

OAK RIDGE CITY COUNCIL
WORK SESSION

Central Services Complex Multi-Purpose Room

Tuesday, August 16, 2016
6:00 pm

AGENDA

1. Presentation and discussion of possible applications of a private, wide area network that might be shared by the City of Oak Ridge and the Department of Energy community by Travis Howerton
2. Update on the status of the Friendship Bell project by Alan Tatum
3. City Council review and discussion of recommendation by City staff for purchase of City software
4. City Council review and discussion of current policy on the naming of public facilities

CITY COUNCIL MEMORANDUM
16-22

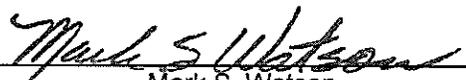
DATE: August 10, 2016
TO: Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: BROADBAND SERVICES

The City Council has inquired on several occasions about the Oak Ridge community beginning to think outside of the box and consider the quality of life amenities that will be demanded of us to remain competitive including broadband and communication services. The work session on August 16, 2016 will include a general briefing and discussion on those services.

Councilman Callison approached me several weeks ago regarding a discussion he held with Mr. Travis Howerton on the subject of broadband services and advance wide-area secure networks. I have extended an invitation for Mr. Howerton to address the City Council. Mr. Howerton will discuss possible applications of a private, wide-area network that might be shared by the City of Oak Ridge and the Department of Energy community. The project could leverage existing towers and technology to provide a lower cost communication backbone through which might be provided both data and voice transmissions to mobile and some fixed applications. Specific applications might include public safety communications as well as utility metering and energy control through the metering.

Also included with your agenda is a chart with an internal SWOT analysis on a City-owned broadband system, much as you currently hear about in Chattanooga and Morristown. We have seen this occur primarily in communities with their own utility systems. This effort whether a section of or the entire city has significant capital investment and impact on City utility operations. Additionally, the City enters into the arena of marketing/competition and must obtain from an existing customer base. Major federal grants were a significant contributing factor to the development of Chattanooga's system.

We shall look forward to the discussion and information exchange.


Mark S. Watson

Attachments:
SWOT Analysis
The Washington Post Article

SWOT Analysis of City Installed Fiber to the Home (FTH) Broadband

Strengths

- City owned electric system
 - Facilities (poles)
 - Engineering expertise
 - Craft Worker expertise (including fiber)
- High trust level/ positive public perception
- Can take “essential services” high ground
- Trainer personnel and training opportunities
 - TVPPA training expanding to this area
 - Personnel with qualifications (business level)
- City owned business office
 - New Software can be tailored for collection
 - Might improve available customer service
- Electric Department is adding technology
- Partial funding through Electric Fund
 - Need for Communication with Meter Infrastructure/ Distributed Automation
- Partial funding through Waterworks Fund
 - Need connectively for remote infrastructure

(internal – positive)

Opportunities

- Public owned systems are more common and generally viewed positively
- Planning Commission and Council appear interested
- Public mind is focused on expanding broadband
- Customer Satisfaction with Comcast, ATT appears low (anecdotal only)
- Public mind is focused on “smart grid”
- TVA is pushing for Time of Use rates which could increase customer demand for information/ technology
- TVPPA members in area looking to partner
- Dark fiber opportunities for leasing
- School system may participate
- DOE might participate
 - Educational links -Security/ safety facilities
- Possible service provider to third parties (e.g. micro-cells)

(external – positive)

Weaknesses

- Cost is unknown at this time. *Thought to approach \$15 to \$20 million???* Just a Guess
- Space Requirements for both business and operations are inadequate.
- Personnel Resources
 - Inadequate depth for new business
 - Commitment to add employees at several levels required
 - Recruiting/ retention difficult with salary structure in competitive environment
- Lack of experience in setting up companies
- Political resistance to Issue Debt
- Cash flow will be weak in beginning unless high value markets approached first
- Roll out would be over a multi-year period
- Limited grant opportunities
- Some will see it as City power grab
- Questionable political philosophical position on private sector competition

(internal – negative)

Threats

- Market saturation is high in area
 - ATT, Comcast, Brooks fiber
 - Savvy marketing ability exists
- State law and expected legal challenges will require significant investment to overcome
- Technological challenges
 - Will fiber remain viable?
 - ATT introducing FIXED Wireless NOW
 - 5G is in lab with 15Gig throughput
- Regional/ National Attacks on Publicly owned broadband

(external – negative)

Steps to move forward:

Evaluate Business Case

- Find and hire consultant to evaluate potential cost and business case for Oak Ridge
- Examine OR utility uses in detail

Seek Political Commitment/ Community buy-in

- Present findings and, if positive, seek buy in from Council
- Start campaign for public acceptance (advertise)

Seek/ obtain funding

- Bonds
- Any grants
- Fed support from DOE or others

Obtain facilities

- Business Office expansion with telephone bank and drive through

Obtain necessary expertise

- Seek consultants for system planning
- Hire/ train employees for operation

Conduct system planning

- Engineering consultants with staff expert

Establish business back office

- Examine third party connections
- Begin training of business office (expand)

Roll out

The Washington Post

The Switch

Cities looking to compete with large Internet providers just suffered a big defeat

By **Brian Fung** August 10 at 2:46 PM

Federal regulators just suffered a major setback in their efforts to help cities build Internet services that compete with large providers such as Comcast and Time Warner Cable.

In a federal-court decision Wednesday, the Federal Communications Commission was told that it doesn't have the power to block state laws that critics say hinder the spread of cheap, publicly run broadband service.

The ruling marks a significant defeat for a federal agency that for the past several years has turned "competition" into a literal mantra, with its chairman, Tom Wheeler, repeating the word at almost every possible opportunity.

Under the court decision, large Internet providers will continue to enjoy certain benefits that insulate them from the threat of popular city-owned broadband operators such as the Electric Power Board of Chattanooga, Tenn., and the city of Wilson, N.C.

Through EPB, residents of Chattanooga have access to download speeds of 1 Gbps at rates of about \$70 a month. People outside of EPB's service area have "repeatedly requested expansions" from the public utility, according to Wednesday's ruling from the U.S. Court of Appeals for the Sixth Circuit, but due to a geographic restriction put in place by the Tennessee state legislature, EPB is prohibited by law from reaching more customers.

Last year, EPB and other so-called municipal broadband providers asked the FCC to intervene on their behalf, and the agency agreed. Invoking a part of its congressional charter that it said would allow it to act against the states, the FCC tried to neutralize those state laws. The states responded by suing the agency, claiming it had no right to come between the historical relationship between states and the cities within their jurisdiction. This week's ruling, then, rolls back the federal government's attempt to intervene.

Wheeler, a Democrat, said Wednesday that the outcome of the case "appears to halt the promise of jobs, investment and opportunity that community broadband has provided in Tennessee and North Carolina. In the end, I believe the commission's decision to champion municipal efforts highlighted the benefits of competition and the need of communities to take their broadband futures in their own hands."

Wheeler's opponents, including from within his own agency, said the outcome was an obvious one.

"In my statement last year dissenting from the commission's decision, I warned that the FCC lacked the power to preempt these Tennessee and North Carolina laws, and that doing so would usurp fundamental aspects of state sovereignty," said Republican FCC Commissioner Ajit Pai. "I am pleased that the Sixth Circuit vindicated these concerns."

Berin Szoka, president of the right-leaning think tank TechFreedom, said the issue was "federalism 101."

"The FCC was unconstitutionally interfering with the division of power between state legislatures and municipalities without a 'clear statement' from Congress authorizing it to do so."

The court ruling represents a turning point for the legal tool the FCC tried to use as a weapon against Internet providers. First deployed in earnest by the FCC as an attempt to justify its net neutrality regulations on Internet providers, Wheeler again invoked Section 706 of the Communications Act to defend his moves against state limits on municipal broadband.

The Switch newsletter

The day's top stories on the world of tech.

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Section 706 calls on the FCC to promote the timely deployment of broadband across the country. The state laws targeting EPB and Wilson, N.C., Wheeler argued, amounted to a legal roadblock to meeting that goal, so preempting those state laws was consistent with Congress's marching orders.

In rebuking Wheeler's FCC, the Sixth Circuit has now effectively put some new constraints on what Section 706 may be invoked to accomplish. That is a significant step: Not long ago, policy analysts were saying that there were so few limits on the relatively vague language of Section 706 that the FCC could in theory use it to justify almost anything Internet-related. In effect, the court took what some analysts viewed as an unbounded grant of legal authority and imposed some bounds on it.

There are signs, however, that municipal broadband proponents were anticipating Wednesday's outcome — and are already moving to adapt. One approach? Focus on improving cities' abilities to lay fiber optic cables that then any Internet provider can lease; so far, only one state, Nebraska, has banned this so-called "dark fiber" plan, said Christopher Mitchell, who directs the Institute for Local Self-Reliance's Community Broadband Networks Initiative.

"We're pursuing strategies that are harder for the cable and telephone companies to defeat," said Mitchell.

Brian Fung covers technology for The Washington Post, focusing on telecommunications and the Internet. Before joining the Post, he was the technology correspondent for National Journal and an associate editor at the Atlantic.  Follow @b_fung

CITY COUNCIL MEMORANDUM
16-23

DATE: August 10, 2016
TO: Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: NAMING OF PUBLIC FACILITIES

Over the last three months, City staff and some individual City Council members have been approached about the idea of naming a public facility after a notable Oak Ridger. Naming is always a sensitive subject and once given is very difficult to rescind.

In February of 2007, then City Council members adopted a policy to provide guidelines and approval procedures to address such requests. Upon occasion, the City has approved naming of facilities such as Bissell Park, named for a former Mayor. In the policy, the City Council permitted the Board of Education to control naming their own facilities like Blankenship Field or the Bob Smallridge School Administration Building as a most recent facility. Pinewood Park has named its soccer field for Energy Solutions, the sponsor of the improvement project. CROET has named their meeting space at Heritage Industrial Park for Bill Wilcox. We were requested in the past for an Alvin Weinburg Street.

As we examine the current policy, a number of things have changed since 2007, besides City Council members themselves. We have created a Recreation and Parks Board that was charged with overseeing all community recreational assets, including greenways, trails, and parks. We have lots of potential activity associated with historical sights and the new Manhattan Project National Historical Park. We prohibit duplicative naming of facilities, yet is a street naming different than a facility name? The trend occurs for sponsorships.

The agenda item is for a review of the current naming policy and any possible changes that are recommended by staff or City Council.


Mark S. Watson

Attachment

RESOLUTION

WHEREAS, with the adoption of Resolution No. 10-162-93, as subsequently amended by Resolutions No. 3-55-01 and 9-120-04, City Council established a set of guidelines for the naming of public facilities in the City of Oak Ridge; and

WHEREAS, said guidelines provide that the Oak Ridge Hall of Fame Board shall evaluate all naming requests and make a recommendation to City Council; and

WHEREAS, in light of recent requests and upon review of the policy, it has been determined that the guidelines should be further amended to remove certain elements that are considered unsuitable, including the referral of all naming requests to the Oak Ridge Hall of Fame Board; and

WHEREAS, for the sake of clarity, it has been deemed appropriate to rescind the prior resolutions and to adopt a new set of guidelines that incorporates all previous elements as well as the currently proposed changes.

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

That Resolution No. 10-162-93 and all amendments thereto are hereby rescinded in their entirety, and the following guidelines are approved and shall be used as policy for the naming of public facilities in the City of Oak Ridge, including streets, in honor of distinguished individuals:

1. Public facilities as a whole may be named after individuals, but portions of such facilities (meeting rooms, dugouts, etc.) shall not be singled out for such naming.
2. The person or persons being honored must have made a significant and substantial contribution to the City of Oak Ridge as a whole, or to a greater area that resulted in national or international renown.
3. Once a facility has been named in honor of an individual or individuals, it shall not be renamed or changed through such means as adding a hyphen or the name of another individual.
4. Public streets shall not be named after individuals until a public hearing is held to allow public input into the proposed renaming. A notice of such public hearing shall be published at least fifteen (15) days in advance of the date of the hearing.
5. A proposal to name the same public facility after an individual or individuals shall not be reconsidered for a period of six (6) months after the initial consideration of such a proposal.
6. Not more than one public facility shall be named after the same individual(s).
7. All requests to name a facility after individuals who have distinguished themselves through their participation in athletic or recreational programs or events shall be formally referred to the Oak Ridge Hall of Fame Board for evaluation and return of a written recommendation to City Council. Such formal referral to the Board shall be in writing and shall contain the approval of the City Manager.
8. The affirmative vote of a majority of the members of City Council then in office shall be required to name a public facility after an individual or individuals.

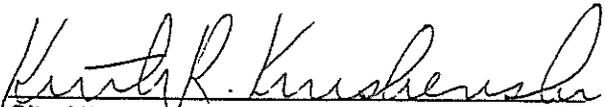
9. The individual, group or entity requesting or sponsoring the proposal to name a public facility after an individual or individuals shall agree to pay for all expenses associated with and related to the renaming, including costs for additional signage, monuments, plaques, building lettering, brochures, publications and administrative costs, with the exception that the City will pay for the cost of wooden park signs.
10. All methods for displaying the name change (i.e., sign, monument, plaque, building lettering, etc.) shall be in conformance with the following:
 - a. All block letters attached to the front exterior wall of a public facility shall be of a size that complies with City Code requirements.
 - b. Wooden park signs, which shall bear the name of the facility, shall not exceed nine and one-half (9½) feet in length and shall not reach higher than six (6) feet above ground.
 - c. A ground flush monument or plaque made of marble or bronze and measuring no more than two (2) feet by two (2) feet, including the name of the facility and a short inscription, is permitted.
 - d. A pedestal monument measuring no more than two (2) feet by two (2) feet, reaching a height or no more than forty-two (42) inches above ground, is permitted. If a plaque is included, the name of the facility and a short inscription may be engraved on the plaque. If no plaque is included, the name of the facility and a short inscription may be engraved on the pedestal.
11. The City Manager, or the City Manager's authorized designee, shall approve the location of any sign, monument, plaque, building lettering, etc., and shall approve any inscriptions thereon.

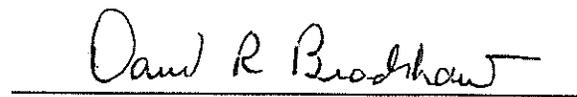
BE IT FURTHER RESOLVED, that this policy does not require the exclusive naming of public facilities in honor of distinguished persons, but provides a basis for doing so when City Council has determined that it is appropriate to take such action.

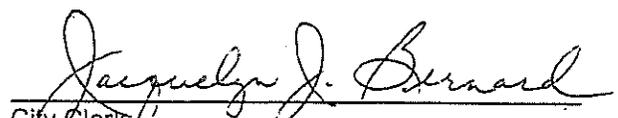
BE IT FURTHER RESOLVED, that facilities which are under the supervision and control of the Oak Ridge Board of Education or the Oak Ridge Superintendent of Schools are exempt from the guidelines set out herein, such facilities being subject to the naming requirements addressed by the Oak Ridge board of Education in its policy, "Naming New Facilities," issued on May 22, 2002.

This the 19th day of February 2007.

APPROVED AS TO FORM AND LEGALITY:


Karthik R. Krishnakumar
City Attorney


David R. Brodshaw
Mayor


Jacquelyn J. Bernard
City Clerk

CITY CLERK MEMORANDUM
07-07

DATE: February 7, 2007

TO: James R. O'Connor, City Manager

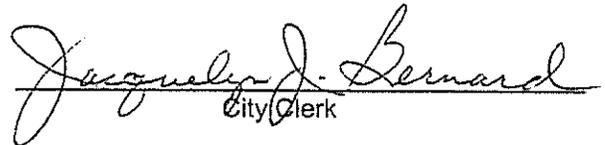
FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: AMENDMENT OF GUIDELINES FOR NAMING PUBLIC FACILITIES

The attached resolution will rescind Resolution Number 10-162-93, as amended, and adopt a new set of guidelines for the naming of public facilities in Oak Ridge. The guidelines as previously adopted included a provision that all naming requests would be referred to the Oak Ridge Hall of Fame Board for evaluation and return of a recommendation to City Council. A recent referral to that Board was questioned by its members because the individuals to be honored had no connection to sports or recreational activities. It is the staff's view that their concern has merit; therefore, a revised set of guidelines has been drafted to provide that only those requests involving individuals who have distinguished themselves through participation in athletic or recreational programs or events shall be referred to the Hall of Fame Board.

For the sake of clarity, and because the guidelines have been amended several times, it was deemed more appropriate to rescind the prior actions and incorporate them all into a new set of guidelines along with the currently proposed changes. This new set is essentially the same as the existing guidelines, the only major change being the change in referrals to the Oak Ridge Hall of Fame Board. All other changes are minor or "housekeeping" in nature.

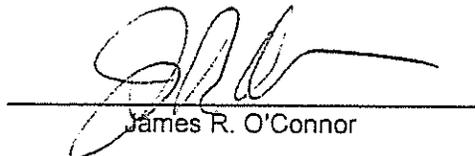
The staff recommends the adoption of the attached resolution.

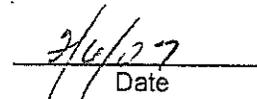

City Clerk

Attachment

City Manager's Comments:

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


James R. O'Connor


Date