

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

April 13, 2015—7:00 p.m.

AGENDA

I. INVOCATION

Reverend Steve Sherman, First Christian Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

- a. A proclamation paying tribute to Abigail Ridenour for her volunteer project "Blessings Through a Blankie."
- b. A proclamation designating April 17, 2015 as "Celebration for the Young Child."
- c. A proclamation designating April 2015 as "Child Abuse Prevention Month."
- d. A proclamation designating April 13, 2015 as "Oak Ridge High School's Boys Basketball Team Day."
- e. Special recognition for the City of Oak Ridge receiving the Distinguished Budget Presentation Award for FY2015 from the Government Finance Officers Association (GFOA)

VI. SPECIAL REPORTS

(NONE)

VII. CONSENT AGENDA

- a. Approval of the February 9, 2015 City Council meeting minutes.
- b. Approval of the March 9, 2015 City Council meeting minutes.
- c. Approval of the March 27, 2015 City Council special meeting minutes.
- d. Adoption of a resolution authorizing the City of Oak Ridge to apply for and receive an Emergency Solutions Grant (ESG) from the Tennessee Housing Development Agency (THDA) for the period of July 1, 2015 to June 30, 2016.
- e. Adoption of a resolution authorizing a change order to increase funding by \$65,000.00 to contract COR13-12 with Seelbach & Company, Inc. for tree pruning, tree removal, and brush control along power lines.

VIII. RESOLUTIONS

- a. A RESOLUTION AWARDING A CONTRACT (FY2015-257) TO ROGERS GROUP, INC., OAK RIDGE, FOR STREET MILLING AND RESURFACING OF DESIGNATED CITY STREETS IN THE ESTIMATED AMOUNT OF \$350,000.00.

- b. A RESOLUTION AUTHORIZING TRANSMITTAL OF COMMENTS TO THE TENNESSEE VALLEY AUTHORITY ON THE AGENCY'S DRAFT INTEGRATED RESOURCE PLAN.
- c. A RESOLUTION AWARDED A CONTRACT (FY2015-238) TO S & W CONTRACTING CO., INC., MURFREESBORO, TENNESSEE FOR THE INSTALLATION OF TRAFFIC SIGNAL ON THE OAK RIDGE TURNPIKE AT THE OAK RIDGE HIGH SCHOOL IN THE ESTIMATED AMOUNT OF \$177,183.00.
- d. A RESOLUTION TO APPROVE A LEASE EXTENSION AGREEMENT BETWEEN THE CITY OF OAK RIDGE, TENNESSEE, AND ANDERSON COUNTY, TENNESSEE, TO LEASE SPACE AT THE DANIEL ARTHUR REHABILITATION CENTER FOR THE PURPOSE OF OPERATING A SENIOR CENTER.
- e. A RESOLUTION AUTHORIZING APPROVAL OF A NEW ACCESS LOCATED ON RUTGERS AVENUE TO MAIN STREET OAK RIDGE AND APPROVING A TURN LANE AND TRAFFIC SIGNAL FOR SAID ACCESS.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading of an Ordinance

- a. 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 036.00 AND 003.00, ANDERSON COUNTY TAX MAP 099L, GROUP A, FROM B-2 GENERAL BUSINESS DISTRICT PUD TO UB-2, UNIFIED GENERAL BUSINESS PUD AND APPROVING THE PLANNED UNIT DEVELOPMENT MASTER PLAN FOR SAID PARCELS.

First Reading of an Ordinance (No Public Hearing Required)

- b. AN ORDINANCE TO REPEAL ORDINANCE NO. 05-11 WHICH ADOPTED THE RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER, AND TO ADOPT NEW RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER WITHIN THE CITY OF OAK RIDGE, TENNESSEE.

X. FINAL ADOPTION OF ORDINANCES

- a. AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING ARTICLE VII, TITLED "PARKING AND BUSINESS DISTRICTS" SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," AS FOLLOWS: BY DELETING SUBSECTIONS (A)(12), (A)(13), (A)(14) AND (A)(17) WITHOUT REPLACEMENT AND BY ADDING A NEW SUBSECTION (A)(19) TO ADD PUBLIC MUSEUMS AS A PERMITTED PRINCIPAL USE; BY AMENDING THE TITLE OF SUBSECTION (C) TO "SPECIAL EXCEPTIONS" FOR CONSISTENCY WITHIN THE ZONING ORDINANCE; BY AMENDING THE INTRODUCTORY LANGUAGE OF SUBSECTION (C) TO INCLUDE THE WORD "ZONING" IN THE PHRASE "BOARD OF APPEALS;" AND BY AMENDING SUBSECTION (C) TO DELETE PUBLIC MUSEUM; CEMETERY; WHOLESALE, STORAGE AND WAREHOUSE FACILITY, FREEZER AND LOCKER; AND TRANSITIONAL ACCESSORY USES AS SPECIAL EXCEPTIONS AND TO ADD MULTIFAMILY DWELLINGS AS PART OF A PLANNED UNIT DEVELOPMENT AS A SPECIAL EXCEPTION.

- b. AN ORDINANCE TO AMEND ORDINANCE NO. 06-2014, WHICH ORDINANCE IMPOSES A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, BY AMENDING SAID APPROPRIATIONS TO ELIMINATE THE SOLID WASTE FUND AND INCREASE THE GENERAL FUND APPROPRIATION TO INCLUDE SOLID WASTE EXPENDITURES.

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

b. Announcements

Report from Budget and Finance Committee Chair Chuck Hope

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. CITY MANAGER'S REPORT

FY 2016 Budget Presentation

b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM
15-09

DATE: March 31, 2015
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: PROCLAMATIONS FOR APRIL CITY COUNCIL AGENDA

The following proclamations are presented for the April 13, 2015 City Council meeting for City Council's consideration:

Recognition of Abigail Ridenour

This request was submitted by Prudential Financial notifying the City of Oak Ridge that Ms. Abigail Ridenour is to receive the bronze medallion in the 20th Annual Prudential Spirit of Community Awards. Ms. Ridenour will be in attendance to accept the proclamation.

Celebration for the Young Child

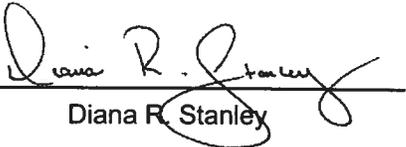
This request was submitted by Ms. Carol Welch, Executive Director of the Children's Museum, to proclaim April 17, 2015 as "Celebration for the Young Child." Ms. Welch will be in attendance to accept the proclamation.

Child Abuse Prevention Month

This request was submitted by Ms. Carmen Willis, Healthy Families Tennessee (Prevent Child Abuse Tennessee), to proclaim April 2015 as "Child Abuse Prevention Month." Ms. Willis will be in attendance to accept the proclamation.

Oak Ridge High School's Boys Basketball Team Day

This proclamation was created at the request of Mayor Gooch in recognition of the hard work of the Boys Basketball Team and their outstanding season.


Diana R. Stanley

Attachments:

Recognition of Abigail Ridenour Proclamation
Celebration for the Young Child Proclamation
Child Abuse Prevention Month Proclamation
Oak Ridge High School's Boys Basketball Team Day Proclamation

PROCLAMATION

WHEREAS, in 1995 Prudential Financial, Inc., a financial services leader, in partnership with the National Association of Secondary School Principals (NASSP), a leading organization for school leaders created The Prudential Spirit of Community Awards; and

WHEREAS, The Prudential Spirit of Community Awards is a nationwide program that honors young people for outstanding acts of volunteerism; and

WHEREAS, more than 30,000 young people from across the country participated in this year's program; and

WHEREAS, a great recognition is bestowed on one of Oak Ridge's brightest young citizens who is one of six distinguished finalists selected from the State of Tennessee to receive an engraved bronze medallion in the 20th Annual Prudential Spirit of Community Awards; and

WHEREAS, Ms. Abigail Ridenour, a senior at Oak Ridge High School, was selected as one of those distinguished finalists; and

WHEREAS, Abigail created "Blessings Through a Blankie," an organization through which she personally made and delivered 125 blankets to children undergoing chemotherapy and to loved ones staying at the Ronald McDonald House; and

WHEREAS, Abigail was inspired to help others after making a blanket for her mother to use to comfort with the constant sense of feeling cold during her cancer treatment; and

WHEREAS, Ms. Abigail Ridenour is a role model to every Oak Ridge citizen.

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

That in recognition of exemplary volunteer community service the residents of the City of Oak Ridge pay tribute to

ABIGAIL RIDENOUR

and accords her an honored place as an outstanding citizen in the history of this city.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of April in the year 2015.

WARREN L. GOOCH
MAYOR

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 for the Young Child* on April 17, 2015; and

WHEREAS, these organizations are working to improve early learning opportunities, which are crucial to the growth and development of young children, and to build a 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 17, 2015, be proclaimed

CELEBRATION FOR 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 me hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of April in the year 2015.

WARREN L. GOOCH
MAYOR

PROCLAMATION

WHEREAS, Tennessee's future prosperity depends on nurturing the healthy development of over 4 million children currently living, growing, and learning within our many diverse communities; and

WHEREAS, research shows that safe and nurturing relationships and stimulating and stable environments improve brain development and child wellbeing, while neglectful or abusive experiences and unstable or stressful environments increase the odds of poor childhood outcomes; and

WHEREAS, the abuse and neglect of children can cause severe, costly, and lifelong problems affecting all of society, including physical and mental health problems, school failure, and criminal behavior; and

WHEREAS, research also shows that parents and caregivers who have social networks and know how to seek help in times of trouble are more resilient and better able to provide safe environments and nurturing experiences for their children; and

WHEREAS, individuals, businesses, schools, and faith-based and community organizations must make children a top priority and take action to support the physical, social, emotional, and educational development and competency of all children; and

WHEREAS, during the month of April, Prevent Child Abuse Tennessee will be engaging in communities throughout Tennessee in a coordinated effort to prevent child abuse and neglect by promoting awareness of healthy child development, positive parenting practices, and the types of concrete support families need within their communities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that April 2015 be proclaimed

CHILD ABUSE PREVENTION MONTH

in the City of Oak Ridge, Tennessee, and that all residents engage in activities whose purpose is to strengthen families and communities and to provide the optimal environment for healthy child development.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of April in the year 2015

WARREN L. GOOCH
MAYOR

PROCLAMATION

WHEREAS, the 2014-2015 Oak Ridge High Schools Boys Basketball Team is composed of 15 players including Senior – Ted Mitchell; Juniors – Geevantay Gee, Jake Hatmaker, Javien Johnson, Isiah Jones, Darel Middleton, and Colton Wade; Sophomores – EJ Bush, Deandre Gibson, Anthony Gibson, Tee Higgins, Tajion Jones, the late Joey Kocak, Demarea Whitt, and Ty Shawn Young; and

WHEREAS, the Oak Ridge High School Boys Basketball Team is coached by Aaron Green, who recently completed with fifth season as the head coach for the Wildcats; and

WHEREAS, Coach Green's experience and enthusiasm for the sport helped to develop this winning team; and

WHEREAS, this season, the Basketball Team finished their regular season with an overall record of 29-4; and

WHEREAS, this year marked the team's third consecutive year playing in the state tournament; and

WHEREAS, this team had an exceptional performance in the 2015 Bluecross Basketball Championship Class AAA Boys State Tournament at Middle Tennessee State University's Murphy Center; and

WHEREAS, the City of Oak Ridge is proud of the accomplishments of this basketball team and commends them for their hard work and dedication to basketball-- ROLL WILDCATS ROLL!

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that April 13, 2015 be proclaimed

OAK RIDGE HIGH SCHOOL'S BOYS BASKETBALL TEAM DAY

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to join in the observance of this special day recognizing the Oak Ridge Boys Basketball Team.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of April in the year 2015.

**WARREN L. GOOCH
MAYOR**



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

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OFFICE OF THE CITY CLERK

February 4, 2015

The Honorable Thomas Beehan
Mayor
City of Oak Ridge
200 S. Tulane Avenue
Oak Ridge, TN 37830

Dear Mayor Beehan:

I am pleased to notify you that City of Oak Ridge, Tennessee has received the Distinguished Budget Presentation Award for the current budget from the Government Finance Officers Association (GFOA). This award is the highest form of recognition in governmental budgeting and represents a significant achievement by your organization.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to:

Janice McGinnis, Finance Director

We hope you will arrange for a formal public presentation of the award, and that appropriate publicity will be given to this notable achievement. A press release is enclosed for your use.

We appreciate your participation in GFOA's Budget Awards Program. Through your example, we hope that other entities will be encouraged to achieve excellence in budgeting.

Sincerely,

Stephen J. Gauthier, Director
Technical Services Center

Enclosure

CONSENT AGENDA

CITY CLERK MEMORANDUM
15-10

DATE: April 2, 2015
TO: Honorable Mayor and Members of City Council
FROM: Diana R. Stanley, City Clerk
SUBJECT: FEBRUARY 9, 2015 CITY COUNCIL MEETING MINUTES

At the March 9, 2015 City Council Meeting, City Council took action to have the February 9, 2015 City Council Meeting Minutes deferred to the April 13, 2015 City Council meeting and to include a verbatim transcript on discussions for the original resolution on the Oak Ridge Police Department investigation through the end of discussions on the subject.

That transcript, as prepared and submitted by a member of city staff, is included as an attachment to this memorandum for City Council's consideration. The City Manager also provided a draft of this transcript for informational purposes in the agenda packet for the March 27, 2015 City Council Special Meeting.

Upon review of procedural measures on how to proceed with City Council's action to have a verbatim transcript included in the February 9, 2015 City Council Meeting Minutes, the City Clerk offers the following solution from *Robert's Rules of Order Newly Revised*, 11th edition, Chapter 48, pages 475-476:

PUBLICATION OF AN ASSEMBLY'S PROCEEDINGS. Sometimes a society wishes to have a full record of its proceedings made available to the public, and when such a record of the proceedings is to be published (in which case it is often called "proceedings," "transactions," or the like), it frequently contains, in addition to the information described above for inclusion in the minutes, a list of the speakers on each side of every question, with an abstract or the text of each address. In such cases the secretary should have an assistant. When it is desired, as in some conventions, to publish the proceedings in full, the secretary's assistant should be a stenographic reporter or recording technician. The presiding officer should then take particular care that everyone to whom he assigns the floor is fully identified. Under these conditions it is usually necessary to require members to use a public address system. Reports of committees should be printed exactly as submitted, the record showing what action was taken by the assembly in regard to them; or they can be printed with all additions in italics and parts struck out enclosed in brackets, in which case a note to that effect should precede the report or resolution. Any such record or transcript of the proceedings prepared for publication, however, does not take the place of the minutes, and it is the minutes which comprise the official record of the assembly's proceedings.

For record keeping purposes, the City Clerk would recommend that the transcript be included/added as part of the official minutes of the February 9, 2015 City Council Meeting at the appropriate section as italicized text with a notation explaining the reason for its inclusion. When the text of the transcript ends, the remainder of the minutes will be formatted per the City's usual practice. Since the transcript is being presented at the April 13, 2015 City Council meeting for Council's review, it is recommended that a motion be introduced to amend the February 9, 2015 City Council Meeting Minutes to include the transcript.

Additionally, Councilmember Trina Baughn has indicated her wishes to enter content from two (2) substitute resolutions that were referenced during the February 9, 2015 City Council meeting into the minutes of said meeting. A copy of the aforementioned resolutions are also attached to this memorandum for City Council's information. Upon review of the motions of the March 9, 2015 City Council meeting regarding the minutes, it was proposed to have the content entered into the minutes, but the motion was not passed as the motion was for a verbatim transcript on the subject of an investigation of the Oak Ridge Police Department. The City Clerk has consulted Robert's Rules to locate a procedure

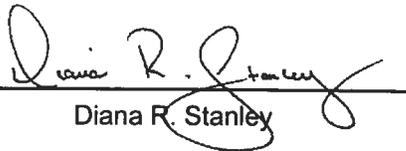
that would permit such content to be entered into the minutes in their entirety if that is the direction that the City Council wishes to pursue, and the following is offered so as to include supplemental information presented at a meeting in the official minutes:

When a committee report is of great importance or should be recorded to show the legislative history of a measure, the assembly can order it "to be entered in the minutes," in which case the secretary copies it in full in the minutes.

(Robert's Rules of Order Newly Revised, 11th edition, page 47, line 13)

This action will require a vote of City Council to amend the February 9, 2015 City Council Meeting Minutes to enter the content of the resolutions into the minutes.

Lastly, it is the City Clerk's understanding that corrections in the names and addresses of those residents who spoke during the February 9, 2015 City Council meeting have been addressed and a corrected version of those minutes is being provided in the April 13, 2015 agenda packet.


Diana R. Stanley

Attachments:
Transcript
2 Substitute Resolutions

New Business:

Clerk: COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS A RESOLUTION INITIATING AN INVESTIGATION PURSUANT TO ARTICLE II, SECTION 9, OF THE CHARTER OF THE CITY OF OAK RIDGE, TENNESSEE.

Hope: so moved

Baughn: second

Mayor: okay it has been moved and seconded. We have a copy up on the screen. Ms. Baughn you are recognized on your resolution.

Baughn: thank you Mr. Mayor. And thank you to everyone who is here tonight. Thank you for all the countless emails and letters and phone calls that I have received over the last few weeks. This process is about being heard, this process is about giving a voice to those people who feel they do not have a voice. I take the concerns that have been shared with me very seriously. I have endeavored over the past year to address some of the concerns that came to me before the last few weeks. I have endeavored to address those issues with Mr. Watson behind closed doors to no avail. I regret that it had to come to this point but I do not regret the point that we are at. I would like to say to those people who have contacted me anonymously. I understand why you felt compelled to do it. I have been in a place of fear, I think we all have. I don't know that I have been in that kind of fear before that I felt like I could not put my name to something but I can certainly appreciate the reasons behind that. I have been advised by the city attorney that I cannot share all of those communications with the rest of council for a number of different reasons though some of you did ask me to share your communications. So I wanted to let you that I have heard you but I do not know that the rest of council has heard you. With that being said, I do appreciate and recognize and respect the processes which we do have which I have followed and I am more than willing to entertain discussion and talk about solutions. Because that is why we are here, we are here to discuss problems and find solutions to those problems. So I am willing to let the floor go to council and hear what each of you have to say and see where this take us.

Hensley: Point of order, that discussion was more towards the second resolution than the one on the screen.

Mayor: Well generally speaking I think we are going to move ahead Mr. Hensley. I understand your point. Mr. Callison.

Callison: I make a motion that we review a substitute resolution in place of Ms. Baughn's.

Hensley: Are you going to say what it is?

Callison: I can read it. They are also going to show it on the screen its essentially authorizing an independent third party to review the turnover rate in the Oak Ridge Police Department pursuant to Article II Section 9 of the Charter of the City of Oak Ridge, Tennessee.

Hensley: Second

Mayor: Alright it's been moved and seconded to amend by substituting for Ms. Baughn resolution. Resolution that is on the screen. In order to assist everyone here I am going to read the resolution. Resolution authorizes an independent third party to review the turnover in the Oak Ridge Police

Department pursuant to Article II Section 9 of the Charter of the City of Oak Ridge, Tennessee. Whereas Article II Section 9 of the Charter of the City of Oak Ridge, Tennessee authorizes City Council by resolution to make investigations into the affairs of the City to conduct conduct of the City departments, offices, boards, commissions, committees and agencies for said purpose may subpoena witnesses, administrator oath, take testimony, and required the production of evidence. And whereas the City Council desires to hire an independent third party to review the turnover rate of the Oak Ridge Police Department now therefore be it resolved by Council of the City of Oak Ridge, Tennessee pursuant to Article II Section 9 of the Charter of the City of Oak Ridge, Tennessee. City Council hereby authorize an independent third party to review the turnover in the Oak Ridge Police Department. Be it further involved that the City Council will select independent third party in such review the turnover rate in the Oak Ridge Police Department shall be conducted in 30 days after the party is selected with the report delivered to City Council and the City Manager for any necessary action. Be it further resolved that the selected third party will be a person of strong background in law enforcement and municipal law such as retired Tennessee State Trooper, retire Criminal Court Judge or a Municipal Technical Advisory Service Consultant. That is the substitute resolution that has been moved and seconded. Now before we get into the discussion. The chair believes that it is proper under Robert's rules of order to take any amendments to Ms. Baughn's resolution first as permitted under the rules. Such amendments if adopted will affect the wording in which Ms. Baughn's resolution will come to a final vote. If Mr. Callison's substitute resolution fails accordingly before entertaining the amendment just offered by Mr. Callison the chair call for any amendments to the pending resolution referred to as the Baughn Resolution. Now is that clear to members of council?

Baughn: Somewhat (laughter)

Hensley: Somewhat you are asking if there are any more amendments along with the one...

Mayor: We are going take we are going to take the Baughn resolution first to determine if in fact there are any proposed amendments to the Baughn resolution...

Hensley: Is that what that just was?

Baughn: His (Callison) was a substitute.

Mayor: No, that is the substitute, that is the substitute motion. The substitute motion and the Callison motion are one in the same. The pending motion and the Baughn motion are one in the same. And I know it's confusing but in order again to take you know step by step. The chair is going to rule that any amendments to Baughn will be taken up. Ms. Smith,

Smith: Question, we have, we received multiples substitute resolutions. I am not sure which resolution is on the floor. Whether it is the resolution that was in our packet or if it is one of the substitute resolutions in Ms. Baughn's supply us today.

Baughn: If I could speak to this, I understand why it is confusing. There is two way we could go about this, more there is more, but there appears there are definitely two ways. No there is three, my initial intent is the way I submitted my original agenda request. My original intent was to have three separate resolutions one to deal with the turnover rate, one to deal with the relationship with Mr. Akagi and Mr. Watson and one to deal with the order of protection that had been levied against Chief Akagi. However, whomever put the agenda together opted to group them together. So one of the things we could do if

we wanted to amend this resolution, we could divide the question and accomplish the same thing or we could replace my original resolution with the substitute resolution offered Mr. Callison's and I am prepared to offer two additional substitute resolutions that are more clearly defined and more clearly worded. So that's where we are at we are facing three different issues for discussion and we can either have them lumped together as original done by the Clerk or we could divide them out or we could take and offer three different resolutions to deal with them.

Mayor: Mr. Chinn

Chinn: I do not have discussion on this.

Mayor: Okay

Chinn: I am not going to discussion this resolution.

Mayor: That is fine. Alright Ms. Smith, to regard to your question, the pending resolution, the Baughn resolution, is the one that is in your packet. Mr. Krushenksi you occur with that?

Krushenksi: That is correct.

Mayor: That is correct. Alright. So to proceed, are there any amendments to the pending resolution that is the Baughn resolution? Any amendments?

Baughn: I guess I need a little bit of guidance. Would it please the council for me to remove or withdraw my motion? Who is it that did the first motion on mine? Would that be an easier way to go about this if I withdrew the original motion?

Mayor: No.

Baughn: No. Okay.

Mayor: The motion has been moved and seconded. That would require an affirmative vote of council to remove your original motion.

Baughn: I got it. I gotcha. So let me ask you this regardless of what happens with the original motion on the floor, do I have the opportunity to offer up both of my secondary substitutes for Mr. Callison's substitute resolution go forward.

Mayor: You are doing that now.

Baughn: Okay I will...

Mayor: If you...

Hensley: Okay I am really confused now.

Mayor: Okay.

Hensley: May I ask you a question about what you just said?

Mayor: Okay. Parliamentary inquiry; go ahead Mr. Hensley

Hensley: I thought we were getting ready to vote on amendments to Ms. Baughn's original resolution.

Mayor: That is correct.

Hensley: Okay. That is not what I just heard. I heard but okay.

Mayor: No.

Baughn: Then I would like to amend my original resolution to include these two substitute resolutions that I said today.

Mayor: Ms. Baughn that chair is going to rule that is out of order. Those are two separate or at least they have been presented to us this afternoon as separate resolutions.

Baughn: May I move to divide the original question then into three?

Mayor: I believe in order to proceed the chair is going to rule that you will have to take your amendments one at a time. That is going to be the ruling of the chair.

Baughn: To divide the question is one action.

Mayor: I understand and you are making motion to divide the question in which way?

Baughn: To the original intent of my submittal to have a separate resolution regarding the investigation into the allegations brought forth against Chief Akagi and a separate resolution to investigate the relationship of the City Manager Mark Watson and Chief Police Jim Akagi prior to employment and to request an investigation into the order of protection issued against Chief Akagi.

Mayor: In order to proceed, you will have to amend. The chair is going to rule that you will have to take up your amendments separately. The pending resolution is the only one that is for council and was filed timely by you in pursuant to our rules.

Baughn: if we allow Mr. Callison's substitute resolution which was also offered today. Mine was within an hour or two of his as far as the two substitutes.

Mayor But your motions, your amendments to your pending resolution are going to be taken up first.

Baughn: You are telling me that I cannot divide the question. I do not believe dividing the question is the same as amending a resolution. Dividing the question is a motion contained within Robert's rules. Amending a resolution is an action in itself.

Mayor: I understand that the resolution that is before us is the vehicle for any action tonight is the original resolution. What you have brought to us this evening would in effect the separate amendments to your resolution or substitutions for your original resolution. That is why the chair is ruling that we will take them one at a time. They will be acted upon before any action is taken on Mr. Callison's substitute motion.

Baughn: If my substitutes are amendments, then why is his substitute not amendment?

Mayor: His will be treated as an amendment. But your amendments go first so in the event your pending resolution is amended. It will be completed and the action that is taken on Mr. Callison's substitute motion if it fails then your resolution will be amended and will be ready for final discussion and vote.

Baughn Okay. However, we decided to go about this I am agreeable to as long as we make sure we offer the public a chance to speak to all three of the issues and for council to discuss all three of the issues. I will demur to whatever advice you would like to lay before us in terms of the right way to go about that.

Mayor: Alright. As the chair has stated now, I am asking if there are any amendments by any member of council to the pending resolution which is the Baughn resolution.

Baughn: Mr. Callison offered an amendment and it was seconded.

Mayor: Under Robert's rules of order, Ms. Baughn, that is what I am saying. Your pending resolution is the vehicle under which everything else moves so we are going to take up to the extent someone wants to amend your original resolution.

Baughn: Okay. I would like to amend my original resolution beginning with the second be it further resolved, I would like replaced be it further resolved that pursuant to said authority city council hereby initiates an investigation into the relationship between City Manager Mark Watson and Chief of Police Jim T. Akagi prior to their employment to Oak Ridge, Tennessee to determine if taxpayer's funds were unnecessarily paid to the Mercer group to search. That entire paragraph I would like to replace with the text not the whole entire substitute resolution but the text of the resolution states whereas the city council desires a third party to review the merits of paying the Mercer group 24,448.68 for the recruitment of Jim T. Akagi whereas Mr. Watson has repeatedly claimed that he did not know Mr. Akagi before he hired him whereas Mr. Akagi spoke at a league of women voters meeting in 2011 where he told a story about his parents put him in touch with Mr. Watson so he could assist Mr. Watson in vetting candidates for the job he now holds and have admitted that their parents know one another. And whereas Mr. Akagi's wife was a resident of Tennessee before Mr. Akagi moved from Oklahoma. And whereas Mr. Watson and Mr. Akagi graduated from the same high school in Lawrence, Kansas at a population of less than 70,000 at the time. Whereas confirming at Mr. Akagi worked for Mr. Watson's father. Mr. Akagi's attorney stated to the press "was a young patrol officer for a few years in Lawrence, Kansas while Mr. Watson's father was City Manager. And whereas it is understood that Mr. Watson received much of his formal education at the University of Kansas at the time Mr. Akagi's father was a professor at that same institute.

Mayor: Alright. Ms. Baughn can I inquire do you have that amendment...

Baughn: Yes I forwarded it through the City Attorney and City Clerk and the Clerk provided the copy.

Mayor: Okay. I have just been giving a copy of that. I did not have a copy.

Baughn: Okay.

Clerk: each of the council members should have had a packet of three individual pieces of paper with the resolutions. The third of the packets beginning with the resolution authorizing an independent third party if you would scroll down to the second whereas I believe from there on is the entirety of the information that Ms. Baughn just added as the amendment to the original.

Smith: are there any extra copies of that? We did not get enough copies.

Baughn: It was emailed and hard copied.

Mayor: Mr. Hensley

Hensley: yes I would like to ask a question to City Attorney. Is it copacetic to bring this in here and lay this in front of us at the start of the meeting? I mean.

Krushenski: Well the substitute resolutions were emailed out to everybody and I don't know what time but it was probably around 4:00pm, (No), 3:00pm by the Clerk.

Hensley: Is that adequate notification for public?

Krushenski: Well the substitutions have been presented to everybody on City Council under the rules we can substitute resolutions so that is what we are doing.

Baughn: May I clarify that the time was such it followed what Mr. Callison sent a substitute resolution an hour prior to mine. So in order to insure the integrity of the original intent of the resolution, I created to separate resolutions because of his desire to only have one of three issues.

Mayor: Alright Ms. Baughn has moved approval of substitute or amendment one to her resolution. And that is the one that is in front of you. Alright the motion has been made. Is there a second to the motion?

Chinn: Second.

Mayor: Mr. Chinn seconds the motion. Alright, it's been moved and seconded for discussion by Council. Mr. Krushenski, do you want to say something?

Krushenski: No

Mayor: Okay alright. Ms. Smith?

Smith: Yes, I appreciate the effort that has gone into this and it is interesting recalling the history of hiring of Mr. Akagi. I believe Councilman Hensley and I were the only members of City Council now that were on Council at the time Mr. Akagi was hired. And I would kind of like to review and recall that history and I suspect Mr. Hensley can help as well. My recollection at the time Chief Beams had retired, we were seeking a new police chief not long before that there had been a retreat of the City Council were we talked about strategic issues facing the City and City crime rate was one of our highest concerns and was one of the top three issues that we had in the city. Residents complained frequently and bitterly about drug houses in their neighborhood. Why aren't the police dealing with the drug house in my neighborhood? Why don't they take care of my issues when I call? So forth and so on, that was one of our biggest issues and we saw it as one of the biggest challenges facing the City. We were very grateful, I believe, as a group that Mr. Mercer came in to assist in the search for a police chief. We had a lot of concerns about how are we going to hire a police chief that will address the issues we have here in this town. Mr. Mercer brought in a variety of candidates from diverse perspectives and boy they were good. They were people who had strong police experience from other places around the country. One of the criteria he had be forgiven we felt, we wanted a police chief had experience as a municipal police official so when he brought in this guy that had come from the drug enforcement administration. There were a lot of questions about how we were going to deal with someone who came from federal place. Is that person really qualified to deal with our situation here? I know council members talked with Mr. Akagi about that and we talked to Mr. Mercer about that. They were a couple of committees of citizens who met with all the candidates and screened them a lot harder than council did. We were letting the City Manager make the hiring decision but we had these citizens committees meeting with the

candidates. There was a public forum from where all of the applicants for the job spoke publicly and answered questions from the Public. This was an extremely public process and it's my understanding that pretty much everyone who was involved felt that Mr. Akagi was the best candidate of the ones we saw. He convinced us as a group that he had what it took to lead a municipal police department in his experience with the DEA. He had not just worked on the federal side but the individual departments so he was hired. And I am not an expert on police. I do not know how to run a police department. I know from the stand point of what I see in talking to citizens Mr. Akagi has done an exceptional job. The job we hired him to do. He came in and we no longer have....

Baughn: This is not speaking to the amendment

Mayor: Chair rules this is speaking towards the amendment.

Smith: ...crime issues. Citizens are not complaining. When I ran for election this past year citizens were not complaining to me about crime in their neighborhoods. They were complaining about the police but mostly about they didn't like the speeding tickets they got and various of interactions with the department. But the suggestion that there was hanky panky in the hiring of Mr. Akagi between Mr. Watson and Mr. Akagi is hard for me to except given my experience being in the front lines at the time Mr. Akagi was hired. I cannot support this amendment. This is an attack on two good people that we do not need. I have some concerns about current issues I've heard about the police department but I cannot support this resolution, amendment or whatever this is. I do not if it is resolution or amendment at this point but I cannot support it.

Mayor: Mr. Callison

Callison: Just curious, so if we talk about the resolution or amendment that is pending, does that or do we wait and talk about my substitution.

Mayor: Not yet.

Callison: Not yet.

Mayor: Not yet.

Callison: Okay I will talk about this one anyway.

Hensley: You cannot talk about it.

Mayor: Yes you are recognized Mr. Callison.

Callison: I can talk about the motion. From my perspective, what I really care about Oak Ridge Police Department is them doing a good job. I don't care who knew who, when they knew them, or anything else. And I can tell you, there are statistics around to show that there has been a huge decrease in crime in Oak Ridge. That is the key thing I think and you can look at the statistics, the crime statistics are available if you don't believe me we can provide them to you. But I think there has been a huge improvement in our policing in the city. I have talked to citizens and constituents would give me a prior to the Chief and after the Chief difference in the way the police department responded. Extremely lax in the previous administration, very professional in the current administration. So I think that what we should looking at is issues or moral, other issues that have been brought up in the newspaper but I think

the relationship between the Chief and Mr. Watson or everything else you can imagine and stick on the wall and see if it will stay don't have a place here.

Mayor: Ms. Baughn,

Baughn: Mr. Chair, I respectfully disagree with your opinion that the two comments prior were relevant to this motion. This motion does not have a thing to do with crime rates. It does not have a thing to do with the process that the council went through to hire Chief Akagi. This amendment has to do with public trust and integrity. It has to do with the fact that we spent nearly \$25,000 of taxpayer money to recruit a police chief who by at least 6 possible coincidences had connection to the City Manager who hired him. That is the amendment on the floor. It has absolutely nothing to do with emotion; it has nothing to do with our infinity for or not for some individual. It has nothing to do with crime rates. The motion on the floor is about whether or not Mr. Watson and Mr. Akagi knew one another and the process we need to go through to determine that and to determine whether or not taxpayer dollars were spent a judicious and fair way.

Mayor: Mr. Hensley,

Hensley: I will say Ms. Smith your memory is a lot better than mine but I agree with Mr. Callison. I think what we are looking for here is the quality of the police and we not even talking about that right now. But I will point out being an engineer, I like to know where I can get the answer and I see a gentleman sitting out there in the audience who was a member of the citizen committee group. Mr. Joe Lee and if he would be will to say something on whether or not the Mercer group had...

Mayor: Mr. Hensley I am going to have to stop you and rule that out of order for such time as council concludes its discussion and then there'll be time for any interested citizen to speak and make comments. Mr. Chinn,

Chinn: Just a quick point of order and then a comment. Does this resolution ask for an independent council to take a look at these issues or for the City Council to take a look at these issues?

Baughn: I apologize, the full amendment was to select an independent third party to review within 90 days that party would have no ties to the Oak Ridge Community and should be certified as a private investigator or someone of similar background and be completely unaffiliated with any organization that the City may pay dues to directly or indirectly.

Chinn: Okay thank you very much. I have asked for a lot of public comment. I have put out a notice on my Facebook page and ask for comment in the newspaper and received over 2,000 hits on my Facebook post, and tons of comments and a lot of public comment. It has been on one end of the spectrum to the other. A lot of folks say we should do something and other people say it is the wrong time. I think both are right. I think we are at a brink as a City and we have a lot of things about to happen. Great things with the UPF project, with the National Park Designation, with two huge industrial projects we are looking at, with the Center City with the mall. There are a lot people with eyes on the City and we need to be very careful about how we perceive this Community to the outside world. As I said in my Facebook post I don't think we can pick the time we have our problems. We have to address those problems as they come up and there have been a lot of people express concerns about the police department, how the City Manager was hired and a lot of things. I think in order to clear the name of everyone out there we need to take a look at these issues. I don't think there is anything there but there might be. If there

is we need to know about it. If there is not, we need to clear the people's names that are being drug through the mud. I think the crime rate is good in Oak Ridge. I like what Chief Akagi has done, personally. I am not a police officer, I don't know how to run a police department. I am not a City Manager, I don't know how to run a City. I have been involved with it on the peripheral and both of these men are doing a great job. There has been so many questions raised amongst so many people look at the out pouring of concern and the many people. I have never seen a City Council meeting with this many people in it. I think we need to take a look at this. Just to clear the names or find out what's there. If there is something there, we need to address it and if not we need to move on and get the good word out about Oak Ridge. What a great place it is to live, work and do business. Thank you.

Mayor: Other discussion, other comments by Council?

Hensley: Yes I have one question.

Mayor: Mr. Hensley,

Hensley: I am concerned about Ms. Baughn's answer when we asked was this an independent review or was it the original resolution. It was my understanding what we just substituted starting about where the 24,448 is we plugged that into the original resolution and starting with the second whereas, is that correct?

Baughn: Yes

Mayor: That is my understanding

Hensley: That is not an independent review, this is a authorizing City Council up here according to this top line authorizes City Council by resolution to make investigations into the City and City departments.

Krushenski: If you could scroll down,

Hensley: So we are talking about something added to that?

Krushenski: Its right there. See the arrow?

Mayor: As I understand it, Mr. Hensley. This particular amendment would require an independent third party but that party would have absolutely no ties to the Oak Ridge community and would be a certified private investigator or of a similar background and be completely unaffiliated with any organization in which the City pays dues to directly or indirectly.

Hensley: In Ms. Baughn's original resolution that I am looking at on my computer. Where does it say anything about independent? It says City Council authorizes. I am sorry it is the other way around. It authorizes City Council by resolution to make investigations.

Mayor: But the amendment that she has put forward Mr. Hensley would change that.

Hensley: Is these words right here that I have put a bracket on and I don't see independent anywhere in there.

Smith: I have not seen a copy of this substitute resolution on the screen. It is not in here or the one I gave to the Mayor.

Hensley: Is it the first line up there? City Council desires a third party to review, is that the catch all right there that gets us the independent? Is that right Trina?

Baughn: Yeah. I mean I am just trying to work in the confines of the Robert's rules that the Mayor laid out. My intent is to implant the substitute resolution and all its content into the original resolution.

Hensley: I just want to understand what I am voting on and that line desires a third party, is that what makes an independent review?

Baughn: in my mind, yes.

Hensley: Okay.

Callison: Mr. Mayor?

Mayor: Keeping in mind, Mr. Hensley that substitute motion as I understand it limits the people who could conduct the review or investigation under this particular resolution. To a...

Hensley: We don't have a substitute resolution, Kelly's has been put over here in the bullpen.

Mayor: But in her resolution, Mr. Hensley, she is limiting the type of person that could do the review. It was adopted.

Hensley: Where is it limited? We did not get down that far. We only took those where that bracket is and put that here. We did not even get to the therefore.

Mayor: Mr. Clerk there seems to be some confusion about what was included in Ms. Baughn's motion. Can you clarify that for Council and those in attendance?

Clerk: Ms. Baughn moved to include from the third resolution within your packet. Not the one that has substitute written at the top or the one that says resolution authorizing an independent review, court document and proceedings related to e...

Hensley: Excuse me where does it start?

Clerk: it starts from the whereas the City Council desires a third party to review.

Hensley: Okay, how far does it go through?

Baughn: to the middle

Clerk: Yeah she included the entirety of the resolution.

Mayor: Yes that was my understanding Mr. Hensley.

Hensley: I thought it stopped at now therefore. So I stand corrected.

Mayor: So is everybody clear?

Callison: Yes,

Mayor: Okay. Mr. Callison,

Callison: Thank you. One of the things we are trying to do is move City forward or let it fall backwards and I can't understand why someone who is looking at Oak Ridge really cares about whether or not the Chief knew Mr. Watson. Who shot who, you know what they care about is so we have a good police force. So I think this resolution is a waste on our time. I think we need to move on. We need to look at what issues are with the police force from a perspective of looking at turnover rates which you can tease out other things, management styles and all kinds of things. I think that is what people care about. They care about coming to Oak Ridge and having a good police force, feeling safe, getting the drug houses out of the way and moving on. And I think this is a distraction and this is the crap we keep doing. I am sorry. Anyway thank you.

Mayor: All right, Ms. Smith? Any other comments from Council about Ms. Baughn's resolution before we take comments from the audience? Alright. If anyone who wishes to make a comment, if you will approach the podium. We have been asked to by our IT staff, try not to hit the arm. It is barely hanging on.

Commented on the need for an investigation of the police department:

Kristin Thomas, 182 Wade In.

Anne Garcia Garland, 120 Outer Dr.

Clarice Watson, 115 West Farragut

Andy Marathe, 121 Westlook Circle.

Anthony Allen, 109 N. Bedford Ln.

Gary Carver, 117 N. Purdue Dr.

Kate Williamson, 427 Jefferson Ave.

Phillip Nall, Clinton, Tennessee Resident

Linda Maybry, 106 Montana Ave.

Myra Mansfield, 103 Hendrix Dr.

David Johnson 8505 Emory Valley Rd.

Commented in defense of the police department and against the need for an investigation.

Parker Hardy, 123 Amanda Dr.

Rev. Walter Ghosten, 228 Park Meade. Ln

Ms. Eden Koczocha, 107 Wesley Ln.

Joseph Lee, 99 E. Pasadena Dr.

Chuck Agle, 101 W. Melbourne

David Kitzmiller, 144 Wellington Circle

Charlie Jernigan, 118 Claiborne Ave.

Tom Beehan, 113 Liberty Court

Randy Tedford, 100 Gordon Rd.

Vote on 1st amendment failed with Councilmember Baughn and Chinn voting 'aye", and Councilmembers Callison, Mayor Gooch, Hensley, Hope and Mayor Pro Tem Smith voting "nay".

Councilmember Baughn moved to amend the original resolution to include an investigation into the potential violation of a recent order of protection against the chief, seconded for discussion by Councilmember Chinn.

City Attorney Ken Krushenski commented to identify the reason information was not disseminated to councilmembers, citing he felt uncomfortable passing on what he perceived to be the personal divorce proceedings occurring in Chief Akagi's life.

Comments from the councilmembers centered on the violation or lack of a violation which was explored by the Attorney General.

Comments from the public:

Comments regarding an investigation into the protective order merits:

Myra Mansfield, 103 Hendrix Dr.

Kay Williamson, 427 Jefferson Ave.

Tracy Stout Powers, 103 Norton Rd.

Joe Stevens, 507 Black Oak

Anthony Allen, 109 N. Bedford Ln.

Martha Lee, 113 Tilden Rd.

Charlie Jernigan, 118 Claymore Ave.

Comments regarding the unacceptable activity being carried out by the Council:

Joseph Lee, 99 E. Pasadena Dr.

Evelyn Armstrong, 21 Rivers Court.

Andy Marathe, 121 Westlook Circle.

Marci Willison, 106 West Pawley Rd.

Vote on 2nd amendment failed with Councilmembers Baughn and Hope voting "aye" and Councilmembers Callison, Chinn, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting "nay".

Resolution No.2-[20]-2015 A RESOLUTION AUTHORIZING AN INDEPENDENT THIRD PARTY REVIEW OF THE TURNOVER, MORALE, AND ADMINISTRATIVE POLICIES IN THE OAK RIDGE POLICE DEPARTMENT PURSUANT TO ARTICLE II, SECTION 9, OF THE CHARTER OF THE CITY OF OAK RIDGE, TENNESSEE.

Councilmember Callison moved to substitute the following resolution for Councilmember Baughn's resolution, seconded by Councilmember Hensley. Councilmember Hope moved to amend the wording of the resolution to include morale and administrative policies to the scope of third party review. Councilmember Hope's amendment was unanimously approved by "aye" vote of the councilmembers.

Public Comment

Andy Marathe, 121 Westlook Circle, commented suggesting that public input be limited to their communication with the council.

Mary Brewer, 102 Nantucket Way, commented to ask for information about the dissemination of materials collected from the investigation.

Rebecca Kindle, 105 E. Hunter Circle, commented requesting that anonymity be assured for officers participating in the investigation.

Comments made by Councilmembers Chinn, and Baughn questioning the use of the Whistleblower Act to cover those individuals who come forth with information.

Public Comments

Tracy Stout Powers, 103 Norton Rd., commented about early comments made by Mr. Collins.

Vote to substitute the resolution is approved unanimously by "aye" vote of the councilmembers. Move for substituted resolution to go forward is unanimously approved by "aye" vote from councilmembers.

Vote to adopt the resolution is approved unanimously by "aye" vote of the councilmembers. Move for substituted resolution to go forward is unanimously approved by "aye" vote from councilmembers.

RESOLUTION

A RESOLUTION AUTHORIZING AN INDEPENDENT THIRD PARTY REVIEW OF THE COURT DOCUMENTS AND PROCEEDINGS RELATING TO CASE #E-22639 BLOUNT COUNTY CIRCUIT COURT AND THE ORDER OF PROTECTION (OP-20698) ISSUED OUT OF BLOUNT COUNTY GENERAL SESSIONS COURT AGAINST JAMES T. AKAGI FROM APRIL 11, 2012 - JUNE 19, 2013 TO DETERMINE IF ANY LOCAL, STATE OR FEDERAL STATUTES OR ETHICAL CODES WERE VIOLATED.

WHEREAS, Article II, Section 9, of the Charter of the City of Oak Ridge, Tennessee, authorizes City Council by resolution to make investigations into the affairs of the City and the conduct of City departments, offices, boards, commissions, committees, and agencies, and for said purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence; and

WHEREAS, the City Council desires a third party to review the content and legal ramifications of the above referenced cases to determine that compliance with all relating statutes were adhered to; and

WHEREAS, Mr. Watson had knowledge of these proceedings but did not apprise council of them; and

WHEREAS, city police department employees participated in testifying on behalf of Mr. Akagi; and

WHEREAS, the stipulations of the order of protection need to be made clearly known in order to determine if they were ever violated; and

WHEREAS, the evidence that compelled a judge to grant the order of protection may speak to the suitability of Mr. Akagi's position as a Law Enforcement Officer and as a Chief of Police.

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

Pursuant to Article II, Section 9, of the Charter of the City of Oak Ridge, Tennessee, City Council, City Council hereby authorizes an independent third party review of the court documents and proceedings relating to case #E-22639 Blount County Circuit Court and the Order of Protection (OP-20698) issued out of Blount County General Sessions Court against James T. Akagi from April 11, 2012 - June 19, 2013 to determine if any local, state or federal statutes or ethical codes were violated.

BE IT FURTHER RESOLVED that City Council will select an independent third party and such review shall be conducted within ninety (90) days after the party is selected with the report delivered to City Council for any necessary action.

BE IT FURTHER RESOLVED that the selected third party will have absolutely no ties to the Oak Ridge community and shall be currently certified in the state of Tennessee in a legal profession and be completely unaffiliated with any organization to which the city pays dues directly or indirectly (i.e. MTAS, CTAS, TML, etc).

This the 9th day of February 2015.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Bruce M. Applegate, Jr., Acting City Clerk

RESOLUTION

A RESOLUTION AUTHORIZING AN INDEPENDENT THIRD PARTY REVIEW OF THE RELATIONSHIP OF JAMES T. AKAGI AND MARK WATSON PRIOR TO THEIR ARRIVAL IN OAK RIDGE PURSUANT TO ARTICLE II, SECTION 9, OF THE CHARTER OF THE CITY OF OAK RIDGE, TENNESSEE.

WHEREAS, Article II, Section 9, of the Charter of the City of Oak Ridge, Tennessee, authorizes City Council by resolution to make investigations into the affairs of the City and the conduct of City departments, offices, boards, commissions, committees, and agencies, and for said purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence; and

WHEREAS, the City Council desires a third party to review the merits of paying Mercer Group \$24,448.68 for the recruitment of James. T. Akagi; and

WHEREAS, Mr. Watson has repeatedly claimed that he did not know Mr. Akagi before he hired him; and

WHEREAS, Mr. Akagi spoke at a League of Women Voter's meeting in 2011 where he told a story of how his parent put him in touch with Mr. Watson so that he could assist Mr. Watson in vetting candidates for the job he now holds; and

WHEREAS, both men have admitted that their parents know one another; and

WHEREAS, Mr. Akagi's then-current wife was a resident of East Tennessee before Mr. Akagi moved here from Oklahoma; and

WHEREAS, Mr. Watson and Akagi graduated from the same high school in Lawrence, Kansas (population <70,000 at the time); and

WHEREAS, confirming that Akagi worked for Watson's father, Akagi's attorney has stated to the press that "he was a young patrol officer for a few years in Lawrence, Kansas, when Watson's father was city manager"; and

WHEREAS, it is understood that Mr. Watson received much of his formal education at University of Kansas at the same time that Mr. Akagi's father was a professor at that same institution.

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

Pursuant to Article II, Section 9, of the Charter of the City of Oak Ridge, Tennessee, City Council, charged with good stewardship of the taxpayer's money, acknowledges the need to explore the veracity of Mr. Watson's claims that he did not know Mr. Akagi and to explore the statistical probability that six different coincidences are simple that, coincidence hereby authorizes an independent third party review of the relationship between JAMES T. AKAGI and MARK WATSON prior to their arrival in Oak Ridge.

BE IT FURTHER RESOLVED that City Council will select an independent third party and such review shall be conducted within ninety (90) days after the party is selected with the report delivered to City Council for any necessary action.

BE IT FURTHER RESOLVED that the selected third party will have absolutely no ties to the Oak Ridge community and shall be a certified private investigator or of a similar background and be completely unaffiliated with any organization to which the city pays dues directly, or indirectly (i.e. MTAS, CTAS, TML, etc).

This the 9th day of February 2015.

APPROVED AS TO FORM AND LEGALITY:

Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Bruce M. Applegate, Jr., Acting City Clerk

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

February 9, 2015

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on February 9, 2015, in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The Invocation was delivered by Reverend Mark Walton, Pastor of Glenwood Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Councilmember Hope.

ROLL CALL

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

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; Bruce M. Applegate Jr., Acting City Clerk.

APPEARANCE OF CITIZENS

Mike Marsh, 132 Timbercrest Lane, comments regarding the need to evaluate the merit of allegations against police chief, as well as objection to the use of censure on any councilmember.

Jeff Collins, 124 Tabor Rd., comments on a firefighter friend who had been allegedly reprimanded and lost accrual of longevity pay due to said reprimand.

Reverend Walter Ghosten, representative of NAACP for Anderson County and Oak Ridge, sought to make comments on behalf of the police department but was informed to bring up with corresponding agenda item later in the meeting/

Lynn Mayes, 10,017 West Toomey Rd., commented regarding his perception of the illegality of the rental inspection program occurring within Oak Ridge.

Jim Horton, 106 Carson Ln., commented regarding the change in the property tax due date.

Evelyn Armstrong, 21 Rivers Court, commented on concern about the continued exposure of negative events in Oak Ridge to the world community.

Kay Williamson, 420 Jefferson Ave., commented on concerns of the Alpha Five cleanup, and the labelling of the area as a dump site.

Andy Marathe, 121 Westlook Circle, commented he was unhappy with the lack of change in population, and interest in the council making the city more welcoming for new potential residents.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation was made designating March 6, 2015 as Arbor Day.

Mayor Pro Tem Smith moved, seconded by Councilmember Chinn, that the proclamation be adopted. Unanimous approval by the councilmembers "aye" vote.

A proclamation was made in recognition of the achievements of the Allies for Substance Abuse Prevention group.

Councilmember Chinn moved, seconded by Councilmember Smith, that the proclamation be adopted. Unanimous approval by the councilmembers “aye” vote.

Michael Foster accepted the proclamation on behalf of the group, and made remarks as to the successes of the organization.

A proclamation was made in recognition of the community contribution made by Boyce Griffith.

Councilmember Hensley moved, seconded by Councilmember Baughn, that the proclamation be adopted. Unanimous approval by the councilmembers “aye” vote. A moment of silence was held via the Mayor’s request.

SPECIAL REPORTS

Auditors’ Report

CONSENT AGENDA

Councilmember Smith moved, seconded by Councilmember Hope, to approve the Consent Agenda, thereby:

- Approving the January 12th, 2015 City Council Meeting minutes.
- Adopting **Resolution No. 2-10-2015** authorizing the City to sign the Anderson County Basic Emergency Operations Plan.
- Adopting **Resolution No. 2-11-2015** authorizing the City to approve an amendment to the Oak Ridge Beer Permit Board’s Rules and Procedures regarding their meeting schedule.
- Adopting **Resolution No. 2-12-2015** authorizing the City to apply for a grant from the National Fish and Wildlife Foundation’s Five Star Urban Waters Restoration Grant Program in the estimated amount of \$25,000.00, and to accept the grant if awarded.

The consent agenda was approved unanimously with Councilmembers Baughn, Callison, Chinn, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting “Aye.”

Items Removed from the Consent Agenda

(None)

RESOLUTIONS

Resolution 2-[13]-2015

A RESOLUTION ESTABLISHING THE CITY’S COMMITMENT TO REMEDIATE THE LEAD BASED EXTERIOR PAINT AT THE OAK RIDGE PRESCHOOL BUILDING IN ACCORDANCE WITH EPA GUIDELINES AND PROCEDURES.

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

City Manager Mark Watson comments on the upcoming expenses associated with carrying out the project.

Public Comment, Andy Marathe 121 Westlook Circle, comments on the maintenance departments need to expand their efforts, and make sure to take the financial aspects of the pre-K project into consideration.

The resolution was approved with Councilmembers Baughn, Callison, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting "Aye." Councilmember Chinn abstained due to a potential conflict of interest.

Resolution No. 2-[14]-2015

A RESOLUTION SUPPORTING THE DEVELOPMENT OF REPLACEMENT OPTIONS AND SOLUTIONS FOR THE OAK RIDGE PRESCHOOL/SCHOOL ADMINISTRATION BY CITY COUNCIL AND THE OAK RIDGE BOARD OF EDUCATION THROUGH THE ESTABLISHMENT OF A JOINT COMMITTEE; AND TO PRIORITIZE JOINT CITY/SCHOOL PROPOSED CAPITAL IMPROVEMENT PROJECTS(CIP).

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

City Manager Mark Watson addressed questions from Council regarding the cost and scope of the proposed committee's work to be completed.

Comments from Superintendent Bruce Borchers supporting the action taken by the city manager on addressing the current issues with the preschool, and the level of action taken to integrate school board and city activities.

Comments from Anne Garcia-Garland suggesting the need to include residents with experience related to architecture design, school needs.

Comments from Joseph Lee, 99 E. Pasadena Dr. thanking the city staff and councilmembers work to achieve positive outcomes together.

The resolution was approved with Councilmembers Baughn, Callison, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting "Aye." Councilmember Chinn abstained due to a potential conflict of interest.

Resolution No. 2-[15]-2015

A RESOLUTION AWARDDING A CONTRACT (FY2015-222) TO B & B SERVICES, INC., KNOXVILLE, TENNESSEE, FOR MOWING NON-RIGHTS-OF-WAY FOR THE PUBLIC WORK'S DEPARTMENT IN THE ESTIMATED AMOUNT OF \$81,927.23.

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

City Manager Mark Watson addressed concerns from councilmembers regarding the lack of additional respondents beyond the sole winning bidder.

Gary Cinder identified that B&B would be a first time contractor for the city with the provision of this award.

The resolution was approved with Councilmembers Baughn, Callison, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting "Aye." Councilmember Chinn abstained due to a potential conflict of interest.

Resolution No. 2-[16]-2015

A RESOLUTION AWARDDING A CONTRACT (FY2015-177) TO FIRST PLACE FINISH, INC., OAK RIDGE, TENNESSEE, FOR THE INSTALLATION OF LIGHTING AT THE OAK RIDGE PUBLIC LIBRARY IN THE ESTIMATED AMOUNT OF \$64,678.00.

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

Comments from councilmember Baughn identified that the proposed resolution came in significantly under the initial expectation, and along with Councilmember Chinn highlighted the positive savings compared with previous cost expectations.

The resolution was approved unanimously with Councilmembers Baughn, Callison, Chinn, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting “Aye.”

Resolution No. 2-[17]-2015

A RESOLUTION AUTHORIZING TRANSMITTAL OF THE COMMENTS TO THE U.S DEPARTMENT OF ENERGY REGARDING THE CONCEPTUAL DESIGN OF THE K-25 HISTORY MUSEUM AT FIRE STATION #4, THE PROPOSED EQUIPMENT BUILDING, AND RELATED INTERPRETIVE PROJECTS AT THE EAST TENNESSEE TECHNOLOGY PARK.

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

City Manager Mark Watson updated the councilmembers on the current status of the proposed K-25 history museum plan.

Councilmembers brought forth concerns about the location of the hub, in the hub and spoke model. Requesting additional emphasis be put into project materials stating that the hub will be centralized in the core of Oak Ridge. Additional concerns were brought up addressing the price tag of the project.

The resolution was approved unanimously with Councilmembers Baughn, Callison, Chinn, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting “Aye.”

Resolution No. 2-[18]-2015

A RESOLUTION ACKNOWLEDGING THE CITY’S RECEIPT OF CORRESPONDENCE FROM THE STATE OF TENNESSEE COMPTROLLER OF THE TREASURY’S OFFICE OF STATE AND LOCAL FINANCE REGARDING THE SOLID WASTE FUND AND TO STATE THE CITY’S INTENT TO DISSOLVE THE SOLID WASTE FUND AND TRANSFER ALL SOLID WASTE OPERATIONAL ACTIVITY BACK INTO THE GENERAL FUND BEGINNING WITH FISCAL YEAR 2015.

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

City Manager Mark Watson updated councilmembers on the request being made by the State Comptroller’s office.

Councilmember Hope acknowledged Janice McGinnis’s update at the previous Budget and Finance Committee meeting.

The resolution was approved with Councilmembers Baughn, Callison, Chinn, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting “Aye.”

Resolution No. 2-[19]-2015

A RESOLUTION CREATING A SEVEN(7) MEMBER SPECIAL EVENTS ADVISORY TASK FORCE FOR THE PURPOSE OF PROVIDING RECOMMENDATIONS ON PLANNING, FUNDING REVIEW, AND EXECUTION OF ALL SPECIAL EVENTS MANAGED OR SUPPORTED BY THE CITY, WITH THE TASK FORCE PROVIDING CITY COUNCIL WITH A WRITTEN REPORT IN AUGUST 2015, AND TO APPOINT MEMBERS TO THE TASK FORCE.

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

Mayor Pro Tem Smith moved to amend the resolution by removing Councilmember Baughn as the chair, seconded by Councilmember Hensley.

Comments from the public, Andy Marathe comment regarding the need for increased professionalism from the council.

David Johnson, 505 Emory Valley Rd., comments regarding the need to reevaluate members being brought to the council's task forces, due to their role in representation of the city.

Anne Garcia Garland, 120 Outer Dr. commented regarding a perceived availability of quality volunteers who could be selected for the city council's task force.

Linda Maybry, 106 Montana Ave., commented to volunteer for the task force.

Joseph Lee, 99 E. Pasadena Dr., commented to identify he would not volunteer for the task force.

Motion to amend was voted down with Councilmember's Baughn, Callison, Chinn, Mayor Gooch, and Hope voting "nay". Councilmember Hensley and Mayor Pro Tem Smith voted "aye".

Councilmember Callison nominated Ray Smith to the task force. Councilmember Hensley nominated Charlie Huey. Councilman Hope nominated Michelle Ward. Councilmember Baughn nominated Mike Brown. Councilmember Chinn nominated Ben Arnold. Mayor Gooch nominated Kate Groover.

Vote on acceptance of the six nominees to the special events advisory task force:

Nominees were approved unanimously with Councilmembers Baughn, Callison, Chinn, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting "Aye."

Councilmember Baughn moves to appoint Linda Maybry to the vacancy resultant of Mayor Pro Tem Smith's deferred appointment, seconded by Councilmember Chinn.

Vote on acceptance of Linda Maybry fails. Councilmembers Baughn, and Chinn voting "aye". Councilmembers Callison, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting "nay".

Councilmember Callison moves to appoint Judi Gray, seconded by Councilmember Hensley. Vote on acceptance of Judi Gray passes, with unanimous councilmember support. Mayor clarifies he voted "aye" due to problems with his vote showing up.

Vote to create the Special Events Advisory Task Force passes with unanimous councilmember support.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

(None)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 2-2015

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 015.02, ANDERSON COUNTY TAX MAP 100B, GORUP B, (APPROXIMATELY 2.58 ACRES) FROM B-3, ROADSIDE BUSINESS, TO B-2, GENERAL BUSINESS, SAID PARCEL BEING LOCATED ON LABORATORY ROAD.

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

Mayor Gooch opened the floor to public comment for the public hearing, and Mayor Gooch requested citizen input. After a reasonable time, seeing and hearing no citizen input, the Mayor ended the public hearing on the ordinance.

The ordinance was approved unanimously on first reading with Councilmembers Baughn, Callison, Chinn, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting “Aye.”

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Elections

(none)

Announcements

Councilmember Hensley brought up the resignation of Aditya Savara, and discussion of his replacement was slated to take place at the upcoming work session.

Scheduling

City Manager S. Mark Watson, brought up the Budget and Finance Advisory committee was meeting the following morning at 9am.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Resolution and Amendments failed for following resolution

A RESOLUTION INITIATING AN INVESTIGATION PURSUANT TO ARTICLE II, SECTION 9, OF THE CHARTER OF THE CITY OF OAK RIDGE, TENNESSEE.

Councilmember Hope moved to bring up for discussion, seconded by Councilmember Baughn.

Comments from Councilmember Baughn indicating her pursuance of citizens concerns about a culture of fear existing within the Oak Ridge Police Department. Identifies the respect she holds for the officers, and regards the review of the department to be a must for the City Council.

Councilmember Callison moved to provide a substitute for the resolution seconded by Councilmember Hensley.

Mayor Gooch outlined for the councilmembers and public that Councilmember Baughn’s amendments to the original resolution would need to be addressed prior to progression on Councilmember Callison’s substitute resolution.

Councilmember Baughn moved to amend the original resolution to include an evaluation of the relationship between Chief Akagi and City Manager Mark Watson prior to the Chief’s hiring. The move was seconded by Councilmember Hope for discussion.

Comments from Mayor Pro Tem Smith, and Councilmember Callison identifying the positive attributes of the police Department, and listing the achievements made under the leadership of police Chief Akagi. Additional descriptions of the hiring process were brought forth to highlight the large number of opportunities for public involvement in the hiring process. Councilmember Callison further identified his belief that the previous relationship between the Chief and City Manager Watson to be a non-issue.

Comments from Councilmember Baughn on the first amendment to the resolution being targeted at the relationship between the City Manager and Chief Akagi not the performance of the police department.

Councilmember Hensley commented to agree with Councilmember Callison on the successes of the police department and the non-issue of the police chief and city managers prior relationship.

Comments from public:

Commented on the need for an investigation of the police department:

Kristin Thomas, 182 Wade In.
Anne Garcia Garland, 120 Outer Dr.
Clarice Watson, 115 West Farragut
Andy Marathe, 121 Westlook Circle.
Anthony Allen, 109 N. Bedford Ln.
Gary Carver, 117 N. Purdue Dr.
Kate Williamson, 427 Jefferson Ave.
Phillip Nall, Clinton, Tennessee Resident
Linda Maybry, 106 Montana Ave.
Myra Mansfield, 103 Hendrix Dr.
David Johnson 8505 Emory Valley Rd.

Commented in defense of the police department and against the need for an investigation.

Parker Hardy, 123 Amanda Dr.
Rev. Walter Ghosten, 228 Park Meade. In
Ms. Eden Koczocha, 107 Wesley Ln.
Joseph Lee, 99 E. Pasadena Dr.
Chuck Agle, 101 W. Melbourne
David Kitzmiller, 144 Wellington Circle
Charlie Jernigan, 118 Claiborne Ave.
Tom Beehan, 113 Liberty Court
Randy Tedford, 100 Gordon Rd.

Comments from Sheila Calwell Massey, 214 S. Purdue Dr. regarding the need for fair treatment for all citizens by the police department regardless of background.

Comments from Councilmember Hensley directing attention to the upcoming substituted resolution and identifying it as the focal point.

Comments from Councilmember Chinn supporting original resolution and the proposed amendments as a means of clearing the names of the individuals involved.

Comments from Councilmember Smith regarding the costs associated with undertaking an investigation of this sort.

Vote on 1st amendment failed with Councilmember Baughn and Chinn voting ‘aye’, and Councilmembers Callison, Mayor Gooch, Hensley, Hope and Mayor Pro Tem Smith voting “nay”.

Councilmember Baughn moved to amend the original resolution to include an investigation into the potential violation of a recent order of protection against the chief, seconded for discussion by Councilmember Chinn.

City Attorney Ken Krushenski commented to identify the reason information was not disseminated to councilmembers, citing he felt uncomfortable passing on what he perceived to be the personal divorce proceedings occurring in Chief Akagi’s life.

Comments from the councilmembers centered on the violation or lack of a violation which was explored by the Attorney General.

Comments from the public:

Comments regarding an investigation into the protective order merits:

Myra Mansfield, 103 Hendrix Dr.
Kay Williamson, 427 Jefferson Ave.
Tracy Stout Powers, 103 Norton Rd.
Joe Stevens, 507 Black Oak
Anthony Allen, 109 N. Bedford Ln.
Martha Lee, 113 Tilden Rd.
Charlie Jernigan, 118 Claymore Ave.

Comments regarding the unacceptable activity being carried out by the Council:

Joseph Lee, 99 E. Pasadena Dr.
Evelyn Armstrong, 21 Rivers Court.
Andy Marathe, 121 Westlook Circle.
Marci Willison, 106 West Pawley Rd.

Vote on 2nd amendment failed with Councilmembers Baughn and Hope voting “aye” and Councilmembers Callison, Chinn, Mayor Gooch, Hensley, Hope, and Mayor Pro Tem Smith voting “nay”.

Resolution No.2-[20]-2015

A RESOLUTION AUTHORIZING AN INDEPENDENT THIRD PARTY REVIEW OF THE TURNOVER, MORALE, AND ADMINISTRATIVE POLICIES IN THE OAK RIDGE POLICE DEPARTMENT PURSUANT TO ARTICLE II, SECTION 9, OF THE CHARTER OF THE CITY OF OAK RIDGE, TENNESSEE.

Councilmember Callison moved to substitute the following resolution for Councilmember Baughn’s resolution, seconded by Councilmember Hensley. Councilmember Hope moved to amend the wording of the resolution to include morale and administrative policies to the scope of third party review. Councilmember Hope’s amendment was unanimously approved by “aye” vote of the councilmembers..

Public Comment

Andy Marathe, 121 Westlook Circle, commented suggesting that public input be limited to their communication with the council.

Mary Brewer, 102 Nantucket Way, commented to ask for information about the dissemination of materials collected from the investigation.

Rebecca Kindle, 105 E. Hunter Circle, commented requesting that anonymity be assured for officers participating in the investigation.

Comments made by Councilmembers Chinn, and Baughn questioning the use of the Whistleblower Act to cover those individuals who come forth with information.

Public Comments

Tracy Stout Powers, 103 Norton Rd., commented about early comments made by Mr.Collins.

Vote to substitute the resolution is approved unanimously by “aye” vote of the councilmembers. Move for substituted resolution to go forward is unanimously approved by “aye” vote from councilmembers.

Vote to adopt the resolution is approved unanimously by “aye” vote of the councilmembers. Move for substituted resolution to go forward is unanimously approved by “aye” vote from councilmembers.

Resolution as follows was withdrawn

A RESOLUTION EXPRESSING CITY COUNCIL’S DISAPPROVAL OF COUNCILMEMBER TRINA BAUGHN’S RECENT ACTIONS OF PROVIDING ONE SIDED INFORMATION TO THE PUBLIC AND MEDIA PRIOR TO CONSIDERATION OF ALL SIDES OF THE ISSUE BY CITY COUNCIL AS A WHOLE AND REMOVING COUNCILMEMBER BAUGHN FROM ALL COMMITTEE ASSIGNMENTS.

Councilmember Hope moved to bring the resolution up for discussion, and was seconded by Councilmember Hensley.

Comments by Councilmember Hensley identifying the requests by constituents for a resolution to be put forth to address the negative approaches to issues made by Councilmember Baughn.

Comments by Councilmember Chinn shares in frustration of negative information and press coming out of the city council now and previously. Believes current resolution exacerbates problems within the city, and should be withdrawn.

Comments between Councilmember Baughn and Councilmember Hensley regarding the directives given by Councilmember Baughn to city staff and their legality under the charter.

Comments by Mayor Pro Tem Smith focused on the inability to follow up on current issues due to the current issues being brought forth to the media.

Comments by Councilmember Hope expresses concern that Councilmember Baughn does not feel goals can be accomplished by working with the City Council. Continues to reassure that the council works extremely well, and will continue to be the best mode of achieving goals for Councilmember Baughn, citizens of Oak Ridge, and the other councilmembers.

Councilmember Baughn commented to acknowledge Councilmember Hopes points and looks forward to working more cohesively with the council as a whole, but felt justified in the current action due to the perceived informational control held by the city.

Public Comments

Andy Marathe, 121 Westlook Circle, commented on the need for continued improvement by the council to avoid negative output in the media.

Mike Mahathy, 113 Fallberry St., commented on needing to end the nastiness currently being displayed by the council, and was concerned with Councilmember Baughn's commentary about his own personal internet group.

Angie Agle, 101 W. Melbourne Rd., comments identified sadness at the lack of "teeth" in the resolution. Concerned about a future member of the council going rogue and doing terrible damage to the city's reputation by pursuing own agenda.

David Kitzmiller, 144 Wellington Circle., commented on the need to have a positive viewpoint from all councilmembers to increase the benefits to the city of Oak Ridge.

Candy Atkinson, 109 Regent Circle., commented on disappointment in the current city councils activity.

Anthony Allen, 109 N. Bedford Ln., commented that social media should be looked at positively as a means of increasing communication amongst city members.

Joe Stevens, 507 Black Oak Dr., Clinton, commented that centralization of power is akin to fascism.

Ebony Capshaw, 125 Spillman Ave., commented on the need for increased transparency from the council.

Nolen Mayes, 418 Jefferson Ave., commented to thank Councilmember Baughn for her work as a councilmember.

Joseph Lee, 97 Pasadena Dr. Commented to thank Mayor Gooch for his work, and to demand an apology from councilmember Baughn.

Resolution was withdrawn by Councilmember Hope, and seconded by Councilmember Hensley.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

City Manager Mark Watson postponed manager's report until the upcoming work session.

CITY ATTORNEY'S REPORT

(none)

ADJOURNMENT

The meeting adjourned at 11:59 p.m.

Bruce M. Applegate Jr., Acting City Clerk
CITY OF OAK RIDGE, TENNESSEE

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

March 9, 2015

The regular meeting of the City Council of the City of Oak Ridge convened at 7:00 p.m. on March 9, 2015, in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

The Invocation was delivered by Reverend Gary Nistler, Pastor of First Baptist Church.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Councilmember Rick Chinn, Jr.; Mayor Warren L. Gooch; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem Ellen D. Smith.

Councilmember Kelly Callison was absent.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Janice E. McGinnis, Finance Director; Bruce M. Applegate Jr., Acting City Clerk.

APPEARANCE OF CITIZENS

Mayor Gooch noted that a request from Councilmember Callison to add a resolution for consideration as an addition to the March 9, 2015 agenda related to the Oak Ridge Police Department was withdrawn and would not be on the agenda.

Ms. Kay Williamson, 420 Jefferson Avenue, commented on crime issues experienced in her neighborhood, delivered congratulations to Mayor Gooch for welcoming rowers, and expressed her support to the Oak Ridge High School Boys Basketball team.

Mr. William Kane, President of Knox County Chapter of the Southern States Police Benevolent Association, 410 Sherwood Circle, Clinton, Tennessee, expressed his concern over a possible addition of an agenda item presented three (3) days prior to the March 9, 2015 City Council meeting regarding a Municipal Technical Advisory Service (MTAS) Police Department Review by Police Management Consultant, Rex Barton. Mr. Kane indicated a possible conflict of interest given Mr. Barton's involvement with the State's Law Enforcement Accreditation Program that is administered by the Tennessee Association of Chiefs of Police whose membership includes Oak Ridge Chief of Police James Akagi.

Mr. Jack Mansfield, 103 Hendrix Lane, commented regarding the Police Chief's Order of Protection and the State of Tennessee's provision that a citizen who is issued an Order of Protection is not permitted to carry a firearm.

Mr. Joel Stevens, 507 Black Oak Drive, remarked about the model of government and the City Charter.

Ms. Tracy Stout Powers, 103 Norton Road, requested consideration to install a guard rail located on Lafayette Drive.

Mr. Anthony Alan, 109 Bedford Lane, commented about the importance of defining the process, whether a review or an investigation, of the Oak Ridge Police Department.

Ms. Kristin Thomas, 182 Wade Lane, requested that City Council review the City's policy in relation to Order

of Protections and the Oak Ridge Chief of Police.

Dr. James Horton, 106 Carson Lane, commented about consideration of a larger venue for City Council meetings to accommodate the audience and expressed his opposition to the change in property tax and delinquent property tax date changes and the calculations utilized.

Ms. Emily Smith, 118 Underwood Road, commented about allowing time for City Council processes to work and for new City Councilmembers to become acclimated their role.

Mr. Wesley Miller, 317 East Turn Hill Lane, requested on update on Clark Center Park to which the City Manager explained that the park was currently closed due to conditions resulting from the recent inclement weather.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation designating April as Fair Housing Month.

Councilmember Hensley moved, seconded by Mayor Pro Tem Smith to approve the proclamation as presented. The motion was approved by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

A proclamation designating April 12-18 National Library Week.

Councilmember Hensley moved, seconded by Councilmember Hope to approve the proclamation as presented. The motion was approved by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Oak Ridge Public Library Director Kathy McNeilly accepted the proclamation.

SPECIAL REPORTS

(NONE)

Addition to the Agenda

Councilmember Hope moved, seconded by Mayor Pro Tem Smith to amend the March 9, 2015 agenda to include the following resolution as part of "Appointments/Elections:"

A RESOLUTION APPOINTING MEMBERS OF A JOINT CITY/SCHOOL COMMITTEE FOR THE STUDY OF PRE-SCHOOL FACILITY OPTIONS AND LONG RANGE PLANS FOR ADDRESSING FINANCING PLANS, TIMETABLES, PUBLIC EDUCATION AND ENROLLMENT CONSIDERATIONS INCLUDING APPOINTMENT OF SPECIFIC CITY REPRESENTATIVES.

As part of the discussions amongst City Council regarding amending the agenda to include the above mentioned resolution, inquiries arose from Council on what constitutes adequate notice given that the posting of the agenda amendment request occurred on a Friday afternoon. City Staff explained their processes for posting the agenda amendment request, as well as provided definitions, time frames, and examples of proper notifications.

Mr. Gary Carver, 117 North Purdue Avenue, inquired about adequate notice and defining said notice.

City Attorney Kenneth Krushenski clarified for Mr. Joel Stevens, 507 Black Oak Drive, that he was citing Tennessee Supreme Court during discussions of municipalities proving public notice as part of his discussions with City Council.

Ms. Myra Mansfield, 103 Hendrix Lane, suggested that City Council consider reviewing their rules for public notices.

Ms. Emily Smith, 118 Underwood Road, inquired about contracting with a local newspaper for public notices.

Mr. Mike Mahathy, 113 Fallberry Street, inquired about a proposal; however, Mayor Gooch noted that the item was not on the agenda intended for discussion.

The motion was approved by voice vote with Councilmembers Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye,” and Councilmember Baughn abstained.

CONSENT AGENDA

Councilmember Hensley moved, seconded by Councilmember Hope that the Consent Agenda be approved.

Councilmember Baughn requested that the February 9, 2015 City Council meeting minutes be removed from the Consent Agenda. Following removal of the minutes, the remainder of the Consent Agenda was unanimously approved by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye;” thereby:

- Adopting **Resolution No. 03-21-2015** granting renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waiving the residency requirement for nonresident applicants.
- Adopting **Resolution No. 03-22-2015** authorizing the Mayor to sign and issues Certificates of Compliance for persons granted permits to engage in the retail sale of alcoholic beverages for two years.
- Adopting **Resolution No. 03-23-2015** authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Hope Chadwell, Fraternal Order of Eagles, 1650 Oak Ridge Turnpike.
- Adopting **Resolution No. 03-24-2015** authorizing the transfer of tax equivalents from the electric and waterworks funds to the general fund for the fiscal year ending June 30,2015, and to authorize its distribution between the City of Oak Ridge and Anderson and Roane counties in accordance with state law.
- Adopting **Resolution No. 03-25-2015** assigning Louise (Lou) Dunlap to the unexpired term of office on the Oak Ridge Industrial Development Board, which term expires on December 31, 2018 and not December 31, 2020 as erroneously noted in the January 12, 2015 Agenda when elections were held.
- Adopting **Resolution No. 03-26-2015** making an award to ERMCO Distribution Transformers, C/O Utility Sales Agency, LLC, Lenoir City, Tennessee for the furnishing of twelve(12) Three-Phase Pad Mounted Transformers in various sizes and voltages for the Electric Department in the estimated amount of \$92,727.00.
- Adopting **Resolution No. 03-27-2015** waiving competitive bids and making an award to Infor(US), Inc., for a three-year renewal of software maintenance of the asset management system in the Public Works Department for fiscal years 2016-2018 in the estimated amount of \$77,331.78.

Item Removed from the Consent Agenda

Mayor Pro Tem Smith moved, seconded by Councilmember Chinn to approve the February 9, 2015 City Council meeting minutes.

Councilmember Baughn requested to defer approval of the minutes to the next City Council meeting given (1) lack of content from presented substitute resolutions; (2) ambiguity of intent of Oak Ridge Police Department review; (3) content error, specifically citizen names; and (4) citizen comments. As a result, Councilmember Baughn moved to have the meeting fully transcribed and approved at the April 13, 2015 City Council meeting. The motion was seconded by Councilmember Hope.

Councilmember Hensley moved to divide the question to (1) the deferral of the minutes and (2) the transcription of the meeting. The motion was seconded by Mayor Pro Tem Smith and approved by voice vote with Councilmembers Chinn, Hensley, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmember Baughn and Hope voting "Nay."

The deferral of the February 9, 2015 City Council meeting minutes to the April 13, 2015 City Council meeting was unanimously approved by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Following discussions amongst City Council and the City Staff to the process and value of including verbatim comments to the minutes, Councilmember Hope moved to include a verbatim script to the February 9, 2015 City Council meeting minutes for the original resolution on the Oak Ridge Police Department investigation through the end of discussions on the subject. The motion was seconded by Councilmember Baughn.

Mr. Gary Carver, 117 North Purdue Avenue, suggested that the City consider having the work performed internally.

Ms. Kay Williamson, 420 Jefferson Avenue, requested that the City consider make audio and video accommodations in the hallway entrance of the Municipal Building Courtroom.

The motion to include a verbatim transcript for the original resolution on the Oak Ridge Police Department investigation through the end of discussions on the subject as part of the February 9, 2015 minutes was approved by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, and Mayor Gooch voting "Aye," and Mayor Pro Tem Smith voting "Nay."

The motion to defer the February 9, 2015 City Council meeting minutes to the April 13, 2015 City Council meeting and to include a verbatim transcript for the original resolution on the Oak Ridge Police Department investigation through the end of discussions on the subject was approved by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, and Mayor Gooch voting "Aye," and Mayor Pro Tem Smith voting "Nay."

RESOLUTIONS

Resolution No. 03-28-2015

A RESOLUTION AWARDED A CONTRACT (FY2015-220) TO WRIGHT CONTRACTING, INC., KNOXVILLE, TENNESSEE FOR THE REPLACEMENT OF WINDOWS AT THE WATER TREATMENT PLANT IN THE ESTIMATED AMOUNT OF \$150,600.00.

Councilmember Baughn moved, seconded by Councilmember Hope to approve the resolution as presented. The resolution was approved unanimously by voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

A RESOLUTION AWARDED A CONTRACT (FY2015-238) TO S & W CONTRACTING CO., INC.,

MURFREESBORO, TENNESSEE FOR THE INSTALLATION OF TRAFFIC SIGNAL ON THE OAK RIDGE TURNPIKE AT THE OAK RIDGE HIGH SCHOOL IN THE ESTIMATED AMOUNT OF \$177,183.00.

Mayor Pro Tem Smith moved, seconded by Councilmember Hope to approve the resolution as presented.

Mr. Bill Polfus, 110 Victoria Road, Chairman of the Traffic Safety Advisory Board (TSAB), explained that the traffic signal recommended by TSAB was the best option to provide safety for the students crossing.

City Council discussed possible other traffic and/or safety alternatives for the location, as well as had Interim City Engineer Roger Flynn respond to questions regarding traffic patterns, traffic count, and operation of the traffic signal.

Ms. Myra Mansfield, 103 Hendrix Lane, expressed her support for the crosswalk and signal at Emory Valley Road and requested that City Council consider the cost for this effort.

Ms. Tracy Stout Powers, 103 Norton Road, expressed her concern about a red light at this location.

Mr. Gary Carver, 117 North Purdue Avenue, inquired about a new traffic pattern for exiting cars and commented that he did not believe the traffic signal was the best option.

Ms. Kay Williamson, 420 Jefferson Avenue, expressed her concern about the effectiveness of the red light at this location and to consider other alternatives that would permit students to cross safely.

Following citizen comments, Mr. Polfus responded to inquiries of City Council regarding TSAB's consideration process and variables, as well as their analysis of the traffic data.

Councilmember Hensley moved to postpone consideration of the item to the April 13, 2015 City Council meeting. The motion was seconded by Councilmember Chinn.

Ms. Melanie Heiberg, 172 Cumberland View Drive, recommended no left turns from the Civic Center and alter the crossing location and traffic logistics.

The motion to postpone consideration of the item passed by voice vote with Councilmembers Baughn, Chinn, Hensley, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmember Hope voting "Nay."

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading of Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING ARTICLE VII, TITLED "PARKING AND BUSINESS DISTRICTS" SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," AS FOLLOWS: BY DELETING SUBSECTIONS (A)(12), (A)(13), (A)(14) AND (A)(17) WITHOUT REPLACEMENT AND BY ADDING A NEW SUBSECTION (A)(19) TO ADD PUBLIC MUSEUMS AS A PERMITTED PRINCIPAL USE; BY AMENDING THE TITLE OF SUBSECTION (C) TO "SPECIAL EXCEPTIONS" FOR CONSISTENCY WITHIN THE ZONING ORDINANCE; BY AMENDING THE INTRODUCTORY LANGUAGE OF SUBSECTION (C) TO INCLUDE THE WORD "ZONING" IN THE PHRASE "BOARD OF APPEALS;" AND BY AMENDING SUBSECTION (C) TO DELETE PUBLIC MUSEUM; CEMETERY; WHOLESALE, STORAGE AND WAREHOUSE FACILITY, FREEZER AND LOCKER; AND TRANSITIONAL ACCESSORY USES AS SPECIAL EXCEPTIONS AND TO ADD MULTIFAMILY DWELLINGS AS PART OF A PLANNED UNIT DEVELOPMENT AS A SPECIAL EXCEPTION.

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

The Mayor opened the floor to receive public comments:

Mr. Joel Stevens, 507 Black Oak Drive, inquired about the reference to cemeteries.

Community Development Director Kathryn Baldwin explained that the reference is for the inclusion of a new cemetery that would not be permitted in the zoned district.

Councilmember Baughn moved to close the public hearing, seconded by Mayor Pro Tem Smith. The motion was approved by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye.”

Following additional discussions, the ordinance was approved on first reading by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye.”

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

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

The Mayor opened the floor to receive public comments. No citizens participated in the public hearing.

Councilmember Hensley moved to close the public hearing, seconded by Mayor Pro Tem Smith.

The ordinance was approved on first reading by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye.”

FINAL ADOPTION OF ORDINANCES

Ordinance No. 05-2015

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED “THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE,” BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 015.02, ANDERSON COUNTY TAX MAP 100B, GORUP B, (APPROXIMATELY 2.58 ACRES) FROM B-3, ROADSIDE BUSINESS, TO B-2, GENERAL BUSINESS, SAID PARCEL BEING LOCATED ON LABORATORY ROAD.

Councilmember Hensley moved, seconded by Mayor Pro Tem Smith to adopt the ordinance as presented.

The ordinance was adopted by unanimous voice vote with Councilmembers Baughn, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Aye.”

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Elections

Resolution No. 03-29-2015

A RESOLUTION APPOINTING MEMBERS OF A JOINT CITY/SCHOOL COMMITTEE FOR THE STUDY OF PRE-SCHOOL FACILITY OPTIONS AND LONG RANGE PLANS FOR ADDRESSING FINANCING PLANS, TIMETABLES, PUBLIC EDUCATION AND ENROLLMENT CONSIDERATIONS INCLUDING APPOINTMENT OF SPECIFIC CITY REPRESENTATIVES.

Councilmember Hensley moved, seconded by Councilmember Hope to approve the resolution was presented.

Councilmember Chinn recused himself from participation in the item due to a possible conflict of interest.

Councilmember Hensley moved to nominate Councilmember Callison as the City Council representative to this committee. The motion was seconded by Councilmember Hope. Additionally, Mayor Pro Tem Smith moved to consider herself as the City Council representative.

Councilmember Baughn indicated that she would not be participating in the vote for the item given the ambiguity of the public notice for this item as an agenda addition.

Following the City Manager's recommendation that Finance Director Janice McGinnis serve as the City's voting member given the significance of funding, Mayor Gooch moved to amend the resolution to indicate that Mr. Jon Hetrick, Recreation and Parks Director, and Mr. Pat Fallon, Public Works Operation/Maintenance Division Manager would serve in a non-voting, advisory capacity to the Joint City-School Committee. The motion was seconded by Councilmember Hensley. The motion was approved by voice vote with Councilmembers Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmembers Baughn and Chinn abstaining.

Ms. Anne Garcia Garland, 120 Outer Drive, recommended that since there were only four (4) councilmembers that would vote for this item that City Council agree to Mayor Pro Tem's consideration of herself for the Committee.

Mayor Gooch nominated Dr. Shirley Raines and the Citizen Representative given her extensive background in Pre-K and her professional career overall. Councilmember Hensley nominated Mr. Mike Mahathy as the Citizen Representative.

The resolution, as amended, was approved by voice vote with Councilmembers Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," and Councilmembers Baughn and Chinn abstaining.

On the first round of ballot voting for Council Representative, Councilmember Callison received the vote of Councilmember Hope and Mayor Pro Tem Smith received the votes of Mayor Gooch, Mayor Pro Tem Smith, and Councilmember Hensley. On the second round of ballot voting, Mayor Pro Tem Smith received the votes of Councilmember Hensley, Councilmember Hope, Mayor Pro Tem Smith, and Mayor Gooch thus being appointed as the Council Representative. During both rounds, Councilmembers Baughn and Chinn abstained.

On the first round of ballot voting for Citizen Representative, Mr. Mike Mahathy received the vote of Councilmember Hensley and Dr. Shirley Raines received the votes of Mayor Gooch, Mayor Pro Tem Smith, and Councilmember Hope. On the second round of ballot voting, Dr. Shirley Raines received the votes of Councilmember Hensley, Councilmember Hope, Mayor Pro Tem Smith, and Mayor Gooch thus being appointed as the Citizen Representative. During both rounds, Councilmembers Baughn and Chinn abstained.

Announcements

The City Manager announced that the Budget and Finance Committee Meeting would be held on March 10, 2015 at 9 a.m. in the Municipal Building.

Scheduling

The City Manager noted that the City made an emergency purchase of salt given inclement winter weather. Additionally, Mr. Watson noted that the National Park Review Team would be visiting Oak Ridge March 25 and 26, 2015.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Baughn moved to discuss her interest in scheduling a special meeting of City Council the week of March 23, 2015 that allows for (1) discuss and possible vote on the parameters of the investigation voted on in the February 9, 2015 regarding the resolution of the Oak Ridge Police Department morale, turnover, and administrative policies; and have the option to review and possibly select an investigator; and (2) to discuss and possibly vote on the merits of the City Manager placing the Chief of Police on administrative leave for the duration of the investigation. The motion was seconded by Councilmember Chinn.

Following discussions of scheduling and business to be discussed for this special meeting, Councilmember Baughn moved to schedule a special called meeting the week of March 23, 2014 that allows for (1) discuss the parameters of the investigation and seek clarification on the resolution passed on February 9, 2015 regarding the Oak Ridge Department morale, turnover, and administrative policies; and have the option to review and possibly select an investigator; and (2) to discuss and possibly vote on the merits of the City Manager placing the Chief of Police on administrative leave for the duration of the investigation. The motion was seconded by Councilmember Chinn.

Upon explanation of the City Attorney regarding the Charter provisions in which to call a special meeting, the City Council recessed so as to allow those members interested an opportunity to submit their written requests.

The meeting reconvened with the acknowledgement by the City Clerk of two (2) written requests for business to be conducted at a special-called meeting on March 27, 2015 at 6:00 p.m.

Ms. Tracy Stout Powers, 103 Norton Road, remarked about the processes of recent City Council meetings.

Mr. Matt Bailey, 17 River Side Drive, requested that councilmembers sign a conflict of interest statement.

Mr. Joel Stevens, 507 Black Oak Drive, requested that the parameters of the meeting be as broad as possible.

Mr. William Kane, President of Knox County Chapter of the Southern States Police Benevolent Association, 410 Sherwood Circle, Clinton, Tennessee, commended City Council for having a special meeting.

Mr. Anthony Alan, 109 Bedford Lane, requested a definition on the parameters of the review of the Oak Ridge Police Department.

Mr. David Kitzmiller, 144 Wellington Circle, confirmed citizen participation was allowed during special meetings.

Mr. Joe Lee, 99 East Pasadena Drive, remarked about the difficulty of the items for the March 27, 2015 special meeting.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

(NONE)

CITY ATTORNEY'S REPORT

(NONE)

ADJOURNMENT

The meeting adjourned at 10:04 p.m.

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

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

March 27, 2015

The special meeting of the City Council of the City of Oak Ridge convened at 6:00 p.m. on March 27, 2015, in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

At the request of the Mayor, Mayor Gooch led the Invocation and Councilmember Baughn led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Councilmember Rick Chinn, Jr.; Mayor Warren L. Gooch; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Councilmember Kelly Callison; and Mayor Pro Tem Ellen D. Smith.

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

DISCUSSION AND CONSIDERATION

*To discuss & vote on the parameters of the investigation voted on in the Feb 9, 2015 [meeting]** regarding the resolution of the ORPD [Oak Ridge Police Department]** morale, turnover & admin [administrative]** policies & have the option to review and possibly select an investigator.*

First, Councilmember Baughn moved, seconded by Mayor Gooch to discuss and vote on the parameters of the investigation voted on in the February 9, 2015 meeting regarding the resolution of the Oak Ridge Police Department morale, turnover and administrative policies; and have the option to review and possibly select an investigator.

Councilmember Baughn moved, seconded by Councilmember Hope to require 100% participation from current Oak Ridge Police Department employees, including civilians, to spend a minimum of 10 minutes with the investigator.

Members of City Council discussed the reasoning for requiring 100% participation versus voluntary participation or a random sample.

The following residents expressed their support regarding the motion for requiring 100% participation for the purposes of impartiality:

Ms. Anne Garcia Garland, 120 Outer Drive
Dr. James Horton, 106 Carson Lane
Mr. Anthony Alan, 109 Bedford Lane
Ms. Myra Mansfield, 103 Hendrix Drive
Mr. Steve Buxton, 102 Valleta Lane
Ms. Christen Thomas, 182 Wade Lane
Mr. Gary Carver, 117 North Purdue Avenue

Ms. Myra Mansfield, 103 Hendrix Drive, inquired about which officers and/or employees would be excluded from participation with reviewer.

Mr. Percy Brewington, 1074 West Outer Drive, commented about following the reviewers' recommendations regarding participation.

Ms. Tracy Stout Powers, 103 Norton Road, inquired about the process for officers to be required to participate with the investigator.

Mr. Matt Bailey, 17 Riverside Drive, remarked about that retaliation remarks made during discussions of the motion were assumptions at this point of discussions.

Mr. Derric Hammond, 112 Tiffany Place, inquired about discussions regarding costs associated with the two options—voluntary or mandatory participation—from the Oak Ridge Police Department employees.

During receipt of citizen remarks, Councilmember Baughn clarified that the motion was for 100% participation with the reviewer, not a mandatory requirement for employees to provide remarks.

The motion to require 100% participation from current Oak Ridge Police Department employees, including civilians, to spend a minimum of 10 minutes with the investigator failed by board vote with Councilmembers Baughn, Chinn, and Hope voting “Aye,” and Councilmember Callison, Councilmember Hensley, Mayor Pro Tem Smith, and Mayor Gooch voting “Nay.”

Second, Councilmember Baughn moved to require the investigator to interview Oak Ridge Police Department departed employees from May 2011. The motion was seconded by Councilmember Chinn. Councilmember Baughn explained, following inquiries from City Council, that the May 2011 date was cited as it was the Chief of Police’s hire date.

The motion failed by board vote with Councilmembers Baughn and Chinn voting “Aye,” and Councilmembers Callison, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Nay.”

Third, Councilmember Baughn moved to request that all interviewees be given the option to provide a vote of confidence for the Chief of Police and his Supervisory Staff under his command. The motion was seconded by Councilmember Chinn.

The motion failed by board vote with Councilmembers Baughn and Chinn voting “Aye,” and Councilmembers Callison, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting “Nay.”

Fourth, Councilmember Baughn moved to require investigators to look into the previous history of the Chief of Police to include any evidence of past behavior that indicate vindictiveness, irrational behavior, or anger outbursts to include time at his Drug Enforcement Administration employment, the Order of Protection issue, and anything else relevant to establish a history of said behaviors. The motion was seconded by Councilmember Chinn.

Mr. Len Hart, 201 West Southwood Lane, expressed his concern over highlighting negative business in Oak Ridge and the personal business of the Chief of Police.

Ms. Tracy Stout Powers, 103 Norton Road, commented that this motion seemed similar to a previous resolution that was turned down by the City Council.

Ms. Myra Mansfield, 103 Hendrix Drive, expressed her support for reviewing the past of the Chief of Police similar to that performed by Oak Ridge Police Department new hires.

Ms. Christen Thomas, 182 Wade Lane, commented that the review of the Oak Ridge Police Department was regarding a work environment concern.

Mr. Scotty Ward, 111 Trenton Drive, commented about the patrol of the Tennessee Highway Patrol to which the Mayor clarified that the comment was not related to the issue being discussed by the City Council.

Ms. Anne Garcia Garland, 120 Outer Drive, remarked that a person cannot be cleared without investigation.

Dr. James Horton, 106 Carson Lane, proposed that City Council establish a criteria before deciding specific proposal.

The motion to require investigators to look into the previous history of the Chief of Police to include any evidence of past behavior that indicate vindictiveness, irrational behavior, or anger outbursts to include time at his Drug Enforcement Administration employment, the Order of Protection Issue, and anything else relevant to establish a history of said behaviors failed by board vote with Councilmember Baughn voting "Aye," and Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Nay."

Fifth, Councilmember Baughn moved, seconded by Councilmember Hope to require that the scope of investigation include the specific allegations found in grievances and communications from former employees to the City and the City Council beginning in January 2015, including, but not limited to Mr. Bayless, Mr. Marlow, Mr. Nall, Mr. Myers, Mr. Carden, and Mr. Mansfield.

Mr. Matt Bailey, 17 Riverside Drive, commented that Mr. Bayless's grievance may not be factual and inquired as to the process of investigating said communications when referencing an anonymous e-mail that was sent.

Mr. Mike Mahathy, 113 Fallberry Street, commented on an e-mail drafted by the City Manager that indicated that in four years under former Chief of Police Beams and current Chief of Police Akagi, no complaints had been submitted to the Personnel Department.

Mr. Len Hart, 201 West Southwood Lane, commented that the review of the grievances did not need to occur.

Ms. Myra Mansfield, 103 Hendrix Drive, commented the merit in reviewing issues of past grievances.

Mr. Anthony Alan, 109 Bedford Lane, remarked about investigating past allegations as part of a resolution for the Oak Ridge Police Department.

The motion to require that the scope of investigation include the specific allegations found in grievances and communications from former employees to the City and the City Council beginning in January 2015, including, but not limited to Mr. Bayless, Mr. Marlow, Mr. Nall, Mr. Myers, Mr. Carden, and Mr. Mansfield failed by board vote with Councilmembers Baughn and Hope voting "Aye," and Councilmembers Callison, Chinn, Hensley, Mayor Pro Tem Smith, and Mayor Gooch voting "Nay."

Sixth, Councilmember Baughn moved, seconded by Councilmember Hope that the investigator selected must not have affiliation or ties to the Oak Ridge Police Department or the City of Oak Ridge.

Based on inquiries from City Council, Councilmember Baughn explained that that the association be independent as part of the investigation. Additionally, Councilmember Baughn commented that she located a reference of the Tennessee Municipal League (TML) on the Municipal Technical Advisory Service's (MTAS) website and her concern about an independent review given that the City is insured as part of the TML Risk Management Pool.

City Council continued discussions regarding the references of TML and MTAS.

Mr. Tom Beehan, 113 Liberty Court, former President of TML and former board member, indicated that there is no direct or legal relationship between TML and MTAS, and that TML has a separate insurance division.

Mr. Chuck Agle, 101 West Melbourne Avenue, described the creation of MTAS by the Tennessee General Assembly and the organization's advisory role for Tennessee cities and towns.

Mr. William Kane, President of Knox County Chapter of the Southern States Police Benevolent Association, 410 Sherwood Circle, Clinton, commented that Mr. Rex Barton, MTAS Police Management Consultant, ties to the Tennessee Chiefs of Police organization would be a conflict given its association to the Oak Ridge Police Department.

Mr. Matt Bailey, 17 Riverside Drive, explained that he had performed research on other potential investigators with the results pointing primarily to out of state reviewers, and expressed concern regarding cost and time of seeking other services than those that could be provided by MTAS.

Mr. Percy Brewington, 1074 West Outer Drive, remarked that the study should be broad and lead to a positive future.

Ms. Anne Garcia Garland, 120 Outer Drive, commented that the process needed to be transparent for community acceptance.

The motion for the investigator selected not to have affiliation or ties to the Oak Ridge Police Department or the City of Oak Ridge failed by board vote with Councilmembers Baughn, Callison, and Hope voting "Aye," and Councilmember Chinn, Councilmember Hensley, Mayor Pro Tem Smith, and Mayor Gooch voting "Nay."

Seventh, Councilmember Baughn moved to submit a selection of specific policies titled "Policies and Procedures to be reviewed for ORPD (Leadership) Compliance," as distributed by Councilmember Baughn during the March 27, 2015 meeting, to the investigator for inclusion in the investigation. The motion was seconded by Mayor Gooch for purposes of discussion and clarification. Councilmember Baughn explained that the selection of policies was not to limit other policy reviews, but rather to include the selection.

Mayor Pro Tem Smith moved to amend the motion, seconded by Councilmember Callison to require that all Oak Ridge Police Department Administrative Policies and City of Oak Ridge policies regarding personnel be submitted to the investigator for consideration during the review of the Oak Ridge Police Department.

The amendment passed by board vote with Councilmembers Callison, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," Councilmember Chinn voting "Nay," and Councilmember Baughn abstaining.

The motion, as amended, to submit a selection of specific policies titled "Policies and Procedures to be reviewed for ORPD (Leadership) Compliance," as distributed by Councilmember Baughn during the March 27, 2015 meeting, to the investigator for inclusion in the investigation, and to require that all Oak Ridge Police Department Administrative Policies and City of Oak Ridge policies regarding personnel be submitted to the investigator for consideration during the review of the Oak Ridge Police Department passed by board vote with Councilmembers Callison, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," Councilmember Chinn voting "Nay," and Councilmember Baughn abstaining.

No further motions were introduced during this item.

RESOLUTION NO. 03-30-2015

A RESOLUTION ACCEPTING A PROPOSAL FROM THE MUNICIPAL TECHNICAL ADVISORY SERVICE FOR A REVIEW OF THE OAK RIDGE POLICE DEPARTMENT WITH A PARTICULAR FOCUS ON TURNOVER, MORALE AND ADMINISTRATIVE POLICIES.

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

City Council discussed the merits of accepting the MTAS proposal and potentially others that were received by the Council. Additional discussions occurred regarding the receipt of the MTAS proposal

through Councilmember Callison.

In regards to specific details regarding the MTAS Proposal, Mrs. Margaret Norris, MTAS Consultant, explained that Mr. Barton provided the proposal, but could not attend the meeting to provide specifics.

Mr. Chuck Agle, 101 West Melbourne Avenue, recited information from MTAS regarding their mission statement, services, and purpose noting their assistance to cities and counties, and commended their assistance provided regarding several past Charter amendments during his service on the last Charter Commission. Mr. Agle concluded with commenting about his support of their proposal.

Mr. William Kane, 410 Sherwood Circle, Clinton, presented concerns regarding Mr. Rex Barton's possible conflict of interest with his ties to the Tennessee Chiefs of Police organization and concerns regarding how the proposal was received.

The following residents expressed their support for the MTAS Proposal:

Ms. Tracy Stout Powers, 103 Norton Road
Mr. David Kitzmiller, 144 Wellington Circle
Mr. Matt Bailey, 17 Riverside Drive

Ms. Christen Thomas, 182 Wade Lane, expressed her concern over the MTAS proposal.

Ms. Myra Mansfield, 103 Hendrix Drive, expressed her concerns over the MTAS proposal and the manner in which the proposal was received.

Mr. Leonard Abbatiello, 110 Dover Lane, suggested the formation of a committee to review this procedure.

Mr. Anthony Allan, 109 Bedford Lane, commented that he supports an investigation as opposed to a review, and expressed a concern over the proposal from MTAS since a limited number of proposals were received.

The resolution, as presented, passed by board vote with Councilmembers Callison, Chinn, Hensley, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye," Councilmember Baughn voting "Nay," and Councilmember Hope abstaining.

*Request for the agenda of the special meeting requested on [for]** March 27 to include selection of a reviewer to conduct the police review approved in February.*

This item was not considered based on the aforementioned action by City Council to accept Resolution No. 03-30-2015.

To discuss & possibly vote on the merits of placing the Chief of Police on administrative leave for the duration of the investigation.

Councilmember Baughn moved, seconded by Councilmember Hensley to discuss and possibly vote on the merits of placing the Chief of Police on administrative leave for the duration of the investigation; however, Councilmember Hensley withdrew his second to which Mayor Gooch seconded the motion to continue with discussions.

Mr. Chuck Agle, 101 West Melbourne Avenue, cited the Charter provision that grants the City Manager authority over personnel and remarked about Councilmember Baughn's removal on City Council for introduction of the motion.

Mr. Percy Brewington, 1074 West Outer Drive, expressed his opposition to the motion based on the

implications and commented that he is satisfied with the work that he has witnessed of the Police Department.

Ms. Hillary Williams Burgin, 675 Morganton Square Drive, Maryville, Tennessee 37801 Drive, Representative of Andrews & Burgin Law Office, representing the Chief of Police, expressed her perspective that the City Council does not have the authority to place the Chief of Police on administrative leave as outlined in the City Charter.

Ms. Myra Mansfield, 103 Hendrix Drive, commented in regards to city administration handling the administrative leave and remarked that Lieutenant Robin Smith could oversee the department in the Chief of Police's absence given his experience with the Tennessee Valley Authority (TVA) Police Department.

Ms. Emily Smith, 118 Underwood Road, remarked about her understanding that the TVA Police Department received fewer calls than the Oak Ridge Police Department.

The City Attorney opined that the City Council can direct the City Manager regarding placing employees on administrative leave, but the City Council does not have authority to place the Chief of Police on administrative leave. The City Attorney explained that the motion is a recommendation of City Council. Councilmember Baughn clarified that the motion is not a directive for the City Council or the City Manager to place the Chief of Police on administrative leave; it is based on the merits.

The motion to vote on the merits of placing the Chief of Police on administrative leave for the duration of the investigation failed by board vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Nay," and Councilmember Baughn voting "Aye."

(** The added verbiage in brackets [] presented above as part of consideration of items was provided for clarification as provided by the City Clerk.)

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

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

COMMUNITY DEVELOPMENT MEMORANDUM

15-15

DATE: March 26, 2015
TO: Mark S. Watson, City Manager
FROM: Sheryl Ely, Senior Planner
THROUGH: Kathryn G. Baldwin, Community Development Director 
SUBJECT: EMERGENCY SOLUTIONS GRANT PROGRAM APPLICATION AND ACCEPTANCE

Introduction

An item for City Council's consideration is a resolution authorizing the City of Oak Ridge to apply for and receive an Emergency Solutions Grant (ESG) from the Tennessee Housing Development Agency (THDA) for the period of July 1, 2015 to June 30, 2016.

Funding

The Tennessee Housing Development Agency has allocated \$62,896 to the City of Oak Ridge for the 2015 ESG program year. Although funds are set aside for Oak Ridge, the City must submit a grant application describing the proposed activity by May 1, 2015. Eligible activities are as follows: 1) Street Outreach, 2) Emergency Shelter, 3) Prevention Activities, 4) Rapid Rehousing Activities, and 5) Homeless Management Information System costs. The grant application proposes that the City will make an estimated \$60,066 of these funds available to the Trinity Outreach Center of Hope (TORCH) to provide homeless rapid re-housing activities within the City of Oak Ridge. The ESG program requires dollar for dollar matching funds with cash or in-kind services, which will be provided by TORCH. The ESG program will reimburse the City 4.5 percent of the set aside funds, which is an estimated \$2,830 to be utilized by staff for grant administration costs.

Background/Analysis/Review/Consideration

The Trinity Outreach Center of Hope (TORCH) provides services that assist clients in attaining self-sufficiency. TORCH will use the aforementioned funds to do rapid re-housing, street outreach, and prevention activities. Examples of assistance provided by the ESG program are payment for rent deposits, mortgage, and utilities in order to provide housing stability.

TORCH is a member of the Tennessee Valley Coalition to End Homelessness (TVCEH), and they have received the required Certification of Participation with the Continuum of Care, certifying that their application is aligned with the Continuum of Care's strategies for preventing and ending homelessness and creating housing stability.

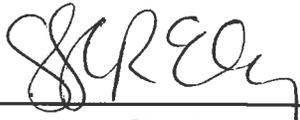
More information about TORCH is available at: <http://www.oakridgetorch.org/our-story/>.

Agencies using ESG grant funds to provide services must coordinate with other agencies by entering information into the Homeless Management Information System (HMIS). Among other benefit, the HMIS helps to prevent the duplication of services.

Recommendation

Staff recommends that the City apply for and accept the 2015 set-aside funds in the estimated amount of \$62,896. Staff recommends approval of the attached resolution as submitted.

Attachment



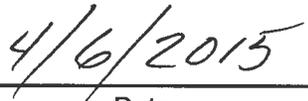
Sheryl Ely

City Manager's Comments:

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



Mark S. Watson



Date

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY OF OAK RIDGE TO APPLY FOR AND RECEIVE AN EMERGENCY SOLUTIONS GRANT (ESG) FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) FOR THE PERIOD OF JULY 1, 2015 TO JUNE 30, 2016.

WHEREAS, the Tennessee Housing Development Agency has allocated \$62,896.00 in funds to the City of Oak Ridge for the 2015 Emergency Solutions Grant Program (ESG) year; and

WHEREAS, in order to receive these allocated funds, the City must submit a grant application describing the proposed activity by May 1, 2015; and

WHEREAS, the grant application proposes that the City will make an estimated \$60,066.00 of these funds available to the Trinity Outreach Center of Hope (TORCH) to provide homeless rapid re-housing activities and other eligible activities within the City of Oak Ridge; and

WHEREAS, the ESG program requires dollar for dollar matching funds with cash or in-kind services which funds and/or services will be provided by TORCH; and

WHEREAS, the ESG program will reimburse the City 4.5 percent of the set aside funds, which is an estimated \$2,830.00 which funds will be utilized by staff for grant administration costs; and

WHEREAS, the City Manager recommends the City apply for and receive an Emergency Solutions Grant from the Tennessee Housing Development Agency for the proposed TORCH activities.

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

That the recommendation of the City Manager is hereby approved and the City shall make application to the Tennessee Housing Development Agency for the Emergency Solutions Grant to be utilized for the proposed TORCH activities for the period of July 1, 2015 to June 30, 2016.

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

This the 13th day of April 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM

15-08

DATE: March 27, 2015
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: CHANGE ORDER TO CONTRACT 13-12 FOR RIGHT OF WAY MANAGEMENT

Introduction

An item for City Council's consideration is a change order to increase funding available under contract 13-12 between the City of Oak Ridge and Seelbach and Company, Inc., by \$65,000 in order to have crews available for hourly, emergency and storm work for the remainder of FY 2015.

Funding

Funding will be through the Electric Fund.

Review

On June 10, 2013, the City of Oak Ridge entered into contract number 13-12 with Seelbach and Company, Inc. for right of way maintenance. The contract contains two major portions, "zone work" and "hourly work." The contract amount covers a two year period and contains extensions that can be executed by staff.

Zone work is pruning of trees to ensure proper clearance between tree limbs and conductors. The first year "Zone 1" of the city will be trimmed, the next year "Zone 2" will be trimmed. Payment is made on a circuit by circuit basis as the work is completed and the results are inspected. Zone work has proceeded under this contract as expected and no additional costs have been incurred as a result of zone work.

Hourly work provides compensation to the contractor for special work provided. Typically, hourly work includes things such as tree removal, ground cutting, herbicide application, and emergency work which includes storm work.

Over the last two years, we have utilized hourly work crews more than expected. Much of this work has been related to severe weather. As you will recall, in the summer of 2014, severe storms ravaged our area, resulting in a disaster declaration.

Winter weather over the last few months also resulted in a higher than anticipated cost. We kept crews on standby and they responded with us to leaning or falling ice/snow covered trees and to aid in removal of trees that were involved in power outages.

During this contract, we have spent \$54,215 for right of way crews to help us prepare for and respond to severe storms. This does not include normal or accelerated tree removals, or crew responses during "normal" thunderstorms that occur in the spring. We have applied for \$38,000 in reimbursements from FEMA for work that occurred during the emergency conditions.

Following both storm events, the Department received numerous requests to remove trees in the rights of way that had the potential to cause damage to City and personal property. We removed these trees at an accelerated rate.

As of this writing the contracts authorized amount of \$1,385,081.71 will be exhausted prior to the contract

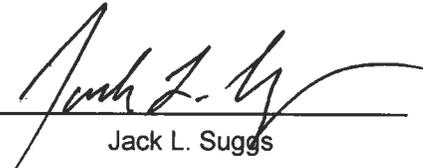
renewal date of July 1. This will prevent us from calling in assistance with danger trees or responding to emergencies or other department's requests.

The inability to remove "danger trees" and perform other hourly work for three months could significantly impact our operations and overall system reliability. In order to have resources available for the remainder of FY2015, staff in the Electric Department is recommending a change order to the contract authorizing an increase of \$65,000, or just under 5% more spending in the contract under discussion. This will change the contract amount from \$1,385,081.71 to \$1,450,081.71. We are not requesting that this change be carried forward. Also, should less than the \$65,000 be needed, staff will not use it.

Staff believes that the decisions made and resources allocated to right of way maintenance, although higher than expected, have had a significantly positive impact on the reliability of our electric system and the service provided to our customers.

Recommendation

Staff recommends approval of the attached resolution increasing the amount of contract 13-12 by \$65,000.



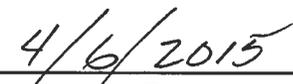
Jack L. Suggs

City Manager's Comments:

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



Mark S. Watson



Date

RESOLUTION

A RESOLUTION AUTHORIZING A CHANGE ORDER TO INCREASE FUNDING BY \$65,000.00. TO CONTRACT COR13-12 WITH SEELBACH & COMPANY, INC. FOR TREE PRUNING, TREE REMOVAL, AND BRUSH CONTROL ALONG POWER LINES.

WHEREAS, by Resolution 6-40-2013, City Council awarded a contract (COR 13-12) for right of way maintenance including the furnishing of all labor, tools, materials, equipment and supplies necessary for tree pruning, tree removal, and brush control along power lines; and

WHEREAS, the contract contains two major portions, "zone work" and "hourly" work and covers a two year period; and

WHEREAS, due to severe summer storms in 2014 and during the latest severe winter storms, hourly work crews were utilized more than expected due to emergencies and downed trees; and

WHEREAS, it is expected that the authorized contract amount of \$1,385,081.71 will be exhausted prior to the contract renewal date of July 1; and

WHEREAS, a Change Order is requested to be approved by City Council to increase the funding to Contract COR 13-12 by an additional \$65,000.00 in order to have resources available for the remainder of FY2015; and

WHEREAS, the City Manager recommends approval of the Change Order request in the amount of \$65,000.00.

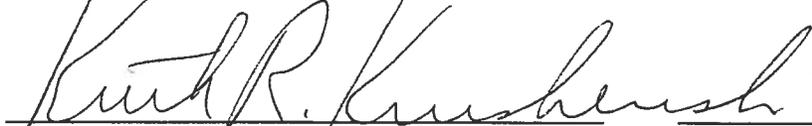
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager for a change order to the contract approved by Resolution 6-40-2013 with Seelbach & Company, Inc., 400 Farmer Court, Lawrenceville, Georgia 30045 to increase the funding by \$65,000.00 is hereby approved.

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

This the 13th day of April 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

RESOLUTIONS

PUBLIC WORKS DEPARTMENT MEMORANDUM
15-06

DATE: March 20, 2015
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: STREET RESURFACING CONTRACT

Introduction

An item for City Council's consideration is a resolution authorizing a contract in the estimated amount of \$350,000 to Roger's Group, Inc., Oak Ridge, TN, for street resurfacing.

Funding

Funds for the subject contract are available in the FY15 budget.

Consideration

Each year the Public Works Department prepares a list of streets to resurface. Streets are selected based on condition and traffic volume. When preparing the list an effort is made to make the number of center line miles resurfaced match funds available based on anticipated unit prices.

This year the City experienced approximately \$75,000 in snow removal costs over that which was budgeted. Consistent with previous budget policy decisions, any year that experiences excessive snow and ice, the resulting budget shortfall will be covered using funds budgeted for street resurfacing. The paving bid was correspondingly reduced by this amount by removing several small street sections from the bid. The final list of streets to be paved is shown in the attachment to this memo.

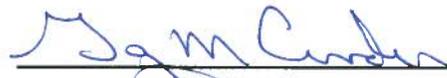
This project was publically advertised and solicitation for bids were provided to four local firms qualified to provide street resurfacing services. Only one bid was received; however this is to be expected due to the fact the successful bidder has an asphalt plant in Oak Ridge and the other bidders must haul material from either west or east Knox County.

Recommendation

Public Works is pleased with the successful bidder's past performance. Staff recommends approval of this contract.

Attachment:

List of streets to be resurfaced



Gary M. Cinder, P.E.

City Manager's Comments:

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



Mark S. Watson

4/6/2015

Date

**Public Works Department Addendum to Memorandum
15-06**

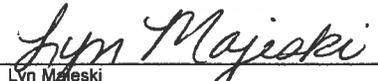
**MILLING AND PAVING SCHEDULE
TO BE RESURFACED IN SUMMER OF 2015 FY15 (01-15-2015)**

Name	From Street	To Street
ACCESS RD. 1	KAREN'S JEWELERS	ROCKY TOP
ACCESS RD. 3	KRYSTAL	TACO BELL
BEAR CREEK RD., WEST	1510 BEAR CREEK RD.	Hwy 58 RAMP
DIVISION RD. EAST	OAK RIDGE TPK.	270' SOUTH
VANDERBILT DR. EAST	VILLANOVA RD.	ILLINOIS AVE. S.
VANDERBILT DR. WEST	OAK RIDGE TPK.	VIRGINIA RD.
VANDERBILT DR. WEST 1	VILLANOVA RD.	VIRGINIA RD.
ELMHURST DR.	BRIARCLIFF AVE.	EASTRIDGE DR.
EAST DRIVE 4	AUDUBON RD.	ATHENS RD.
EAST DRIVE 3	ALGER RD.	AUDUBON RD.
ALGER RD. 2	AMHERST LN.	EAST DRIVE

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

FY2015-257

OPENING DATE: March 12, 2015 2:30 P.M.

FOR --- Street Milling and Resurfacing Project			BIDDER: Rogers Group, Inc. 250 Union Valley Road Oak Ridge, TN 37830		BIDDER:		BIDDER:		BIDDER:		
DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR STREET MILLING AND RESURFACING PROJECT PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT				\$ 424,031.31							
REDUCTION OF STREET WORK DUE TO THE ADDITIONAL COSTS ASSOCIATED WITH SNOW REMOVAL THAT WAS NOT IN THE BUDGET FOR THIS FISCAL YEAR				\$ (74,031.31)							
TOTAL PRICE				\$ 350,000.00							
TERMS				Net 30							
DELIVERY				per Contract							
F.O.B.				Oak Ridge							
VIA				Best Way							
OTHER BIDDERS CONTACTED: Blalock Companies - Sevierville, TN Harrison Construction Company - Knoxville, TN Duracap Asphalt Paving Co., Inc. - Knoxville, TN							BIDS OPENED AND RECORDED BY--  Lyn Majeski Accounting Division Manager				
REASON FOR AWARD				RECOMMEND AWARD BE MADE TO:				BIDS REVIEWED BY--			
ONLY BID RECEIVED <input checked="" type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input type="checkbox"/>				Rogers Group, Inc. 250 Union Valley Road Oak Ridge, TN 37830				 Janice McGinnis Finance Director			

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (FY2015-257) TO ROGERS GROUP, INC., OAK RIDGE, FOR STREET MILLING AND RESURFACING OF DESIGNATED CITY STREETS IN THE ESTIMATED AMOUNT OF \$350,000.00.

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for milling and resurfacing of specified City streets; and

WHEREAS, bids were received and publicly opened on March 12, 2015, with Rogers Group, Inc., submitting the sole bid, which bid the City Manager recommends be accepted.

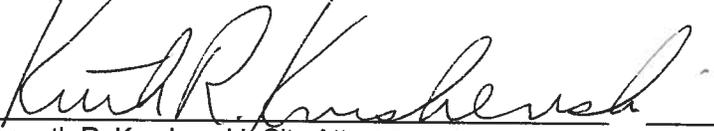
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Rogers Group, Inc., 250 Union Valley Road, Oak Ridge, Tennessee 37830, for the furnishing all labor, tools, materials, equipment and supplies necessary to perform all work and services for the milling and resurfacing of specified City streets; said award in strict accordance with Contract FY2015-257, the required specifications, and the bid as publicly opened on March 12, 2015, and in the estimated amount of \$350,000.00.

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

This the 13th day of April 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

ELECTRIC DEPARTMENT MEMORANDUM
15-09
INFORMATION SERVICES MEMORANDUM
15-02

TO: Mark S. Watson
City Manager

FROM: Jack L. Suggs, Electric Director

Amy Fitzgerald, Ph.D.
Governmental Affairs & Information Services Director

DATE: April 2, 2015

SUBJECT: TRANSMITTAL OF COMMENTS TO THE TENNESSEE VALLEY AUTHORITY ON
THE AGENCY'S DRAFT INTEGRATED RESOURCES PLAN

Introduction

An item for the April 13th City Council agenda is consideration of a resolution authorizing transmittal of comments to the Tennessee Valley Authority (TVA) on the agency's draft Integrated Resource Plan (IRP). The public comment period on the document ends on April 27th.

Background

Last month, TVA released a draft Integrated Resource Plan for public review that evaluates options to meet an expected need for additional resources over the next 20 years. According to TVA, the agency is updating its 2011 IRP due to dramatic changes in the utility industry. Such changes include abundant, lower-cost natural gas, decreased cost of renewable generation and increased focus on energy conservation efforts.

The current draft IRP has been under development since the fall of 2013 and is a "power planning roadmap" to 2033. It examines a variety of economic, regulatory and market-driven scenarios and strategies – both within and outside TVA's control – to help TVA respond to changing energy demands while continuing to provide reliable power at the lowest possible cost. The scenario planning will assist TVA as it responds to a variety of market conditions in the future.

The draft IRP examines five main scenarios for the future. The first considered a continuation of TVA's current nearly 1 percent annual growth in sales, the second considered no growth and the third considered slightly more robust sales in a growth economy. A fourth scenario was based on more aggressive regulations on carbon emissions and a fifth scenario considered a rapid adoption of off-grid distributed power generation.

As a TVA distributor, it is important that the City of Oak Ridge comment on the IRP. In addition, the TVA Clinch River Site where the Small Modular Reactor project is under development is also located in the City of Oak Ridge.

A copy of the draft IRP and the accompanying Supplemental Environmental Impact Statement have been posted at www.tva.com/environment/reports/irp. TVA has been holding a series of public meetings to present the plan and answer questions; a meeting is scheduled in Knoxville on April 6th.

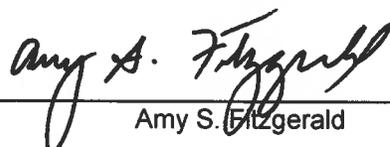
A final version of the IRP will be presented to the TVA board of directors later this summer.

Recommendation

Approval of the attached resolution is recommended.



Jack L. Suggs

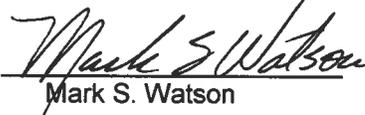


Amy S. Fitzgerald

Attachment

City Manager's Comments:

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

 4/6/15

Mark S. Watson Date

RESOLUTION

A RESOLUTION AUTHORIZING TRANSMITTAL OF COMMENTS TO THE TENNESSEE VALLEY AUTHORITY ON THE AGENCY'S DRAFT INTEGRATED RESOURCE PLAN.

WHEREAS, the Tennessee Valley Authority (TVA) is a corporate agency of the United States that provides electricity for business customers and local power distributors serving 9 million people in parts of seven southeastern states. TVA receives no taxpayer funding, deriving virtually all of its revenues from sales of electricity. In addition to operating and investing its revenues in its electric system, TVA provides flood control, navigation and land management for the Tennessee River system and assists local power companies and state and local governments with economic development and job creation; and

WHEREAS, the TVA has released a draft Integrated Resource Plan for public review that evaluates options to meet an expected need for additional resources over the next 20 years; and

WHEREAS, the City of Oak Ridge is a distributor of TVA power to its 29,400 citizens, and as such, has a vested interest in the agency's draft Integrated Resource Plan; and

WHEREAS, the City desires to submit comments on the draft Integrated Resource Plan for TVA's consideration prior to the comment deadline; and

WHEREAS, the City Manager recommends that the City transmit comments to the Tennessee Valley Authority on the draft Integrated Resource Plan.

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 Mayor is hereby authorized to transmit the attached comments to the Tennessee Valley Authority on the agency's draft Integrated Resources Plan.

This the 13th day of April 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

COMMENTS TO THE TENNESSEE VALLEY AUTHORITY ON THE AGENCY'S DRAFT INTEGRATED RESOURCE PLAN

The City of Oak Ridge appreciates the opportunity to comment on the Tennessee Valley Authority's Integrated Resource Plan. TVA's willingness to listen to the thoughts and opinions of its diverse customer base is a hallmark of Public Power.

The City of Oak Ridge is a distributor of TVA power to its 29,400 citizens. The community is heavily invested in both energy efficiency and renewable resources. Oak Ridge is a Platinum Level Valley Sustainable Community, we are a US EPA Green Power Community (the first in the Southeast) and USA EPA Green Power Community of the Year for 2014. Additionally, Oak Ridge received TVA's Green Power Switch Leader of the Year Award for 2014 and is currently a top performer Valley wide in the EnergyRight Solutions programs based on customer savings as a percent of sales.

The City applauds TVA for its forward thinking approach to resource planning evidenced in its Integrated Resource Plan (IRP). Like TVA, we understand the importance of resource planning with the overall goal being to produce and maintain rock solid reliable power at reasonable cost for our customers while maintaining sensitivity to environmental issues and concerns.

We note with approval that the IRP considers a wide range of scenarios for the future electric market in our region. These scenarios were designed not only to evaluate the differences in potential electric load growth, but also consider the impact of possible carbon emission limitations or rapid adoption of distributed generation.

We believe that the document provides, overall, excellent guidance and direction for the utility for years to come while acknowledging that the specific decisions made TVA will have to be based on changing realities and specific opportunities that will arise as the future electric utility market unfolds.

The City applauds TVA for its approach to renewable resource integration into the grid, which allows for development of these resources, but minimizes risks posed to our customers at times of highest need and therefore highest demand. It is clear that the models used developed results based on educated inputs and were not designed to accomplish specific outputs.

Although the City supports and promotes energy efficiency, we are concerned that the cost based approach to energy efficiency used in the IRP did not take into the effect the cost of those programs to the local power companies. Like TVA, Oak Ridge operates a not for profit system. Our fixed costs are recovered through power sales and in evaluating the cost of energy efficiency programs, the loss of revenues at our level need to be considered. We encourage TVA to consider cost in a "one-ownership" methodology, which is completely appropriate since both TVA and its power distributors exists to serve the same customers.

Finally, the City of Oak Ridge also encourages TVA to continue to support the development of Small Modular Reactors (SMRs). We believe that SMRs can play a significant role in meeting the challenges in each of the scenarios considered in the IRP because of several inherent advantages to the designs. SMRs offer the inherent advantages of modularity, lower capital investment, siting flexibility, and efficiency while supporting the national goals of nonproliferation and development of an international marketplace for U.S. technology.

SMR's can also play an important role in any scenario that includes rapid adoption of Distributed Generation Resources (DGR). SMRs which have a load following capability can be a significant tool in dealing with the impact of DGRs as demonstrated by the now famous "California Duck Curve."

According to the Department of Energy, "Nuclear energy continues to be an important part of President Obama's 'all of the above' energy strategy for a sustainable, secure and clean energy future." We believe that properly developed SMRs can be a part of that future. While we acknowledge that the cost of the first few units maybe relatively high, the nth unit cost should be economical.

Through the support of SMR development, TVA not only speeds the development of a resource that is important for the Valley, but also one which is important on a national level in supporting clean energy resources.

**PUBLIC WORKS DEPARTMENT MEMORANDUM
15-03**

DATE: February 23, 2015

TO: Mark S. Watson, City Manager

FROM: Steven R. Byrd, P.E., City Engineer

THROUGH: Gary M. Cinder, P.E., Public Works Director 

SUBJECT: OAK RIDGE TURNPIKE / OAK RIDGE HIGH SCHOOL TRAFFIC SIGNAL

Introduction

An item for City Council's consideration is a resolution approving a contract (Contract FY2015-238) with S&W Contracting Co. Inc., Murfreesboro, TN, for the installation of a traffic signal at the Oak Ridge Turnpike (State Route 95) / Oak Ridge High School intersection in the estimated amount of \$177,183.

Funding

Oak Ridge City Council Resolution 4-30-11 authorized approval of expenditures from the Special Programs Fund for transportation enhancement projects for traffic capacity/safety, school crossing, and bicycle/pedestrian safety. In July 2014, Council approved the installation of a traffic signal at the Oak Ridge Turnpike/Oak Ridge High School intersection, Resolution 08-80-2014. Adequate funds are available in the Special Programs Fund for this project.

Background

In March 2014, City Council requested the Traffic Safety Advisory Board (TSAB) to review possible traffic control alternatives to improve safety for the Oak Ridge Turnpike/Oak Ridge High School pedestrian crossing. Over several months of reviewing options, in July 2014, TSAB recommended to Council the installation of a traffic signal at the intersection.

In August 2014, City staff retained the engineering firm of Cannon & Cannon, Inc. of Knoxville for design of the traffic signal based on the firm's past experience with the City on pedestrian safety improvements within the City. TSAB provided input on the signal design during their review of improvement options.

The design is shown on the enclosed drawing and includes a fully activated traffic signal with an all-red signal phase that allows pedestrians to cross, while the Turnpike and side street traffic movements are stopped. The duration of the all-red phase is set to allow enough time for pedestrians to safely cross the Turnpike and side street. The need for a crossing guard can be eliminated with this all-red pedestrian phase. The signal design includes provisions to upgrade the traffic signal in the event that a fourth leg of the intersection is desired from the Civic Center at some future date. Such provisions include locating the signal mast arm poles farther apart to not interfere with future construction and oversizing underground conduit to allow for future signal wiring.

The Tennessee Department of Transportation has reviewed and approved the signal design and is in the process of executing the Memorandum of Understanding that assigns the perpetual maintenance responsibility to the City. Such Memoranda are required on any new electrical or solar powered traffic control devices that are installed on a state right-of-way.

Traffic signal projects generally take approximately six months to complete from issuance of the Notice to Proceed. A significant portion of this six month period is needed for manufacturing traffic signal poles. The estimated time to complete the traffic signal is August 2015. There should be no interruption to school traffic or school activities if the signal is not completed by the start of school.

Public Works Department Memorandum

15-03

Page 2

Recommendation

The sealed bid process was followed, two (2) bids were received with award recommended to the lowest bid provided. Cannon & Cannon, Inc., and City staff reviewed the low bid and found it to be acceptable and below the Engineer's estimate. Staff recommends approval of the accompanying resolution as submitted.


Steven R. Byrd

Attachment – Intersection design

cc: Jack Suggs, Electric Department Director
Ken Krushenski, City Attorney
Roger Flynn, P.E., Senior Civil Engineer

City Manager's Comments:

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



Mark S. Watson

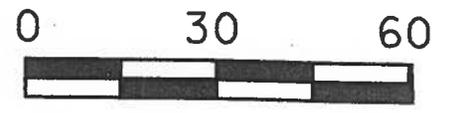


Date

REFURBISH
PAVEMENT
ARROWS

EXTEND PAVEMENT
MARKINGS TO TOTAL
OF 100 L.F. EACH

OAK RIDGE
HIGH SCHOOL



Concrete Pad
with Sign

Stop
Sign

POLE D

POLE E

POLE F

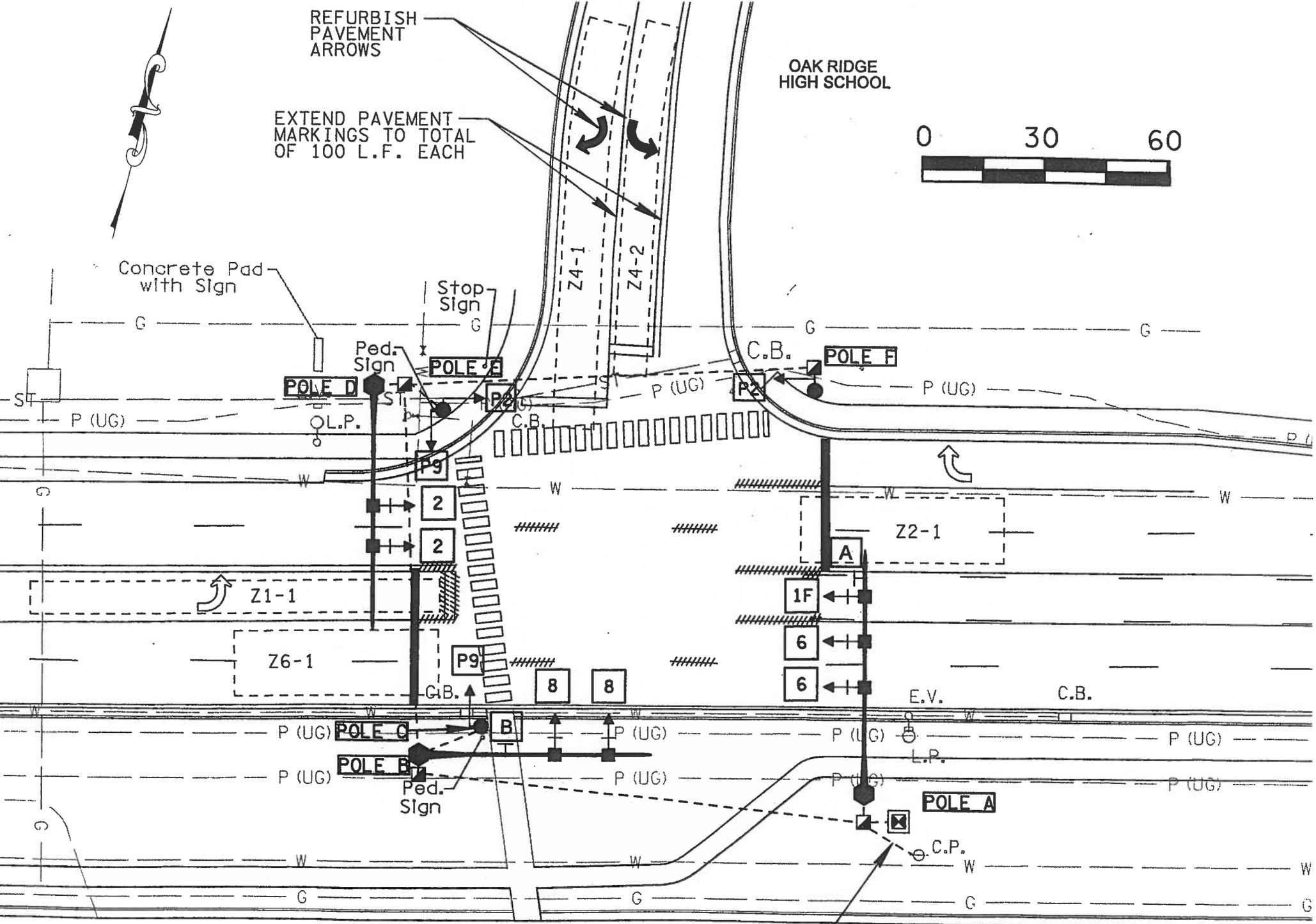
POLE G

POLE B

POLE A

CONDUIT AND RISER
FOR HARDWARE
INTERCONNECT

COR PUBLIC WORKS ENGINEERING\SRB\CCB
FEBRUARY 19, 2015



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

FY2015-238

OPENING DATE: February 20, 2015 1:30 P.M.

FOR --- Traffic Signal Project Oak Ridge Turnpike at Oak Ridge High School		BIDDER: S & W Contracting Co., Inc. 952 New Salem Road Murfreesboro, TN 37129		BIDDER: Progression Electric, LLC 2823 Thorngrove Pike Knoxville, TN 37914		BIDDER:		BIDDER:	
DESCRIPTION			TOTAL		TOTAL		TOTAL		TOTAL
THE FURNISHING OF ALL LABOR, TOOLS, EQUIPMENT AND SUPPLIES NECESSARY TO PERFORM ALL WORK AND SERVICES NECESSARY FOR TRAFFIC SIGNAL PROJECT OAK RIDGE TURNPIKE AT OAK RIDGE HIGH SCHOOL PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE, PUBLIC WORKS DEPARTMENT			\$ 177,183.00		\$ 183,313.43				
TOTAL PRICE			\$ 177,183.00		\$ 183,313.43				
TERMS			Net 30		Net 30				
DELIVERY			Per Contract		Per Contract				
F.O.B.			Oak Ridge		Oak Ridge				
VIA			Vendor		Vendor				
OTHER BIDDERS CONTACTED: Stansell Electric Company - Nashville, TN NABCO Electric Company, Inc. - Chattanooga, TN David H Elliott Company, Inc. - Lexington, KY						BIDS OPENED AND RECORDED BY--- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager			
REASON FOR AWARD: ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>			RECOMMEND AWARD BE MADE TO: S & W Contracting Co., Inc. 952 New Salem Road Murfreesboro, TN 37129			BIDS REVIEWED BY--- <i>Janice McGinnis</i> Janice McGinnis Finance Director			

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (FY2015-238) TO S & W CONTRACTING CO., INC., MURFREESBORO, TENNESSEE FOR THE INSTALLATION OF TRAFFIC SIGNAL ON THE OAK RIDGE TURNPIKE AT THE OAK RIDGE HIGH SCHOOL IN THE ESTIMATED AMOUNT OF \$177,183.00.

WHEREAS, the City of Oak Ridge issued an invitation to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for the installation of a traffic signal on the Oak Ridge Turnpike at the Oak Ridge High School; and

WHEREAS, bids were received and publicly opened on February 20, 2015, with S & W Contracting Co, Inc., Murfreesboro, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

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

That the recommendation of the City Manager is approved and award is hereby made to S & W Contracting Co., Inc., 952 New Salem Road, Murfreesboro, Tennessee 37129, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the installation of a traffic signal on the Oak Ridge Turnpike at the Oak Ridge High School; said award in strict accordance with FY2015-238, the required specifications, and the bid as publicly opened on February 20, 2015, and in the estimated amount of \$177,183.00.

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

This the 13th day of April 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

CITY COUNCIL MEMORANDUM
14-45

DATE: December 18, 2014
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SENIOR CENTER LEASE AGREEMENT

Introduction

An item for City Council's consideration is a resolution to approve a Lease Extension Agreement between the City and Anderson County to lease space at the Daniel Arthur Rehabilitation Center for the purpose of operating a senior center.

Background

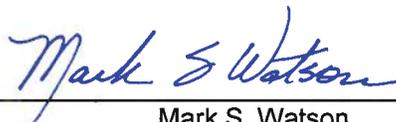
The City has been leasing space from Anderson County at the Daniel Arthur Rehabilitation Center since 1999 for the purposes of operating the Senior Center. The "current" lease agreement with Anderson County was approved by City Council through Resolution 12-117-09 for a five-year lease term, which expires on December 31, 2014. As part of this lease agreement, the City had the option to purchase the property for One Dollar (\$1.00) at the conclusion of the lease term.

By Resolution 12-118-09, City Council directed the City Manager and the Elder Citizens Advisory Board (now called the Senior Advisory Board) to move forward with development of a timeline for construction of a new senior center at the Daniel Arthur Rehabilitation Center location. As part of this plan, the Board was in the process of forming a 501(c)(3) organization in order to raise funds for construction of a new senior center. The idea to raise funds for a new senior center did not go as planned and little money was raised for this effort. Various locations and options have been discussed. However, the City's fiscal situation has not lent itself to development and construction of a new senior center. The Daniel Arthur Rehabilitation Center was also supported as a location versus other options such as local churches.

Anderson County has offered to continue the lease arrangement for an additional five-year term under a Lease Extension Agreement. The Lease Extension Agreement is for a five-year term (January 1, 2015 through December 31, 2019) at the rate of \$5,170.00 per month. The Lease Extension Agreement continues to provide the City with the option to purchase the property at the end of the lease term for One Dollar (\$1.00). This option will allow the City to move forward with plans for a new senior center if funds are raised and City Council elects to exercise the option.

Recommendation

Approval of the attached resolution is recommended.


Mark S. Watson

Attachments: Resolution 12-117-09
Resolution 12-118-09
Proposed Resolution
Lease Extension Agreement

RESOLUTION

WHEREAS, by Resolution 8-144-99, City Council approved a lease agreement between the City and Anderson County (the "County") to lease space at the Daniel Arthur Rehabilitation Center (the "Center") for the purposes of operating a senior center; and

WHEREAS, the City and the County desire to modify the terms of the lease arrangement; and

WHEREAS, the proposed lease provides for a five (5) year lease term at a cost of \$5,170.00 per month, plus twenty-four percent (24%) of the total utility costs for the Center; and

WHEREAS, at the end of the lease and upon giving at least one hundred and twenty (120) days advanced notice to the County, the proposed lease provides the City an option to purchase for one dollar (\$1.00) buildings one, two and three, as shown on an exhibit to the lease agreement, for use as a senior center and other municipal services; and

WHEREAS, the City Manager recommends approval of the lease agreement.

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

That the recommendation of the City Manager is approved and the attached Lease Agreement between the City of Oak Ridge and Anderson County to lease space at the Daniel Arthur Rehabilitation Center for a five-year term beginning January 1, 2010 and ending December 31, 2014 for the purpose of operating a senior center is hereby approved.

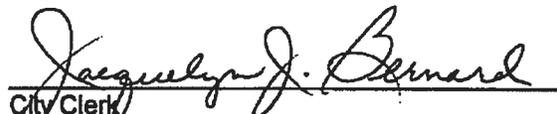
BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 14th day of December 2009.

APPROVED AS TO FORM AND LEGALITY:


City Attorney


Mayor


City Clerk

RESOLUTION

WHEREAS, by Resolution 12-117-09, City Council approved a lease agreement between the City and Anderson County to lease space at the Daniel Arthur Rehabilitation Center for the purpose of operating a senior center; and

WHEREAS, the lease agreement provides the City with the option to purchase buildings one, two and three for one dollar (\$1.00) at the end of the five-year lease term for use as a senior center and other municipal services; and

WHEREAS, after evaluating potential locations for a new senior center, City Staff and the Elder Citizens Advisory Board have proposed the City elect at the end of the lease term to exercise the option to purchase buildings one, two and three at the Daniel Arthur Rehabilitation Center and construct a new senior center at that location; and

WHEREAS, the Elder Citizens Advisory Board is in the process of forming a 501(c)(3) organization in order to be ready to raise funds for construction of a new senior center; and

WHEREAS, upon approval by City Council, the Elder Citizens Advisory Board and City Staff will work toward developing a timeline to construct a new senior center, which includes selection of an architectural firm to conduct a needs assessment and develop a conceptual plan, development of design plans for a new senior center, demolition of the existing buildings, and construction of the new senior center while also developing a method for relocating senior citizen services during the demolition and construction phases; and

WHEREAS, the City Manager recommends City Council endorse the plans to move forward with construction of a new senior center at the Daniel Arthur Rehabilitation Center location.

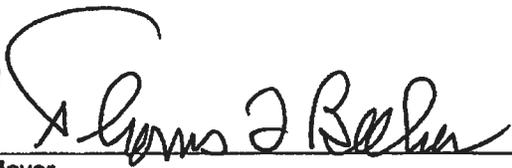
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is hereby approved and the Elder Citizens Advisory Board and City Staff are directed to move forward with development of a timeline for construction of a new senior center at the Daniel Arthur Rehabilitation Center location.

This the 14th day of December 2009.

APPROVED AS TO FORM AND LEGALITY:


City Attorney


Mayor


City Clerk

NUMBER _____

RESOLUTION

A RESOLUTION TO APPROVE A LEASE EXTENSION AGREEMENT BETWEEN THE CITY OF OAK RIDGE, TENNESSEE, AND ANDERSON COUNTY, TENNESSEE, TO LEASE SPACE AT THE DANIEL ARTHUR REHABILITATION CENTER FOR THE PURPOSE OF OPERATING A SENIOR CENTER.

WHEREAS, by Resolution 12-118-09, City Council approved a lease agreement between the City and Anderson County to lease space at the Daniel Arthur Rehabilitation Center for the purpose of operating a senior center; and

WHEREAS, said lease agreement was for a five year term with the City having the option to purchase the property at the conclusion of the lease term for One Dollar (\$1.00); and

WHEREAS, the lease agreement expired on December 31, 2014 and the City did not exercise the option to purchase the property; and

WHEREAS, the parties desire to enter into a Lease Extension Agreement to essentially renew the lease agreement for another five-year period, with the City having the option to purchase the property at the conclusion of the lease term for One Dollar (\$1.00); and

WHEREAS, the City Manager recommends approval of the Lease Extension Agreement.

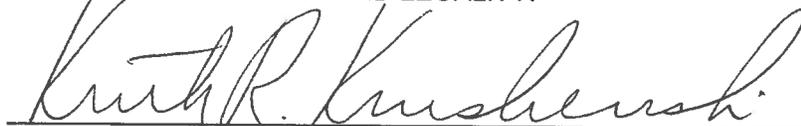
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached Lease Extension Agreement between the City of Oak Ridge, Tennessee, and Anderson County, Tennessee, to lease space at the Daniel Arthur Rehabilitation Center for a five-year term beginning January 1, 2015 and ending December 31, 2019 for the purpose of operating a senior center is hereby approved.

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

This the 13th day of April 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

LEASE EXTENSION AGREEMENT

THIS LEASE EXTENSION AGREEMENT, made and entered into on this the _____ day of _____, 2014, by and between Anderson County, Tennessee a political subdivision of the State of Tennessee and governmental entity located at 208 Anderson County Courthouse, 100 North Main Street, Clinton, Tennessee (hereinafter, "Lessor") and the City of Oak Ridge, Tennessee, a governmental municipality located at 200 South Tulane Avenue, Oak Ridge, Tennessee, (hereinafter, "Lessee"):

WITNESSETH:

WHEREAS, Lessor desires to lease certain office, recreational and meeting space located at 728 Emory Valley Road, for the use and benefit of the Oak Ridge Senior Center, located within a portion of the Daniel Arthur Rehabilitation Center (DARC) Complex, within the corporate limits of the City of Oak Ridge, in the Second Civil District of Anderson County, Tennessee, (hereinafter referred to as "Leased Space") and more particularly described in Exhibit 1 (diagram of the Leased Space) and Exhibit 2 (room square footage, approximately 9,694 sq. ft.) attached hereto and made a part of this lease.

WHEREAS, Lessee desires to lease said Leased Space upon the terms and conditions hereinafter set forth.

NOW THEREFORE, the parties, in consideration of the mutual covenants and agreements contained herein do hereby agree as follows:

1. Lessor shall lease to Lessee and Lessee does hereby agree to lease the Leased Space described in Exhibit 1 and Exhibit 2, attached hereto, for the use and benefit of the Oak Ridge Senior Center, located within the DARC Complex on Emory Valley Road.
2. Lessor and Lessee have agreed that the gym, kitchen, bathroom and stage areas, as shown on Exhibit 2, are not to be considered as a part of this lease agreement, but that these areas may be used and scheduled by the Lessee, at no charge to the Lessee, with Lessor to be responsible for maintaining the area.
3. Lessor and Lessee agree that rent paid by Lessee hereunder shall be at a rate of Five Thousand One Hundred Seventy Dollars and no/100 (\$5,170.00) per month for a period of five (5) years.
4. This lease shall commence effective the 1st day of January, 2015, through the 31st day of December, 2019, for a five (5) year period of time, with the Lessee having the option to purchase the property, (hereinafter, "Option Property" as described more particularly in Exhibits 3, 4, 5 & 6 attached hereto) for One Dollar and no/100 (\$1.00) on the 31st day of December, 2019. Notice of the intent to purchase the Option Property for this amount, must be provided to the Lessor by the Lessee no later than one hundred and twenty (120) days prior to the expiration of this lease. If Lessee exercises its option to purchase the Option Property, Lessee agrees that

Option Property must be used for a Senior Center, for the use and benefit of all senior citizens, and other municipal services and never as commercial leased space for "For Profit" businesses or sold to other individuals or entities. If Lessee violates this covenant, Option Property will revert automatically to Lessor without legal process. If the option to purchase is exercised at the end of the Lease Term, Lessor agrees that Lessee may raze the existing structure(s) on the Option Property and replace with a new building for the use and benefit senior citizens and other municipal services.

5. Lessee shall be responsible for custodial services, to include interior cleaning and cleaning of windows both interior and exterior, and agrees that it will maintain the leased area in a reasonable state of cleanliness subject to the satisfaction of the Lessor.

6. Lessee shall be responsible for the payment of twenty-four percent (24%) per calendar year of the total utility costs of the complex, billed monthly, with payment to be made within thirty (30) days upon receipt of the invoice.

7. Lessor will maintain the parking and driveway areas. Lessor will maintain all heating and cooling equipment and will repair defective electrical outlets within the leased areas. Providing of light bulbs, ballasts and other similar electrical appliances will be the responsibility of the Lessee. If Lessee exercises its option to purchase Option Property at the end of the Lease Term, the Parties agree to mutually share use and maintenance of all facility parking areas, sidewalks and ingress/egress corridors.

8. Lessee shall provide its own door signs, or other signs. However, all signs shall meet standards set by the Lessor and proposals for signs must be presented to Lessor prior to installation. Any modifications in the Leased Space shall be subject to written approval by the Lessor.

9. Lessee, its agents, employees, guests and invitees are permitted to use the parking area but Lessor shall not be responsible for security in the parking area and shall not be responsible for losses to, or damage to vehicles, or injuries in the parking area.

10. Payment for janitorial services within Leased Space shall be the responsibility of the Lessee. Lessor shall be responsible for all maintenance items for the purpose of maintaining the heat and air conditioning systems.

11. Except as noted herein or as may otherwise be agreed in writing in any addendum to this lease, any alterations, additions or improvements made to the Leased Space, whether with or without consent of the Lessor, shall become the property of the Lessor, and shall remain upon the premises and be surrendered with the premises upon the termination of this lease agreement and any renewals or extension thereof. The Lessor and Lessee agree that any specialized equipment that shall be placed within the Leased Space by the Lessee, and being described as special electronic equipment, computer equipment, or specialized telephones, shall not become the property of the Lessor and shall be trade fixtures and as such be removable by the Lessee at the end of the term of the lease as provided herein; provided, however, that the Lessee shall

make sufficient repairs to the building to return the Leased Space to a reasonable state of repair consistent with the state of the premises as though such equipment had not be installed.

12. Lessor and Lessee agree that the Emory Valley Center shall continue to be permitted the use of the gym facility free of charge, up to, but not exceeding five (5) special events per calendar year, with scheduling to be done by the Oak Ridge Senior Center. Nothing contained herein shall be interpreted to impede Lessor's ability to lease other space within the Option Property during the Lease Term. In the event Lessee exercises its option to purchase Option Property, Lessee agrees to not interfere with the Lessor's use and access of the Dickens Building or the Holiday Bureau Building.

13. Lessor shall have the option on thirty (30) days notice to terminate this lease agreement in the event that Lessee has filed against it, or voluntary files, in either state or federal court any proceeding with respect to insolvency or bankruptcy of the Lessee, or if Lessee materially alters its charitable function or ceases its current operational intent to use the Leased Space as a Senior Center for the use and benefit of all senior citizens.

14. Condemnation proceedings resulting in the condemnation of a part of the premises leased herein, but leaving the remaining premises usable by the Lessee for the purposes of its business will not terminate this lease unless Lessor, at its option, terminates the lease by giving written notice of termination to Lessee. The effect of any condemnation, where the option to terminate is not exercised, will be to terminate the lease as to that portion of the premises condemned, and the lease of the remainder of the demised premises shall remain intact. The rental for remainder of the lease term shall be reduced proportionately to the area lost. This provision shall not be applicable to condemnation of a portion or all of the parking area. Lessee hereby assigns and transfers to Lessor any claim it may have to compensation for damages as a result of any condemnation.

15. Lessee accepts the Leased Space in "as is" condition. Acceptance of the premises by Lessee shall be construed as recognition that the premises are in a good state of repair and in sanitary condition. Lessee shall surrender the premises at the conclusion of the lease term, or any renewal or extension thereof, in the same condition as when Lessee took possession, reasonable use and fair wear and tear, and loss by acts of God, including fire and storms, accepted. Upon surrender, Lessee shall remove all business signs placed on the premises by Lessee and shall restore the portion of the premises on which such signs were placed to the same condition as when received.

16. If the premises are totally destroyed, or so substantially damaged as to be untenable by storm, fire, earthquake, or other casualty, this lease shall terminate as of the date of such destruction or damage, and rental shall be accounted for as between Lessor and Lessee as of that date. If the premises are damaged but not rendered wholly untenable by any such casualty, rental shall abate as determined by the Lessor and Lessee in proportion as the premises have been damaged, and Lessor shall restore promptly as practicable, whereupon full rent shall recommence.

17. If suit is instituted for the collection of any rental due and owing under this lease, Lessee shall be responsible for reasonable attorney fees in addition to the amount of rent due and owing, and such attorney fees shall become a further part of the indebtedness owed by Lessee to Lessor.

18. Lessor shall, on default with respect to any of the provisions of this lease by Lessee, including payment of the rental as provided herein, provide Lessee written notice of any such breach. Following the date of the written notice, Lessee shall have thirty (30) days to correct such deficiencies. If the condition cannot be corrected with thirty (30) days, Lessee shall have a reasonable time to complete the correction, except that nothing contained herein shall extend the period of time for payment of any delinquent rental due under this agreement.

19. Lessor agrees that Lessee's obligation under this lease shall terminate if the Oak Ridge City Council does not appropriate sufficient funds during its annual budget approval to make payment of the rental as provided herein. Lessee shall notify Lessor of its intent to terminate lease due to valid budgetary constraints no less than ninety (90) days prior to July 1st of each year.

20. Lessee agrees that all personal property, trade fixtures and other articles taken upon the demised premises by Lessee, its agents, representatives, employees, invitees or assigns, shall be at the sole risk of Lessee. Lessor shall have no responsibility for the theft of same or any injuries or damages caused by the act of any co-tenant, or agent, employee or invitee of the Lessee herein except for such as may be caused by willful acts of Lessor or Lessor's agents or representatives.

21. Any and all remedies provided Lessor for the enforcement of the provisions of this lease are not exclusive, and Lessor shall be entitled to pursue either the rights set forth in this agreement or remedies authorized by law or both. Lessee shall be liable for any costs or expenses incurred by Lessor in enforcing any terms of this lease agreement or in pursuing any legal action for the enforcement of Lessor's rights.

22. Lessor agrees hereunder and represents to Lessee that it is the owner of the property to be leased pursuant to this lease agreement and that the signing of this agreement by Lessor's authorized representative is with full authority to execute same on behalf of Anderson County. The undersigned person signing for Lessee acknowledges that he has full and complete authority to act on behalf of the City of Oak Ridge, and that such lease agreement is, and shall be, binding upon the leasing entity and its assigns and successors in interest.

23. Lessee agrees the Lessor shall not be liable for any damage or injury to Lessee, Lessee's agents, licensees, invitees or contractors or to any person entering the property or the building nor for damage or injury to any person or personal property therein or thereon resulting from any act or omission of Lessee, Lessees, agents, licenses, invitees or contractors, and Lessee agrees to indemnify and save Lessor harmless from all such claims and demands to the extent allowed by law.

24. Lessee will during the said term insure and keep insured the said Leased Space from loss or damage by fire and other casualty, in at least the sum of Five Hundred Thousand and No/100 Dollars (\$500,000.00). Lessee shall also obtain premises liability insurance insuring against personal injury or property damage and occurring on or in conjunction with the Leased Space. This premises liability insurance shall be in form satisfactory to Lessor. Lessee will pay all of the premiums necessary for those purposes within 20 days after the same shall come due. If at any time the Lessee shall fail to insure or keep insured as aforesaid, the Lessor may do all things necessary to effect or maintains such insurance, and any monies expended by them for that purpose shall be repayable by the Lessee on demand. Lessee shall provide to Lessor acceptable certificate evidencing insurance of the kind and amount specified herein and shall have Lessor included as an additional named insured on any such insurance.

25. Lessee will keep all Leased Space, in such repair as the same are at the commencement of the said term or may be put in the continuance thereof, reasonable wear and tear and damage by fire or other unavoidable casualty only excepted.

26. Lessee shall have non-exclusive use of an access easement for ingress and egress from the premises to Emory Valley Road that is included in this lease. Lessee and Lessor agree that neither will block, restrict nor damage the right of the other or any authorized third parties to the concurrent use of the access easement.

27. In an effort to memorialize the joint partnership and mutual cooperation of Anderson County and the City of Oak Ridge, the Parties hereto agree that the facility shall be named and referred to as the "Anderson County/Oak Ridge Senior Center. Lessor at its option and expense may install appropriate signage designating the facility by said name. Anderson County residents shall be welcome to participate in senior facility functions, programs and events under the same use and terms afforded to Oak Ridge residents.

28. Lessor and Lessee agree that this lease agreement constitutes the entire agreement between the parties hereto and shall not be altered, modified, amended or deleted, except by a document executed in writing signed by the parties hereto, either themselves or through their respective representatives.

IN WITNESS WHEREOF, the parties have executed this lease agreement on this _____ day of _____, 2014.

LESSOR:

**ANDERSON COUNTY,
TENNESSEE**

LESSEE:

**THE CITY OF OAK RIDGE,
TENNESSEE**

By: _____

By: _____

Its: County Mayor

Its: _____

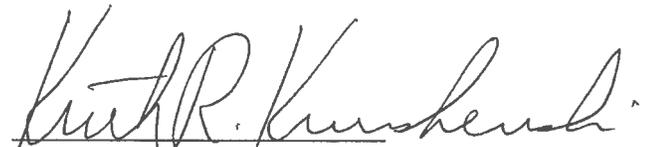
Robert McKamey, Chair, AC Commission

ATTEST:

Jeff Cole, AC County Clerk

APPROVED AS TO FORM AND LEGALITY:

N. Jay Yeager, AC Law Director

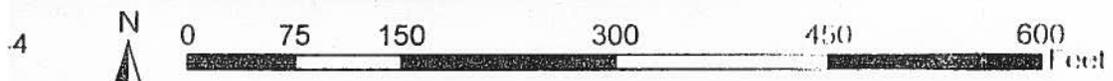
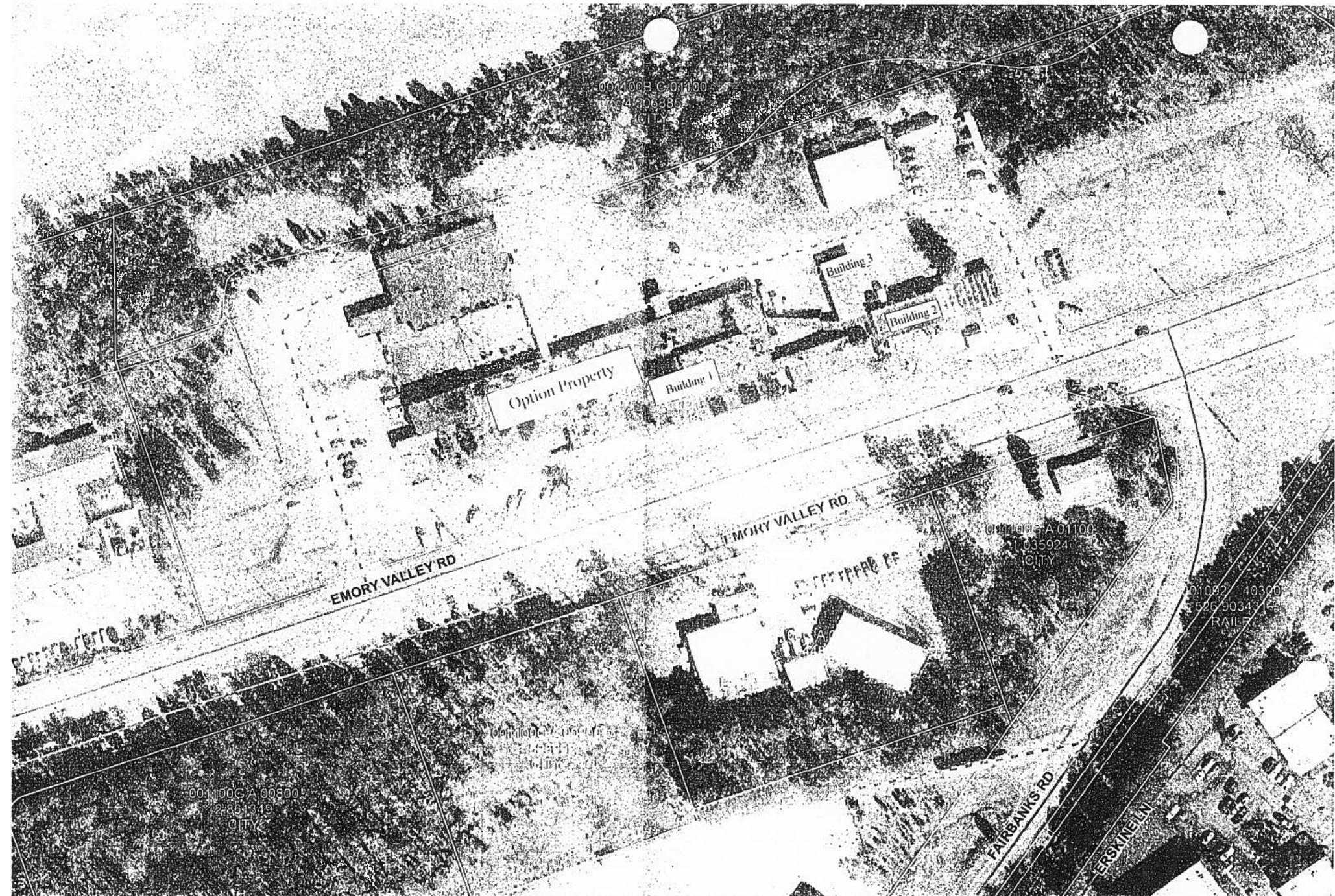


Ken Krushenski, OR City Attorney

Room	Size	Usable Space	Width	Length
RM 28 Chair Storage for GYM	14' x 46"		14	3.83
31 (Kitchen Area)	18' x 23.5		18	23.5
31 (Dining Area)	15' x 13'		15	13
31 Storage	11' x 10.5		11	10.5
31 Bathroom	5' 8" x 7'		5.6	7
33 Storage	12' x 8'		12	8
35 (Dining Area)	13.5' x 18.5		13.5	18.5
35 A (Craft Room)	18' x 33'		18	33
35 A Storage	11' x 5'		11	5
37 A (Managers Office)	16' 8" x 10' 6"		16.6	10.5
37 B (Storage)	8' 9" x 11' 7"		8.75	11.6
37 C (Storage)	10.5' x 16' 9"		10.5	16.75
37 Hall Closet	7.5' x 5'		7.5	5
37 E Card Room	17 x 30		17	30
37 D (Computer Room)	20.5 x 17		17	20.5
38 (Office)	24.5 x 18.5		24.5	18.5
43 (Blood Pressure Room)	14.5 x 16.5		14.5	16.5
48 Janitorial Storage	6' 7" x 8'		6.75	8
50 Reading Room	14 x 13		14	13
52 TV lounge	12' x 24' 9"		12	24.75
52 Storage Closet	10' x 2.5'		10	2.5
54	24' x 34' 4"		24	34.4
54 (Storage)	9' 7" x 8'		9.75	8
58 (Storage)	9' 7" x 8'		9.75	8
58	24' x 34' 4"		24	34.4
58 (Storage)	9' 7" x 8'		9.75	8
60	68 x 34' 4"	60' x 34' 4"	60	34.4
60 A (Office)	10' x 8'		10	8
60 (Break/Snack Area)	13' 11" x 8'		13.9	8
60 (Restroom)	5' 8" x 4' 8"		5.6	4.6
Janitor # 2 Closet	3' x 8'		3	8
Restroom Men's Main	13.5' x 6.5'		13.5	6.5
Restroom Women's Main	11' x 8.5'		11	8.5
Restrooms, Men' & Women's Small	13' 7" x 11' 3"		13.6	11.25
Multipurpose Room (Gym)	72' 10" x 40' 10"	59' x 40' 10"	59	40.8
Multipurpose Room (Gym) Kitchen	27.5 x 40.8	25.5 x 40.8	25.5	40.8
Multipurpose Room (Gym) Kitchen Bathroom	9' x 5.5'		9	5.5

Multipurpose Room (Gym) Stage Area Only		13.8 x 40.8	13.8	40.8	
				Total SF	

	Table Size	Minimum Space Requirements*	Sq Ft Required	Table Quantities	
Billiards Table (Str)	4' x 8'	13' 4" x 17'	226.1	4	904.40
Billiards Table (Snooker)	5' x 10'	13' 10" x 18'	250.2	1	250.20
	4' Round	48" + 52" (cue) = 8'	64	1	64.00
* Space Requirements provided by Brunswick Billiards			Does Not include tables, chairs, etc. Just Billiard Tables		1,218.60



1 inch = 135.25 feet

Exhibit 3

	AffectedParcels_PlanningRegion		Streams
	100 Yr Flood		Water Bodies

724 EMORY VALLEY
 PROPERTY ADDRESS
 OWNERSHIP AND MAILING ADDRESS
ANDERSON CO BD EDUCATION SCHOOL
724 EMORY VALLEY RD
OAK RIDGE, TN 37830

SUBDIV. 1 BLOCK 0J17 LOT 0525
 BK PG BLU LOT TRACT
 SUBDIV. 2 BK PG BLOCK LOT TRACT
 ADDITIONAL DESCRIPTION 02 020CF 020CF52500 000
 DANIEL ARTHUR
 DIMENSIONS

TAX YEAR 2009 100G C 010.00 000
 COUNTY OF ANDERSON MAP GROUP Cty. AP PARCEL PI S/I
 CITY 549 OAK RIDGE
 SSD1
 SSD2
 TOTAL LAND UNITS 9.74
 DEED ACRES 9.74
 CALC ACRES 0.0
 UPDATED 06/29/2004
 PRINTED 11/10/2009

IMPROV. TYPE	31	Educ/Religious	FLOOR FINISH	05	Vinyl Asbestos Tile
STORIES	1		INTER. FINISH	06	Masonry
1ST FLR HGT			PAINT/DECOR	03	Average
HGT FACTOR	1.00		HEAT & A/C	08	Heat & Cooling Pkg
FOUNDATION	02	Continuous Footing	ROOMS	8	
FLOOR SYSTEM	01	Slab On Grade	PART.FACTOR	0.80	
EXTERIOR WALL	11	Common Brick	BEDROOMS	0	
PARTY WALL	00	None	PLUMBING	16	
FACTOR	1.00		BATH TILE	01	Floor Only
STRUCT. FRAME	05	Rigid Frame	ELECTRICAL	03	Average
ROOF FRAMING	05	Bar Joist/Rigid Frame	SHAPE	02	
ROOF COV/DECK	10	Built-Up Composition	QUALITY	01	Average
CAB/MILLWORK	03	Average			

BUILDING SKETCH (BUILDING # 2)

APPRaised VALUES

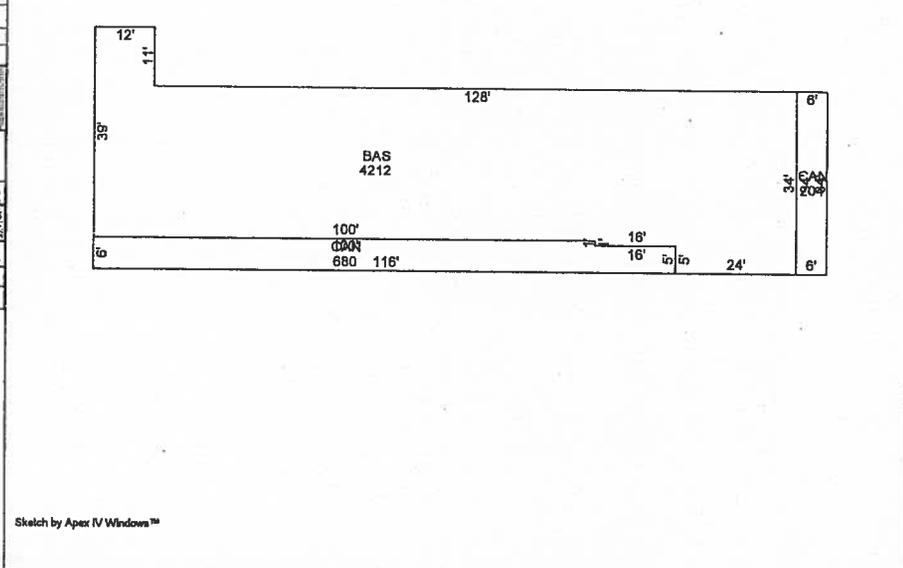
IMPROVEMENTS	3,886,100
LAND	310,200
TOTAL APPRAISAL	4,196,300
USE VALUE APR	0
ASSESSMENT	0
ASSESSED @	0%
APPROACH	MARKET 1

127	100	96	122	1.00000	105.96	129.27	0	1965	1965
TOTAL POINTS	SHAPE FACTORS	SIZE	ADJ POINTS	BASE RATE FACTOR	BASE RATE	ADJ BASE RATE	DEPR YR	ACTUAL YEAR BUILT	EFFECTIVE

BUILDING AREA DATA

AREA DESCR	% OF RATE	ADJ BASE RATE	AREA RATE	SQUARE FEET	AREA REPLACEMENT COST NEW
BAS CAN	100	129.27	129.27	4,212	544,485
	25	129.27	32.32	884	28,571

TOTAL AREAS	WTD AREA:	4,433	AUX:	884	BASE:	4,212			
COND	ERT	NORM	OTHER	%	REPLACEMENT	BUILDING			
1	40	40	0	0	60	Y			
RENTAL SRC	YEAR	AMOUNT	SCH	OCC	SOURCE	BLDG STATUS	DWLG UNITS	BLDG APR DATE	BY
0	0			0	3		1	01/01/1996	04



Sketch by Apex IV Windows™

PRORATION

DATE	TYPE	% DAMAGE	FA
------	------	----------	----

GREENBELT APPLICATION

NUMBER	YEAR	REVIEW NEEDED
		N

PARCEL DATA

DISTRICT	02	UTILITIES	WATER
MKT AREA	101		1
NH TREND	0		
ROAD TYPE	7	SEWER	
ROAD NO.			1
PLAN REG			
WARD		ELECTRICITY	
CONGR DIST			1
TOPO	1		
CONST CD		GAS SOURCE	
# IMP	5		2
# MH	0	GAS TYPE	
INTEREST			
OTHER			
TRASH	2		
MISC	0		
CENSUS TRACT:			
LAND APR DATE:	8/11/1997	BY	01
REVIEW DATE:		BY	
FINAL REVIEW			
DELETE NEXT YEAR	N		

EXTRA FEATURES DATA

ID #	TYPE	DESCRIPTION	QUAL	UNIT PRICE	ACT YR BUILT	EFF YR BUILT	ANNUAL DEPR RATE	% GOOD	DEPR VALUE	PRORATED	BLDG #	MH #
------	------	-------------	------	------------	--------------	--------------	------------------	--------	------------	----------	--------	------

EXTRA FEATURE APR DATE BY X F VALUE (THIS PAGE)

LAND USE CODE(S) 62 **ZONING**

LAND DATA

ID #	TYPE	DIMENSIONS	SOIL CLASS	RD	TABLE	FLD	LOG	TOPO	SIZE	DEPTH	TOTAL FACTOR	ACCESS	UNIT FB	COND	LAND MARKET UNIT PRICE	ADJ MKT UNIT PRICE	MARKET LAND VALUE	USE BOND FACTOR	LAND USE UNIT PRICE	LAND USE VALUE	LAND USE VALUE BLDG#
		X							10		1.00000										

LAND VALUE FACTOR 1.00000 MARKET VALUE USE VALUE

SALE DATA

OWNER	DATE	PRICE	ADJ PRICE	BOOK	PAGE	VL	INST	NR
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NOTES
 REVIEWED 5-14-91 #12 NC; DANIEL AUTHUR REABILITATION CENTER; DANIEL AUTHUR; DANIEL AUTHUR

Exhibit 5

724 EMORY VALLEY
 PROPERTY ADDRESS
 OWNERSHIP AND MAILING ADDRESS
ANDERSON CO BD EDUCATION SCHOOL
 724 EMORY VALLEY RD
 OAK RIDGE, TN 37830

SUBDIV. 1 BLOCK 0J17 LOT 0525
 BK PG BLK LOT TRACT
 SUBDIV. 2 BK PG BLOCK LOT TRACT

TAX YEAR 2009
 COUNTY OF ANDERSON
 CITY 549 OAK RIDGE
 SSD1
 SSD2

100G C 010.00 000
 MAP GROUP C1 AP PARCEL PI S/I
 UPDATED 06/29/2004
 PRINTED 11/10/2009

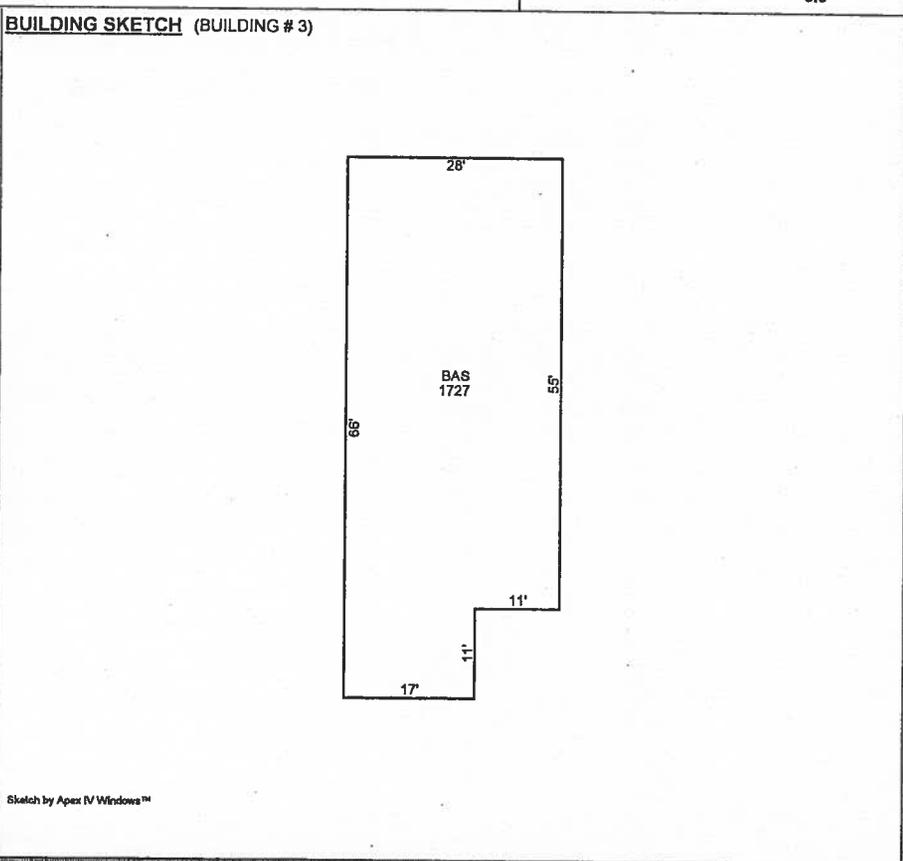
ADDITIONAL DESCRIPTION 02 020CF 020CF52500 000
 DANIEL ARTHUR

DIMENSIONS

TOTAL LAND UNITS 9.74
 DEED ACRES 9.74
 CALC ACRES 0.0

Page 3 of 5

IMPROV. TYPE	31	Educ/Religious	FLOOR FINISH	05	Vinyl Asbestos Tile
STORIES	1		INTER. FINISH	06	Masonry
1ST FLR HGT			PAINT/DECOR	03	Average
HGT FACTOR	1.00		HEAT & A/C	07	Heat & Cooling Split
FOUNDATION	02	Continuous Footing	ROOMS	8	
FLOOR SYSTEM	04	Wood W/ Sub Floor	PART.FACTOR	1.40	
EXTERIOR WALL	11	Common Brick	BEDROOMS	0	
PARTY WALL	00	None	PLUMBING	10	
FACTOR	1.00		BATH TILE	01	Floor Only
STRUCT. FRAME	00	None	ELECTRICAL	03	Average
ROOF FRAMING	00	Flat	SHAPE	02	
ROOF COV/DECK	10	Built-Up Composition	QUALITY	01	Average
CAB/MILLWORK	03	Average			



APPRAISED VALUES

IMPROVEMENTS	3,886,100
LAND	310,200
TOTAL APPRAISAL	4,196,300
USE VALUE APR	0
ASSESSMENT	0
ASSESSED @	0%
APPROACH	MARKET 1

OVERRIDES

LAND IMPROVEMENTS REASON	0
--------------------------	---

125	100	103	129	1.00000	105.96	136.69	0	1965	1965
TOTAL POINTS	SHAPE FACTORS	SIZE POINTS	ADJ POINTS	BASE RATE FACTOR	BASE RATE	ADJ BASE RATE	DEPR YR	ACTUAL YEAR BUILT	EFFECTIVE YEAR BUILT

BUILDING AREA DATA

AREA DESCR	% OF RATE	ADJ BASE RATE	AREA RATE	SQUARE FEET	AREA REPLACEMENT COST NEW				
BAS	100	136.69	136.69	1,727	236,064				
TOTAL AREAS			1,727	AUX: 0	BASE: 1,727				
COND	EFF AGE	NORM PHYS	OTHER PHYS	FUNC	EXT	% GOOD	PRD RATED	REPLACEMENT COST NEW	BUILDING VALUE
1	40	40	0	0	0	60	Y	236,064	141,638
RENTAL SRC	YEAR	AMOUNT	SCH	OCC	SOURCE	BLDG STATUS	DWLG UNITS	BLDG APR DATE	BY
	0	0	0	3			1	01/01/1996	04

PRORATION

DATE	TYPE	% DAMAGE	FAI
------	------	----------	-----

GREENBELT APPLICATION

NUMBER	YEAR	REVIEW NEEDED
		N

PARCEL DATA

DISTRICT	02	WATER
MKT AREA	101	1
NH TREND	0	
ROAD TYPE	7	SEWER
ROAD NO.		1
PLAN REG		
WARD		ELECTRICITY
CONGR DIST		1
TOPO	1	
CONST CD		GAS SOURCE
# IMP	5	2
# MH	0	GAS TYPE
INTEREST		
OTHER		
TRASH	2	
MISC	0	
CENSUS TRACT:		
LAND APR DATE:	8/11/1997	BY 01
REVIEW DATE:		BY
FINAL REVIEW		BY
DELETE NEXT YEAR		N

EXTRA FEATURES DATA

ID #	TYPE	DESCRIPTION	QUAL	UNIT PRICE	UNITS	ACT YR BUILT	EFF YR BUILT	ANNUAL DEPR RATE	% GOOD	DEPR VALUE	PRORATED	BUDG. MH #
------	------	-------------	------	------------	-------	--------------	--------------	------------------	--------	------------	----------	------------

EXTRA FEATURE APR DATE BY XF VALUE (THIS PAGE)

LAND USE CODE(S) 62 **ZONING**

BUILDING PERMIT(S)

PERMIT NUMBER	PERMIT DATE
---------------	-------------

LAND DATA

ID #	TYPE	DIMENSIONS	SOIL CLASS	RD	TABLE	FID	LOC	TOPO	SIZE	DEPTH	TOTAL FACTOR	ACCESS	UNITS	COND	LAND MARKET UNIT PRICE	ADJ MKT UNIT PRICE	MARKET LAND VALUE	USE COND FACTOR	LAND USE UNIT PRICE	LAND USE VALUE	LAND USE VALUE BUDG	
		X									10											
LAND VALUE FACTOR												1.00000	MARKET VALUE				USE VALUE					

SALE DATA

OWNER	DATE	PRICE	ADJ PRICE	BOOK	PAGE	V/L	INST	AR
-------	------	-------	-----------	------	------	-----	------	----

NOTES

REVIEWED 5-14-91 #12 NC; DANIEL AUTHUR REABILITATION CENTER; DANIEL AUTHUR; DANIEL AUTHUR

Exhibit 6

PUBLIC WORKS DEPARTMENT MEMORANDUM

15-07

DATE: April 13, 2015
TO: Mark S. Watson, City Manager
FROM: Gary M. Cinder, P.E., Director of Public Works
SUBJECT: NEW ACCESS MAIN STREET OAK RIDGE

Introduction

The accompanying resolution authorizes approval of a new access to Main Street Oak Ridge. The new access will be located on Rutgers Avenue and will be signalized.

Funding

The developer will construct the new access and purchase and install the new traffic signal.

Background

In 2002, when renovation of the mall was first considered, the concept was that it would basically be divided into four quadrants with north/south and east/west roads. The eastern entrance would be a new access on Rutgers Avenue between Manhattan and Northwestern Avenues. Existing signalized entrances are available on the south side at South Illinois Avenue and on the north at Oak Ridge Turnpike.

A traffic impact study done in 2002 found that a signalized intersection was needed. The proposed site plan for Main Street Oak Ridge has a similar concept with a new access in the same location. The trip generation estimates were updated in 2004 and a new estimate was prepared in 2015 for Main Street Oak Ridge. The numbers are very similar and the conclusion is that a signalized access on Rutgers Avenue is recommended. The new access will include a dedicated left turn lane for north bound traffic.

On March 16, 2015, Crosland Southeast provided a presentation to the general public, the Oak Ridge Planning Commission and the Oak Ridge Traffic Safety Advisory Board (TSAB). After the presentation, TSAB convened to have their regular business meeting during which they voted to approve the access and signal. The minutes from the meeting, including TSAB's formal recommendation, are attached.

Recommendation

Staff recommends approval of the new access, turn lane and traffic signal.

Attachment:

Location Drawing

Minutes, March 16, 2015 TSAB meeting

Traffic Impact Summary Memorandum, March 16, 2015 by Cannon and Cannon Engineers



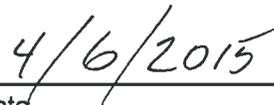
Gary M. Cinder, P.E.

City Manager's Comments:

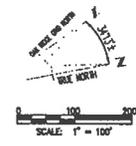
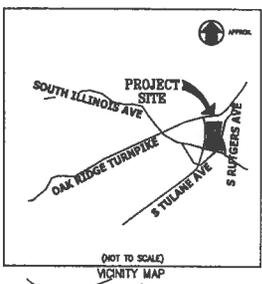
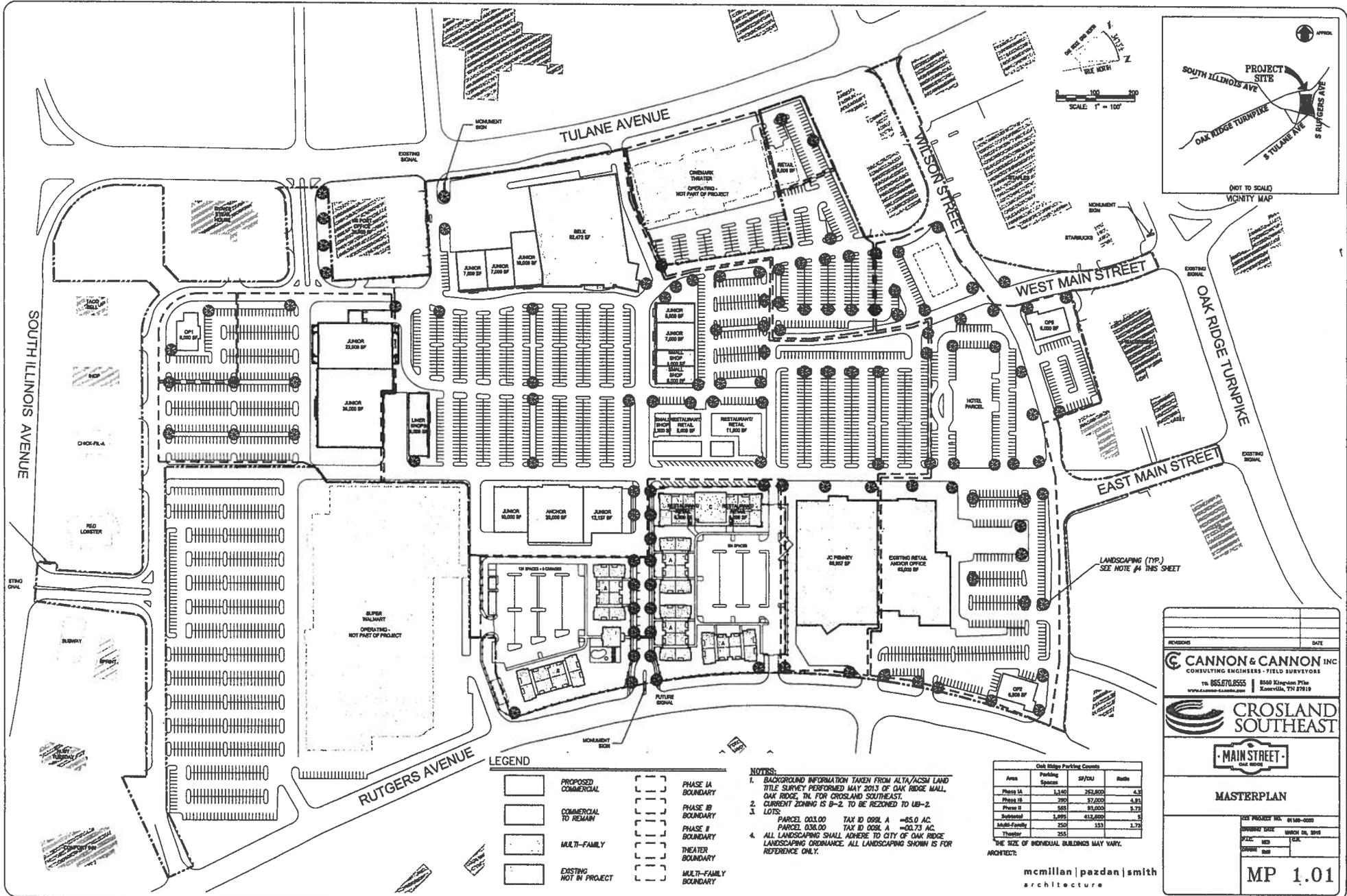
I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson



Date



LEGEND

	PROPOSED COMMERCIAL		PHASE IA BOUNDARY
	COMMERCIAL TO REMAIN		PHASE IB BOUNDARY
	MULTI-FAMILY		PHASE II BOUNDARY
	EXISTING NOT IN PROJECT		THEATER BOUNDARY
			MULTI-FAMILY BOUNDARY

NOTES:

- BACKGROUND INFORMATION TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PERFORMED MAY 2013 OF OAK RIDGE MALL, OAK RIDGE, TN, FOR CROSLAND SOUTHEAST.
- CURRENT ZONING IS B-2. TO BE REZONED TO UB-2.
- LOTS: PARCEL 033.00 TAX ID 099L A = 85.0 AC. PARCEL 036.00 TAX ID 006L A = 23.73 AC.
- ALL LANDSCAPING SHALL ADHERE TO CITY OF OAK RIDGE LANDSCAPING ORDINANCE. ALL LANDSCAPING SHOWN IS FOR REFERENCE ONLY.

Oak Ridge Parking Counts

Area	Parking Spaces	\$5/OU	Ratio
Phase IA	1,740	263,600	4.33
Phase IB	790	87,000	4.93
Phase II	540	99,000	5.73
Subtotal	3,070	450,000	4
Multi-Family	250	533	3.73
Theater	255		

THE SIZE OF INDIVIDUAL BUILDINGS MAY VARY.

REVISIONS	DATE
 CANNON & CANNON INC. CONSULTING ENGINEERS - FIELD SURVEYORS TN 865.670.8555 8800 Kingston Pike Knoxville, TN 37919 www.cannon-c.com	
 CROSLAND SOUTHEAST	
 MAIN STREET - OAK RIDGE	
MASTERPLAN	
OCT PROJECT NO. 01149-0000 PREPARED BY: MARCO OL, 2016 CHECKED BY: [] DRAWN BY: []	
MP 1.01	

mcmillan | pazdan | smith
architecture

TRAFFIC SAFETY ADVISORY BOARD

Minutes

March 16, 2015

The March meeting of the TSAB was held at 5:30 pm on Monday, March 16, 2015 in the training room of the municipal building (room 104). Meeting was called to order at 5:30 pm.

Present were:

Marty Adler-Jasny, Alex Crutchfield, Gene Dunaway, Andrew Howe, Jana Humphrey, Melissa McMahan, William Polfus, Ben Redmond, Jane Shelton, Roger Flynn

Absent were:

Melissa McMahan

1) Presentation by Crosland Southeast and Cannon & Cannon Engineering re: Main Street Oak Ridge for TSAB, the Planning Commission and the public.

The presentation was primarily given by James Downs and Alan Childers. What follows is the summation of information given during their presentations and Q&A sessions.

It is still planned as a multi-use project. There will be 30 retail locations and a hotel component (not a "convention center" type of hotel). There will be residential units, perhaps as many as 152 with some existing on top of retail locations – this is not set in stone yet. There will be open space for outdoor dining and seating but it is not fully designed yet. Crosland is waiting for tenant input.

The schedule is on track and the parties hope to close at the end of next quarter. New conceptual drawings will be handed in March 19. Residential completion / occupancy should be the same as the retail end – they are aiming for 2016. Store names will be announced when the stores wish it – Crosland cannot announce for the tenants. Some stores wait until ribbon cutting, but Crosland hopes the stores will announce soon.

Wilson Rd, East Main St and West Main St will become public infrastructure and upgraded, including sidewalks. There will be a new road entrance on Rutgers a bit south of Northwestern Ave, which should have a traffic light, will have 125' turn lanes including a left turn lane. C&C feels the traffic study done ten years ago is pretty much valid – traffic numbers don't seem to have changed drastically, although the location of a future traffic light on Rutgers has moved from the original study. Peak hours should be in the PM and at rush hour.

Students from ORHS helped with "branding" and although the names they came up with weren't used for the primary project, those names may end up being used for internal streets. All crosswalks will be ADA compliant (three on Rutgers, multiple within the grounds) and clearly visible to the vision impaired.

In the first phase of work, the existing structures will be torn down and new roads, infrastructure and parking areas will be put in. The old Sears will not be torn down in the first phase as it could be of use. In the second phase the hotel and Belk's current parking lot will be worked. Belk will get a new "inner" entrance and a façade upgrade to match the new buildings.

After the meeting, TSAB drafted its formal recommendation to the city:

"TSAB recommends to City Council acceptance of the conceptual transportation plan presented in the joint Planning Commission and TSAB workshop on March 16, 2015. TSAB further recommends the final plan include language that documents intent to upgrade to and dedicate E. Main St, W. Main St. and Wilson Rd to the city. Additionally the new traffic signal, access and crosswalk should be included in the final plan."

2) Approval of minutes from the last meeting

Minutes from the January 20, 2015 meeting were approved unanimously.

3) Comments or questions on road work

Roger assured us that patching of potholes in the city has begun. Weather had to be warm and dry enough before work could begin.

We had a short discussion again about the intersection of Lab Rd and the Turnpike and it's lack of sidewalks. It prompted TSAB to desire a "bucket list" of city sidewalk and crosswalk desires.

Ben pointed out that a collapsed culvert on Tuskegee causes the road to be too narrow for two cars.

4) Additional business

We were informed that TSAB member Aditya Savara has stepped off the board.

5) A motion to adjourn was made and passed unanimously.

The meeting was adjourned at 7:22 pm.

Andrew Howe
TSAB Secretary

Traffic Impact Summary Memorandum Main Street Oak Ridge

March 16, 2015

Purpose

The purpose of this memorandum is to summarize the findings of an assessment that was conducted regarding the anticipated traffic impacts and related needs resulting from the proposed Main Street Oak Ridge development. This effort focused on review of a traffic impact study that was performed in 2004 for a similar project, including a determination as to the continued applicability of that study to the current proposal.

Background Traffic Comparison

TDOT collects annual average daily traffic (AADT) data on major roadways throughout the state. The following is a comparison for three locations near the project site, of data from 2004, when the original traffic study was conducted, to 2013, which is the most current available data:

	S. Illinois Ave. (between Turnpike & Tulane)	Tulane Ave. (between Illinois & Turnpike)	Rutgers Ave. (between Illinois & Turnpike)
2004 -	29,562	7681	12,358
2013 -	27,887 (-6%)	6469 (-16%)	9877 (-20%)

Trip Generation Comparison

The following is a comparison of PM peak hour trip generation estimates for the 2004 study and the currently proposed project using Institute of Transportation Engineers (ITE) published trip generation rates:

2004 Proposed Project -	1,191 total trips
2015 Proposed Project -	1,180 total trips

Conclusions & Recommendations

Based on the above, it is concluded that the 2004 traffic impact study remains generally valid. Because the current proposal provides a more focused main project entrance on Rutgers Avenue, and because less of the development is oriented towards the south end of the site and Wilson Street, it is anticipated that more project traffic will use the main entrance intersection and less will use the Rutgers at Wilson intersection. Thus, it is recommended that the traffic signal that was proposed in the 2004 study for the Rutgers at Wilson intersection, be relocated to the main entrance intersection. This will better provide for vehicular access to the site, as well as be at a better location to provide for signalized pedestrian movements across Rutgers Avenue. It is also recommended that the northbound Rutgers Avenue left-turn lanes that were proposed for both of these intersections be constructed.

RESOLUTION

A RESOLUTION AUTHORIZING APPROVAL OF A NEW ACCESS LOCATED ON RUTGERS AVENUE TO MAIN STREET OAK RIDGE AND APPROVING A TURN LANE AND TRAFFIC SIGNAL FOR SAID ACCESS.

WHEREAS, Main Street Oak Ridge Developer, Crosland Southeast, desires to construct a new access with a dedicated left turn lane for north bound traffic located on Rutgers Avenue and install a traffic signal; and

WHEREAS, a traffic impact study done in 2002 found that a signalized intersection was needed; and

WHEREAS, on March 16, 2015, Crosland Southeast provided a presentation to the general public, the Oak Ridge Planning Commission and the Oak Ridge Traffic Safety Advisory Board (TSAB); and

WHEREAS, the proposed access, turn lane, and signal have been reviewed by the Traffic Safety Advisory Board at its March 16, 2015 meeting, which Board recommended approval; and

WHEREAS, the City Manager recommends approval of the new access, turn lane and traffic signal.

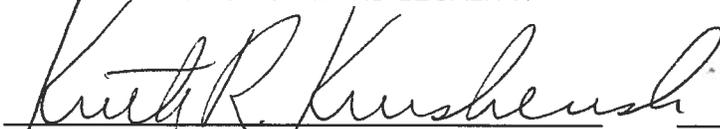
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager be approved and the new access with signalization and turn lane be approved as part of the Crosland Southeast Plan for Main Street Oak Ridge.

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

This the 13th day of April 2015.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

**PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES**

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
15-14**

DATE: March 27, 2015

TO: Mark Watson, City Manager

FROM: Monica Austin Carroll, Community Development Division Manager

THROUGH: Kathryn Baldwin, Community Development Director 

SUBJECT: Rezoning of Parcel 036.00 and Parcel 003.00, Map 099L, Group A and Approval of Main Street Oak Ridge Planned Unit Development (PUD) Master Plan

Introduction

An item for City Council's consideration is a request to approve the Main Street Oak Ridge Planned Unit Development (PUD) Master Plan. Included as part of the Main Street Oak Ridge PUD Master Plan is a request to rezone Parcels 036.00 and 003.00, Map 99L, Group A, from B-2, General Business District PUD to UB-2, Unified General Business PUD. The parcels total approximately 58.54 acres and is bordered by Rutgers Avenue, South Illinois Avenue, South Tulane Avenue, and Oak Ridge Turnpike. This project was previously referred to as the Oak Ridge City Center.

Funding

No funding is necessary for this item at this time.

Analysis

The Planning Commission approval also included several variances. These variances are as follows:

- Reduce the required front setback of 30 feet to 20 feet when it is not in conflict with existing infrastructure. The front setback reduction will apply to the lot lines that run parallel to the following streets – Rutgers Avenue, Wilson Street, East Main Street, West Main Street, and South Tulane Avenue.
- Increase the maximum height allowed for the Main Street Oak Ridge PUD Master Plan from 35 feet to 90 feet.
- Combine the Preliminary and Final Master Plan submittal into one approval.

The proposed rezoning is consistent with the following Comprehensive Plan policies: encourages commercial development in the central city area; promotes commercial development along arterial streets to be located in unified centers; encourages more centralized growth; allows community scale retail development with good traffic access and proper buffering from residential areas; promotes designs that emphasize pedestrian amenities, abundant landscaping and distinctive architecture; and facilitates the extension of infrastructure and utilities to developable property on a cost recoverable basis. The rezoning and the Main Street Oak Ridge PUD Plan is also in conformity with zoning and land uses adjacent to and surrounding the subject property.

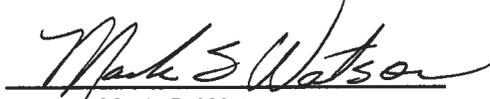
Recommendation

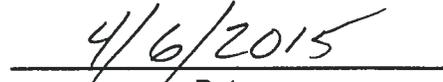
The rezoning request was discussed and recommended for approval to City Council by a vote of 9 – 0 during the regularly scheduled Planning Commission meeting on March 26, 2015. The Main Street Oak Ridge PUD Master Plan was also discussed and recommended for approval subject to staff's comments by a vote of 9 – 0.


Monica Austin Carroll

City Manager's Comments:

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

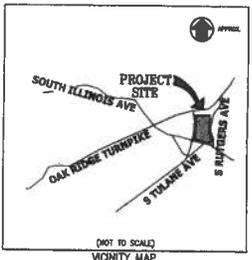
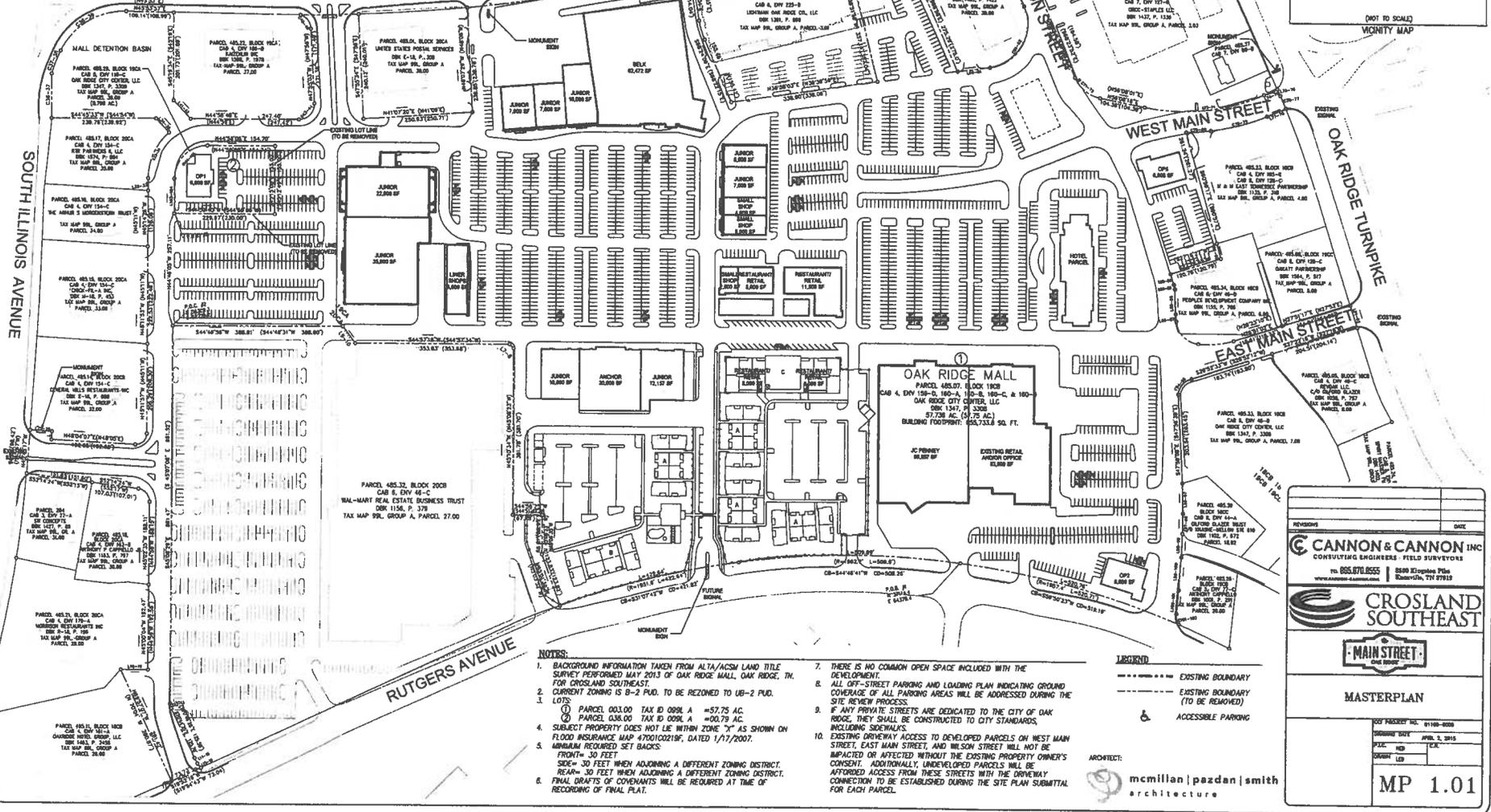

Mark S. Watson


Date

PARKING SUMMARY		
USE	REQUIRED	PROVIDED
PROPOSED SHOPPING CENTER (436,000 SQ. FT.) 4.5 SPACES PER 1000 SQ. FT. OF USABLE FLOOR AREA	436,000/1000*4.5=1,962 SPACES	1,965 SPACES
PROPOSED HOTEL (150 ROOMS) 1 PER GUEST BEDROOM	=150 SPACES	150 SPACES
PROPOSED MULTI-FAMILY (158 UNITS) 2 PER DWELLING UNIT	158*2=316 SPACES	316 STD SPACES
TOTALS	2,428 SPACES	2,431 SPACES

PERMITTED USES:
THE REQUESTED ZONING FOR THE MALL IS UB-2. ALL USES WITHIN THE UB-2 ZONING DISTRICT WILL BE ALLOWED, EXCEPT FOR THE FOLLOWING: OFFICE OF PLUMBER, ELECTRICIAN OR UPHOLSTER, ANIMAL, HOSPITAL, PENAL OR CORRECTIONAL INSTITUTION, FAMILY DAY CARE, SINGLE DWELLING UNIT AS QUARTERS FOR WATCHMAN, CARETAKER OR CUSTODIAN ON THE PREMISES, PUBLIC RECREATION USES SUCH AS GOLF COURSES, BALL FIELDS, ATHLETIC FIELDS OR STADIUMS, HOSPITAL, DEPOT FOR THE COLLECTION AND DELIVERY OF ARTICLES AND MERCHANDISE, INCLUDING FACILITIES FOR THE STORAGE AND SERVICING OF VEHICLES AND EQUIPMENT USED IN CONNECTION THEREWITH, HELICOPTER PASSENGER STATION, NIGHT CLUBS, DANCE CLUBS, CLUBS (PRIVATE), LODGES, AND SIMILAR USES.

- VARIANCES:
 1. UB-2 SECTION-704-D MINIMUM REQUIRED SET BACK FRONT 30 FT. PROPOSED 20 FT MINIMUM.
 2. UB-2 SECTION-704-D MAXIMUM BUILDING HEIGHT 35 FT. PROPOSED 50 FT. MAXIMUM.
 3. PRELIMINARY AND FINAL MASTER PLAN SUBMITTAL TO BE COMBINED INTO ONE APPROVAL.



- NOTES:
- BACKGROUND INFORMATION TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PERFORMED MAY 2013 OF OAK RIDGE MALL, OAK RIDGE, TN, FOR CROSLAND SOUTHEAST.
 - CURRENT ZONING IS B-2 PUD. TO BE REZONED TO UB-2 PUD.
 - LOTS:
 - PARCEL 003.00 TAX ID 008. A = 57.75 AC.
 - PARCEL 036.00 TAX ID 008. A = 90.79 AC.
 - SUBJECT PROPERTY DOES NOT LIE WITHIN ZONE "X" AS SHOWN ON FLOOD INSURANCE MAP 4701C0219F, DATED 1/17/2007.
 - MINIMUM REQUIRED SET BACKS:
FRONT- 30 FEET
SIDE- 30 FEET WHEN ADJOINING A DIFFERENT ZONING DISTRICT.
REAR- 30 FEET WHEN ADJOINING A DIFFERENT ZONING DISTRICT.
 - FINAL DRAFTS OF COVENANTS WILL BE REQUIRED AT TIME OF RECORDING OF FINAL PLAT.
 - THERE IS NO COMMON OPEN SPACE INCLUDED WITH THE DEVELOPMENT.
 - ALL OFF-STREET PARKING AND LOADING PLAN INDICATING GROUND COVERAGE OF ALL PARKING AREAS WILL BE ADDRESSED DURING THE SITE REVIEW PROCESS.
 - IF ANY PRIVATE STREETS ARE DEDICATED TO THE CITY OF OAK RIDGE, THEY SHALL BE CONSTRUCTED TO CITY STANDARDS, INCLUDING SIDEWALKS.
 - EXISTING DRIVEWAY ACCESS TO DEVELOPED PARCELS ON WEST MAIN STREET, EAST MAIN STREET, AND WILSON STREET WILL NOT BE IMPACTED OR AFFECTED WITHOUT THE EXISTING PROPERTY OWNER'S CONSENT. ADDITIONALLY, UNDEVELOPED PARCELS WILL BE AFFORDED ACCESS FROM THESE STREETS WITH THE DRIVEWAY CONNECTION TO BE ESTABLISHED DURING THE SITE PLAN SUBMITTAL FOR EACH PARCEL.

REVISIONS

NO.	DESCRIPTION	DATE

CANNON & CANNON, INC.
CONSULTING ENGINEERS - FIELD SURVEYORS
105.8719.5525 8580 Kipling Pike
www.cannon-cannon.com Danville, VA 27018

CROSLAND SOUTHEAST

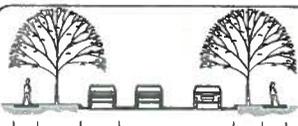
MAIN STREET
ONE STREET

MASTER PLAN

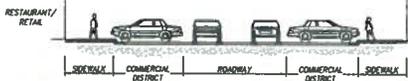
JOB NUMBER: 01100-0000
ISSUANCE DATE: APRIL 2, 2015
FILE: MP
OWNER: CR
DESIGN: LP

MP 1.01

ARCHITECT: **mcmillan | paden | smith**
architecture

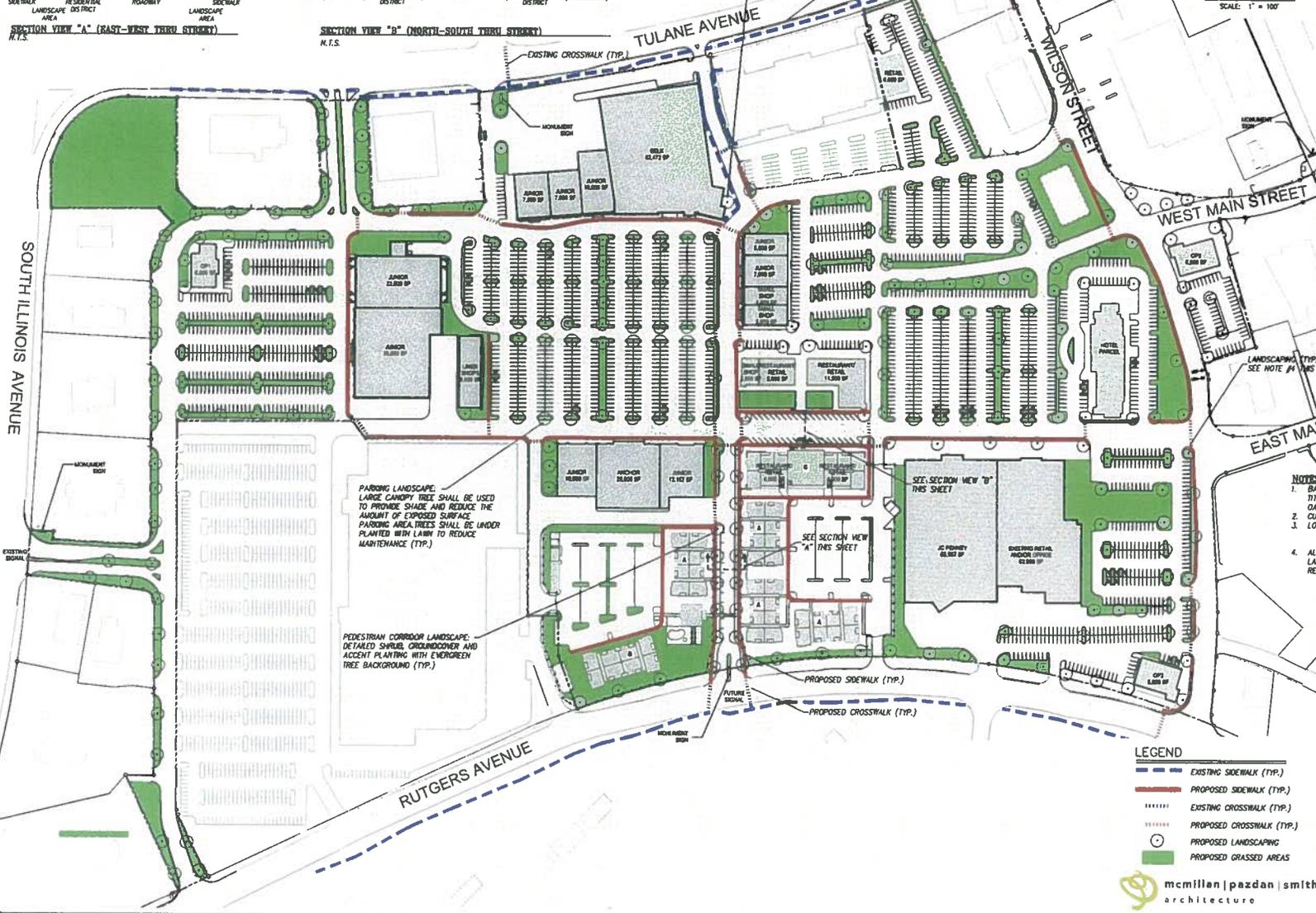
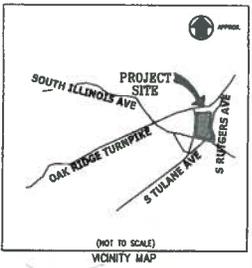
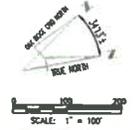


SECTION VIEW "A" (EAST-WEST THRU STREET)
N.T.S.



SECTION VIEW "B" (NORTH-SOUTH THRU STREET)
N.T.S.

BUILDING LANDSCAPE:
DETAILED, FLOWERING AND EVERGREEN SHRUB MASSES, GROUNDCOVERS AND LAWN SHALL BE INCORPORATED INTO THE PROPOSED ARCHITECTURAL IMPROVEMENTS TO ENHANCE THE PLAZA HARDSCAPE (TYP.)



PARKING LANDSCAPE:
LARGE CANOPY TREE SHALL BE USED TO PROVIDE SHADE AND REDUCE THE AMOUNT OF EXPOSED SURFACE. PARKING AREA TREES SHALL BE UNDER PLANTED WITH LAWN TO REDUCE MAINTENANCE (TYP.)

PEDESTRIAN CORRIDOR LANDSCAPE:
DETAILED SHRUB, GROUNDCOVER AND ACCENT PLANTING WITH EVERGREEN TREE BACKGROUND (TYP.)

- NOTES:**
- BACKGROUND INFORMATION TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PERFORMED MAY 2013 OF OAK RIDGE MALL, OAK RIDGE, TN. FOR CROSLAND SOUTHEAST.
 - CURRENT ZONING IS B-2 PUD. TO BE REZONED TO UB-2 PUD.
 - LOTS:
PARCEL 003.00 TAX ID 009L A = 65.0 AC.
PARCEL 006.00 TAX ID 009L A = 60.73 AC.
 - ALL LANDSCAPING SHALL ADHERE TO CITY OF OAK RIDGE LANDSCAPING ORDINANCE. ALL LANDSCAPING SHOWN IS FOR REFERENCE ONLY.

- LEGEND**
- EXISTING SIDEWALK (TYP.)
 - PROPOSED SIDEWALK (TYP.)
 - EXISTING CROSSWALK (TYP.)
 - PROPOSED CROSSWALK (TYP.)
 - PROPOSED LANDSCAPING
 - PROPOSED GRASSED AREAS



REVISION	DATE
CANNON & CANNON INC CONSULTING ENGINEERS FIELD SURVEYORS TO: 615.870.8555 6530 Kingsway Pike www.cannon-cannon.com Knoxville, TN 37919	
CROSLAND SOUTHEAST	
MAIN STREET	
PEDESTRIAN CONNECTIVITY & CONCEPTUAL LANDSCAPE PLAN	
PROJECT NO.	01160-0000
ISSUE DATE	APRIL 1, 2013
FILE	MP
DESIGN	LED
MP 2.01	

UTILITY PROVIDERS

WATER AND SANITARY SEWER SERVICE:
 MR. ROGER FLEWY P.E.
 CITY OF OAK RIDGE
 100 WOODBURY LANE
 OAK RIDGE, TN 37830
 PH: (865) 425-1816

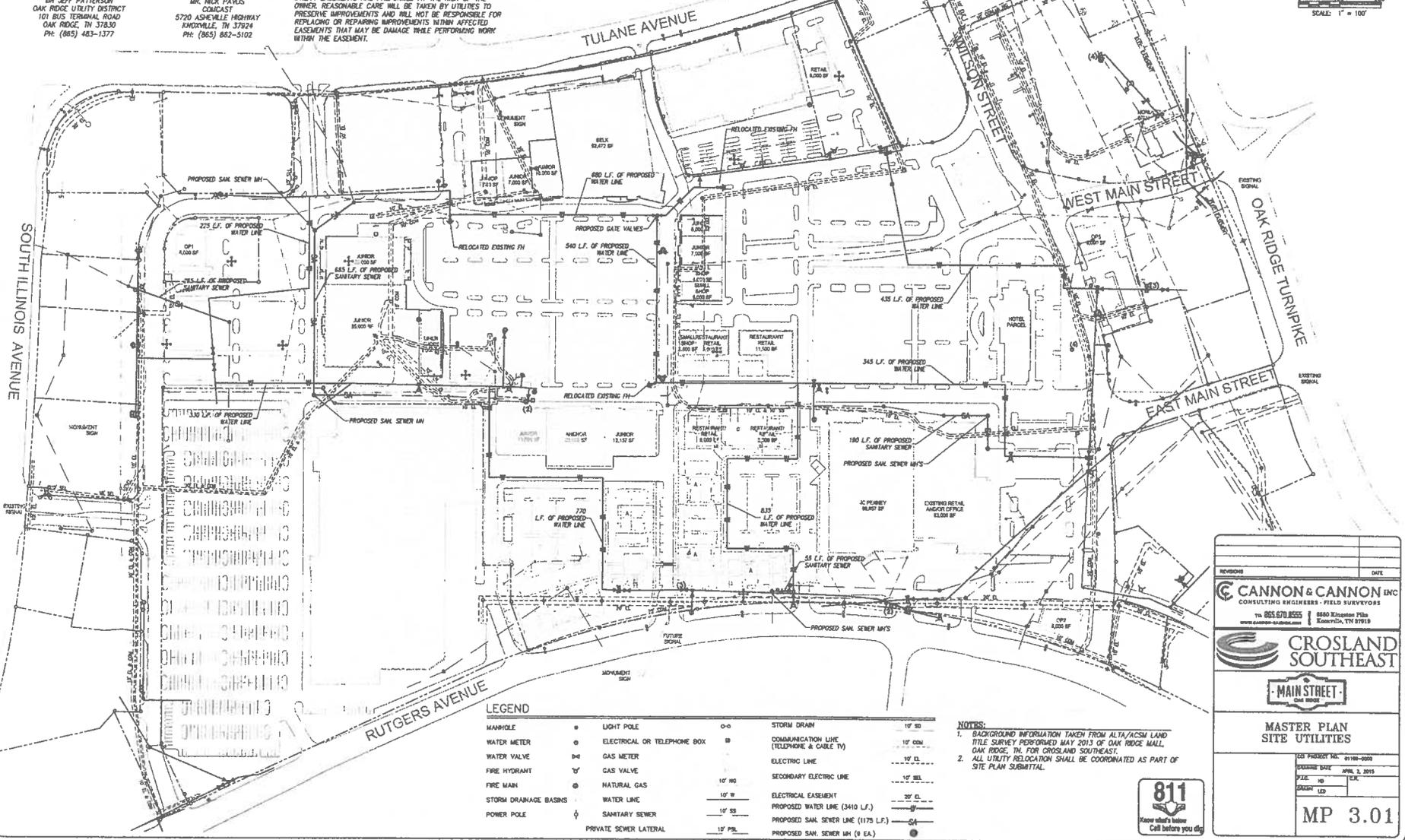
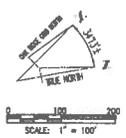
GAS SERVICE:
 MR. JEFF PATTERSON
 OAK RIDGE UTILITY DISTRICT
 101 BUS TERMINAL ROAD
 OAK RIDGE, TN 37830
 PH: (865) 483-1377

ELECTRIC SERVICE:
 MRS. MELISSA SHEWAN
 CITY OF OAK RIDGE
 100 WOODBURY LANE
 OAK RIDGE, TN 37830
 PH: (865) 425-1840

CABLE TV SERVICE:
 MR. NICK PAVLIS
 COMCAST
 5720 ASHVILLE HIGHWAY
 KNOXVILLE, TN 37924
 PH: (865) 862-5102

NOTES (CONT.):

- NO CONSTRUCTION OF BUILDINGS OR SIGNS OR INSTALLATION OF LANDSCAPING SHALL TAKE PLACE WITHIN EASEMENTS WITH THE CITY OF OAK RIDGE'S WRITTEN APPROVAL. LANDSCAPING MUST COMPLY WITH CODED STANDARD 650 (LATEST REVISION). LANDSCAPING MUST BE APPROVED IN WRITING BY CODED AND PUBLIC WORKS VIA AN EASEMENT ENCROACHMENT FORM. PLACEMENT SHALL BE COORDINATED WITH THE CITY.
- LANDSCAPING IMPROVEMENTS AND CONSTRUCTION WITHIN UTILITY EASEMENTS ARE PERFORMED AT THE RISK OF THE OWNER. REASONABLE CARE WILL BE TAKEN BY UTILITIES TO PRESERVE IMPROVEMENTS AND WILL NOT BE RESPONSIBLE FOR REPLACING OR REPAIRING IMPROVEMENTS WITHIN AFFECTED EASEMENTS THAT MAY BE DAMAGE WHILE PERFORMING WORK WITHIN THE EASEMENT.



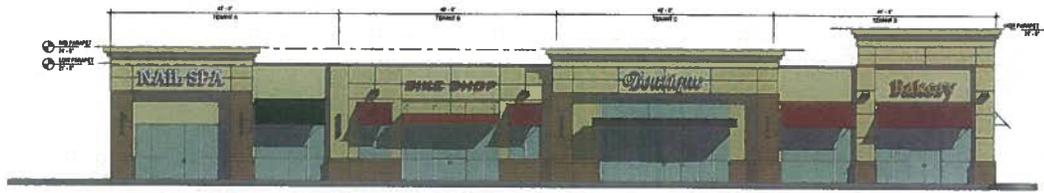
LEGEND

MANHOLE	○	LIGHT POLE	○-○	STORM DRAIN	10" SD
WATER METER	⊙	ELECTRICAL OR TELEPHONE BOX	⊠	COMMUNICATION LINE (TELEPHONE & CABLE TV)	10" COM
WATER VALVE	⊕	GAS METER	⊕	ELECTRIC LINE	10" EL
FIRE HYDRANT	⊕	GAS VALVE	⊕	SECONDARY ELECTRIC LINE	10" SEL
FIRE MAIN	⊕	NATURAL GAS	10" NG	ELECTRICAL EASEMENT	20" EL
STORM DRAINAGE BASIN	⊕	WATER LINE	10" W	PROPOSED WATER LINE (3410 L.F.)	10"
POWER POLE	⊕	SANITARY SEWER	10" SS	PROPOSED SAN SEWER LINE (1175 L.F.)	10"
PRIVATE SEWER LATERAL	10" PSL	PROPOSED SAN SEWER MH (6 EA.)	⊕		

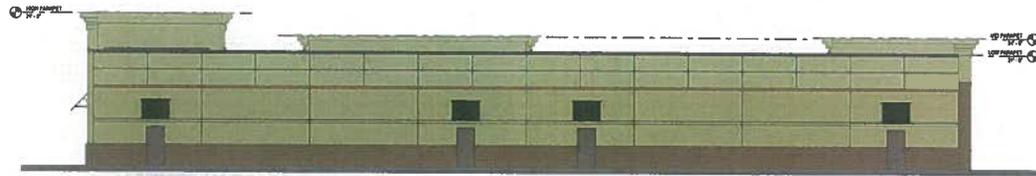
- NOTES:**
- BACKGROUND INFORMATION TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PERFORMED MAY 2013 OF OAK RIDGE MALL, OAK RIDGE, TN, FOR CROSLAND SOUTHEAST.
 - ALL UTILITY RELOCATION SHALL BE COORDINATED AS PART OF SITE PLAN SUBMITTAL.



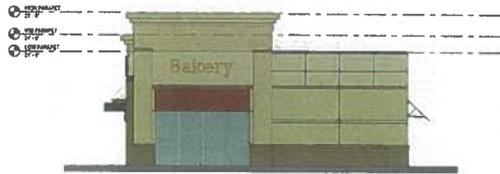
REVISIONS	DATE
 CANNON & CANNON INC CONSULTING ENGINEERS - FIELD SURVEYORS 865.670.8555 8650 Kingston Pike www.cannon-c.com Knoxville, TN 37919	
 CROSLAND SOUTHEAST MAIN STREET - ONE BLOCK	
MASTER PLAN SITE UTILITIES	
CSI PROJECT NO.	01180-000
ISSUE DATE	APRIL 2, 2013
FILE NO.	100
SCALE	AS SHOWN
MP 3.01	



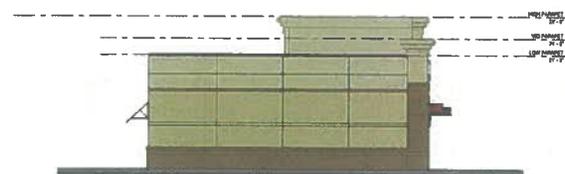
1 TYPICAL STOREFRONT ELEVATION
10'-0"



2 TYPICAL STOREFRONT ELEVATION
10'-0"

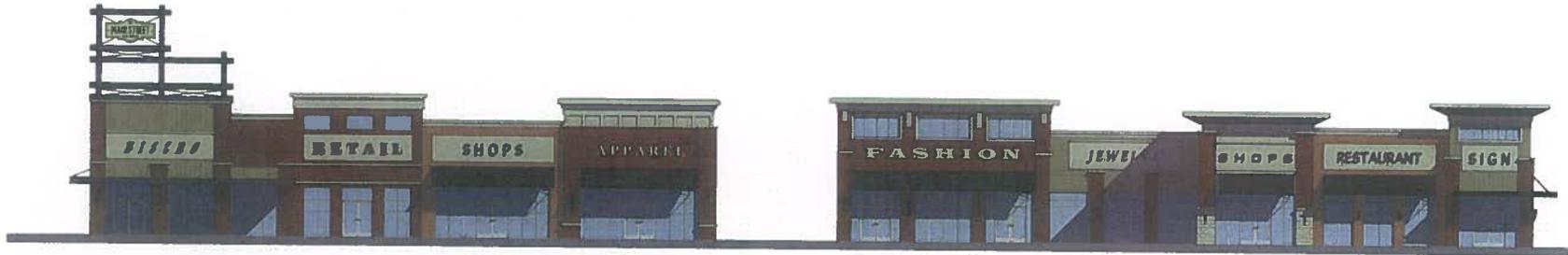


3 TYPICAL STOREFRONT ELEVATION
10'-0"



4 TYPICAL STOREFRONT ELEVATION
10'-0"

EXTERIOR SIGNAGE MATERIALS AND COLORS TO BE DETERMINED.
 SIDING OFF STORES: SPK, SPK FACE PAINTING: GRAY & LEXIA PANELS WITH METAL FINISHING METAL CORNER, FINE
 FINISH: SANDER METAL ROOFING PAINTED STEEL FINISH
 FINISHING INCLUDES INTERIOR SPK COATING AND/OR ALL PUBLICLY VISIBLE FACES OF THE BUILDING.
 THE 3D RENDERING SHOWS HOW THE BUILDING MAY BE SUBJECT TO CHANGE BASED ON PROJECT AND OWNER
 REQUIREMENTS.

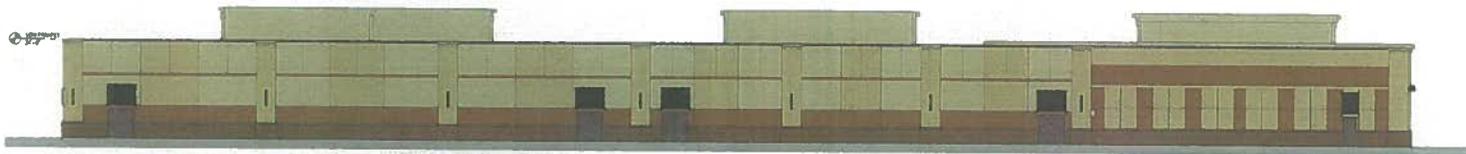


1 TYPICAL STOREFRONT ELEVATION
14-112

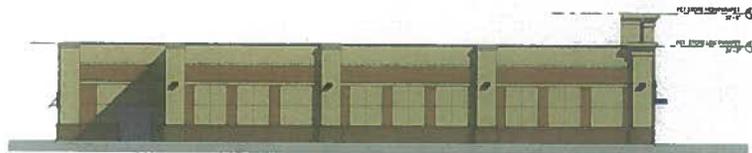
ELEVATION AND FLOOR MATERIALS INTENDED FOR ILLUSTRATION.
BRICK, CEMENT STONE, SPITE, SPICE FACED SANDSTONE, GLASS & METAL PANELS WITH SPECIAL FINISHES, METAL CANOPIES, FABRIC
PARTITIONS, BLINDS, METAL, DRAPERY, PAPER, STAIN, FINISHES.
FEATURE BUILDING MATERIALS SHALL COMPLY WITH ALL PUBLICLY AVAILABLE CODES OF THE BUILDING.
THE ELEVATION SHOWN ABOVE ARE SCHEMATIC AND SUBJECT TO CHANGE BASED ON PROJECT AND TRIM
REQUIREMENTS.



1 TYPICAL STOREFRONT ELEVATION
1/8" = 1'-0"



2 TYPICAL STOREFRONT ELEVATION
1/8" = 1'-0"



3 TYPICAL STOREFRONT ELEVATION
1/8" = 1'-0"



4 TYPICAL STOREFRONT ELEVATION
1/8" = 1'-0"

FEATURES AND MATERIALS SHALL INCLUDE THE FOLLOWING:
 BRICK ON EXTERIOR WALLS, BRICK FACE BRICKWORK, GLASS LITE PAIRLS WITH METAL FINISHING, METAL CANOPIES, FABRIC
 SHROUDS, LEADED GLASS, RECESSED PANELS OF GLASS, PLANTED
 FEATURE BUILDING MATERIALS SHALL CONTRIBUTE AROUND ALL PUBLICLY VISIBLE FACES OF THE BUILDING.
 THE ELEVATIONS SHOWN ABOVE ARE SCHEMATIC AND SUBJECT TO CHANGE BASED ON PROJECT AND TENANT
 REQUIREMENTS.

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 036.00 AND 003.00, ANDERSON COUNTY TAX MAP 099L, GROUP A, FROM B-2 GENERAL BUSINESS DISTRICT PUD TO UB-2, UNIFIED GENERAL BUSINESS PUD AND APPROVING THE PLANNED UNIT DEVELOPMENT MASTER PLAN FOR SAID PARCELS.

WHEREAS, the following changes were submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and have been 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 036.00 and 003.00, Anderson County Tax Map 099L, Group A (± 58.54 ac.)	Bordered by Rutgers Avenue, S. Illinois Avenue, S. Tulane Avenue and Oak Ridge Turnpike previously referred to as Oak Ridge City Center	B-2, General Business District PUD	UB-2, Unified General Business PUD

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. The Planned Unit Development Master Plan dated April 2, 2015 for said parcels, as approved by the Oak Ridge Municipal Planning Commission on March 26, 2015 is hereby approved.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

- Public Hearing: _____
- Publication Date: _____
- First Reading: _____
- Publication Date: _____
- Second Reading: _____
- Publication Date: _____
- Effective Date: _____

**FINAL ADOPTION
OF
ORDINANCES**

ELECTRIC DEPARTMENT MEMORANDUM

15-06

DATE: March 16, 2015
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: REVISIONS TO ELECTRIC RULES AND REGULATIONS ORDINANCE

Introduction

An item for City Council's consideration is an ordinance replacing Ordinance number 5-11 titled "Rules and Regulations Governing Electric Power Distribution", with an updated version designed to bring Oak Ridge into compliance with TVA's revised Service Practices Policies. One additional change is recommended by staff as described herein.

Funding

There is no significant funding impact associated with this item.

Consideration

The Tennessee Valley Authority (TVA) serves as both the power supplier and regulator for Oak Ridge's electric distribution activities. The right of regulation is founded in the Power Services Contract and federal law, including the TVA act.

In the fall of 2014, TVA's Regulatory Compliance Division issued a new set of Service Practices with which TVA's distributors, including Oak Ridge, are required to comply.

With very few exceptions, Oak Ridge was already in compliance with the standards, but a few changes both to our Rules and Regulations Ordinance and some policies are required.

Staff is recommending one change not required by TVA. Under current policy, a residential customer who relocates within the City is required to comply with the new deposit policy and even a good paying customer may be required to pay a deposit. This approach has been very effective in helping reduce bad debt.

Now that the deposit system has been in place for four years, staff believes it may be appropriate to relax this requirement. As such, the proposed ordinance contains language that allows the City Manager to develop a policy under which residential customers with a five year history of good payment can transfer their deposit from one residence to another. We believe the impact will be minimal, but we will keep it under scrutiny.

This provision does not apply to Commercial customers, who, because of the greater financial impact on the rate payers are required to make and keep deposits for most new accounts or increases in load.

All changes proposed have been reviewed and approved by TVA. Should the Council choose to make changes to proposed documents; staff will resubmit those changes for TVA review. It is proposed that TVA review would take place between first and second reading.

CHANGE	RATIONAL
1.5 Posting and Filing	TVA is requiring that these items be available on the web when feasible.
2.3.1a Residential Deposit	Although our current deposit policy meets this requirement, this language addition is required.
2.3.1b Residential Deposit	Clarification only.
2.3.1c Recommended Change	The addition of this paragraph is <u>not</u> required by TVA. See discussion in text.
2.3.1b & 2.3.1c Removal	Moved to other sections
2.3.1d	Clarification.
2.3.3a Adjustments	New language required by TVA.
2.3.3b Adjustment	Clarification of existing policy.
2.3.3c ii Adjustment	Clarification of existing.
2.3.4 Interest	New TVA standard applied.
2.3.5 Refund of Deposits	Clarification.
6.2 Dispute Procedure	Clarification of existing policy with expansions required.
8 Deferred Payment Plan	Clarification of existing policy with expansions required.
9.1 Termination Notice	Allows alternate delivery means of notices <u>if</u> such are mutually agreed upon.
9.2b & 9.2c Termination During Severe Weather or Medical Hardship	Inclusion in ordinance required (Oak Ridge already has acceptable policies).
12 Information to Customers	Addition of language required by TVA.

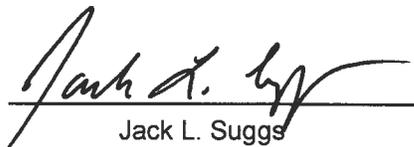
In addition to the changes above, three minor modifications to policies were required. The concerned elimination of minimum deposits for Commercial Customers (was \$200), and very minor modifications to notice language on "friendly reminders" and disconnect notices.

Recommendation

Staff recommends adoption of the ordinance.

Attachment(s)

Markup version of Rules and Regulations Governing Electric Power Distribution
Rules and Regulations Governing Electric Power Distribution


Jack L. Suggs

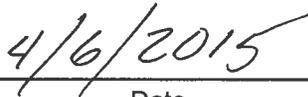
cc: Marlene Witt, Business Office Manager
Margaret Elgin, Electric Engineering Division Manager

City Manager's Comments:

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



Mark S. Watson



Date

**CITY OF OAK RIDGE
OAK RIDGE, TENNESSEE
RULES AND REGULATIONS
GOVERNING
ELECTRIC POWER DISTRIBUTION**

1 General Provisions

1.1 SCOPE

These rules and regulations and the regularly established rate schedules are a part of all contracts for receiving electric service from the City of Oak Ridge, hereinafter referred to as "Distributor," and apply to all service received, whether the service is based upon contract, agreement, signed application, or otherwise.

1.2 REVISIONS

These rules and regulations may be revised, amended, supplemented, or otherwise changed from time to time. Such changes, when effective, shall have the same force as the present rules and regulations.

1.3 SEPARABILITY

If any clause, sentence, paragraph, section or part of these rules and regulations or rate schedules shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining parts of these rules and regulations or rate schedules.

1.4 CONFLICT

In case of conflict between any provision of any rate schedule and these Rules and Regulations, the rate schedule shall apply.

1.5 POSTING AND FILING

A copy of these Rules and Regulations together with copies of the Distributor's Schedule of Rates and Charges shall be kept open to inspection at the office of the Distributor and made available through the Distributor's web site or other electronic means when feasible.

2 Obtaining Electric Service

2.1 *Applying for Service*

2.1.1 APPLICATION FOR SERVICE

Prospective customers over eighteen (18) years of age, desiring electric service, shall make a formal request for service and may be required to complete an application for service and/or the Distributor's form of contract before service is supplied but, in the absence of a completed application or contract, the use of electricity shall bind the customer by the terms of Distributor's standard form of application for service. The completion of an application for service shall not obligate the Distributor to furnish the service for which application has been made. A prospective customer under eighteen (18) years of age may apply for electric service with a letter from a co-signee (who qualifies as a valid customer under this section of the Rules and Regulations) guaranteeing payment for said utility service.

2.1.2 INELIGIBLE PERSONS DUE TO PREVIOUS SERVICE:

Utility service shall not be supplied to or benefit any prospective customer if that person has any outstanding and unpaid utility charges or installments arising from prior utility service that benefited the prospective customer. The Distributor shall, in the event service is not furnished, refund to the customer any deposits or fees accepted by Distributor in contemplation of the furnishing of such service.

2.1.3 REQUEST FOR SERVICE:

Any request for service shall include the following information:

- a) The name of the applicant;
- b) The service address to be supplied electric service and the billing address if different from the service address;
- c) The prior residential address of a prospective residential customer;
- d) The desired date for commencement of electric service;
- e) Name and address of employer if applicable;
- f) Two forms of valid identification for the sole purpose of establishing the identity of the prospective customer, one of which must be a government issued and include a photo;
- g) Evidence that the applicant has the right to effect service at the address, in a form acceptable to the distributor; and
- h) Indication as to whether the applicant or other person(s) will be directly utilizing the service at the service address or the service is to the benefit of a third party.

2.2 CONNECTION CHARGES

Whenever a connection order is issued for the connection of a service, an order for service to a new customer, or service is transferred from one customer's name to another, or service that has been discontinued is reinstated, the Distributor shall charge a nonrefundable connection charge specified in the Distributor's fee schedule to cover the expense of this connection. When more than one utility service is involved in single connection order, not more than one charge will be made. Additional charges may be levied, however, if multiple trips are required to accomplish the connection.

Upon request of the customer, connection charges can be applied to the first bill.

2.3 DEPOSITS

2.3.1 Residential

a) Deposits for new residential service will be established by Council Resolution. The amount of the deposit shall not exceed twice the average maximum bill of customers in the residential class.

a)b) Deposits ~~and~~ for an individual customer may be reduced or eliminated based on a review of the risk of default poised by the persons obtaining or benefiting from

the service. The City Manager shall ~~within 30 days of this ordinance~~ develop and maintain a written policy for the reduction or waiver of deposits which shall be available for inspection at the Utility Business Office.

- ~~b) All deposits greater than one month's average bill and retained longer than 6 months, shall earn interest at a rate to be specified by TVA from time to time after consultation with Distributors and others. Such earned interest shall be paid, or credited against power bills at least annually.~~
- ~~e) Amount of deposit for residential customers shall be stipulated in the Distributor's fee schedule.~~
- c) The City Manager may develop a policy regarding Residential customers with an acceptable payment history who have been customers of Oak Ridge for a minimum of five years whereby said customers shall not have their deposit requirement re-examined when one account is closed and another account is opened for similar use and purpose (for example, a customer who moves from one residential location to another similar residential location)
- d) Except as provided for in section 2.3.3, residential deposits are not to be refunded or reduced while service is active.

2.3.2 Commercial and Industrial

- a) All new commercial and Industrial Commercial customers shall provide a deposit in the amount equal to two month's average bill (estimated) either as a cash deposit, approved surety bond, letter of credit or any other form of deposit accepted by the Distributor.
- b) Deposits will not be required from customers who, through participation in an approved program, release the Distributor from liability for the wholesale portion of the power consumed.
- c) Additional deposits shall not be required from existing commercial or industrial customers with an acceptable payment history which are increasing their average total monthly electric utility obligation less than 25% above existing levels, even if such increase represents a new account.

2.3.3 Adjustment of Deposits

- a) Inspection of Deposits: Any customer shall have the right to review the amount of the deposit on file (including interest) for accounts tied to that customer.
- a)b) Increasing Deposits: Distributor reserves the right to raise the deposits of residential, commercial or industrial customers based on unacceptable payment histories, including two or more late payments in a twelve month period, issuance of a termination of service notice for non-payment, or other reasons ~~as determined by where~~ the distributor ~~determines that the customer has a demonstrable increase in risk of default.~~ Notwithstanding the above, the amount of the total deposit shall not exceed twice the average maximum bill of the customer over the previous twenty-four month period. For hardship

cases, the distributor may accept installment payments on the deposit increase.

b)c) Decreasing Deposits:

- i. Residential customers who have an acceptable payment history may request a re-evaluation of the deposit requirements for potential adjustment every twenty-four months. Such evaluations will be conducted as if for a new customer and might result in a decrease, elimination or increase in the required deposit.
- ii. Commercial customers who have an acceptable payment history may request a re-evaluation of the deposit requirements for potential adjustment every twelve months. Such evaluations will be made based on a review of the customer's actual electrical usage in the context of the customer's operations, weather and other factors. The distributor's decision regarding deposit amount will be final.

2.3.4 Payment of Interest of Deposits

All deposits greater than one month's average bill and retained longer than 12months, shall earn interest at the rate paid by Tennessee Local Government Investment Pool (LGIP). Such earned interest shall be paid, or credited against power bills annually on June 30.

2.3.42.3.5 Refund of Deposits

Upon termination of service, the deposit (along with any unpaid accredited interest) may be applied by the Distributor against any obligation of the customer to the Distributor. Any part of the deposit, not so applied, will be refunded to the customer.

2.4 CUSTOMER AIDE TO CONSTRUCTION

Provision of electric power distribution facilities is generally provided under the rate base. Under the conditions below, however, additional contribution by the Customer may be required.

2.4.1 Unusual System Demands

In special cases where a customer requests service that requires special facilities, extensions into areas where electric power is not available, or significant additions to the electrical infrastructure which necessitate a substantial investment by the Distributor and the anticipated net revenue from the regular power bill will not, in the Distributor's opinion, fairly support system operation and the investment required to be made by Distributor to serve the customer, the Distributor may require the customer to contribute to the construction through either:

- a) a minimum bill contract to support the investment required; or,

- b) customer installation of some portion of the facilities; or
- c) a contribution toward the cost of installation.

Customer contributions may or may not be refundable, based upon the length of the contract term and/or the relationship of cost of the additional facilities to the annual gross revenue from the customer.

2.4.2 Underground Service

Customers desiring underground service lines from Distributor's overhead system must make construction contributions that include trenching, the installation of all conduits, vaults, commercial transformer pads and other such equipment. Specifications and terms for such construction will be furnished by Distributor on request.

2.4.3 Non-Standard Service

Customer shall pay the cost of any special installation necessary to meet his peculiar requirements for service at other than standard voltages, for duplicate feeds (including the cost of circuitry and the cost of substation reserve capacity) or for the supply of closer voltage regulations than required by standard practice.

2.4.4 Failure to Take Service

If for any reason the customer, after signing a contract or application for electric service, does not take service the customer shall reimburse Distributor for the cost incurred by Distributor to provide service.

2.5 TEMPORARY SERVICE AND CHARGES FOR TEMPORARY SERVICE

Customers requesting electric service on a temporary basis may be required to pay all costs, as determined by the Distributor, for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for electricity used. This rule includes but is not limited to circuses, carnivals, fairs, temporary construction, and requirements. Standard fees for various types of temporary services, as well as the temporary service policy are available at Distributor's principal offices.

3 Conditions of Distributor Supplied Power

3.1 AVAILABLE VOLTAGES

The voltages available from the Distributor are affected both by the load required and by the location of the customer. Generally, the Distributor will endeavor to make the following voltage/phase combinations available:

Overhead Area:

120/ 240 volt 1 phase 3 wire	0 to 150 KW
208Y/120 volt 3 phase 4 wire	20-1500 KW
480Y/277 volt 3 phase 4 wire	20-1500 KW

240 volt 3 wire Delta	20-1500 KW
480 volt 3 wire Delta (Existing Only)	20-1500 KW
13,200 Y/7620 volt 3 phase 4 wire	500-1500 KW
69,000 volt 3 wire Wye	1000-1500 KW

Note: Underground service drops and pad-mounted transformers may be required for some loads even in overhead areas.

Underground Area:

120/ 240 volt 1 phase 3 wire	0 to 150 KW
208Y/120 volt 3 phase 4 wire	20-1500 KW
480Y/277 volt 3 phase 4 wire	20-1500 KW
13,200 Y/7620 volt 3 phase 4 wire	500-1500 KW

Voltages indicated are nominal and do not reflect the exact voltage supplied. Additional voltages, or voltages at load levels other than indicated, will be supplied when possible, but may require financial contribution on the part of the customer. The distributor reserves the right to provide service at only primary or higher voltages and/or to provide delivery points remote from the point of electrical consumption under specific conditions; including electrical loads greater than those listed above or where access to the distributor's equipment would be unduly limited.

3.2 INTERRUPTION OF SERVICE

3.2.1 Consistency of Service

The Distributor will endeavor to furnish continuous electric service and to maintain reasonable constant voltage, but the Distributor cannot and does not guarantee to the customer any fixed voltage or continuous service. The Distributor shall not be liable for any damages for any interruption or disturbances of service whatsoever.

3.2.2 System Maintenance and Repair

In connection with the operation, maintenance, repair and extension of the Distributor's electric system, the electric supply may be shut off without notice when necessary or desirable, and each customer should be prepared for such emergencies. The Distributor shall not be held liable for any damages from such interruption of service or for damages from the resumption of service without notice after such interruption.

3.3 LOSS OF PHASE, VOLTAGE OR CURRENT FLUCTUATIONS

The Distributor shall not be liable for personal injuries or for any damage to a customer's equipment or property which may be caused by high voltage, by low voltage, loss of one or more phases in a multiphase system or by fluctuations in voltage or current on the Distributor's lines. The Customer shall be responsible for protecting his service from

current and voltage fluctuations by installing fuses, circuit breakers, loss of phase protection relays, and other standard protective devices.

3.4 RESTRICTIONS ON USE OF ELECTRICITY

In the event of an emergency or other condition causing a shortage in the amount of electricity for Distributor to meet the demand on its system, Distributor may, by an allocation method deemed equitable by Distributor, fix the amount of electricity to be made available for use by customer and/or may otherwise restrict the time during which the customer may make use of electricity and the uses which the customer may make of electricity. If such actions become necessary, the customer may request a variance because of unusual circumstances including matters adversely affecting the public health, safety, and welfare.

If the customer fails to comply with such allocation or restriction, Distributor may take such remedial actions as it deems appropriate under the circumstances including temporarily disconnecting electric service and charging additional amounts because of excess use of electricity. The provisions of the section entitled "Interruption of Service" of this Schedule of Rules and Regulations are applicable to any such allocation or restriction.

3.5 DISCONTINUANCE OF SERVICE BY DISTRIBUTOR

3.5.1 Violation of Rules

Distributor may refuse to connect or may discontinue service for a violation of any of its Rules and Regulations, or for violation of any of the provisions of the Schedule of Rates and Charges, or false information on the application of the customer or as otherwise specified in the contract with customer.

3.5.2 Interference with the Electric System

Distributor may immediately disconnect and refuse to reconnect any service where evidence exists that the customer's load is interfering with the normal operation of the electric system from factors including, but not limited to harmonics, flicker, load factor or excessive demand.

3.5.3 Theft of Electricity

Distributor may discontinue service to customer for the theft of current or the appearance of current theft devices on the premises of the customer.

3.5.4 Conditions Deemed Unsafe

Distributor may discontinue service immediately and without notice upon discovery of any condition which, in the opinion of the distributor, represents a reasonable and immediate threat to persons or property. Such conditions include frayed or damaged wiring, damaged weather heads for overhead service, heating conductors observed or reported by a reputable party or any other such condition that could reasonably be expected to pose a threat to either the public or distributor personnel. Service will be restored only after approval by the electrical inspection authority having jurisdiction. Failure to disconnect shall not render Distributor liable or responsible for any loss or

damage resulting from defects in the installation, wiring, or appliances, or from violation of Distributor's rules, or from accidents which may occur upon customer's premises

3.5.5 Inadvertent Provision of Service

If the Distributor should inadvertently or by mistake begin to render service to an applicant to whom the Distributor has good and valid reason for refusing to render such service, the Distributor shall have the right to discontinue such service at any time after service has begun, even though such customer does nothing to justify the discontinuance of service during the time such service is being rendered.

3.5.6 No Release of Obligation

The discontinuance of service by Distributor for any cause as stated in this rule does not release the customer from his obligation to Distributor for the payment of minimum bill as specified in customer's application for service or other provisions of any contract between the customer and the Distributor.

3.6 DISTRIBUTOR'S LIABILITY FOR FAILURE TO CUT OFF SERVICE

Distributor shall not be liable for any loss or damage resulting from failure to cut off service after proper notification. Customer shall rely exclusively on privately owned disconnect switches rather than on the Distributor's cutting off of service.

3.7 METERING OF ELECTRIC USE

3.7.1 METER INSTALLATIONS

The Distributor will install and maintain adequate metering facilities to measure the electric power used in accordance with the appropriate rate schedule. All meters, bases, connection boxes, and devices supplied by the Distributor remain its property and will be sealed by the Distributor for the proper protection of its metering equipment. Meters installed shall be readily accessible to the Distributor's representatives for meter reading, testing, and maintenance and shall not be enclosed in areas where free and open access is not available. Meters will not be located where they may be subject to damage or severe vibrations. Meters will not be located less than four (4) feet or more than six (6) feet from the ground.

3.7.2 Meter Tampering

No one shall do anything, which will in any way interfere with or prevent the proper registration of a meter. No one shall tamper with or work on an electric meter without the written permission of the Distributor. No one shall install any wires or other devices, which will cause electricity to pass through or around a meter without the passage of such electricity being registered fully by the meter.

3.7.3 Meter Seals

Except as provided in this paragraph, no one shall tamper with or remove an electric meter seal except for employees of the Distributor. Where seals are found to be open or cut, the Distributor shall conduct an evaluation of the meter installation for safety reasons, and investigate for possible theft of electric power. The customer shall be charged a fee for these inspections as specified in the Distributor's rate schedule. Exception: Under certain conditions and on a case by case basis, the Distributor may

grant a properly licensed electrician permission to remove a meter seal for the purpose of making electrical repairs.

3.7.4 Meter Tests

The Distributor will at its own expense make periodic tests and inspections of its meters to maintain a high standard of accuracy. The Distributor will make additional test or inspections of its meters at the request of the customer. If test made at customer's request show that the meter is accurate within two percent (2%), slow or fast, no adjustment will be made in the customer's bill and a testing charge established in the Distributor's fee schedule will be made to the customer. In the case where the test shows the meter to be in excess of two percent (2%), slow or fast, an adjustment may be made in the customer's bill for a period of not over thirty (30) days prior to the date of the test, and the cost of making the test shall be borne by the Distributor. (Ord. No. 29-82, 9/7/82)

4 Customer Responsibilities and Obligations

4.1 CUSTOMER'S RESPONSIBILITY FOR VIOLATIONS OF RULES AND REGULATIONS

Where the Distributor furnishes electric service to a customer, such customer shall be responsible to the Distributor for all violations of the Rules and Regulations and Rate Schedules of the Distributor, whether violations occur on the premises served or in connection with such service. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on the customer.

4.2 POINT OF DELIVERY

The point of delivery is the point, as designated by Distributor, on customer's premises where current is to be delivered to building or premises. Normally, for commercial and residential overhead installations, the point of delivery is the weatherhead. For residential underground, the point of delivery is normally the meter base (except for ~~down~~run conduit). For commercial or multifamily underground, the point of delivery is normally the secondary terminal of the transformer. Where voltage is delivered at a primary voltage, the point of delivery is the meter point. All wiring and equipment beyond this point of delivery shall be maintained by the customer, unless such maintenance is the responsibility of the owner of the premises occupied by the customer.

4.3 NOTICE OF TROUBLE

Customer shall notify the Distributor immediately should the service be unsatisfactory for any reason, or should there be defect, trouble, or accident affecting the supply of electricity.

4.4 CUSTOMER'S WIRING

All wiring of customer, or of the owner of the premises occupied by the customer, must conform to Distributor's requirements and accepted modern standards as exemplified by the requirements of the National Electrical Safety Code and the National Electric Code. Distributor shall have the right, but shall not be obligated, to inspect any installation before electricity is introduced or at any later time, and reserves the right to reject any wiring or appliances not in accordance with Distributor's standards and to discontinue service to customer until such deficiency has been corrected. Inspection or failure to inspect or

failure to reject after inspection shall not render Distributor liable or responsible for any loss or damage resulting from defects in the installation, wiring, or appliances, or from violation of Distributor's rules, or from accidents which may occur upon customer's premises.

The Distributor will discontinue service immediately to any premises which, in the sole opinion of the Distributor, is unsafe or unsuitable for service delivery.

4.5 POWER FACTOR

Each commercial and industrial customer is required to maintain a minimum power factor of at least eighty-five percent (85%) but not more than one hundred percent (100%) and to provide at his expense such devices as are necessary to provide such a power factor. Power factors of commercial or industrial customers may be monitored through periodic checks of constant metering. After Distributor makes an initial determination of a power factor problem, a period of ninety (90) days will be allowed for installation of capacitors or other devices to correct for power factors. After such period, the customer shall pay charges for power factors as specified in the rate structure.

4.6 UNBALANCED LOADS

Every precaution shall be taken by the customer to maintain load balance on customer's single and three phase circuits. No load will be allowed on the Distributor's service conductors, which will create a seriously unbalanced condition.

4.7 NOTICE OF ADDITIONAL LOAD

The service connection, transformers, meters, and equipment supplied by Distributor for each customer have definite capacity, and no addition to the equipment or load connected thereto will be allowed except by consent of Distributor. Failure to give notice of additions or changes in load, and to obtain Distributor's consent for same, shall render customer liable for any damage to any Distributor's lines or equipment caused by the additional or changed load.

4.8 EFFECT ON THE ELECTRIC SYSTEM

Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances to Distributor's system. Distributor may require customer, at his own expense, to install suitable apparatus, which will reasonably limit such fluctuations.

4.9 UNAUTHORIZED USE OR INTERFERENCE WITH ELECTRIC SUPPLY

No person shall operate any of the Distributor's switches or equipment without permission or authority from the Distributor.

4.10 ACCESS TO CUSTOMER'S PREMISES

The Distributor's identified representatives and employees shall be granted access to customer's premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing and replacing all equipment belonging to the Distributor and for inspecting customer's wiring, appliances and premises in order to determine whether or not the customer is complying with the Distributor's Rules and Regulations. Provision of appropriate real estate rights at no cost to the Distributor for the installation and operation of electrical lines to the customer is considered a condition of service.

4.11 CUSTOMER'S RESPONSIBILITY FOR DISTRIBUTOR'S PROPERTY

Customer, or owner of the premises occupied by customer, shall provide a space for and exercise proper care to protect the property of the Distributor on the premises; and in the event of loss or damage to the Distributor's property arising from neglect of customer to care for same, the cost of necessary repairs or replacements, as determined by the Distributor, shall be paid by the customer.

4.12 STANDBY AND RESALE SERVICE

All purchased electricity (other than emergency or standby service) used on the premises of the customer shall be supplied exclusively by the Distributor and the customer shall not directly or indirectly sell (or otherwise charge) or otherwise dispose of the electric energy or any part thereof.

5 Electric Rates and Billing

5.1 RATES AND CHANGES

All electricity furnished by the Distributor shall be charged at the applicable rate in effect at the time. The Distributor shall not be obligated to consider a request for an adjustment of any bill unless, within ninety (90) days after the questioned bill is paid, the customer files with the Distributor a written objection to said bill specifying the basis for desired adjustment.

5.2 BILLING ADJUSTED TO STANDARD PERIODS

The demand charges and the blocks in the energy charges set forth in the rate schedules are based on billing periods of approximately one month. In case of the first billing of new accounts (temporary service and seasonal customers excepted) where the period covered by the billing involves fractions of a month, the demand charges and the blocks of the energy charge will be adjusted to a basis proportionate with the period of time during which service is extended.

5.3 BILLINGS

The Distributor elects a standard net payment period of fifteen (15) days for all classes of service after the date of the bill. —However, the City Manager is authorized to provide an extension of the discount date, not to exceed five days, when in the best interest of the utility and when such extension is defined in a written policy, developed and available for inspection at the Utility Business Office.

The Distributor establishes for any class of service a late payment charge of five percent (5%) for any portion of bill not paid after the net payment period. Should the final date of payment of bill at the net rate fall on a Sunday or holiday, the next business day following the final date will be the last day to obtain the net rate. Remittance of net rate payment received by mail after the time limit for payment of said net rate will be accepted by the Distributor if the incoming envelope bears the United States Post Office date stamp of the final date for payment of the net amount or any date prior thereto.

Failure to receive bill shall not release customer from payment obligation, nor extend the discount date. No customer shall be entitled to pay any bill at the net rate while such customer is delinquent in the payment of any obligation in connection with electric service owed the Distributor by such customer.

If a meter fails to register, or if a meter is removed to be tested or repaired, or if electricity is received other than through a meter, the Distributor reserves the right to render an estimated bill based on the best information available.

5.4 UTILITY BILL

A residential utility bill shall be mailed monthly to every residential customer for utility service supplied during the time period shown on the utility bill. Each utility bill shall contain the following information:

- a) The time period and number of days of utility service covered by the utility bill;
- b) The utility charge and/or installment due;
- c) The date of the utility bill;
- d) The date when complete payment is due at the utility, which shall be at least fifteen (15) days from the date of the utility bill;
- e) An indication if the utility bill is based on actual or estimated measurement of the amount of utility service supplied;
- f) Notice that residential customers may call the Utilities Business Office, whose telephone number shall be listed on the utility bill, in order to:
 - Dispute the amount of the utility charge and/or installment;
 - Request the establishment of a deferred payment and execute same in writing;
 - Avoid the termination of utility service for non-payment of the amount(s) shown on the utility bill;
 - Request the restoration of utility service.

5.5 RESIDENTIAL CUSTOMER INFORMATION

The Distributor shall provide information on the following upon request:

- a) The availability and operation of deferred payment plan;
- b) The procedure to dispute a utility charge and/or an installment;
- c) The procedure to avoid termination of utility service due to non-payment of utility charges and/or installments;
- d) The procedure for tenants to avoid termination of utility service due to their landlord's non-payment of utility charges and/or installments; and
- e) The procedure to obtain reinstatement of utility service.

6 Residential Customer Disputes

6.1 GENERAL APPLICABILITY

At anytime prior to date of termination of utility service for non-payment of the amount(s) shown on a utility bill, a notice of rejection or a notice of termination, a residential customer may dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of this standard. A residential customer shall not be entitled to dispute the correctness of all or part of the amount(s) if all or part of the amount(s) was (were) the subject of a previous dispute.

6.2 DISPUTE PROCEDURE

~~The City has developed a process for customer disputes and the stipulations are outlined in the Business Office Operation Procedures and Policies.~~

The City Manager shall develop and have available for inspection at the Business Office a written policy and procedure for disputed amounts. The procedure will include the opportunity for a customer to state their objections to the billing and to receive due consideration and receive a written response which delineates the findings and reasoning of the City.

7 Residential Rental Property

7.1 GENERAL

A residential customer who is the owner of residential rental property housing one or more tenants who are not residential customers of the Distributor for utility service to the dwelling in which such tenant is housed, shall provide the following when requesting termination of utility service to such dwelling:

- a) Name of all tenants residing in such dwelling where service is to be terminated; and
- b) Mailing address of all such tenants.

7.2 NOTICE BY PROPERTY OWNER

The residential customer shall in addition thereto give such tenants written notice that utility service is to be terminated for the dwelling in which said tenants reside.

7.3 NOTICE BY DISTRIBUTOR

The notice shall include the date such service is to be terminated. Provisions hereafter requiring the Distributor to notify the tenants of such dwelling shall not relieve the residential customer from giving notice herein required.

Upon notification from a landlord of residential rental property that tenants are occupying rental units at the service address for which service termination is requested, the Distributor will delay termination of utility service for three (3) days and serve notice to the tenant(s) by posting a notice on the premise in a conspicuous location.

The notice shall include the following:

- a) Landlords name, address and telephone number;

- b) Address of utility service that is to be terminated;
- c) Date of utility service(s) disconnection;
- d) Advisement to the tenant(s) on what procedures are necessary to avoid termination of utility service(s); and
- e) The Distributor's office location, hours of operation and telephone number.

8 Deferred Payment Plan

~~The City has developed a process for customer's to make a deferred payment plan and the stipulations are outlined in the Business Office Operation Procedures and Policies.~~

The City Manager shall develop and have available for inspection at the Business Office a written policy allowing for differed payment of residential accounts. The policy shall be specific in the requirements and qualifications for residential customers and provide for written acceptance of the plans by the customer.

9 Service Termination Procedure for Non-Payment

The provision of this section shall govern all terminations of utility service for non-payment of utility charges and/or installments.

9.1 TERMINATION NOTICE REQUIRED

If by the payment date shown on a utility bill or a deferred payment plan, the Distributor has not received complete payment of the amount(s) shown on the bill or the payment plan, the Distributor shall mail to, deliver through a mutually agreed electronic means (such as text messages, email, or other), or personally serve upon the customer a notice of termination at least five (5) days after the payment date.

9.1.1 The notice contents

- a) The date of the notice of termination.
- b) The amount to be paid.
- c) The date of termination, which shall be at least five (5) days from the date of the notice of termination.
- d) Notice that unless the Distributor receives complete payment of the amount shown prior to the date of termination, utility service shall be terminated under item seven (7) of this section.
- e) Notice that in lieu of paying the amount shown, an eligible residential customer, prior to the date of termination, may request the establishment of a deferred payment plan.
- f) Notice that in lieu of paying the entire amount shown a residential customer, prior to the date of termination, may notify the utility that he disputed the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute under section 24.

9.1.2 Customer Response to Notice

If the Distributor receives payment of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of this standard.

The Distributor shall terminate utility service to the residential customer on the date of termination if, prior to the date of termination: 1) The Distributor has not received complete payment of the amount shown on the notice of termination; 2) The residential customer has not requested the establishment of a deferred payment plan; and 3) The residential customer has not notified the Distributor that he/she disputes the correctness of all or part of the amount shown on the notice of termination.

9.2 LIMITATION ON TERMINATION OF UTILITY SERVICE

a) The Distributor shall terminate utility service for nonpayment of utility charges and/or installments only during the hours of 8:00 a.m. to 5:00 p.m., Monday through Thursday. No terminations for non-payments shall be permitted on a legal holiday or on the day before a legal holiday as declared by the Distributor.

b) The City Manager shall develop, maintain and have available for inspection at the Business Office a written policy with regards to service termination during severe weather, including specifically severe heat or severe cold. The policy shall provide that postponement not extend beyond the period during which extreme weather exists or is forecasted to exist.

c) The City Manager shall develop, maintain and have available for inspection at the Business Office a written policy with regards to termination of service due to non-payment in cases of a documented medical hardship. The policy shall specify acceptable documentation accepted as evidence of medical hardship, provide for periodic review and renewal of such documentation and provide that a written notice of pending termination be delivered at least twenty-four hours, which must include one full business day, prior to disconnection to allow for the customer to resolve the billing delinquencies or to make other arrangements for housing or medical care. Delay of termination for medical hardship shall not exceed three days, except for circumstances described in sections a) and b) above.

b)d) Service may not be terminated for non-payment of a bill except after affording the affected customer due process. Reasonable prior written notice shall be given before termination for non-payment.

9.3 REINSTATEMENT OF UTILITY SERVICES

In the event of termination of utility service in accordance with the provisions of this standard, the Distributor shall reinstate utility service to the residential customer within twenty-four (24) hours of the utility's receipt of the complete payment of the amount whose non-payment prompted the termination along with such fees as are specified below for reconnection. Such payment shall not be considered a timely payment for purposes of this standard.

10 Reconnection of Electric Power

10.1 RECONNECTION CHARGE (NON-PAYMENT ACCOUNTS)

Whenever service has been discontinued by Distributor as provided previously, a service charge specified in the Distributor's fee schedule will be assessed and collected in addition to any delinquent balance due before service is restored to the customer. When Distributor makes a call to disconnect service and if for any reason does not disconnect service, a charge-specified in the Distributor's fee schedule will be made.— Different charges will be established for residential and commercial accounts and higher charges will be established and collected when connections and reconnections are performed after normal hours or when special circumstances warrant. The Distributor shall have the authority to waive this connection charge in any case where such waiver is to the best interest of the Distributor.

10.2 CONNECTION AND RECONNECTION CHARGES

Whenever a customer requests that power be disconnected for routine maintenance or scheduled work, the Distributor will provide such services when practical during normal business hours for no charge. Such work done after the Distributor's normal operating hours, or scheduled in such a way that they are not completed in normal operating hours will only be conducted at the full cost of the requesting party; providing however, that there shall be no charge in the event of connection in relation to emergency disconnections and connections.

11 Termination of Service by Customer

Customers who have fulfilled their contract term and wish to discontinue service must give Distributor at least-ten (10) days written notice to that effect, unless their contract specifies otherwise. Notice to discontinue service prior to expiration of contract term will not relieve customer from any minimum or guaranteed payment under contract or applicable rate schedule.

12 Information to Customers

Distributor shall reasonably inform customers about rates and services practice policies by making such information available upon application for service and at any other time upon request. Such items shall also be available through electronic means, including the distributor's web page if feasible.

Distributor, as it determines appropriate, shall utilize channels such as mail, annual report, newspaper, radio, public meetings and agendas thereto and utility bill to inform customers about rates and service policies.

All retail rate actions initiated by Distributor shall be conducted at a public hearing, announced in accordance with Tennessee State Law. The agenda for the meeting must be available to the public for inspection or via the City of Oak Ridge Website. Further, the agenda, including pending rate actions must be provided to media outlets prior to the meeting.

Distributor, on request by the customer of record, shall provide a statement of the monthly consumption for the prior twelve (12) months if it is reasonably ascertainable. A non-

customer requesting a statement of a particular account shall be required to pay the cost incurred by the Distributor to provide the statement, as established in the fee structure.

13 City Manager Authorized to Execute Power Contracts

A written contract between the Distributor and Customer shall be required in all instances where a customer's demand for electric power exceeds fifty (50) kilowatts. The City Manager or his specifically authorized representative shall be authorized to enter into and execute such contracts on behalf of the Distributor. The provisions of such contract shall be in accordance with these rules and regulations, applicable rate schedules, and all actions of Council regarding the provision of electrical power and service.

TITLE

AN ORDINANCE TO REPEAL ORDINANCE NO. 05-11 WHICH ADOPTED THE RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER, AND TO ADOPT NEW RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER WITHIN THE CITY OF OAK RIDGE, TENNESSEE.

WHEREAS, the City of Oak Ridge presently has rules and regulations governing distribution of electric power within the City of Oak Ridge; and

WHEREAS, the City desires to make changes to the present rules and regulations; and

WHEREAS, said changes are designed to bring Oak Ridge into compliance with TVA's Service Practices Policies; and

WHEREAS, the new rules and regulations are recommended for adoption by City Council.

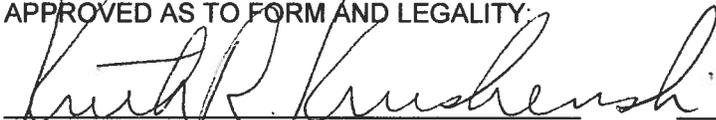
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 05-11 which adopted and established the Rules and Regulations Governing Electric Power Distribution within the City of Oak Ridge is hereby repealed.

Section 2. There is hereby adopted and established Rules and Regulations Governing Electric Power Distribution within the City of Oak Ridge, which rules and regulations are attached hereto and incorporated herein as fully as if set forth verbatim.

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

Warren L. Gooch, Mayor

Diana R. Stanley, City Clerk

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

**CITY OF OAK RIDGE
OAK RIDGE, TENNESSEE
RULES AND REGULATIONS
GOVERNING
ELECTRIC POWER DISTRIBUTION**

1 General Provisions

1.1 *SCOPE*

These rules and regulations and the regularly established rate schedules are a part of all contracts for receiving electric service from the City of Oak Ridge, hereinafter referred to as "Distributor," and apply to all service received, whether the service is based upon contract, agreement, signed application, or otherwise.

1.2 *REVISIONS*

These rules and regulations may be revised, amended, supplemented, or otherwise changed from time to time. Such changes, when effective, shall have the same force as the present rules and regulations.

1.3 *SEPARABILITY*

If any clause, sentence, paragraph, section or part of these rules and regulations or rate schedules shall be declared invalid or unconstitutional, it shall not affect the validity of the remaining parts of these rules and regulations or rate schedules.

1.4 *CONFLICT*

In case of conflict between any provision of any rate schedule and these Rules and Regulations, the rate schedule shall apply.

1.5 *POSTING AND FILING*

A copy of these Rules and Regulations together with copies of the Distributor's Schedule of Rates and Charges shall be kept open to inspection at the office of the Distributor and made available through the Distributor's web site or other electronic means when feasible.

2 Obtaining Electric Service

2.1 *Applying for Service*

2.1.1 *APPLICATION FOR SERVICE*

Prospective customers over eighteen (18) years of age, desiring electric service, shall make a formal request for service and may be required to complete an application for service and/or the Distributor's form of contract before service is supplied but, in the absence of a completed application or contract, the use of electricity shall bind the customer by the terms of Distributor's standard form of application for service. The completion of an application for service shall not obligate the Distributor to furnish the service for which application has been made. A prospective customer under eighteen (18) years of age may apply for electric service with a letter from a co-signee (who qualifies as a valid customer under this section of the Rules and Regulations) guaranteeing payment for said utility service.

2.1.2 INELIGIBLE PERSONS DUE TO PREVIOUS SERVICE:

Utility service shall not be supplied to or benefit any prospective customer if that person has any outstanding and unpaid utility charges or installments arising from prior utility service that benefited the prospective customer. The Distributor shall, in the event service is not furnished, refund to the customer any deposits or fees accepted by Distributor in contemplation of the furnishing of such service.

2.1.3 REQUEST FOR SERVICE:

Any request for service shall include the following information:

- a) The name of the applicant;
- b) The service address to be supplied electric service and the billing address if different from the service address;
- c) The prior residential address of a prospective residential customer;
- d) The desired date for commencement of electric service;
- e) Name and address of employer if applicable;
- f) Two forms of valid identification for the sole purpose of establishing the identity of the prospective customer, one of which must be a government issued and include a photo;
- g) Evidence that the applicant has the right to effect service at the address, in a form acceptable to the distributor; and
- h) Indication as to whether the applicant or other person(s) will be directly utilizing the service at the service address or the service is to the benefit of a third party.

2.2 CONNECTION CHARGES

Whenever a connection order is issued for the connection of a service, an order for service to a new customer, or service is transferred from one customer's name to another, or service that has been discontinued is reinstated, the Distributor shall charge a nonrefundable connection charge specified in the Distributor's fee schedule to cover the expense of this connection. When more than one utility service is involved in single connection order, not more than one charge will be made. Additional charges may be levied, however, if multiple trips are required to accomplish the connection.

Upon request of the customer, connection charges can be applied to the first bill.

2.3 DEPOSITS

2.3.1 Residential

- a) Deposits for new residential service will be established by Council Resolution. The amount of the deposit shall not exceed twice the average maximum bill of customers in the residential class.
- b) Deposits for an individual customer may be reduced or eliminated based on a review of the risk of default poised by the persons obtaining or benefiting from the

service. The City Manager shall develop and maintain a written policy for the reduction or waiver of deposits which shall be available for inspection at the Utility Business Office.

- c) The City Manager may develop a policy regarding Residential customers with an acceptable payment history who have been customers of Oak Ridge for a minimum of five years whereby said customers shall not have their deposit requirement re-examined when one account is closed and another account is opened for similar use and purpose (for example, a customer who moves from one residential location to another similar residential location)
- d) Except as provided for in section 2.3.3, residential deposits are not to be refunded or reduced while service is active.

2.3.2 Commercial and Industrial

- a) All new commercial and Industrial Commercial customers shall provide a deposit in the amount equal to two month's average bill (estimated) either as a cash deposit, approved surety bond, letter of credit or any other form of deposit accepted by the Distributor.
- b) Deposits will not be required from customers who, through participation in an approved program, release the Distributor from liability for the wholesale portion of the power consumed.
- c) Additional deposits shall not be required from existing commercial or industrial customers with an acceptable payment history which are increasing their average total monthly electric utility obligation less than 25% above existing levels, even if such increase represents a new account.

2.3.3 Adjustment of Deposits

- a) Inspection of Deposits: Any customer shall have the right to review the amount of the deposit on file (including interest) for accounts tied to that customer.
- b) Increasing Deposits: Distributor reserves the right to raise the deposits of residential, commercial or industrial customers based on unacceptable payment histories, including two or more late payments in a twelve month period, issuance of a termination of service notice for non-payment, or other reasons where the distributor determines that the customer has a demonstrable increase in risk of default. Notwithstanding the above, the amount of the total deposit shall not exceed twice the average maximum bill of the customer over the previous twenty-four month period. For hardship cases, the distributor may accept installment payments on the deposit increase.
- c) Decreasing Deposits:
 - i. Residential customers who have an acceptable payment history may request a re-evaluation of the deposit requirements for potential adjustment every twenty-four months. Such evaluations will be

conducted as if for a new customer and might result in a decrease, elimination or increase in the required deposit.

- ii. Commercial customers who have an acceptable payment history may request a re-evaluation of the deposit requirements for potential adjustment every twelve months. Such evaluations will be made based on a review of the customer's actual electrical usage in the context of the customer's operations, weather and other factors. The distributor's decision regarding deposit amount will be final.

2.3.4 Payment of Interest of Deposits

All deposits greater than one month's average bill and retained longer than 12 months, shall earn interest at the rate paid by Tennessee Local Government Investment Pool (LGIP). Such earned interest shall be paid, or credited against power bills annually on June 30.

2.3.5 Refund of Deposits

Upon termination of service, the deposit (along with any unpaid accredited interest) may be applied by the Distributor against any obligation of the customer to the Distributor. Any part of the deposit, not so applied, will be refunded to the customer.

2.4 CUSTOMER AIDE TO CONSTRUCTION

Provision of electric power distribution facilities is generally provided under the rate base. Under the conditions below, however, additional contribution by the Customer may be required.

2.4.1 Unusual System Demands

In special cases where a customer requests service that requires special facilities, extensions into areas where electric power is not available, or significant additions to the electrical infrastructure which necessitate a substantial investment by the Distributor and the anticipated net revenue from the regular power bill will not, in the Distributor's opinion, fairly support system operation and the investment required to be made by Distributor to serve the customer, the Distributor may require the customer to contribute to the construction through either:

- a) a minimum bill contract to support the investment required; or,
- b) customer installation of some portion of the facilities; or,
- c) a contribution toward the cost of installation.

Customer contributions may or may not be refundable, based upon the length of the contract term and/or the relationship of cost of the additional facilities to the annual gross revenue from the customer.

2.4.2 Underground Service

Customers desiring underground service lines from Distributor's overhead system must make construction contributions that include trenching, the installation of all conduits, vaults, commercial transformer pads and other such equipment. Specifications and terms for such construction will be furnished by Distributor on request.

2.4.3 Non-Standard Service

Customer shall pay the cost of any special installation necessary to meet his peculiar requirements for service at other than standard voltages, for duplicate feeds (including the cost of circuitry and the cost of substation reserve capacity) or for the supply of closer voltage regulations than required by standard practice.

2.4.4 Failure to Take Service

If for any reason the customer, after signing a contract or application for electric service, does not take service the customer shall reimburse Distributor for the cost incurred by Distributor to provide service.

2.5 TEMPORARY SERVICE AND CHARGES FOR TEMPORARY SERVICE

Customers requesting electric service on a temporary basis may be required to pay all costs, as determined by the Distributor, for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for electricity used. This rule includes but is not limited to circuses, carnivals, fairs, temporary construction, and requirements. Standard fees for various types of temporary services, as well as the temporary service policy are available at Distributor's principal offices.

3 Conditions of Distributor Supplied Power

3.1 AVAILABLE VOLTAGES

The voltages available from the Distributor are affected both by the load required and by the location of the customer. Generally, the Distributor will endeavor to make the following voltage/phase combinations available:

Overhead Area:

120/ 240 volt 1 phase 3 wire	0 to 150 KW
208Y/120 volt 3 phase 4 wire	20-1500 KW
480Y/277 volt 3 phase 4 wire	20-1500 KW
240 volt 3 wire Delta	20-1500 KW
480 volt 3 wire Delta (Existing Only)	20-1500 KW
13,200 Y/7620 volt 3 phase 4 wire	500-1500 KW
69,000 volt 3 wire Wye	1000-1500 KW

Note: Underground service drops and pad-mounted transformers may be required for some loads even in overhead areas.

Underground Area:

120/ 240 volt 1 phase 3 wire	0 to 150 KW
208Y/120 volt 3 phase 4 wire	20-1500 KW
480Y/277 volt 3 phase 4 wire	20-1500 KW
13,200 Y/7620 volt 3 phase 4 wire	500-1500 KW

Voltages indicated are nominal and do not reflect the exact voltage supplied. Additional voltages, or voltages at load levels other than indicated, will be supplied when possible, but may require financial contribution on the part of the customer. The distributor reserves the right to provide service at only primary or higher voltages and/or to provide delivery points remote from the point of electrical consumption under specific conditions; including electrical loads greater than those listed above or where access to the distributor's equipment would be unduly limited.

3.2 INTERRUPTION OF SERVICE

3.2.1 Consistency of Service

The Distributor will endeavor to furnish continuous electric service and to maintain reasonable constant voltage, but the Distributor cannot and does not guarantee to the customer any fixed voltage or continuous service. The Distributor shall not be liable for any damages for any interruption or disturbances of service whatsoever.

3.2.2 System Maintenance and Repair

In connection with the operation, maintenance, repair and extension of the Distributor's electric system, the electric supply may be shut off without notice when necessary or desirable, and each customer should be prepared for such emergencies. The Distributor shall not be held liable for any damages from such interruption of service or for damages from the resumption of service without notice after such interruption.

3.3 LOSS OF PHASE, VOLTAGE OR CURRENT FLUCTUATIONS

The Distributor shall not be liable for personal injuries or for any damage to a customer's equipment or property which may be caused by high voltage, by low voltage, loss of one or more phases in a multiphase system or by fluctuations in voltage or current on the Distributor's lines. The Customer shall be responsible for protecting his service from current and voltage fluctuations by installing fuses, circuit breakers, loss of phase protection relays, and other standard protective devices.

3.4 RESTRICTIONS ON USE OF ELECTRICITY

In the event of an emergency or other condition causing a shortage in the amount of electricity for Distributor to meet the demand on its system, Distributor may, by an

allocation method deemed equitable by Distributor, fix the amount of electricity to be made available for use by customer and/or may otherwise restrict the time during which the customer may make use of electricity and the uses which the customer may make of electricity. If such actions become necessary, the customer may request a variance because of unusual circumstances including matters adversely affecting the public health, safety, and welfare.

If the customer fails to comply with such allocation or restriction, Distributor may take such remedial actions as it deems appropriate under the circumstances including temporarily disconnecting electric service and charging additional amounts because of excess use of electricity. The provisions of the section entitled "Interruption of Service" of this Schedule of Rules and Regulations are applicable to any such allocation or restriction.

3.5 DISCONTINUANCE OF SERVICE BY DISTRIBUTOR

3.5.1 Violation of Rules

Distributor may refuse to connect or may discontinue service for a violation of any of its Rules and Regulations, or for violation of any of the provisions of the Schedule of Rates and Charges, or false information on the application of the customer or as otherwise specified in the contract with customer.

3.5.2 Interference with the Electric System

Distributor may immediately disconnect and refuse to reconnect any service where evidence exists that the customer's load is interfering with the normal operation of the electric system from factors including, but not limited to harmonics, flicker, load factor or excessive demand.

3.5.3 Theft of Electricity

Distributor may discontinue service to customer for the theft of current or the appearance of current theft devices on the premises of the customer.

3.5.4 Conditions Deemed Unsafe

Distributor may discontinue service immediately and without notice upon discovery of any condition which, in the opinion of the distributor, represents a reasonable and immediate threat to persons or property. Such conditions include frayed or damaged wiring, damaged weather heads for overhead service, heating conductors observed or reported by a reputable party or any other such condition that could reasonably be expected to pose a threat to either the public or distributor personnel. Service will be restored only after approval by the electrical inspection authority having jurisdiction. Failure to disconnect shall not render Distributor liable or responsible for any loss or damage resulting from defects in the installation, wiring, or appliances, or from violation of Distributor's rules, or from accidents which may occur upon customer's premises

3.5.5 Inadvertent Provision of Service

If the Distributor should inadvertently or by mistake begin to render service to an applicant to whom the Distributor has good and valid reason for refusing to render such service, the Distributor shall have the right to discontinue such service at any time after

service has begun, even though such customer does nothing to justify the discontinuance of service during the time such service is being rendered.

3.5.6 No Release of Obligation

The discontinuance of service by Distributor for any cause as stated in this rule does not release the customer from his obligation to Distributor for the payment of minimum bill as specified in customer's application for service or other provisions of any contract between the customer and the Distributor.

3.6 DISTRIBUTOR'S LIABILITY FOR FAILURE TO CUT OFF SERVICE

Distributor shall not be liable for any loss or damage resulting from failure to cut off service after proper notification. Customer shall rely exclusively on privately owned disconnect switches rather than on the Distributor's cutting off of service.

3.7 METERING OF ELECTRIC USE

3.7.1 METER INSTALLATIONS

The Distributor will install and maintain adequate metering facilities to measure the electric power used in accordance with the appropriate rate schedule. All meters, bases, connection boxes, and devices supplied by the Distributor remain its property and will be sealed by the Distributor for the proper protection of its metering equipment. Meters installed shall be readily accessible to the Distributor's representatives for meter reading, testing, and maintenance and shall not be enclosed in areas where free and open access is not available. Meters will not be located where they may be subject to damage or severe vibrations. Meters will not be located less than four (4) feet or more than six (6) feet from the ground.

3.7.2 Meter Tampering

No one shall do anything, which will in any way interfere with or prevent the proper registration of a meter. No one shall tamper with or work on an electric meter without the written permission of the Distributor. No one shall install any wires or other devices, which will cause electricity to pass through or around a meter without the passage of such electricity being registered fully by the meter.

3.7.3 Meter Seals

Except as provided in this paragraph, no one shall tamper with or remove an electric meter seal except for employees of the Distributor. Where seals are found to be open or cut, the Distributor shall conduct an evaluation of the meter installation for safety reasons, and investigate for possible theft of electric power. The customer shall be charged a fee for these inspections as specified in the Distributor's rate schedule. Exception: Under certain conditions and on a case by case basis, the Distributor may grant a properly licensed electrician permission to remove a meter seal for the purpose of making electrical repairs.

3.7.4 Meter Tests

The Distributor will at its own expense make periodic tests and inspections of its meters to maintain a high standard of accuracy. The Distributor will make additional test or inspections of its meters at the request of the customer. If test made at customer's

request show that the meter is accurate within two percent (2%), slow or fast, no adjustment will be made in the customer's bill and a testing charge established in the Distributor's fee schedule will be made to the customer. In the case where the test shows the meter to be in excess of two percent (2%), slow or fast, an adjustment may be made in the customer's bill for a period of not over thirty (30) days prior to the date of the test, and the cost of making the test shall be borne by the Distributor. (Ord. No. 29-82, 9/7/82)

4 Customer Responsibilities and Obligations

4.1 *CUSTOMER'S RESPONSIBILITY FOR VIOLATIONS OF RULES AND REGULATIONS*

Where the Distributor furnishes electric service to a customer, such customer shall be responsible to the Distributor for all violations of the Rules and Regulations and Rate Schedules of the Distributor, whether violations occur on the premises served or in connection with such service. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on the customer.

4.2 *POINT OF DELIVERY*

The point of delivery is the point, as designated by Distributor, on customer's premises where current is to be delivered to building or premises. Normally, for commercial and residential overhead installations, the point of delivery is the weatherhead. For residential underground, the point of delivery is normally the meter base (except for down-run conduit). For commercial or multifamily underground, the point of delivery is normally the secondary terminal of the transformer. Where voltage is delivered at a primary voltage, the point of delivery is the meter point. All wiring and equipment beyond this point of delivery shall be maintained by the customer, unless such maintenance is the responsibility of the owner of the premises occupied by the customer.

4.3 *NOTICE OF TROUBLE*

Customer shall notify the Distributor immediately should the service be unsatisfactory for any reason, or should there be defect, trouble, or accident affecting the supply of electricity.

4.4 *CUSTOMER'S WIRING*

All wiring of customer, or of the owner of the premises occupied by the customer, must conform to Distributor's requirements and accepted modern standards as exemplified by the requirements of the National Electrical Safety Code and the National Electric Code. Distributor shall have the right, but shall not be obligated, to inspect any installation before electricity is introduced or at any later time, and reserves the right to reject any wiring or appliances not in accordance with Distributor's standards and to discontinue service to customer until such deficiency has been corrected. Inspection or failure to inspect or failure to reject after inspection shall not render Distributor liable or responsible for any loss or damage resulting from defects in the installation, wiring, or appliances, or from violation of Distributor's rules, or from accidents which may occur upon customer's premises.

The Distributor will discontinue service immediately to any premises which, in the sole opinion of the Distributor, is unsafe or unsuitable for service delivery.

4.5 POWER FACTOR

Each commercial and industrial customer is required to maintain a minimum power factor of at least eighty-five percent (85%) but not more than one hundred percent (100%) and to provide at his expense such devices as are necessary to provide such a power factor. Power factors of commercial or industrial customers may be monitored through periodic checks of constant metering. After Distributor makes an initial determination of a power factor problem, a period of ninety (90) days will be allowed for installation of capacitors or other devices to correct for power factors. After such period, the customer shall pay charges for power factors as specified in the rate structure.

4.6 UNBALANCED LOADS

Every precaution shall be taken by the customer to maintain load balance on customer's single and three phase circuits. No load will be allowed on the Distributor's service conductors, which will create a seriously unbalanced condition.

4.7 NOTICE OF ADDITIONAL LOAD

The service connection, transformers, meters, and equipment supplied by Distributor for each customer have definite capacity, and no addition to the equipment or load connected thereto will be allowed except by consent of Distributor. Failure to give notice of additions or changes in load, and to obtain Distributor's consent for same, shall render customer liable for any damage to any Distributor's lines or equipment caused by the additional or changed load.

4.8 EFFECT ON THE ELECTRIC SYSTEM

Electric service must not be used in such a manner as to cause unusual fluctuations or disturbances to Distributor's system. Distributor may require customer, at his own expense, to install suitable apparatus, which will reasonably limit such fluctuations.

4.9 UNAUTHORIZED USE OR INTERFERENCE WITH ELECTRIC SUPPLY

No person shall operate any of the Distributor's switches or equipment without permission or authority from the Distributor.

4.10 ACCESS TO CUSTOMER'S PREMISES

The Distributor's identified representatives and employees shall be granted access to customer's premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing and replacing all equipment belonging to the Distributor and for inspecting customer's wiring, appliances and premises in order to determine whether or not the customer is complying with the Distributor's Rules and Regulations. Provision of appropriate real estate rights at no cost to the Distributor for the installation and operation of electrical lines to the customer is considered a condition of service.

4.11 CUSTOMER'S RESPONSIBILITY FOR DISTRIBUTOR'S PROPERTY

Customer, or owner of the premises occupied by customer, shall provide a space for and exercise proper care to protect the property of the Distributor on the premises; and in the event of loss or damage to the Distributor's property arising from neglect of customer to care for same, the cost of necessary repairs or replacements, as determined by the Distributor, shall be paid by the customer.

4.12 STANDBY AND RESALE SERVICE

All purchased electricity (other than emergency or standby service) used on the premises of the customer shall be supplied exclusively by the Distributor and the customer shall not directly or indirectly sell (or otherwise charge) or otherwise dispose of the electric energy or any part thereof.

5 Electric Rates and Billing

5.1 RATES AND CHANGES

All electricity furnished by the Distributor shall be charged at the applicable rate in effect at the time. The Distributor shall not be obligated to consider a request for an adjustment of any bill unless, within ninety (90) days after the questioned bill is paid, the customer files with the Distributor a written objection to said bill specifying the basis for desired adjustment.

5.2 BILLING ADJUSTED TO STANDARD PERIODS

The demand charges and the blocks in the energy charges set forth in the rate schedules are based on billing periods of approximately one month. In case of the first billing of new accounts (temporary service and seasonal customers excepted) where the period covered by the billing involves fractions of a month, the demand charges and the blocks of the energy charge will be adjusted to a basis proportionate with the period of time during which service is extended.

5.3 BILLINGS

The Distributor elects a standard net payment period of fifteen (15) days for all classes of service after the date of the bill. However, the City Manager is authorized to provide an extension of the discount date, not to exceed five days, when in the best interest of the utility and when such extension is defined in a written policy, developed and available for inspection at the Utility Business Office.

The Distributor establishes for any class of service a late payment charge of five percent (5%) for any portion of bill not paid after the net payment period. Should the final date of payment of bill at the net rate fall on a Sunday or holiday, the next business day following the final date will be the last day to obtain the net rate. Remittance of net rate payment received by mail after the time limit for payment of said net rate will be accepted by the Distributor if the incoming envelope bears the United States Post Office date stamp of the final date for payment of the net amount or any date prior thereto.

Failure to receive bill shall not release customer from payment obligation, nor extend the discount date. No customer shall be entitled to pay any bill at the net rate while such customer is delinquent in the payment of any obligation in connection with electric service owed the Distributor by such customer.

If a meter fails to register, or if a meter is removed to be tested or repaired, or if electricity is received other than through a meter, the Distributor reserves the right to render an estimated bill based on the best information available.

5.4 UTILITY BILL

A residential utility bill shall be mailed monthly to every residential customer for utility service supplied during the time period shown on the utility bill. Each utility bill shall contain the following information:

- a) The time period and number of days of utility service covered by the utility bill;
- b) The utility charge and/or installment due;
- c) The date of the utility bill;
- d) The date when complete payment is due at the utility, which shall be at least fifteen (15) days from the date of the utility bill;
- e) An indication if the utility bill is based on actual or estimated measurement of the amount of utility service supplied;
- f) Notice that residential customers may call the Utilities Business Office, whose telephone number shall be listed on the utility bill, in order to:
 - Dispute the amount of the utility charge and/or installment;
 - Request the establishment of a deferred payment and execute same in writing;
 - Avoid the termination of utility service for non-payment of the amount(s) shown on the utility bill;
 - Request the restoration of utility service.

5.5 RESIDENTIAL CUSTOMER INFORMATION

The Distributor shall provide information on the following upon request:

- a) The availability and operation of deferred payment plan;
- b) The procedure to dispute a utility charge and/or an installment;
- c) The procedure to avoid termination of utility service due to non-payment of utility charges and/or installments;
- d) The procedure for tenants to avoid termination of utility service due to their landlord's non-payment of utility charges and/or installments; and
- e) The procedure to obtain reinstatement of utility service.

6 Residential Customer Disputes

6.1 GENERAL APPLICABILITY

At anytime prior to date of termination of utility service for non-payment of the amount(s) shown on a utility bill, a notice of rejection or a notice of termination, a residential customer may dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of this standard. A residential customer shall not be entitled to dispute the

correctness of all or part of the amount(s) if all or part of the amount(s) was (were) the subject of a previous dispute.

6.2 DISPUTE PROCEDURE

The City Manager shall develop and have available for inspection at the Business Office a written policy a written policy and procedure for disputed amounts. The procedure will include the opportunity for a customer to state their objections to the billing and to receive due consideration and receive a written response which delineates the findings and reasoning of the City.

7 Residential Rental Property

7.1 GENERAL

A residential customer who is the owner of residential rental property housing one or more tenants who are not residential customers of the Distributor for utility service to the dwelling in which such tenant is housed, shall provide the following when requesting termination of utility service to such dwelling:

- a) Name of all tenants residing in such dwelling where service is to be terminated; and
- b) Mailing address of all such tenants.

7.2 NOTICE BY PROPERTY OWNER

The residential customer shall in addition thereto give such tenants written notice that utility service is to be terminated for the dwelling in which said tenants reside.

7.3 NOTICE BY DISTRIBUTOR

The notice shall include the date such service is to be terminated. Provisions hereafter requiring the Distributor to notify the tenants of such dwelling shall not relieve the residential customer from giving notice herein required.

Upon notification from a landlord of residential rental property that tenants are occupying rental units at the service address for which service termination is requested, the Distributor will delay termination of utility service for three (3) days and serve notice to the tenant(s) by posting a notice on the premise in a conspicuous location.

The notice shall include the following:

- a) Landlords name, address and telephone number;
- b) Address of utility service that is to be terminated;
- c) Date of utility service(s) disconnection;
- d) Advisement to the tenant(s) on what procedures are necessary to avoid termination of utility service(s); and
- e) The Distributor's office location, hours of operation and telephone number.

8 Deferred Payment Plan

The City Manager shall develop and have available for inspection at the Business Office a written policy allowing for differed payment of residential accounts. The policy shall be specific in the requirements and qualifications for residential customers and provide for written acceptance of the plans by the customer.

9 Service Termination Procedure for Non-Payment

The provision of this section shall govern all terminations of utility service for non-payment of utility charges and/or installments.

9.1 *TERMINATION NOTICE REQUIRED*

If by the payment date shown on a utility bill or a deferred payment plan, the Distributor has not received complete payment of the amount(s) shown on the bill or the payment plan, the Distributor shall mail to, deliver through a mutually agreed electronic means (such as text messages, email, or other), or personally serve upon the customer a notice of termination at least five (5) days after the payment date.

9.1.1 The notice contents

- a) The date of the notice of termination.
- b) The amount to be paid.
- c) The date of termination, which shall be at least five (5) days from the date of the notice of termination.
- d) Notice that unless the Distributor receives complete payment of the amount shown prior to the date of termination, utility service shall be terminated under item seven (7) of this section.
- e) Notice that in lieu of paying the amount shown, an eligible residential customer, prior to the date of termination, may request the establishment of a deferred payment plan.
- f) Notice that in lieu of paying the entire amount shown a residential customer, prior to the date of termination, may notify the utility that he disputed the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute under section 24.

9.1.2 Customer Response to Notice

If the Distributor receives payment of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of this standard.

The Distributor shall terminate utility service to the residential customer on the date of termination if, prior to the date of termination: 1) The Distributor has not received complete payment of the amount shown on the notice of termination; 2) The residential customer has not requested the establishment of a deferred payment plan; and 3) The residential customer has not notified the Distributor that he/she

disputes the correctness of all or part of the amount shown on the notice of termination.

9.2 LIMITATION ON TERMINATION OF UTILITY SERVICE

- a) The Distributor shall terminate utility service for nonpayment of utility charges and/or installments only during the hours of 8:00 a.m. to 5:00 p.m., Monday through Thursday. No terminations for non-payments shall be permitted on a legal holiday or on the day before a legal holiday as declared by the Distributor.
- b) The City Manager shall develop, maintain and have available for inspection at the Business Office a written policy with regards to service termination during severe weather, including specifically severe heat or severe cold. The policy shall provide that postponement not extend beyond the period during which extreme weather exists or is forecasted to exist.
- c) The City Manager shall develop, maintain and have available for inspection at the Business Office a written policy with regards to termination of service due to non-payment in cases of a documented medical hardship. The policy shall specify acceptable documentation accepted as evidence of medical hardship, provide for periodic review and renewal of such documentation and provide that a written notice of pending termination be delivered at least twenty-four hours, which must include one full business day, prior to disconnection to allow for the customer to resolve the billing delinquencies or to make other arrangements for housing or medical care. Delay of termination for medical hardship shall not exceed three days, except for circumstances described in sections a) and b) above.
- d) Service may not be terminated for non-payment of a bill except after affording the affected customer due process. Reasonable prior written notice shall be given before termination for non-payment.

9.3 REINSTATEMENT OF UTILITY SERVICES

In the event of termination of utility service in accordance with the provisions of this standard, the Distributor shall reinstate utility service to the residential customer within twenty-four (24) hours of the utility's receipt of the complete payment of the amount whose non-payment prompted the termination along with such fees as are specified below for reconnection. Such payment shall not be considered a timely payment for purposes of this standard.

10 Reconnection of Electric Power

10.1 RECONNECTION CHARGE (NON-PAYMENT ACCOUNTS)

Whenever service has been discontinued by Distributor as provided previously, a service charge specified in the Distributor's fee schedule will be assessed and collected in addition to any delinquent balance due before service is restored to the customer. When Distributor makes a call to disconnect service and if for any reason does not disconnect service, a charge-specified in the Distributor's fee schedule will be made.— Different charges will be established for residential and commercial accounts and higher charges will be established and collected when connections and reconnections are performed after normal hours or when special circumstances warrant. The Distributor shall have

the authority to waive this connection charge in any case where such waiver is to the best interest of the Distributor.

10.2 CONNECTION AND RECONNECTION CHARGES

Whenever a customer requests that power be disconnected for routine maintenance or scheduled work, the Distributor will provide such services when practical during normal business hours for no charge. Such work done after the Distributor's normal operating hours, or scheduled in such a way that they are not completed in normal operating hours will only be conducted at the full cost of the requesting party; providing however, that there shall be no charge in the event of connection in relation to emergency disconnections and connections.

11 Termination of Service by Customer

Customers who have fulfilled their contract term and wish to discontinue service must give Distributor at least-ten (10) days written notice to that effect, unless their contract specifies otherwise. Notice to discontinue service prior to expiration of contract term will not relieve customer from any minimum or guaranteed payment under contract or applicable rate schedule.

12 Information to Customers

Distributor shall reasonably inform customers about rates and services practice policies by making such information available upon application for service and at any other time upon request. Such items shall also be available through electronic means, including the distributor's web page if feasible.

Distributor, as it determines appropriate, shall utilize channels such as mail, annual report, newspaper, radio, public meetings and agendas thereto and utility bill to inform customers about rates and service policies.

All retail rate actions initiated by Distributor shall be conducted at a public hearing, announced in accordance with Tennessee State Law. The agenda for the meeting must be available to the public for inspection or via the City of Oak Ridge Website. Further, the agenda, including pending rate actions must be provided to media outlets prior to the meeting.

Distributor, on request by the customer of record, shall provide a statement of the monthly consumption for the prior twelve (12) months if it is reasonably ascertainable. A non-customer requesting a statement of a particular account shall be required to pay the cost incurred by the Distributor to provide the statement, as established in the fee structure.

13 City Manager Authorized to Execute Power Contracts

A written contract between the Distributor and Customer shall be required in all instances where a customer's demand for electric power exceeds fifty (50) kilowatts. The City Manager or his specifically authorized representative shall be authorized to enter into and execute such contracts on behalf of the Distributor. The provisions of such contract shall be in accordance with these rules and regulations, applicable rate schedules, and all actions of Council regarding the provision of electrical power and service.

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
15-10**

DATE: February 20, 2015
TO: Mark Watson, City Manager
FROM: Kathryn G. Baldwin, Community Development Director 
SUBJECT: ZONING ORDINANCE AMENDMENTS

Introduction

An item for City Council's consideration is a Zoning Text Amendment which applies to the Unified General Business District (UB-2) Zone District.

Funding

No funding is necessary for this item.

Analysis

An emerging trend in the Planning field that affects development is the establishment of zone districts comprised of a mix of commercial, residential, service and/or recreational uses. These developments are pedestrian oriented and do not necessitate additional vehicular trips to shop, work, or for entertainment purposes. At this time, the City of Oak Ridge does not have a zone district that allows this type of land use to be easily integrated into an existing built environment. The Traditional Neighborhood District (TND) is predicated on a large development, which is centered on residential construction. The TND designation works very well on an expansive tract of land that is primarily greenfield development. However, the TND designation does not lend itself well to infill development utilizing existing street patterns and taking advantage of adjacent non-mixed use improvements.

In an effort to address this issue and allow mixed use within our commercial core, City staff has drafted a zoning text amendment utilizing the Unified General Business District (UB-2) zone designation. The proposed text amendment adds multi-family dwellings as a special exception when included in a project utilizing a Planned Unit Development (PUD) overlay district. In addition, land uses that require a large open expanse of property or typically generate single visitation trips have been eliminated as permitted uses. These permitted uses include: mortuary establishments; bus passenger stations; commercial greenhouse or nursery; and car dealerships. Another change is the relocation of public museums from a use requiring approval of the Board of Zoning Appeals to the status of a permitted use.

Staff feels that these text amendments collectively will create an environment with complementary uses conducive to pedestrian circulation. The introduction of multi-family structures truly creates a mixture of uses in which one can live, work, and play in the same geographic area, if not the same building structure. The requirement for a PUD overlay provides a level of quality in the final product considered in the broader context of adjacent properties. In addition, an approved Master PUD Plan ensures complementary architectural design and building materials, adequate landscaping that enhances the built environment, and

provides a framework for vehicular and pedestrian circulation and connectivity to existing community assets. The amended UB-2 zoning designation can be used as a stand-alone district typically associated with greenfield development or in combination with other zone districts in an infill setting.

The proposed Zoning Text Amendment will facilitate redevelopment of the Main Street site, as well as provide a wide variety of development possibilities for other sites currently zoned UB-2 and properties selected to promote a walkable commercial/residential mixed use concept.

Recommendation

The UB-2 Text Amendment was reviewed by the Oak Ridge Planning Commission and recommended for approval to City Council by a vote of 9-0 during the regularly scheduled meeting on February 19, 2015.

Attachment



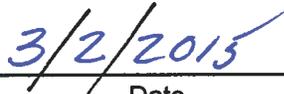
Kathryn G. Baldwin
Community Development Director

City Manager's Comments:

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



Mark S. Watson



Date

Section 7.04 UB-2, Unified General Business Districts

The following regulations shall apply in UB-2, Unified General Business District.

(a) Permitted Principal Uses:

1. Any retail business, whose principal activity is the sale of merchandise in an enclosed building.
2. Office building uses resulting from any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, drafting, graphic arts, printing, and sales, including computer, electronic and video sales and services.
3. Office, showroom and workshop of a plumber, electrician, decorator, dressmaker, tailor, baker, printer, upholsterer, or an establishment doing photographic reproduction, laundering, dyeing, cleaning, radio or home appliance repair, and similar establishments that require a retail adjunct of no more objectionable character subject to the following provisions: not more than five (5) persons shall be employed at any time in the manufacturing or processing activities of such establishments.
4. Restaurant, tea room, cafe, or other place serving food or beverage.
5. Enclosed theater, radio and television studio, assembly hall, concert hall, dance hall, bowling alley, skating rink, or similar recreation use or place of assembly.
6. Service establishments such as:
 - Self-service laundromat
 - Self-service dry cleaning
 - Shoe repair and shoe shine shops
 - Barber shops
 - Beauty shops
7. Church, school, public library.
8. Clinic, mental health clinic, but excluding animal hospital, penal or correctional institution.
9. Community buildings and meeting rooms, nonprofit school, religious, educational, charitable, philanthropic, civic, or professional club except where a principal activity thereof is a service customarily carried on as a business.
10. Filling station, off-street parking lot, and general garage.
11. Public and semipublic uses: Municipal use, state or federal uses, public utility building, telephone exchange, electric transmission towers, pumping station, gas regulation station, transformer station with service yard but without storage yard.
12. ~~Mortuary establishment.~~
13. ~~Bus passenger station.~~
14. ~~Commercial greenhouse or nursery.~~

15. Hotel, motel, or tourist home.
16. Research laboratory including incidental pilot plant processing operations that will not be incompatible with the general business character of the district and will not create any more dangerous or objectionable elements than are characteristic of other uses expressly permitted.
- ~~17. Car dealerships whose site plans were approved by the Oak Ridge Regional Planning Commission, or which were rezoned from B-3 to UB-2, prior to December 31, 1985.~~
 _____(Ord. No. 11-90 Revised Effective 5/17/90)
18. Family day care home, child care center, and private education institution.
 (Ord. No. 16-90 Revised Effective 7/5/90)

19. Public Museum

(b) Permitted Accessory Uses:

1. Any use customarily incidental to permitted principal uses.
2. Signs (see Article XIV)
 (Ord. No. 31-86 Revised Effective 1/1/87)
3. Automobile parking (see Section 11.02).
4. Single dwelling unit as quarters for a watchman, caretaker or custodian on the premises.

(c) ~~Uses Requiring Board of Appeals Permit:~~ **Special Exceptions** - Under such conditions as the Board of **Zoning Appeals** may impose to ensure that the following uses will not cause undue traffic congestion; create a traffic hazard; or otherwise impair the public health, safety, morals, convenience, comfort, prosperity, or other aspects of the general welfare.

1. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields, and stadiums; providing the proposed use will have adequate water supply, waste disposal, and other necessary facilities; and will not cause undue traffic congestion or create a traffic hazard.
2. ~~Public museum.~~ **Multifamily dwellings allowed only when part of an overall Planned Unit Development (PUD) zone designation.**
3. Hospital, provided that the lots shall have two thousand five hundred (2,500) square feet for each bed in such hospital, and precautions of building location and other precautions necessary to preserve the character of the district.
- ~~4. Cemetery, providing such use will have a minimum lot area of 200,000 square feet, will have a setback of fifty (50) feet from all property lines in which monuments and all other structures are prohibited and will not cause undue traffic congestion, or create a traffic hazard.~~
- ~~5. Wholesale, storage and warehouse facility, freezer and locker.~~

6. Veterinarian clinic and small animal hospital, provided there be no animal pens or runs outside a building.

(Ord. No. 26-91 Revised Effective 12-19-91)

7. Depot for the collection and delivery of articles and merchandise, including facilities for the storage and servicing of vehicles and equipment used in connection therewith.

8. Helicopter passenger station.

- ~~9. Transitional Accessory Uses (see Section 4.08 for Criteria).~~

~~(Ord. No. 4-98 Revised Effective 1/15/98)~~

10. Night Clubs, Dance Clubs, Taverns, Clubs (private), Lodges and Similar Uses.

(Ord. No. 6-99 Revised Effective 5/13/99)

(d) Area, Height, Bulk, and Placement Regulations:

Maximum Usable Floor Area to Lot Area: 80%.

Minimum Size of District: None.

Minimum Required Setback Dimensions in Feet: Front - 30 ft.;

Side -30 ft. where the side yard in a UB-2 Zone adjoins a different zoning district.

Side setback where the side yard adjoins property zoned UB-2 - none required, provided that building placement is compatible with existing site development on the adjacent parcel, and that for the purposes of fire protection there is a usable corridor on the lot from front to rear of not less than 6 feet in width for access to the rear of any building on such lot, unless such access to the site is otherwise provided;

Rear - 30 ft. where the rear yard in a UB-2 Zone adjoins a different zoning district.

Rear setback where the rear yard adjoins property zoned UB-2 - none required, provided that building placement is compatible with existing site development on the adjacent parcel, and that for the purposes of fire protection there is a usable corridor on the lot along the rear of the lot not less than 6 feet in width for access to the building on such lot, unless such access to the site is otherwise provided.

Maximum Height in Feet: 35.

Maximum Height in Stories: 3.

(Ord. No. 1-94 Revised Effective 1/13/94)

NOTE: See Articles XIII and XVI of this ordinance for applicable site plan review regulations.

(Ord. No. 25-93 Revised Effective 9/30/93)

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, BY AMENDING ARTICLE VII, TITLED "PARKING AND BUSINESS DISTRICTS" SECTION 7.04, TITLED "UB-2, UNIFIED GENERAL BUSINESS DISTRICTS," AS FOLLOWS: BY DELETING SUBSECTIONS (A)(12), (A)(13), (A)(14) AND (A)(17) WITHOUT REPLACEMENT AND BY ADDING A NEW SUBSECTION (A)(19) TO ADD PUBLIC MUSEUMS AS A PERMITTED PRINCIPAL USE; BY AMENDING THE TITLE OF SUBSECTION (C) TO "SPECIAL EXCEPTIONS" FOR CONSISTENCY WITHIN THE ZONING ORDINANCE; BY AMENDING THE INTRODUCTORY LANGUAGE OF SUBSECTION (C) TO INCLUDE THE WORD "ZONING" IN THE PHRASE "BOARD OF APPEALS;" AND BY AMENDING SUBSECTION (C) TO DELETE PUBLIC MUSEUM; CEMETERY; WHOLESALE, STORAGE AND WAREHOUSE FACILITY, FREEZER AND LOCKER; AND TRANSITIONAL ACCESSORY USES AS SPECIAL EXCEPTIONS AND TO ADD MULTIFAMILY DWELLINGS AS PART OF A PLANNED UNIT DEVELOPMENT AS A SPECIAL EXCEPTION.

WHEREAS, the City of Oak Ridge desires to amend the permitted principal uses and special exceptions (formally referred to as "Uses Requiring Board of Appeals Permit") for UB-2, Unified General Business districts; and

WHEREAS, the amendments delete four permitted principal uses (mortuaries, bus passenger stations, commercial greenhouses/nurseries, and car dealership) and add one new permitted principal use (public museums); and

WHEREAS, the amendments delete four uses requiring special exception from the board (public museum; cemetery; wholesale, storage and warehouse facility, freezer and locker; and transitional accessory uses) and add one use (multifamily dwellings as part of an overall Planned Unit Development zone designation) requiring special exception from the board; and

WHEREAS, the following changes have 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. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.04, titled "UB-2, Unified General Business Districts," is hereby amended by deleting subsections (a)(12), (a)(13), (a)(14), and (a)(17) without replacement and adding a new subsection (a)(19) which new subsection shall read as follows:

**ARTICLE VII
PARKING AND BUSINESS DISTRICTS**

Section 7.04. UB-2, Unified General Business Districts

The following regulations shall apply in UB-2, Unified General Business District.

- (a) Permitted Principal Uses:
- 19. Public museum.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.04, titled "UB-2, Unified General Business Districts," is hereby amended by changing the title of subsection (c) from "Uses Requiring Board of Appeals Permit" to "Special Exceptions."

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.04, titled "UB-2, Unified General Business Districts," subsection (c), titled "Special Exceptions," is hereby amended by inserting the word "Zoning" in between the words "Board of" and "Appeals."

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.04, titled "UB-2, Unified General Business Districts," is hereby amended by deleting subsection (c)(2) and substituting therefor a new subsection (c)(2) which new subsection shall read as follows:

**ARTICLE VII
PARKING AND BUSINESS DISTRICTS**

Section 7.04. UB-2, Unified General Business Districts

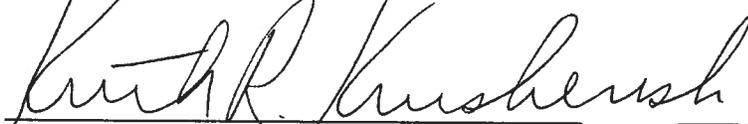
The following regulations shall apply in UB-2, Unified General Business District.

- (c) Special Exceptions:
 - 2. Multifamily dwellings allowed only when part of an overall Planned Unit Development (PUD) zone designation.

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article VII, titled "Parking and Business Districts," Section 7.04, titled "UB-2, Unified General Business Districts," is hereby amended by deleting subsections (c)(4), (c)(5), and (c)(9) without replacement.

Section 6. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Bruce M. Applegate, Jr., Acting City Clerk

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

FINANCE DEPARTMENT MEMORANDUM

15-03

DATE: February 23, 2015
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: FISCAL 2015 BUDGET APPROPRIATION AMENDMENT

Introduction

An item for City Council's consideration is an amendment to the fiscal 2015 Budget Appropriation Ordinance to eliminate the \$2,704,000 budgeted appropriation of the Solid Waste Fund and increase the budgeted appropriation of the General Fund by the same amount for a total appropriation of \$23,221,510.

Funding

There will be no impact to overall budgeted funding levels.

Background

Through fiscal 1992, the City accounted for solid waste collection activities in the General Fund. At that time, state law changes required the City to account for solid waste collection activities in a special revenue fund. In fiscal 1993, the City established the Solid Waste Fund, a special revenue fund, in compliance with state law.

In fiscal 2011, Governmental Standards Account Board (GASB) Statement Number 54 *Fund Balance Reporting and Governmental Fund Type Definitions* better defined when the utilization of a special revenue fund would be permitted for reporting purposes. Based on GASB 54, the Solid Waste Fund would not meet the criteria to be classified as a special revenue fund for reporting purposes. Based on guidance provided from the Comptroller's Office at that time, the City continued to budget solid waste activities in the Solid Waste Fund in order to comply with state law, however, for reporting purposes the operations of the Solid Waste Fund were incorporated into the General Fund in the City's Comprehensive Annual Financial Report as required by GASB standards. State law has subsequently changed to allow accounting for solid waste activities in the General Fund when it is prohibited in a special revenue fund under accounting principles, as would be the case under the City's current funding structure for solid waste activities.

Recommendation

Resolution 2-18-2015 adopted by City Council on February 9, 2015, stated the City's intent to dissolve the Solid Waste Fund and transfer all solid waste operational activity back into the General Fund beginning with fiscal year 2015. This budget appropriation amendment would accomplish this action. The amendment aligns budgeting and reporting activity for solid waste activities in the General Fund and alleviates the concerns expressed by the Comptroller's Office regarding cash flow in the Solid Waste Fund.

Attachment


Janice E. McGinnis

City Manager's Comments:

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

Mark S. Watson
Mark S. Watson

3/2/2015
Date

TITLE

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

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

WHEREAS, State law has changed to allow the accounting of solid waste operational activity in the General Fund; and

WHEREAS, the City desires to eliminate the Solid Waste Fund and to increase the General Fund appropriation to include solid waste expenditures; and

WHEREAS, the City Manager has certified in writing that a sufficient amount of unappropriated revenue will be available for the needed amendment.

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

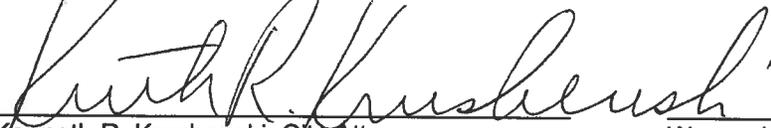
Section 1. Ordinance No. 06-2014, which adopts appropriations for Fiscal Year 2015, is hereby amended by revising Section 3 so that the same, as revised, will read as follows:

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

General Fund, Municipal Operations	\$ 23,221,510
Debt Service (Bond and Interest Redemption Fund)	\$ 8,000,000
State Street Aid Fund	\$ 2,221,000
Streets and Public Transportation Fund	\$ 260,000
Drug Enforcement Program Fund	\$ 255,200
Grant Fund	\$ 3,553,188
General Purpose School Fund	\$ 56,088,127
Golf Course Fund	\$ 1,292,112
Capital Projects Fund	\$ 2,797,272
West End Fund	\$ 2,729,522
Special Programs Fund	\$ 830,000

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney



Warren L. Gooch, Mayor

Bruce M. Applegate, Jr., Acting City Clerk

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

CITY MANAGER'S REPORT

**CITY COUNCIL MEMORANDUM
15-15**

DATE: April 1, 2015
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CITY MANAGER'S REPORT

Budget Presentation

Council Action Recommended: None, for information only.

The City's proposed FY 2016 budget will be presented to City Council at its June 1, 2015 meeting. Keys Fillauer, Chairman of the Board of Education, and Dr. Bruce Borchers, Superintendent of Schools, will be in attendance to present the Schools budget.

The following timetable has been established for the adoption of the FY 2016 budget:

- Monday, June 1, 2015, regular meeting and formal budget presentation.
- Monday, June 8, 2015, public hearing on budget and regular meeting for first reading of the Appropriation Ordinance.
- Monday, June 15, 2015, regular meeting and second reading of Appropriation Ordinance.

All meetings will begin at 7:00 p.m. in the Municipal Building Courtroom.



Mark S. Watson