

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

April 9, 2012—7:00 p.m.

AGENDA

I. INVOCATION

Reverend Brian Scott, Robertsville Baptist Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

- a. A proclamation recognizing April 27, 2012 as the *Celebration of the Young Child*.
- b. A proclamation designating April as *Child Abuse Prevention Month*.
- c. A proclamation designating April *Fair Housing Month*.

VI. SPECIAL REPORTS

(NONE)

VII. CONSENT AGENDA

- a. Approval of the minutes of the March 7, 2012 City Council Meeting.
- b. Approval of the minutes of the March 26, 2012 City Council Special Meetings called by the Mayor.
- c. Approval of the minutes of the March 26, 2012 City Council Special Meetings called by the City Manager.

VIII. RESOLUTIONS

- a. Adoption of a resolution authorizing a Professional Services Agreement with BBB Communications, LLC., Oak Ridge, to provide thirty (30) oral histories from key individuals important to the history of Oak Ridge, in the estimated amount of \$45,000.00.
- b. Adoption of a resolution awarding a contract (COR 12-08) to Rogers Group, Inc., Oak Ridge, for an Oak Ridge Pedestrian Improvement Project in the estimated amount of \$217,060.70.
- c. Adoption of a resolution authorizing the purchase of a backhoe from Nortrax, Knoxville, Tennessee; two pickup trucks with utility beds from Golden Circle Auto Group, Jackson, Tennessee; and one truck with crane from Ford of Murfreesboro, Murfreesboro, Tennessee; all for use by the Public Works Department in the grand total estimated amount of \$217,648.82.

- d. Adoption of a resolution to re-designate the funds allocated by Resolution 4-35-06 to the Highland View Redevelopment Advisory Board to now be used by the City for property acquisition in furtherance of the City's redevelopment project and the *Not in Our City* conceptual plan.

IX. PUBLIC HEARING AND FIRST READING OF ORDINANCES

Public Hearing

A public hearing for the Program Year 2012/Fiscal Year 2013 Community Development Block Grant (CDBG) Annual Action Plan.

Public Hearing and First Reading of Ordinances

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 1.06, 1.08, AND 1.24, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS ED-10, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/IMDO).

First Reading of Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 8-11, AS AMENDED BY ORDINANCE 11-11, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, BY AMENDING SAID APPROPRIATIONS.

(The public hearing for the above ordinance was held during the March 7, 2012 City Council Meeting.)

X. FINAL ADOPTION OF ORDINANCES

- a. AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES FOR MOTORIZED VEHICLES, EXCEPTIONS"; BY AMENDING SECTION 15-603, TITLED "PROHIBITED IN SPECIFIED PLACES," BY RE-DESIGNATING THE SECTION AS SUBSECTION (A), ADDING LANGUAGE TO SUBSECTION (A)(1) PERTAINING TO SIDEWALKS, CREATING TWO NEW SUBPARTS (A)(21) AND (A)(22) PERTAINING TO PARKING ON CURBS AND WITHIN MARKED PARKED SPACES, AND CREATING A NEW SUBSECTION (B); AND BY DELETING SECTION 15-604, TITLED "METHOD OF PARKING," SUBSECTION (1), IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1), WITH ALL AMENDMENTS FOR THE PURPOSE OF CLARIFYING ON-STREET PARKING REQUIREMENTS AND FOR COMPATIBILITY WITH RECENTLY ENACTED SECTION 15-617.

- b. AN ORDINANCE TO AMEND ORDINANCE NO. 19-82, AS AMENDED, BY DELETING THE PROVISION OF SECTION 2 PERTAINING TO THE SCHEDULE OF WATER RATES FOR COMMODITY CHARGES AND MINIMUM MONTHLY BILLING IN THEIR ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SCHEDULE OF WATER RATES.

(City staff is proposing amendments to the ordinance which will be distributed accordingly prior to the April 9, 2012 City Council Meeting)

- c. AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY DELETING SECTION 13, SEWER RATE SCHEDULE, IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SECTION PERTAINING TO SEWER RATES.

(City staff is proposing amendments to the ordinance which will be distributed accordingly prior to the April 9, 2012 City Council Meeting)

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS, AND SCHEDULING

a. Elections/Appointments

Council appointment to the Youth Advisory Board (YAB) Screening Panel

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. City Manager's Report

1. Request for two Councilmembers to assist on EPA visit (verbal report).
2. Council Retreat Update (verbal report).

b. City Attorney's Report

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM

12-13

DATE: April 3, 2012

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 April 9, 2012 City Council meeting:

Celebration of the Young Child

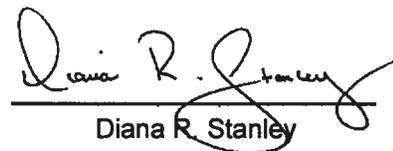
A proclamation for City Council's consideration is in response to a request from Ms. Carroll Welch, Executive Deputy Director of the Children's Museum of Oak Ridge.

Child Abuse Prevention Month

A proclamation for City Council's consideration is in response to a request from Ms. Marcia Slagle, Program Manager for Prevent Child Abuse Tennessee.

Fair Housing Month

A proclamation for City Council's consideration is at the request of Ms. Kahla Gentry, Senior Planner for the Community Development Department.


Diana R. Stanley

Attachments

PROCLAMATION

WHEREAS, the Children's Museum of Oak Ridge and other local organizations, in conjunction with the National Association for the Education of Young Children, are recognizing the *Celebration of the Young Child* on April 27, 2012; and

WHEREAS, these organizations are working to improve early learning opportunities, which are crucial to the growth and development of young children, and to building better future for everyone in Oak Ridge; and

WHEREAS, all young children and their families across the country and in Oak Ridge deserve access to high-quality early education and care; and

WHEREAS, the Children's Museum of Oak Ridge offers unique opportunities to young children for discovery and enrichment in a playful environment; and

WHEREAS, the Children's Museum supports the family's crucial role in early education, providing opportunities for families to come together to play and learn through many exhibits, festivals, classes and activities; and

WHEREAS, high-quality early childhood services represent a worthy commitment to our children's future; and

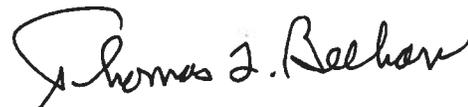
WHEREAS, public policies that support early learning for all young children are crucial to young children's futures.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that April 27, 2012, be proclaimed

CELEBRATION OF THE YOUNG CHILD

in the City of Oak Ridge, Tennessee, and that all citizens be urged to support the needs of young children in our community and to recognize teachers, organizations, and others who make a difference in the lives of our young children.

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 9th day of April in the year 2012.



Thomas J. Beehan

MAYOR

PROCLAMATION

WHEREAS, approximately 3 million children are reported abused and neglected in this country each year with nearly 17,000 children in Tennessee each year; and

WHEREAS, the children of Oak Ridge are one of the most precious resources in our community and provide hope for a brighter tomorrow; and

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, effective child abuse prevention succeeds because of partnerships between parents, practitioners, schools, faith-based communities, health care organizations, law enforcement agencies, and the business community; and

WHEREAS, the "Pinwheels for Prevention" campaign has been launched through the media, social service agencies, businesses and local government during the month of April to celebrate and bring awareness of the great potential of children in Tennessee and the need to strengthen all families with support and nurturing; and

WHEREAS, public awareness regarding child abuse and neglect is encouraged by Healthy Start/Healthy Families of Anderson County, other local organizations and by Prevent Child Abuse Tennessee; and

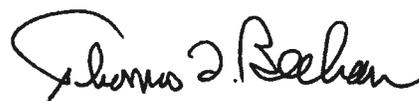
WHEREAS, since Healthy Start of Anderson County was implemented in 1998 and having served over 360 high risk families in the Healthy Start program, not one child has been removed for abuse.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that April 2012 be proclaimed

CHILD ABUSE PREVENTION MONTH

in the City of Oak Ridge, Tennessee, urging all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in efforts to prevent child abuse and neglect, thereby strengthening the community in which we live.

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 9th day of April in the year 2012.



MAYOR

PROCLAMATION

WHEREAS, each year since the enactment of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, the Federal Government designates April, the anniversary month of said law, as "Fair Housing Month"; and

WHEREAS, because fair housing is consistent with the principle of equality and justice for all – a principle upon which our nation was founded – all of us should share in the fight to ensure that fair housing is a reality for all Americans; and

WHEREAS, fair housing is the policy of the City of Oak Ridge. On April 21, 1969, the Oak Ridge City Council adopted a Fair Housing Ordinance, which was one of the first of its kind in the State of Tennessee; and

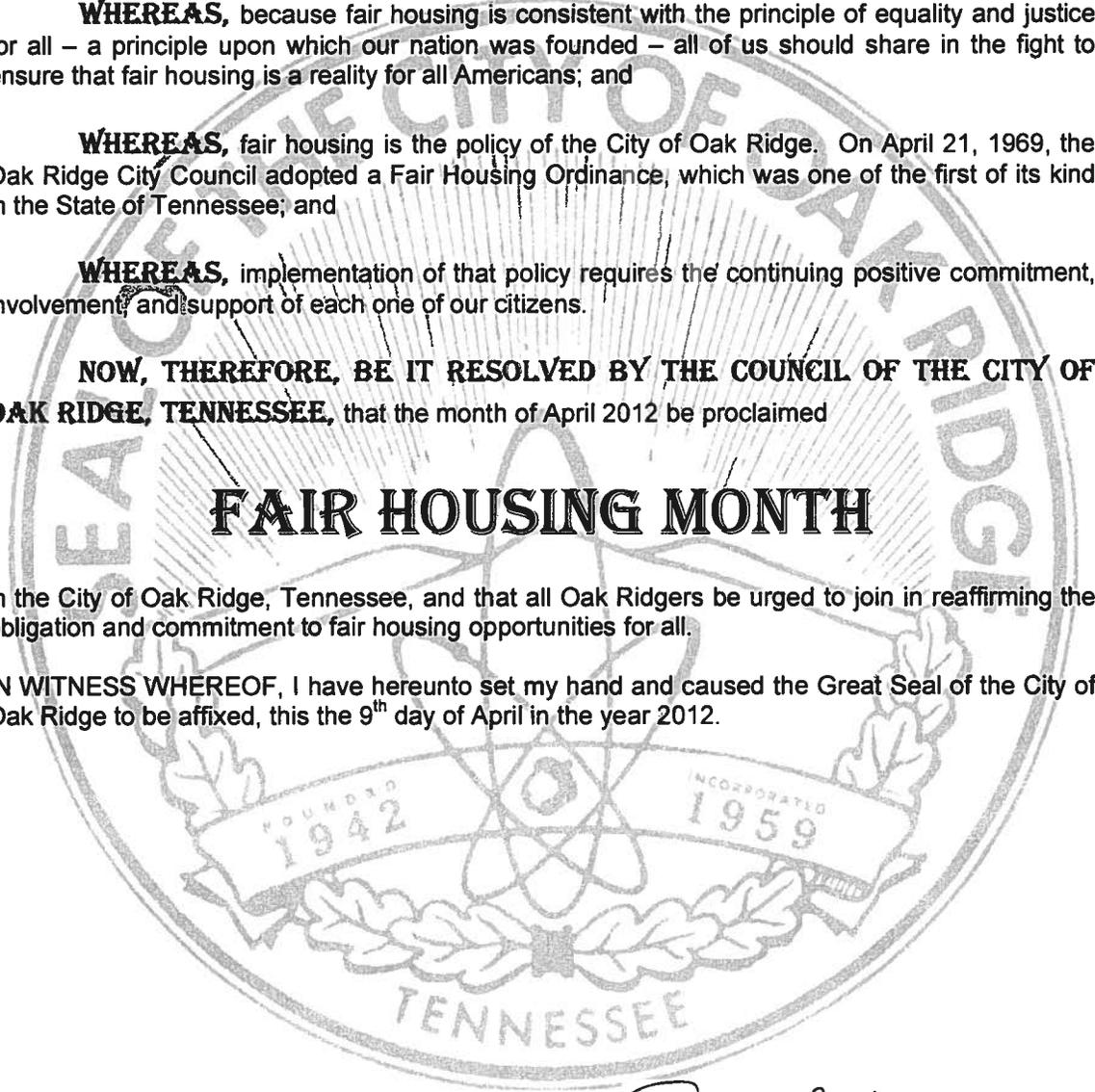
WHEREAS, implementation of that policy requires the continuing positive commitment, involvement, and support of each one of our citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the month of April 2012 be proclaimed

FAIR HOUSING MONTH

in the City of Oak Ridge, Tennessee, and that all Oak Ridgers be urged to join in reaffirming the obligation and commitment to fair housing opportunities for all.

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 9th day of April in the year 2012.

The Great Seal of the City of Oak Ridge, Tennessee, is a large circular emblem in the background. It features a central atomic symbol with three electron orbits. The seal is surrounded by a wreath of oak leaves. At the bottom, it says "TENNESSEE". Two banners across the middle contain the dates "FOUNDED 1942" and "INCORPORATED 1959". The outer ring of the seal contains the text "THE CITY OF OAK RIDGE".

Thomas J. Beehan

MAYOR

CONSENT AGENDA

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

March 7, 2012

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on March 7, 2012, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Pastor Robert May, Oak Ridge Family Bible Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was given by Fenton White.

ROLL CALL

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

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

APPEARANCE OF CITIZENS

Ms. Trina Baughn, 119 Newport Drive, remarked that the schools were entering their ninth month of non-payment on the high school's remodeling debt. She inquired about a meeting date of key school and city officials to determine how to handle the repayment to which Mayor Beehan confirmed that a meeting was scheduled.

Ms. Kay Williamson, 420 Jefferson Avenue, expressed her concerns about removing inoperable vehicles and trailers parked throughout neighborhoods, particularly Jefferson Avenue, and wanted to know when action would be taken on said vehicles by the City.

Mr. Parker Hardy, 123 Amanda Drive, President of the Oak Ridge Chamber of Commerce communicated that the Chamber is in support of the *Not in Our City* Initiatives because healthier neighborhoods are vital to investments and recruitment of employers and retail. Mr. Hardy remarked that, although the parking ordinances drafted may not be perfect, they were still a means to begin to address the issues and is better than what is currently in place.

Mr. Joe Lee, 99 East Pasadena Road, expressed his support for the *Not in Our City* Initiatives. He explained that his interpretation is that the initiatives' intent is to protect the value, as well as to enhance the communities. He expressed his concern regarding the development of the parking ordinances and noted that the future initiatives will be even more involved.

Mr. Kerry Trammel, 1125 West Outer Drive, praised the Oak Ridge Electric Department for their work on the replacement of an old transformer near the National HealthCare Corporation (NHC) building.

PROCLAMATION AND PUBLIC RECOGNITIONS

A proclamation celebrating the 2012 National Library Week.

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

Kathy McNeilly, Oak Ridge Public Library Director, accepted the proclamation on behalf of the Library.

SPECIAL REPORTS

(NONE)

CONSENT AGENDA

Mayor Beehan continued the Consent Agenda concept, which was that items questioned by councilmembers would be removed and comments on agenda items would occur following approval of the Consent Agenda.

At the request of Councilmembers Smith and Hensley, the minutes of the February 13, 2012 City Council Meeting was removed from the Consent Agenda.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to approve the remainder of the Consent Agenda which was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller and Mayor Beehan voting "Aye," thereby:

- Adopting Resolution No. 3-16-2012 granting renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waiving residency requirements for nonresident applicants.
- Adopting Resolution No. 3-17-2012 amending Resolution No. 6-94-95 that established an attendance policy for the City Boards and Commissions to delete Section 5: "Provision of Attendance Policy and Other Information to New Members" from the Attendance Policy.
- Adopting Resolution No. 3-18-2012 approving Amendment No. 13 to the Agreement PILT-OAK RIDGE-002 between the U.S. Department of Energy and the City of Oak Ridge for payment in lieu of taxes for tax year 2011 in the sum of \$1,662,113.38.

Councilmember Smith commented on the resolution regarding the City Boards and Commissions Attendance Policy, saying that other items in that policy could be examined at a later date. Mayor Beehan noted the increase in payment for 2011 received by the Department of Energy (DOE) in the Agreement PILT-OAK RIDGE-002. Councilmember Hensley also commented on the PILT by explaining that if the DOE was assessed similarly to a private business, then their property taxes owed would be substantially higher, and that the PILT payment is a small part of what DOE should be contributing to the City.

Councilmember Smith request that under "Council Requests for New Business Items or Future Briefings" that her comments be divided into two separate comments:

- (1) "In response to Mayor Beehan's comment about not having seen a report from an informal work session conducted by three Council members, Council member Smith explained that notes could be provided at a work session or in writing from herself or the City Clerk."
- (2) "Councilmember Smith said she had recently learned that the City's Utility Deposit System has caused unexpected problems for the Oak Ridge Housing Authority and its public housing tenants. A number of approved tenants are not moving in because they lack the funds for a utility deposit. She said she would like to have a one-year review of the Utility Deposit System to address this type of concern and to see if it is achieving the City's goal of ensuring that utility bills are being paid by residents."

Following clarification from the City Attorney on the proper means to amend the minutes, Councilmember Smith moved the minutes be amended per her aforementioned comments, which was seconded by

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

Councilmember Hensley moved that his comment under "Council Requests for New Business Items or Future Briefings" be amended and replace the verbiage regarding a strategic plan to "comprehensive" plan. The motion was seconded by Councilmember Smith and approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

The minutes of the February 13, 2012 City Council Meeting were approved, as amended, by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

RESOLUTIONS

Adopted Resolution No. 3-19-2012 authorizing the purchase of a Toro HDX utility vehicle and sprayer from Smith Turf and Irrigation Co., Nashville, Tennessee, for use at Centennial Golf Course, in the estimated amount of \$29,270.46.

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

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

Adopted Resolution No. 3-20-2012 authorizing the City to apply for a grant from the Tennessee Department of Environment and Conservation (TDEC), Clean Tennessee Energy Program, in the amount of \$250,000.00 with a fifty percent (50%) local match, and accepting said grant if awarded.

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

The City Manager explained that several items currently in use throughout the City are becoming outdated and expensive to replace, and that many of the improvements proposed by staff would also coincide with the intended enhancements of the Police Department.

Councilmember Smith noted that the grant requires an estimate of energy savings and reductions, thus staff should be able to determine cost savings, which was inquired by Councilmember Mosby, once that information is developed and share said information with City Council.

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

Adopted Resolution No. 3-21-2012 awarding a contract (COR 12-06-A) to Diversified Service Associates, Inc., Oak Ridge, for mowing rights-of-way in the estimated amount of \$203,942.89 and a contract (COR 12-06-B) to KMF III Services, LLC, Knoxville, for mowing non-rights-of-way in the estimated amount of \$70,320.00, for the Public Works Department.

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

Following brief deliberation between City Council and Public Works Director Gary Cinder, the resolution was unanimously approved by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

PUBLIC HEARING AND FIRST READING OF ORDINANCES

AN ORDINANCE TO AMEND ORDINANCE NO. 8-11, AS AMENDED BY ORDINANCE 11-11, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE

TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, BY AMENDING SAID APPROPRIATIONS.

Mayor Beehan began by explaining that this ordinance had been postponed from the February 13, 2012 City Council Meeting Agenda to allow for further clarification which was provided by the school administration at the February 27, 2012 Work Session.

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

A public hearing was held with the following participants:

Ms. Trina Baughn, 119 Newport Drive, claimed that the School had entered into leases that were not reported to the State of Tennessee and/or added to the School's budget after the budget approval phase. She continued to raise several questions to City Council regarding the technology lease and its equipment.

City Attorney Kenneth Krushenski clarified that the City is not providing any additional funding for the schools.

Ms. Karen Gagliano, Director of Business and Support Services for Oak Ridge Schools, explained that for leases, accounting entries must have the full value of the lease accounted for in the first year that the school enters into a lease. Ms. Gagliano continued that over the four-year lease agreement, the School accounts for the lease value in the expenditure budget for the repayment of the lease.

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

Ms. Gagliano further explained that the first payment is budgeted in the current year and that professional expertise had been consulted, including review by school attorneys and auditors for all leases. Oak Ridge Superintendent Dr. Thomas Bailey added that this was the fourth lease in which the school has been involved and that the leases utilize reoccurring dollars.

Ms. Gagliano explained that the school was aware of the lease when the budget was presented to City Council and that when accounting for it, only half of the lease value was recorded; it was entered as a line item for accounting rules. She continued by explaining that, when it was realized that the remaining portion was not recorded, it needed to be corrected by way of an amendment.

Mayor Pro Tem Miller moved to amend the motion to postpone the ordinance upon first reading to clarify the issues and acquire more answers to questions presented. Councilmember Hensley seconded the amendment. Following discussion among City Council and city staff, the amendment was approved by board vote with Mayor Beehan, Councilmember Hope, Councilmember Smith voting "Nay," and Councilmembers Garcia Garland, Hensley, Mosby, and Mayor Pro Tem Miller voting "Aye."

FINAL ADOPTION OF ORDINANCES

AN ORDINANCE TO AMEND ORDINANCE NO. 19-82, AS AMENDED, BY DELETING THE PROVISION OF SECTION 2 PERTAINING TO THE SCHEDULE OF WATER RATES FOR COMMODITY CHARGES AND MINIMUM MONTHLY BILLING IN THEIR ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SCHEDULE OF WATER RATES.

Councilmember Hope moved, seconded by Councilmember Smith that the ordinance be adopted.

The City Manager explained that, as a result of the comments from the community, city staff would like to present a substitute ordinance for City Council's consideration. He explained that this substitution would

provide relief to senior customers and commercial businesses, while allowing the City to move forward with a rate change. He further noted that the City's Wastewater Fund is severely impacted by Environmental Protection Agency (EPA) requirements and has resulted in an urgency to make rate adjustments.

In response to a request by the Mayor, the City Manager provided a brief overview of the EPA Administrative Order, addressing such matters as infiltration and overflow, current status of sewer infrastructure, the newly proposed rate structure, and capital improvement needs of water and wastewater.

The City Manager reviewed the substitute ordinance which ultimately lessens the initial impact of the increase and allows users to plan accordingly for the proposed rates by using a two-phase rate structure: one that goes into effect April 1, 2012 and the second which takes effect January 1, 2013. He continued that the reason the City could adjust the rates as such is that the City would be deferring capital and water projects, but not wastewater projects.

Mayor Beehan commented that City Council was not pleased with the EPA mandates, and that not following said mandates carried consequences. For that reason, action needed to be taken by the City to comply. The City Manager added that the City could face penalties or legal ramifications if not sufficiently corrected and that efforts by other cities to counter the mandates have been unsuccessful.

Councilmember Hensley mentioned that during a recent visit of city staff, councilmembers, including Bill Nolan, Oak Ridge Consultant, to the Tennessee Municipal League (TML) Legislative Conference, the EPA situation was discussed with the Tennessee Department of Environment and Conversation (TDEC) Comptroller, who was troubled that the EPA had superseded TDEC, and suggested that the City contact elected representatives to discuss Oak Ridge's situation. Councilmember Hensley commented that the EPA would explore an extension to the deadline because of the concerns expressed by the Comptroller. He concluded by remarking that discussions on a viable solution should continue.

Councilmember Smith discussed that the proposed rate increase is considerably higher for larger consumers, and that the City does not seem as competitive within the region as it had been. Additionally, Councilmember Smith noted that the proposed rate structure had created a shift that relies primarily on commercial customers. She questioned whether the proposed rate structure was the correct one to provide a balance between residential and commercial businesses.

Mayor Pro Tem Miller supported Councilmember Hensley's idea of speaking with the legislators regarding the EPA mandates, as well as suggested utilizing the Oak Ridge Chamber of Commerce's Political Action Committee. She clarified that the City had been working toward addressing Oak Ridge's infrastructure and making improvements to the best of the City's ability.

Following Councilmember Mosby's inquiries, Finance Director Janice McGinnis explained that the shift from the current declining rate structure to the proposed flat rate structure caused the costs to be much higher for large consumers. Ms. McGinnis explained that Lamar Dunn's recommended rates would go into effect on January 1, 2013 and that for the remainder of the calendar year, intermediary steps would be introduced to consumers to allow them to transition into the new rate structure and adjust meter sizes accordingly. She continued that the water rates proposed in the substitute ordinance are based on capital projects being implemented over a longer period of time. Overall, Ms. McGinnis explained, the substitute ordinance rates are designed to help the City progress through the end of the calendar year since currently the water and wastewater systems are running at losses.

Based on concerns expressed by Councilmember Hope, Ms. McGinnis explained that rate increases should have occurred years before and both systems need a rate increase to sustain current needs. Discussions continued and the Finance Director proposed that the substitute ordinance could be amended to only adopt the proposed water and wastewater rates that become effective on April 1, 2012 and return in 2013 with a new rate proposal. Councilmember Hope stressed that City Council and city

staff needed to continue to put pressure on legislatures to convey the impact that the EPA mandates have created for the City.

Councilmember Smith indicated that she is uncomfortable voting on the substitute ordinance that was received during the Council meeting and would like to delay adoption until the ordinance could be adequately examined. The City Manager discussed passing the substitute ordinance at the meeting as a first reading item, and adopting the substitute ordinance during second reading at a special called meeting.

Following discussions on how to best handle consideration of the substitute ordinance, Councilmember Hensley moved, seconded by Councilmember Mosby to postpone consideration of the water ordinance to a special meeting. The vote was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

The City Manager suggested that there be a special meeting on March 26, 2012 prior to the regularly scheduled Work Session.

AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY DELETING SECTION 13, SEWER RATE SCHEDULE, IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SECTION PERTAINING TO SEWER RATES.

Councilmember Smith moved, seconded by Councilmember Hope to postpone the consideration of the wastewater ordinance until a special meeting is called. Following an inquiry from Councilmember Mosby, Finance Director Janice McGinnis clarified that the substitute ordinance proposed by city staff amended the timeframe of the implementation of the rates, not the rate structure suggested by Lamar Dunn, to allow the commercial consumers to make adjustments.

Mr. Mark McBride, 954 West Outer Drive, small business owner and formal federal regulator, explained that it is his impression that federal regulators should be fair and reasonable and the EPA was apparently acting in neither capacity, and suggested that the City defend itself against the EPA given the unfairness. He concluded by explaining that if residents will be required to make home repairs as part of the mandates, then the public needs to be alerted to the possible issues.

Both the City Manager and Mayor Beehan explained that the City had made several attempts to come to more reasonable terms with the EPA.

The vote to postpone the consideration of the wastewater ordinance to a special called meeting was approved by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

On first ballot, Dr. Gray Dean was elected to serve on the Environmental Quality Advisory board for the balance of an unexpired term of office ending on December 31, 2012 receiving the votes of Councilmembers Garcia Garland, Hensley, Mosby, and Smith. Mayor Pro Tem Miller and Mayor Beehan voted for Ms. Sylvia Milanez and Councilmember Hope voted for Mr. Perry Jones.

Announcements

(NONE)

Scheduling

(NONE)

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Hensley recognized Melinda Hillman, Executive Director for Roane State Foundation, for Roane State Community College's achievement of ranking 27th nationally among the Top 500 Community Colleges in the United States.

Mayor Pro Tem Miller reported on her attendance to the Goodwill Recognition Ceremony in that it was an impactful event. Mayor Beehan suggested that the attendance to the ceremony be rotated among the councilmembers so that everyone could have an opportunity to attend the event.

Mayor Beehan explained, in response to Councilmember Mosby's inquiry regarding a council retreat that the City Manager was aware that council was interested in a retreat and suggested that he and Mosby meet simultaneously and have the City Clerk's Office advertise the meeting in accordance with the Sunshine Law, which was also advised by the City Attorney. Councilmember Mosby also reported that he was the scorekeeper in the Tennessee Science Bowl in which Oak Ridge finished in the top sixteenth. He also noted that he recently attended the TML Legislative Conference in Nashville.

Councilmember Hensley continued the discussions about the TML Legislative Conference by explaining he and others had met with key officials and had good discussions regarding a range of topics that affect Oak Ridge.

Councilmember Hope commented that his first TML Conference was a great learning experience and that he had been afforded a worthwhile networking opportunity with other government officials.

Councilmember Garcia Garland reported that she attended the first robotics competition in Knoxville that combines science, technology, and math in a sports-style competition. She indicated that this was the first competition held in the region with various high schools from the nation participating, and the first in which Oak Ridge High School partook.

Councilmember Smith reported that she participated in two (2) working group sessions for the Plan East Tennessee (PlanET) program: transportation infrastructure and environment. She noted that a program facilitator remarked that the organization's goal is for different community members to meet and interact so they can work together in the future.

SUMMARY OF CURRENT EVENTS

City Manager's Report

The City Manager explained that the survey for the Senior Citizens Center Needs Assessment had been completed and since it involves the Elder Citizens Advisory Board (ECAB), the Recreation and Parks Advisory Board, and City Council. He suggested that the groups come together in a joint meeting to receive that report, possibly on March 29, 2012.

He also reported on the following legislative issues affecting Oak Ridge: Representative John Ragan sponsoring the Land Bank Legislation and a bill from Governor Haslam's Office to reduce grocery costs (which are state shared revenue). The City Manager also indicated that the City is closely following a "school bill" that allows schools to apply for grants unilaterally and, if awarded the grant, language exists that implies that the City could pay the matching funds associated with the grant.

Electric Vehicle Project

Received for the record; no action taken.

Councilmember Smith suggested that electric car recharging stations be installed near places where people would be more likely to gather, such as the Marina or the adjacent city-owned parking lot near the Children's Museum.

City Attorney's Report

(NONE)

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

March 26, 2012

The Mayor's special called meeting of the City Council of the City of Oak Ridge, Tennessee convened at 6:00 p.m. on March 26, 2012, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Councilmember David N. Mosby.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was given by Mr. David Bradshaw.

ROLL CALL

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

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

FINAL ADOPTION OF ORDINANCES

Ordinance No. 01-2012

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY AMENDING SECTION 15-101, TITLED "DEFINITIONS," TO CORRECT THE INTRODUCTORY LANGUAGE TO STATE THE DEFINITIONS APPLY WHEN USED IN THIS TITLE AND TO ADD TWO NEW DEFINITIONS: "RECREATIONAL VEHICLES," AND "UTILITY TRAILERS"; AND BY AMENDING CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," TO CREATE A NEW SECTION 15-617, TITLED "PARKING OF RECREATIONAL VEHICLES AND UTILITY TRAILERS IN MARKED AND UNMARKED ON-STREET PARKING SPACES," TO ADDRESS PARKING CONCERNS.

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

The City Manager explained that there are three (3) amendments that will be considered by City Council that modifies the ordinances that was passed on first reading. Mr. Watson indicated that the amendments presented address concerns expressed by councilmembers.

Councilmember Hope moved to amend the ordinance in accordance with staff's recommendation to increase the temporary parking of recreational vehicles and utility trailers on on-street parking from three (3) to seven (7) consecutive days, which was seconded by Councilmember Hensley.

Councilmember Smith moved to amend the amendment on the floor to change Section 15-617, paragraph 2, to read as follows:

Notwithstanding any provisions to the contrary, an operational recreational vehicle or utility trailer may be temporarily legally parked or stored within marked or unmarked on-street parking on any public street for a period of time not to exceed three (3) consecutive days for the purpose of loading, unloading, trip preparation, or minor maintenance and repair. Motorhomes or campers in

the possession of nonresident visitors may be parked for a period not to exceed seven (7) consecutive days for the purpose of visitation. However, vehicles temporarily parked in accordance with this section may not be relocated to another on-street location after the expiration of the permitted temporary parking period, and at no time shall any un-mounted camper enclosure, personal watercraft carrier, or boat not mounted on a utility trailer be parked or stored within any designated on-street parking space.

She indicated that three days is adequate time for loading/unloading activities and that a seven day period should be granted for visitation of non-residents by way of campers or motorhomes, but not allow said vehicle to travel and continue to stay throughout the City. Councilmember Smith's motion was seconded by Councilmember Garcia Garland.

The City Manager explained that the reason for the seven day period was for simplicity for staff and convenience of the vehicle operators. Councilmember Hensley and Hope expressed support for the seven-day period as recommended by staff. Councilmember Garcia Garland explained that she interpreted Councilmember Smith's amendment to provide for a permit process for recreational vehicles. Upon hearing staff's explanation, Councilmember Smith withdrew her amendment with Councilmember Garcia Garland's consent. Councilmember Smith moved to amend the amendment on the floor to change Section 15-617, paragraph 2, second sentence to read as follows:

However, vehicles temporarily parked in accordance with this section may not be relocated to another on-street location after the expiration of the allowed temporary parking period, and at no time shall any un-mounted camper enclosure, personal watercraft carrier, or boat not mounted on a utility trailer be parked or stored within any designated on-street parking space.

The motion was seconded by Councilmember Garcia Garland.

Following brief deliberation among City Staff and City Council regarding vehicle movement determination and enforcement, Councilmember Smith's amendment was approved by board vote with Councilmembers Garcia Garland, Hensley, Hope, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye." Councilmember Mosby abstained.

The original amendment as amended was approved unanimously by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Councilmember Smith moved, seconded by Councilmember Hensley to amend the ordinance with the second suggested amendment by staff to delete the definition for commercial/oversized vehicles.

In response to Councilmember Garcia Garland's concerns that this amendment does not address the parking of large vehicles, the City Manager explained that the issue is addressed in the ordinance proposed on first reading at the next meeting, which clarifies current parking provisions in the City Code.

Following discussions between Councilmember Mosby and the City Manager, the amendment was approved by board vote with Councilmembers Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye." Councilmember Garcia Garland voted "Nay."

The ordinance was approved as amended twice unanimously by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Ordinance No. 2-2012

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (D), TITLED "RESIDENTIAL PARKING," TO ADD PROVISIONS PERTAINING TO CURB CUTS FOR OFF-STREET RESIDENTIAL PARKING, TO ALLOW PARKING IN SIDE AND REAR YARDS IN RESIDENTIAL DISTRICTS PROVIDED SUCH PARKING IS OUTSIDE

THE REQUIRED SETBACK, AND TO PROHIBIT PERMANENT LIVING INSIDE A PARKED OR STORED VEHICLE IN A RESIDENTIAL DISTRICT, AND TO AMEND RESERVED SUBSECTION (E) TO DEDICATE SAID SUBSECTION TO FRONT YARD PARKING REGULATIONS.

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

Following a brief explanation regarding staff's proposed amendment to the Zoning Ordinance regarding prevention of siltation and erosion, Mayor Pro Tem Miller moved, seconded by Councilmember Smith that the amendment be approved.

The City Manager and City Council deliberated briefly and then approved the amendment unanimously by voice vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Senior Staff Attorney Tammy Dunn reviewed the second amendment to the Zoning Ordinance pertaining to the reference to commercial/oversized vehicles. Councilmember Smith moved, seconded by Councilmember Hope that the amendment be approved.

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

A public hearing was then held with no participation.

Councilmember Smith discussed, for future consideration, adding other provisions into existing ordinances in the interest of public safety, such as parking with a certain distance of a stop sign. Councilmember Mosby inquired about the City Manager's authority in the City Code to limit or restrict on street parking. The City Manager responded he would use that authority for emergencies, safety hazards, density issue, and etcetera.

The ordinance was approved, as amended, unanimously by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Smith, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

ADJOURNMENT

The meeting adjourned at 6:55 p.m.

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

**MINUTES OF THE
OAK RIDGE CITY COUNCIL**

March 26, 2012

The City Manager special called meeting of the City Council of the City of Oak Ridge, Tennessee convened at 6:55 p.m. on March 26, 2012, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

ROLL CALL

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

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

FIRST READING OF ORDINANCES

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES FOR MOTORIZED VEHICLES, EXCEPTIONS"; BY AMENDING SECTION 15-603, TITLED "PROHIBITED IN SPECIFIED PLACES," BY RE-DESIGNATING THE SECTION AS SUBSECTION (A), ADDING LANGUAGE TO SUBSECTION (A)(1) PERTAINING TO SIDEWALKS, CREATING TWO NEW SUBPARTS (A)(21) AND (A)(22) PERTAINING TO PARKING ON CURBS AND WITHIN MARKED PARKED SPACES, AND CREATING A NEW SUBSECTION (B); AND BY DELETING SECTION 15-604, TITLED "METHOD OF PARKING," SUBSECTION (1), IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1), WITH ALL AMENDMENTS FOR THE PURPOSE OF CLARIFYING ON-STREET PARKING REQUIREMENTS AND FOR COMPATIBILITY WITH RECENTLY ENACTED SECTION 15-617.

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

The City Manager provided a brief presentation and the purpose of the ordinance change, as well as explained that the language proposed will clarify parking parameters on city streets thus leading to effective enforcement and efficient vehicle and pedestrian traffic.

Upon inquiries from Councilmember Garcia Garland, the City Manager explained that the violations are not based strictly on a case-by-case basis. Mr. Watson continued that the Police Department would issue citations along with other city personnel as violations are encountered. The City Attorney added that the fine for parking violations is a maximum of \$50 and is at the discretion of the city judge to which Councilmember Garcia Garland requested that the staff consider language that codifies the fine amount.

Councilmember Hope suggested that staff consider adding language regarding a maximum vehicle length for on-street parking.

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

ADJOURNMENT

The meeting adjourned at 7:10 p.m.

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

RESOLUTIONS

Library Memorandum
12-04

TO: Mark S. Watson, City Manager

FROM: Kathy McNeilly, Library Director *KMC 4/2/12*

DATE: March 29, 2012

SUBJECT: Professional Services Agreement with BBB Communications, LLC. for the Oral History Project

An item for the April agenda is a resolution authorizing a Professional Services Agreement with BBB Communications, LLC (referred to hereafter as BBB), Oak Ridge, Tennessee, for completion of thirty (30) oral histories over a one -year period for use by the Oak Ridge Public Library in the estimated amount of \$45,000.00.

Currently, the City is in the middle of an extensive oral history project. City staff, in conjunction with the Center for Oak Ridge Oral History (COROH), has developed a list of key individuals important to the history of the City of Oak Ridge. To help collect the accounts of these key individuals, the City recently issued a Request for Proposals (RFP) seeking qualified producers to help complete the oral history project. The first company selected, Secret City Films, is currently in the middle of a two-year contract with the City to produce oral histories, and thus unable to collect additional oral histories during their specified agreement due to the large number of volunteers who have signed up. As a result of Secret City Films busy schedule, BBB was the next preferred choice to help produce more oral histories given their expertise, experience, and proximity to the area.

The professional services agreement would require BBB to complete thirty (30) oral histories over a one - year period, with the City prioritizing the list of key individuals at be interviewed. BBB will conduct the interviews and produce the oral histories in both audio and video formats in accordance with the guidelines established by the Oral History Association. The City has the option to renew the agreement for an additional one - year term for completion of additional oral histories.

It is critical to move quickly and effectively to gather these oral histories so as to continue to build a unique collection of personal accounts from those who had an impact on our community, and to continue to learn more about Oak Ridge.

Funding for this agreement comes from a United States Department of Energy grant.

Staff recommends approval of the resolution.

City Manager's Comments:

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


Mark S. Watson


Date

RESOLUTION

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BBB COMMUNICATIONS, LLC, OAK RIDGE, TO PROVIDE THIRTY (30) ORAL HISTORIES FROM KEY INDIVIDUALS IMPORTANT TO THE HISTORY OF OAK RIDGE, IN THE ESTIMATED AMOUNT OF \$45,000.00.

WHEREAS, the City is the recipient of a federal grant from the United States Department of Energy to be used for an oral history project; and

WHEREAS, Oak Ridge Public Library staff, in conjunction with the Center for Oak Ridge Oral History (COROH), has developed a list of approximately two hundred and fifty (250) key individuals important to the history of Oak Ridge; and

WHEREAS, the City issued a Request for Proposals (RFP) seeking interested individuals or firms to complete a two-year oral history project to preserve the memories of one hundred (100) of these individuals; and

WHEREAS, by Resolution 2-9-11, City Council authorized a professional services agreement with Secret City Films, Oak Ridge, as a result of the RFP; and

WHEREAS, the City is in need of additional oral histories and desires to enter into an agreement with BBB Communications, LLC, Oak Ridge, based upon its proposal submitted in response to the RFP; and

WHEREAS, the City Manager recommends approval of a professional services agreement with BBB Communications, LLC.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into a Professional Services Agreement with BBB Communications, LLC, 170 Randolph Road, Oak Ridge, Tennessee 37830, to complete thirty (30) oral histories of key individuals important to the history of Oak Ridge over a one-year period, in the estimated amount of \$45,000.

BE IT FURTHER RESOLVED that the City may, upon satisfactory performance, renew the agreement for an additional one-year term in order to complete additional oral histories.

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

This the 9th day of April 2012.

APPROVED AS TO FORM AND LEGALITY:

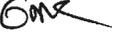


Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS MEMORANDUM
12-10

DATE: April 2, 2012
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: **Proposed Oak Ridge Pedestrian Improvement Project**

The accompanying resolution authorizes a contract between the City of Oak Ridge and Rogers Group, Inc. for the construction of an Oak Ridge Pedestrian Improvement Project in the estimated amount of \$217,060.70.

Oak Ridge City Council Resolution No. 4-30-11 authorized approval of expenditures from the Special Programs Fund for transportation enhancement projects for traffic capacity/safety, school crossing, and bicycle/pedestrian safety. 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 the Oak Ridge Bicycle and Pedestrian Plan approved by Council in April 2011 (Resolution 4-27-11).

Major construction elements of the proposed project are listed below at seven selected locations. Plan drawings are enclosed.

1. Jefferson Avenue
 - 120 feet of sidewalk in front of the Citizen National Bank from South Jefferson Circle to Oak Ridge Turnpike
 - Stop bar and crosswalk pavement markings on South Jefferson Circle
2. Oak Ridge Turnpike/South Illinois Avenue intersection
 - Geometric and pedestrian safety improvements including a raised concrete island in the northeast quadrant with relocated pedestrian signal head assembly, pushbuttons and count down timers
 - Stop bar with lane control traffic signals for the Turnpike eastbound right-turn movement onto South Illinois Avenue
 - Signs and crosswalk pavement markings
3. South Illinois Avenue at Badger Avenue
 - 580 feet of sidewalk in front of the Double Tree Hotel to fill in the missing gap down to Badger Avenue
 - Handicap ramp, stop bar and crosswalk pavement markings at Badger Avenue
4. South Illinois Avenue/Tuskegee Drive/South Tulane Avenue intersection
 - 147 feet of sidewalk to fill in the missing gap in the southwest quadrant
 - Crosswalk pavement markings
5. South Illinois Avenue/East Tulsa Road/Walmart intersection
 - Crosswalk pavement markings
6. Rutgers Avenue/Manhattan Avenue/Perimeter Road intersection
 - 549 feet of sidewalk from South Illinois Avenue to Perimeter Road in front of the Comfort Inn
 - Pedestrian signal head assemblies, pushbuttons and count down timers
 - Stop bar and crosswalk pavement markings

- 7. South Illinois Avenue/Lafayette Drive/Scarboro Road intersection
 - 311 feet of sidewalk to fill in missing gap on west side of South Illinois Avenue
 - Pedestrian signal head assemblies, pushbuttons and count down timer
 - Stop bar and crosswalk pavement markings

City staff retained the engineering firm of Cannon & Cannon, Inc. of Knoxville to assist with the development of the project plans based on the firm's past experience with the City on traffic signal recommendations at various locations within the City including the Oak Ridge Turnpike/Illinois Avenue intersection and based on their most recent plan design for the Robertsville Middle School Safe Routes to School project. Prior to finalizing construction plans, the Traffic Safety Advisory Board and the Oak Ridge Bike and Pedestrian Working Committee provided input on the project.

The bid opening for the project was on March 27, 2012 and three bids were received. Rogers Group, Inc. of Oak Ridge was the lowest bidder in the amount of \$217,060.70. The City and Cannon & Cannon reviewed the low bid and found it to be acceptable with all three bids being reasonably close with their estimates. It is expected that the construction work will begin in May 2012 and is required to be substantially complete within 120 days.

Complete project construction drawings for the project are available for review in the Public Works Department, Engineering Division Office. The design plans are available for review prior to the meeting in the City Clerk's office.

To date Public Works Engineering has completed three projects including rumble strips, crosswalk pavement markings and bicycle route signs. Staff anticipates that the next Special Program Funds project will be in May 2012 for pedestrian crosswalk enhancements at three locations on Melton Lake Drive near the marina.

Staff recommends approval of the accompanying resolution.

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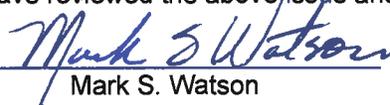
Enclosures



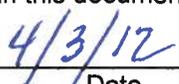
 Steven R. Byrd

City Manager's Comments:

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

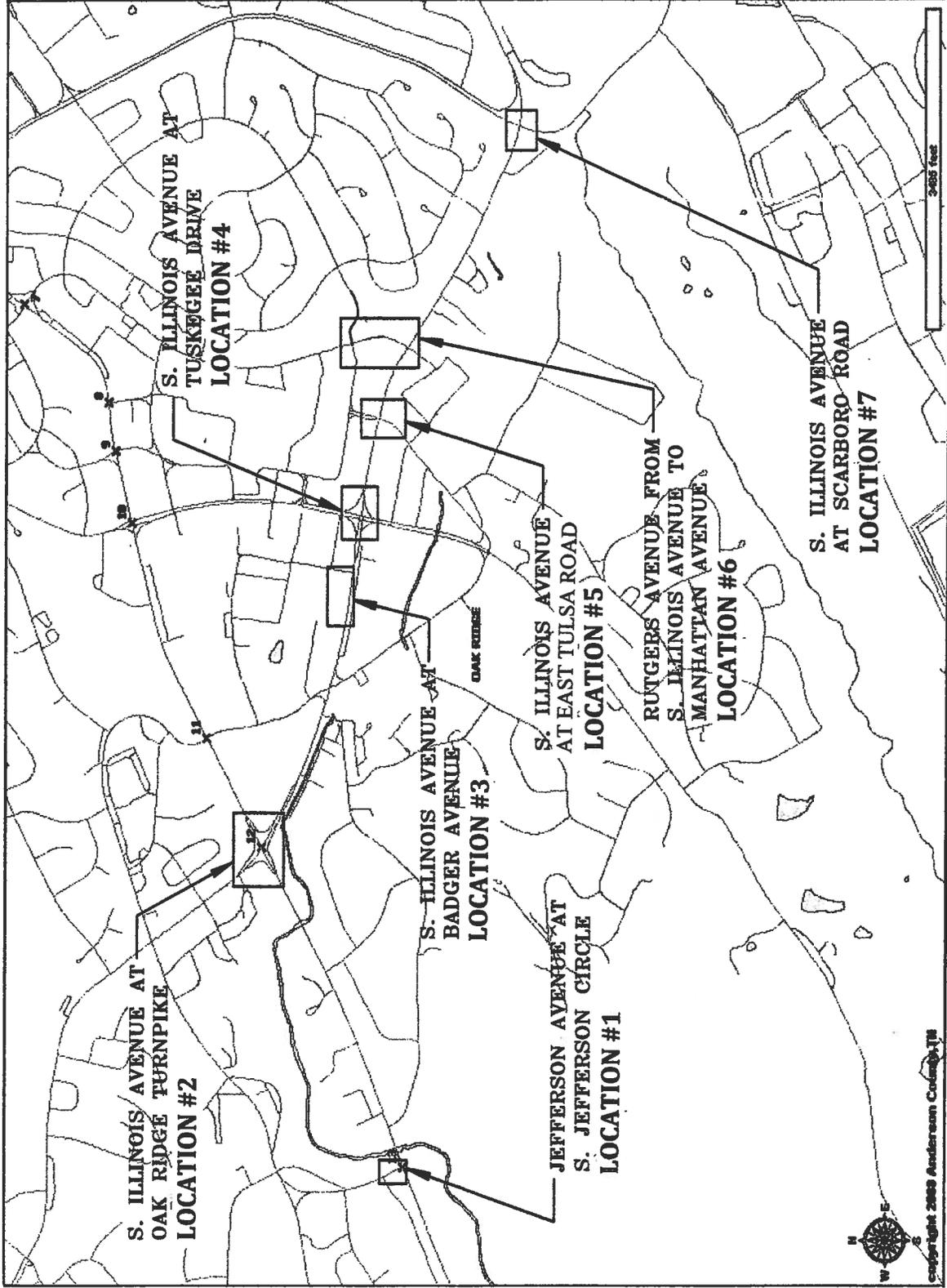


 Mark S. Watson

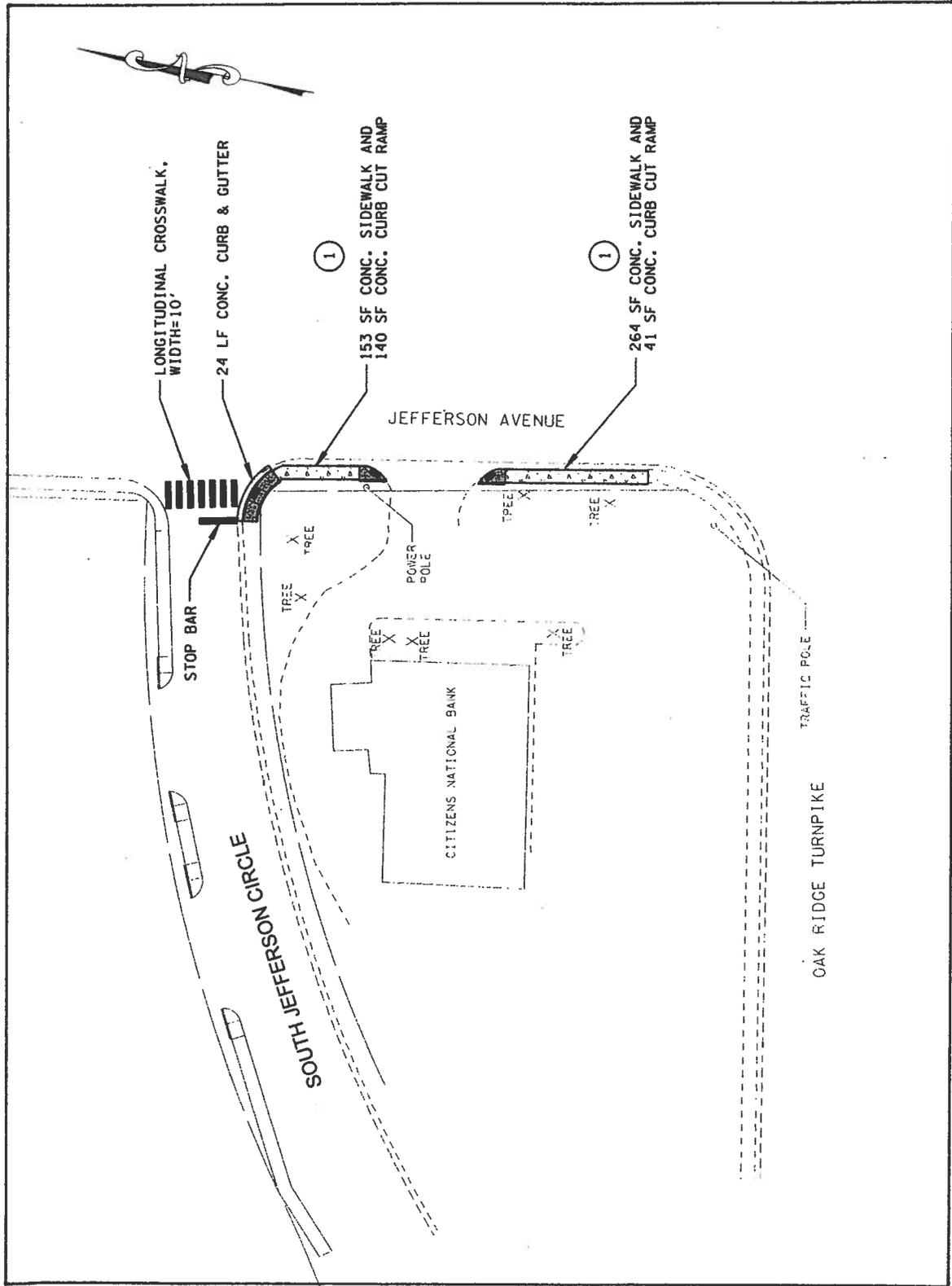


 Date

LOCATION MAP



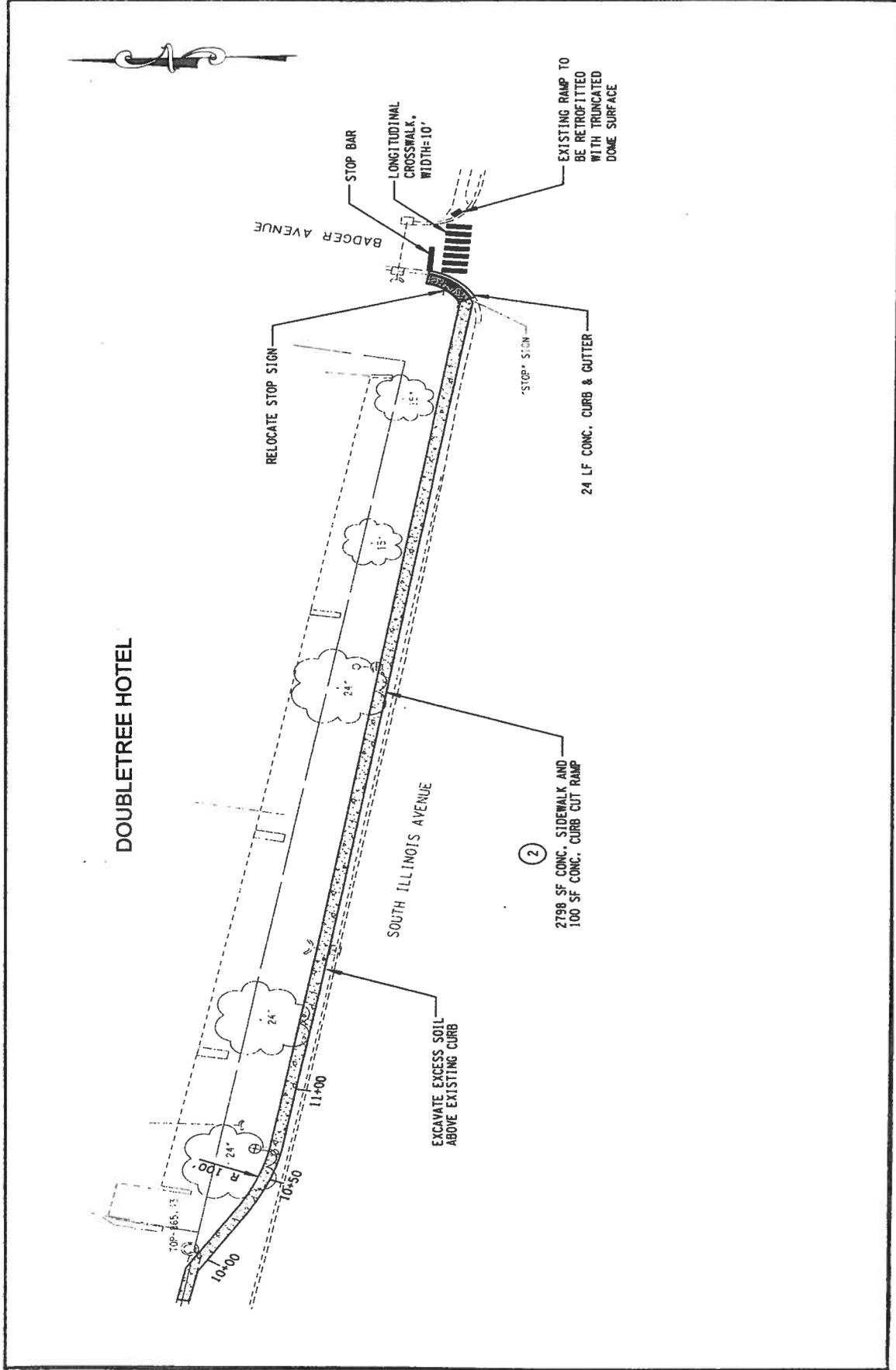
JEFFERSON AVENUE AT S. JEFFERSON CIRCLE



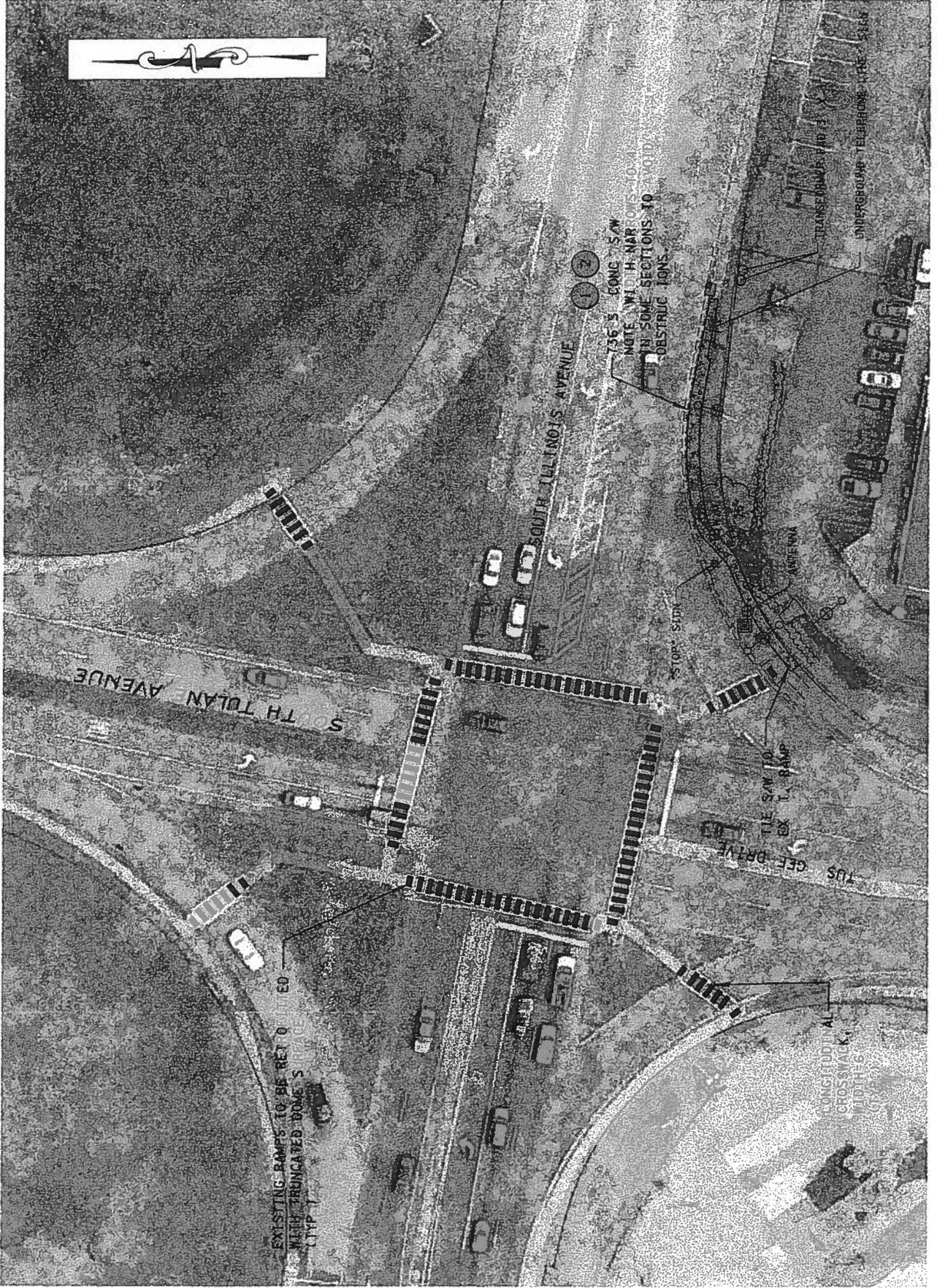
LOCATION #1

COR PW ENGINEERING-MARCH 2012

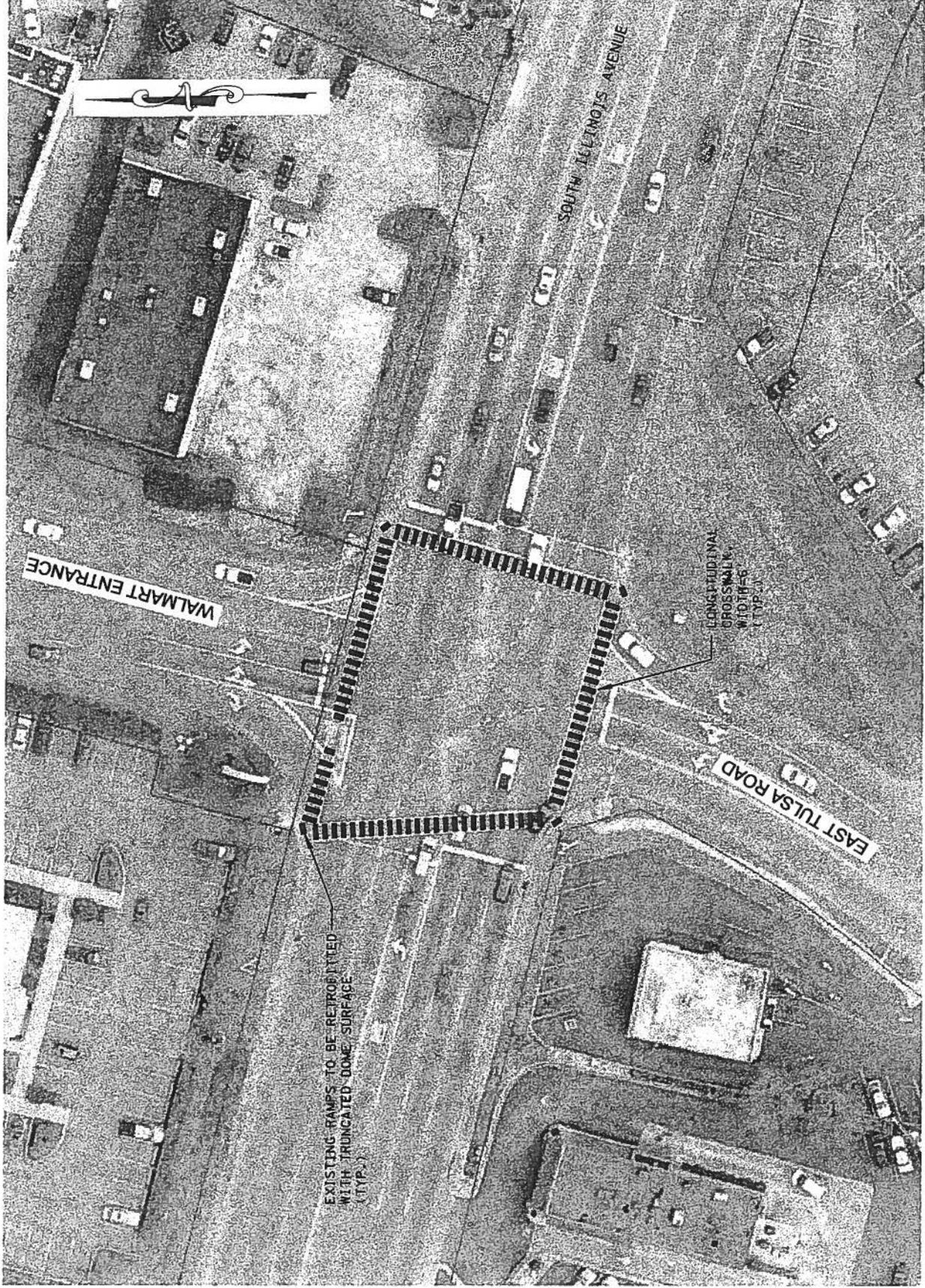
S. ILLINOIS AVENUE AT BADGER AVENUE



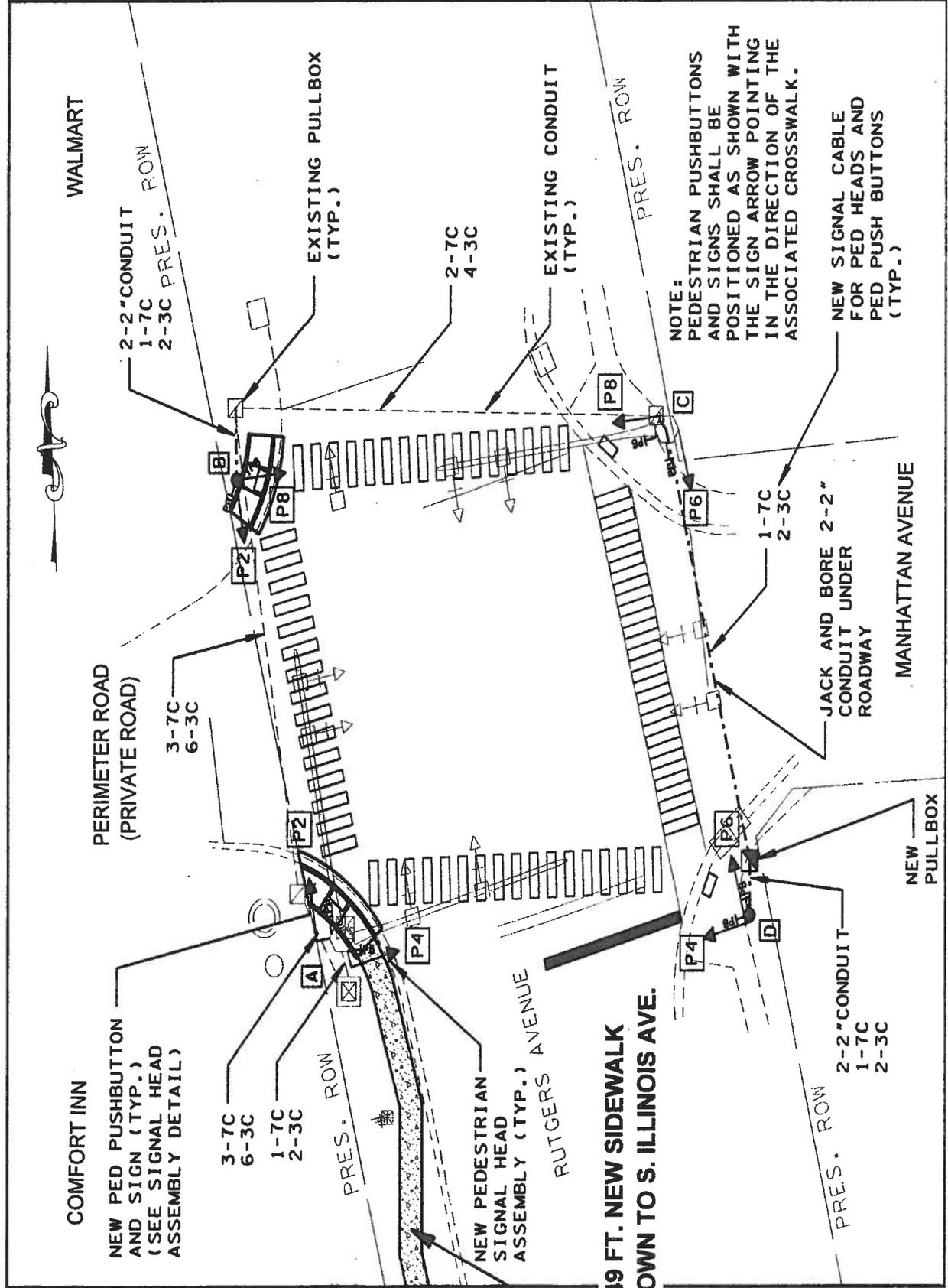
S. ILLINOIS AVENUE AT TUSKEGEE DRIVE/S. TULANE AVENUE



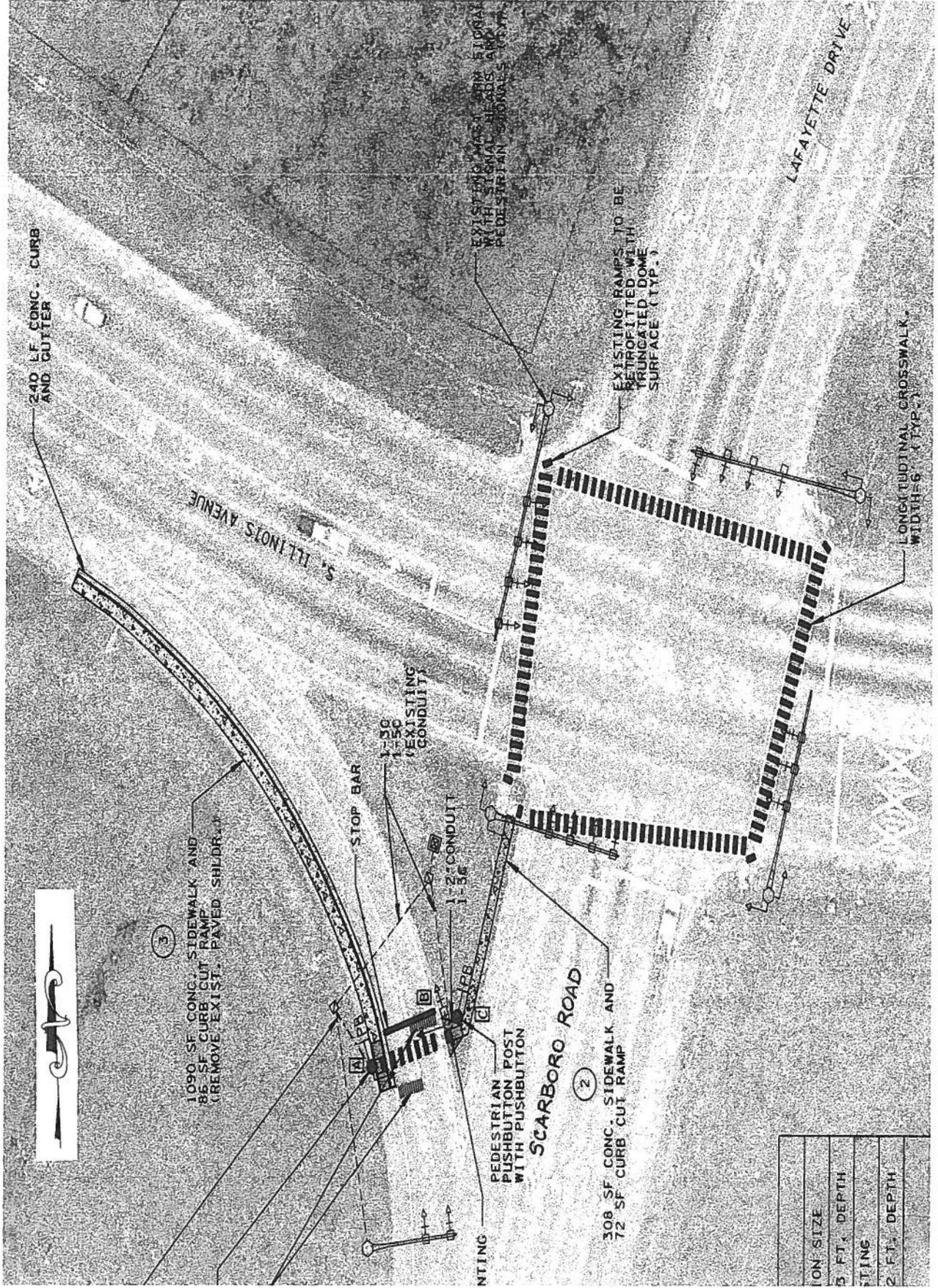
S. ILLINOIS AVENUE AT EAST TULSA ROAD



RUTGERS AT MANHATTAN AVE./PERIMETER ROAD



S. ILLINOIS AVENUE AT LAFAYETTE DRIVE/SCARBORO ROAD



CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

COR 12-08
OPENING DATE: March 27, 2012 2:00 P.M.
FOR --- Oak Ridge Pedestrian Improvements Project

DESCRIPTION	BIDDER:		BIDDER:		BIDDER:	
	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES FOR OAK RIDGE PEDESTRIAN IMPROVEMENTS PROJECT PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 217,060.70	\$ 245,353.00	\$ 250,001.50	
TOTAL PRICE			\$ 217,060.70	\$ 245,353.00	\$ 250,001.50	
TERMS			NET 30	NET 30	NET 30	
DELIVERY			PER CONTRACT	PER CONTRACT	PER CONTRACT	
F.O.B.			JOBSITE	JOBSITE	JOBSITE	
VIA			CONTRACTOR	CONTRACTOR	CONTRACTOR	
OTHER BIDDERS CONTACTED:						
The BB Contracting Company - Knoxville, TN						
Duracap Asphalt Paving Co., Inc. - Knoxville, TN						
The EC Corporation - Knoxville, TN						
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:			
ONLY BID RECEIVED			Rogers Group, Inc.			
LOW PRICE			250 Union Valley Road			
BETTER OR REQUIRED DESIGN			Oak Ridge, TN 37830			
EARLY DELIVERY						
LOWEST TOTAL COST			X			

BIDS OPENED AND RECORDED BY ---
Lyn Majeski
Lyn Majeski
Accounting Division Manager

BIDS REVIEWED BY ---
Jarice McGinnis
Jarice McGinnis
Finance Director

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (COR 12-08) TO ROGERS GROUP, INC., OAK RIDGE, FOR AN OAK RIDGE PEDESTRIAN IMPROVEMENT PROJECT IN THE ESTIMATED AMOUNT OF \$217,060.70.

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 an Oak Ridge Pedestrian Improvement Project; and

WHEREAS, the Oak Ridge Pedestrian Improvement Project consists of major construction elements at seven locations throughout the City; and

WHEREAS, bids were received and publicly opened on March 27, 2012, with Rogers Group, 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 Rogers Group, Inc., 250 Union 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 an Oak Ridge Pedestrian Improvement Project; said award in strict accordance with COR 12-08, the required specifications, and the bid as publicly opened on March 27 2012, and in the estimated amount of \$217,060.70.

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

This the 9th day of April 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

PUBLIC WORKS DEPARTMENT MEMORANDUM
12-09

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

SUBJECT: PURCHASE OF EQUIPMENT

The accompanying resolution recommends for purchase one backhoe and three trucks for the Public Works Department in the total estimated amount of \$217,648.82.

Included in the FY12 budget (Equipment Replacement Rental Fund and Waterworks) were numerous items eligible for replacement with one (1) item, a hydraulic excavator, being replaced earlier in FY12. Of the remaining items, staff has requested to defer replacement to FY13 with the exception of one (1) backhoe for the water repair crew.

The EPA Administrative Order (AO) received by the city in September 2010, required the City to develop a Management-Operations-Maintenance Program (MOM) for the wastewater collection and transportation system. The MOM was approved by City Council on September 12, 2011 by Resolution 9-86-11 and subsequently approved by EPA in December 2011. The MOM program requires the City to completely re-evaluate the wastewater transportation and collection system, organizational structure and manpower needs. Included in the MOM was the addition of a Pump Station Maintenance Crew consisting of two (2) maintenance specialists and one (1) maintenance mechanic.

Employees for the Pump Station Maintenance Crew will be hired within the next few weeks. This crew will be responsible for weekly inspections of the forty-seven pump stations, with more technical inspections required on a monthly, quarterly, semi-annual and annual basis. This crew will perform some tasks together, but will also need the flexibility to travel independently to different sites. The three trucks recommended for purchase are for the Pump Station Maintenance Crew.

The accompanying resolution makes award to three suppliers for the purchase of the following vehicles for the Public Works Department.

- Notrax, Knoxville, Tennessee for furnishing one backhoe (request 125612) to be used by the Water Repair Crew, in the total estimated amount of \$82,394.00. The new backhoe will replace equipment 453, a 1999 model backhoe with 6,745 hours of usage and will be retained to replace equipment 446, a 1995 model backhoe with 8,438 hours of usage. Equipment 453 will be utilized as a loader at the Central Services Complex (CSC). Attached is a photograph of equipment 446 that will be sold as surplus.
- Golden Circle Auto Group, Jackson, Tennessee, for furnishing two pickup trucks with utility beds (request 128102), to be used by the Pump Station Maintenance Crew, in the total estimated amount of \$45,568.00. These new trucks are additions to the city fleet.

- Ford of Murfreesboro, Murfreesboro, Tennessee, for furnishing one truck equipped with a crane (request 128104) to be used by the Pump Station Maintenance Crew, in the total estimated amount of \$89,686.82. This new truck is an addition to the city fleet.

Sealed bids were received on all the equipment listed above and the recommended purchases are based on the low bid received. Funding for this equipment is available in the Waterworks fund. Staff recommends approval of the attached resolution as submitted.



Gary M. Sinder

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



Date

EQUIPMENT #446 – TO BE SOLD AS SURPLUS



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

RFQ #125612
OPENING DATE: October 13, 2011 2:00 P.M.

DESCRIPTION	BIDDER: Nortrax 2825 John Deere Drive Knoxville, TN 37917		BIDDER: Stowers Machinery Corporation 6301 Old Rutledge Pike Knoxville, TN 37924		BIDDER: Contractor's Machinery, Inc. 3310 Wrights Ferry Rd Louisville, TN 37777	
	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
THE FURNISHING OF A BACKHOE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1			\$ 82,394.00	\$ 89,588.00	\$ 95,297.00
TOTAL PRICE			\$ 82,394.00	Net Cash	\$ 89,588.00	\$ 95,297.00
TERMS			Net 30	Net Cash		Net 15
DELIVERY			60 Days of less	11 weeks		90 Days ARO
F.O.B.			Oak Ridge	Oak Ridge		Oak Ridge
VIA			Nortrax	DIRECT		CMI Truck
OTHER BIDDERS CONTACTED: Bobcat of Knoxville - Knoxville, TN						
BIDS OPENED AND RECORDED BY:--- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager						
BIDS REVIEWED BY:--- <i>Janice McGinnis</i> Janice McGinnis Finance Director						
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:			
<input type="checkbox"/> ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input checked="" type="checkbox"/> LOWEST TOTAL COST			Nortrax 2825 John Deere Drive Knoxville, TN 37917			

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

RFQ #128102
OPENING DATE: March 27, 2012 2:30 P.M.

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
3/4 Ton Pick-up Truck w/Utility Bed			Golden Circle Ford 1432 Hwy 45 Bypass Jackson, TN 38305		Ted Russell Ford-Lincoln-Mercury, Inc. 8551 Kingston Pike Knoxville, TN 37919		Sexton Ford of Morgan Co. 1226 Knoxville Highway 62 Wartburg, TN 37887		Ford of Murfreesboro 1550 NW Broad Street Murfreesboro, TN 37129	
	1	2	\$ 22,784.00	\$ 45,568.00	\$ 23,294.00	\$ 46,588.00	\$ 23,500.00	\$ 47,000.00	\$ 23,999.00	\$ 47,998.00
THE FURNISHING OF A 3/4 TON PICKUP TRUCK WITH UTILITY BED PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT										
TOTAL PRICE			\$ 45,568.00	\$ 46,588.00	\$ 47,000.00	\$ 47,998.00				
TERMS			Net 30	Net 30	C.O.D.	Net 15				
DELIVERY			60-90 ARO	60 Days	13-15 weeks ARO	1-3 Days ARO				
F.O.B.			Oak Ridge	Oak Ridge	Oak Ridge	Oak Ridge				
VIA			Drivers	DIRECT	Driver	DIRECT				
OTHER BIDDERS CONTACTED:										
Secret City Dodge - Oak Ridge, TN			David Clifton Chevrolet - Harriman, TN			Mall of Georgia Ford - Buford, GA			Lynn Majeski	
Oak Ridge Nissan - Oak Ridge, TN			Reeder Chevrolet - Knoxville, TN			Country Ford - Southaven, MS			Lynn Majeski	
Sexton Automotive - Oak Ridge, TN			Lance Cunningham - Knoxville, TN			Chevrolet Buick GMC of Murfreesboro, TN			Accounting Division Manager	
Fox Chevrolet - Clinton, TN			CDJRT of Columbia - Columbia, TN			McNelly Whalley Motor Co. - Sevierville, TN			BIDS REVIEWED BY---	
Clinton Ford - Clinton, TN			West Chevrolet - Alcoa, TN			Town & Country Ford - Madison, TN			Janice McGinnis	
Beaty Chevrolet - Knoxville, TN			Nissan of Cookeville - Cookeville, TN			Sam Swope Auto Group, LLC. - Memphis, TN			Finance Director	
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:							
ONLY BID RECEIVED			Golden Circle Ford							
LOW PRICE			1432 Hwy 45 Bypass							
BETTER OR REQUIRED DESIGN			Jackson, TN 38305							
EARLY DELIVERY										
LOWEST TOTAL COST			X							

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

RFQ #128104
OPENING DATE: March 27, 2012 2:30 P.M.

DESCRIPTION	BIDDER:		BIDDER:		BIDDER:	
	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
Class 4 Truck Chassis with Installed Crane						
THE FURNISHING OF A CLASS 4 TRUCK CHASSIS WITH INSTALLED CRANE PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT	1	1	\$ 89,686.82	\$ 89,686.82	\$	\$
TOTAL PRICE			\$ 89,686.82	\$	\$	\$
TERMS			Net 15			
DELIVERY			45-120 Days ARO			
F.O.B.			Oak Ridge			
VIA			Direct			
<p>OTHER BIDDERS CONTACTED: Secret City Dodge - Oak Ridge, TN Oak Ridge Nissan - Oak Ridge, TN Sexton Automotive - Oak Ridge, TN Fox Chevrolet - Clinton, TN Clinton Ford - Clinton, TN Beatty Chevrolet - Knoxville, TN</p>						
<p>REASON FOR AWARD <input checked="" type="checkbox"/> ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST</p>						
<p>BIDDER: Ford of Murfreesboro 1550 NW Broad Street Murfreesboro, TN 37129</p>			<p>BIDDER: Ted Russell Ford - Knoxville, TN Chevrolet Buick GMC of Murfreesboro, TN McNelly Whaley Motor Co. - Sevierville, TN Town & Country Ford - Madison, TN Sam Swoppe Auto Group, LLC. - Memphis, TN Mall of Georgia Ford - Buford, GA</p>			<p>BIDDER: Lyn Majeski Accounting Division Manager</p>
<p>RECOMMEND AWARD BE MADE TO: Ford of Murfreesboro 1550 NW Broad Street Murfreesboro, TN 37129</p>			<p>BIDS OPENED AND RECORDED BY:-- Lyn Majeski Accounting Division Manager</p>			
<p>REASON FOR AWARD <input checked="" type="checkbox"/> ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST</p>			<p>BIDS REVIEWED BY:-- Janice McGinnis Finance Director</p>			

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF A BACKHOE FROM NORTRAX, KNOXVILLE, TENNESSEE; TWO PICKUP TRUCKS WITH UTILITY BEDS FROM GOLDEN CIRCLE AUTO GROUP, JACKSON, TENNESSEE; AND ONE TRUCK WITH CRANE FROM FORD OF MURFREESBORO, MURFREESBORO, TENNESSEE; ALL FOR USE BY THE PUBLIC WORKS DEPARTMENT IN THE GRAND TOTAL ESTIMATED AMOUNT OF \$217,648.82.

WHEREAS, by Resolution 9-86-11, City Council approved a Management-Operations-Maintenance (MOM) Program, in accordance with the Administrative Order with the United States Environmental Protection Agency (EPA), which requires the City to completely re-evaluate the wastewater collection and transportation system, organizational structure, and manpower needs; and

WHEREAS, as part of this evaluation, a new Pump Station Maintenance Crew has been established and is in need of three (3) vehicles for their use; and

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of a backhoe for the Public Works Department Water Repair Crew to replace existing equipment and for the furnishing of three (3) trucks for the Public Works Department Pump Station Maintenance Crew as additions to the fleet; and

WHEREAS, bids were received and publicly opened on the following dates: October 13, 2011, with Nortrax, Knoxville, Tennessee, submitting the lowest and best bid for the backhoe; on March 27, 2012, with Golden Circle Auto Group, Jackson, Tennessee, submitting the lowest and best bid for two (2) pickup trucks with utility beds; and March 27, 2012, with Ford of Murfreesboro, Murfreesboro, Tennessee, submitting the lowest and best bid for one (1) truck equipped with a crane, with bids 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 awards are hereby made as follows:

To Nortrax, 2825 John Deere Drive, Knoxville, Tennessee 37917, for furnishing one (1) backhoe (request 125612) to be used by the Public Works Department Water Repair Crew; said award in strict accordance with Request No. 125612, the required specifications, and the bid as publicly opened on October 13, 2011, and in the estimated amount of \$82,394.00.

To Golden Circle Auto Group, 1432 Hwy 45 Bypass, Jackson, Tennessee 38305, for furnishing two (2) pickup trucks with utility beds to be used by the Public Works Department Pump Station Maintenance Crew; said award in strict accordance with Request No. 128102, the required specifications, and the bid as publicly opened on March 27, 2012, and in the estimated amount of \$45,568.00.

To Ford of Murfreesboro, 1550 NW Broad Street, Murfreesboro, Tennessee 37129, for furnishing one (1) truck equipped with a crane to be used by the Public Works Department Pump Station Maintenance Crew; said award in strict accordance with Request No. 128104, the required specifications, and the bid as publicly opened on March 27, 2012, and in the estimated amount of \$89,686.82.

Said bids in the grand total estimated amount of \$217,648.82.

This the 9th day of April 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**CITY COUNCIL MEMORANDUM
12-15**

DATE: April 4, 2012
TO: Honorable Mayor and Members of Council
FROM: Mark S. Watson, City Manager
SUBJECT: APPROVAL OF RESOLUTION TO RE-DESIGNATE FUNDING APPROVED BY
RESOLUTION 4-35-06 FOR USE ON A CITYWIDE BASIS

The City of Oak Ridge has begun an effort to improve housing within the city limits of the community. Current conditions of some housing units are in a very dilapidated state requiring demolition or stabilization. The City Finance Department, through its budgeting allocations, has made funding available to be used through various sources including Community Development Block Grant and Economic Development Initiative funding. These sources are primarily limited from low- to moderate-income areas and the Highland View area of the original town site.

In 2005, the City Council approved the creation of the Highland View Redevelopment Advisory Board. To start their project area, an allocation was made of \$250,000 and reserved for redevelopment purposes and the purchases of available properties. The funds were allocated from the Economic Diversification Fund, but the funding was never accessed.

In 2011, the City Manager started an initiative known as "Not in Our City." This campaign is a multi-faceted effort to address housing challenges throughout the City. Initial steps are now being taken and certain properties are being studied for acquisition or clearance. Some of these units are outside the original Highland View area.

By resolution, the City Manager and the Finance Director ask that the unused \$250,000 allocated by Resolution 4-35-06 be redefined to allow usage of the funds within the city limits of the City of Oak Ridge for similar purposes. Staff recommends the adoption of the attached Resolution



Mark S. Watson

Attachment

RESOLUTION

WHEREAS, by Resolution 2-17-05, City Council created the Highland View Redevelopment Advisory Board (Board) pursuant to the authority granted by Tennessee Code Annotated § 13-20-208; and

WHEREAS, the Board was created to assist in coordinating the City's redevelopment project; and

WHEREAS, the Board has requested the City to provide funding in the amount of \$250,000.00 for use in acquiring properties to further the City's redevelopment project; and

WHEREAS, there are no designated properties at this time for purchase, however, the Board desires to have funding available should properties become available in the future.

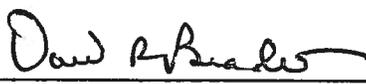
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That \$250,000.00 is hereby designated from the City's Economic Diversification Fund for use by the Highland View Redevelopment Advisory Board (Board) for property acquisition in furtherance of the City's redevelopment project and in accordance with the Bylaws and Rules and Procedures adopted by the Board.

This the 17th day of April 2006.

APPROVED AS TO FORM AND LEGALITY:


City Attorney


Mayor


City Clerk

RESOLUTION

A RESOLUTION TO RE-DESIGNATE THE FUNDS ALLOCATED BY RESOLUTION 4-35-06 TO THE HIGHLAND VIEW REDEVELOPMENT ADVISORY BOARD TO NOW BE USED BY THE CITY FOR PROPERTY ACQUISITION IN FURTHERANCE OF THE CITY'S REDEVELOPMENT PROJECT AND THE *NOT IN OUR CITY* CONCEPTUAL PLAN.

WHEREAS, by Resolution 2-17-05, City Council created the Highland View Redevelopment Advisory Board (Board) pursuant to the authority granted by Tennessee Code Annotated §13-20-208; and

WHEREAS, by Resolution 4-35-06, City Council designated \$250,000.00 from the City's Economic Diversification Fund for use by the Board for property acquisition in furtherance of the City's redevelopment project and in accordance with the Bylaws and Rules and Procedures adopted by the Board; and

WHEREAS, the Board has not accessed any of the Economic Diversification funds designated for their use; and

WHEREAS, by Resolution 11-109-11 and Resolution 11-110-11, City Council adopted the *Not in Our City* (NIOC) conceptual plan setting forth eight initiatives to address drugs and crime, improve housing, and make Oak Ridge a better place to live and invest; and

WHEREAS, as part of the NIOC initiatives, City Staff is studying certain properties for acquisition or clearance, and some of the properties fall outside of the Highland View redevelopment area; and

WHEREAS, the City Manager and Finance Director recommend the unused \$250,000.00 allocation of funds designated by Resolution 4-35-06 for use by the Board now be re-designated for use by the City for similar purposes.

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

That the recommendation of the City Manager and the Finance Director is approved, and the \$250,000.00 from the City's Economic Diversification Fund that was designated by Resolution 4-35-06 for use by the Highland View Redevelopment Advisory Board for property acquisition in furtherance of the City's redevelopment project is hereby re-designated for use by the City.

BE IT FURTHER RESOLVED that the funds are designated for use by the City for property acquisition in furtherance of the City's redevelopment project and the *Not in Our City* conceptual plan.

This the 9th day of April 2012.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**PUBLIC HEARING
AND
FIRST READING
OF
ORDINANCES**

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
12-9

DATE: March 28, 2012

TO: Mark S. Watson, City Manager

FROM: Kathryn Baldwin, Community Development Director *KAB*
Ken Krushenski, City Attorney *KRK*
Susan Fallon, Contracts/Grants *SF*
Matthew Widner, Housing Remediation Specialist *M.W.*
Athanasia Lewis, Community Development Specialist *AL*
Kahla Gentry, Senior Planner *KG*

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT

The City of Oak Ridge receives Community Development Block Grant (CDBG) entitlement funds annually from the U.S. Department of Housing and Urban Development (HUD). The Program Year 2012/ Fiscal Year 2013 allocation from HUD is \$226,341.

A draft copy of the CDBG Annual Action Plan for PY12/FY13 was recently provided to you for transmittal to City Council. The distribution of the draft Annual Action Plan initiated a 30-day public comment period that will conclude on April 30, 2012. A public hearing for the Annual Action Plan including the funding recommendations will be held during the April 9, 2012 City Council meeting.

The City of Oak Ridge CDBG Annual Action Plan for PY2012/FY2013 was developed after holding a public hearing to obtain comments and recommendations from citizens and non-profit agencies. No comments or recommendations were received at the public hearing held in October 2011. In February 2012, Aid to Distressed Families of Appalachian Counties requested \$11,500.00 in funding for a minor home repairs program targeting income-eligible homeowners in the Woodland neighborhood.

The development of the City of Oak Ridge CDBG Annual Action Plan and the recommended funding allocations included the following significant milestones:

October 12, 2011	Public Hearing #1 – Needs Assessment and Potential Projects
April 1, 2012	30-Day Public Comment Period Begins for the City of Oak Ridge PY12/FY13 Annual Action Plan
April 9, 2012	Public Hearing #2 – Proposed Annual Action Plan
April 30, 2012	30-Day Public Comment Period Ends for the City of Oak Ridge PY12/FY13 Annual Action Plan
May 7, 2010	City Council Approval of the PY12/FY13 Annual Action Plan
May 8, 2012	PY12/FY13 Annual Action Plan Submitted to HUD for 45-Day Review Period
June 2012	Subrecipient Agreement Signed and Returned to the City
July 1, 2012	PY12/FY13 Begins

The following projects are being recommended for funding by the PY12/FY 13 CDBG Entitlement Program:

PY2012/FY2013 Entitlement Grant \$226,341.00

City of Oak Ridge Programs:

Scarboro Community Center Debt	\$ 95,000.00
Acquisition and Removal of Dilapidated Housing	\$116,841.00
Grant Administration	<u>\$ 3,000.00</u>
Total	\$214,841.00

Subrecipient Program:

ADFAC Minor Repair Program \$ 11,500.00

TOTAL FUNDS PROPOSED FOR ALLOCATON \$226,341.00

Members of the CDBG staff committee will be in attendance at the April 9, 2012, City Council meeting and will be prepared to respond to questions regarding the proposed City of Oak Ridge CDBG Annual Action Plan for Program Year 2012/Fiscal Year 2013.



Kahla Gentry, Senior Planner

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
12-10

DATE: March 28, 2012

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director *KGB*

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Request to Rezone, Parcels 1.06 (Bldg. K-1400), 1.08 (Bldg. K1501 H&L) and 1.24 (ED-10) Roane County Tax Map 30, from F.I.R. to IND-2/IMDO**

An item for the City Council agenda is a request to rezone Parcels 1.06, 1.08, and 1.24 Map 30, also referred to as ED-10, see attached map, from F.I.R., Federal Industry and Research to IND-2/IMDO, Industrial Manhattan District Overlay. These parcels have an approximate area of 12.83 acres and are owned by Heritage Center, L.L.C. The property is located within the Heritage Center, between 15th Street and East Patrol Road. Rezoning is requested because the property is being converted to private industrial use. At their regular meeting on March 22, 2012, the Planning Commission recommended approval of the rezoning by a vote of 8-0.

The F.I.R., Federal Industry and Research Zoning District is only applicable to the D.O.E. Reservation. When property is transferred from the federal government to enable private development, rezoning to an appropriate district is required. The Industrial Manhattan District Overlay (IMDO) is a new district that was approved by City Council in December 2010. The IMDO District was created to facilitate the transfer and reuse of property from the U.S. Department of Energy (D.O.E.) to the private sector. As the Heritage Center is transferred to private entities, it is expected that subdivision plats and site plans for properties with existing buildings and parking facilities will need to have alternatives available in meeting various performance criteria such as minimum setbacks from property lines, parking requirements, green space and, landscaping requirements. The IMDO does not waive bulk regulations or performance criteria, but rather provides alternative measures to achieve compliance through off- site improvements, cross access easements, and identification of shared parking facilities.

Rezoning the subject property to a base zone of IND-2, Industrial with the Industrial Manhattan District Overlay (IMDO) is the next step in facilitating the reuse of this industrial property. The Staff finds the rezoning to be in compliance with the Land Use Plan, consistent with the existing uses within the area, and appropriate for the proposed use. Approval of the rezoning is recommended.

Kahla Gentry

Kahla Gentry, Senior Planner

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

4-3-12

Date

Staff Review of Rezoning Request

Location & Approximate Area: Roane County Tax Map 30, Parcels 1.06 (Bldg. K-1400), 1.08 (Bldg. K1501 H&L,) and 1.24 (ED-10); located between 15th Street and East Patrol Road within the Heritage Center. Approx. 12.83 acres in area.

Date: March 8, 2012

Owner: Heritage Center LLC
107 Lea Way
Oak Ridge, TN 37830

Request Rezoning

From: F.I.R., Federal Industry and Research
To: IND-2 IMDO, Industrial Manhattan District Overlay

Purpose: Transfer of property for private use of brownfield industrial site.

Site Characteristics: About same elevation as adjacent lands. Site is generally level.

Existing Land Use: Industrial

Adjacent Land Uses & Zoning:

North: F.I.R., Federal Industry and Research, Heritage Center industrial area
East: F.I.R., Federal Industry and Research, Heritage Center industrial area
South: F.I.R., Federal Industry and Research, Heritage Center industrial area
West: F.I.R., Federal Industry and Research, Heritage Center industrial area

Previous Rezoning Requests: None

2. **Conformity with 1988 Comprehensive Plan:** The Land Use Plan designates this area as I, Industrial. The proposed zone is in conformance with the Land Use Plan.

Applicable Policies:

Policy E-3: The City will attempt to strengthen a coordinated, business-like, public-private approach to retain, develop and recruit targeted businesses that broaden the tax base, particularly those which maintain or increase per capita and family income.

POLICY E-4: In a joint public-private partnership approach, the City will work with the community to nurture spin-off industries and stimulate the formation of affinity industries in Oak Ridge.

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.

3. **Applicable Regulations:**

Setbacks: IND-2, Industrial setbacks are as follows: Front – 30 feet; Side – 25 feet; Rear – 25 feet. Overlay allows exceptions for existing buildings

Maximum Usable Floor Area to Lot Area Ratio: 60%

Analysis:

The following criteria were used to evaluate the rezoning request.

- 1) **Is the proposed zoning district consistent with the City's Comprehensive Plan?**
Yes.
- 2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**
The property has become privately owned and made available by D.O.E for economic 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?** Yes, the property is within an industrial area without close proximity to residential uses. There is nearby access to S.R. 58, S.R. 95 and Interstate 40.
- 4) **Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**
ED-10 is the sixth area within the Heritage Center to be rezoned from F.I.R., Federal Industry and Research as the change from ownership by the federal government to private entities progresses. ED-5 was rezoned to IND-2 in September 2009. ED-8 was rezoned to IND-2/IMDO in March 2011, ED-9A and B were rezoned to IND-2/IMDO in November 2011, ED-4B was rezoned to IND-2 in December 2011 and the K-792 Area was also rezoned in December 2011 to IND-2/IMDO. Additional rezonings from F.I.R. will occur as the redevelopment and privatizing of the Heritage Center continues.
- 5) **Are public facilities and services adequate to accommodate the proposed zoning district?**
Road access and utility services are adequate and provided by D.O.E., Heritage Center, LLC and the City of Oak Ridge.
- 6) **Would the requested rezoning have environmental impacts?**
The Heritage Center is already an industrial site. Changing the zoning from F.I.R. to IND-2/IMDO will not change the environmental impacts.

Neighborhood Position: No comments have been received. The surrounding property is held by the U.S. D.O.E.

Landscaping/Buffering requirements: The landscaping and design standards within Article XIII of the Zoning Ordinance will apply at final site review stage with possible alternatives as allowed by the Overlay District.

Notification of Property Owners Within 200': March 8, 2012

Conclusion and Planning Staff Recommendation: Staff recommends approval of the IND-2 Industrial Manhattan District Overlay as requested, finding the proposed zoning consistent with existing uses and the character of development within the area and in compliance with the Comprehensive Plan.

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 1.06, 1.08, AND 1.24, ROANE COUNTY TAX MAP 30, ALSO KNOWN AS ED-10, LOCATED AT HERITAGE CENTER, FROM F.I.R., FEDERAL INDUSTRY AND RESEARCH TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IND-2/IMDO).

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:

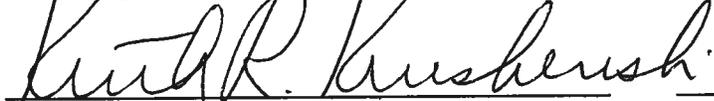
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcels 1.06, 1.08, And 1.24, Roane County Map 30 (± 12.83 Acres)	Between 15 th Street and East Patrol Road	F.I.R., Federal Industry and Research	IND-2, Industrial Manhattan District Overlay (IND-2/IMDO)

Section 2. The changes 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

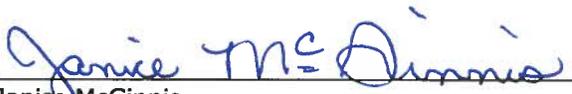
Public Hearing: 04/09/2012
 Publication Date: 03/22/2012
 First Reading: 04/09/2012
 Publication Date: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

**FINANCE DEPARTMENT MEMORANDUM
12-02**

DATE: February 3, 2012
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: Fiscal Year 2012 Budget Appropriation Amendment

Attached is a request from Keys Fillauer, Chairman of the Oak Ridge Board of Education, and Dr. Thomas Bailey, Superintendent, requesting that the fiscal year 2012 budget appropriation for the General Purpose School Fund be amended to \$57,512,313. This is a \$937,091 increase over the General Purpose School Fund appropriation of \$56,575,222 adopted by City Council in budget ordinance amendment number 11-11 on July 25, 2011. The attached correspondence outlines the reasons for the School's request. The amendment does not change the fiscal year 2012 operating transfer from the City to the Oak Ridge Schools and has no impact on the property tax rate.

Staff recommends approval of the attached ordinance amendment.



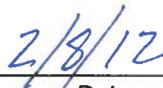
Janice McGinnis

City Manager's Comments:

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



Mark S. Watson



Date



Oak Ridge Schools

OFFICE OF
Superintendent of Schools

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

January 19, 2012

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

Dear Mayor and Members of City Council:

The purpose of this letter is to request an amendment to the Schools FY 2012 Appropriations Ordinance to reflect budget adjustments that have been approved by the Board to date. The following summarizes those amendments.

FUND		APPROVED	AMENDED	CHANGE
141	General Fund	\$49,713,720	\$50,652,800.92	939,080.92
142	Federal Projects Fund	\$3,262,254	\$3,199,066.97	(63,187.03)
143	Central Cafeteria Fund	\$1,919,685	\$1,919,685	-0-
145	Special Revenue Fund	\$101,624	\$97,637.65	(3,986.35)
146	Extended School Program	\$463,521	\$463,521	-0-
147	ARRA	-0-	\$2,350.55	2,350.55
148	First To The Top	\$178,165	\$230,484.14	\$52,319.14
149	Employee Jobs Bill	\$936,253	\$946,766.83	\$10,513.83
GRAND TOTAL - ALL FUNDS		\$56,575,222	\$57,512,313.06	\$937,091.06

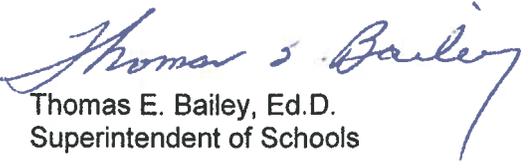
The majority of the change in the General Fund (\$766,843.55 of \$939,080.92) is an accounting entry to reflect the full value of the technology lease this first year. The second largest change in the General Fund is a transfer from fund balance in the amount of \$159,126.96. These funds were budgeted in FY'11 for the Data Center project and were unspent. They are needed in FY'12 to finish the first phase of the project.

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

Thank you for your prompt attention to this matter.

Sincerely,


Keys Fillauer
Chairman, Board of Education


Thomas E. Bailey, Ed.D.
Superintendent of Schools

TEB/KLG/tv

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 8-11, AS AMENDED BY ORDINANCE 11-11, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXES THE RATE OF THE TAX, ADOPTS A BUDGET, AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, BY AMENDING SAID APPROPRIATIONS.

WHEREAS, there exists a need to amend the original appropriations for Fiscal Year 2012 and for the accomplishment of the same, a public hearing has been held before the City Council after ten (10) days' notice thereof published in The Oak Ridger, the official newspaper, as provided by law; and

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

Section 1. Ordinance No. 8-11, which adopts appropriations for Fiscal Year 2012, is hereby amended by revising Section 3 so that the same, as revised, will read as follows:

Section 3. In accordance with Article V, Section 14, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2012:

General Fund, Municipal Operations	\$19,453,250
Debt Service (Bond and Interest Redemption Fund)	8,142,000
State Street Aid Fund	1,784,000
Streets and Public Transportation Fund	260,000
Drug Enforcement Program Fund	350,000
Grant Fund	4,000,000
General Purpose School Fund	57,512,313
Golf Course Fund	1,335,000
Capital Projects Fund	4,500,000
Solid Waste Fund	2,531,170
Economic Diversification Fund	2,131,000
West End Fund	2,893,000
Special Programs Fund	1,243,000
Housing Fund	850,000

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

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Thomas L. Beehan, Mayor

 Diana R. Stanley, City Clerk

Publication Date: 02/20/2012
 Public Hearing: 03/07/2012
 First Reading: 03/07/2012
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

**FINAL ADOPTION
OF
ORDINANCES**

CITY COUNCIL MEMORANDUM
12-09

DATE: March 19, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager 
SUBJECT: CITY CODE PARKING AMENDMENTS FOR CLARIFICATION PURPOSES AND FOR COMPATIBILITY WITH NEWLY ENACTED CITY CODE §15-617

An item for the agenda is an ordinance to amend Title 15, Chapter 6, of the City Code to clarify existing parking provisions and for compatibility with newly enacted City Code §15-617.

Background:

During City Council's deliberations of the Not in Our City (NIOC) parking amendments to the City Code and the Zoning Ordinance, there was a concern that existing City ordinances could be used to address many of the parking issues such as parking on the sidewalk, on the curb or outside the marked lines. While there are existing City ordinances on these issues, clarification is needed in order for the ordinances to become a more useful enforcement tool.

Additionally, with the enactment of City Code §15-617, certain vehicles are no longer permitted to park in on-street parking spaces except on a temporary basis. This is in conflict with existing City Code §15-601 which gives equal rights to on-street parking spaces for motorized and non-motorized vehicles. This section is in need of an amendment to correct this discrepancy.

Proposed Ordinance:

With the proposed elimination of the prohibition on commercial/oversized vehicles in on-street parking and off-street residential parking in the NIOC parking ordinances, the issue of wide vehicles in on-street parking spaces remains. In addition to wide vehicles, there are times when vehicles are parked in on-street parking spaces and the vehicle is not within the confines of the marked parking space, or is on or over the curb, or is on the sidewalk. While this type of parking should obviously be impermissible, current City ordinances are not so clear.

For example, City Code §15-605(1) states vehicles parked on the street must have their right-hand wheels within twelve (12) inches of the right-hand curb or edge of roadway. It does not address whether the vehicle must be parked *street side* of the curb, which could imply that parking is permitted on or over the curb, or possibly even the sidewalk, as long as the right-hand wheels are within twelve (12) inches of either side of the right-hand curb. Sidewalk parking is not permissible by City Code §15-603(1), however, the lack of proper delineation in City Code §15-605(1) leaves it ambiguous and open for argument.

Further, City Code §15-605(1) does not address proper parking on one-way streets which could occur on the left-hand side of the roadway instead of the right-hand side. Every vehicle parked on the left-hand side of a one-way street is arguably in violation of City Code §15-605(1) and that requires correction.

The following changes are set forth in the attached ordinance for Council's consideration:

City Code §15-601

This section is proposed to be amended to delete the reference to non-motorized vehicles, which are now prohibited in on-street parking spaces by City Code §15-617. City Code §15-617 allows recreational vehicles, which are motorized vehicles, to be temporarily parked, so reference is made to that provision. See below for a bold/strike-through version of the proposed amendment.

City Code §15-601, Equal Rights to Parking Spaces for Motorized Vehicles

Unless specifically designated by a city-authorized sign, all persons parking motorized or ~~nonmotorized~~ vehicles (**except recreational vehicles**) have equal rights and privileges to any parking space on all public streets. **The parking of recreational vehicles in any parking space on public streets is governed by City Code §15-617.**

City Code §15-603, Prohibited in Specified Places

It is recommended to take the existing language in this section and designate it as Subsection (a).

It is also recommended to amend the language in Subsection (1) [soon to be Subsection (a)(1)] to include the phrase "pedestrian walking area" as a place of prohibited parking along with a sidewalk. This is intended to encompass such areas of the pedestrian greenways.

It is further recommended to add two new subsections [to be Subsections (a)(21) and (a)(22) to clarify that parking is not permitted on or over the curb, and to clarify that vehicles parked within marked on-street parking must be contained entirely within the marked space (white lines and curbing).

The last recommendation for this section is to create a new Subsection (b) to clarify that the entire portion of a vehicle, including any items placed on said vehicle, must be outside of the prohibited parking areas for the parking to be lawful. Examples:

- If a vehicle is parked with the tailgate down and the tailgate overhangs the marked parking space, the vehicle is unlawfully parked.
- If a vehicle is hauling lumber that protrudes in front of a fire hydrant, the vehicle is unlawfully parked.
- If a vehicle's side mirrors overhang onto the sidewalk, the vehicle is unlawfully parked.

City Code §15-605, Method of Parking

It is recommended to amend Subsection (1) to require vehicles parked on two-way streets to be parked with the right-hand wheels parallel and within twelve (12) inches *street side* of the curb

It is also recommended to amend Subsection (1) to address vehicles parked on one-way streets.

Recommendation:

City Staff recommends adoption of the attached ordinance as proposed.



Mark S. Watson

Attachment

On-Street Parking

Examples of Proper and Improper Parking

Highlights of the Ordinance Scheduled for Final Adoption on April 9, 2012

- Vehicles cannot park on or over the curb.
- Vehicles cannot be outside of the marked parking space (white lines and curbing).
- Clarifies that the parking provisions apply to the entire vehicle (not just the tires).
- For two-way streets, clarifies that vehicles must be parked in the direction of the flow of traffic with the right hand wheels of the vehicle must parallel and within 12 inches streetside of the right hand curb or edge of roadway.
- For one-way streets, clarifies that vehicles must be parked in the direction of the flow of traffic with the right hand wheels of the vehicle must parallel and within 12 inches streetside of the right hand curb or edge of roadway, or the left hand wheels of the vehicle must parallel and within 12 inches streetside of the left hand curb or edge of roadway, whichever is applicable.



Properly Parked in On-Street Marked Parking Space

The entire portion of the vehicle is parked within the marked lines. It is off of the curb and completely within the white marked parking space. It is also parked in the direction of the flow of traffic.



Improperly Parked in On-Street Marked Parking Space

While the vehicle is not on or over the curb and is parked in the direction of the flow of traffic, it is outside the marked parking space (over the white lines) on the curb which makes it improperly parked.



Improperly Parked in On-Street Marked Parking Space

While the vehicle is not outside the marked lines and is parked in the direction of the flow of traffic, it is on the curb which makes it improperly parked.



Improperly Parked in On-Street Marked Parking Space

While the vehicle is not outside the marked lines and is parked in the direction of the flow of traffic, it is over the curb and parked on the sidewalk, both of which make it improperly parked.



Improperly Parked in On-Street Marked Parking Space

While the vehicle is within the marked parking space (white lines and curbing), it is parked against the flow of traffic, which makes it improperly parked.



Improperly Parked in On-Street Marked Parking Space

While the vehicle itself is within the marked parking space (white lines and curbing) and is parked in the direction of the flow of traffic, the ladder overhangs the marked parking space (white lines) which makes it improperly parked.



Properly Parked in On-Street Unmarked Parking Space

The right-hand wheels of the vehicle are parallel and within 12 inches street side of the right hand curb or edge of roadway, parked in the direction of the flow of traffic, and allows at least 18 feet of unobstructed width of the street opposite the vehicle for the free passage of other vehicles.



Improperly Parked in On-Street Unmarked Parking Space

While the right hand wheels of the vehicles are parallel and within 12 inches street side of the right hand curb or edge of roadway, and are parked in the direction of the flow of traffic, the vehicles do not allow at least 18 feet of unobstructed width of the street opposite the vehicle for the free passage of other vehicles which makes the vehicles improperly parked.

TITLE

AN ORDINANCE TO AMEND TITLE 15, TITLED "MOTOR VEHICLES, TRAFFIC AND PARKING," CHAPTER 6, TITLED "STOPPING, STANDING AND PARKING," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY DELETING SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 15-601, TITLED "EQUAL RIGHTS TO PARKING SPACES FOR MOTORIZED VEHICLES, EXCEPTIONS"; BY AMENDING SECTION 15-603, TITLED "PROHIBITED IN SPECIFIED PLACES," BY RE-DESIGNATING THE SECTION AS SUBSECTION (A), ADDING LANGUAGE TO SUBSECTION (A)(1) PERTAINING TO SIDEWALKS, CREATING TWO NEW SUBPARTS (A)(21) AND (A)(22) PERTAINING TO PARKING ON CURBS AND WITHIN MARKED PARKED SPACES, AND CREATING A NEW SUBSECTION (B); AND BY DELETING SECTION 15-604, TITLED "METHOD OF PARKING," SUBSECTION (1), IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION (1), WITH ALL AMENDMENTS FOR THE PURPOSE OF CLARIFYING ON-STREET PARKING REQUIREMENTS AND FOR COMPATIBILITY WITH RECENTLY ENACTED SECTION 15-617.

WHEREAS, the Code of Ordinances, City of Oak Ridge, Tennessee, (City Code) contains provisions for on-street parking, however, it is in need of clarification with respect to parking within the confines of a marked parking space and within a specified distance of the curb; and

WHEREAS, additionally, with newly enacted City Code §15-617 pertaining to parking of certain vehicles on the street, City Code §15-601 pertaining to equal parking rights must be amended to compatibility with the new ordinance; and

WHEREAS, the City desires to amend the City Code to address those concerns.

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

Section 1. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 15-601, titled "Equal Rights to Parking Spaces," in its entirety and substituting therefor a new Section 15-601, titled "Equal Rights to Parking Spaces for Motorized Vehicles, Exceptions," which new section shall read as follows:

Sec. 15-601. Equal rights to parking spaces for motorized vehicles, exceptions.

Unless specifically designated by a city-authorized sign, all persons parking motorized vehicles (except recreational vehicles) have equal rights and privileges to any parking space on all public streets. The parking of recreational vehicles in any parking space on public streets is governed by City Code §15-617.

Section 2. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by designating the existing language in Section 15-603, titled "Prohibited in specified places," as Subsection (a), with items (1) through (20) being designated as subparts to subsection (a).

Section 3. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-603, titled "Prohibited in specified places," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding the phrase "or pedestrian walking area" after the word "sidewalk" in subsection (a)(1).

Section 4. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-603, titled "Prohibited in specified places," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding two new subparts to subsection (a), which new subparts shall read as follows:

Sec. 15-603. Prohibited in specified places.

- (a)
 - (21) On or over the curb of any public street.
 - (22) Outside of any marked parking space lines on any public street. This does not preclude the ability to park in unmarked parking spaces provided such parking is allowed, however, it does require a vehicle parked in marked on-street parking to be contained entirely within the marked space (white lines and curbing).

Section 5. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-603, titled "Prohibited in specified places," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new subsection (b), which new subsection shall read as follows:

Sec. 15-603. Prohibited in specified places.

- (b) The requirements of this section apply to the entire portion of the vehicle, including but not limited to side mirrors and tailgates, and to any items placed on said vehicle that are not completely contained within said vehicle, including but not limited to protruding lumber or other materials. If any portion of the vehicle or any items placed on said vehicle are within any of the prohibited parking areas set forth in subsection (a) above, the vehicle is parked unlawfully. For example, if a vehicle's side mirrors overhang onto the sidewalk or if materials protrude from the vehicle and overhang the marked parking lines, the vehicle is parked unlawfully.

Section 6. Title 15, titled "Motor Vehicles, Traffic and Parking," Chapter 6, titled "Stopping, Standing and Parking," Section 15-605, titled "Method of Parking," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting subsection (1) in its entirety and substituting therefor a new subsection (1), which new subsection shall read as follows:

Sec. 15-605. Method of parking.

- (1) Every vehicle parked or standing unattended upon any two-way street, road, avenue or other public way within the city shall be so parked or stopped in the direction of the flow of traffic with the right hand wheels parallel to and within twelve (12) inches street side of the right hand curb or edge of the roadway. Every vehicle parked or standing unattended upon any one-way street, road, avenue or other public way within the city shall be so parked or stopped in the direction of the flow of traffic with its right hand wheels parallel to and within twelve (12) inches street side of the right hand curb or edge of the roadway, or its left hand wheels parallel to and within twelve (12) inches street side of the left hand curb or edge of the roadway, whichever is applicable. Where parking stalls or spaces are marked or designated as such on the curbs or pavement, vehicles shall be parked or stopped only within such designated stalls or spaces with the vehicle headed in the direction of the flow of traffic or an angle indicated by appropriate markings.

Section 7. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading:	<u>03/26/2012</u>
Publication Date:	<u>04/02/2012</u>
Second Reading:	<u>04/09/2012</u>
Publication Date:	_____
Effective Date:	_____

**CITY COUNCIL MEMORANDUM
12-16**

DATE: April 5, 2012
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: WATER AND WASTEWATER RATE RECOMMENDATIONS

Requested Action:

Consider the following changes and recommendations to City water and wastewater rates. Adoption of proposed rates will become effective on May 1, 2012 and will additionally increase on January 1, 2013. Projected analysis will sustain City water and wastewater rates through December, 2013.

Background:

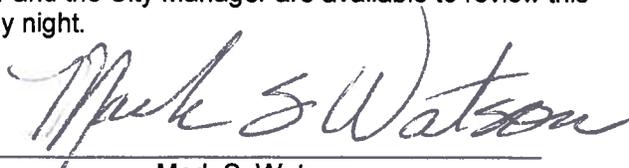
At the February 13, 2012 and March 7, 2012 City Council meetings, the Council considered proposed rates for the City's water and wastewater systems. Based on a rate study conducted by Lamar Dunn & Associates of Knoxville, projections of capital needs and operations, and maintenance costs were identified and recommended rates were considered, but found to have too much of an impact on high-end users. A more balanced request was made by the City Council.

City staff, including the City Manager, Public Works Director and Finance Director, reviewed all proposed expenses and rate projections by the Dunn report. Several strategies were reviewed:

- Return to a declining rate structure
- Re-examine base rate charges
- Re-examine base meter charges
- Ensure competitiveness with surrounding systems
- Maintain cash flow for a significant period (12-24 months)
- Re-visit DOE contract base amounts
- Balance increases to ensure customer groups are treated equally

The proposed rates are designed to carry the City of Oak Ridge through December 2013. An initial increase will occur on May 1, 2012, and a second increase in January 2013. The major increases occur in the sewer area, while anticipated repairs and enhancements to the water area are deferred to lower the impact on water rates.

Attached are several worksheets for your review and two proposed ordinances with recommended changes. Included for your information is (1) a proposed water/ wastewater rate increase chart and impacts on sample customers, (2) the proposed water and wastewater rate structure, and (3) calculation worksheets and assumptions. The Finance Director and the City Manager are available to review this with you prior to the City Council meeting on Monday night.



Mark S. Watson

Attachments

City of Oak Ridge
Water and Wastewater Proposed Rate Structure

Water	Water				Wastewater			
	Current Rate	May 1 Rate	January 1 Rate	January 1 Increase over Current Rates	Current Rate	May 1 Rate	January 1 Rate	January 1 Increase over Current Rates
Minimum Bill 5/8" Meter*	\$ 11.50	\$ 13.50	\$ 13.50	2.00	\$ 13.50	\$ 18.50	\$ 18.50	5.00
Next 8,000 Gallons	\$ 4.55	\$ 5.25	\$ 5.60	1.05	\$ 5.15	\$ 6.45	\$ 7.75	2.60
Next 40,000 Gallons	\$ 4.05	\$ 4.55	\$ 5.10	1.05	\$ 6.45	\$ 7.75	\$ 7.75	1.30
Over 50,000 Gallons	\$ 3.20	\$ 3.75	\$ 4.15	0.95				
Minimum Bill > 5/8" Meter*								
3/4" Meter	\$ 11.50	\$ 17.00	\$ 17.00	5.50	\$ 13.50	\$ 18.50	\$ 22.00	8.50
1" Meter	\$ 30.00	\$ 30.00	\$ 30.00	-	\$ 13.50	\$ 18.50	\$ 35.00	21.50
1.5" Meter	\$ 55.00	\$ 55.00	\$ 65.00	10.00	\$ 13.50	\$ 18.50	\$ 70.00	56.50
2" Meter	\$ 100.00	\$ 100.00	\$ 125.00	25.00	\$ 13.50	\$ 18.50	\$ 130.00	116.50
3" Meter	\$ 170.00	\$ 170.00	\$ 220.00	50.00	\$ 13.50	\$ 18.50	\$ 225.00	211.50
4" Meter	\$ 240.00	\$ 240.00	\$ 290.00	50.00	\$ 13.50	\$ 18.50	\$ 295.00	281.50

*Minimum Bill is for the first 2,000 gallons of consumption

City of Oak Ridge
Water and Wastewater Proposed Rate Increase
Impact on Sample Customers

Monthly Billing	Water				Wastewater				Combined Monthly Increase	Combined % Increase		
	Current Rate	May 1 Rate	January 1 Rate	January 1 Increase over Current Rates	% Increase	Current Rate	May 1 Rate	January 1 Rate			January 1 Increase over Current Rates	% Increase
Minimum Bill	\$ 11.50	\$ 13.50	\$ 13.50	2.00	17.4%	\$ 13.50	\$ 18.50	\$ 18.50	5.00	37.0%	\$ 7.00	28.0%
3,000 gallons	\$ 16.05	\$ 18.75	\$ 19.10	3.05	19.0%	\$ 18.65	\$ 24.95	\$ 26.25	7.60	40.8%	\$ 10.65	30.7%
4,000 gallons	\$ 20.60	\$ 24.00	\$ 24.70	4.10	19.9%	\$ 23.80	\$ 31.40	\$ 34.00	10.20	42.9%	\$ 14.30	32.2%
5,000 gallons	\$ 25.15	\$ 29.25	\$ 30.30	5.15	20.5%	\$ 28.95	\$ 37.85	\$ 41.75	12.80	44.2%	\$ 17.95	33.2%
6,000 gallons	\$ 29.70	\$ 34.50	\$ 35.90	6.20	20.9%	\$ 34.10	\$ 44.30	\$ 49.50	15.40	45.2%	\$ 21.60	33.9%
7,000 gallons	\$ 34.25	\$ 39.75	\$ 41.50	7.25	21.2%	\$ 39.25	\$ 50.75	\$ 57.25	18.00	45.9%	\$ 25.25	34.4%
8,000 gallons	\$ 38.80	\$ 45.00	\$ 47.10	8.30	21.4%	\$ 44.40	\$ 57.20	\$ 65.00	20.60	46.4%	\$ 28.90	34.7%
9,000 gallons	\$ 43.35	\$ 50.25	\$ 52.70	9.35	21.6%	\$ 49.55	\$ 63.65	\$ 72.75	23.20	46.8%	\$ 32.55	35.0%
10,000 gallons	\$ 47.90	\$ 55.50	\$ 58.30	10.40	21.7%	\$ 54.70	\$ 70.10	\$ 80.50	25.80	47.2%	\$ 36.20	35.3%
Car Wash	\$ 209.90	\$ 254.00	\$ 278.80	68.90	32.8%	\$ 312.70	\$ 380.10	\$ 407.00	94.30	30.2%	\$ 163.20	31.2%
Restaurant	\$ 529.90	\$ 654.00	\$ 728.80	198.90	37.5%	\$ 957.70	\$ 1,155.10	\$ 1,217.00	259.30	27.1%	\$ 458.20	30.8%
Large Building	\$ 1,649.90	\$ 2,081.50	\$ 2,336.30	686.40	41.6%	\$ 3,215.20	\$ 3,867.60	\$ 4,084.50	869.30	27.0%	\$ 1,555.70	32.0%

Water and Wastewater Rate Calculation Worksheet and Assumptions

May 1, 2012 Proposed Rates

Water Rates				Wastewater Rates			
Description	Proposed Rate	Annual Billing Occurrences	Projected Revenue	Description	Proposed Rate	Annual Billing Occurrences	Projected Revenue
Min Bill (<3/4")	\$ 13.50	145,765	\$ 1,967,828	Min Bill (<3/4")	\$ 18.50	146,502	\$ 2,710,287
Min Bill (>3/4")			\$ 503,677	Min Bill (>3/4")			\$ -
3,000-8,000 Gallons	\$ 5.25	354,604	\$ 1,861,671	3,000-8,000 Gallons	\$ 6.45	310,366	\$ 2,001,861
Next 40,000 Gallons	\$ 4.55	180,415	\$ 820,888	Over 10,000 Gallons	\$ 7.75	275,230	\$ 2,133,033
Over 50,000 Gallons	\$ 3.75	200,226	\$ 750,848	Billing Variant			\$ (250,000)
Billing Variant			\$ (250,000)	DOE-Flat	\$ 135,000	12	\$ 1,620,000
DOE - Treated	\$ 1.29	1,945,757	\$ 2,510,027	DOE-Variable	\$ 7.75	58,846	\$ 456,057
DOE - Raw	\$ 0.32	700,000	\$ 225,750	Projected Revenue			\$ 8,671,237
Projected Revenue			\$ 8,390,688				

Meter Size	Proposed Rate	Annual Billing Occurrences	Projected Revenue
3/4 "	\$ 17.00	496	\$ 8,432
1"	\$ 30.00	3,984	\$ 119,520
1 1/2"	\$ 55.00	2,401	\$ 132,055
2"	\$ 100.00	1,320	\$ 132,000
3"	\$ 170.00	335	\$ 56,950
4"	\$ 240.00	216	\$ 51,840
10"	\$ 240.00	12	\$ 2,880
Total		8,764	\$ 503,677

Water and Wastewater Rate Calculation Worksheet and Assumptions
January 1, 2013 Proposed Rates

Water Rates			
Description	Proposed Rate	Annual Billing Occurrences	Projected Revenue
Min Bill (<3/4")	\$ 13.50	145,765	\$ 1,967,828
Min Bill (>3/4")			\$ 588,837
3,000-8,000 Gallons	\$ 5.60	354,604	\$ 1,985,782
Next 40,000 Gallons	\$ 5.10	180,415	\$ 920,117
Over 50,000 Gallons	\$ 4.15	200,226	\$ 830,938
Billing Variant			\$ (250,000)
DOE - Treated	\$ 1.29	1,945,757	\$ 2,510,027
DOE - Raw	\$ 0.32	700,000	\$ 225,750
Projected Revenue			\$ 8,779,278

Wastewater Rates			
Description	Proposed Rate	Annual Billing Occurrences	Projected Revenue
Min Bill (<3/4")	\$ 18.50	139,642	\$ 2,583,377
Min Bill (>3/4")			\$ 522,621
3,000-8,000 Gallons	\$ 7.75	310,366	\$ 2,405,337
Over 10,000 Gallons	\$ 7.75	275,230	\$ 2,133,033
Billing Variant			\$ (270,000)
DOE-Flat	\$ 135,000	12	\$ 1,620,000
DOE-Variable	\$ 7.75	58,846	\$ 456,057
Projected Revenue			\$ 9,450,424

Meter Size	Proposed Rate	Annual Billing Occurrences	Projected Revenue
3/4 "	\$ 17.00	496	\$ 8,432
1"	\$ 30.00	3,984	\$ 119,520
1 1/2"	\$ 65.00	2,401	\$ 156,065
2"	\$ 125.00	1,320	\$ 165,000
3"	\$ 220.00	335	\$ 73,700
4"	\$ 290.00	216	\$ 62,640
10"	\$ 290.00	12	\$ 3,480
Total		8,764	\$ 588,837

Meter Size	Proposed Rate	Annual Billing Occurrences	Projected Revenue
3/4 "	\$ 22.00	248	\$ 5,456
1"	\$ 35.00	2,897	\$ 101,395
1 1/2"	\$ 70.00	2,105	\$ 147,350
2"	\$ 130.00	1,138	\$ 147,940
3"	\$ 225.00	268	\$ 60,300
4"	\$ 295.00	192	\$ 56,640
10"	\$ 295.00	12	\$ 3,540
Total		6,860	\$ 522,621

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 19-82, AS AMENDED, BY DELETING THE PROVISION OF SECTION 2 PERTAINING TO THE SCHEDULE OF WATER RATES FOR COMMODITY CHARGES AND MINIMUM MONTHLY BILLING IN THEIR ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SCHEDULE OF WATER RATES.

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

Section 1. Ordinance No. 19-82, as amended, is hereby amended by deleting the provisions of Section 2 pertaining to the schedule of water rates for commodity charges and minimum monthly billing in their entirety, as of midnight April 30, 2012, and substituting therefor a new Section 2, so that said section, as amended shall read as follows:

SCHEDULE OF TREATED WATER RATES FOR METERED BILLING
OAK RIDGE, TENNESSEE – EFFECTIVE MAY 1, 2012

Section 2. The following schedule of rates for metered billing of water furnished to consumers by the water system of the City of Oak Ridge is hereby established and adopted, effective with May 1, 2012, water billings.

1. Commodity Charge

First 2,000 gallons or any part thereof, minimum billing as outlined in subsection 2 below.			
Next	8,000 gallons	@	\$5.25 per thousand
Next	40,000 gallons	@	\$4.55 per thousand
Over	50,000 gallons	@	\$3.75 per thousand

2. Minimum Monthly Billing includes first 2,000 gallons or any part thereof

For customers using 5/8"	\$ 13.50 per month
For customers using 3/4" meter	17.00 per month
For customers using 1" meter	30.00 per month
For customers using 1-1/2" meter	55.00 per month
For customers using 2" meter	100.00 per month
For customers using 3" meter	170.00 per month
For customers using 4" meter	240.00 per month

For customers using meters in excess of 4", the rate will be at the same as that for a 4" meter or at a minimum monthly amount as determined by the City at the time the service is established.

The above rates are net, the gross rates being five percent higher.

SCHEDULE OF TREATED WATER RATES FOR METERED BILLING
OAK RIDGE, TENNESSEE – EFFECTIVE JANUARY 1, 2013

Section 2. The following schedule of rates for metered billing of water furnished to consumers by the water system of the City of Oak Ridge is hereby established and adopted, effective with January 1, 2013, water billings.

1. Commodity Charge

First 2,000 gallons or any part thereof, minimum billing as outlined in subsection 2 below.

Next	8,000 gallons	@	\$5.60 per thousand
Next	40,000 gallons	@	\$5.10 per thousand
Over	50,000 gallons	@	\$4.15 per thousand

2. Minimum Monthly Billing includes first 2,000 gallons or any part thereof

For customers using 5/8"	\$ 13.50 per month
For customers using 3/4" meter	17.00 per month
For customers using 1" meter	30.00 per month
For customers using 1-1/2" meter	65.00 per month
For customers using 2" meter	125.00 per month
For customers using 3" meter	220.00 per month
For customers using 4" meter	290.00 per month

For customers using meters in excess of 4", the rate will be at the same as that for a 4" meter or at a minimum monthly amount as determined by the City at the time the service is established.

The above rates are net, the gross rates being five percent higher.

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

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY DELETING SECTION 13, SEWER RATE SCHEDULE, IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SECTION PERTAINING TO SEWER RATES.

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

Section 1. Ordinance No. 21-82, as amended, is hereby amended by deleting the provisions of Section 13 pertaining to the schedule of wastewater rates in its entirety, as of midnight April 30, 2012, and substituting therefor a new Section 13, so that said section, as amended, shall read as follows:

Section 13 - Wastewater Rate Schedule – Effective May 1, 2012

All references to usage (gallons) or to meter readings shall mean water meter readings.

The following wastewater rate schedule shall apply to each user of the wastewater facilities, effective with the May 1, 2012, wastewater billings.

1. Sanitary sewer disposal charge for all customers except those applicable to subsection 2 below.

First 2,000 gallons per month or any part thereof	\$18.50 flat rate
Next 8,000 gallons per month	\$6.45 per thousand gallons
Over 10,000 gallons per month	\$7.75 per thousand gallons

2. Customers whose single-meter usage averages over 10,000,000 gallons per month for a contiguous 12 month period, will be charged a flat monthly rate of \$135,000.00 for the first 10,000,000 gallons or any part thereof and \$7.75 per thousand gallons thereafter each month for the succeeding 12 month period.

Minimum Charge per Month

The total wastewater charge shall be no less than \$18.50 per month.

Maximum Charge per Month

The following terms are defined:

- Winter Period – November 2 through May 1.
- Summer Period – May 2 through November 1.

Single-family residential meter readings shall be subject to a maximum monthly billable wastewater consumption of 20,000 gallons during the Summer Period. Single-family residential customers that have maintained water service at the metered location continuously during the preceding Winter Period will have a maximum billable monthly wastewater consumption during the Summer Period using the highest monthly meter reading taken during the immediately preceding Winter Period, not to exceed 20,000 gallons per month.

The above rates are net, the gross rate being five percent higher.

Section 13 - Wastewater Rate Schedule – Effective January 1, 2013

All references to usage (gallons) or to meter readings shall mean water meter readings.

The following wastewater rate schedule shall apply to each user of the wastewater facilities, effective with the January 1, 2013, wastewater billings.

1. Sanitary sewer disposal charge for all customers except those applicable to subsection 3 below.

First 2,000 gallons or any part thereof, minimum billing as outlined in subsection 2 below.

Over 2,000 gallons at \$7.75 per thousand gallons

2. Minimum Monthly Billing includes first 2,000 gallons or any part thereof for all customers except those applicable to subsection 3 below.

For customers using 5/8"	\$ 18.50 per month
For customers using 3/4" meter	22.00 per month
For customers using 1" meter	35.00 per month
For customers using 1-1/2" meter	70.00 per month
For customers using 2" meter	130.00 per month
For customers using 3" meter	225.00 per month
For customers using 4" meter	295.00 per month

For customers using meters in excess of 4", the rate will be at the same as that for a 4" meter or at a minimum monthly amount as determined by the City at the time the service is established.

3. Customers whose single-meter usage averages over 10,000,000 gallons per month for a contiguous 12 month period, will be charged a flat monthly rate of \$135,000.00 for the first 10,000,000 gallons or any part thereof and \$7.75 per thousand gallons thereafter each month for the succeeding 12 month period.

Minimum Charge per Month

The total wastewater charge shall be no less than \$18.50 per month.

Maximum Charge per Month

The following terms are defined:

Winter Period – November 2 through May 1.

Summer Period – May 2 through November 1.

Single-family residential meter readings shall be subject to a maximum monthly billable wastewater consumption of 20,000 gallons during the Summer Period. Single-family residential customers that have maintained water service at the metered location continuously during the preceding Winter Period will have a maximum billable monthly wastewater consumption during the Summer Period using the highest monthly meter reading taken during the immediately preceding Winter Period, not to exceed 20,000 gallons per month.

The above rates are net, the gross rate being five percent higher.

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

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

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

FINANCE DEPARTMENT MEMORANDUM
12-04

DATE: February 3, 2012

TO: Mark S. Watson, City Manager

FROM: Janice E. McGinnis, Finance Director

SUBJECT: Ordinance Amendment for Water and Wastewater Rates

Adoption of the attached ordinance amendments will establish rate adjustments for the City's water and wastewater systems effective April 1, 2012. The public hearing and first reading of the ordinances is scheduled for the February 13, 2012 City Council meeting with second reading of the ordinances scheduled for the March City Council meeting.

The Water and Wastewater Rate Study was prepared by Lamar Dunn and Associates. Mr. Dunn presented an overview of the rate study to City Council at the January 9, 2012 City Council meeting and conducted a more in-depth review of the rate study with City Council at the January 23, 2012 work session.

Capital and system maintenance funding is a major driver for the water and wastewater rate adjustments. The Administrative Order by the US Environmental Protection Agency (EPA) mandates the City perform major improvements to the wastewater system. It is anticipated that over \$18,000,000 in debt will be issued over the next 4 years to make the mandatory capital improvements. There will also be significant increases in maintenance costs related to this mandate. The water system has similar problems with major improvements that will require additional borrowing in the estimated amount of \$16,000,000 over the next 4 years, including capital improvements to the City's water plant and raw water intake systems.

Other drivers for both the water and wastewater rate adjustments include the attainment and maintenance of adequate cash reserve levels in the Waterworks Fund and lack of system growth. Both water and wastewater usage by the US Department of Energy (DOE) continues to decline. DOE's water consumption has declined over 750,000,000 gallons annually from their consumption levels when the City took over operations of the water plant in 2000. Negotiations for the DOE water contract will begin in the near future as the contract ends on June 30, 2012.

As a part of the rate adjustment, it is recommended that the City's current rate structure philosophy be changed. The current water rate structure used by the City is known as a declining schedule, which means as a customer's usage increases, the rate per gallon decreases. EPA has encouraged uniform rates, which means that the rate per gallon stays the same no matter how many gallons are used. Uniform rates will also encourage conservation when compared to declining rates.

The other structural change in comparison to the City's current water and wastewater rates is for minimum bills. The rate structure recommended by the study includes a 2,000 gallon minimum bill for both water and wastewater services for which the monthly charge increases based on meter size. The current rate structure does not contain a minimum bill structure based on meter size for wastewater services. The current minimum bill for wastewater service applies to all meter sizes. While the current water rate structure did contain a minimum bill by meter size, it did not limit the minimum to only 2,000 gallons of consumption. This meant that the larger customers did not pay for their usage until their usage charges exceeded the minimum bill amount.

Although these changes in the rate structure will mean higher increases for the larger volume customers, it will be an additional incentive for conservation.

Excluding DOE and a small amount of fire contribution, the projected amount of cash that must be funded by residential and commercial customers is \$7,767,165. Based on these projections, a base rate of \$12.00 for the first 2,000 gallons provided through a 5/8" meter, with an escalator of the base rate depending on meter size, and a fixed rate of \$7.35/1,000 gallons for all flow over 2,000 gallons will produce approximately \$7,797,798.

The wastewater system needs to produce enough cash to fund a projected amount of \$10,178,118 in cash outlays annually. In order to produce that amount of cash, the proposed rates are a minimum bill of \$18.50 per month for the first 2,000 gallons provided through a 5/8" meter, with an escalator of the base rate depending on meter size. There is a flat rate of \$7.75 for each 1,000 gallons per month above the 2,000 gallon minimum. This proposed rate structure, including projected DOE usage, will produce \$10,183,510.

Section XI of the rate study includes a comparison of the proposed rates with neighboring utilities for the City's minimum users. Even with the proposed rate adjustments the City will be competitive with surrounding utilities. Table XII-1 on page XII-3 shows that the City's water rate is still competitive in both the 2,000 and 5,000 gallon/month category. Table XII-2 on page XII-4 also shows that the City's wastewater rate is competitive with surrounding utilities.

Water:

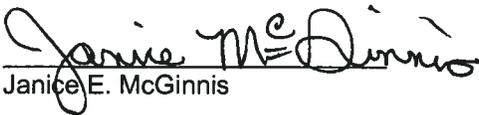
	Current Rates	Proposed Rates	Percent Change
2,000 Gallons	\$11.50	\$12.00	4.34%
5,000 Gallons	\$25.15	\$34.05	35.38%

Wastewater:

	Current Rates	Proposed Rates	Percent Change
2,000 Gallons	\$13.50	\$18.50	37.03%
5,000 Gallons	\$28.95	\$41.75	44.21%

Finally, it is anticipated that the City will be issuing debt before the end of fiscal 2012 to begin funding the capital outlays that are included in the rate study.

Staff recommends approval of the two attached ordinance amendments.

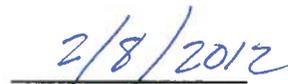

Janice E. McGinnis

Attachments

City Manager's Comments:

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


Mark S. Watson


Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 19-82, AS AMENDED, BY DELETING THE PROVISION OF SECTION 2 PERTAINING TO THE SCHEDULE OF WATER RATES FOR COMMODITY CHARGES AND MINIMUM MONTHLY BILLING IN THEIR ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SCHEDULE OF WATER RATES.

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

Section 1. Ordinance No. 19-82, as amended, is hereby amended by deleting the provisions of Section 2 pertaining to the schedule of water rates for commodity charges and minimum monthly billing in their entirety, as of midnight March 31, 2012, and substituting therefor a new Section 2, so that said section, as amended shall read as follows:

SCHEDULE OF TREATED WATER RATES FOR METERED BILLING
OAK RIDGE, TENNESSEE

Section 2. The following schedule of rates for metered billing of water furnished to consumers by the water system of the City of Oak Ridge is hereby established and adopted, effective with April 1, 2012, water billings.

1. Commodity Charge

First 2,000 gallons or any part thereof, minimum billing as outlined in subsection 2 below.

Over 2,000 gallons @ 7.35 per thousand gallons

2. Minimum Monthly Billing includes first 2,000 gallons or any part thereof

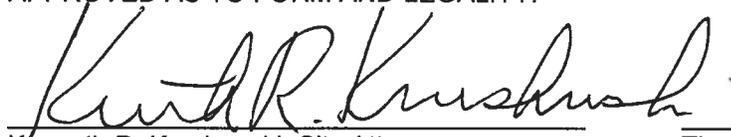
For customers using 5/8"	\$ 12.00 per month
For customers using 3/4" meter	16.80 per month
For customers using 1" meter	30.00 per month
For customers using 1-1/2" meter	69.00 per month
For customers using 2" meter	123.00 per month
For customers using 3" meter	276.00 per month
For customers using 4" meter	480.00 per month

For customers using meters in excess of 4", the rate will be at the same as that for a 4" meter or at a minimum monthly amount as determined by the City at the time the service is established.

The above rates are net, the gross rates being five percent higher.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: 02/13/2012
Publication Date: 02/20/2012
Second Reading: 03/07/2012
Publication Date: _____
Effective Date: _____

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 21-82, AS AMENDED, BY DELETING SECTION 13, SEWER RATE SCHEDULE, IN ITS ENTIRETY, AND SUBSTITUTING THEREFOR A NEW SECTION PERTAINING TO SEWER RATES.

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

Section 1. Ordinance No. 21-82, as amended, is hereby amended by deleting the provisions of Section 13 pertaining to the schedule of wastewater rates in its entirety, as of midnight March 31, 2012, and substituting therefor a new Section 13, so that said section, as amended, shall read as follows:

Section 13 - Wastewater Rate Schedule

All references to usage (gallons) or to meter readings shall mean water meter readings.

The following wastewater rate schedule shall apply to each user of the wastewater facilities, effective with the April 1, 2012, wastewater billings.

1. Sanitary sewer disposal charge for all customers except those applicable to subsection 3 below.

First 2,000 gallons or any part thereof, minimum billing as outlined in subsection 2 below.

Over 2,000 gallons at \$7.75 per thousand gallons

2. Minimum Monthly Billing includes first 2,000 gallons or any part thereof for all customers except those applicable to subsection 3 below.

For customers using 5/8"	\$ 18.50 per month
For customers using 3/4" meter	27.75 per month
For customers using 1" meter	46.25 per month
For customers using 1-1/2" meter	106.50 per month
For customers using 2" meter	190.00 per month
For customers using 3" meter	425.00 per month
For customers using 4" meter	740.00 per month

For customers using meters in excess of 4", the rate will be at the same as that for a 4" meter or at a minimum monthly amount as determined by the City at the time the service is established.

3. Customers whose single-meter usage averages over 10,000,000 gallons per month for a contiguous 12 month period, will be charged a flat monthly rate of \$120,000.00 for the first 10,000,000 gallons or any part thereof and \$7.75 per thousand gallons thereafter each month for the succeeding 12 month period.

Minimum Charge per Month

The total wastewater charge shall be no less than \$18.50 per month.

Maximum Charge per Month

The following terms are defined:

Winter Period – November 2 through May 1.

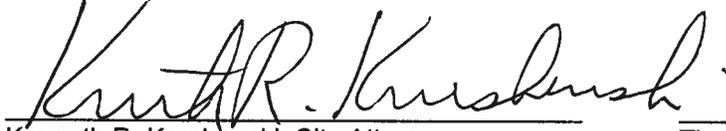
Summer Period – May 2 through November 1.

Single-family residential meter readings shall be subject to a maximum monthly billable wastewater consumption of 20,000 gallons during the Summer Period. Single-family residential customers that have maintained water service at the metered location continuously during the preceding Winter Period will have a maximum billable monthly wastewater consumption during the Summer Period using the highest monthly meter reading taken during the immediately preceding Winter Period, not to exceed 20,000 gallons per month.

The above rates are net, the gross rate being five percent higher.

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

First Reading: 02/13/2012
Publication Date: 02/20/2012
Second Reading: 03/07/2012
Publication Date: _____
Effective Date: _____

ELECTIONS
&
APPOINTMENTS
ANNOUNCEMENTS
SCHEDULING

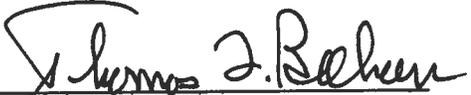
**MAYOR'S MEMORANDUM
12-01**

DATE: March 26, 2012
TO: Fellow Members of City Council
FROM: Mayor Thomas L. Beehan
SUBJECT: APPOINTMENT OF COUNCILMEMBER TO SERVE ON YAB SCREENING
PANEL

Currently, staff is in the process of planning for the YAB application process to elect new members for the 2012-2013 year.

Resolution No. 6-54-08, Section 2 states that the "members of the Youth Advisory Board (YAB) shall be appointed by the Oak Ridge City Council upon recommendation by a YAB Screening Panel which shall be composed of one member of City Council, one member of the faculty of the Oak Ridge Schools, and the City staff member assigned to work with the Board."

Since the summer of 2008, former Councilmember Tom Hayes served as the Council's representation on the YAB Screening Panel. At my request, the City Clerk contacted Councilmember Chuck Hope to determine if he would be willing to serve on the screening panel. Councilmember Hope was agreed to do so and I recommend his appointment.


Thomas L. Beehan