge are members of, or have financial interest in, the business submitting this proposal.

Signature of Authorized Person for Respondent

Printed Name and Title



Melton Lake Dr

Melton Lake Dr

Melton Lake Dr

Oak Ridge Rowing Association

House Boat Row

House Boat Row



**WATERFRONT DEVELOPMENT PLAN
OAK RIDGE MUNICIPAL PLANNING COMMISSION**

HISTORICAL BACKGROUND

Initially, the Melton Lake Redevelopment Committee was created to establish a forum for the coordination of lakefront activities between various interests. The committee consists of representatives from the Oak Ridge city staff, the Oak Ridge Municipal Planning Commission, Oak Ridge Rowing Association (ORRA), private sector (property owners), the Oak Ridge Convention and Visitors Bureau (CVB), the Oak Ridge Chamber of Commerce, Anderson County Commission, Tennessee Valley Authority (TVA), and the University of Tennessee (UT) Arboretum. This coordination proved invaluable during activities such as Fourth of July activities, local rowing regattas and spring training, bicycle events, and especially preparations leading up to the NCAA Women's Rowing Championship. During this time, discussions were on going related to renewal or cancellation of the contract for the ORRA to continue management of the Oak Ridge Marina. It was during these deliberations that ORRA made a decision to allow the contract for management of the marina to lapse and city staff to take over this role.

Following this action the Recreation and Parks Department sent out a Request for Qualifications (RFQ) to maintain and operate the existing marina. A second component of the RFQ dealt with proposals on how the adjacent developable property could be utilized. After significant inquiry and pre-submittal meetings held on-site, two (2) proposals were submitted. The first was a proposal to maintain only the marina with no development of adjacent parcels. The second was more comprehensive in its approach and looked at not only management and operation of the marina but partnering with the ORRA to develop a broad-based plan for the waterfront area within the immediate Marina/Rowing Association leased areas as well as the extended area adjacent to Melton Lake Drive.

In reaction to this proposal and a feeling on behalf of the general public that the "cart was before the horse", City Council, the City Manager, and staff felt that more public input was needed prior to proceeding with any further consideration of waterfront improvements. At this time, City Council directed the Planning Commission to return to the "drawing boards" and essentially start over with the concept of developing a Waterfront Development Plan with associated infrastructure improvements, public activities, and recreational programs.

METHODOLOGY FOR DEVELOPMENT OF WATERFRONT DEVELOPMENT PLAN

DEVELOPMENT CATEGORIES

The first public hearing was held on October 8, 2008. Facilitators explained to attendees that there was not a plan on the table and the purpose of the meeting was to gather input and comments from the general public regarding improvements and programs they would like to see along the waterfront. Approximately 130 residents attended the hearing in the Oak Ridge Civic Center. During this hearing, the public was asked to respond to four (4) questions. These questions were:

1. Due to recent interest in development of the Melton Hill Lake waterfront, what specific land uses and/or recreational activities should be considered?
2. Regarding the land uses and activities identified, what are the major concerns with compatibility?
3. In the event there was consideration to redevelop property along the Melton Hill Lake waterfront, what design elements and/or safeguards would help mitigate potential impact to the surrounding area?
4. The intersection of Emory Valley Road and Melton Lake Drive serves as a focal point for our waterfront area. What important or architectural features would you like to see to establish a sense of place?

Following the first public meeting, comments were gathered, tabulated, and presented to members of the Planning Commission. The comments were divided into four (4) development categories. These categories included; Passive Recreation, Active Recreation, Commercial, and Support. Individual comments are referenced below:

Passive Recreation

lakefront park
covered pavilion/ picnic shelters
natural viewing areas
heritage/tourism
sculpture park
lakefront terraced retaining wall / viewing area seating
maintain natural setting

Active Recreation

rowing
bike trails/ pedestrian trails
walkways/ foot bridges/ boardwalks
new playground

bridge between causeway & playground area
climbing wall
ski boat docks
racquet ball court
existing boathouse
canoe/kayak docks
special events: e.g. fireworks
splash pad
new playground/splash pool

Commercial Opportunities

improved boathouse
rentals: bikes, skates, canoes, and kayaks
outdoor casual dining
concessions
in / outside full service dining
retain footprint
rest w/outdoor seats
kayak/canoe storage
do nothing
marina boat cover
marina water supply
limit leases to 64 years w/performance clauses
diversification of businesses

Infrastructure Support

public restrooms
benches
pave/widen Melton Lake Drive and shoulders / widen Melton Lake Drive or add bus lane
angled parking
roundabouts
retaining wall / peninsula seating
enhanced open space
natural landscaping
community / conference space
handicap accessibility
remove geese
bridge from Flatwater Grille to TVA
prohibit large trucks from Melton Lake Drive
parking stalls should be grid pavers, instead of asphalt
remove invasive species
use native species in landscape
reclaim shoreline
save trees

A second public hearing was held the Civic Center in March of 2009. During this public meeting, participants were asked to review the comments previously submitted and prioritize the top three (3) projects for each of the four (4) development categories.

DEVELOPMENT CATEGORIES BY PRIORITY

Passive Recreation

Development of Lakefront Park
Additional covered pavilion/picnic shelters
Increase natural viewing areas and trails.

Active Recreation

Rowing course improvements
Bike/pedestrian trails
Walkways/footbridges/boardwalks for the area

Commercial

Improved boathouse
Recreational rentals to include bikes, skates, canoes and kayaks
Outdoor casual dining

Support

Public restrooms
Additional benches
Widen Melton Lake Drive and associated shoulders or add a bus lane

IMPROVEMENT LOCATIONS

The last task during the public hearing was to identify locations of the above-referenced priority improvements. Maps were provided to individual breakout groups with properties identified that were owned either by TVA or the City of Oak Ridge. Limitations or encumbrances of the property were also identified on the maps. Residents participating in the public forum were asked to locate their top three (3) priorities on the maps provided.

PREPARATION OF THE PLAN

Utilizing the information obtained from the March 2009 public hearing, the Planning Commission, with support from city staff, began preparation of a physical plan for the waterfront. The firm of Barge Waggoner Sumner Cannon (BWSC) offered their services to aid in preparation of a draft visual plan that identified the location of proposed improvements to the Melton Hill Lake waterfront area. The city Computer Services Department provided a base aerial representation of the waterfront that extends from the Oak Ridge Turnpike south along the Melton Hill Lake frontage to the entrance of Rivers Run Subdivision. Due to the length of the study area, the plan was divided into segments. A handwritten draft of the plan was initially prepared by staff that incorporated each priority within the development categories with a corresponding location. Staff met with a representative of BWSC who formally drafted the plan,

utilizing the aerial map provided by the Computer Services Department. The draft plan was presented to the Planning Commission in a special work session in April 2009.

PUBLIC FEEDBACK

Following preparation of the final draft plan and review by the Planning Commission, city staff established booths at both the Earth Day and the Secret City Festivals. During both events, staff continually presented details regarding the plan and elicited written feedback from the public. In all a total of 150 comment cards were obtained from these events. City staff classified the comment cards into the four (4) development categories and presented them to the Planning Commission during a work session in July 2009. The Waterfront Development Plan was again amended to reflect public input and approval was given to prepare a final draft for presentation during a public hearing scheduled for August 20, 2009.

WATERFRONT DEVELOPMENT PLAN

PASSIVE RECREATION

Generally the public felt that the waterfront area provided excellent sporting opportunities, such as rowing, but did not provide a wide variety of passive recreational opportunities for the diverse population represented in Oak Ridge. There is recognition that enjoyment of the natural environment is actually very limited. To better meet this demand a number of waterfront improvements are proposed. The largest area proposed for passive recreational improvements is the area owned by TVA and the City of Oak Ridge located immediately adjacent to the Oak Ridge Turnpike on the northern end of the study area. This area is commonly referred to as the Elza Gate area. This passive recreation area is actually comprised of three (3) distinct improvements.

Elza Gate Park Entrance, Trailhead, and Historic Area: The famed Elza Gate was located in this vicinity along the Oak Ridge Turnpike during the WWII era. Although this served as one of the city's original gated entrances, there is no remnant of the gate left for current viewing. There is, however, a small parking lot with a gravel surface. The plan identifies an improved parking area at the intersection of the Oak Ridge Turnpike and Melton Lake Drive. This site would not only serve as a historic interpretive area for the Elza Gate but also as a much-needed second trailhead for the Melton Hill Lake Greenway. This would also serve to divert parking away from the area around the boathouse.

Elza Gate Picnic Facility: An obvious omission from our passive recreation opportunities is an established picnic facility. There are limited picnic tables and facilities scattered throughout the city; however, a true picnic facility is absent from our offerings in this area of the city. The natural area adjacent to Elza Gate Drive is ideal for a designated picnic area. The area has mature hardwoods that provide shade, is well located with regard to easy access, and is in close proximity to the Melton Hill Lake waterfront. In addition, the area is visible from the Oak Ridge Turnpike but actually fronts on Elza Gate Drive so the vehicular noise is minimal. The plan identifies a one-way circular drive with picnic tables scattered around the site. Picnic tables will be located on simple concrete pads accompanied by metal grate grills. The overall feel of the picnic facility is to maintain the rustic nature of the area, preserve mature trees, and still provide a formal passive space to serve a wide variety of purposes and residents.

Another recreational improvement proposed at the picnic facility is a recreational field. This area has been used in the past as a site for the placement of fill material by both the Public Works and Recreation and Parks Departments. In an effort to expand recreational opportunities and eliminate an unsightly area, the plan identifies a recreational field. The field will be available for day users in the Elza Gate Park for recreational uses such as kick ball, Frisbee, softball or other games. The area will be capped and backfilled with spoil material to establish an even grade, topsoiled, and seeded to create a level playing field. The field is centrally located and will create a focal point in Elza Gate Park with the picnic facilities located on the perimeter. This should

provide a mixture of sun and shade resulting in a very inviting site to complete this passive oriented park.

Elza Gate Nature Trail: The area adjacent to the picnic facility across the railroad tracks is owned by TVA. Much of this area is below the 800 contour elevations and is considered a wetland area with extensive lake frontage along Melton Hill Lake. Due to the wooded nature, low lying elevation, and lake frontage it serves as a perfect habitat for bird watching, plant identification, and small animal viewing in addition to providing quiet nature interludes. The Waterfront Development Plan identifies a woodchip nature trail, which would provide a circular walk around the perimeter of the TVA property providing views of natural habitat, as well as lake views, from scattered benches. In addition the trail would provide access to the Worthington Family Cemetery located in the central part of the TVA property.

These three (3) capital improvements would virtually create a new passive recreational facility in the northernmost Melton Hill Lake waterfront area. Also, the proposal would maximize the natural amenities of a property that has no current utilization, providing a historical, natural, learning, recreational opportunity that does not currently exist within the City of Oak Ridge. This recreational opportunity would meet the passive needs of various segments of our population including groups of pre-school and school age children, churches, and service organizations.

Nature Boardwalk: The low-lying area just south of the entrance to the Flatwater Grille is another property that currently has no use. This area is classified as a wetland. The small peninsula is wooded, with extensive water frontage, and is easily accessible from the Melton Hill Lake Greenway. The plan identifies a small circular deck with built-in seats to accommodate individuals using the Melton Hill Lake Greenway. The elevated walkway protects the flora and fauna of the wetland area while allowing access to the area adjacent to the lakefront. The walkway provides connectivity, which would serve multiple purposes. This is a lovely area of Melton Hill Lake, providing vistas of the railroad bridge and a portion of the lake extending east towards Clinton. The boardwalk provides a perfect place to view this area, especially fall foliage and the visiting waterfowl, as well as fireworks. This is also a prime area to view the starting point of regattas and other rowing events. A primary feature frequently mentioned in reference to the quality of our rowing course is the ability to view the entire course from start to finish. The elevated walkway system would greatly improve viewing of the starting dock and initial moments of the race. The nature boardwalk would serve a multi-use purpose and would increase the passive recreational activities along the Melton Hill Lake waterfront.

Large Pavilion: The City of Oak Ridge currently lacks facilities for large gatherings or groups of individuals. In the attempt to provide multi-use facilities along the waterfront, a proposal for a large outdoor pavilion has been a popular addition. Plans for such a pavilion have been added to the area adjacent to the large parking lot and children's playground near the marina. There is currently a small picnic pavilion located in this area that has limited activities due to its size. The intent is to have a facility, which takes advantages of lakefront views, maintains a rustic feel, and accommodates a wide variety of activities and groups. Due to the location, the views are easy to maintain and bring the "outside inside" with sound, open-air design. The rustic feel would be established through wood and stone building materials, exposed wood beam

construction with open ceilings, and architectural improvements including a stone fireplace. Support improvements would be kept to a minimum but would include restroom facilities and a service area to accommodate caterers. The structure, as envisioned, would serve a variety of community groups and activities that could vary throughout the day. Community groups might include church and civic organizations hosting potluck dinners, pre-school and elementary school picnics, family reunions, birthday, graduation and anniversary celebrations, and wedding or rehearsal dinners. While the majority of these events would typically be weekend and evening activities, during the week our rowing community could take advantage of the facility. During spring training, when teams are present with upward of 200 participants, meals could be served and training sessions could also be conducted. Receptions for various teams could be held as well as job fairs. During regatta season, the award ceremonies could be held in this facility providing a dry alternative to a tent during inclement weather. The existing parking lot, children's playground and volleyball court would provide support facilities for individuals and groups utilizing the pavilion. Once again, the addition of the pavilion along with other lakefront improvements creates an entire passive recreational opportunity, which heretofore does not exist.

ACTIVE RECREATION

Arched Bridge: The Melton Hill Lake Greenway is a heavily utilized recreational facility and extends 3.7 miles between the Oak Ridge Turnpike and Edgemore Road. Primarily, parking for the greenway is provided in the parking lot adjacent to the Oak Ridge boathouse. During public meetings, participants voiced the need to have a circular walking area that did not take them so far away from their vehicles. In addition, city staff has long recognized the limited use of the two (2) peninsulas astride the entrance of the marina embayment area and proposals have floated around for years to connect the peninsulas via a pedestrian bridge. The Waterfront Development Plan has addressed these two (2) issues by identifying an arched pedestrian bridge connecting the two (2) peninsulas and encircling the embayment. This connection creates a multitude of recreational opportunities and enhances others including the following:

- Creates a circular walkway
- Enhances utilization of both peninsulas
- Improves full length visibility of the rowing course during regattas
- Provides greenway options in area of heaviest use
- Provides an aesthetic backdrop for the embayment area
- Decreases distance from vehicle for the elderly and handicapped population

Trail Expansion: The area that comprises the northern peninsula was paved in the 1970's. During regatta events, the area is used by rowing teams as a home base for participants and vendors. Usually each team/vendor erects a tent where the team gathers and personal belongings are left. Typically, with the exception of a very limited number of vehicles, there is little on-site parking during regattas in the peninsula parking lot. Other events utilize the peninsula parking lot as well but, once again, not for parking. The peninsula parking lot occupies possibly the best geographic spot along the waterfront but few vehicles use the area for parking. Most notably, when the parking demand is highest, event participants occupy the space. The Waterfront Development Plan proposes removal of the majority of the existing pavement within the peninsula parking lot. The pavement would be replaced with green space and a greenway trail

that would connect to both sides of the embayment area to reconnect to the established Melton Hill Lake Greenway. This plan would create a far more enjoyable space for regatta and special event participants. In addition, the reduction in parking spaces would not result in a significant negative impact due to the fact that when parking is at a premium the space is not used to park vehicles. Both the northern and southern peninsulas would be landscaped to further enhance the newly created greenway expansion and provide much needed shade for greenway users.

Amphitheater: Currently at the southern end of the parking lot a paved cul-de-sac is to be removed. This area is largely underutilized and is wasted on a traffic improvement that is not warranted. With the above-mentioned removal of the paved parking area and the addition of a pedestrian bridge, the area is well suited for a physical improvement that would serve multiple purposes. The most popular idea has been the addition of a small amphitheater. Once again, the use identified needs to meet the criteria of a wide variety of users and recreational circumstances. The amphitheater could be a permanent improvement to the waterfront. However, more likely would be a facility which could be installed at the beginning of the spring regatta season and remain into late fall when outdoor utilization is at its peak. Orientation of the seating area could be altered to accommodate the focal point of any event. Facing the lakefront would create a great viewing area for seasonal practice as well as rowing competitions. Moving into the summer months it would provide great viewing for July 4th festivities. Also during the spring and summer months, regatta award ceremonies would be ideal here during inclement weather, as well as being a meeting space for rowing teams during spring training. The seats could be shifted for a summer concert series or Friday night movies in the park. The site could even be used for casual weddings and other private summer/fall events.

Enhanced Playground and Splash Pad: The playground that is just to the north of the boathouse and the main parking area experiences heavy utilization during the week as well as during scheduled events. During meetings held on the Waterfront Development Plan, residents often mentioned that the area needed to have more play opportunities for children. They felt that the playground was somewhat limited in activities and could be easily expanded. Adjacent, there is a volleyball court that receives little utilization. In addition, this is the area targeted for the large outdoor pavilion to increase utilization of the area. Based on these concerns, the plan identifies a "splash pad" to be added to the area immediately adjacent to the playground. A splash pad consists of a concrete pad with several fountains, which children and adults can run through to cool off. Splash pads have become very popular in recreation areas including both the Knoxville and Chattanooga waterfront parks. As well as providing relief from the heat, they are a focal point of the children's activities and provide an extra boost to aesthetics as well as contributing to the effort to establish a sense of place.

Equipment Rental: The current facilities of the Melton Hill Lake waterfront have a wide range of recreational opportunities. However, in many instances equipment must be available for enjoyment of the area to its fullest. At any given moment there may be residents skating, biking, or enjoying the water in kayaks and canoes. However, for many folks they may not own this equipment or, if traveling, may not have the equipment with them. The Waterfront Development Plan identifies the establishment of a site to rent skates and bicycles as well as kayaks and canoes. Rental of this type of equipment would allow folks visiting to utilize these opportunities without the difficulty of transportation. Many residents may, on occasion, wish to take a canoe

or kayak out on the water but do not feel the recreational pursuit warrants the cost of purchase. Rental of these items would solve both issues and would serve to boost utilization of the facilities provided. In addition the provision of rental equipment supports the goal of making Oak Ridge a center for "human powered sports". This is a stated goal of the Rowing Association, the Chamber of Commerce and the City of Oak Ridge.

Eighth Rowing Lane: Currently there are seven (7) lanes available for competition during regatta events. There has long been a proposal to increase the lanes for competitions to eight (8). This requires excavation on the western side of Melton Hill Lake for a short distance to establish an eighth lane. This project is currently permitted and awaiting funding, and involves both TVA and the Army Corps of Engineers in addition to identification of a site for placement of material removed to create the eighth lane. However, the additional lane would allow more efficient use of the rowing course and serve to shorten larger regattas due to the ability to run more teams in the same amount of time.

Fishing Park: Located at the southern extension of the study area is a small area that is highly conducive to fishing activities. The area is at the mouth of the large embayment adjacent to Union Valley Road. Fishing activities are ongoing here year round as weather permits. However, the area is somewhat unsightly and adds little aesthetic value or improvements for those utilizing the site. The plan identifies a small pervious parking lot to formalize the area. In addition, landscaping and picnic tables would serve the folks fishing as well as create an environment for the residents of Rivers Run subdivision and others who utilize the Melton Hill Lake Greenway and enjoy the view.

COMMERCIAL ACTIVITIES:

Boathouse: Currently, the City of Oak Ridge has a long-term lease with the ORRA. The building was built in the early 1970's and continues to be utilized. The restaurant is one of the oldest business establishments in the City of Oak Ridge and is located adjacent to the boathouse. The restaurant has been, and continues to be, an upscale dining establishment. However, during the public forums conducted for the Waterfront Development Plan, residents sent a clear message that their desire was for a casual dining establishment in this location. The sentiment expressed was for a food service that targeted the public utilizing the Melton Hill Lake Greenway and the rowing community. In addition, the public specified that patio dining was preferred, and a restaurant that maximized views of the lakefront areas and rowing events. The current restaurant is more formal in terms of a dining experience and does not necessarily serve the individuals who are pursuing physical activities along the waterfront area.

The ORRA occupies the remainder of the space with a large breezeway separating it from the restaurant. The Waterfront Development Plan recognizes the importance of the boathouse to the rowing community as well as the need to expand space to accommodate rowing activities. A long-term goal of the ORRA is to construct a newly designed boathouse with an enlarged footprint, which would greatly improve the services offered to the community as well as establishing Oak Ridge as the premier destination for rowing activities. However, due to financial constraints at this time, the Waterfront Development Plan identifies a short-term approach to meeting the expanding needs of the ORRA. The Waterfront Development Plan

identifies a reduced footprint or leasable area for restaurant facilities and dedicating the area to the ORRA. This would allow the ORRA to construct offices in addition to dedicated dressing rooms and restroom facilities for the rowers and visiting teams. This would open up the small existing restroom facilities to serve the general public. Also, the breezeway could be enclosed to accommodate needed office space, training facilities, and meeting space. These changes would allow the expansion of boat storage space in the existing building, which is one of the most pressing space needs experienced by the rowing association.

Marina: The Oak Ridge Marina was originally constructed in the 1960's and is currently owned and operated by the City of Oak Ridge. During development of the Waterfront Development Plan, interest in the marina has been intense and, at times, heated. Up until February 2008 the ORRA managed the marina. In the years leading up to February 2008, the marina had fallen into disrepair. Concerns and complaints had been received by city staff and elected officials regarding the safety and appearance of the marina along with sunken boats. In February 2008 the City of Oak Ridge assumed management of the Oak Ridge Marina and subsequently initiated preparation of the Waterfront Development Plan. During public meetings, residents were somewhat polarized on the future of the marina. Many participants felt that the marina was in conflict with the rowing venue and that to insure the best rowing course possible the marina should be eliminated. Approximately the same number of participants felt that the Waterfront Development Plan should be inclusive and should provide some type of recreational opportunities for all residents, including a marina. Concern expressed by Planning Commission members included that if the marina were discontinued for a period of time the license to restart the operation could be in jeopardy and the city would permanently lose the option to retain the service. Another issue addressed by residents and Commission members is that there should be boat slips available for those individuals who wish to use the greenway, attend an event, or dine at nearby restaurants. As such there seemed to be general agreement that slips needed to be available on a daily or hourly basis at little or no cost. Additional effort was expended to obtain input from the public during the Secret City Festival regarding the marina. Specific questions were asked to determine if the public would rather see the marina removed, remain at 16 slips, or be increased to 32 slips. The results of this highly informal poll were, again, almost evenly split. During deliberation by the Planning Commission, all information obtained during each of the public forums and special events was carefully weighed by Commission members. Their ultimate decision was to have a marina or dock facility with 32 slips which provides the following services: facilities for the ORRA to dock their boats during daily/weekly uses and during special regatta events (Provisions for ORRA dock space is included in their lease space and should not be a public issue); public docking facilities for the hourly/daily user who wishes to use the greenway, attend a special event or take advantage of a local dining opportunity; and a rental dock or marina facility to serve the needs to residents who wish to store boats on a more permanent basis. While this was the ultimate decision of the Planning Commission, it was not a unanimous one.

SUPPORT IMPROVEMENTS

Restrooms: The current provision for restroom facilities along the Melton Hill Lake waterfront does not meet the needs of our residents or visitors. The problem is multifaceted: first, the number of restroom facilities; second, the distance to those restroom facilities; and finally, who maintains the restroom facilities. The plan identifies four (4) areas for the addition or improvements of restroom facilities. The first area is the day use picnic facility adjacent to Elza Gate. The restroom facilities would be open at this site on weekends and if a group is scheduled to utilize the area. The second area is the large pavilion adjacent to the children's playground. These restroom facilities would be open to those individuals who have reserved the pavilion for a specific event. The third site is the restroom/dressing facilities, which would be housed in the boathouse for use by the ORRA and visiting teams. The last restroom facilities would be the existing restrooms in the boathouse. These restrooms would be open to the general public on a seasonal basis during daylight operational hours. Due to the large number of visitors attending regatta events, the primary source of restroom facilities to meet this demand would continue to be portable restroom facilities.

Benches, Landscaping, and Sculpture: During public forums held for preparation of the Waterfront Development Plan, residents continually stressed the aesthetics of the waterfront area. In all areas they wanted more trees, larger shaded areas, and the introduction of public art. The Waterfront Development Plan depicts extensive landscaping shown throughout the waterfront area. Improved landscaping takes several forms. Landscaping acts to define linear areas for trails and walkways; to soften and establish shade for parking and playground areas; and to provide improved aesthetic settings for buildings, including the boathouse and pavilion. Residents stressed the need for more benches to rest and enjoy the Melton Hill Lake waterfront as well as the park improvements. A new aspect of the Waterfront Development Plan is the introduction of public art. Outdoor sculpture has gained acceptance across the country as a means of denoting a special or unique aspect of a place. Public art can establish a sense of "place" in a manner that few other improvements can do. Public art gives the artist a new realm to interpret the physical beauty of an area or evoke a rush of emotions. The City of Oak Ridge is blessed with gifted professional artists as well as student artists, from whom pieces could be petitioned, or competitions held. Corporations or private individuals may contribute specific pieces in exchange for recognition of the donation. Many cities participate in a loan program where a fee is paid and outdoor art is loaned on a circulation basis through various venues. The backdrop of Melton Hill Lake is the perfect place to showcase art that is based in the representation of water as a natural resource and a source of endless recreational enjoyment.

Parking and Traffic Management: During any discussion of the Melton Hill Lake waterfront, parking is always a hot topic. The Waterfront Development Plan does not identify an increase in parking spaces. There is actually a slight decrease in the total number of parking spaces due to removal of pavement on the northern peninsula, although scattered parking sites have been increased. A key factor in consideration of this issue is the fact that events such as major regattas, 4th of July celebrations, or a summer concert series are just that, individual events. Any attempt to create a parking lot or a parking garage large enough to accommodate parking for an event of this nature will be underutilized the remainder of the year. The cost of constructing and

maintaining parking facilities of this scale to be utilized on a limited number of days a year fails to be cost effective. This view also does not take into account the impact such a large facility would have on the effort to establish an improved waterfront park with emphasis on rowing, pedestrians, and other outdoor recreational pursuits. The only clear means of addressing this issue effectively is traffic management. This would consist of off-site parking served by shuttles, limitation of bus parking, utilization of traffic calming to reduce vehicular speed, and the possibility of shoulder improvements along Melton Lake Drive to allow vehicles to safely park outside of travel lanes. Participants of recreational events expect to have difficulty parking, expect to walk long distances, and expect to have delays in arrival and departure from the event. While this is typically the case, safety is still paramount and cannot be compromised. Therefore, a multifaceted approach is necessary to safely manage traffic without the associated costs or negative aesthetic impact a large parking facility would create.

Roundabout: As mentioned above, traffic calming is an integral part of traffic management. The introduction of a roundabout at the intersection of Melton Lake Drive and Emory Valley Road is a capital improvement with many improved results. First and foremost, the roundabout is a mechanism for controlling vehicular speeds. In addition, this method of speed control is highly effective without a corresponding negative impact on the ability of traffic to quickly clear the intersection and without the associated increase in vehicular emissions. Roundabouts, while new to the American landscape, are quickly gaining in popularity not only for their positive traffic impacts but also for the establishment of a sense of place or the sense that one has arrived at a place that has a special unique significance for the community. Emory Valley Road is a major access point for the Melton Hill Lake waterfront area for out-of-town visitors. The introduction of a roundabout will immediately establish a sense of character and quality that few traffic control devices could evoke.

Architectural Character: An issue addressed by Planning Commission members as well as participants in public hearings was a unifying architectural theme which would be reflected in all public improvements including buildings, signage and trail markers. Due to emphasis on the waterfront and environmental character, the architectural theme identified was one of organic building materials, including stone and wood. In addition, rustic architecture such as vaulted ceilings, exposed beams, stone columns, and large expanses of glass to invite the outdoors inside, were preferred.

Sustainability / Green Initiatives: The City of Oak Ridge has made a commitment to establish green initiatives and sustainability as a citywide policy. City Council has charged the Environmental Quality Advisory Board (EQAB) with overseeing this goal. EQAB reviewed the Waterfront Development Plan and their comments have been included as Appendix F. Primary recommendations are as follows:

All buildings constructed within the Waterfront Park are Leadership in Energy & Environmental Design (LEED) certified

City sponsored events to be conducted with a goal of recycling and reuse

All light fixtures comply with dark sky design

Paving for parking facilities and paths be comprised of porous material

Planting material shall be native

Logo Signage and Pedestrian Crossings: The final proposed improvement to the Melton Hill Lake waterfront area is an effort to tie the different aspects of park improvements together with a resounding architectural and materials theme that is reflected in the signage and markers throughout the project. Also, in an effort to maintain a goal of the plan, which is to establish multi-purpose uses for all improvements, the markers would be used as signage at each pedestrian connection to provide advance warning for motorists to reduce their vehicular speed. Formal pedestrian crossings along Melton Lake Drive are proposed at the following locations:

Palisades Road
Amanda Drive
Emory Valley Greenway
Rivers Run Boulevard

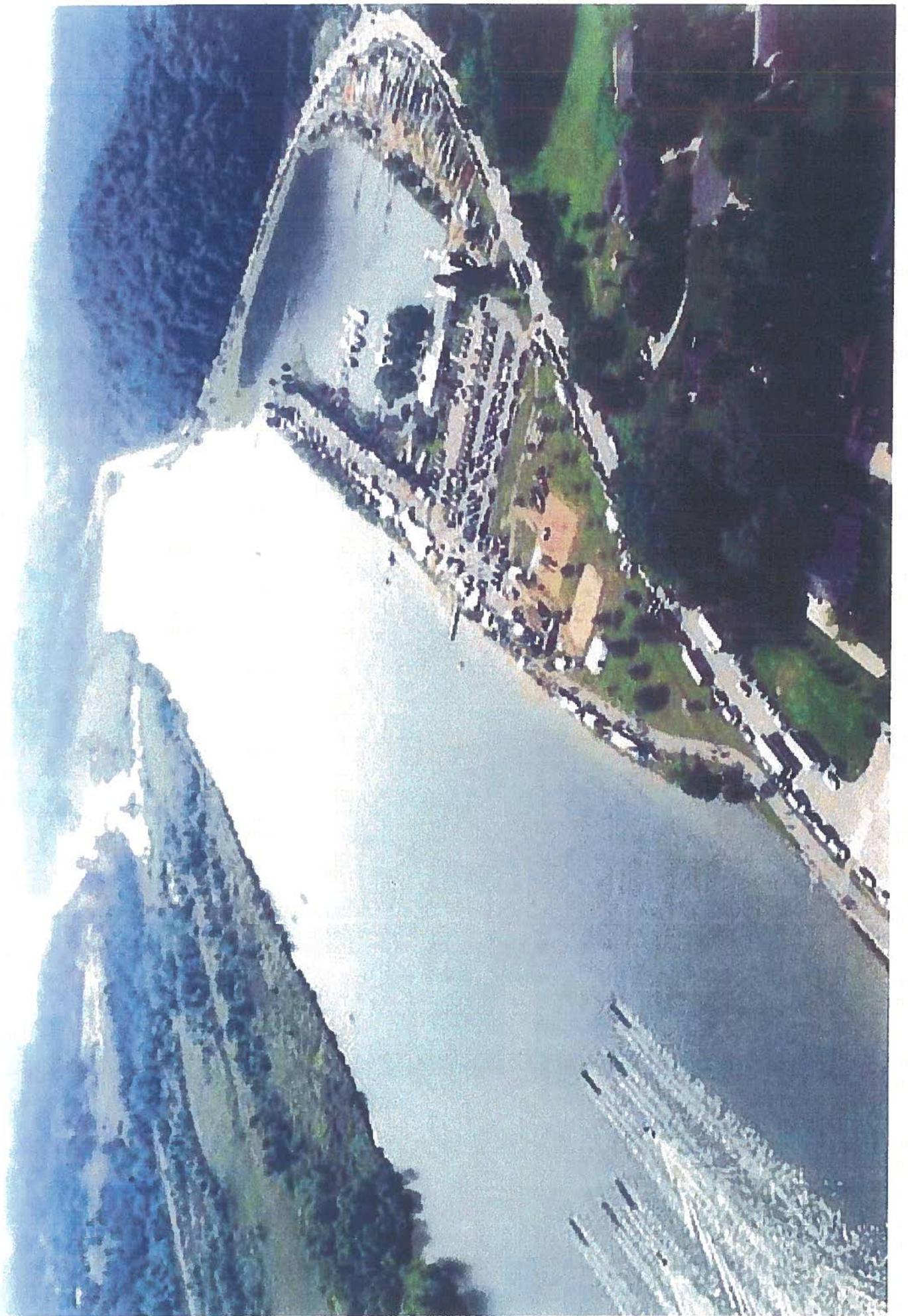
An issue that received a great deal of attention during review of the Waterfront Development Plan is pedestrian connectivity. While the trails and facilities immediately adjacent to Melton Hill Lake are extensive and well maintained, residents identified the difficulty of walking to the waterfront. In many instances, there are large neighborhood populations that wish to safely access the waterfront only to find that crossing Melton Lake Drive, due to width and vehicular speeds, is difficult. This is further exacerbated by the presence of poorly designed pedestrian crossings, and even guardrails, that prevent access. A basic component of any plan of this nature is the connectivity of the recreational facility to adjacent neighborhoods and other recreational facilities in the area. The idea that one must drive to walk in an area that is within sight is the result of a failure to establish priorities. The City of Oak Ridge must decide if the Melton Hill Lake Corridor is merely a thoroughfare designed to get motorists through the community or a destination where recreational opportunities for residents and visitors are the primary objective. The adoption of this plan establishes the latter as a formal goal of the city. The method of establishing this fact on-site rests with giving the pedestrian, runner, bicyclist, skater, and baby stroller the right-of-way and engineering traffic improvements that reflect that fact. Initially, this may consist of better signage, which carries the Melton Hill Lake waterfront logo and provides advance warning that the motorist is approaching a pedestrian crossing. Pending construction of the Melton Lake Drive – Emory Valley Road roundabout, the pedestrian crossing may take on new significance with speed plateaus and a mandatory stop if a pedestrian is waiting at a crosswalk. The introduction of the roundabout and mandatory pedestrian right-of-way is the only way to actively promote connectivity and relay to the public that the Melton Hill Lake waterfront is truly a special municipal park designed for the use of all.

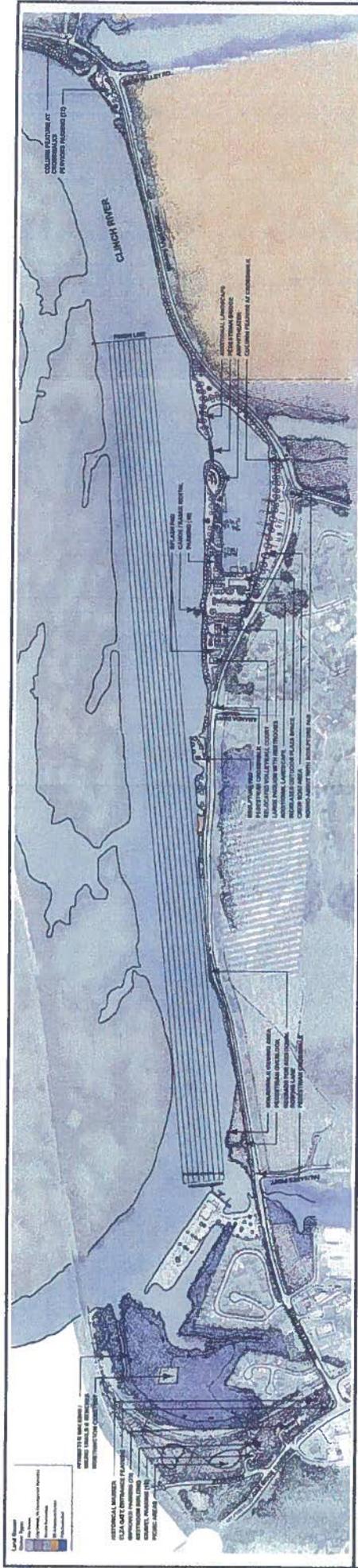
Parking: Throughout preparation of the Waterfront Development Plan, parking has been a focal point of discussion. Surprisingly, the Waterfront Development Plan does not identify a huge expanse of new parking facilities for several reasons. There is possibly a slight reduction in parking provided due to the elimination of pavement on the peninsula area adjacent to the boathouse. Historically, periods with the highest demand for parking are during special events such as rowing regattas and 4th of July celebrations. Similar parking problems are expected to arise in the event the City is successful with programmed activities such as a concert series, Friday Night at the Movies, or other events such as craft fairs. These are great problems to have, as it means our residents are using our recreational facilities and enjoying these special planned

events that translates to a great quality of life. However, the provision of a parking facility capable of accommodating these special events would need to address as many as 10,000 visitors. The space necessary for such a facility would compromise the very rustic surroundings and natural environment we are trying to protect. In addition, the cost of construction and maintenance would be the largest capital investment in the waterfront area overshadowing the cost of all recreational improvements. This issue is further compromised by the fact that such a facility would receive minimal use due to the infrequency of special events that necessitate the use of such parking facility. As such, the recommendation with regard to parking is improved traffic and parking management. Trolleys and shuttles will need to be a mandatory part of all event planning. Improved on-street parking will be necessary possibly by widening the road shoulder of Melton Lake Drive. Bus parking should be prohibited based on the space busses occupy, noise and emission issues and limited visibility they create for other vehicles.

CONCLUSION

In October 2008 the first meeting was held to gather information from our residents regarding their recreational needs and desires for the area adjacent to Melton Hill Lake. Everyone involved, including Planning Commission members, City staff and residents, recognized the importance of current programs and improvements such as the rowing venue and the Melton Hill Lake Greenway. However, the general feeling was that the full needs of the community were not being met and that untapped resources existed which could better serve the needs of our population. After numerous meetings, work sessions, public forums, and special event booths, hundreds of ideas, comments, criticisms and recommendations have been reviewed by Planning Commission members and City staff and have been incorporated into this text and the associated Master Plan. With the adoption of the Waterfront Development Plan, the City of Oak Ridge now has a point of beginning, a common thread by which to proceed and establish priorities. The list of improvements has grown as those involved have moved through the public input process, and will continue to evolve as we move through implementation. By adoption of the plan, City staff has a new tool to work toward funding and implementation. Obviously, this may take several forms: specified improvements may be accomplished by current City staff; other improvements may be included in the Municipal Capital Improvement Program (CIP); or TVA may wish to participate for properties on which they maintain ownership or partner with the City of Oak Ridge on properties that we lease. Additionally, corporate sponsorships may be possible and federal and state grant monies may be available. However, the first step to all forms of implementation is the "dream on paper". The Waterfront Development Plan is that dream.





Oak Ridge Waterfront Conceptual Master Plan - Phase I | Oak Ridge, Tennessee | July 2009

BWSC
 Bioscience Resource Project
 1000 Oak Ridge Turnpike
 Oak Ridge, TN 37831
 615-875-2000
 www.bwsc.org

RESOLUTION

A RESOLUTION AWARDING A CONTRACT TO ADVENTURES OUTDOORS, OLIVER SPRINGS, TENNESSEE, FOR A PILOT RECREATIONAL EQUIPMENT RENTAL PROGRAM AT MELTON LAKE PARK, AND AUTHORIZING THE CITY TO ENTER INTO A LEASE AGREEMENT WITH THE COMPANY AT THE CONCLUSION OF THE PILOT PROGRAM SHOULD EXPECTATIONS BE MET BY BOTH PARTIES.

WHEREAS, by Resolution 12-113-09, City Council approved the Oak Ridge Waterfront Development Plan, dated December 14, 2009, as a tool to guide the City in future improvements of the waterfront area; and

WHEREAS, the Oak Ridge Waterfront Development Plan included key features such as a new picnic pavilion, walking trails, new playground equipment, permanent restrooms, enhanced lighting/landscaping, outdoor casual restaurant, and recreational equipment rentals; and

WHEREAS, a new pavilion has been recently constructed through a generous donation by UT Battelle, and Melton Lake Greenway Phase IV has been completed; and

WHEREAS, recreational equipment rentals is the next step in implementing the Oak Ridge Waterfront Development Plan; and

WHEREAS, proposals were received and publicly opened on February 22, 2013, with Adventures Outdoors, Oliver Springs, Tennessee, submitting the sole proposal which proposal the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to Adventures Outdoors, 454 Mahoney Road, Oliver Springs, Tennessee 37840, for a pilot recreational equipment rental program at Melton Lake Park; said award in strict accordance with the Request for Proposals, the required specifications, and the proposal as received and publicly opened on February 22, 2013.

BE IT FURTHER RESOLVED that the pilot program will be for the 2013 season and will allow the parties the opportunity to evaluate the program to determine if expectations are met.

BE IT FURTHER RESOLVED that the City is hereby authorized to enter into a lease agreement (up to five years) with the company should expectations be met at the conclusion of the pilot program with the City to receive at least five percent (5%) of the gross revenue.

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

This the 18th day of March 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**FINAL ADOPTION
OF
ORDINANCES**

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
PLANNING DIVISION
13-9**

DATE: February 11, 2013
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director 
FROM: Kahla Gentry, Senior Planner
SUBJECT: **Land Use Plan Amendment – Parcels 40.00, 41.00 and 42.00, Map 106A, Group A Located on S. Illinois Avenue, West of Panera Bread and Aubrey's**

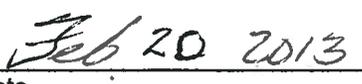
An item for the City Council agenda is a request to approve a major amendment to the Land Use Plan by changing the designation of Parcels 40.00, 41.00 and 42.00, Anderson County Tax Map 106A, Group A, from R, Residential to B, Business. The subject properties have a combined area of approximately 1.4 acres and are part of the Woodland Town Center, Phase II PUD, located between S. Purdue Avenue and S. Illinois Avenue near Woodland Terrace East. By approving this amendment the Land Use Plan map will be changed to coincide with the zoning for this property. The Planning Commission recommended approval of the Land Use Plan amendment by a vote of 7-0.

The proposed amendment is consistent with Comprehensive Plan policies to locate commercial development on arterial streets with shared access to those roadways, as well as policies encouraging commercial development on S. Illinois Avenue and in the central city area. The proposed Land Use Plan amendment is also consistent with the S. Illinois Avenue Corridor Study plan for commercial development on the northeast side of S. Illinois Avenue. An internal corridor provides access to Woodland Terrace East for properties within the PUD. The subject property is also located adjacent to properties on S. Illinois Avenue already designated as B, Business and in commercial use. Staff recommends approval of the proposed amendment to the Land Use Plan map.



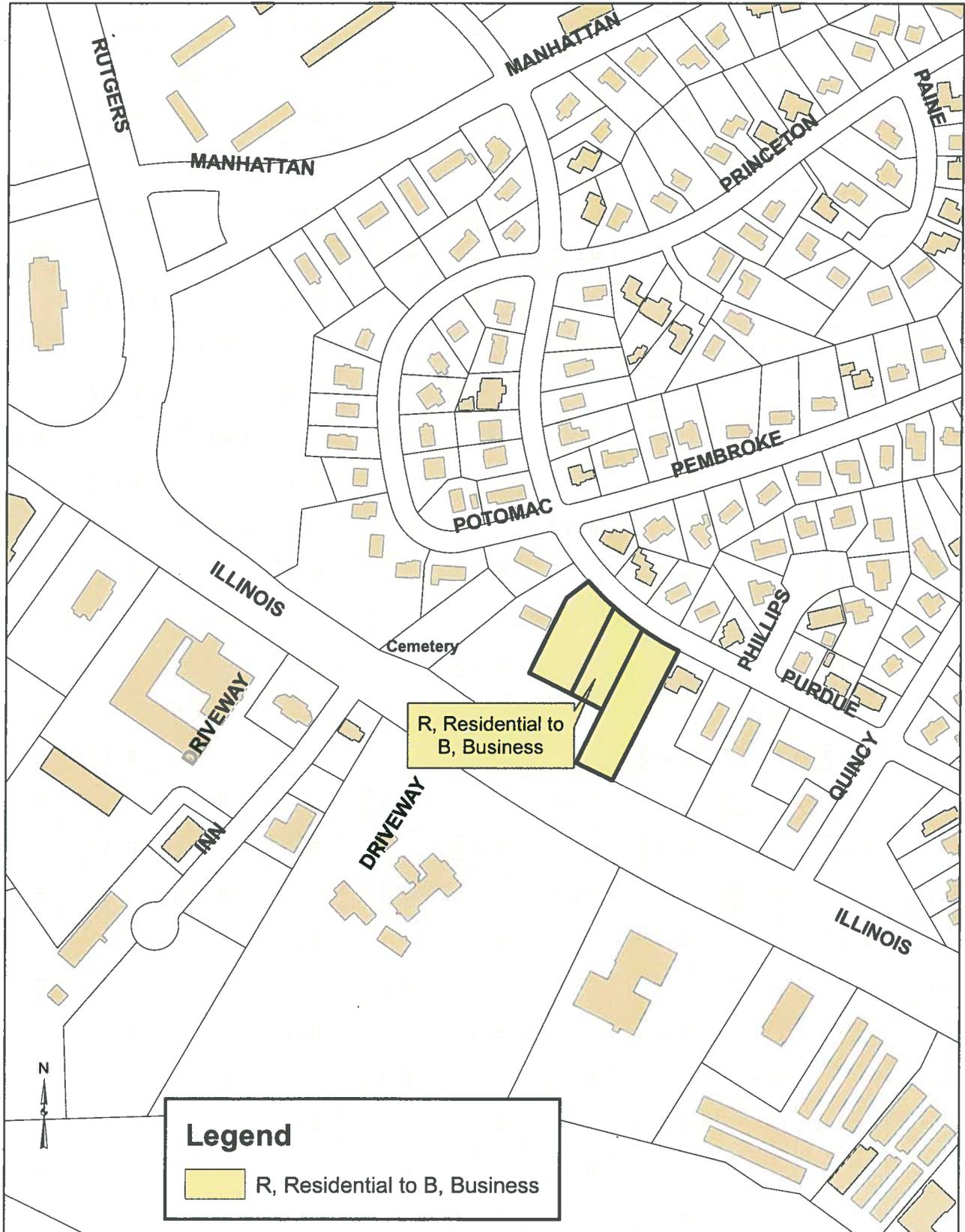
City Manager's Comments:

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

Mark S. Watson Date

Land Use Plan Amendment for Woodland Town Center Phase II



1 inch = 300 feet

TITLE

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF PARCELS 40.00, 41.00, AND 42.00, MAP 106A, GROUP A, FROM R, RESIDENTIAL TO B, BUSINESS.

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

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

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

Section 1. The Comprehensive Plan's Land Use Plan is hereby amended, as a major amendment, by changing the designation of Parcels 40.00, 41.00, and 42.00, Map 106A, Group A, from R, Residential to B, Business.

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

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 02/25/2013
Publication Date: 01/21/2013
First Reading: 02/25/2013
Publication Date: 03/04/2013
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
PLANNING DIVISION
13-8**

DATE: February 11, 2013

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Rezoning of Parcels 40.00, 41.00 and 42.00, Map 106A, Group A and Approval of Preliminary PUD for Woodland Town Center Phase II Located on S. Illinois Avenue, West of Panera Bread & Aubrey's**

An item for the City Council agenda is a request to approve the Preliminary Planned Unit Development (PUD) plan for Woodland Town Center Phase II. Included as part of the Woodland Town Center Phase II plan is a request to rezone Parcels 40.00, 41.00, Map 106A, Group A, from R-2, Low Density Residential in the Manhattan District Overlay to UB-2, Unified General Business PUD and rezone Parcel 42.00, Map 106A, Group A, from R-2, Low Density Residential in the Manhattan District Overlay and RG-1, Residential, Open Space and Reserved to UB-2, Unified General Business PUD. Parcels 40.00, 41.00 and 42.00 have a combined area of approximately 1.4 acres. The Woodland Town Center, Phase II PUD has an approximate area of 2.37 acres and is located between S. Purdue Avenue and S. Illinois Avenue at Woodland Terrace East. The Planning Commission recommended approval of the rezoning and Preliminary PUD for Woodland Town Center Phase II PUD by a vote of 7-0.

The Planning Commission approval also included approval of two variances. A variance to reduce the required minimum building setback from the lot line on S. Purdue Avenue from 30 feet to 22 feet was approved subject to providing a landscape buffer in compliance with "Buffer D" as defined in the Zoning Ordinance. "Buffer D" is the required buffer between commercial and residential development. Placing the building back from S. Illinois Avenue continues the development pattern established in Woodland Town Center Phase I (Panera Bread and Aubrey's) of having the parking in front of the buildings. The setback reduction in the back is requested in order to allow sufficient room for parking and circulation. The proposed plan allows for a wider landscape buffer behind the new proposed building on S. Purdue Avenue than the landscaping along S. Purdue Avenue behind Panera Bread and Aubrey's. The second variance approved by the Planning Commission allows a loading dock area facing a street. The subject property has streets on three sides, providing a hardship in locating a loading dock not facing a street that works with the traffic circulation on the site within the confines of the size and shape of the lot.

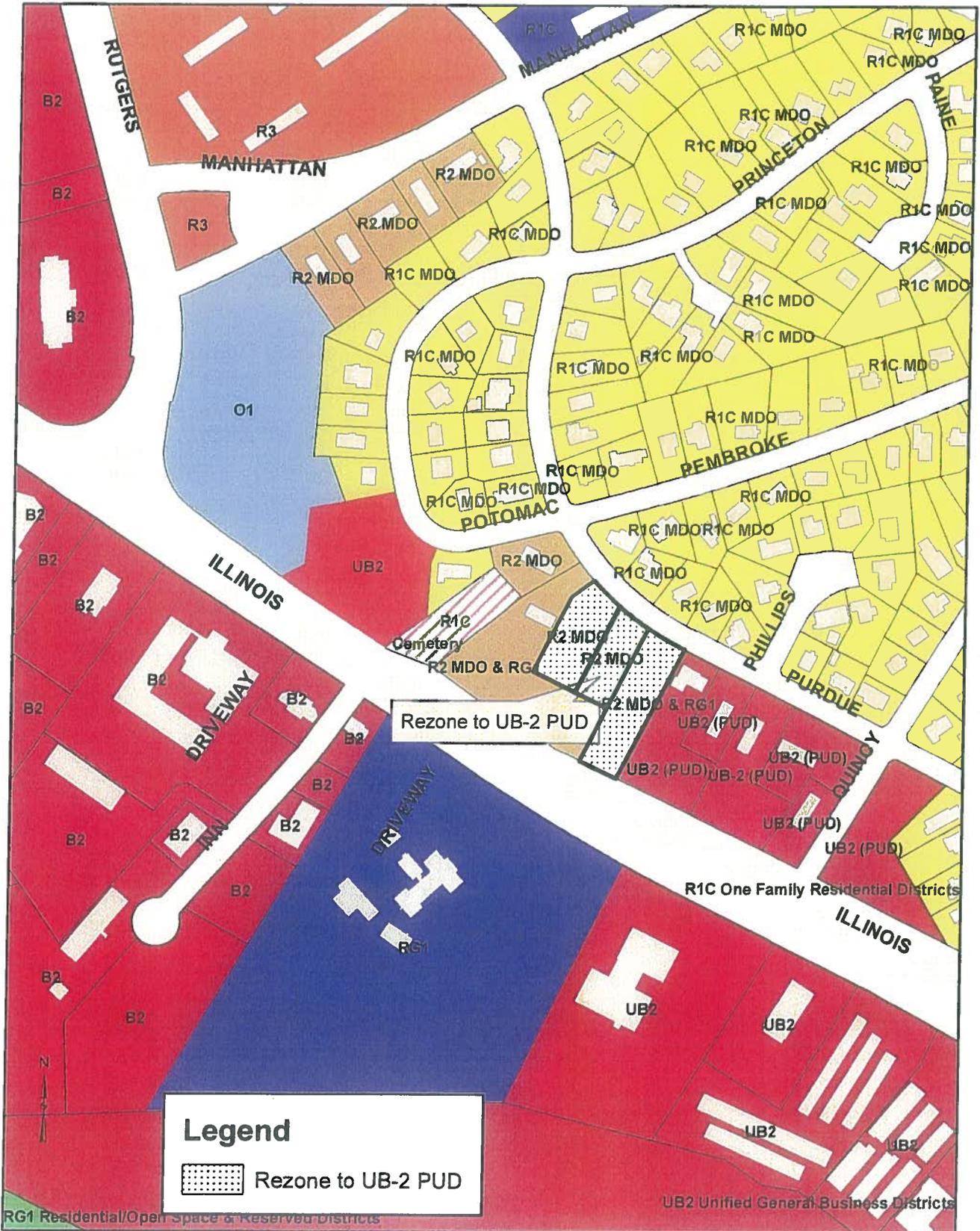
The proposed rezoning is consistent with Comprehensive Plan policies to locate commercial development on arterial streets with shared access to those roadways, as well as policies encouraging commercial development on S. Illinois Avenue and in the central city area. The proposed rezoning is also consistent with the S. Illinois Avenue Corridor Study plan for commercial development on the northeast side of S. Illinois Avenue. The Woodland Town Center Phase II plan shows a schematic plan for a retail store with additional area available for future development. An internal corridor provides access to Woodland Terrace East for properties within the PUD.

Staff finds the proposed rezoning and Woodland Town Center Preliminary PUD consistent with Comprehensive Plan policies as well as the S. Illinois Avenue Corridor Study and also finds the rezoning and PUD plan in conformity with zoning and land uses on S. Illinois Avenue adjacent to and across from the subject property. Staff recommends approval.

Kahla Gentry

City Manager's Comments:
I have reviewed the above issue and recommend Council action as outlined in this document.
Mark S. Watson Feb 20, 2013
Mark S. Watson Date

Zoning Map for Woodland Town Center Phase II



1 inch = 300 feet

STAFF REVIEW OF PRELIMINARY PLANNED UNIT DEVELOPMENT

WOODLAND TOWN CENTER PUD, PHASE II

Owner: Central Park Development

Date: January 8, 2013

Address: 1709 Midpark Drive, Suite A-2
Knoxville, TN 37921

Location: Between S. Illinois Ave. and S. Purdue Ave., northwest of Woodland Terrace East

Zoning: Rezone Parcels 40.00 and 41.00, Map 106A, Group A, from R-2/MDO to UB-2 PUD
Rezone Parcel 42.00, Map 106A, Group A, from R-2/MDO and RG-1 to UB-2 PUD
Parcel 43.00, Map 106A, Group A currently zoned UB-2 PUD included in
Woodland Town Center Phase II PUD

Approximate Area: Approximately 1.4 acres to be rezoned to UB-2 PUD. Approximately 2.37 acres in Woodland Town Center Phase II.

Minimum Area for Formation of PUD: 5 acres

Approximately 5.41 acres in Woodland Town Center PUD Phases I & Phase II combined.

No. and Type of Units: One store with approximately 15,883 sq. ft. of commercial space for retail, use. Parking required @ 1 space/250 sq. ft. of floor area = 63. Number provided = 86.

Maximum Height in UB-2 District: 35 feet or 3 stories.

Maximum Height in PUD within 200 feet of R-1, Residential – 35 feet

Setbacks:

Buildings within Commercial PUD: 30 feet from residential property

UB-2 Base Zone Setback Requirements:

Front – 30 feet

Front Setback Requested for PUD: 15 feet

Rear – 30 feet where rear yard adjoins

a different zoning district. None required where rear yard adjoins property zoned UB-2.

Side – 30 feet where side yard adjoins a different zoning district.

None required where side yard adjoins property zoned UB-2

Maximum Floor Area to Lot Area Ratio: 80%

Requested Variances: Reduce setback from S. Purdue Avenue from 30 feet to 22 feet.
Allow loading dock entrance facing S. Illinois Avenue.

Existing Land Use: Three residential sites and one undeveloped commercial parcel.

- a. Access: Access from Woodland Terrace East with no access drives on S. Illinois Avenue or S. Purdue Avenue.
- b. Utilities: Sanitary sewer line and water line located at Woodland Terrace East

Adjacent Land Uses, Type of Development, & Zoning:

North: Duplex residential units, zoned R-2/MDO and RG-1; cemetery zoned R-1-C; new convenience store site under development zoned UB-2.

West: Across S. Illinois Avenue, NOAA building, zoned RG-1

South: Woodland Town Center Phase I, Panera Bread & Aubrey's zoned UB-2/PUD

East: Across S. Purdue Avenue, One-family residential units zoned R-1-C/MDO

Comprehensive Plan: The proposed rezoning requires amending the Land Use Plan Map from R, Residential to B, Business.

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

Policy L-14: The City will attempt to create a dominant city center which is visually and psychologically strong through the encouragement of retail, office, hotel and restaurant development, high-density housing, major public facilities, public gathering places, pedestrian and bicyclist paths, and landscaping.

South Illinois Corridor Study

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

Analysis:

Being in the central part of the City, on a major thoroughfare and in close proximity to retail development, the proposed location of Woodland Town Center, Phase II is in conformance with Comprehensive Plan polices related to economic development and is consistent with the South Illinois Avenue Corridor Study.

The following criteria were used to evaluate the rezoning request.

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

The proposed zoning district is not consistent with the Residential land use designation for a portion of the PUD, however the proposed zoning is consistent with Comprehensive Plan policies to locate commercial uses in the Turnpike-Illinois-Rutgers vicinity, and the policy to

create a dominant city center. The proposed zoning is also consistent with the South Illinois Corridor Study recommendation for locating small commercial entities within this area.

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

The subject property is located on the primary transportation artery between Knox County and the City of Oak Ridge and within a planned growth area. The area is experiencing commercial development and commercial growth pressures not only because of the location on S. Illinois Avenue. Other contributing factors include: the location on the fringe of the central business district; the traffic resulting from the intersection of S. Illinois Avenue with two other major thoroughfares, Lafayette Drive and Rutgers Avenue and the central location of the area within the city. The parcels along the west side of S. Illinois Avenue between Rutgers Avenue and Lafayette Drive have already been developed commercially and recent commercial developments on the east side include Panera Bread, Aubrey's and a convenience store that is under development.

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

Although the subject property has residential property on two sides, the character of the area is seen as suitable for commercial development because it fronts upon a major arterial roadway, there is existing commercial development and zoning near or adjacent to the subject property on both side of S. Illinois Avenue and the property is centrally located within the city within a planned growth corridor.

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

No, this is an extension of the Woodland Town Center PUD, zoned UB-2/PUD. Other nearby properties zoned UB-2 are located next to TN located on the other side of S. Illinois Avenue and the property on the west side of S. Illinois Avenue is zoned UB-2. There is other nearby commercial zoning to the north and south.

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

Streets and utilities are adequate to serve the proposed zoning district.

6) Would the requested rezoning have environmental impacts?

Rezoning will result in an increase impervious area with an increase in storm water runoff. Storm water detention will be required in compliance with the Erosion Control and Storm Water Management ordinance.

South Illinois Avenue Corridor Study Criteria Subarea I

The purpose of South Illinois Corridor Study was to "develop a "blueprint" to guide growth along this corridor, which is the primary transportation artery between Knox County and the City

of Oak Ridge.”

1) Proposed Character and Land Use Pattern:

The Corridor Study recommended the future character of Subarea I to be one of mixed uses, including small commercial entities, service establishments and residential uses, that can successfully co-exist and serve the broader Woodland neighborhood as well as other areas. Also recommended are buildings with a maximum height of 35 feet with commercial uses on the ground floor oriented toward S. Illinois Avenue.

Staff finds the Woodland Town Center Phase II PUD consistent with the recommended character and land use pattern

2) Recommended Zone Designation:

Due to the mixed-use nature of Subarea I, the Traditional Neighborhood District (TND) was recommended. The TND is the only district within the zoning ordinance that allows a mix of commercial and residential uses, therefore the TND district was recommended as the district that would allow commercial on the ground level and residential units on upper levels as suggested within the Corridor Study.

Staff finds the proposal for a PUD overlay an appropriate alternative to the TND. Similar to the TND district, the PUD overlay provides a mechanism to address issues related to the compatibility of differing land uses through the adoption of a comprehensive and integrated plan for development that addresses the design and relationship of the site with the surrounding area. Once the PUD is adopted, development of the site is required to be in compliance with the PUD drawings and narrative.

3) Vehicular Access:

The Corridor Study recommends the primary curb cut to S. Illinois Avenue for vehicular access to Subarea I to be limited to a single signalized intersection located at Quincy Avenue or just to the west of Quincy Avenue. Woodland Terrace East has replaced Quincy Avenue and access will be from Woodland Terrace East, not S. Purdue Avenue or S. Illinois Avenue.

4) Vehicular Interconnectivity:

The Corridor Study recommends cross-access easements on all properties in order to move easily from one lot to the next without forced entry onto S. Illinois Avenue. Woodland Town Center Phase II provides for an access easement to Woodland Terrace East for the areas within the PUD. Potential access for adjacent property not included in the PUD and owned by others is not defined.

5) Pedestrian Interconnectivity:

The Corridor Study recommends a highly-defined pedestrian connection from S. Purdue Avenue into the commercial area between Quincy Avenue and Rutgers Avenue. Sidewalks have been provided on Woodland Terrace East.

6) Building Materials and Performance Design Criteria:

Building materials recommended in the Corridor Study include brick, stone and EIFS (Exterior Insulation & Finished Systems) or stucco. Also recommended are pitched roofs with shingles, attractive doorway entrances and residential fenestration. Lighting levels should remain close to the ground and decorative with little off-site impact.

The applicant states that the exterior building materials will be primarily brick.

7) Vegetative Buffers:

The Corridor study recommends the use of landscape berms in conjunction with vegetative buffers to provide an adequate screen between commercial areas and residential neighborhoods.

There are overhead electric lines along S. Purdue Avenue where landscaping is to be provided limiting the height of the vegetation, however landscape "Buffer D" is required between the commercial and residential area. The Zoning Ordinance requires a 20-foot wide landscaped buffer between commercial parking lots and residential properties or a 10-foot wide landscape buffer with a wall or fence. The Planning Commission may grant a reduction down to five feet.

Conclusion & Planning Staff Recommendation:

Staff recommends approval of an amendment to the Land Use Plan Map changing the designation for the subject property from R, Residential to B, Business due to the location being in a planned growth corridor in the central area of the city, on a major thoroughfare and in an area where there is existing commercial development.

Staff recommends approval of the requested variance to allow a reduction in the minimum building setback from S. Purdue Avenue based upon meeting the required landscape buffer requirement of "Buffer D" with adjustments as required by utilities.

Staff recommends approval of allowing the loading dock area to face S. Illinois Avenue because the lot has street frontage on three sides, causing a hardship in orienting the dock facing away from a street.

Staff finds the submittal in compliance with the requirements for a PUD Preliminary Master Plan and recommends approval of the rezoning and PUD Plan.

Planning Commission Recommendation: January 17, 2013 – Recommended approval of rezoning, Land Use Plan amendment and Preliminary PUD by a vote of 7-0.

NOTES:

- THE PROGRAMME & REFINERY DATA WAS TAKEN FROM THE LAND SURVEYING, LLC DATED DECEMBER 12, 2011. UNLESS NOTED OTHERWISE, DIMENSIONS ARE TAKEN FROM THE PRESENT OR FUTURE FACE OF BUILDING.
- THE AMEAL, AGGREGATE BASE AND ASPHALTIC SURFACE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CITY OF OAK RIDGE, DEPARTMENT OF PUBLIC WORKS, 15.000, 15.010, 15.020, 15.030, 15.040, 15.050, 15.060, 15.070, 15.080, 15.090, 15.100, 15.110, 15.120, 15.130, 15.140, 15.150, 15.160, 15.170, 15.180, 15.190, 15.200, 15.210, 15.220, 15.230, 15.240, 15.250, 15.260, 15.270, 15.280, 15.290, 15.300, 15.310, 15.320, 15.330, 15.340, 15.350, 15.360, 15.370, 15.380, 15.390, 15.400, 15.410, 15.420, 15.430, 15.440, 15.450, 15.460, 15.470, 15.480, 15.490, 15.500, 15.510, 15.520, 15.530, 15.540, 15.550, 15.560, 15.570, 15.580, 15.590, 15.600, 15.610, 15.620, 15.630, 15.640, 15.650, 15.660, 15.670, 15.680, 15.690, 15.700, 15.710, 15.720, 15.730, 15.740, 15.750, 15.760, 15.770, 15.780, 15.790, 15.800, 15.810, 15.820, 15.830, 15.840, 15.850, 15.860, 15.870, 15.880, 15.890, 15.900, 15.910, 15.920, 15.930, 15.940, 15.950, 15.960, 15.970, 15.980, 15.990, 15.1000.
- CONCRETE CURBS AND PARAPETS SHALL HAVE A MINIMUM COMPRESSION STRENGTH OF 4000 PSI AT 28 DAYS. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CITY OF OAK RIDGE, DEPARTMENT OF PUBLIC WORKS, 15.000, 15.010, 15.020, 15.030, 15.040, 15.050, 15.060, 15.070, 15.080, 15.090, 15.100, 15.110, 15.120, 15.130, 15.140, 15.150, 15.160, 15.170, 15.180, 15.190, 15.200, 15.210, 15.220, 15.230, 15.240, 15.250, 15.260, 15.270, 15.280, 15.290, 15.300, 15.310, 15.320, 15.330, 15.340, 15.350, 15.360, 15.370, 15.380, 15.390, 15.400, 15.410, 15.420, 15.430, 15.440, 15.450, 15.460, 15.470, 15.480, 15.490, 15.500, 15.510, 15.520, 15.530, 15.540, 15.550, 15.560, 15.570, 15.580, 15.590, 15.600, 15.610, 15.620, 15.630, 15.640, 15.650, 15.660, 15.670, 15.680, 15.690, 15.700, 15.710, 15.720, 15.730, 15.740, 15.750, 15.760, 15.770, 15.780, 15.790, 15.800, 15.810, 15.820, 15.830, 15.840, 15.850, 15.860, 15.870, 15.880, 15.890, 15.900, 15.910, 15.920, 15.930, 15.940, 15.950, 15.960, 15.970, 15.980, 15.990, 15.1000.
- TRAFFIC CONTROL DEVICES AND PAINTMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE CITY OF OAK RIDGE, DEPARTMENT OF PUBLIC WORKS, 15.000, 15.010, 15.020, 15.030, 15.040, 15.050, 15.060, 15.070, 15.080, 15.090, 15.100, 15.110, 15.120, 15.130, 15.140, 15.150, 15.160, 15.170, 15.180, 15.190, 15.200, 15.210, 15.220, 15.230, 15.240, 15.250, 15.260, 15.270, 15.280, 15.290, 15.300, 15.310, 15.320, 15.330, 15.340, 15.350, 15.360, 15.370, 15.380, 15.390, 15.400, 15.410, 15.420, 15.430, 15.440, 15.450, 15.460, 15.470, 15.480, 15.490, 15.500, 15.510, 15.520, 15.530, 15.540, 15.550, 15.560, 15.570, 15.580, 15.590, 15.600, 15.610, 15.620, 15.630, 15.640, 15.650, 15.660, 15.670, 15.680, 15.690, 15.700, 15.710, 15.720, 15.730, 15.740, 15.750, 15.760, 15.770, 15.780, 15.790, 15.800, 15.810, 15.820, 15.830, 15.840, 15.850, 15.860, 15.870, 15.880, 15.890, 15.900, 15.910, 15.920, 15.930, 15.940, 15.950, 15.960, 15.970, 15.980, 15.990, 15.1000.
- PROPERTY CONCERNS REFLECTS PARCELS FROM A GULFORD COUNTY, NC MAP, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 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TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCELS 40.00 AND 41.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY, AND PARCEL 42.00, MAP 106A, GROUP A, FROM R-2/MDO, LOW DENSITY RESIDENTIAL IN THE MANHATTAN DISTRICT OVERLAY AND RG-1, RESIDENTIAL, OPEN SPACE, AND RESERVED, TO UB-2/PUD, UNIFIED GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT OVERLAY; AND APPROVING THE PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN FOR WOODLAND TOWN CENTER PHASE II.

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

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

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

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

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 40.00 and 41.00, Map 106A, Group A, (0.8 acres)	Between S. Illinois Avenue and S. Purdue Avenue on the west side of Woodland Terrace East	R-2/MDO, Low Density Residential in the Manhattan District Overlay	UB-2/PUD, Unified General Business with a Planned Unit Development Overlay
Parcel 42.00 Map 106A, Group A (0.6 acres)	Between S. Illinois Avenue and S. Purdue Avenue on the west side of Woodland Terrace East	R-2/MDO, Low Density Residential in the Manhattan District Overlay, and RG-1, Residential, Open Space, and Reserved	UB-2/PUD, Unified General Business with a Planned Unit Development Overlay

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

Section 3. The Planned Unit Development Preliminary Master Plan for *Woodland Town Center Phase II*, as shown on Fulghum MacIndoe & Associates, Inc., drawings dated January 10, 2013, is hereby approved.

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

Public Hearing: 02/25/2013
Publication Date: 01/21/2013
First Reading: 02/25/2013
Publication Date: 03/04/2013
Second Reading: _____
Publication Date: _____
Effective Date: _____

Diana R. Stanley, City Clerk

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
PLANNING DIVISION
13-6**

DATE: February 8, 2013
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director *KER*
FROM: Kahla Gentry, Senior Planner
SUBJECT: **Land Use Plan Amendment – 1.16 Acre Portion of Parcel 1.00, Map 105H, Group A
2095 Oak Ridge Turnpike**

An item for the City Council agenda is a request to approve a major amendment to the Land Use Plan by changing the designation for a 1.16 portion of Parcel 1.00, Anderson County Tax Map 105H, Group A, from R, Residential to B, Business. This area is the proposed site of a retail store located at 2095 Oak Ridge Turnpike, across from the West Lincoln Road intersection. By approving this amendment the Land Use Plan map will be changed to coincide with the zoning for this property. The Planning Commission recommended approval of the Land Use Plan amendment by a vote of 7-0.

The proposed amendment is consistent with Comprehensive Plan policies to locate commercial development on arterial streets with shared access to those roadways. Shared access easements are proposed with properties on each side of the 1.16 acre site proposed for the Land Use Plan amendment. An access easement, which is a recommended condition of approval, is proposed from the adjoining property on the east to provide access to a median cut on the Oak Ridge Turnpike, providing a means for left turns in and out of the site. The subject property is also located adjacent to properties on the Turnpike already designated as B, Business and in commercial use. Staff recommends approval of the proposed amendment to the Land Use Plan map.

Kahla Gentry

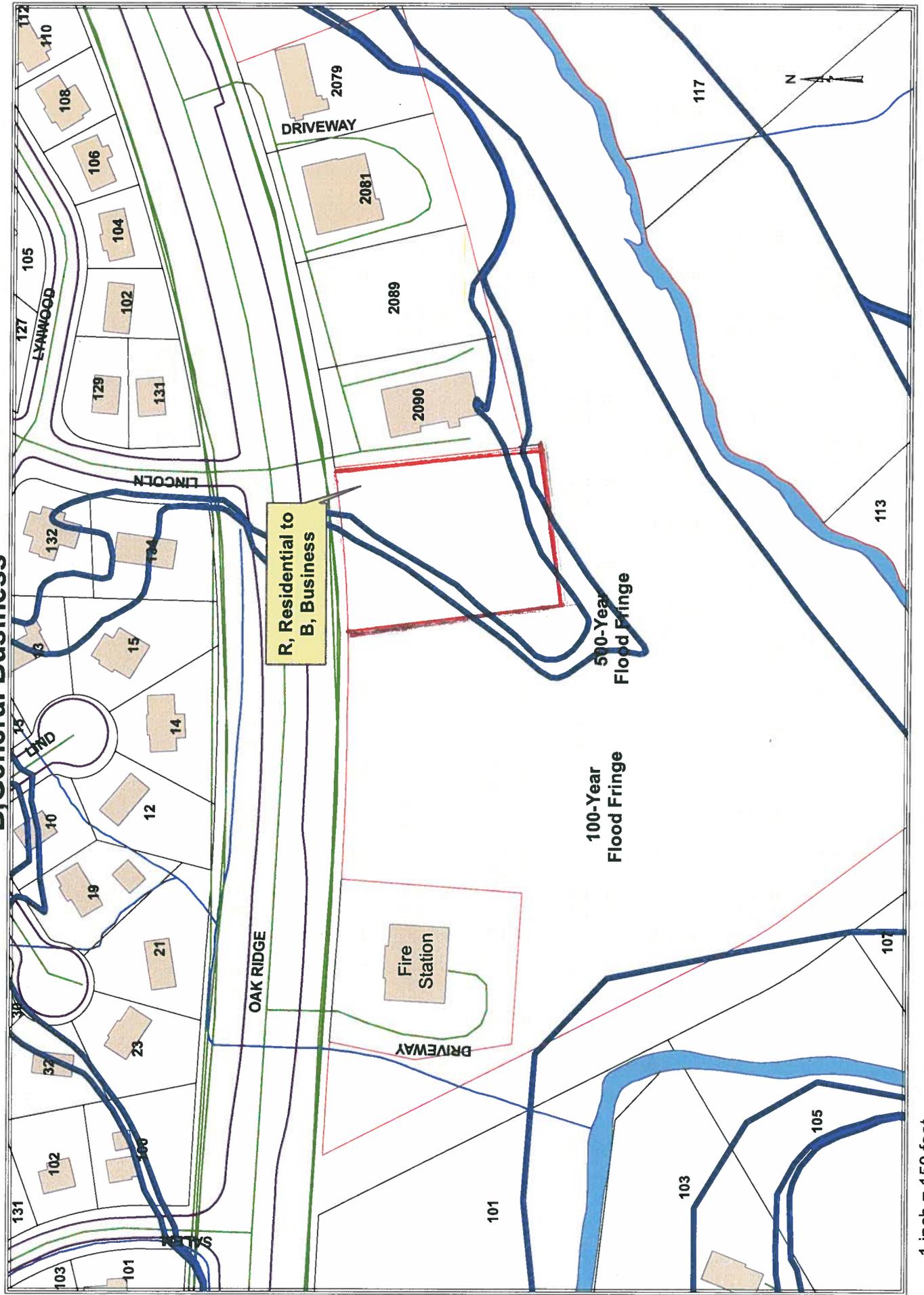
City Manager's Comments:

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

Mark S. Watson *Feb 20, 2013*

Mark S. Watson Date

Location Map for Land Use Plan Amendment Change 1.16 Acres from R, Residential to B, General Business



1 inch = 150 feet

TITLE

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM R, RESIDENTIAL TO B, BUSINESS, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

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

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

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

Section 1. The Comprehensive Plan's Land Use Plan is hereby amended, as a major amendment, by changing the designation of approximately 1.16 acres of Parcel 1.00, Map 105H, Group A, from R, Residential to B, Business.

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

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 02/25/2013
Publication Date: 01/24/2013
First Reading: 02/25/2013
Publication Date: 03/04/2013
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
PLANNING DIVISION
13-7**

DATE: February 11, 2013
TO: Mark S. Watson, City Manager
THROUGH: Kathryn Baldwin, Community Development Director *KB*
FROM: Kahla Gentry, Senior Planner
SUBJECT: **Rezoning – 1.16 Acre Portion of Parcel 1.00, Map 105H, Group A
2095 Oak Ridge Turnpike**

An item for the City Council agenda is a request to rezone a 1.16 acre portion of Parcel 1.00, Map 105H, Group A, from RG-1, Residential Open Space and Reserved and RG-1 Flood Fringe to UB-2, Unified General Business and UB-2 Flood Fringe. This area is the proposed site of a retail store located at 2095 Oak Ridge Turnpike, across from the West Lincoln Road intersection. The Planning Commission recommended approval of the rezoning by a vote of 7-0. The Planning Commission also recommended recording an access easement across the adjoining property on the east to provide access to the subject property from Oak Ridge Turnpike in line with the median cut at W. Lincoln Road. The Planning Commission recommended that this access easement be recorded in the Register of Deeds office before second reading of the rezoning ordinance. The access easement is seen as a necessity in providing a means of turning left in and out of the property proposed for commercial zoning.

The proposed rezoning is consistent with Comprehensive Plan policies to locate commercial development on arterial streets with shared access to those roadways. Shared access easements are proposed with properties on each side of the 1.16 acre site proposed for rezoning. The subject property is also located adjacent to properties on the Turnpike already zoned UB-2, Unified General Business and in commercial use. Building within the flood fringe is permitted with the condition that the lowest floor elevation for commercial buildings must be at least one foot above the 100-year flood elevation. Although a portion of this property is within the flood fringe, the area most likely for a building site at the center of the property is outside the flood fringe. Staff recommends approval of the requested rezoning with the recommendation that the access easement to the Oak Ridge Turnpike across the adjoining parcel on the east be recorded in the Register of Deeds office before second reading of the rezoning ordinance.

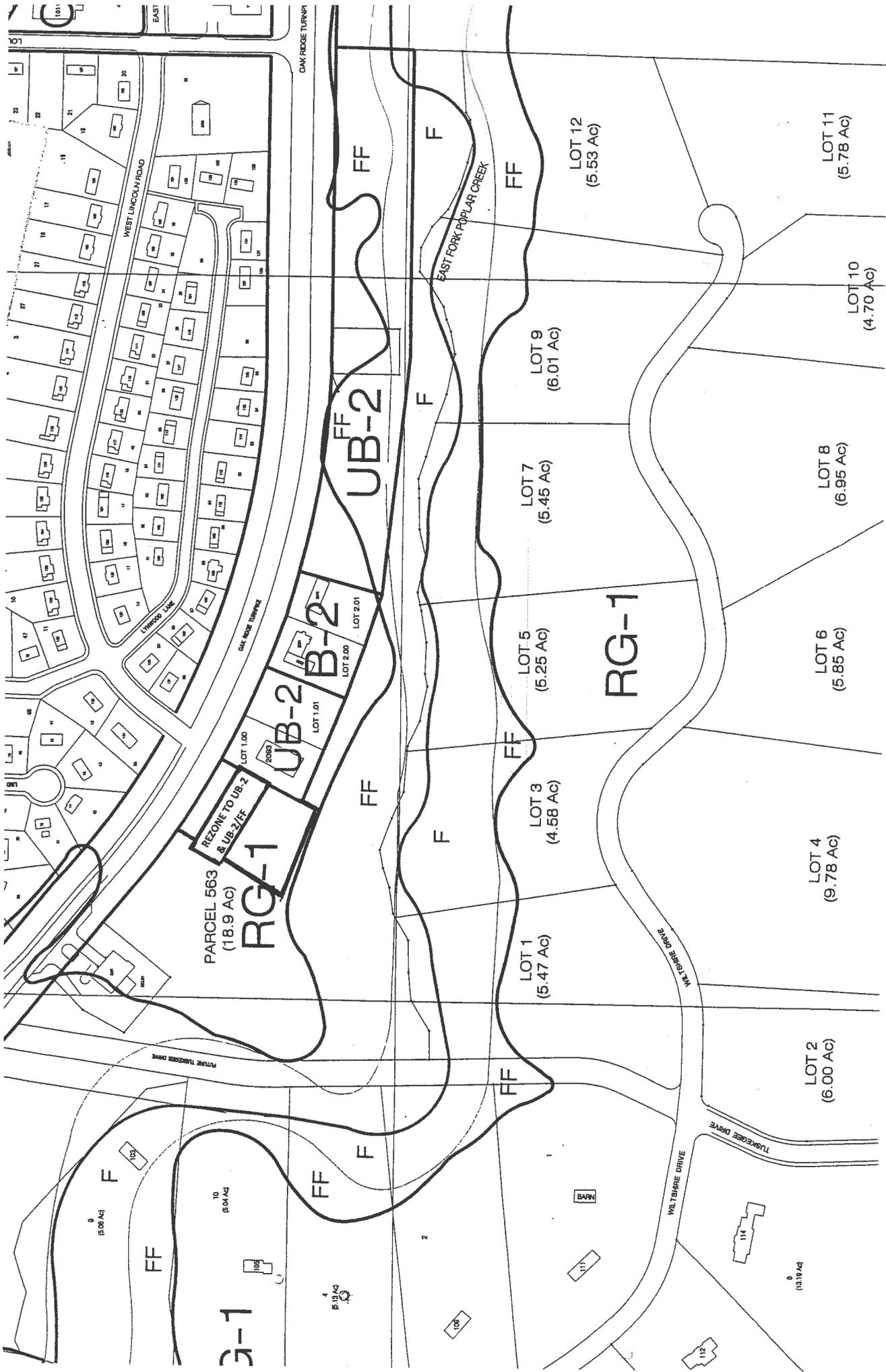
Kahla Gentry

City Manager's Comments:

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

Mark S. Watson *Feb. 20, 2013*

Mark S. Watson Date



PARCEL 563
(18.9 Ac)
REZONE TO UB-2
& UB-2/FF

RG-1

UB-2

UB-2

UB-2

RG-1

LOT 1
(5.47 Ac)

LOT 3
(4.58 Ac)

LOT 5
(5.25 Ac)

LOT 7
(5.45 Ac)

LOT 9
(6.01 Ac)

LOT 12
(5.53 Ac)

LOT 2
(6.00 Ac)

LOT 4
(9.78 Ac)

LOT 6
(5.85 Ac)

LOT 8
(6.95 Ac)

LOT 10
(4.70 Ac)

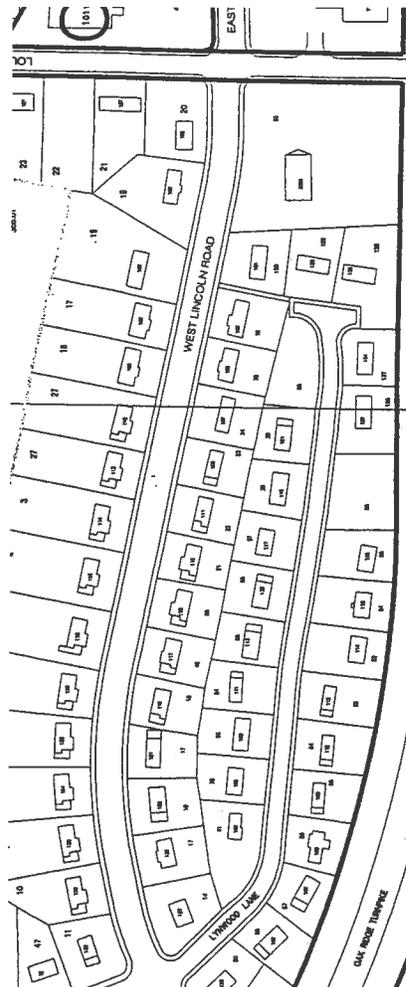
LOT 11
(5.78 Ac)

9
(5.00 Ac)

10
(5.04 Ac)

4
(5.13 Ac)

8
(3.19 Ac)



WEST LINCOLN ROAD

LINWOOD LANE

OAK RIDGE TURNPIKE

EAST FORK POPULAR CREEK

WESTMORE DRIVE

WESTMORE DRIVE

TURKOGEE DRIVE

BARN

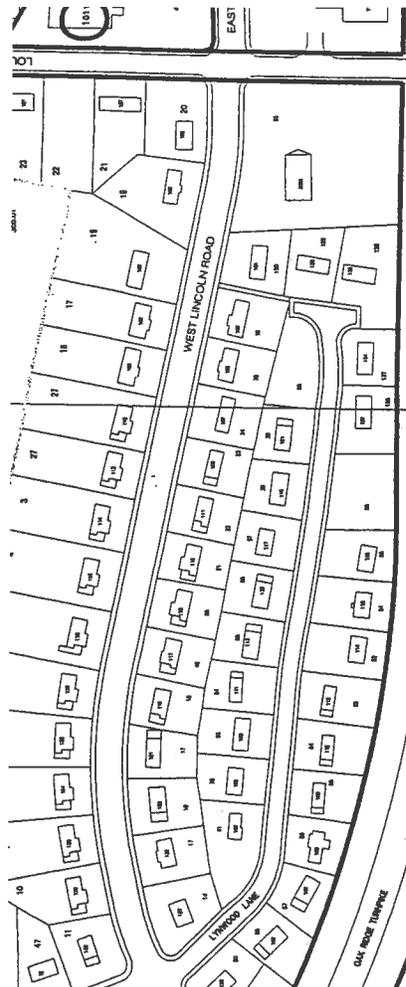
11

114

112

108

2



Staff Review of Rezoning Request

Location & Approximate Area: Located at 2095 Oak Ridge Turnpike across from W. Lincoln Road; Portion of Parcel 563, Block 17-BT or Tax Map No. 105H, Group A, Parcel 1.00, approximately 1.16 acre portion.

Date: January 10, 2013

Owner: Mel Sturm
2215 Breakwater Drive
Knoxville, TN 37922

Applicant: The Broadway Group, LLC
132 Holmes Ave. NW
Huntsville, AL 35801

Request Rezoning:

Rezone a 1.16 acre portion of Map 105H, Group A, Parcel 1.00 from RG-1, Residential, Open Space and Reserved and RG-1 Flood Fringe to UB-2, Unified General Business.

Site Characteristics:

Undeveloped. Mix of open area with trees. Gravel driveway to horse pastures. Concrete access drive to Turnpike, right turn in, right turn out.

Adjacent Land Uses & Zoning:

North: Single-family residential zoned R-1-C

West: RG-1, RG-1 Flood Fringe, undeveloped wooded area/pasture, COR fire station

South: Pasture, woods, East Fork Poplar Creek, Wiltshire Estate subdivision across creek, area is zoned RG-1, RG-1, Flood Fringe and Floodway.

East: Commercial buildings, adjacent zone is UB-2, followed by 2 lots with commercial buildings zoned B-2, followed by additional UB-2/UB-2 Flood Fringe zoning along Turnpike.

Previous Rezoning Requests: None

Background:

Purpose: The applicant's stated plan for development is a 9,100 square foot single tenant retail store.

Conformity with 1988 Comprehensive Plan:

a. Land Use Plan: The Land Use Plan designates the area proposed for rezoning as R, Residential. A major amendment to the Land Use Plan map is needed if the rezoning is approved.

b. Applicable Policies:

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

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

Rutgers vicinity and in the Jackson Square - Jackson Plaza vicinity while allowing appropriately located and designed neighborhood shopping centers.

Policy L-9: The City will also allow community-scale retail development on appropriately zoned sites having good traffic access and proper buffering from residential areas.

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

Analysis:

The following criteria were used to evaluate the rezoning request.

- 1) **Is the proposed zoning district consistent with the City's Comprehensive Plan?**
The proposed zoning district will require a major amendment to the City's Land Use Plan map. The Comprehensive Plan recommends allowing retail development on sites having good traffic access. At this time this site only has right turn in, right turn out access. Access to the median needs to be provided in order to provide good traffic access.
- 2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**
Other than improvements that have been completed on SR 95, there have not been any substantial changes in the character of the development in or near the area.
- 3) **Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?**
The site is located on an arterial and adjacent to other commercial sites on the Turnpike. Although there are Flood Fringe areas on the site, a large portion of the site is outside of the Flood Fringe area. The site is not contiguous to any residentially developed property.
- 4) **Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**
No, the adjoining property on the east is zoned UB-2
- 5) **Are public facilities and services adequate to accommodate the proposed zoning district?**
A private sewer easement will need to be provided across Parcel 563 in favor of the new site to bring a lateral from the sewer line behind the property. Water can be accessed from a line in the Turnpike right-of-way. The primary concern is provision of access to the median cut on the Turnpike. An easement across 2093 Oak Ridge Turnpike is needed and a large concrete power pole will need to be relocated. A traffic impact study needs to be completed to address traffic movement in and out of the site.

6) Would the requested rezoning have environmental impacts?

The site is partially within the flood fringe for East Fork Poplar Creek. There is no floodway area on the site and the majority of the site is not within the 100-year flood fringe. Minimum floor elevation on the site must be at least one foot above the 100-year flood elevation. Increased storm water runoff caused by increased impervious area must be managed in accordance with the City's Erosion Control and Storm Water Management Ordinance.

Neighborhood Position: No comments have been received as of January 10, 2013.

Landscaping/Buffering requirements: If new construction takes place, at least 20% of the site must remain in green space. Landscaped buffer required between commercial and residential use

Notification of Property Owners Within 200': January 4, 2013

Rezoning signs posted: January 8, 2013

Conclusion and Planning Staff Recommendation: Factors favorable towards the rezoning include the location on an arterial roadway, the location adjacent to other commercial zoning and the lack of contiguous residential development. A major factor that needs to be addressed is the access. A traffic impact study is needed and the means by which full access will be obtained must be addressed. It is also recommended that an access easement be provided across the subject parcel to the remainder of Parcel 563. It is recommended not to proceed with the rezoning request until the traffic impact study and access are addressed.

Planning Commission Recommendation: Recommended approval of rezoning and Land Use Plan amendment by a vote of 7-0. Also recommended recording access easement to Turnpike across adjoining property on east before second reading of rezoning ordinance.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF A PORTION OF PARCEL 1.00, MAP 105H, GROUP A, (APPROXIMATELY 1.16 ACRES) FROM RG-1/, RESIDENTIAL OPEN SPACE AND RESERVED AND RG-1/FLOOD FRINGE, TO UB-2, UNIFIED GENERAL BUSINESS AND UB-2/FLOOD FRINGE, SAID PARCEL BEING LOCATED AT 2095 OAK RIDGE TURNPIKE.

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

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

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

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

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
A portion of Parcel 1.00 Map 105H, Group A (± 1.16 Acres)	2095 Oak Ridge Turnpike across from W. Lincoln Road and Oak Ridge Turnpike intersection	RG-1, Residential Open Space and Reserved, and RG-1/Flood Fringe	UB-2, Unified General Business and UB-2/ Flood Fringe

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

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

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

Public Hearing: 02/25/2013
Publication Date: 01/21/2013
First Reading: 02/25/2013
Publication Date: 03/04/2013
Second Reading: _____
Publication Date: _____
Effective Date: _____

ELECTIONS

CITY CLERK MEMORANDUM

13-12

DATE: March 8, 2013

TO: Honorable Mayor and Members of City Council

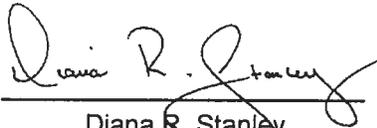
FROM: Diana R. Stanley, City Clerk

SUBJECT: ELECTION AND APPOINTMENTS—ELDER CITIZENS ADVISORY BOARD

During the March 18, 2013 City Council meeting, an election will take place to fill a vacancy on the Elder Citizens Advisory Board (ECAB).

The election fills the representative vacancy for the Anderson County Council on Aging. During the 2012 end-of-year boards and commissions elections, no representatives for the Anderson County Council on Aging came forward to fill the vacancy on the Elder Citizens Advisory Board. Upon review of Resolution No. 7-75-77, to determine how to proceed with filling the dedicated representation, it was determined that a clause existed on how to fill said vacancies. Section 1 of Resolution No. 7-75-77 states that "if any of the organizations or the Anderson County Council on Aging fails to nominate a representative for City Council confirmation within three months following a vacancy in that organization's seat on the Board, the City Council may appoint an individual to that seat without regard to organizational affiliation." This clause prevented filling the vacancy with other applicants during the 2012 end-of-year elections.

Given that the three month waiting period would soon expire, the City Clerk began preparing an election notice, as well as sent a letter to the Director of the Anderson County Office on Aging reminding them of the three month clause. During the recruitment process, the City Clerk's Office received an application from Mrs. Lynne Burchell, a representative of the Office on Aging. The term of office for this position will expire on December 31, 2014. Since there was only (1) applicant who not only applied, but also meets the special qualifications, the City Clerk recommends that City Council appoint Mrs. Lynne Burchell by acclamation.


Diana R. Stanley

Attachments:

2013 ECAB Boards and Commissions Application_Burchell

Elder Citizens Advisory Board

NumVacancies 1
 Total # of Members 11

Term of Office
 Term of office ending on December 31, 2014

Qualifications

Special qualifications include a representative from the Anderson County Council on Aging.

Applicants

Elder Citizens Advisory Board	Submitted	Preference	# of Previous Submissions
Ms. Lynne Burchell	3/5/2013	1	

Current Members

Elder Citizens Advisory Board		Term Expires
Ms. Elizabeth Batchelor	Anderson County Adult Safety Coalition and ElderWatch	2013
Mr. Gene R Dunaway	At-Large Position	2013
Dr. James T Gillespie Sr.	The 43 Club	2014
Mr. Lee Roy Gilliam	Coalition of Oak Ridge Retired Employees (CORRE)	2015
Ms. Margaret Gottshall	Senior Citizens Club	2013
Mrs. Barbara A Gunn	AARP, Oak Ridge Chapter	2014
Mr. David McCoy	At Large	2014
Mr. William A. Pryor	National Association of Retired Federal Employees	2015
Mr. Alfred Skyberg	At Large	2014
Mr. Robert Smallridge	Oak Ridge Retired Teachers' Association	2015

City of Oak Ridge Board Application

BoardName: Elder Citizens Advisory Board

2013

Application Submitted

Applicant: Burchell, Lynne

Choice

1

3/5/2013 01:55

109 Greywood Place

HomePhone

865-481-3938

Email

MobilePhone

(865) 803-4240

lynne.burchell@comcast.net

Oak Ridge

TN

OfficePhone

Retired?

Current Position / Title

Current Employer

Company / Organization Retired From

Do you currently serve on any other City board, commission or committee?

Education, Professional and or Community Activity

Registered Nurse, State Enrolled Nurse, England; Licensed Practical Nurse, Tennessee. National Certification in Gerontology. Certification in Basic and Advanced Disaster Life Support. Residency for Clergy at Patricia Neil Rehabilitation Center. State of Tennessee Notary Public.

Explain why you are interested in being appointed to this board, commission or committee

I have worked with the senior community of Oak Ridge for the past 24 years. The citizens of Anderson County intrust me to represent their concerns and issues with this board.

Describe any special knowledge or past experience qualifying you for this appointment?

- Oak Ridge Elder Citizens Advisory Board
- Knoxville Elderwatch Executive Committee Member
- Past Chair Anderson County Safety Coalition/Elderwatch
- Senior Companions Knoxville Board Fund Raising Chair
- Project Life Saver Board
- Inter Agency Coalition Board
- Community Education Committee
- Senior Citizens Home Assistance Board
- Anderson County Office on Aging Board
- Sunset Rotary Club of Oak Ridge.

Notes

Lynne P Burchell RN

109 Greywood Place, Oak Ridge TN 37830

865 481-3938

lynne.burchell@comcast.net

Professional Profile

Resisted Nurse, State Enrolled Nurse, England; Licensed Practical Nurse, Tennessee. National Certification in Gerontology. Certification in Basic and Advanced Disaster Life Support. Residency for Clergy at Patricia Neil Rehabilitation Center. State of Tennessee Notary Public.

- Oak Ridge Elder Citizens Advisory Board
- Knoxville Elderwatch Executive Committee Member
- Past Chair Anderson County Safety Coalition/Elderwatch
- Senior Companions Knoxville Board Fund Raising Chair
- Project Life Saver Board
- Inter Agency Coalition Board
- Community Education Committee
- Senior Citizens Home Assistance Board
- Anderson County Office on Aging Board
- Sunset Rotary Club of Oak Ridge.

First United Methodist Church, Oak Ridge TN 37830
1996 - 1998

Associate in Caring Ministries

Achievements:

- Set up support network for Church members
- Coordinate resources within the Church for sick and ailing members

Responsibilities:

- Hospital Visitations
- Home Visitations
- Education Programs for Congregation
- Liaison between Pastoral Staff and Congregation

Methodist Medical Center, Oak Ridge TN
1998 - 2003

Manager

Achievements:

- Developed Wellness Place Expo for Community Information
- Instituted a 50 + Exercise Program for Seniors
- Expanded Operation Health Check from one site to four

Responsibilities:

- Wellness Place Diabetes Center
 - Congestive Heart Failure Clinic
-

- Senior Connection
- Parish Nurse Program
- Community Education
- Sidewalk Consultations
- Health Programs
- Health Screenings

Covenant Health, Senior Services, 3001 Lake Brook Blvd. Knoxville TN 37909
2003 - 2012

Manager of Clinical Services

Achievements:

- LPN Certification for NICHE Program
- Fund Raising for Senior Companions Dance
- Project Life Saver in Anderson County

Responsibilities:

- Geriatric Case Management Out Reach Program
- Aging Resource Center Helpline
- Parish Nurse Program
- Nurses Improving Care for the Health System Elderly
- Community Health Education
- Lifeline Program

Home Helpers of East Tennessee, 2240 Sutherland Avenue, Knoxville TN 37919
2013 - Present

Community Resource Manager

Education

Bath School of Nursing, Bath England
State Enrolled Nurse
June 1981

Walter State Community College
RN Degree Associate in Nursing
Resisted Nurse
December 2013

References

References are available upon request.

End of Application for

Burchell, Lynne

For Board:

Elder Citizens Advisory Board

**COUNCIL REQUESTS
FOR
NEW BUSINESS ITEMS
OR
FUTURE BRIEFINGS**

CITY CLERK MEMORANDUM

13-13

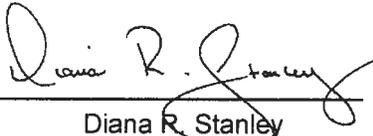
DATE: March 13, 2013

TO: Honorable Mayor and Members of City Council

FROM: Diana R. Stanley, City Clerk

SUBJECT: COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

During the March 18, 2013 City Council meeting, City Council will be afforded an opportunity to request briefings or discussion ideas for new business items as part of the agenda format. In an effort to narrow the focus of discussions and in light of all the recent ideas and priorities mentioned during City Council meetings, retreats, and work sessions, staff is suggesting that the discussions take place regarding future policy priorities of the City Council as part of this agenda item to better plan itineraries for future meetings.



Diana R. Stanley

CITY MANAGER'S REPORT



March 12, 2013

WASTE CONNECTIONS OF TENNESSEE, INC.

Connect with the Future®

Mr. Mark Watson
City Manager
City of Oak Ridge
PO Box 1
Oak Ridge, TN 37831

Dear Mr. Watson,

This letter is in regards to changes to our Curbside Recycling Program with the Recyclebank Rewards Program.

Recyclebank has given Waste Connections, Inc. notice that all our Individual Based Rewards Programs across the Country will be changing effective April 15, 2013 to a Community Based Rewards Program.

Waste Connections has no control over this matter.

As you know the current Individual based program gives each person their reward points based on what recycling their home generates in pounds each week.

The Community based program gives everyone on each route by day the average of all weights collected based on the total load tonnage each day. To explain better; if there are a 1000 homes to be collected on one route day and 800 homes set out recycling carts that day, then the RFID tags on the 800 carts are read by the truck mounted computer and those 800 homes would receive 1/800 of the poundage collected that day.

We believe Recyclebank is doing this because their computer system and employees are getting overwhelmed with individual reward issues and the Community Based Rewards would reduce this by a large margin. The bottom line is they are migrating to this new community based program by eliminating the process they are currently using.

We know the City has other options; we hope your citizens and your City Council feel you have been getting great service with our collection of recycling. The Single Stream program we brought to the City of Oak Ridge has worked very well, with over a 400% increase in volume tonnages collected under this program as to the prior system used.

We propose the following options for the City's consideration:

1. The City agrees to go to the Community Based Rewards Program with all rewards being shared by each route each day collected, there will still be a Rewards program and the current rate of \$2.00 per home will remain in place.
2. Keep the curbside recycling program but stop the Recyclebank Rewards program on their effective date and we will reduce your cost by \$ 0.84 per home per month. On April 1, 2013 the home count will be 12,299 units so $12,299 \times \$ 0.84 = \$ 10,331.16$ savings to the City per month. There will be no rewards for the citizens.

We have enclosed the official letter from Recyclebank which addresses their reasons for their requirement to go to the Community Based Rewards Program.

We are truly sorry to bring this matter to you and the City Council to have to resolve this matter. Waste Connections will work with your staff to amend our contract as to recycling once the City informs us as to their decision in this matter. We will be happy to attend any workshop or City Council meeting that you would want us to attend to explain this letter and answer any questions. Please let me know.

Sincerely,
Waste Connections of Tennessee, Inc.



Douglas McGill
Divisional Municipal Marketing Manager

CC: Gary Cinder-Public Works Director
Attachments

March 8, 2013

Mr. Douglas McGill
Municipal Marketing Manager
Waste Connections of Tennessee, Inc.
2400 Chitman St.
Knoxville, TN 37917

Dear Mr. McGill,

Recyclebank is making changes to its programs to improve the experience for clients and members. Making these changes will eliminate some technical hurdles for the client/hauler and provide more value to the members. The changes are primarily consumer facing and our partners will experience little if any major differences (except for sending route level weight data vs individual weight data).

In the current individually-weight based program, we receive RFID and weight data from Waste Connections of Tennessee for each individual household on a route. This has created a member/client experience which is not ideal due to persistent truck technology issues. In order to mitigate these issues, we are moving our individually-weight based communities to a program which is less technology intensive, but still based on recorded participation. We have had this program in place for several year and it has proven to be more stable than our individually-weight based program. In our community-weight based program, point calculation is route based.

Going forward we will continue to collect RFID reads from Waste Connections – but would ask that you send us route level weight data vs. the original individual weights collected. We will send Waste Connections a suggested format for this data in a separate communication. We will then take the route data, convert it to points and allocate those points to those that have set out their bins. Everything else will remain the same.

Members will be notified via email 1-2 weeks before the switch occurs and our Customer Care Center (available at 1-888-727-2978 or via email at info@recyclebank.com) will be available to answer any concerns from residents. Attached please find a more detailed service overview of the new program.

In summary, we do not anticipate a change to recycling activity within your community or to the amount of points residents are earning. In addition, we do not anticipate a change to your resident's redemption behavior as a result of this change. These changes should require very little, if any, additional operational burden on Waste Connections and no additional burden on the municipalities you serve. In the end, this will make for a much smoother execution for us and for Waste Connections and, ultimately, result in a far better experience for our members.

Per our conversation, we'd like to begin the migration process in the latter part of April to take effect on April 15, 2013. Please let me know if you have any questions. We appreciate your ongoing partnership and look forward to our continued collaboration. Please do not hesitate to contact me with any questions. I can be reached at 512-970-3990.

Regards,



Gillan Taddune
Vice President of Client Services