

AGENDA

OAK RIDGE CITY COUNCIL MEETING Municipal Building Courtroom March 7, 2011 7:00 p.m.

INVOCATION – Reverend J.E. Wiseman, Retired Pastor of First Assembly of God
PLEDGE OF ALLEGIANCE
ROLL CALL

I. APPEARANCE OF CITIZENS

II. PROCLAMATIONS AND PUBLIC RECOGNITIONS

1. Proclamation – ‘National Library Week’ April 10-16, 2011
2. 2011 Secret City Festival
3. Cedar Hill Park Playground Update

III. SPECIAL REPORTS

IV. CONSENT AGENDA

1. **APPROVAL OF THE FEBRUARY 14, 2011 COUNCIL MINUTES**
2. **RESOLUTION - ACCEPTANCE OF DOE/TEMA GRANT**

A resolution to accept a \$16,000 Emergency Management Grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency (TEMA)

3. RESOLUTION – ‘SAFE ROUTE TO SCHOOLS’ GRANT PROJECT

A resolution to approve a contract with Rogers Group, Inc. for the construction of infrastructure improvements to benefit Robertsville Middle School, in the estimated amount of \$198,262.82, which project will be funded through a ‘Safe Route to Schools’ grant from the Tennessee Department of Transportation (TDOT)

4. RESOLUTION – ‘OUR TOWN’ PLANNING GRANT APPLICATION

A resolution to apply for an ‘Our Town’ planning grant from the National Endowment for the Arts for Jackson Square in the amount of \$125,000 and to accept said grant if the application is approved.

V. RESOLUTIONS

1. RESOLUTION - RETAIL SALE OF ALCOHOLIC BEVERAGES RENEWALS

A resolution granting renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waiving the residency requirement for nonresident applicants.

**2. RESOLUTION - MAYOR'S SIGNATURE & CERTIFICATES OF COMPLIANCE
RETAIL SALE OF ALCOHOLIC BEVERAGES**

A resolution authorizing the Mayor to sign and issue Certificates of Compliance for persons granted permits to engage in the retail sale of alcoholic beverages for two years.

3. RESOLUTION – KNOX BRADLEY MECHANICAL CONTRACTORS, INC. CONTRACT

A resolution to approve a contract with Knox Bradley Mechanical Contractors, Inc., for the design, purchase, and installation of a direct digital control system for the air handling units and specified lighting panels at the Central Services Complex, in the estimated amount of \$141,184.00, which project is partially funded by a grant from the Tennessee Department of Economic and Community Development Energy Policy Office.

4. RESOLUTION – AMEND CONTRACT WITH TENNESSEE VALLEY AUTHORITY

A resolution to amend the power contract with the Tennessee Valley Authority (TVA) in order to establish new wholesale and resale rate schedules.

5. RESOLUTION – AUTHORIZING EXPENDITURES FROM SPECIAL PROGRAMS FUND

A resolution to authorize approval of expenditures from the Special Programs Fund for transportation enhancement projects to improve traffic capacity/safety, school crossing, and bicycle/pedestrian safety improvements.

6. RESOLUTION – AUTHORIZING SUBMITTAL OF A COMMENT LETTER TO D.O.E.

A resolution authorizing submittal of a comment letter to the U.S. Department of Energy (D.O.E.) regarding two reports entitled 'Draft Feasibility of Interpretation of the Manhattan Project, Oak Ridge, Tennessee' (Informal Learning Experiences, Inc. December 2010) and 'K-25 Historical Preservation Alternatives: Draft Structural Evaluation' (Degenkold Engineers, December 2010).

7. RESOLUTION – AUTHORIZING PURCHASE OF POLICE VEHICLES - \$231,140

A resolution waiving the competitive bid process and authorizing the purchase of ten (10) Ford Crown Victoria Police Interceptor vehicles from Alexander Automotive, Murfreesboro, Tennessee, for use by the Oak Ridge Police Department, in the estimated amount of \$231,140.

**8. RESOLUTION – APPEAL RESOLUTION 12-133-03 TAX ABATEMENTS
OAK RIDGE MALL**

A resolution to repeal resolution 12-133-03 which authorized the Industrial Development Board of the City of Oak Ridge, Tennessee, to negotiate and accept payments in lieu of ad valorem tax from Oak Ridge City Center, LLC, with respect to the retail shopping area known as the Oak Ridge Mall.

**9. RESOLUTION – AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION
REFUNDING BONDS**

A resolution authorizing the issuance of General Obligation Refunding Bonds, Series 2011, in the aggregate principal amount of, not to exceed, seven-million, seven-hundred, fifty-thousand dollars (\$7,750,000) of the City of Oak Ridge, Tennessee; making provision for the issuance, sale and payment of said bonds; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the levy of taxes for the payment of principal, of premium, if any, and interest on the bonds.

VI. PUBLIC HEARINGS AND 1ST READING OF ORDINANCES

**1. 1st READING / AMEND USE DESIGNATION / PORTION OF HENDRIX CREEK PUD
[THE PUBLIC HEARING FOR THIS ORDINANCE WILL BE HELD ON THE 2ND READING]**

An ordinance to amend a use designation on a portion of Parcel 59.00, Map 100J, Group A, in Hendrix Creek Planned Unit Development, Phase 1, located at 123 Hendrix Drive, from Open Space to Residential, with the overall zoning district remaining R-1-C/PUD, One-Family Residential with a Planned Unit Development Overlay.

VII. FINAL ADOPTION OF ORDINANCES

**1. REZONING ORDINANCE / HERITAGE CENTER / ROANE COUNTY TAX MAP 30,
PARCELS ED-8 A, B, C, D, E & 1.01, 1.02, 1.03, 1.07 / From IND-2 INDUSTRIAL to IND-2
INDUSTRIAL MANHATTAN DISTRICT OVERLAY**

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 the buildings designated as Parcels 1.01, 1.02, 1.03, and 1.07, Roane County Tax Map 30, and the real property designated by the United States Department of Energy as Parcels ED-8A, ED-8B, ED-8C, ED-8D, And ED-8E, which buildings and properties are located at Heritage Center, from IND-2, Industrial to IND-2, Industrial Manhattan District Overlay (IMDO).

**2. ORDINANCE TO AMEND CITY CODE §2-203 (EQAB) AND §8-603(1) (BEER BOARD)
CHANGE TO CALENDAR YEAR TERMS**

An ordinance to amend Title 2, titled "Boards and Commissions, etc.," Chapter 2, titled "Environmental Quality Advisory Board," Section 2-203, titled "Terms of Members," of the Code of Ordinances, City of Oak Ridge, Tennessee, by adding a new paragraph; and to amend Title 8, titled "Alcoholic Beverages," Chapter 6, titled "Beer and other Light Beverages – generally," Section 8-603, titled "Beer Permit Board," Subsection (1), to change the commencement date for terms of office for EQAB (except student members) and Beer Board to now be January 1, with current members' terms being extended through to December 31 following their current term of office, all for the purpose of consistency and simplification of the election process.

**3. ORDINANCE TO AMEND CITY CODE TITLE 12 – ABOLISH THE BOARD OF
ELECTRICAL EXAMINERS AND THE BOARD OF PLUMBING EXAMINERS, AND
CREATE A NEW TRADE LICENSING BOARD**

An ordinance to amend Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, by deleting Chapter 4, titled "Board of Electrical Examiners," in its entirety; by renumbering Chapter 3, titled "Electrical Code," as the new Chapter 4 keeping the same title; by creating a new Chapter 3, titled "Trade Licensing Board"; by deleting Chapter 8, titled "Board of Plumbing Examiners," in its entirety; by renumbering the following chapters with all titles remaining the same: Chapter 9, titled "Plumber's License," as the new Chapter 8; Chapter 10, titled "Plumber's Work Permit," as the new Chapter 9; Chapter 11, titled "Mechanical Code," as the new Chapter 10; Chapter 12, titled "Residential Code," as the new Chapter 11; and Chapter 13, titled "Citations And Ordinances Summonses," as the new Chapter 12; by deleting Section 12-302 (New Section 12-402), titled "Definitions," Subsection (2), titled "Board," and substituting therefor a new Subsection 12-402(2), titled "Board"; and by deleting Section 12-702, titled "Definitions," Subsection (2), titled "Board," in its entirety and substituting therefor a new Subsection 12-702(2), titled "Board," all for the purpose of abolishing the Board of Electrical Examiners and the Board of Plumbing Examiners and creating a new Trade Licensing Board which combines the responsibilities of both boards into one.

This ordinance consolidates the Board of Electrical Examiners and the Board of Plumbing Examiners into a new board called the Trade Licensing Board.

4. ORDINANCE TO ADOPT NEW RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER

An ordinance to repeal Ordinance No. 30-00 which adopted the rules and regulations governing distribution of electric power, and to adopt new rules and regulations governing the distribution of electric power with the City of Oak Ridge.

VIII. ELECTIONS & APPOINTMENTS / ANNOUNCEMENTS / SCHEDULING

1. ELECTIONS & APPOINTMENTS

ELECTIONS

Board of Electrical Examiners

Election of two (2) members to the Board of Electrical Examiners. The term of office is three years commencing March 10, 2011. The incumbents are Jason Brian Boyd and Joe McCarty, both have agreed to serve again if Council so desires.

Highland View Redevelopment Advisory Board

Election of three (3) members to serve on the Highland View Redevelopment Advisory Board. Two (2) seats are designated for residents of the Highland View neighborhood. The term of office is three years. The incumbents are Sharon Crane and J.W. Moore, Jr. and both have agreed to serve again if Council so desires. In addition, one (1) seat is designated for either a social services representative or a realtor; however, if no individual meeting these criteria apply, the Council may appoint a person who does not possess such qualifications. Laurel "Buzz" Patrick has applied for this position and if elected he will serve an unexpired term of office ending March 31, 2013.

Board of Plumbing Examiners

Provided Danny Scott is reelected by Council, two (2) vacancies will remain on the Board of Plumbing Examiners due to resignations. One seat is to serve an unexpired term of office ending on March 10, 2012, and the other seat is to serve a three year term of office commencing on March 11, 2011. There are no special qualifications for these seats and as of this date, there are no candidates. In the event the Trade Licensing Board is created by Council, these vacancies will not be filled.

Trade Licensing Board

Election of seven (7) members to serve on the Trade Licensing Board which is scheduled for final adoption at the March 7, 2011 meeting. This board combines the responsibilities of the Electrical Examiners and Board of Plumbing Examiners.

The terms of office for this board will be three (3) year staggered terms. In order to accomplish staggered terms, the initial membership is created as follows:

- Three (3) members will serve through December 31, 2014: One (1) of whom shall be an electrician holding a current and valid Class I or II electrical license from the City and one (1) of whom shall be a plumber holding a current and valid plumber's license from the City and one (1) member at large.
- Two (2) members will serve through December 31, 2013: One (1) of whom shall be an electrician holding a current and valid Class I or II electrical license from the City and one (1) of whom shall be a plumber holding a current and valid plumber's license from the City.
- Two (2) members at large will serve through December 31, 2012; there are no special qualifications for these seats.

NOTICE OF ELECTIONS FOR MARCH 28, 2011

One (1) election is scheduled for the March 28, 2011 Special City Council meeting to appoint:

- Nine (9) members to serve on the Recreation and Parks Advisory Board. There are no special qualifications for these seats.

The deadline for filing is 5:00 p.m. on *Friday, March 18, 2011*.

NOTICE OF ELECTIONS FOR APRIL 11, 2011

Two (2) elections are scheduled for the April 11, 2011 City Council meeting to appoint:

- One (1) seat remains vacant on the Environmental Quality Advisory Board for an unexpired term of office ending December 31, 2013. No special qualifications required.
- Two (2) seats remain vacant on the Traffic Safety Advisory Board. One seat is designated for an Oak Ridge High School student to serve an unexpired term of office ending May 31, 2011. The other seat is to serve an unexpired term of office ending December 31, 2013. As of this date, there are no new candidates for either the student seat or the regular seat.

The deadline for filing is 5:00 p.m. on *Friday, April 1, 2011*.

2. ANNOUNCEMENTS

3. SCHEDULING

IX. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

X. SUMMARY OF CURRENTS EVENTS

- 1. CITY MANAGER'S REPORT**
- 2. CITY ATTORNEY'S REPORT**

XI. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITION**

CITY CLERK MEMORANDUM
11-06

DATE: February 25, 2011

TO: Honorable Mayor and Members of City Council

FROM: Donna L. Patterson, City Clerk

SUBJECT: PROCLAMATIONS AND PUBLIC RECOGNITIONS

Proclamation

- National Library Week

The accompanying proclamation is presented for the Council's consideration at the request of Ms. Susie Stooksbury, Assistant Director of the Oak Ridge Public Library. Ms. Stooksbury will be present to accept the proclamation.

Recognition of Visitors

- 2011 Secret City Festival

Ms. Jane Gibson, Recreation Manager and Secret City Festival Coordinator will be present at Monday night's Council meeting to inform Council about the main stage entertainment for the 2011 Secret City Festival and the Kaleidoscope awards presented for the 2010 Secret City Festival by the Southeast Festival and Events Association at their conference on February 22, 2011.

- New Cedar Hill Park Playground

Mr. John Hetrick, Parks Manager, will be present at Monday night's Council meeting to update the Council on the new Cedar Hill Park Playground project and the Community Build Week, which is scheduled for May 18-22, 2011.


Donna L. Patterson

Attachments

PROCLAMATION

WHEREAS, libraries provide free access to all – from books and online resources for families to library business centers that help support entrepreneurship and retraining; and

WHEREAS, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans today, more than ever; and

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, libraries are helping level the playing field for job seekers, with 88% of public libraries providing access to job databases and other online resources; and

WHEREAS, libraries are places of opportunity providing programs that teach all forms of literacy, promoting continuing education and encouraging lifelong learning; and

WHEREAS, in times of economic hardship, Americans turn to – and depend on – their libraries and librarians; and

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating *National Library Week*.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that the week of April 10-16, 2011 be proclaimed

NATIONAL LIBRARY WEEK

in the City of Oak Ridge, Tennessee, and that all residents be encouraged to visit the library this week to take advantage of the wonderful library resources available at your library. Create your own story at your library.

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 7th day of March in the year 2011.

Mayor

CONSENT AGENDA

CITY COUNCIL MEMORANDUM
11-15

DATE: March 2, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CONSENT AGENDA

The following items are presented for the Council's consideration as the Consent Agenda for the March 7, 2011, Council meeting.

Approval of Minutes

Approval of the Minutes of the February 14, 2011 City Council regular meeting.

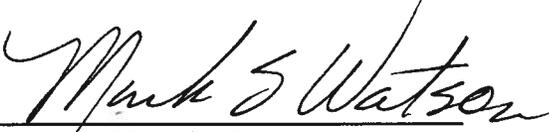
Resolutions

Adoption of a resolution accepting a \$16,000 Emergency Management Grant from the State of Tennessee, Department of Military, Tennessee Emergency Management Agency.

Adoption of a resolution approving a contract with Rogers Group, Inc., for the construction of infrastructure improvements to benefit Robertsville Middle School, in the estimated amount of \$198,262.82, which project will be funded through a Safe Route to Schools Grant from the Tennessee Department of Transportation.

Adoption of a resolution authorizing the City to apply for an "Our Town" planning grant from the National Endowment for the Arts for Jackson Square in the amount of \$125,000 and to accept said grant if the application is approved.

The documentation for these items follows this memorandum.


Mark S. Watson

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING
FEBRUARY 14, 2011**

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

INVOCATION: Reverend Brad Scott, Youth Pastor of Glenwood Baptist Church

PLEDGE OF ALLEGIANCE: Buzz Patrick, member of the Oak Ridge Industrial Development Board

ROLL CALL:

The following Councilmembers were present: Anne Garcia Garland, Thomas Hayes, Charles Hensley, Jane Miller, David Mosby, Ellen Smith, and Mayor Thomas Beehan.

Also present were City Manager Mark Watson, City Attorney Kenneth Krushenski, Deputy City Manager Steven Jenkins, and City Clerk Donna Patterson.

I. APPEARANCE OF CITIZENS

Mayor Beehan opened the meeting for public comments. No one came forward to speak.

II. PROCLAMATIONS AND PUBLIC RECOGNITIONS

1. \$140,000 DONATION FROM UT-BATTELLE FOR WATERFRONT PAVILION

Mayor Beehan introduced Dr. Thomas Mason, Director of Oak Ridge National Laboratory, and also recognized the following Oak Ridge National Laboratory representatives that were present:

Billy Stair, Director of Communication and External Relations
Jeff Smith, Deputy Director for Operations
Leigha Edwards, Protocol and Community Outreach Manager

Dr. Mason came forward and presented the City with a \$140,000 donation from UT- Battelle to help build a Waterfront Pavilion on Melton Hill Lake.

Dr. Mason stated that he believes the waterfront is one of the City's greatest assets. The pavilion will contain restrooms and kitchen facilities, be used for rowing events, and also be available for picnics, receptions, and other public events. The goal is for the pavilion to accomplish two things: (1) it will be a signal that we believe in the future of the waterfront project and the future of Oak Ridge, and (2) it will leverage other public and private investments in the waterfront.

Mayor Beehan expressed deep appreciation on behalf of the Council and the citizens of Oak Ridge.

Mayor Pro Tem Miller requested a standing ovation from the Council, whereby everyone in the chambers rose and applauded in appreciation of the donation.

III. SPECIAL REPORTS

1. CAPITAL IMPROVEMENTS PROGRAM / MUNICIPAL PLANNING COMMISSION

City Manager Watson stated that the Oak Ridge Municipal Planning Commission voted on November 18, 2010 to approve and transmit to the City Council a Capital Improvements Program (CIP) in accordance with the City Charter. The CIPs have been transmitted to the Mayor and Council electronically for their review.

City Manager Watson said that due to today being a holiday and the Planning Commission Staff not being in attendance, the Capital Improvements Program will be discussed during the February 28, 2011 Work Session.

2. UNVEILING OF CITY OF OAK RIDGE'S NEW WEBSITE

City Manager Watson introduced Zane Hagy with z11 Communications of Oak Ridge, the consultant that has been working with City Staff to re-design the City's website.

Mr. Hagy presented the new website design through use of the overhead projector. He explained that the City website will consistently be changing and updated to improve features as feed-back is provided.

The City's new website address is www.oakridgetn.org until a .gov address can be obtained.

IV. CONSENT AGENDA

A motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to approve the consent agenda as presented.

After a brief discussion, a motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to remove the following items from the Consent Agenda:

- Resolution – 2011 Home Program Grant
- Resolution – Authorization of Mayor's Signature, Environmental Protection Agency Administrative Order

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

The Consent Agenda was approved unanimously, as amended, with Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting 'for' thereby:

- Approving the Minutes of the December 13, 2010 City Council Meeting;
- Approving the Minutes of the January 10, 2011 City Council Meeting; and
- Adopting **Resolution No. 2-6-11 / THE NEW CHINA PALACE 2 YR LEASE AGREEMENT** authorizing a lease agreement with the New China Palace for 695 Melton Drive for the purpose of operating a restaurant.

The Council then discussed the items removed from the agenda as follows:

- **Resolution No. 2-7-11 / 2011 HOME GRANT PROGRAM** authorizing Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC) to submit on the City's behalf a grant application, including all understandings and assurances contained therein, to the Tennessee Housing Development Agency (THDA) for 2011 HOME grant program funds to promote the rehabilitation of housing for low-income households in Oak Ridge, in the not to exceed amount of \$500,000.

A motion was made by Councilmember Hayes, seconded by Councilmember Garcia Garland, to adopt the resolution as presented.

City Manager Watson stated that the application proposes that all awarded funds be utilized for homeowner rehabilitation with each homeowner provided a forgivable grant for the cost of the rehabilitation project. Rehabilitation services will be targeted to income-eligible homeowners within the Jackson Square area on Kentucky Avenue, Michigan Avenue, and associated side streets.

After discussing the benefits to the *Not In Our Town* initiative, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

- **RESOLUTION – AUTHORIZATION OF MAYOR’S SIGNATURE
ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATIVE ORDER**

A motion was made by Councilmember Hayes, seconded by Councilmember Miller, to adopt the resolution as presented.

City Manager Watson stated that this resolution authorizes the Mayor to sign all reports, notifications, documentation, and submittals required by the United States Environmental Protection Agency Administrative Order that was issued to the City in late September of last year.

Councilmember Smith stated that the majority of the correspondence will include administrative and technical reports. The person signing the document will be attesting to certain things in those reports. It is her understanding of the EPA regulations, that the ‘principal executive officer’, who is the City Manager or possibly his designee, should be signing those reports. The Mayor should only sign in instances when he is speaking for the City concerning policies, costs, or other issues relating to the City as a whole.

Councilmembers Hensley and Garcia Garland concurred that the City Manager should sign, or either both the City Manager and the Mayor.

Councilmember Hayes stated that it is his understanding that it should be *either* the Mayor *or* the City Manager.

Councilmember Garcia Garland stated that the C.F.R. asks for a ‘ranking’ elected official to sign the documents and, according to the City Charter, there is no ‘ranking’ City official and they all hold the same rank. Therefore, she thinks it is inappropriate or unfair to put the legal burden on the Mayor, whoever that may be at the time.

Manager Watson requested that, if they do not agree with the Mayor signing, they amend the resolution to authorize the City Manager and Public Works Director to sign all reports and notifications associated with the EPA Administrative Order.

Mayor Beehan stated that there are times that the Mayor is expected to sign certain documents and if it is changed then he will not be allowed to do so without a Special Called Meeting. He prefers to give the City Manager the discretion to decide which documents should be signed by the Mayor and which should be signed by the Manager, and also the authority to sign those appropriate for the City Manager’s signature.

After further discussion, a motion was made by Councilmember Garcia Garland, seconded by Councilmember Hensley, to amend the resolution to read ‘That the City hereby authorizes the Mayor to sign all reports, notifications, documentation, and submittals required by the United States Environmental Protection Agency Administrative Order following signature by the City Manager and/or his appropriate designee’.

Councilmember Smith spoke in opposition to the motion. She stated that there are two kinds of communication: (1) the technical reports formally required as part of the process under the Administrative Order, and (2) other kinds of communication to be determined in the future. She feels comfortable authorizing the Mayor to communicate on behalf of the City as to the City’s concerns related to the Administrative Order, but for the technical reports authorization should be given to the City Manager or whomever he holds responsible for the report. The Mayor would not have personally supervised the work or made the decisions and therefore he should not be held responsible for certifying as such.

City Manager Watson stated that the Administrative Order was addressed to the Mayor. In talking with the EPA today, they stated that it needs to be a person who can legally represent the City of Oak Ridge and is designated by the legal body (Mayor and Council) to execute the documents.

Mayor Beehan said that he would be voting against the motion because he believes the City Manager is capable of deciding which documents should be signed by the Mayor and which ones should be signed by the Manager.

Councilmember Hayes asked if timely reports are required to be submitted as part of the Administrative Order.

City Manager Watson stated that quarterly progress reports are required over the next five years. There are also several other reports due within the next 6 to 18 months.

Councilmember Hensley requested that a vote be called.

Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hensley and Miller.

Those voting against: Councilmembers Hayes, Mosby, Smith and Mayor Beehan.

The motion failed.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to amend the resolution to state: 'That the City hereby authorizes the City Manager to sign all reports, notifications, documentation, and submittals required by the United States Environmental Protection Agency Administrative Order' with the addition that the Mayor shall be authorized to communicate on behalf of the City of Oak Ridge on other matters of a general nature with the Environmental Protection Agency.

Those voting for: Councilmembers Hensley, Mosby, Smith.

Those voting against: Councilmembers Miller, Hayes, Garcia Garland and Mayor Beehan.

The motion failed.

Mayor Beehan called for a vote on the original motion to adopt the resolution as presented.

Those voting for: Councilmembers Hayes and Miller.

Those voting against: Councilmembers Garcia Garland, Hensley, Mosby, Smith, and Mayor Beehan.

Motion failed.

V. RESOLUTIONS

1. RESOLUTION NO. 2-8-11 / CHANGING CERTAIN BOARDS AND COMMISSIONS TO CALENDAR YEAR TERMS

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to adopt the resolution as presented.

City Manager Watson stated that this resolution is to simplify the election process for certain boards and commissions by setting all terms of office (with the exception of student members) to commence on January 1, by extending current members' terms of office through to December 31 following their current term, and by establishing all officers to be elected each January.

A motion was made by Garcia Garland to amend the resolution by limiting all terms on the board and commissions to two terms after which one term entire must pass before that person can apply to serve on the board again.

The motion failed for lack of a second.

Councilmember Mosby asked if any feedback had been received from board and commission members concerning the change to calendar year terms and if it would significantly impact them in some way.

City Manager Mark Watson stated that he hasn't received any complaints, probably because no members would be losing any time.

Wayne Garber, Chairman of the Board of Electrical Examiners, came forward and stated that it had been discussed within the board and there are no problems with it from the members' standpoint.

Mayor Beehan called for a vote on the motion to adopt the resolution as presented.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

2. RESOLUTION NO. 2-9-11 / PROFESSIONAL SERVICES AGREEMENT SECRET CITY FILMS

A motion was made by Councilmember Hensley, seconded by Councilmember Hayes, to adopt the resolution as presented.

City Manager Watson explained that this is a resolution authorizing a professional services agreement with Secret City Films in the estimated amount of \$150,000 to provide one-hundred oral histories from key individuals important to the history of Oak Ridge. The City issued a Request for Proposals seeking qualified producers to complete this project and interviews were conducted with the top three proposal companies. Secret City Films, who currently provides oral histories to the City on a smaller scale agreement, was selected based on their experience.

Mayor Beehan called for a vote on the motion to adopt the resolution as presented.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan

The motion carried unanimously.

3. RESOLUTION NO. 2-10-11 / SETTING CHARGES FOR UTILITY SERVICES

A motion was made by Councilmember Smith, seconded by Councilmember Garcia Garland, to adopt the resolution as presented.

City Manager Watson stated that this resolution establishes new utility fees, effective March 17, 2011, in accordance with the proposed new rules and regulations governing electric power distribution. These changes are a result of the continued loss sustained by the City when residents leave without paying their bill and their deposits do not cover the loss. Several other minor changes have been modified or added to the schedule.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

4. RESOLUTION NO. 2-11-11 / TVA SECURITY DEPOSIT PROGRAMS

A motion was made by Councilmember Hensley, seconded by Councilmember Smith, to adopt the resolution as presented.

Electrical Director Jack Suggs stated that this resolution amends the existing agreement with the Tennessee Valley Authority (TVA) for the Enhanced Security Deposit Program (ESDP) and also approves an agreement with TVA for a new Deposit Assurance Program.

He explained that the City participates in a program with the Tennessee Valley Authority that provides insurance against default of commercial customers on their power bills. There have been issues with the program and concerns with the cost. Because of these issues, TVA contacted its distributors asking them to either terminate the ESPD or to agree to modifications assuming 20% of the program's cost. Staff has examined the issue and believes that the cost to the City for maintaining the current customers in the program provides a value in terms of economic development and customer service.

After discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

5. RESOLUTION NO. 2-12-11 / CREATION OF RECREATION & PARKS ADVISORY BOARD

A motion was made by Councilmember Hayes, seconded by Councilmember Hensley, to adopt the resolution as presented.

City Manager Watson stated that this resolution establishes a nine member Oak Ridge Recreation and Parks Advisory Board for the purpose of providing recommendations and direction to City Council on the development of a high-quality, interconnected parks system.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to amend the resolution under Section 5 (f), the 1st sentence: 'The Board may appoint informal working committees to gather information and facts on various issues and programs' by changing the word 'informal' to 'ad hoc'.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

Councilmember Smith stated that the time frame for the election of the Park Board members is set for March 7, 2011 and it should be extended to allow more interest and applicants.

Manager Mark Watson said that the time frame could be changed to be included in a Special Called Meeting during the *Council's Night Out* to be held on March 28, 2011.

A motion was made by Councilmember Garcia Garland to amend the resolution to prohibit anyone who may anticipate bidding on work for the City parks or the recreational programs from serving on the Recreation and Parks Advisory Board.

Councilmember Smith seconded the motion for discussion.

The Mayor and Council discussed the possibility of this limiting qualified applicants and also opening the possibility of imposing restrictions concerning other special interest groups.

Mr. Joe Lee, 99 E. Pasadena Road, came forward and stated that nobody with an 'agenda' should be singled out as a leader on the board or off the board. It could be an opportunity for someone to undo some of the good things that have happened and prevent some of the good things that could happen in this community. He also requested that, as they have done in the past, the Council give all applicants fair consideration. Those with a hidden agenda should be excluded.

Mayor Beehan called for a vote on the proposed amendment to the resolution.

Those voting for: Councilmember Garcia Garland.

Those voting against: Councilmembers Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion failed.

A motion was made by Councilmember Hensley to amend the resolution under Section 5 (e) by removing the word 'supportive' and replacing it with the words 'supportive/mediator'.

Councilmember Smith seconded the motion for discussion.

Councilmember Smith suggested that instead of replacing 'supportive' with 'supportive/mediator' to just removing the word 'supportive' and not adding 'mediator'.

Councilmember Hensley concurred and revised his motion as follows: to strike the word 'supportive' from the sentence under Section 5 (e). Councilmember Smith revised her second.

Those voting for: Councilmembers Hensley, Mosby, Smith, and Garcia Garland.

Those voting against: Councilmembers Hayes, Miller, and Mayor Beehan.

The motion carried.

Ms. Pat Fain, 926 W. Outer Drive, came forward and stated that the City's Ethic Policy, to her recollection, does not require recusal once a conflict of interest has been stated. If the Council feels strongly about that issue, she requested that they look the City's Ethic Policy to get a better idea of what 'recusal' does or does not mean in terms of the policy.

Mayor Beehan called for a vote on the resolution, as amended, to adopt a Recreation and Parks Advisory Board.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

VI. PUBLIC HEARINGS AND 1ST READING OF ORDINANCES

- 1. PUBLIC HEARING / 1ST READING / REZONING ORDINANCE / HERITAGE CENTER
ROANE COUNTY TAX MAP 30, PARCELS ED-8 A, B, C, D, E & 1.01, 1.02, 1.03, 1.07
From IND-2 INDUSTRIAL to IND-2 INDUSTRIAL MANHATTAN DISTRICT OVERLAY**

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 the buildings designated as Parcels 1.01, 1.02, 1.03, and 1.07, Roane County Tax Map 30, and the real property designated by the United States Department of Energy as Parcels ED-8A, ED-8B, ED-8C, ED-8D, and ED-8E, which buildings and properties are located at Heritage Center, from IND-2, Industrial to IND-2, Industrial Manhattan District Overlay (IMDO).

City Manager Watson explained that this is a request to rezone approximately 83.3 acres located east of ED-5 and north of State Route 58. This rezoning is part of a continuing process that the U.S. Department of Energy and Heritage Center have undertaken to privatize property within the Heritage Center. The Planning Commission recommended approval of the rezoning by a vote of 8-0.

Mayor Beehan opened the Public Hearing for public or Council comments.

There were no comments from citizens or the Council.

A motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to close the Public Hearing.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

A motion was made by Councilmember Hayes, seconded by Councilmember Hensley, to approve the ordinance as presented.

Councilmember Smith requested to register a complaint about the maps that was submitted with the proposal. They are illegible and in the future she would like more effective information in that regard.

Mayor Beehan called for a vote on approving the ordinance as presented.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

2. ORDINANCE TO AMEND CITY CODE §2-203 (EQAB) AND §8-603(1) (BEER BOARD) CHANGE TO CALENDAR YEAR TERMS

An ordinance to amend Title 2, titled "Boards and Commissions, etc.," Chapter 2, titled "Environmental Quality Advisory Board," Section 2-203, titled "Terms of Members," of the Code of Ordinances, City of Oak Ridge, Tennessee, by adding a new paragraph; and to amend Title 8, titled "Alcoholic Beverages," Chapter 6, titled "Beer and other Light Beverages – generally," Section 8-603, titled "Beer Permit Board," Subsection (1), to change the commencement date for terms of office for EQAB (except student members) and Beer Board to now be January 1, with current members' terms being extended through to December 31 following their current term of office, all for the purpose of consistency and simplification of the election process.

A motion was made by Councilmember Miller, seconded by Councilmember Smith, to approve the ordinance as presented.

City Manager Mark Watson stated that these boards and terms were established by ordinance, therefore a change to calendar year terms require a change by ordinance.

Councilmember Smith asked for consideration of having the terms of office for these boards set by resolution in lieu of within the ordinance.

City Attorney Kenneth Krushenski stated that they could approve the ordinance as presented tonight and consider the changes at the second reading.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

3. ORDINANCE TO AMEND CITY CODE TITLE 12 – ABOLISH THE BOARD OF ELECTRICAL EXAMINERS AND THE BOARD OF PLUMBING EXAMINERS, AND CREATE A NEW TRADE LICENSING BOARD

An ordinance to amend Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, by deleting Chapter 4, titled "Board of Electrical Examiners," in its entirety; by renumbering Chapter 3, titled "Electrical Code," as the new Chapter 4 keeping the same title; by creating a new Chapter 3, titled "Trade Licensing Board"; by deleting Chapter 8, titled "Board of Plumbing Examiners," in its entirety; by renumbering the following chapters with all titles remaining the same: Chapter 9, titled "Plumber's License," as the new Chapter 8; Chapter 10, titled "Plumber's Work Permit," as the new Chapter 9; Chapter 11, titled "Mechanical Code," as the new Chapter 10; Chapter 12, titled "Gas Code," as the new Chapter 11; and Chapter 13, titled "Citations And Ordinances Summonses," as the new Chapter 12; by deleting Section 12-302 (New Section 12-402), titled "Definitions," Subsection (2), titled "Board," and substituting therefor a new Subsection 12-402(2), titled "Board"; and by deleting Section 12-702, titled "Definitions," Subsection (2), titled "Board," in its entirety and substituting therefor a new Subsection 12-702(2), titled "Board," all for the purpose of abolishing the Board of Electrical Examiners and the Board of Plumbing Examiners and creating a new Trade Licensing Board which combines the responsibilities of both boards into one.

A motion was made by Councilmember Hensley, seconded by Councilmember Smith, to approve the ordinance as presented.

City Manager Watson explained that this ordinance consolidates the Board of Electrical Examiners and the Board of Plumbing Examiners into a new board called the Trade Licensing Board.

The Chairman of the Electrical Board, Wayne Garber, and the Chairman of the Plumbing Examiners, Brian Hayden, were present and in support of the combining the two boards into the new Trade Licensing Board.

Mayor Beehan expressed appreciation to the Chairmen for their presence tonight and for their support in serving the City.

Mayor Beehan called for a vote.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

4. ORDINANCE TO ADOPT NEW RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER

An ordinance to repeal Ordinance No. 30-00 which adopted the rules and regulations governing distribution of electric power, and to adopt new rules and regulations governing the distribution of electric power with the City of Oak Ridge.

A motion was made by Councilmember Miller, seconded by Councilmember Smith, to approve the ordinance as presented.

A motion was made by Councilmember Miller, seconded by Councilmember Smith, to amend the ordinance by substituting in the text of the proposed *Rules and Regulations* the word 'shall' in place of the word 'may' in Section 2.3.2 (c), so that, as amended, the section reads: '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 obligations less than 25% above existing levels, even if such increase represents a new account.'

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

Mayor Beehan called for a vote to approve the ordinance as amended.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

VII. FINAL ADOPTION OF ORDINANCES

1. REZONING REQUEST PARCEL 1.01, MAP 100B, GROUP B – from UB-2 to B-2 and a 30 FT. STRIP SURROUNDING PARCELS 3.00 & 4.00, MAP 100B, GROUP B– from RG-1 to B-2

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 1.01, Map 100B, Group B, from UB-2 (Unified General Business) to B-2 (General Business), and a thirty-foot wide strip surrounding Parcels 3.00 and 4.00, Map 100B, Group B, from RG-1 (Residential, Open Space and Reserved) to B-2 (General Business).

These parcels are located behind 601 Oak Ridge Turnpike and Fairbanks Avenue near the intersection with Oak Ridge Turnpike.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to adopt the ordinance as presented.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

VIII. ELECTIONS & APPOINTMENTS / ANNOUNCEMENTS / SCHEDULING

1. ELECTIONS & APPOINTMENTS

Election of one (1) member to serve on the Traffic Safety Advisory Board

At their regular meeting on January 20, 2011, the Oak Ridge Municipal Planning Commission voted unanimously to recommend Jane Shelton as the Planning Commission representative to serve on the Traffic Safety Advisory Board. If elected, she will serve for a three-year term of office ending on November 29, 2013 or her expiration of term on the Planning Commission, whichever comes first.

A motion was made by Councilmember Hensley, seconded by Councilmember Smith, to elect by acclamation Jane Shelton as the Planning Commission representative to serve on the Traffic Safety Advisory Board.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan.

The motion carried unanimously.

Notice of Elections

The following elections are scheduled for the March 7, 2011 City Council Meeting to appoint:

- Two (2) members to the Board of Electrical Examiners
- Three (3) members to the Highland View Redevelopment Advisory Board
- Three (3) members to the Board of Plumbing Examiners
- Seven (7) members are needed for the proposed Trade Licensing Board
- Two (2) members to the Traffic Safety Advisory Board, one seat is designated for an Oak Ridge High School student
- One (1) member to the Environmental Quality Advisory Board

The deadline for applications is 5:00 p.m. on Friday, February 25, 2011.

The following election is scheduled for a Special Called Meeting on March 28, 2011 to appoint:

- Nine (9) members to the Oak Ridge Recreation & Parks Advisory Board

The deadline for applications is 5:00 p.m. on Friday, March 18, 2011.

2. ANNOUNCEMENTS

City Manager Watson announced that the *Council's Night Out* will be held on March 28, 2011, 6:30 p.m. to 9:00 p.m. at Glenwood Baptist Church, 200 South Alabama Road, Oak Ridge, TN.

3. SCHEDULING

IX. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Mosby stated his concern with receiving the budget too late to review it thoroughly. He asked for the time frame for discussion and adoption of the budget.

City Manager Watson stated that he is currently holding budget meetings with City Staff and will be presenting that information to the Council in early April. The budget is adopted in May.

Councilmember Mosby asked if the Council would be getting a multi-year budget model and when it would be available.

Deputy Manager Steve Jenkins stated that it was being prepared now and it will be ready in March.

Councilmember Smith and Councilmember Hensley requested advanced planning for a budget retreat.

Councilmember Hayes congratulated Deputy Police Chief Massengill and the Oak Ridge Police Department on the very successful *Operation Medicine Cabinet* for the collection of 178 pounds of medicines.

X. SUMMARY OF CURRENTS EVENTS

1. CITY MANAGER'S REPORT

City Manager Watson announced that the City of Oak Ridge will host a Rabies Shot and Microchip Clinic at the Oak Ridge Animal Shelter on Saturday, March 26, 2011.

City Manager Watson stated that the recruiting advertisement and brochure for the Oak Ridge Police Chief position can be viewed on the Mercer Group website at www.mercergroupinc.com.

2. CITY ATTORNEY'S REPORT - None

XI. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:38 p.m.

FIRE DEPARTMENT MEMORANDUM
11-39

DATE: February 15, 2011
TO: Mr. Mark S. Watson, City Manager
FROM: Mack Bailey, Fire Chief 
SUBJECT: **ACCEPTANCE OF DOE/TEMA GRANT**

The attached resolution authorizes the acceptance of \$16,000.00 from the Department of Energy through the Tennessee Emergency Management Agency for on and off-site emergency response and planning.

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

The terms of the grant contract are broad enough to allow our continuing to upgrade our hazardous material response and fire fighting capabilities to the sites. No decision has been reached on the use of these funds. Last year's funds, \$16,000, were used for gas monitoring and other hazardous materials identification equipment.

CITY MANAGER'S COMMENTS:

I have reviewed the issue outlined above, and recommend City Council action as proposed.


Mark S. Watson Date

RESOLUTION

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

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

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

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

WHEREAS, said grant requires no local matching funds; and

WHEREAS, the City Manager recommends acceptance of said grant.

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

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

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

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

PUBLIC WORKS MEMORANDUM
11-05

DATE: February 18, 2011

TO: Mark Watson, City Manager

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

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

SUBJECT: ROBERTSVILLE MIDDLE SCHOOL – SAFE ROUTES TO SCHOOL GRANT

The accompanying resolution authorizes a contract to Rogers Group, Inc. in the estimated amount of \$198,262.82 for the construction of infrastructure items included in the Safe Routes to School (SRTS) Grant for Robertsville Middle School.

The SRTS program was established in 2005 by the federal transportation reauthorization legislation SAFETEA- LU (Safe, Accountable, Flexible, Efficient, Transportation Equity Act - A Legacy for Users) and is a 100 percent reimbursable program administered by the Tennessee Department of Transportation (TDOT). The program is an initiative designed to make bicycling and walking to school a safer, more appealing and healthier alternative for students in kindergarten through eighth grade.

The City teamed with the Robertsville Middle School staff to develop a SRTS grant application and in February 2008, City Council authorized (Resolution 2-16-08) the City to submit the application to TDOT. In November 2008, the City was awarded a SRTS grant in the estimated amount of \$238,095, which included infrastructure items and engineering design (\$225,719) and non-infrastructure educational components (\$12,376). The primary infrastructure items include new and replacement sidewalks, school speed limit flashing beacons, permanent mounted vehicle speed feedback signs, pavement markings and traffic signs located along Robertsville Road, North Illinois Avenue (SR 62), Jefferson Avenue, and on the Robertsville Middle School property. A drawing is enclosed that shows the area of safety improvements near the school. The primary non-infrastructure educational components include purchase of bicycles, supplies, equipment, consultant services and stipend for school coordinator and staff to be used for a Robertsville Middle School walking and biking safety program. The non-infrastructure components of the grant will be completed by the school during the 2011 fall school session.

In December 2009, a Local Government Project Agreement was executed between TDOT and the City to assign respective obligations relating to the management of the SRTS program. City and school staff spent the next year developing the program in accordance with TDOT guidelines. Cannon & Cannon, Inc., Knoxville was selected through a request for proposal process to complete engineering services for the design of the infrastructure items in an amount of \$24,950, which will be reimbursed to the City under the grant agreement.

In December 2010, the City opened public bids for construction of the infrastructure items. Five bids were received with Rogers Group, Inc. being the lowest bidder in the amount of \$198,262.82. The City and Cannon & Cannon, Inc. reviewed the low bid and found it to be acceptable and very close to the preliminary estimated cost. In February 2011, TDOT issued a Notice to Proceed for execution of the contract with Rogers Group, Inc. It is expected that the construction work will

begin in April 2011 and is required to be substantially complete within 120 days. Minimal traffic delays and street lane closures are expected during construction of the project.

Staff recommends approval of the resolution to award the construction contract for infrastructure items to Rogers Group, Inc.



Steven R. Byrd

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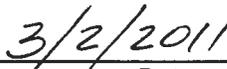
Enclosure

City Manager's Comments:

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

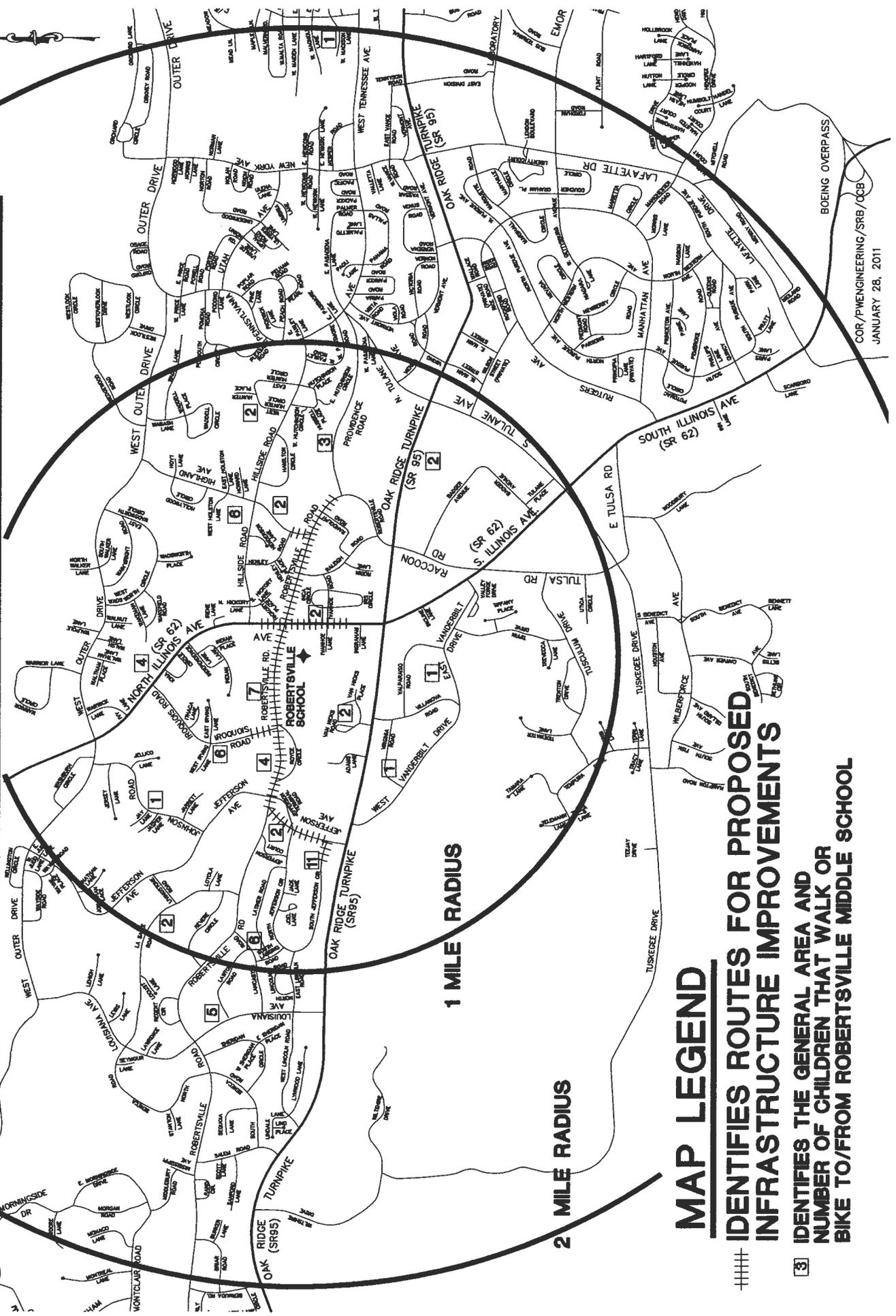


Mark S. Watson



Date

WALK OR BIKE TO ROBERTSVILLE MIDDLE SCHOOL MAP



MAP LEGEND

++++ IDENTIFIES ROUTES FOR PROPOSED INFRASTRUCTURE IMPROVEMENTS

[3] IDENTIFIES THE GENERAL AREA AND NUMBER OF CHILDREN THAT WALK OR BIKE TO/FROM ROBERTSVILLE MIDDLE SCHOOL

RESOLUTION

A RESOLUTION TO APPROVE A CONTRACT WITH ROGERS GROUP, INC., FOR THE CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO BENEFIT ROBERTSVILLE MIDDLE SCHOOL, IN THE ESTIMATED AMOUNT OF \$198,262.82, WHICH PROJECT WILL BE FUNDED THROUGH A SAFE ROUTE TO SCHOOLS GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT).

WHEREAS, by Resolution 2-16-08, City Council authorized staff to submit a Safe Route to Schools grant application in the amount of \$250,000.00 to the Tennessee Department of Transportation (TDOT) for infrastructure and non-infrastructure improvements to benefit Robertsville Middle School; and

WHEREAS, said resolution also provided for acceptance of the grant if the grant application was approved by TDOT; and

WHEREAS, the City was awarded a Safe Route to Schools grant by TDOT in the amount of \$238,095.00; and

WHEREAS, the City has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for the infrastructure improvements to benefit Robertsville Middle School, which improvements include new and replacement sidewalks, school speed limit flashing beacons, permanent mounted vehicle speed feedback signs, pavement markings, and traffic signs; and

WHEREAS, bids were received and publicly opened on December 14, 2010, with Rogers Group, Inc., submitting the lowest and best bid, which bid the City Manager recommends be accepted; and

WHEREAS, TDOT has approved Rogers Group, Inc., as the contractor for this project.

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 infrastructure improvements to benefit Robertsville Middle School; said award in strict accordance with the contract, the required specifications, and the bid as publicly opened on December 14, 2010, and in the estimated amount of \$198,262.82.

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

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

Community Development Department
11-19

DATE: February 25, 2011

TO: Mark Watson, City Manager

FROM: Kathryn Baldwin, Community Development Director



RE: Authorization to Apply for a National Endowment for the Arts (NEA) Our Town Grant

An item for the March 7th City Council meeting is the adoption of the attached resolution authorizing the City to submit a grant application in the amount of \$125,000 to the National Endowment for the Arts for a planning grant that will support the development of a Form-Based Code in Jackson Square. The application will be prepared in cooperation with the Oak Ridge Revitalization Effort (ORRE) and the Oak Ridge Chamber of Commerce. A fifty-percent match is required and the City of Oak Ridge will contribute up to fifty percent of the match with in-kind services in the form of staff time.

The NEA will fund up to 35 creative placemaking projects that contribute toward the livability of communities and help transform them into lively, beautiful, and sustainable places with the arts at their core. Our Town will invest in creative and innovative projects in which communities, together with their arts or design organizations, are looking to increase their livability by:

- Improving the quality of life
- Encouraging creative activity
- Creating community identity, a sense of place, and sustainability
- Revitalizing the local economy
- Creating mixed-use walkable communities

Oak Ridge City staff believes that improving the physical and social character of the City's historic core will transform Oak Ridge into a mixed-use community where people choose to live, work and play.

City Manager's Comments:

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

 3/2/2011

Mark Watson Date

RESOLUTION

A RESOLUTION TO APPLY FOR AN OUR TOWN PLANNING GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS FOR JACKSON SQUARE IN THE AMOUNT OF \$125,000.00, AND TO ACCEPT SAID GRANT IF THE APPLICATION IS APPROVED.

WHEREAS, the National Endowment for the Arts, an independent agency of the federal government, has grant monies available for Our Town grants; and

WHEREAS, Our Town grants support creative placemaking projects that contribute to the livability of communities and place the arts at their core; and

WHEREAS, as a local governmental entity, the City is eligible to receive grant funds; and

WHEREAS, in cooperation with the Oak Ridge Revitalization Effort and the Oak Ridge Chamber of Commerce, the City desires to submit a planning grant application for Jackson Square in the amount of \$125,000.00; and

WHEREAS, said grant requires a fifty percent (50%) local match, which the City will provide with in-kind services in the form of staff time; and

WHEREAS, the City Manager recommends that the City submit a grant application to the National Endowment for the Arts in the amount of \$125,000.00.

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

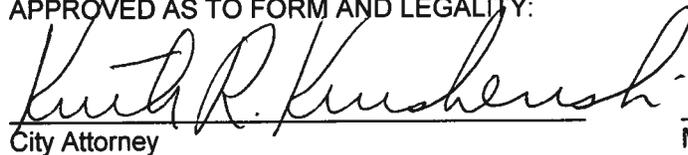
That the recommendation of the City Manager is approved and the City is hereby authorized to submit an Our Town planning grant application to the National Endowment for the Arts for creative placemaking projects in Jackson Square; said grant application in the amount of \$125,000.00, with a fifty percent (50%) local match requirement that will be provided with in-kind services in the form of staff time.

BE IT FURTHER RESOLVED that if said application is approved, the City is authorized to accept said funding.

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

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

RESOLUTIONS

LEGAL MEMORANDUM
11-04

DATE: February 21, 2011 .

TO: Honorable Mayor and Members of City Council

FROM: Kenneth K. Krushenski, City Attorney

SUBJECT: RETAIL PACKAGE STORE RENEWAL APPLICATIONS

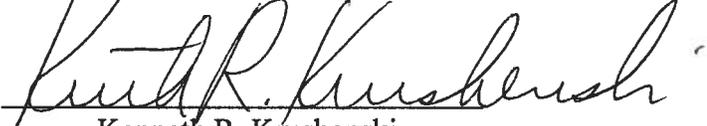
The accompanying resolutions authorize the granting of permits for the retail sale of alcoholic beverages in the city for the year 2011-2012 and the issuance of certificates of compliance for those granted such permits. All applications are for renewal of current permits. A list of permitted stores and any significant changes in the applications from last year is provided below:

Store Number

- 103 Hilltop Package Store, Inc. The applicants, Joseph M. (Joey) Anderson and Brenda Anderson, reside outside the city limits of Oak Ridge, Tennessee. No changes.
- 131 Ridge Package Store. All three applicants, Reba A. Monday, Donald R. Knight, and Brenda S. Roach, reside outside the city limits of Oak Ridge, Tennessee. No changes.
- 149 Turnpike Wine & Spirits, Inc. Three applicants, Patricia B. Gettys, Suzanne E. Davis, and Lloyd C. Davis, reside outside the city limits of Oak Ridge, Tennessee, and applicant, Donald L. Kittrell, resides inside the city limits. No changes.
- 151 JB's Wine & Spirits, Inc. The applicant, Jeanette Bowen, resides outside the city limits of Oak Ridge, Tennessee. No changes.
- 152 Lizz's Wine & Spirits. The applicant, Kenneth L. Montgomery, resides outside the city limits of Oak Ridge, Tennessee. No changes.
- 153 Oak Ridge Package Store. The applicant, Scott E. Garriott, resides outside the city limits of Oak Ridge, Tennessee. No changes.

In accordance with Council's previous instructions, all nonresident applicants have been requested to be present at Monday night's Council meeting.

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


Kenneth R. Krushenski

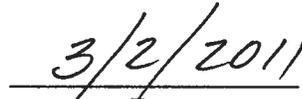
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Attachments

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

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

WHEREAS, said permits will expire on March 31, 2011, and it is necessary that renewal permits be issued before that date, and

WHEREAS, the individuals listed hereinafter have made application for permits for the year 2011-2012, and

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

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

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

That the following persons are hereby granted a permit to engage in the retail sale of alcoholic beverages in the city at the indicated locations, for the year 2011-2012, and that the Mayor is authorized to sign said permits on behalf of the city:

<u>City Permit No.</u>	<u>Name of Applicant</u>	<u>Store and Location</u>
103	Joseph M. (Joey) Anderson Brenda Anderson	Hilltop Package Store, Inc. 344 N. Illinois Avenue
131	Reba A. Monday Donald R. Knight Brenda S. Roach	Ridge Package Store 858 Oak Ridge Turnpike
149	Patricia B. Gettys Suzanne E. Davis Lloyd C. Davis Donald L. Kittrell	Turnpike Wine & Spirits, Inc. 331 Oak Ridge Turnpike
151	Jeanette Bowen	JB's Wine & Spirits, Inc. 202 S. Illinois Avenue
152	Kenneth L. Montgomery	Lizz's Wine & Spirits 1505 Oak Ridge Turnpike
153	Scott E. Garriott	Oak Ridge Package Store 971 Oak Ridge Turnpike

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

Joseph M. (Joey) Anderson
Donald R. Knight
Reba A. Monday
Suzanne Elizabeth Davis
Jeanette Bowen
Scott E. Garriott

Brenda Anderson
Brenda S. Roach
Patricia B. Gettys
Lloyd C. Davis
Kenneth L. Montgomery

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

RESOLUTION

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

WHEREAS, after diligent inquiry and careful investigation of certain applicants, City Council has found their general character to be good, and

WHEREAS, City Council feels assured that the said applicants will refrain from any violation of Title 8, Chapter 4, of the Oak Ridge Code of Ordinances, and Title 57, Chapters 1, 6, 7, and 8, of the Tennessee Code Annotated (Chapter No. 49, Public Acts, 1939), which are the alcoholic beverage laws, or any statutory amendment thereof or any rule or regulation promulgated pursuant thereto, and

WHEREAS, City Council has granted the necessary permits to said applicants for the retail sale of alcoholic beverages for one year beginning April 1, 2011, thereby signifying full compliance with the ordinances of the City of Oak Ridge, and

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

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

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

<u>City Permit No.</u>	<u>Name of Applicant</u>	<u>Store and Location</u>
103	Joey Anderson Brenda Anderson	Hilltop Package Store, Inc. 344 N. Illinois Avenue
131	Reba A. Monday Donald R. Knight Brenda S. Roach	Ridge Package Store 858 Oak Ridge Turnpike
149	Patricia B. Gettys Suzanne E. Davis Lloyd C. Davis, Sr. Donald L. Kittrell	Turnpike Wine & Spirits, Inc. 331 Oak Ridge Turnpike
151	Jeanette Bowen	JB's Wine & Spirits, Inc. 202 S. Illinois Avenue
152	Kenneth L. Montgomery	Lizz's Wine & Spirits 1505 Oak Ridge Turnpike
153	Scott E. Garriott	Oak Ridge Package Store 971 Oak Ridge Turnpike

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

PUBLIC WORKS MEMORANDUM
11-06

DATE: February 24, 2011

TO: Mark S. Watson, City Manager

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

FROM: Susan Fallon, Contracts/Grants Coordinator 
Athanasia Senecal, Community Development Specialist 

**SUBJECT: CENTRAL SERVICES COMPLEX HVAC RETROFIT AND LIGHTING PROJECT
TENNESSEE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT**

The accompanying resolution recommends award of a contract to Knox Bradley Mechanical Contractors, Inc., Knoxville, for the design, purchase and installation of a Direct Digital Control System for the air handling units and specified lighting panels at the City of Oak Ridge Central Services Complex, in the estimated amount of \$141,184.

Funding for this project is available from the City's Capital Improvements Budget and grant funds from the State of Tennessee, Department of Economic and Community Development, Energy Policy Office (ECD), awarded to the City in 2010 to assist with two activities, a building retrofit project and an energy efficiency and conservation strategy. The City of Oak Ridge received \$100,000, which is the maximum amount of allocation made by ECD.

The grant award, as approved by Oak Ridge City Council Resolution 9-88-10, included \$80,000 for the building retrofit project and \$20,000 for the energy efficiency and conservation strategy. After attending several grant workshops and as the grant regulations have been disseminated, staff proposes to request a budget transfer to ECD that would allow for \$95,000 for the building retrofit project and \$5,000 for the energy efficiency and conservation strategy. The budget adjustment is to transfer the estimated amount of personnel costs (salary, benefits, supervision) for the development of the energy efficiency and conservation strategy. The grant reporting requirements for reimbursement of personnel costs are substantial; therefore, staff believes that the City can have a greater benefit by using the grant funds for the building retrofit project.

The design, purchase and installation of a Direct Digital Control (DDC) system includes programmable hardware and accompanying software that allows all operations for control, trending, recording and alarming for the HVAC units to be communicated to the operator of the facility. The DDC will provide for each of the sixteen (16) air-handling units to have a DDC control module with electronic sensors to perform the energy saving operations. Once installed and operating the DDC will assist with the following functions of the HVAC units.

- Optimal start/stop of units based on outside air temperature and recovery time for all seasons
- Ventilation demand based on occupancy and actual CO2 sensor levels
- Economizer for free cooling based on the heat content comparison of return air and outside air
- Multi-scheduling of run time for various units, such as
 - scheduling heating and ventilating units for actual use
 - scheduling the hall units for morning, lunch and afternoon use, with the remainder of time the units allowed to coast with heating or cooling set points

A Request for Proposal (RFP) document, COR 11-05, was issued to five area contractors. The RFP included the requirement of each contractor to visit the Central Services Complex prior to submitting a proposal. Staff quickly learned during the site visits of the interest by all of the contractors to include lighting control with the DDC as well as the HVAC control. An addendum to the RFP was issued, that included requests for lighting control information. The contractors were notified by the addendum that the recommended award would be based on the primary project of the DDC for the HVAC.

Four of the five contractors responded to the RFP. A staff review team consisting of employees from the Public Works, Electric and Community Development Departments were provided copies of the four submitted proposals and then met to discuss them. During the review team's discussion, two contractors were eliminated by all, as one contractor submitted a proposal for lighting only and the other contractor submitted a proposal that included proprietary hardware and software, which historically has been more expensive to maintain.

The remaining two contractor's submittals were reviewed and discussed. One contractor did not provide a specific manufacturer(s) for the DDC system proposed and did not include a trending component in the software. The recommended contractor, Knox Bradley Mechanical Contractors, Inc., proposes Automated Logic Control modules, which have been installed at the Public Library. The staff review team recommends Knox Bradley Mechanical Contractors, Inc., based on the following:

- Experience of the contractor with the City and Oak Ridge Schools
- Experience with similar projects (including specific grant regulations)
- Inclusion of software to allow for trending power usage
- Pricing includes seven (7) lighting panels

Staff provided the recommended contractor with a six-year history of electric consumption for the Central Services Complex building. Utilizing the consumption history, Knox Bradley Mechanical Contractors, Inc. estimates a return on investment of 18% to 22% on the HVAC controls and 25% to 30% for the combined HVAC and lighting controls.

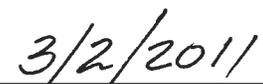
The total estimated amount of the contract is \$141,184, with \$95,000 provided by the grant funding and \$46,184 provided from the Capital Improvements Budget. Staff recommends approval of the accompanying resolution.

City Manager's Comments:

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



Mark S. Watson, City Manager



Date

RESOLUTION

A RESOLUTION TO APPROVE A CONTRACT WITH KNOX BRADLEY MECHANICAL CONTRACTORS, INC., FOR THE DESIGN, PURCHASE, AND INSTALLATION OF A DIRECT DIGITAL CONTROL SYSTEM FOR THE AIR HANDLING UNITS AND SPECIFIED LIGHTING PANELS AT THE CENTRAL SERVICES COMPLEX, IN THE ESTIMATED AMOUNT OF \$141,184.00, WHICH PROJECT IS PARTIALLY FUNDED BY A GRANT FROM THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT ENERGY POLICY OFFICE.

WHEREAS, by Resolution 9-88-10, City Council accepted a grant from the Tennessee Department of Economic and Community Development, Energy Policy Office, in the amount of \$100,000.00; and

WHEREAS, said grant is to be used for a building retrofit project and an energy efficiency and conservation strategy project; and

WHEREAS, the City issued a Request for Proposals for the design, purchase and installation of a Direct Digital Control system for the air handling units and specified lighting panels at the Central Services Complex, which is the building retrofit project component of the grant requirements; and

WHEREAS, Knox Bradley Mechanical Contractors, Inc., Knoxville, submitted the best proposal for the City's needs, which proposal the City Manager recommends be accepted.

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

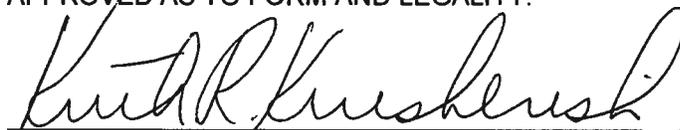
That the recommendation of the City Manager is approved and award is hereby made to Knox Bradley Mechanical Contractors, Inc., 3511 Overlook Circle, Knoxville, Tennessee 37909, for the furnishing all labor, tools, materials, equipment and supplies necessary to perform all work and services for the design, purchase and installation of a Direct Digital Control system for the air handling units and specified lighting panels at the Central Services Complex; said award in strict accordance with the Request for Proposals and the proposal as submitted, and in the estimated amount of \$141,184.00.

BE IT FURTHER RESOLVED that \$95,000.00 in grant funds from the Tennessee Department of Economic and Community Development, Energy Policy Office, will be used for this project.

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

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**ELECTRIC DEPARTMENT MEMORANDUM
11-05**

DATE: February 24, 2011

To: Mark Watson, City Manager

From: Jack L. Suggs, Electrical Director

SUBJECT: APPROVAL OF WHOLESALE RATE CHANGE AGREEMENT

Attached is a resolution authorizing the Mayor to execute the Tennessee Valley Authority Wholesale Rate Change Agreement, TV-54097A Supplement 76.

As we have discussed, and has been discussed with the Council on several occasions, the Tennessee Valley Authority has decided to change its wholesale billing arrangement with distributors.

Under the old wholesale billing arrangement- called the "End Use Wholesale" agreement, distributors were billed based on the bills of the ultimate retail customers. This reduced risks to the distributors in many areas, but principally in the area of weather related demand spikes. This arrangement, however, prevented TVA from meeting certain goals of that organization. These included providing incentives for demand reduction to distributors and their customers and the ability to more closely model retail rate structures to power production cost. TVA also wished to reduce the financial reporting requirements that because of End Use Wholesale billing flowed through TVA to its distributors.

The rate change agreement terminates the End Use Wholesale agreements and shifts to a system where Oak Ridge is billed for Demand and Energy. Termed the "Nearly Flat Demand and Energy" option, Oak Ridge will be billed as though it were a commercial customer- that is for the total demand and energy metered at our delivery points. There will be slight shifts in energy cost from season to season, but these shifts are not significant at this time and there is no plan to pass this through to our customers.

The "Nearly Flat Demand and Energy" billing is scheduled to be in place until October 2012, at which time TVA plans on shifting all distributors to a Time of Use billing system. The impacts of that shift will be analyzed over the following months.

As noted, this new billing arrangement necessitated rate adjustments to Oak Ridge customers, which changes were made in October of 2010. Although execution of the referenced contract completes the rate change process, no further rate impact on Oak Ridge customers is anticipated or foreseen because of the change.

Failure to execute the agreement will have no effect in the implementation of the new wholesale rate structure, but would result in TVA adopting a set of default power rates that have not been designed and tuned to the needs of Oak Ridge. For that reason, staff recommends approval of the attached resolution.



Jack L. Suggs
Electric Director

cc: Steve Jenkins, Janice McGinnis

City Manager's Comments:

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



Mark Watson 3/2/2011
Date

RESOLUTION

A RESOLUTION TO AMEND THE POWER CONTRACT WITH TVA IN ORDER TO ESTABLISH NEW WHOLESALE AND RESALE RATE SCHEDULES.

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

WHEREAS, TVA is changing its wholesale billing arrangement with distributors; and

WHEREAS, the new billing arrangement necessitated rate adjustments for Oak Ridge customers which were implemented in October 2010; and

WHEREAS, TVA has submitted an agreement to amend the Power Contract to incorporate the new wholesale and resale rate schedules, which agreement is recommended by the City Manager.

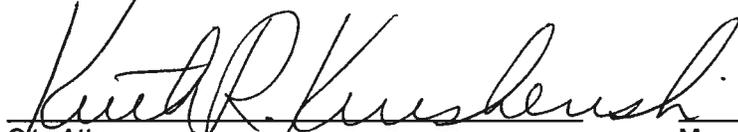
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to execute an agreement to amend the Power Contract (TV-54097A) with the Tennessee Valley Authority to incorporate the new wholesale and resale rate schedules.

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

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

PUBLIC WORKS MEMORANDUM
11-07

DATE: March 2, 2011
TO: Mark S. Watson, City Manager
FROM: Steven R. Byrd, P.E., City Engineer
THROUGH: Gary M. Cinder, P.E., Director of Public Works *GMC*
SUBJECT: **Proposed Transportation Enhancement Projects**

The accompanying resolution authorizes expenditures from the Special Programs Fund for Transportation Enhancement Projects to improve traffic capacity/safety, school crossing, and bicycle/pedestrian safety at multiple locations in the City. The source of funding for the Special Programs Fund is red light and speed camera monies, which have not been designated for specific uses since July 2010.

At the January 24, 2011 City Council work session, a Power Point presentation was presented (Transportation Traffic/Pedestrian/Bicycle Control Improvements) that listed multiple locations in the City where implementation of transportation enhancements projects would benefit traffic capacity/safety and bicycle/pedestrian safety. The projects were compiled by the Public Works and Electric Departments based on historical concerns received from citizens, City Council and City staff recommendations over the last several years. At the work session, staff received several Council comments relating to project priorities, the types of traffic control measures recommended, and project costs. In consideration of the comments received, staff revisited the enhancement project list and made revisions that will allow some flexibility in the type of traffic control measures implemented and in the project rankings subject to future available funds, completion of additional data collection, evaluations and possibly engineering design services.

Enclosed is a revised Transportation Enhancement Project list that separates the projects into major (>\$50,000) and minor (<\$50,000) projects. The general types of enhancement improvements are listed along with justification, ranking (high/medium/low) and the approximate cost for each project. The list will be used by staff as a guide in the implementation of projects. Most of the recommended Transportation Enhancement Projects are also identified in the proposed Oak Ridge Bicycle and Pedestrian Plan as a spot or corridor location. The Planning Commission reviewed the Bicycle and Pedestrian Plan at their February 24, 2011 meeting. City Council reviewed the Bicycle and Pedestrian Plan at their February 28, 2011 work session. Approval is scheduled for April 22, 2011.

At such time that additional data collection/evaluations and possibly engineering design services are completed, major projects will be presented to City Council for construction contract approval. Prior to any contract being placed on the Council agenda for consideration of approval, staff will provide a summary of the proposed project improvements at a pre-Council work session. It is envisioned that several of the enhancement projects may be combined into one project to minimize cost. Based on additional studies and/or concerns, there also may be other projects added to the enhancement project list. Based on available time and resources, some of the minor projects may be completed by city staff.

Staff recommends approval of the resolution that authorizes expenditures from the Special Programs Fund to be used for city transportation enhancement projects.



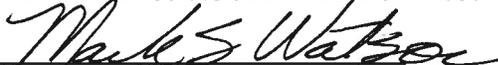
Steven R. Byrd

ks

Enclosure

City Manager's Comments:

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



Mark S. Watson



Date

MAJOR TRAFFIC/PEDESTRIAN/BICYCLE ENHANCEMENTS (COST GREATER THAN \$50,000)

Project Location	TYPE OF IMPROVEMENTS	JUSTIFICATION	RANKING & APPROXIMATE COST
Oak Ridge Turnpike (SR95) at Illinois Avenue (SR62)	Geometric improvements, concrete islands, ped warning signs, LED lights, pavement markings, detection bollards	Pedestrian safety improvements	High - \$100,000 - \$165,000
Oak Ridge Turnpike (SR95) at Oak Ridge High School Entrance	Possible new traffic signal at three-way intersection, all "red" ped protection	Pedestrian safety & traffic capacity improvements	High - \$100,000 - \$125,000
Melton Lake Drive Ped Crossings at Amanda Drive, Emory Valley Road & Rivers Run Boulevard	Ped beacons, ped LED warning signs, push-button detection and pavement markings	Pedestrian safety	Medium - \$65,000
South Illinois Avenue Sidewalks	Complete missing sidewalk sections between Oak Ridge Turnpike and Lafayette Drive	Pedestrian Safety	Medium - \$50,000
Providence Road/North Tulane Avenue/Pennsylvania Avenue/East Pasadena Road multi-leg Intersection	New round-about - initial engineering services for conceptual design; round-about construction	Traffic capacity and safety; pedestrian safety	Low - \$8,000 conceptual; greater than \$500,000 construction
Melton Lake Drive at Emory Valley Road	New round-about - initial engineering services for conceptual design; round-about construction	Traffic capacity and safety; pedestrian safety	Low - \$8,000 conceptual; greater than \$500,000 construction

NOTE 1: Ranking based on available funds, traffic/pedestrian counts, signal warrants, capacity analysis, vehicle crash history, etc.

NOTE 2: Many locations listed on the Oak Ridge Bicycle Pedestrian Plan

MINOR TRAFFIC/PEDESTRIAN/BICYCLE ENHANCEMENTS (COST LESS THAN \$50,000)			
PROJECT LOCATION	TYPE OF IMPROVEMENTS	JUSTIFICATION	RANKING AND APPROXIMATE COST
North Illinois Avenue at Robertsville Road	Add northbound North Illinois Avenue traffic signal protected left-turn phase	Traffic capacity and safety	High - \$5,000
Oak Ridge Turnpike (SR95) at Tyler Road/Administration Road	Pavement marking, new crosswalk, ped signal and ped push-buttons, count down timer	Pedestrian safety	High - \$10,000
Emory Valley Road - Greenway trail	Install 6" wide continuous rumble strip to separate lane from trail	Pedestrian safety/bicycle safety	High - \$4,500
Police enforcement fund	Targeted ped crossing locations	Pedestrian safety	High - \$5,000
Rutgers Avenue at Northwestern Avenue and Manhattan Avenue	Pavement markings, ped signals, ped LED warning signs, ped push-buttons, countdown timer, sidewalks	Pedestrian safety	Medium - \$40,000
Emory Valley Road at Emory Valley Center	Crosswalk, pavement markings, LED warning signs, ped push-button detection, countdown timer, sidewalks	Pedestrian safety	Medium - \$21,000
East-West bicycle route on secondary streets between ORT at Jefferson Ave. to ORT at Melton Lake Drive	Bicycle route signs and pavement markings	Establish east to west continuous bicycle route	Medium - \$15,000

NOTE 1: Ranking based on available funds, traffic/pedestrian counts, vehicle crash history, etc.

NOTE 2: Many locations listed on the Oak Ridge Bicycle Pedestrian Plan

RESOLUTION

A RESOLUTION TO AUTHORIZE APPROVAL OF EXPENDITURES FROM THE SPECIAL PROGRAMS FUND FOR TRANSPORTATION ENHANCEMENT PROJECTS TO IMPROVE TRAFFIC CAPACITY/SAFETY, SCHOOL CROSSING, AND BICYCLE/PEDESTRIAN SAFETY IMPROVEMENTS.

WHEREAS, at the direction of the City Manager, City staff prepared a list of transportation enhancement projects that will be used as a guide to implement traffic control measures and geometric improvements at identified locations in the City; and

WHEREAS, said transportation enhancement projects will improve traffic capacity/safety, school crossing, and bicycle/pedestrian safety; and

WHEREAS, the Special Programs Fund's source of revenue is dedicated from red light and speed camera violation payments; and

WHEREAS, the City Manager requests authorization from City Council to utilize the Special Programs Fund for traffic capacity/safety, school crossing, and bicycle/pedestrian safety improvements.

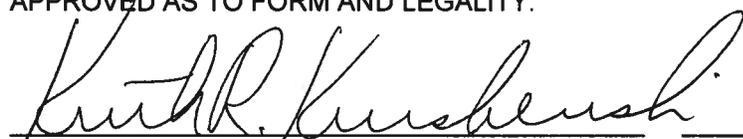
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That City Council authorizes the use of the Special Programs Fund for transportation enhancement projects for traffic capacity/safety improvements, school crossing, and bicycle/pedestrian safety improvements.

BE IT FURTHER RESOLVED that any project exceeding \$25,000.00 requires City Council approval of the contract and that further projects to be considered will be reviewed with City Council at least annually.

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

GOVERNMENT AND PUBLIC AFFAIRS MEMORANDUM
11-02

TO: Mark S. Watson
City Manager

FROM: Amy Fitzgerald, Ph.D.
Government and Public Affairs Coordinator

DATE: March 1, 2011

RE: **Resolution Authorizing Submittal of a Comment Letter to the U.S. Department of Energy (DOE) regarding two reports entitled *Draft Feasibility of Interpretation of the Manhattan Project, Oak Ridge, Tennessee (Informal Learning Experiences, Inc., December 2010)* and *K-25 Historical Preservation Alternatives: Draft Structural Evaluation (Degenkolb Engineers, December 2010)***

An item for the March 7th City Council meeting is the adoption of the attached resolution authorizing the transmittal of a comment letter on the subject reports.

In September 2010, City Council adoption Resolution 9-90-10 concurring with the U.S. Department of Energy's (DOE) "Bridge" Memorandum of Agreement (MOA), which was needed for the Oak Ridge Office (DOE ORO) to remain in compliance with the National Historic Preservation Act as the agency proceeds with decontamination, decommissioning, and demolition at ETTP. The MOA also provided additional time for the completion of a DOE-sponsored feasibility study, which was to help evaluate mitigation alternatives for interpreting the significant historic roles played by the K-25 facility. A copy of this MOA is attached for your review.

In addition to the feasibility study, DOE commissioned a structural evaluation of several historic preservation alternatives for K-25 with estimated costs. A copy of each document have been placed in Council's mailroom for reference.

The attached e-mail correspondence from DOE provides additional background and a request for comments on the documents. The deadline for comments was recently extended by approximately two weeks beyond the original 30 day period.

With these studies complete, DOE ORO intends to engage the Signatory and concurring parties for a new, final MOA regarding any mitigation measures. The new MOA will be brought back to Council for consideration.

Staff recommends adoption of the resolution.

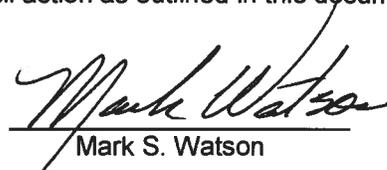


Amy S. Fitzgerald

Attachments

City Manager's Comments:

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



Mark S. Watson

3/2/2011

Date

From: Adler, David Green [mailto:AdlerDG@oro.doe.gov]

Sent: Monday, January 31, 2011 11:03 AM

To: Skip.gosling@hq.doe.gov; terry.fehner@hq.doe.gov; Fitzgerald, Amy; tmmcculloch@achp.gov; Joseph.Garrison@tn.gov; Richard.tune@tn.gov; lestokes@comcast.net; gbwilcox@aol.com; Nancy_tinker@nthp.org; betsy_merritt@nthp.org; rmurphree@denark.com; loc@icx.net; Osborne, Peter Lindsay; ckelly@atomicheritage.org; drb1@comcast.net; hightowerjr@comcast.net; angel.perkey@tn.gov; John Owsley; Steven Stout

Cc: Eschenberg, John R; Kopotic, James David; Deacon, Karen Amburn; Roger Petrie; Osborne, Peter Lindsay; Eidam, Greg R. (O98); Thornton, Sheila G.; Vasquez, Katatra C.; Hartman, Gary S; Belvin, William M

Subject: Transmittal of Feasibility Reports to Signatory and Consulting Parties

Greetings signatory and consulting parties,

Thank you for assisting the Department of Energy (DOE) in coming to a better understanding of the options available for commemoration of the K-25 Gaseous Diffusion Plant in Oak Ridge, Tennessee. As you may recall, DOE, the State Historic Preservation Office of Tennessee and the Advisory Council on Historic Preservation signed a Memorandum of Agreement (MOA) in mid-summer of 2010 that called for DOE to undertake a feasibility study to assist in evaluating various alternatives available for interpretation of K-25's significant role in American history. DOE has engaged the services of several experts (Informal Learning Experience and Degenkolb Engineers) to produce a feasibility analysis of interpretation opportunities and a structural evaluation of the K-25 building.

Informal Learning Experiences (ILE) analyzed the available options for interpretation of K-25 and the Manhattan project at large, and made several recommendations for the most appropriate and effective path forward. The scope of the ILE study was constructed as broader than the mitigation of adverse effects solely on K-25; DOE proposed the study's scope in part due to the possible future creation of a Manhattan Project National Historical Park. Notably, ILE proposed the use of a hub-and-spoke interpretation model for Oak Ridge, and discussed the benefits of preservation vs replica reconstruction where feasible. ILE specifically proposed the American Museum of Science and Energy (AMSE) as the hub of the proposed hub-and-spoke model. While AMSE might serve as an appropriate hub, DOE considers this proposal subject to the consideration of all other appropriate locations; DOE is currently considering the transfer of AMSE from DOE ownership, and has made no decisions relating to the future use of AMSE at this time.

Degenkolb Engineers studied four hypothetical alternatives for K-25 preservation, and has provided a structural evaluation of these alternatives as well as a rough cost estimate for execution. Please understand that the Degenkolb cost estimates are fairly elementary, given the numerous factors and data points yet to be considered in the implementation and execution of any of these alternatives. Also please understand these are not the only options under consideration for K-25 preservation. As you are aware, consideration has also been given to implementing "Option K", an alternative that would provide a newly created history center at the East Tennessee Technology Park.

Pursuant to the bridge MOA, DOE is now distributing the draft feasibility study and draft structural evaluation to the signatory and consulting parties for review and comment. Both DOE ORO and the DOE Federal Historic Preservation Officer have no substantive comments aside from those presented in this cover letter. DOE will welcome any comments received in the next 30 days, at which time DOE will consider all the comments received and develop a preferred mitigation plan. Upon completion of a preferred mitigation plan, DOE will schedule a consultation meeting and distribute copies of the

preferred mitigation plan, a draft MOA to implement the plan, and responses to the comments received, to all interested parties; DOE will distribute the identified copies at least two weeks before the consultation meeting.

I hope you enjoy reading and commenting on the attached documents, and DOE welcomes your continued participation in arriving at an effective and appropriate interpretation path forward for K-25. In order to facilitate the coordination of your comments on these reports, please cc Ms. Sheila Thornton on your comment transmittal.

Sincerely,
Dave Adler

"BRIDGE"
 MEMORANDUM OF AGREEMENT
 AMONG THE U.S. DEPARTMENT OF ENERGY,
 OAK RIDGE OFFICE,
 THE DEPARTMENT OF ENERGY FEDERAL PRESERVATION OFFICER,
 THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE, AND
 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
 FOR CONTINUED COMPLIANCE WITH SECTION 106 OF THE
 NATIONAL HISTORIC PRESERVATION ACT
 FOR
 SITE INTERPRETATION OF THE
 EAST TENNESSEE TECHNOLOGY PARK
 (Formerly K-25 Site)
 ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE

WHEREAS in 2005, the U.S. Department of Energy, Oak Ridge Office (DOE ORO); the DOE Federal Preservation Officer (DOE FPO); the Tennessee State Historic Preservation Officer (SHPO); and the Advisory Council on Historic Preservation (ACHP) (hereinafter collectively referred to as "the Signatories") executed a Memorandum of Agreement (hereinafter "2005 MOA") regarding site interpretation for the K-25 Building (Building U) located in the East Tennessee Technology Park (ETTP), and

WHEREAS, three stipulations of the 2005 MOA called for DOE ORO to preserve the North End Tower of the K-25 Building, salvage and preserve portions of the Roosevelt Cell, and retain the upper 10 feet of the interior walls in the legs of the "U," and

WHEREAS, by its letter of June 9, 2009, DOE ORO officially informed the Signatories and consulting parties to the 2005 MOA of its conclusion that the above three stipulations of the 2005 MOA (part of the "K-25 mitigation package") could not be achieved due to the significantly deteriorated condition of the K-25 Building and resulting worker safety issues, and thus a few stipulations of the 2005 MOA could not be fully executed. DOE informed the parties by letter of October 19, 2009, and the Tennessee SHPO concurred with this notification by letter of October 26, 2009, and

WHEREAS, Stipulations 15 b. and c. (Amendments and Termination) of the 2005 MOA called for the Signatories to consult to either amend or terminate the 2005 MOA should DOE not have been able to carry out its terms, or the other Signatories had found that the 2005 MOA was not being properly implemented, and

WHEREAS, DOE is undertaking a feasibility study pursuant to 36 CFR § 800.2(a)(3) to assist in evaluating mitigation alternatives for interpreting the significant historic roles played by the K-25 Building, and intends to engage in consultation with the Signatory and consulting parties for a new, final MOA regarding any mitigation measures, which is anticipated in the fall of 2010, and

WHEREAS, through this "Bridge MOA," the Signatory parties shall remain in compliance with their responsibilities under Section 106 of the National Historic Preservation Act (S. 106) until a final MOA for K-25 site interpretation can be executed, which is anticipated in the fall of 2010.

NOW, THEREFORE, DOE ORO, the Tennessee SHPO, and the ACHP agree that carrying out the stipulations of this Memorandum of Agreement, as well as those provisions of the 2005 MOA not specifically cited, evidences that DOE is in compliance with S.106 for ongoing decontamination, decommissioning, and demolition (D&D&D) at the East Tennessee Technology Park.

STIPULATIONS

DOE shall ensure the following measures are carried out:

1. While it develops a feasible, viable, and final K-25 mitigation package in consultation with the Signatories and consulting parties, DOE shall ensure all of the relevant stipulations of the 2005 MOA are carried out with the exception of the three identified above and described below: preserve the North End Tower of the K-25 Building, salvage and preserve portions of the Roosevelt Cell, and retain the upper 10 feet of the interior walls in the legs of the "U."
2. To address the North End Tower (2005 MOA Stipulation #1), DOE ORO will continue with its ongoing decontamination and decommissioning of the K-25 Building. While pre-demolition activities are currently underway, demolition activities that will affect the historic integrity of the North Tower will not begin before June 30, 2011. The 2005 MOA North End Stipulation 1 requires (Stipulation 1a and 1b) historic preservation of 48 compressor assemblies for 288 feet of preserved "Process Alley" length together with "railings, steps, and other original elements of the operational configuration to provide for an authentic visual representation of a typical cell floor during operational times." If no part of the K-25 Building is preserved, at least 25 compressor assemblies, railings steps, and other signage shall be removed and preserved for future interpretation.
3. To address the retention of the Roosevelt Cell (2005 MOA Stipulation #6), DOE will preserve a similar Size 2 cell, and all associated major equipment, control valves, and connecting piping, for possible future display and interpretation.
4. To address the retention of the upper 10 feet of the interior walls (2005 MOA Stipulation #3) in the legs of the "U," DOE may proceed with the D&D&D of that portion of the K-25 Building's West Wing. One or more of the alternative mitigation plans may utilize a rebuilt wall as part of the interpretation.
5. The remaining seven stipulations of the 2005 MOA are of mixed relevance today; and shall be carried out as follows:

- Stipulation 2. If no part of the original building is saved, representative Operating Floor equipment shall be saved for future interpretation.
- Stipulation 4. No matter what mitigation alternative is selected, the 44-acre footprint shall be marked at all corners. Additional measures may be identified as part of the final mitigation MOA.
- Stipulation 5. One example of each of the four sizes of diffusers and their compressors will be retained. An evaluation shall be made of the cost of proceeding now with declassifying and decontaminating these eight pieces.
- Stipulation 7. Artifacts that might be useful for interpretation of the ETTP Site history will be retained. An evaluation shall be made of the cost of decontamination of some or all of these artifacts. (Over 700 have already been catalogued, photographed and stored.)
- Stipulation 8. Portal 4, also known as K-1028-45, will be retained.
- Stipulation 9. The S-50 Boiler House Chimneys have been demolished; however, the bricks are being saved for use in an historic marker of the site.
- Stipulation 10. Oral histories have been taken from a diverse group of ETTP Site workers, transcribed, reviewed for classification, and shall be made available to the Center for Oak Ridge Oral Histories (Public Library) and for use in future interpretation of the Site.
6. The 2005 MOA, in saving the North End, preserved enough space to interpret the entire history of the ETTP Site—World War II, Cold War, and the final 20 years of supplying low enriched fuel for the world's civilian nuclear power plants and commercialization of the new centrifuge process. Although consulting party discussions in 2004/2005 of the "visitor experience" show the intention to include a Cold War "gallery," the 2005 MOA did not include a stipulation of what post-war equipment should be preserved. This shortcoming was discussed in the November 6, 2007, meeting. Regardless of what interpretation alternative is adopted, one example each of this radically improved technology, the 0, 00, and 000 converters and axial compressors with motors and one 40-foot centrifuge casing should be preserved, declassified, and, if necessary, decontaminated for future interpretation.
7. Signatory and consulting parties MOA review process:
- A. DOE shall provide the draft feasibility study and DOE ORO and DOE FPO comments on the draft feasibility study to all the Signatories and consulting parties for 30 days to review and send comments to DOE ORO.
 - B. At the end of the 30-day comment period, DOE shall consider all comments received and develop a preferred mitigation plan. DOE shall provide its preferred mitigation plan to all consulting parties, along with a written response to the comments received and how they were considered in reaching its preferred mitigation plan.
 - C. DOE shall then schedule a consultation meeting to discuss its preferred mitigation plan. The preferred mitigation plan, with draft final MOA to implement the plan, will be distributed to all at least two weeks prior to the consulting party meeting. After

this meeting, DOE shall consider all comments received in finalizing the mitigation plan. A copy of the final mitigation plan shall be appended to the final MOA.

8. Preferred Alternative

DOE's final MOA will include specific stipulations detailing a) the order of completion of DOE's final mitigation plan for interpretation; b) its commitment to seek firm funding sources for the plan's implementation provided by DOE ORO; c) timetables for completion of the final plan, including interim benchmarks with a target date for completion; and d) clear procedures for monitoring and progress tracking by the ACHP and the Tennessee SHPO of the progress of the implementation of the final mitigation plan.

9. The final MOA will be circulated for comments. If deemed necessary, a consulting party meeting will be held.

10. The final MOA will then be signed.

11. Failure to Agree

A. If, after DOE has selected a preferred alternative, any one of the Signatories do not concur that it is an appropriate mitigation selection, DOE ORO will consult with that Signatory party to resolve the disagreement. If DOE cannot obtain concurrence, DOE will seek guidance from the ACHP pursuant to 36 CFR § 800.2(b)(2). DOE will take into account ACHP comments in resolving the issue of concurrence with reference to DOE's preferred alternative.

B. The Signatories are responsible for implementing all actions under this MOA that are not subject to dispute.

12. Administrative Provisions

A. Amendments:

Any Signatory to this MOA may propose to the other Signatories that it be amended, whereupon the Signatories will consult in accordance with 36 CFR § 800.6(c)(7) to consider such an amendment.

B. Dispute resolution:

Should any Signatory to this MOA object to any action carried out or proposed by DOE with respect to the implementation of this MOA, DOE shall consult with that Signatory party to resolve the objection. If DOE after initiating such consultation determines that the objection cannot be resolved, DOE shall forward documentation relevant to the objection to the ACHP, including the DOE proposed response to the

objection. Within forty-five (45) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

1. Advise DOE that the ACHP concurs in DOE's proposed final decision, whereupon DOE shall respond accordingly;
2. Provide DOE with recommendations, which DOE shall take into account in reaching a final decision regarding its response to the objection; or
3. Notify DOE that the objection will be referred to the ACHP membership for formal comment and proceed to refer the objection and comment within forty-five (45) days. The resulting comment shall be taken into account by DOE in accordance with 36 CFR § 800.7(c)(4).

Should the ACHP not exercise one of the above options within forty-five (45) days after receipt of all pertinent documentation, DOE may assume the ACHP's concurrence in its proposed response to the objections.

DOE shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; DOE's responsibility to carry out all actions under this MOA that are not the subject of the objections shall remain unchanged.

C. Termination of Memorandum of Agreement:

Any Signatory to this MOA may terminate it by providing thirty (30) days' notice to the other parties, provided that the parties will consult during the period prior to the termination to seek agreement on amendments or other actions that will avoid termination. In the event of termination of this MOA by the SHPO, DOE shall comply with the provisions of 36 CFR § 800.6(c)(8).

D. Duration of Memorandum of Agreement:

This MOA will terminate upon the execution of the subsequent MOA projected for the fall of 2010. Before that time, DOE may consult with the other Signatories to reconsider the terms of this MOA and propose amending it in accordance with Stipulation 8.A.

Execution of this Agreement Document and implementation of its terms serve as evidence that DOE has afforded the ACHP a reasonable opportunity to comment on the undertaking and that DOE has taken into account the effects of the undertaking on historic properties.

DEPARTMENT OF ENERGY, OAK RIDGE OFFICE

By: *Gerald Boyd* Date: *6/17/10*
Agency Official for Purpose of Section 106
Manager, Oak Ridge Office

DEPARTMENT OF ENERGY, DOE HEADQUARTERS OFFICE

By: *F. Shing* Date: *6/23/10*
Federal Preservation Officer

TENNESSEE STATE HISTORIC PRESERVATION OFFICER

By: *E. Patrick McHugh* Date: *6/25/10*
State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: *Ann Smuler* Date: *6/24/10*
Executive Director
For John Fowler

CONCUR:

CITY OF OAK RIDGE

By: *Thomas Z Beeh* Date: *9/14/10*
Meyer

OAK RIDGE HERITAGE AND PRESERVATION ASSOCIATION

By: *David R Bradshaw* Date: *8-12-2010*
President

RESOLUTION

A RESOLUTION AUTHORIZING SUBMITTAL OF A COMMENT LETTER TO THE U.S. DEPARTMENT OF ENERGY (DOE) REGARDING TWO REPORTS ENTITLED DRAFT FEASIBILITY OF INTERPRETATION OF THE MANHATTAN PROJECT, OAK RIDGE, TENNESSEE (INFORMAL LEARNING EXPERIENCES, INC., DECEMBER 2010) AND K-25 HISTORICAL PRESERVATION ALTERNATIVES: DRAFT STRUCTURAL EVALUATION (DEGENKOLB ENGINEERS, DECEMBER 2010).

WHEREAS, the U.S. Department of Energy, Oak Ridge Operations Office (DOE ORO) is in the process of decontaminating, decommissioning, and demolishing the K-25 and K-27 Buildings and associated appurtenances located at the East Tennessee Technology Park (ETTP), formally known as the K-25 site, located in the City of Oak Ridge; and

WHEREAS, these buildings and associated appurtenances are eligible for inclusion in the National Register of Historic Places; and

WHEREAS, pursuant to 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (U.S.C. Part 470f) DOE ORO, the Advisory Council on Historic Preservation (ACHP), and the Tennessee State Historic Preservation Office (SHPO), (hereinafter collectively referred to as "the Signatories") have determined that the demolition of these buildings/structures at the ETTP will have an adverse effect on the historical character of these buildings/structures, as well as on the K-25 Site Main Plant Historic District and the Powerhouse Historic Districts; and

WHEREAS, the City of Oak Ridge supports the preservation of key historical artifacts from the ETTP site, and the interpretation of the significance of these facilities and the gaseous diffusion process at the American Museum of Science and Energy, the Oak Ridge Public Library and other locations within the City limits; and

WHEREAS, the City of Oak Ridge also supports the accelerated cleanup of the ETTP in order to reduce risk and to promote reindustrialization of the site for economic diversification; and

WHEREAS, in March 2005, the Signatories executed an Memorandum of Agreement (MOA) entitled *Memorandum of Agreement Among the U.S. Department of Energy Oak Ridge Operations Office, the Tennessee State Historic Preservation Office, and the Advisory Council on Historic Preservation, Pursuant to 36 CFR Part 800.6(b)(2) Regarding Site Interpretation of the East Tennessee Technology Park (ETTP) (Formerly K-25 Site) on the Oak Ridge Reservation, Roane County, Tennessee*; and

WHEREAS, pursuant to City Council Resolution 2-23-05, the City of Oak Ridge is a signatory to the MOA as a "Concurring Party," to demonstrate support for the mitigation of adverse effects on the historical character of these buildings/structures on the K-25 Site Main Plant Historic District and the Powerhouse Historic Districts, as well as support for the demolition of the remaining buildings/structures; and

WHEREAS, three stipulations of the 2005 MOA called for DOE ORO to preserve the North End Tower of the K-25 Building, salvage and preserve portions of the Roosevelt Cell, and retain the upper 10 feet of the interior walls in the legs of the "U"; and

WHEREAS, in June 2009, DOE ORO officially informed the Signatories and concurring parties to the 2005 MOA of its conclusion that the above three stipulations of the 2005 MOA could not be achieved due to the significantly deteriorated condition of the K-25 Building and resulting worker safety issues, and thus a few stipulations of the 2005 MOA could not be fully executed; and

WHEREAS, pursuant to City Council Resolution 9-90-10, the City is a signatory to a "Bridge MOA," developed so that DOE shall remain in compliance with the responsibilities under Section 106 of the National Historic Preservation Act until a final MOA for K-25 site interpretation can be executed; and

WHEREAS, DOE has recently undertaken two feasibility studies pursuant to 36 CFR § 800.2(a)(3) to assist in evaluating mitigation alternatives for interpreting the significant historic roles played by the K-25 Building, and intends to engage in consultation with the Signatory and concurring parties for a new, final MOA regarding any mitigation measures; and

WHEREAS, DOE is seeking comments on the two reports entitled *Draft Feasibility of Interpretation of the Manhattan Project, Oak Ridge, Tennessee (Informal Learning Experiences, Inc., December 2010)* and *K-25 Historical Preservation Alternatives: Draft Structural Evaluation (Degenkolb Engineers, December 2010)*; and

WHEREAS, the City Manager recommends transmittal of the attached letter entitled *City of Oak Ridge Comments on the Draft Feasibility of Interpretation of the Manhattan Project, Oak Ridge, Tennessee (Informal Learning Experiences, Inc., December 2010)* and *K-25 Historical Preservation Alternatives: Draft Structural Evaluation (Degenkolb Engineers, December 2010)* the official comments of the City of Oak Ridge.

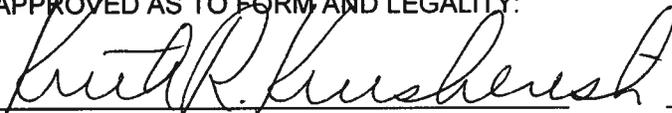
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached letter entitled *City of Oak Ridge Comments on the Draft Feasibility of Interpretation of the Manhattan Project, Oak Ridge, Tennessee (Informal Learning Experiences, Inc., December 2010)* and *K-25 Historical Preservation Alternatives: Draft Structural Evaluation (Degenkolb Engineers, December 2010)* shall be transmitted to the U.S. Department of Energy as the official comments of the City of Oak Ridge.

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

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

March 8, 2011

Mr. David G. Adler
Federal Facilities Project Manager
U.S. Department of Energy
Oak Ridge Office
P.O. Box 2001
Oak Ridge, TN 37831

City of Oak Ridge Comments on the Draft Feasibility of Interpretation of the Manhattan Project, Oak Ridge, Tennessee (Informal Learning Experiences, Inc., December 2010) and K-25 Historical Preservation Alternatives: Draft Structural Evaluation (Degenkolb Engineers, December 2010)

Dear Mr. Adler:

Thank you for the opportunity to review the recently-issued reports: *Draft Feasibility of Interpretation of the Manhattan Project, Oak Ridge, Tennessee* (Informal Learning Experiences, Inc., December 2010) and *K-25 Historical Preservation Alternatives: Draft Structural Evaluation* (Degenkolb Engineers, December 2010). With the pending release of the National Park Service's study on the Manhattan Project National Park, the reports provide valuable information on assets that could contribute to the overall interpretation of Oak Ridge's historical mission and role.

As authorized by the attached City Council resolution, please accept this letter as the official comments of the City of Oak Ridge.

Background

Since 2003, the City of Oak Ridge has been a participant as a "concurring party" in the Department of Energy's (DOE) "Section 106" process for properties located at the East Tennessee Technology Park (formerly K-25 Site). Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires DOE to take into account the effects of their undertakings on historic properties, and afford the federal Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The ACHP, in conjunction with the Tennessee State Historic Preservation Office (SHPO), are considered "consulting parties" in the Section 106 process for the ETPP.

Consultation with the ACHP and SHPO has resulted in a Memorandum of Agreement (MOA), which outlines agreed-upon measures that DOE has undertaken or will undertake to avoid, minimize, or mitigate the adverse effects of demolition of facilities at ETPP. This MOA has been modified several times, and in each instance, the City of Oak Ridge has concurred with the Parties' conclusions. Pursuant to NHPA, DOE has also sponsored extensive public involvement and numerous studies in support of its Section 106 commitment.

Due to significant deterioration of the K-25 Building and resulting worker safety issues, DOE was not able to meet three commitments made in the 2005 MOA. To support the most recent modification—the "Bridge" MOA—the City understands that DOE has engaged the services of the experts Informal Learning Experience (ILE) and Degenkolb Engineers to produce a feasibility analysis of interpretation opportunities and a structural evaluation of the K-25 building.

Comments and Recommendations

The Department of Energy has gone beyond reasonable expectations in its pursuit of a consensus decision regarding K-25 interpretation, and the City commends agency staff for their dedication to the City's and public involvement. The City has consistently supported DOE's proposed mitigation measures and efforts to preserve original artifacts.

The Section 106 process recognizes, however, that the federal agency and consulting parties may agree, in some cases, that adverse effects must be accepted in the public interest. The City believes that timely and safe completion of the cleanup at the ETPP with appropriate interpretation, along with the conversion of the site for beneficial reuse, is in the best interest of the public and the Oak Ridge community.

With that acknowledgement, the City of Oak Ridge offers the following comments and recommendations:

1. The City concurs with the ILE recommendations that interpretation at K-25 should be carefully linked to the other ORR facilities and sites, City assets, and other Manhattan Project communities. The City's Heritage Tourism Master Plan incorporates the "Hub and Spoke" concept endorsed by the ILE report.
2. The Degenkolb studies "four basic schemes or alternatives to preserve some portion of the K-25 facility" that "are somewhat arbitrary to provide four quite independent alternatives for comparable cost estimating." Cost estimates ranging from \$4 million (Scheme 3) to \$24.9 million (Scheme 1) do not include numerous additional "soft" and exhibit costs which could easily double each of the four figures. Given the nature of the K-25 project, it is difficult to evaluate the cost/benefit of the various options, particularly since these "conceptual budgets" were prepared for comparative purposes and do not reflect the total project costs.
3. In addition, two of the schemes incorporate elevator and supported platforms that would require controlled access with a single exit stairway. These schemes would require "concurrence from the local Building Official and Fire Marshall." Since City staff was not consulted in the development of the report, it is unclear whether these schemes are viable.
4. While the City continues to support whatever alternative offers the best balance between cost and providing a meaningful visitor experience, the reports do not provide enough information to determine which alternative that would be. Nor do the reports systematically address one of the key issues consistently raised by the City and the Section 106 consulting parties: who will operate and maintain the site?
5. The consulting parties should finalize the Section 106 process for the East Tennessee Technology Park by June 30, 2011 to allow for the timely and safe demolition of the remainder of the K-25 building. Further delays could seriously affect the availability of trained environmental workers and jeopardize future environmental management funding for the balance of the Oak Ridge Reservation.
6. Concurrent to finalizing the ETPP process, the consulting parties should initiate a separate Section 106 MOA process for the balance of the Oak Ridge Reservation. This process must

Unapproved Working Draft—3/1/11

proceed expeditiously in order to meet the needs of the environmental management schedule as laid out through the Integrated Facilities Disposition Program (IFDP).

7. The City desires to integrate and formalize the establishment and operation of the Center for Oak Ridge Oral History at the Oak Ridge Public Library as a stipulation of both the ETP and IFDP Section 106 Memoranda of Agreement.

We look forward to working with you through the completion of this important project. Feel free to contact Mark Watson, City Manager, at (865) 425-3550 should you have any questions.

Sincerely,

Thomas L. Beehan
Mayor

cc: Ms. Sheila Thornton

POLICE DEPARTMENT MEMORANDUM
11-01

DATE: March 1, 2011
TO: Mark S. Watson, City Manager
FROM: Alan R. Massengill, Deputy Chief of Police
SUBJECT: POLICE VEHICLE PURCHASE

An item for the agenda is a resolution authorizing the City to purchase ten Ford Crown Victoria Police Interceptor vehicles from Alexander Automotive, Murfreesboro, Tennessee.

Ford Motor Company has recently announced it will discontinue production of its Ford Crown Victoria Police Interceptor vehicle model which is currently the police cruiser most widely used by law enforcement agencies throughout the United States, including the City of Oak Ridge. Ford Motor Company has advised law enforcement agencies that despite the discontinuance of the vehicle, parts for repairs and routine maintenance will continue to be readily available and the company will continue to service the vehicles for as long as they remain in law enforcement fleets. The Taurus-based car that Ford Motor Company has selected to replace the Crown Victoria is currently still in production testing in terms of its pursuit performance capabilities, safety features available to operators, vehicle reliability, maintenance costs, fuel economy, and resale value, and is not available until next year.

The City's Police Department has numerous police vehicles in need of replacement. Continuing to utilize the Ford Crown Victoria Police Interceptor vehicles will enable the City to transfer existing police cruiser equipment from the replacement vehicles to the new vehicles, which will result in a cost savings. It is anticipated that purchasing ten new vehicles now will result in the Police Department not needing any replacement police cruisers until FY2013.

Alexander Automotive, Murfreesboro, has offered to order and hold ten Ford Crown Victoria Police Interceptor vehicles for the City at a purchase price which is below the state contract amount. Alexander Automotive is offering the vehicles at a cost of \$23,114.00 each and the state contract is \$25,082.00 each. The cost savings is \$19,680.00 total for all ten vehicles. The deadline for ordering these vehicles was February 28, 2011, and based on our past relationship with the company as a responsible bidder, Alexander Automotive has ordered and held these vehicles for the City with the knowledge that Council approval is required for the purchase.

Due to the cost savings and lack of availability of the Ford Crown Victoria Police Interceptor vehicle from any other source at this time, the City requests Council waive the City's bidding process and authorize a purchase of the vehicles from Alexander Automotive. Waiver of the bid process requires unanimous approval.

Staff recommends approval of the attached resolution.


Alan R. Massengill

City Manager's Comments:

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

Mark S. Watson 3/2/2011
Mark S. Watson Date

RESOLUTION

A RESOLUTION WAIVING THE COMPETITIVE BID PROCESS AND AUTHORIZING THE PURCHASE OF TEN (10) FORD CROWN VICTORIA POLICE INTERCEPTOR VEHICLES FROM ALEXANDER AUTOMOTIVE, MURFREESBORO, TENNESSEE, FOR USE BY THE OAK RIDGE POLICE DEPARTMENT, IN THE ESTIMATED AMOUNT OF \$231,140.00.

WHEREAS, the City's Police Department, like a majority of law enforcement agencies nationwide, uses the Ford Crown Victoria Police Interceptor vehicle as the police cruiser; and

WHEREAS, Ford Motor Company has announced the discontinuance of the Crown Victoria Police Interceptor vehicle; however, Ford Motor Company will continue to service the vehicle for as long as it remains in law enforcement fleets; and

WHEREAS, the Police Department is in need of ten (10) replacement patrol vehicles, and

WHEREAS, the last day to order Ford Crown Victoria Police Interceptor vehicles was February 28, 2011; and

WHEREAS, due to our past relationship with the company as a responsible bidder, Alexander Automotive, Murfreesboro, Tennessee, has ordered and held ten (10) Ford Crown Victoria Police Interceptor vehicles for the City knowing that Council approval is required for the purchase to be final; and

WHEREAS, Alexander Automotive has offered the vehicles at a price below the state contract price, for a total savings of \$19,680.00 for all ten vehicles; and

WHEREAS, by purchasing the Ford Crown Victoria Police Interceptor vehicle, the City will be able to utilize existing equipment from the replacement vehicles on the new vehicles, which will result in an additional cost savings; and

WHEREAS, the City Manager recommends the competitive bid process be waived and recommends acceptance of the price offered by Alexander Automotive for the purchase of ten (10) Ford Crown Victoria Police Interceptor vehicles.

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

That the competitive bid process is hereby waived and the recommendation of the City Manager is approved and award hereby is made to Alexander Automotive, 1550 N.W. Broad Street, Murfreesboro, Tennessee 37129, for the furnishing of ten (10) Ford Crown Victoria Police Interceptor vehicles in the estimated amount of \$231,140.00.

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

CITY COUNCIL MEMORANDUM
11-14

DATE: March 2, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: REVOCATION OF 2003 TAX ABATEMENTS ON OAK RIDGE MALL

An item on the agenda for City Council's consideration is a resolution repealing Resolution 12-133-03, which authorized the Oak Ridge Industrial Development Board to negotiate and accept payments in lieu of ad valorem tax from Oak Ridge City Center, LLC, with respect to the retail shopping area known as the Oak Ridge Mall.

Background:

Resolution Number 12-133-03, passed by the Oak Ridge City Council on December 1, 2003 involved an incentive or tax abatement for the purpose of encouraging improvements and additional retail space to the Oak Ridge Mall. Since 2003, visible progress has been limited. In December 2010, a flurry of activity indicated that the completion of approvals by JC Penney and other stores had occurred. New sign approvals had been taken to city boards and were granted approval. New schematics were shown to City officials as to plans for additional retail space. Demolition of portions of the existing Mall was to occur in January 2011 during low activity retail seasons.

In October 2010, the City Council of Oak Ridge adopted a new tax abatement policy for industrial and commercial property, including retail. This policy would typically provide new incentives and was coordinated with the recommendations of the Industrial Development Board. Incentives would be substantially different from the City's prior action dating back to 2003.

At this time, the Oak Ridge Mall has expressed verbal intent that the existing agreement is not satisfactory and is insufficient. Further, additional financial abatements and incentives would be required by the company. The City would need to re-negotiate the existing agreement and bring to the City Council for modification. Per policy, the City would also need to utilize the recently adopted policy as a guide for incentives for purposes of real property investment and creation of new jobs for residents. Said policies are also coordinated with Anderson County.

As we are required to follow policy guidelines, it is recommended that the Tax Abatements as defined by City of Oak Ridge Resolution 12-133-03 or as amended in subsequent extensions be revoked in its entirety and that future considerations be developed with the adopted October 2010 process and application through the Industrial Development Board.

Please note that the City of Oak Ridge supports private sector, free market system development of commercial property, including the re-investment in the land currently occupied by the Oak Ridge Mall. The community is open to discuss any and all activities that will progressively move our community forward. At this time, however, the Oak Ridge Mall has not proceeded forward in recent years despite \$5M in environmental grants obtained by former Congressman Zach Wamp or sale of property to willing investors.

Approval of the attached resolution is recommended.



Mark S. Watson

Attachments

A RESOLUTION AUTHORIZING THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE, TENNESSEE TO NEGOTIATE AND ACCEPT FROM OAK RIDGE CITY CENTER, LLC PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO THE RETAIL SHOPPING AREA PRESENTLY KNOWN AS THE OAK RIDGE MALL IN THE CITY OF OAK RIDGE, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION 7-53-305.

WHEREAS, the City Council (the "Governing Body") of the City of Oak Ridge, Tennessee (the "Municipality") has met pursuant to proper notice; and

WHEREAS, the Governing Body had previously authorized the incorporation of The Industrial Development Board of the City of Oak Ridge, Tennessee (the "Board") as an industrial development board duly organized and existing under the provisions of Title 53 of Chapter 7, Tennessee Code Annotated (the "Act"); and

WHEREAS, Oak Ridge City Center, LLC (the "Company") has requested the Board to take ownership of the retail shopping area presently know as the Oak Ridge Mall, which is a project that is eligible to be owned by the Board under the Act and which is located in the Municipality (the "Project"); and

WHEREAS, as a part of such discussions, the Company has requested that the Board lease the Project to the Company under an arrangement whereby the Company will make payments in lieu of ad valorem taxes; and

WHEREAS, upon the acquisition of the Project by the Board and the lease of the Project to the Company, the Company intends to redevelop the Project as freestanding retail shopping facilities by demolishing certain buildings, rehabilitating certain buildings and constructing certain buildings; and

WHEREAS, Tennessee Code Annotated Section 7-53-305(b) authorizes the Governing Body to delegate to the Board the authority to negotiate and accept from the lessees of the Board payments in lieu of ad valorem taxes upon the finding that such payments are deemed to be in furtherance of the public purposes of the Board as defined in that Code Section; and

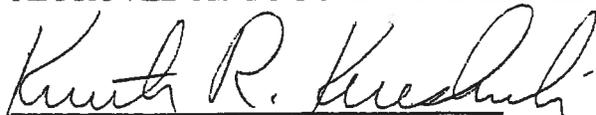
WHEREAS, the redevelopment of the Project would enhance employment opportunities in the City of Oak Ridge, Tennessee and would generate additional sales tax revenues and other revenues for the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Ridge, Tennessee, as follows:

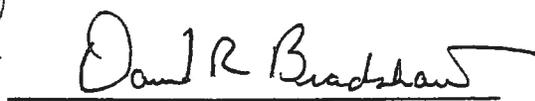
1. The Governing Body hereby finds that the negotiation and acceptance by the Board from the Company of payments in lieu of ad valorem taxes consistent with this resolution are deemed to be in furtherance of the public purposes of the Board as defined in Tennessee Code Annotated Section 7-53-305, and the City hereby delegates to the Board the authority to negotiate and accept such payments in lieu of ad valorem taxes from the Company.
2. The delegation to the Board contained in Section 1 shall be conditioned upon the agreement between the Board and the Company with respect to payments in lieu of ad valorem taxes containing the agreements of the Company listed on Exhibit A hereto.
3. The Board's agreement with the Company concerning payments in lieu of ad valorem taxes may provide that any ad valorem taxes paid by the Company to any taxing jurisdiction with respect to its leasehold interest in the Project shall constitute a credit against the payments in lieu of ad valorem taxes due such taxing jurisdiction.
4. The Board's agreement with the Company concerning payments in lieu of ad valorem taxes may contain such administrative provisions not inconsistent with this resolution as the Board deems appropriate.
5. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

This the 1st day of December 2003.

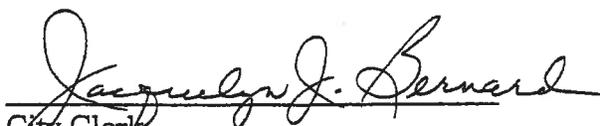
APPROVED AS TO FORM AND LEGALITY:



City Attorney



Mayor



City Clerk

EXHIBIT A

The Industrial Development Board of the City of Oak Ridge, Tennessee (the "Board") Oak Ridge City Center, LLC Conditions to Agreement

The agreement between the Board and the Company with respect to payments in lieu of taxes shall contain such agreements and covenants of the Company as the Board may request but such agreement shall, at a minimum, contain the following agreements of the Company:

(1) The Company will agree to make payments in lieu of taxes with respect to the Project to the Board equal to the sum of the following amounts:

- (i) a payment of \$85,000 per year to be paid to the Municipality;
- (ii) a payment of \$90,000 per year to be paid to Anderson County; and
- (iii) Such amount that is necessary and will be used by the Board to service the principal and interest on the bond or bonds described in paragraph (3) below (the "Bond") as and when they become due.

(2) The Company will agree to submit monthly construction reports to the Board detailing the expenditures made with respect to the Project in such month, and the Company shall agree that the Board or its designee may audit the expenditures made by the Company with respect to the Project to verify compliance with the Company's agreements.

(3) The Company will agree not to request the Board to issue a bond or bonds the debt service on which is payable from the payments in lieu of taxes in a principal amount in excess of \$5,000,000 or with a final maturity later than 13 years from the date of issuance of such bond or bonds. The payments payable to the Municipality and Anderson County described above in paragraph (1)(i) and (ii) shall not be used to pay debt service on any such bond or bonds.

(4) The Company will agree to make not less than \$10,000,000 in capital expenditures with respect to the redevelopment of the Project from private funds, which in any event shall not include the proceeds of any bond or bonds issued by the Board.

(5) The Company shall agree that the Bond shall be prepayable at the option of and from funds provided by the Municipality (or other governmental authority) to the Board at any time after five years from the completion of the redevelopment of the Project.

(6) As a condition to the issuance of the Bond, the Company will provide to the Board signed leases from retail tenants satisfactory to the Board that do not presently have retail locations in Anderson County for not less than 50,000 square feet of the space, provided that, an expansion of an existing retail location may count against such square footage requirement.

(7) The Company shall agree that its redevelopment of the Project Site shall be consistent with its plans for a Planned Unit Development (the "PUD") and consistent with the character and concept of the Preliminary Master Development Plan in accordance with the provisions of the PUD previously approved by the Governing Body and that the Company shall make no material change to the character and concept of the Preliminary Master Development Plan without obtaining the prior approval of the Governing Body.

RESOLUTION

A RESOLUTION TO REPEAL RESOLUTION 12-133-03 WHICH AUTHORIZED THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE, TENNESSEE, TO NEGOTIATE AND ACCEPT PAYMENTS IN LIEU OF AD VALOREM TAX FROM OAK RIDGE CITY CENTER, LLC, WITH RESPECT TO THE RETAIL SHOPPING AREA KNOWN AS THE OAK RIDGE MALL.

WHEREAS, on December 1, 2003, City Council approved Resolution 12-133-03 authorizing the Industrial Development Board of the City Oak Ridge, Tennessee (IDB), to negotiate and accept from Oak Ridge City Center, LLC, payments in lieu of ad valorem tax with respect to the retail shopping area presently known as the Oak Ridge Mall in the City of Oak Ridge, Tennessee; and

WHEREAS, since 2003, visible progress on the Oak Ridge Mall has been limited; and

WHEREAS, the Oak Ridge Mall has verbally expressed that the existing financial incentives given by the IDB under the authority of Resolution 12-133-03 are insufficient and not satisfactory, and that additional financial abatements and incentives are needed; and

WHEREAS, on October 12, 2010, City Council approved Resolution 10-99-10 approving the 2010 PILOT Reauthorization documents for use by the IDB as a guideline for tax abatements and payments in lieu of taxes for qualifying entities in Oak Ridge through December 31, 2013; and

WHEREAS, any new financial incentives for the Oak Ridge Mall must be governed by the 2010 PILOT Reauthorization documents; and

WHEREAS, the City Manager recommends the repeal of Resolution 12-133-03 and any future considerations for financial incentives for the Oak Ridge Mall be conducted by the IDB under the 2010 PILOT Reauthorization documents approved by Resolution 10-99-10.

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 Resolution 12-133-03 is hereby repealed and any future financial incentive requests for the Oak Ridge Mall be conducted by the Industrial Development Board of the City Oak Ridge, Tennessee, under the 2010 PILOT Reauthorization documents approved by Resolution 10-99-10.

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

This the 7th day of March 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ADMINISTRATIVE SERVICES MEMORANDUM
103-11

DATE: February 28, 2011

TO: Mark S. Watson, City Manager

FROM: Steven W. Jenkins, Deputy City Manager

SUBJECT: Series 2001 Debt Refunding – Roane State Funding

The City has an opportunity to refund (refinance) outstanding debt in the amount of \$7,470,000 on the City's series 2001 debt. The estimated net present value benefit from the proposed refinancing ranges from \$375,000 to \$400,000. The estimates are based on today's market conditions and will vary slightly when the bonds are sold. The actual benefit will primarily depend on interest rates at the time of the sale. The estimated savings are net of any costs for issuance of the refinanced bonds. Due to the call features on the current bonds, refinancing could not be done in an effective manner prior to April 1, 2011.

The current outstanding bonds have an average coupon rate (interest rate) of 5% and will be retired on April 1, 2015. The refunded debt is anticipated to have an average coupon rate of slightly below 1.5%. The new debt will be structured to capture the majority of the savings in FY 2012. Under this structure the debt will still be fully retired on April 1, 2015. The savings from this refinancing are not included in the budget projections for debt service payments and therefore is available for use. It should be noted that it would have been difficult to predict that interest rates would remain this low during last year's budget deliberations. A copy of the refunding analysis that provides more detail is attached.

Structuring the refunding in the manner described above is recommended as it will allow the City to provide a significant portion of the Roane State request (attached) for \$500,000. As Council is aware, Roane State has requested funding from the City for facility construction much earlier than originally proposed. Using the savings from the refinancing will allow the City to meet Roane State's new timetable without requiring the issuance of additional debt or impacting the current tax rate. The balance of Roane State's funding will not be required until FY 2013 and can be discussed during budget deliberations over the next 2 years.

A request for approval of the refunding has been submitted to the State and we anticipate approval by the State prior to the March 7, 2011 meeting. The fees for this issue will be between 1.5% and 2.0% of the principal and provide for legal council, rating agency fees, underwriting costs, printing and duplicating, and bond advisor fees.

Representatives from Morgan Keegan, the City's financial advisor will be available at the City Council meeting to answer questions.

Staff recommends approval of the attached resolution.


Steven W. Jenkins

Attachments

City Manager's Comments:

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


Mark S. Watson

2/28/2011
Date

CITY OF OAK RIDGE



Office of the City Manager

POST OFFICE BOX 1 • OAK RIDGE, TENNESSEE 37831-0001

February 14, 2011

Ms. Mary-Margaret Collier
Director
Division of State and Local Finance
1600 James K. Polk Office Building
505 Deaderick Street
Nashville, Tennessee 37243-0273

Dear Ms. Collier:

City of Oak Ridge, Tennessee

Please find enclosed for your consideration a report titled "Preliminary Refunding Analysis" dated February 14, 2010. This report is being delivered to you in order to comply with Section 1001, et seq., of Tennessee Code Annotated 9-21. The City has previously sold the following bond issue:

\$22,480,000 General Obligation Refunding Bonds, Series 2001, dated April 10, 2001 (the "Series 2001 Bonds"). The Series 2001 Bonds are subject to redemption without penalty on April 1, 2011 with 30 days' notice at 100% of par.

The enclosed Refunding Analysis outlines the projected structure and savings based upon current market conditions. To maximize flexibility, the City's bond resolution will be drafted to authorize the refunding of all or any portion of the Series 2001 Bonds.

The Series 2001 Bonds being refunded will be restructured to free up debt service capacity to help the City fund an already pledged donation to Roane State Community College for a proposed campus expansion.

The Oak Ridge City Council is scheduled to meet in regular session on Monday, March 7, 2011, at 7:00 p.m., EST, to discuss the refunding plan and other documents related to this refinancing plan. In that regard, we appreciate you delivering your report to the City on or before March 7, 2011.

If you have any questions or need any additional information with respect to this financing, please do not hesitate to contact us.

Sincerely,

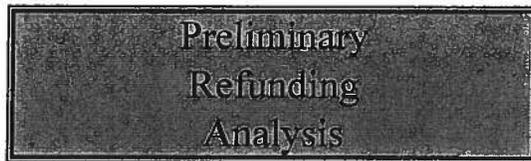
A handwritten signature in black ink that reads "Mark S. Watson".

Mark S. Watson
City Manager

Attachment

cc: Chris Bessler - Morgan Keegan

CITY OF OAK RIDGE, TENNESSEE



February 14, 2010

Prepared By:

MORGAN KEEGAN & COMPANY, INC.

Investment Bankers

11400 Parkside Drive, STE 110

Knoxville, Tennessee 37934

Telephone: (865) 777-5840

Facsimile: (865) 777-5836

\$22,480,000
City of Oak Ridge, Tennessee
 General Obligation Refunding Bonds, Series 2001

Debt Service To Maturity And To Call

Date	Refunded Bonds	D/S To Call	Principal	Coupon	Interest	Refunded D/S
04/01/2011	7,470,000.00	7,470,000.00	-	-	-	-
04/01/2012	-	-	2,740,000.00	5.000%	373,500.00	3,113,500.00
04/01/2013	-	-	2,475,000.00	5.000%	236,500.00	2,711,500.00
04/01/2014	-	-	1,960,000.00	5.000%	112,750.00	2,072,750.00
04/01/2015	-	-	295,000.00	5.000%	14,750.00	309,750.00
Total	\$7,470,000.00	\$7,470,000.00	\$7,470,000.00	-	\$737,500.00	\$8,207,500.00

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation.....	4/01/2011
Average Life.....	1.975 Years
Average Coupon.....	5.0000000%
Weighted Average Maturity (Par Basis).....	1.975 Years

Refunding Bond Information

Refunding Dated Date.....	4/01/2011
Refunding Delivery Date.....	4/01/2011

\$7,590,000
City of Oak Ridge, Tennessee
General Obligation Refunding Bonds, Series 2011

Estimated Savings Analysis

Date	Principal	Coupon	Interest	Total P+I	Refunded D/S	Savings
04/01/2011	-	-	-	-	-	-
04/01/2012	2,625,000.00	0.900%	98,837.50	2,723,837.50	3,113,500.00	389,662.50
04/01/2013	2,635,000.00	1.250%	75,212.50	2,710,212.50	2,711,500.00	1,287.50
04/01/2014	2,030,000.00	1.750%	42,275.00	2,072,275.00	2,072,750.00	475.00
04/01/2015	300,000.00	2.250%	6,750.00	306,750.00	309,750.00	3,000.00
Total	\$7,590,000.00	-	\$223,075.00	\$7,813,075.00	\$8,207,500.00	\$394,425.00

Present Value Assumptions

Net Present Value Benefit.....	\$390,386.38
Net PV Benefit / \$7,470,000 Refunded Principal.....	5.226%

Date And Term Structure

Dated.....	4/01/2011
First Coupon Date.....	10/01/2011
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	4/01/2012

Yield Statistics

Bond Yield for Arbitrage Purposes.....	1.4666189%
Average Coupon.....	1.4690484%
Average Life.....	2.001 Years
Bond Year Dollars.....	\$15,185.00

\$7,590,000
City of Oak Ridge, Tennessee
General Obligation Refunding Bonds, Series 2011

Sources & Uses

Dated 04/01/2011 | Delivered 04/01/2011

Sources Of Funds

Par Amount of Bonds..... \$7,590,000.00

Total Sources..... \$7,590,000.00

Uses Of Funds

Total Underwriter's Discount - (Bonds would be Awarded to the Lowest Bidder - This is an Estimated Fee)..... 37,950.00

Costs of Issuance..... 82,050.00

Deposit to Current Refunding Fund..... 7,470,000.00

Total Uses..... \$7,590,000.00

\$7,590,000
City of Oak Ridge, Tennessee
General Obligation Refunding Bonds, Series 2011

Detail Costs Of Issuance

Dated 04/01/2011 | Delivered 04/01/2011

COSTS OF ISSUANCE DETAIL

Financial Advisor.....	\$37,950.00
Bond Counsel.....	\$17,500.00
Trustee & Counsel Fees.....	\$750.00
Rating Agency Fee.....	\$14,500.00
POS/Official Statement.....	\$5,000.00
Advertising.....	\$1,400.00
Miscellaneous.....	\$4,950.00
TOTAL.....	\$82,050.00



Roane State

COMMUNITY COLLEGE

276 Patton Lane Harriman, TN 37748-5011
(865) 354-3000 ext. 4501 Fax (865) 882-4601

Office of the President

December 1, 2010

Mark Watson, City Manager
P.O. Box 1
Oak Ridge, TN 37830

Dear Mr. Watson

In May 2009 the Oak Ridge City Council passed a resolution to support the expansion of the Roane State Oak Ridge Branch Campus in the amount of \$500,000. The resolution stated:

- The City's contribution is contingent upon Roane State receiving \$20 million in grant funding from the State of Tennessee by June 30, 2011 for the proposed expansion of the Oak Ridge campus; and
- The City's contribution will be paid, provided all conditions are met, in three equal installments over a three-year period, with each payment being made approximately twelve months apart, the first payment to be made approximately July of 2011.

Since this resolution passed, the State of Tennessee received approximately \$86 million in stimulus funds to help with capital projects for community colleges. The Tennessee Board of Regents offered matching funds of \$9 million to Roane State, the maximum match available to a community college. Combined with the \$2.5 million the college raised thanks to the generous support of the City of Oak Ridge, Anderson County and the Oak Ridge community, Roane State is ready to move forward with adding a much-needed \$11.5 million, 43,000-square-foot building to the campus. Roane State was one of only five community colleges recommended to receive the maximum match of \$9 million and was among 11 community colleges recommended to receive matching funds for capital projects.

Roane State Community College must have all of the pledges in hand by September 2011. At that time all funds will be turned over to the Tennessee Board of Regents so that bids can be posted and construction can begin. With this requirement, Roane State Community College respectfully requests:

- The City of Oak Ridge honor their pledge even though the State of Tennessee contribution to the project will be \$9 million; and
- The City's contribution be paid in full in September 2011.

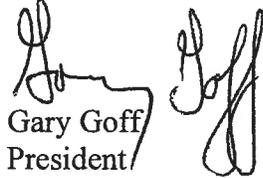
Serving the counties of

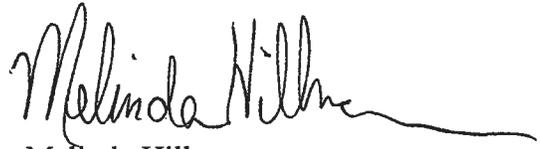
Roane ♦ Anderson ♦ Campbell ♦ Cumberland ♦ Fentress ♦ Loudon ♦ Morgan ♦ Scott
(Knox and Blount for Health Sciences)

Page 2
December 1, 2010

Roane State and the City of Oak Ridge have enjoyed a long and mutually beneficial relationship over the last 20 years and the college looks forward to taking the next step in expanding our ability to deliver quality higher education to the citizens of Oak Ridge.

Very respectfully,


Gary Goff
President


Melinda Hillman
VP Oak Ridge Campus

RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED SEVEN MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$7,750,000) OF THE CITY OF OAK RIDGE, TENNESSEE; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS; ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS.

WHEREAS, the City of Oak Ridge, Tennessee (the "Municipality") is duly incorporated pursuant to Sections 6-30-101 et seq., Tennessee Code Annotated, as amended; and

WHEREAS, pursuant to authority granted by Sections 9-21-101, et seq., Tennessee Code Annotated, as amended, the Municipality has issued its outstanding General Obligation Refunding Bonds, Series 2001, dated April 10, 2001, maturing April 1, 2012 and thereafter (the "Outstanding Bonds"); and

WHEREAS, the Outstanding Bonds, or a portion thereof, as shall be determined by the Mayor, in consultation with the Finance Director of the City, can now be refinanced at a lower interest cost, thereby effecting a cost savings to the public; and

WHEREAS, municipalities in Tennessee are authorized by Section 9-21-101 et seq., Tennessee Code Annotated, as amended, to issue, by resolution, bonds to refund, redeem or make principal and interest payments on their previously issued bonds, notes or other obligations; and

WHEREAS, the City Council of the Municipality (the "Governing Body") has heretofore determined that in order to provide the funds necessary to accomplish said refunding of the Outstanding Bonds, it is necessary to issue general obligation bonds of the Municipality; and

WHEREAS, the plan of refunding for the Outstanding Bonds has been submitted to the State Director of State and Local Finance (the "State Director") as required by Section 9-21-903, Tennessee Code Annotated, as amended, and she has acknowledged receipt thereof to the Municipality and submitted his report thereon to the Municipality; and

WHEREAS, it is the intention of the Governing Body to adopt this resolution for the purpose of authorizing not to exceed \$7,750,000 in aggregate principal amount of said bonds, in book-entry only form, providing for the issuance, sale and payment of said bonds, establishing the terms thereof and the disposition of proceeds therefrom and providing for the levy of a tax for the payment of principal thereof, premium, if any, and interest thereon.

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

SECTION 1. Authority. The bonds authorized by this resolution are issued pursuant to Sections 9-21-101, et seq., Tennessee Code Annotated, as amended, and other applicable provisions of law.

SECTION 2. Definitions. The following terms shall have the following meanings in this resolution unless the text expressly or by necessary implication requires otherwise:

(a) "Bonds" means not to exceed \$7,750,000 General Obligation Refunding Bonds, Series 2011 of the Municipality, to be dated the date of their issuance, or such other date as shall be determined by the Mayor pursuant to Section 8 hereof;

(b) "Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical bond certificates in fully registered form are issued to a Depository, or to its nominee as Registered Owner, with the certificate of bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the Municipality or the Registration Agent, constitute the written record that identifies, and records the transfer of, the beneficial "book-entry" interests in those bonds;

(c) "Code" shall mean the Internal Revenue Code of 1986, as amended, and all regulations promulgated thereunder;

(d) "Depository" means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to, DTC;

(e) "DTC" means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns;

(f) "DTC Participant(s)" means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC System;

(g) "Escrow Agent" means the escrow agent, under the Refunding Escrow Agreement, if any, to be designated by the Mayor or the City Manager of the Municipality, or its successor;

(h) "Governing Body" means the City Council of the Municipality;

(i) "Municipality" shall mean City of Oak Ridge, Tennessee;

(j) "Outstanding Bonds" means maturities designated by the Mayor, in consultation with the Finance Director of the City, which achieve cost savings objectives of the Municipality of the Municipality's outstanding General Obligation Refunding Bonds, Series 2001, dated April 10, 2001, maturing April 1, 2012 and thereafter;

(k) "Refunding Escrow Agreement" shall mean the Refunding Escrow Agreement, dated as of the date of the Bonds, that may be entered into by and between the Municipality and the Escrow Agent pursuant to Section 11 hereof; and

(l) "Registration Agent" means the registration and paying agent for the Bonds appointed by the City Manager of the Municipality pursuant to Section 3 hereof, as the registration and paying agent for the Bonds, or any successor designated by the Governing Body.

SECTION 3. Findings of the Governing Body. It is hereby found and determined by the Governing Body that the refunding of the Outstanding Bonds through the issuance of the Bonds will result in the reduction in debt service payable by the Municipality over the term of the Outstanding Bonds thereby effecting a cost savings to the public.

SECTION 4. Authorization and Terms of the Bonds.

(a) For the purpose of providing funds to refund all or a portion of the Outstanding Bonds and to pay the costs incident to the issuance and sale of the Bonds, as more fully set forth in Section 9 hereof, there are hereby authorized to be issued general obligation refunding bonds of the Municipality in the aggregate principal amount of not to exceed \$7,750,000. The Bonds shall be issued in fully registered, book-entry only form, without coupons, shall be known as "General Obligation Refunding Bonds, Series 2011" and shall be dated the date of their issuance, or such other dated date as shall be determined by the Mayor pursuant to Section 8 hereof. The true interest rate on the Bonds shall not exceed five percent (5.00%) per annum. Subject to the adjustments permitted pursuant to Section 8 hereof, interest on the Bonds shall be payable semi-annually on April 1 and October 1 in each year, commencing October 1, 2011. The Bonds shall be issued initially in \$5,000 denominations or integral multiples thereof, and shall mature, either serially or through mandatory redemption, commencing no later than April 1, 2012 and continuing on the first day of April of each year thereafter through and including April 1, 2015, the final maturity date (subject to the adjustments permitted pursuant to Section 8 hereof) in such amounts as shall be established by the Mayor in accordance with Section 8 hereof pursuant to the certificate awarding the sale of the Bonds to the successful bidder.

(b) Subject to the adjustments permitted under Section 8 hereof, the Bonds shall mature without option of prior redemption.

If the Bonds are subject to redemption and less than all the Bonds of a series shall be called for redemption, the maturities to be redeemed shall be selected by the Governing Body in its discretion. If less than all of the Bonds within a single maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

(c) Pursuant to Section 8 hereof, the Mayor, in consultation with the Finance Director of the Municipality (the "Finance Director") is authorized to sell the Bonds, or any maturities thereof, as term bonds with mandatory redemption requirements corresponding to the maturities set forth herein or as determined by the Mayor. In the event any or all the Bonds are sold as term bonds, the Municipality shall redeem term bonds on redemption dates corresponding to the maturity dates permitted herein, in aggregate principal amounts equal to the maturity amounts established pursuant to Section 8 hereof for each redemption date, as such maturity amounts may be adjusted pursuant to Section 8 hereof, at a price of par plus accrued interest thereon to the date of redemption. The term bonds to be redeemed within a single maturity shall be selected in the manner described in subsection (b) above.

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such mandatory redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

(d) Notice of call for redemption, whether optional or mandatory, shall be given by the Registration Agent on behalf of the Municipality not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Bonds for which proper notice was given. As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant or Beneficial Owner will not affect the validity of such redemption. The Registration Agent shall mail said notices as and when directed by the Municipality pursuant to written instructions from an authorized representative of the Municipality (other than for a mandatory sinking fund redemption, notices of which shall be given on the dates provided herein) given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein.

(e) The Mayor or the City Manager of the City (the "City Manager") is hereby authorized to appoint the Registration Agent, and such Registration Agent is hereby authorized and directed to maintain Bond registration records with respect to the Bonds, to authenticate and deliver the Bonds as provided herein, either at original issuance or upon transfer, to effect transfers of the Bonds, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Bonds as provided herein, to cancel and destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the Municipality at least annually a certificate of destruction with respect to Bonds canceled and destroyed, and to furnish the Municipality at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds. The Mayor is hereby authorized to execute and the City Clerk is hereby authorized to attest such written agreement between the Municipality and the Registration Agent as they shall deem necessary and proper with respect to the obligations, duties and rights of the Registration Agent. The payment of all reasonable fees and expenses of the Registration Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

(f) The Bonds shall be payable, both principal and interest, in lawful money of the United States of America at the main office of the Registration Agent. The Registration Agent shall make all interest payments with respect to the Bonds by check or draft on each interest payment date directly to the registered owners as shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by depositing said payment in the United States mail, postage prepaid, addressed to such owners at their addresses shown on said Bond registration records, without, except for final payment, the presentation or surrender of such registered Bonds, and all such payments shall discharge the obligations of the Municipality in respect of such Bonds to the extent of the payments so made. Payment of principal of and premium, if any, on the Bonds shall be made upon presentation and surrender of such Bonds to the Registration Agent as the same shall become due and payable. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each. In the event the Bonds are no longer registered in the name of DTC, or a successor Depository, if requested by the Owner of at least \$1,000,000 in aggregate principal amount of the Bonds, payment of interest on such Bonds shall be paid by wire transfer to a bank within the continental United States or deposited to a designated account if such account is maintained with the Registration Agent and written notice of any such election and designated account is given to the Registration Agent prior to the record date.

(g) Any interest on any Bond that is payable but is not punctually paid or duly provided for on any interest payment date (hereinafter "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid by the Municipality to the persons in whose names the Bonds are registered at the close of business on a date (the "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner: the Municipality shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment, and at the same time the Municipality shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which Date shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment to the registered owners. The Registration Agent shall promptly notify the Municipality of such Special Record Date and, in the name and at the expense of the Municipality, not less than ten (10) days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner at the address thereof as it appears in the Bond registration records maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Bonds shall impair any statutory or other rights in law or in equity of any registered owner arising as a result of the failure of the Municipality to punctually pay or duly provide for the payment of principal of, premium, if any, and interest on the Bonds when due.

(h) The Bonds are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Bond(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Bond(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Bond(s) in such form and with such documentation, if any, the Registration Agent shall issue a new Bond or the Bond to the assignee(s) in \$5,000 denominations, or integral multiples

thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the publication of notice calling such Bond for redemption has been made, nor to transfer or exchange any Bond during the period following the receipt of instructions from the Municipality to call such Bond for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Bond, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bonds shall be overdue. The Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in any authorized denomination or denominations.

(i) The Bonds shall be executed in such manner as may be prescribed by applicable law, in the name, and on behalf, of the Municipality with the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk.

(j) Except as otherwise provided in this resolution, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. References in this Section to a Bond or the Bonds shall be construed to mean the Bond or the Bonds that are held under the Book-Entry System. One Bond for each maturity shall be issued to DTC and immobilized in its custody. A Book-Entry System shall be employed, evidencing ownership of the Bonds in authorized denominations, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Bonds. Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. The holders of these beneficial ownership interests are hereinafter referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Bonds representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Bonds. Transfers of ownership interests in the Bonds shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. **SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE BONDS, THE REGISTRATION AGENT SHALL TREAT CEDE & CO., AS THE ONLY HOLDER OF THE BONDS FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRATION AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS RESOLUTION.**

Payments of principal, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid by the Registration Agent directly to DTC or its nominee, Cede & Co. as provided in the Letter of Representation relating to the Bonds from the Municipality and the Registration Agent to DTC (the "Letter of Representation"). DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. The Municipality and the Registration Agent shall not be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) to the extent permitted by the rules of DTC, the Municipality determines that the continuation of the Book-Entry System of evidence and transfer of ownership of the Bonds would adversely affect their interests or the interests of the Beneficial Owners of the Bonds, the Municipality shall discontinue the Book-Entry System with DTC. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner.

THE MUNICIPALITY AND THE REGISTRATION AGENT SHALL NOT HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY DTC PARTICIPANT OR ANY BENEFICIAL OWNER WITH RESPECT TO (i) THE BONDS; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS, (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC, OR ITS NOMINEE, CEDE & CO., AS OWNER.

(k) The Registration Agent is hereby authorized to take such action as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by DTC (or any of its designees identified to the Registration Agent) by overnight delivery, courier service, telegram, teletype or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the owners of the Bonds, provided, however, that the Registration Agent shall not be liable with respect to any such arrangements it may make pursuant to this section.

(l) The Registration Agent is hereby authorized to authenticate and deliver the Bonds to the original purchaser, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Bonds in exchange for Bonds of the same principal amount delivered for transfer upon receipt of the Bond(s) to be transferred in proper form with proper documentation as hereinabove described. The Bonds shall not be valid for any purpose unless authenticated by the Registration Agent by the manual signature of an officer thereof on the certificate set forth herein on the Bond form.

(m) In case any Bond shall become mutilated, or be lost, stolen, or destroyed, the Municipality, in its discretion, shall issue, and the Registration Agent, upon written direction from the Municipality, shall authenticate and deliver, a new Bond of like tenor, amount, maturity and date, in exchange and substitution for, and upon the cancellation of, the mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond, or if any such Bond shall have matured or shall be about to mature, instead of issuing a substituted Bond the Municipality may pay or authorize payment of such Bond without surrender thereof. In every case the applicant shall furnish evidence satisfactory to the Municipality and the Registration Agent of the destruction, theft or loss of such Bond, and indemnity satisfactory to the Municipality and the Registration Agent; and the Municipality may charge the applicant for the issue of such new Bond an amount sufficient to reimburse the Municipality for the expense incurred by it in the issue thereof.

SECTION 5. Source of Payment. The Bonds shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. For the prompt payment of principal of, premium, if any, and interest on the Bonds, the full faith and credit of the Municipality are hereby irrevocably pledged.

SECTION 6. Form of Bonds. The Bonds shall be in substantially the following form, the omissions to be appropriately completed when the Bonds are prepared and delivered:

(Form of Bond)

REGISTERED
Number _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TENNESSEE
COUNTIES OF ANDERSON AND ROANE
CITY OF OAK RIDGE
GENERAL OBLIGATION REFUNDING BOND, SERIES 2011

Interest Rate: Maturity Date: Date of Bond: CUSIP No.:

Registered Owner: CEDE & CO.

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS: That the City of Oak Ridge, Tennessee, a municipal corporation lawfully organized and existing in Anderson and Roane Counties, Tennessee (the "Municipality"), for value received hereby promises to pay to the registered owner hereof, hereinabove named, or registered assigns, in the manner hereinafter provided, the principal amount hereinabove set forth on the maturity date hereinabove set forth (or upon earlier redemption as set forth herein), and to pay interest (computed on the basis of a 360-day year of twelve 30-day months) on said principal amount at the annual rate of interest hereinabove set forth from the date hereof until said maturity date or redemption date, said interest being payable on October 1, 2011, and semi-annually thereafter on the first day of April and October in each year until this Bond matures or is redeemed. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the principal corporate trust office of _____, as registration agent and paying agent (the "Registration Agent"). The Registration Agent shall make all interest payments with respect to this Bond on each interest payment date directly to the registered owner hereof shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by check or draft mailed to such owner at such owner's address shown on said bond registration records, without, except for final payment, the presentation or surrender of this Bond, and all such payments shall discharge the obligations of the Municipality to the extent of the payments so made. Any such interest not so punctually paid or duly provided for on any interest payment date shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such defaulted interest shall be payable to the person in whose name this Bond is registered at the close of business on the date (the "Special Record Date") for payment of such defaulted interest to be fixed by the Registration Agent, notice of which shall be given to the owners of the Bonds of the issue of which this Bond is one not less than ten (10) days prior to such Special Record Date. Payment of principal of [and premium, if any,] on

this Bond shall be made when due upon presentation and surrender of this Bond to the Registration Agent.

Except as otherwise provided herein or in the Resolution, as hereinafter defined, this Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds of the series of which this Bond is one. One Bond for each maturity of the Bonds shall be issued to DTC and immobilized in its custody. A book-entry system shall be employed, evidencing ownership of the Bonds in \$5,000 denominations, or multiples thereof, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants, as defined in the Resolution, pursuant to rules and procedures established by DTC. So long as Cede & Co., as nominee for DTC, is the registered owner of the Bonds, the Municipality and the Registration Agent shall treat Cede & Co., as the only owner of the Bonds for all purposes under the Resolution, including receipt of all principal and maturity amounts of, premium, if any, and interest on the Bonds, receipt of notices, voting and requesting or taking or not taking, or consenting to, certain actions hereunder. Payments of principal, maturity amounts, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid directly to DTC or its nominee, Cede & Co. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners, as defined in the Resolution. Neither the Municipality nor the Registration Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants. In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) to the extent permitted by the rules of DTC, the Municipality determines that the continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect its interests or the interests of the Beneficial Owners of the Bonds, the Municipality may discontinue the book-entry system with DTC. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner. Neither the Municipality nor the Registration Agent shall have any responsibility or obligations to any DTC Participant or any Beneficial Owner with respect to (i) the Bonds; (ii) the accuracy of any records maintained by DTC or any DTC Participant; (iii) the payment by DTC or any DTC Participant of any amount due to any Beneficial Owner in respect of the principal or maturity amounts of and interest on the Bonds; (iv) the delivery or timeliness of delivery by DTC or any DTC Participant of any notice due to any Beneficial Owner that is required or permitted under the terms of the Resolution to be given to Beneficial Owners, (v) the selection of Beneficial Owners to receive payments in the event of any partial redemption of the Bonds; or (vi) any consent given or other action taken by DTC, or its nominee, Cede & Co., as owner.

Bonds of the issue of which this Bond is one shall mature without option of prior redemption.

[If the Bonds shall be called for redemption, the maturities to be redeemed shall be designated by the City Council of the Municipality, in its discretion. If less than all the principal amount of the Bonds of a maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the amount of the interest of each DTC Participant in the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the

Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.]

[Subject to the credit hereinafter provided, the Municipality shall redeem Bonds maturing _____ on the redemption dates set forth below opposite the maturity dates, in aggregate principal amounts equal to the respective dollar amounts set forth below opposite the respective redemption dates at a price of par plus accrued interest thereon to the date of redemption. DTC, as securities depository for the series of Bonds of which this Bond is one, or such Person as shall then be serving as the securities depository for the Bonds, shall determine the interest of each Participant in the Bonds to be redeemed using its procedures generally in use at that time. If DTC, or another securities depository is no longer serving as securities depository for the Bonds, the Bonds to be redeemed within a maturity shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall select. The dates of redemption and principal amount of Bonds to be redeemed on said dates are as follows:

Final Maturity	Redemption Date	Principal Amount of Bonds Redeemed
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***Final Maturity**

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.]

Notice of call for redemption[, whether optional or mandatory,] shall be given by the Registration Agent not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for the redemption of any of the Bonds for which proper notice was given. As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or

Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant will not affect the validity of such redemption. From and after any redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth in the Resolution, as hereafter defined.

This Bond is transferable by the registered owner hereof in person or by such owner's attorney duly authorized in writing at the principal corporate trust office of the Registration Agent set forth on the front side hereof, but only in the manner, subject to limitations and upon payment of the charges provided in the Resolution, as hereafter defined, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds of authorized denominations of the same maturity and interest rate for the same aggregate principal amount will be issued to the transferee in exchange therefor. The person in whose name this Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bond shall be overdue. Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in authorized denomination or denominations, upon the terms set forth in the Resolution. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular Record Date or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the notice calling such Bond for redemption has been made, nor during a period following the receipt of instructions from the Municipality to call such Bond for redemption.

This Bond is one of a total authorized issue aggregating \$7,750,000 and issued by the Municipality for the purpose of providing funds to refund the Municipality's outstanding General Obligation Refunding Bonds, Series 2001, dated April 10, 2001, maturing April 1, 2012 and thereafter and to pay costs of issuance of the Bonds, under and in full compliance with the constitution and statutes of the State of Tennessee, including Sections 9-21-101, et seq., Tennessee Code Annotated, and pursuant to a resolution duly adopted by the City Council of the Municipality on the 7th day of March, 2011 (the "Resolution").

This Bond shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. For the prompt payment of principal of, premium, if any, and interest on this Bond, the full faith and credit of the Municipality are hereby irrevocably pledged. For a more complete statement of the general covenants and provisions pursuant to which this Bond is issued, reference is hereby made to said Resolution.

This Bond and the income therefrom are exempt from all present state, county and municipal taxes in Tennessee except (a) inheritance, transfer and estate taxes, (b) Tennessee excise taxes on interest on the Bond during the period the Bond is held or beneficially owned by any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee, and (c) Tennessee franchise taxes by reason of the inclusion of the book value of the Bond in the Tennessee franchise tax base of any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the Municipality, does not exceed any limitation prescribed by the constitution and statutes of the State of Tennessee.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by its Mayor with his manual or facsimile signature and attested by its City Clerk with her manual or facsimile signature as of the date hereinabove set forth.

CITY OF OAK RIDGE, TENNESSEE

By: _____
Mayor

ATTESTED:

City Clerk

Transferable and payable at the
principal corporate trust office of: _____

Date of Registration: _____

This Bond is one of the issue of Bonds issued pursuant to the Resolution hereinabove described.

Registration Agent

By: _____
Authorized Officer

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto _____, whose address is _____ (Please insert Federal Identification or Social Security Number of Assignee _____), the within Bond of the City of Oak Ridge, Tennessee, and does hereby irrevocably constitute and appoint _____, attorney, to transfer the said Bond on the records kept for registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of a Medallion Program acceptable to the Registration Agent.

SECTION 7. Levy of Tax. The Municipality, through its Governing Body, shall annually levy and collect a tax upon all taxable property within the corporate limits of the Municipality, in addition to all other taxes authorized by law, sufficient to pay principal of, premium, if any, and interest on the Bonds when due, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay principal of, premium, if any, and interest coming due on the Bonds in said year. Principal, premium, if any, and interest falling due at any time when there are insufficient funds from this tax levy on hand shall be paid from the current funds of the Municipality and reimbursement therefor shall be made out of the taxes hereby provided to be levied when the same shall have been collected. The tax herein provided may be reduced to the extent of any appropriations from other funds, taxes and revenues of the Municipality to the payment of debt service on the Bonds.

SECTION 8. Sale of Bonds.

(a) Each series of Bonds shall be sold, in the discretion of the Mayor, at competitive public sale, in one or more series, as required by law at a price of not less than ninety-eight percent (98.00%) of par, and accrued interest, if any, as a whole or in part, from time to time, as shall be determined by the Mayor. The sale of each series of Bonds by the Mayor shall be binding on the Municipality, and no further action of the Governing Body with respect thereto shall be required.

(b) With respect to each emission of Bonds, the Mayor, in consultation with the Finance Director of the Municipality, is authorized:

- (1) to change the dated date of the Bonds, or any series thereof;
- (2) to establish a series designation and/or other designation of the Bonds;
- (3) to establish the first interest payment due on the Bonds or any series thereof on a date not later than 12 months after the issuance of such emission of Bonds;
- (4) to facilitate the sale of the Bonds in a manner that is in the best interest of the Municipality, to refinance all, less than all or any portion of the Outstanding Bonds, and to adjust the total amount authorized to be issued herein so long as the total amount of the Bonds does not exceed such principal amount of Bonds authorized herein and so long as the Bonds are sold at a rate or rates not to exceed five percent (5.00%);
- (5) to adjust the principal and interest payment dates and establish maturity amounts of the Bonds or any series thereof to accomplish the goals of the refunding authorized herein, provided that (A) the total principal amount of all series of the Bonds does not exceed the total amount of Bonds authorized herein, as shall be adjusted pursuant to paragraph (4) above and (B) the final maturity date of each series of Bonds shall not be later than April 1, 2015;

- (6) to provide that any series of Bonds may be callable and to establish the optional redemption terms and dates of the Bonds, provided that the premium amount to be paid on the Bonds or any series thereof does not exceed two percent (2%) of the principal amount thereof;
- (7) to sell the Bonds, or any series thereof, or any maturities thereof as serial Bonds or term bonds with mandatory redemption requirements as determined by the Mayor, as he shall deem most advantageous to the Municipality; and
- (8) to cause all or a portion of the Bonds to be insured by a bond insurance policy issued by a nationally recognized bond insurance company to achieve the purposes set forth herein and to serve the best interests of the Municipality and to enter into agreements with such insurance company with respect to any series of Bonds to the extent not inconsistent with this resolution.

(c) The Mayor, in consultation with the Finance Director of the Municipality, is authorized to sell the Bonds, or any series of the Bonds, simultaneously with any other bonds or notes authorized by resolution or resolutions of the Governing Body. The Mayor is further authorized to sell the Bonds, or any series of the Bonds, as a single issue of bonds with any other bonds with substantially similar terms authorized by resolution or resolutions of the Governing Body, in one or more series as he shall deem to be advantageous to the Municipality and in doing so, the Mayor is authorized to change the designation of the Bonds to a designation other than "General Obligation Refunding Bonds", provided, however, that the total aggregate principal amount of combined bonds and notes to be sold does not exceed the total aggregate principal amount of Bonds authorized by this resolution or bonds and notes authorized by any other resolution or resolutions adopted by the Governing Body.

(d) The Mayor, in consultation with the Finance Director, is authorized to cause the Bonds to be authenticated and delivered by the Registration Agent to the purchaser thereof and to execute, publish, and deliver all certificates and documents, including an award certificate, an official statement and closing certificates, as they shall deem necessary in connection with the sale and delivery of the Bonds. The form of the Bond set forth in Section 6 hereof shall be conformed to reflect any changes made pursuant to this Section 8 hereof.

(f) The Mayor, in consultation with the Finance Director, is authorized to award the Bonds to the bidder whose bid results in the lowest true interest cost to the Municipality, provided the rate or rates on none of the Bonds exceeds five percent (5.00%) per annum.

(g) The Mayor is authorized to execute an agreement with Morgan Keegan & Company, Inc. to act as financial adviser for the issuance of the Bonds and to execute an engagement letter with Bass, Berry & Sims PLC to serve as bond counsel for the issuance of the Bonds.

SECTION 9. Disposition of Bond Proceeds. The proceeds of the sale of the Bonds shall be applied by the Municipality as follows:

(a) any accrued interest shall be deposited to the appropriate fund of the Municipality to be used to pay interest on the Bonds on the first interest payment date following delivery of the Bonds; and

(b) an amount, which together with investment earnings thereon and legally available funds of the Municipality, if any, will be sufficient to pay principal of, premium, if any, and interest on the Outstanding Bonds (subject to adjustments permitted by Section 8 above) shall be transferred to the Escrow Agent under the Refunding Escrow Agreement to be deposited to the Escrow Fund established

thereunder to be held and applied as provided therein or otherwise applied to the payment of the Outstanding Bonds or if the services of an Escrow Agent are not used, shall be held by the Municipality and applied to the payment of the Outstanding Bonds; and

(c) the remainder of the proceeds of the sale of the Bonds shall be paid used to pay the costs of issuance of the Bonds, including necessary legal, accounting and fiscal expenses, printing, engraving, advertising and similar expenses, bond insurance premium, if any, administrative and clerical costs, rating agency fees, Registration Agent fees, and other necessary miscellaneous expenses incurred in connection with the issuance and sale of the Bonds.

SECTION 10. Official Statement. The Mayor, the City Manager and the Finance Director, or any of them, are hereby authorized and directed to provide for the preparation and distribution, electronic or otherwise, of a Preliminary Official Statement describing the Bonds and any other bonds or notes which in the discretion of the Mayor are sold at the same time as the Bonds. After the Bonds have been sold, the Mayor, the City Manager and the Finance Director shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. The Mayor, the City Manager and Finance Director, or any of them, shall arrange for the delivery of a reasonable number of copies of the Official Statement within seven business days after the Bonds, or any emission thereof, to each potential investor requesting a copy of the Official Statement and to each person to whom such members of its selling group initially sell the Bonds.

The Mayor, the City Manager and the Finance Director, or any of them, are authorized, on behalf of the Municipality, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the Municipality except for the omission in the Preliminary Official Statement of such pricing and other information.

SECTION 11. Refunding Escrow Agreement. For the purpose of providing for the payment of the principal of, premium, if any, and interest on the Outstanding Bonds, the Mayor is hereby authorized to execute and the City Clerk to attest on behalf of the Municipality a Refunding Escrow Agreement with the Escrow Agent and to deposit with the Escrow Agent the amounts to be used by the Escrow Agent to purchase the investments provided therein. The Refunding Escrow Agreement shall be in such form as is approved by the Mayor and the Mayor and the City Clerk are hereby authorized and directed to execute and deliver same on behalf of the Municipality. The Escrow Agent is hereby authorized and directed to hold and administer all funds deposited in trust for the payment when due of principal of and interest on the Outstanding Bonds and to exercise such duties as set forth in the Refunding Escrow Agreement. The Mayor may dispense with the use of the Refunding Escrow Agreement if the Outstanding Bonds will be paid within 90 days of the date the Bonds are issued.

SECTION 12. Federal Tax Matters. The Municipality recognizes that the purchasers and owners of the Bonds will have accepted them on, and paid therefor a price that reflects, the understanding that interest thereon is excludable from gross income for purposes of federal income taxation under laws in force on the date of delivery of the Bonds. In this connection, the Municipality agrees that it shall take no action which may cause the interest on any of said Bonds to be included in gross income for federal income taxation. It is the reasonable expectation of the Governing Body of the Municipality that the proceeds of the Bonds will not be used in a manner which will cause the Bonds to be "arbitrage bonds"

within the meaning of Section 148 of the Code, and to this end the said proceeds of the Bonds and other related funds established for the purposes herein set out shall be used and spent expeditiously for the purposes described herein. The Governing Body further covenants and represents that in the event it shall be required by Section 148(f) of the Code to pay any investment proceeds of the Bonds to the United States government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Bonds from becoming taxable. The Mayor, the City Manager and the Finance Director, or any of them, are authorized and directed to make such certifications in this regard in connection with the sale of the Bonds as either or both shall deem appropriate, and such certifications shall constitute a representation and certification of the Municipality.

SECTION 13. Discharge and Satisfaction of Bonds. If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in any one or more of the following ways:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Bonds as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"; which Agent may be the Registration Agent) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Defeasance Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay interest thereon when due until the maturity or redemption date (provided, if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice);

(c) By delivering such Bonds to the Registration Agent, for cancellation by it;

and if the Municipality shall also pay or cause to be paid all other sums payable hereunder by the Municipality with respect to such Bonds, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Agent to pay amounts when and as required to the Registration Agent for the payment of principal of and interest on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the Municipality to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Defeasance Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Defeasance Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Defeasance Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and interest on said Bonds; provided that any cash received from such principal or interest payments on such Defeasance Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the Municipality as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Defeasance Obligations maturing at times and in amounts sufficient to pay when due the principal and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest

earned from such reinvestments shall be paid over to the Municipality, as received by the Registration Agent. For the purposes of this Section, Defeasance Obligations shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under Tennessee law for the purposes described in this Section, which bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

SECTION 14. Continuing Disclosure. The Municipality hereby covenants and agrees that it will provide annual financial information and material event notices if and as required by Rule 15c2-12 of the Securities Exchange Commission for the Bonds. The Mayor is authorized to execute at the closing of the sale of the Bonds, an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the Municipality to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the Municipality to comply with their undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

SECTION 15. Resolution a Contract. The provisions of this resolution shall constitute a contract between the Municipality and the registered owners of the Bonds, and after the issuance of the Bonds, no change, variation or alteration of any kind in the provisions of this resolution shall be made in any manner until such time as the Bonds and interest due thereon shall have been paid in full.

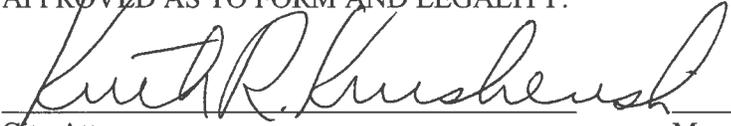
SECTION 16. Separability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

SECTION 17. Repeal of Conflicting Resolutions. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed.

SECTION 18. Effective Date. That this resolution shall take effect from and after its passage, the general welfare of the City of Oak Ridge, requiring it.

This the 7th day of March, 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**PUBLIC HEARINGS
AND
FIRST READING OF
NEW ORDINANCES**

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-17

DATE: February 25, 2011

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director



FROM: Kahla Gentry, Senior Planner *K.G.*

SUBJECT: Request to Amend Hendrix Creek PUD to Remove Open Space Restriction on Property Located at 123 Hendrix Drive

Mr. Bobby Ledford, owner of 123 Hendrix Drive, is requesting approval to remove an open space restriction on his property in order to divide his lot into two, creating one new building lot for a single-family home. 123 Hendrix Drive is located on the north side of Hendrix Drive between Humbolt Court and High Point Lane. At their regular meeting on February 24, 2011 the Planning Commission voted 8-0 to recommend approval subject to providing a 10-foot wide access easement to the John Hendrix gravesite. The recommendation for approval was based upon the following findings:

- The subject property has an area of 1.24 acres and has a sufficient area to divide into two lots in compliance with zoning and also in conformity with other lots in the area.
- The lot is regular in shape and is not on a corner. Because the lot has adequate area, is regular in shape and does not have double frontage on streets, there would not be a problem with meeting building setback requirements.
- The lot has 219.92 feet of street frontage, more than adequate to provide sufficient street frontage and provide for minimum lot width requirements.
- There are no easements or drainage ways crossing the property that would conflict with erecting a residential building. There is a burial plot that is approximately 285 square feet in area (Cemetery 40) that is located within the property. The burial plot is near the side lot line and it would not prevent the property from being used for a residence.
- The property could be divided into two lots that would be in compliance with subdivision regulations and zoning requirements.

The Anderson County tax parcel identification number for the subject property is Map 100J, Group A, Parcel 59.00. The lot proposed for division into two lots has an area of 1.24 acres. The subject property was formerly two lots, with one lot being a building lot and one lot designated as an open space lot on the Hendrix Creek PUD plan.

The final plat for Hendrix Creek PUD, Phase I was recorded on May 30, 1979. On the plat the subject property is identified as Lots 9 and 10 and is zoned R-1-C with a PUD overlay. Lot 10 is labeled as Open Space. At the time the original plat was filed the subject property had an area of approximately 1.09 acres.

The Planning Commission approved the final plat of Hendrix Creek PUD, Phase I on April 26, 1979, subject to Lots 10 (the subject property) and 13 being in common ownership as open space.

In 1987, at the request of Sonja Development and the Hendrix Creek Homeowners Association, a proposal to amend the Hendrix Creek PUD to dedicate three open space lots to the City and to divide other open space lots among the adjacent homeowners was approved by City Council as Ordinance 34-87. The ordinance states "That the Schematic Planned Unit Development Plan . . . approved in Ordinance 9-78, is amended in that following the effective date of this ordinance, the open space referenced in the original Planning Commission recommendation dated December 15, 1977 may be subdivided for transfer to adjacent property owners and to the City of Oak Ridge, as proposed by the Hendrix Creek Homeowners Association and the owners, Sonja Development, Inc., and as recommended by the Oak Ridge Regional Planning Commission on August 27, 1987, provided that all of such lands shall be so divided and added to the lots of adjacent landowners, that all such transfers be subject to deed restrictions prohibiting the erection of new structures within the parcels so transferred, and no remnant parcels shall be left."

Lot 10 was included as a parcel to be divided among the adjacent homeowners. When resubdivision plats were approved by the Planning Commission in 1988, which divided the open space among the Hendrix Creek homeowners, the majority of Lot 10 was combined with Lot 9, 123 Hendrix Drive and a very small portion was combined with 106 Haven Hill Lane.

Mr. Bobby Ledford, the current owner of 123 Hendrix Drive, filed a request to divide his property back into two lots in order to sell a portion of his property as a separate building lot. In order to obtain approval Mr. Ledford has had an attorney prepare a document to amend the Declaration of Covenants and Restrictions for Hendrix Creek, Phase One to permit the development of former Lot 10 for residential purposes. As provided for in the Declaration of Covenants and Restrictions for Hendrix Creek, Phase One, to approve an amendment, Mr. Ledford has obtained the signatures of the developers and over 75% of the property owners. Hendrix Creek, Phase One had 40 lots as originally platted, therefore signatures from the owners of 30 or more lots meets the requirement. A copy of the document submitted by Mr. Ledford to amend the Covenants and Restrictions is attached.

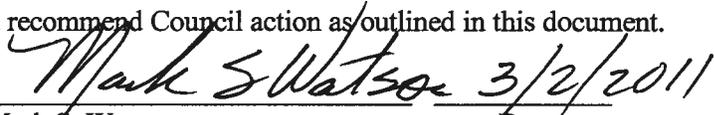
Letters to inform property owners within 200 feet of the subject property were sent out prior to the Planning Commission meeting and a sign was posted on the property providing notification of a PUD change request with the Planning Commission meeting date and time. Four callers contacted the Community Development office for information, but there were no objections to the request other than a concern for proper care and maintenance of the Hendrix gravesite. Those who called also attended the Planning Commission meeting. There were no objections to an additional residence stated by those who attended the meeting, but there was discussion about maintenance and access to the Hendrix gravesite. Staff recommended against a suggestion by an interested citizen to have a group of citizens purchase the property from Mr. Ledford and preserve it as open space because there would be no provisions for perpetual maintenance and payment of property taxes.

The Hendrix gravesite is a separate parcel approximately 15 feet x 19 feet in area and the ownership is unclear, but the expectation is that the homeowner will maintain the gravesite and allow access. City Ordinance #34-87, which allowed the combination of open space lots with residential lots also included a condition that public access to the John Hendrix gravesite be retained. The access can be documented by the resubdivision plat creating the new building lot and showing the location of the 10-foot wide access easement from Hendrix Drive to the gravesite. The deed transferring the property should then include a description of the access easement as shown on the resubdivision plat.

Staff recommends approval of amending the Hendrix Creek PUD by removing the open space restriction on former Lot 10 in Hendrix Creek, Phase One. Residents in Hendrix Creek have signed a document agreeing to amend the Covenants and Restrictions to remove the open space restriction and there has not been opposition to allowing an additional residence. The subject property has sufficient area, width and depth to allow the creation of an additional buildable lot in compliance with zoning and subdivision regulations and there are no easements or drainage ways on the property that would interfere with building a residence.

City Manager's Comments:

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


Mark S. Watson

3/2/2011
Date

Bobby H. Ledford
123 Hendrix Drive
Oak Ridge, Tenn.

Feb. 17 - 20

ATTN: Oak Ridge Planning Commission

Request: To admen the PUD plan in order to remove the bldg. restrictions on lot 10 located At 123 Hendrix Drive. The Open Space Property was purchased by Henry & Ralphine Oaks In May of 1988, and tied to their existing property Lot 9 which at that time thereafter was Designated as R1C property, with bldg restrictions which has been amended by the property Development group which was Sonja Developers.

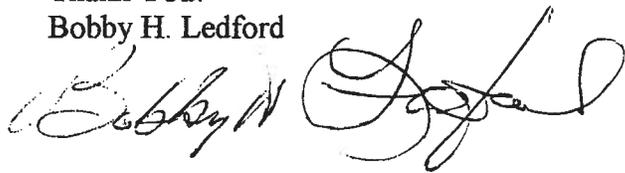
All covenants and Deed restrictions have been Wavered and amended wherein affiliates and Seventy-Five percent plus of the lot owners in Phase 1, agreed to the amending of these restrictions Pertaining to Lot 10 123 Hendrix Drive.

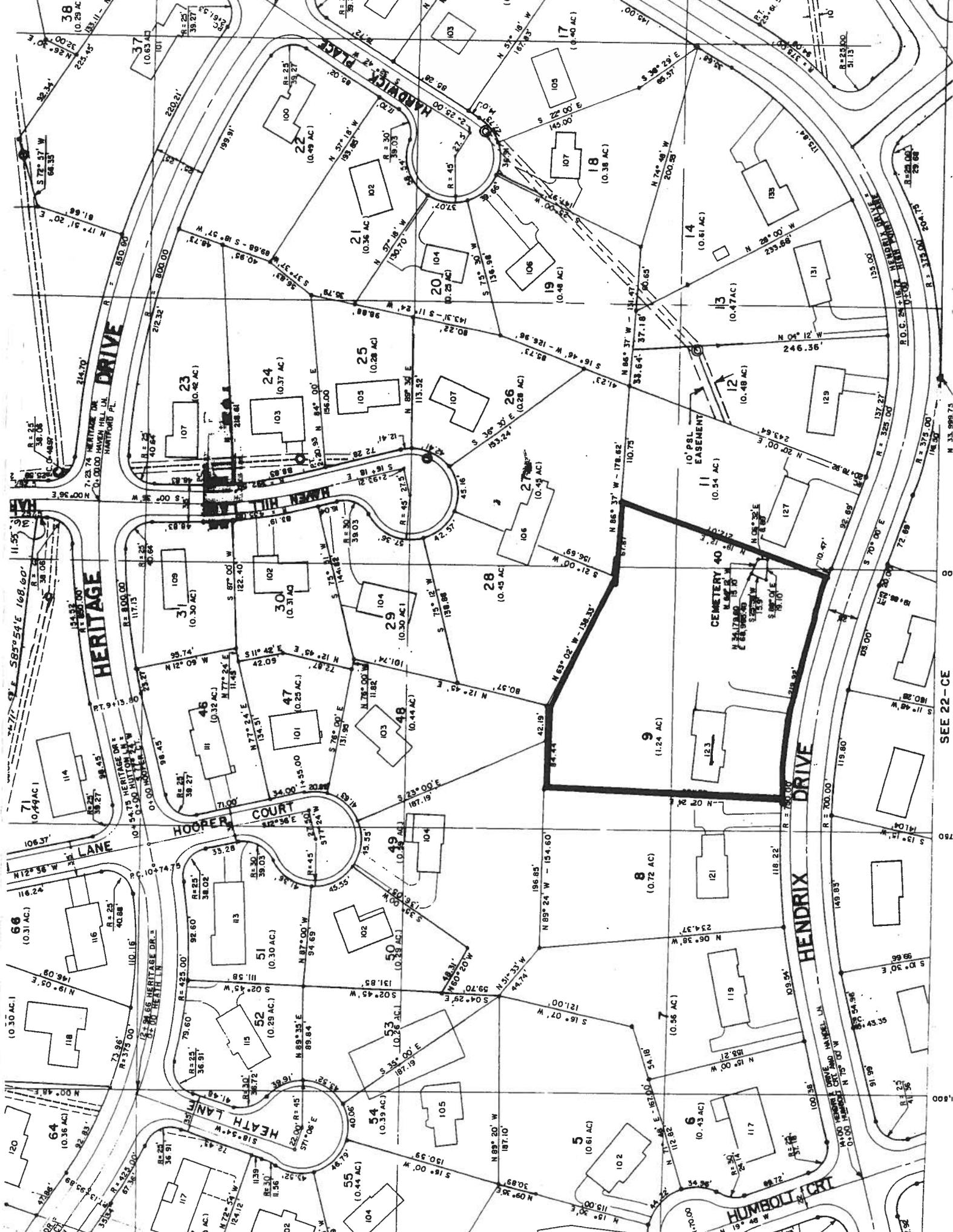
The .62 acre Lot has excellent Curb appeal and drainage. The erection of a planned home on this Site, would be of greater distance from the Cemetery Lot than the existing home located at 127 Hendrix Drive.

There has never been an egress or ride of way for the burial site to the public, only to the Hendrix Family which at this time has passed away, and any of his existing Kin has always been permitted egress to the cemetery lot.

All regulations pertaining to this lot has been followed, and I would appreciate approval of the Sell of this property.

Thank You!
Bobby H. Ledford

A handwritten signature in cursive script, appearing to read "Bobby H. Ledford", written in black ink.



SEE 22-CE

1,800

750

00

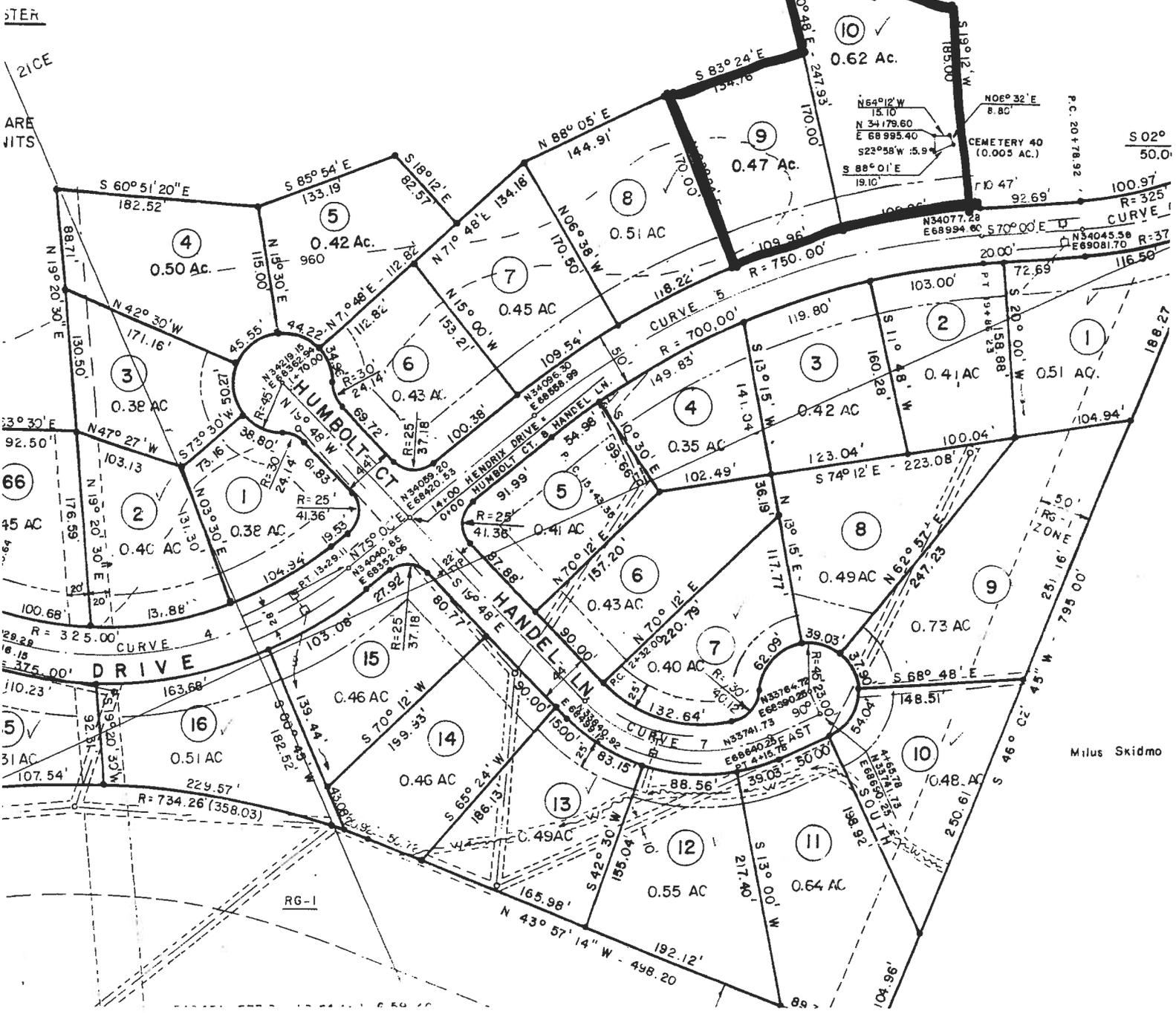
CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all roads, alleys, and walks to public use, and dedicate all parks and other open spaces to public or private use as noted.

Future Development

Original Plat

POSTER PUMP TO _____
 Date _____ Owner _____



Milus Skidmo

TITLE

AN ORDINANCE TO AMEND ORDINANCE 9-78, TITLED "AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT ON PARCEL 572-D AND PORTION OF 573-L, INCLUDING 371 DWELLING UNITS ON 108.7 ACRES" BY AMENDING SECTION 1 REGARDING THE SCHEMATIC PLANNED UNIT DEVELOPMENT PLAN.

WHEREAS, the Hendrix Creek Homeowners Association has asked that the City accept three open spaces in the Hendrix Creek Planned Unit Development, with remaining open spaces to be divided among the adjoining property owners, with restrictions to preserve such areas as wooded buffer zones, and retaining public access to the John Hendrix grave site; and

WHEREAS, the Oak Ridge Regional Planning Commission has endorsed that request; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEN OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Section 1 of Ordinance 9-78, titled "An Ordinance Approving a Planned Unit Development on Parcel 572-D and Portion of 573-L, Including 371 Dwelling Units on 108.7 Acres" is hereby amended to read as follows:

Section 1. That the Schematic Planned Unit Development Plan originally submitted by Land Systems, Inc., owners, as presented and recommended by the Oak Ridge Regional Planning Commission, and approved in Ordinance 9-78, is amended in that following the effective date of this ordinance, the open space referenced in the original Planning Commission recommendation dated December 15, 1977 may be subdivided for transfer to adjacent property owners and to the City of Oak Ridge, as proposed by the Hendrix Creek Homeowners Association and the owners, Sonja Development, Incorporated, and as recommended by the Oak Ridge Regional Planning Commission on August 27, 1987, provided that all of such lands shall be so divided and added to the lots of adjacent landowners, that all such transfers be subject to deed restrictions prohibiting the erection of new structures within the parcels so transferred, and no remnant parcels shall be left.

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:

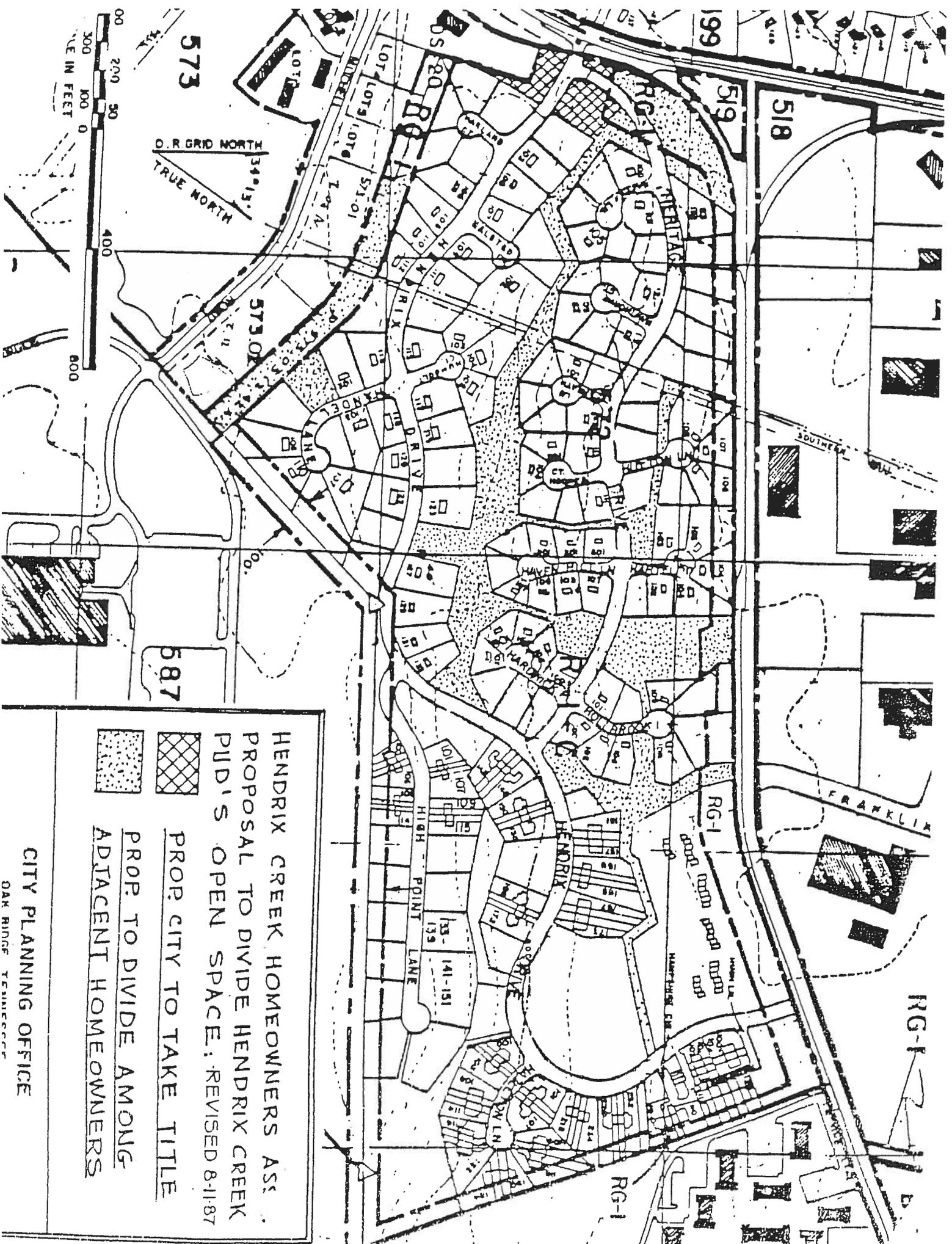
William E. Santip

City Attorney

Mayor

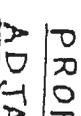
City Clerk

Distributed to Council: 9/17/87
Public Hearing: 9/21/87
First Reading: 9/21/87
Publication Date: 9/28/87
Second Reading: 10/5/87
Publication Date: 10/12/87
Effective Date: 10/15/87

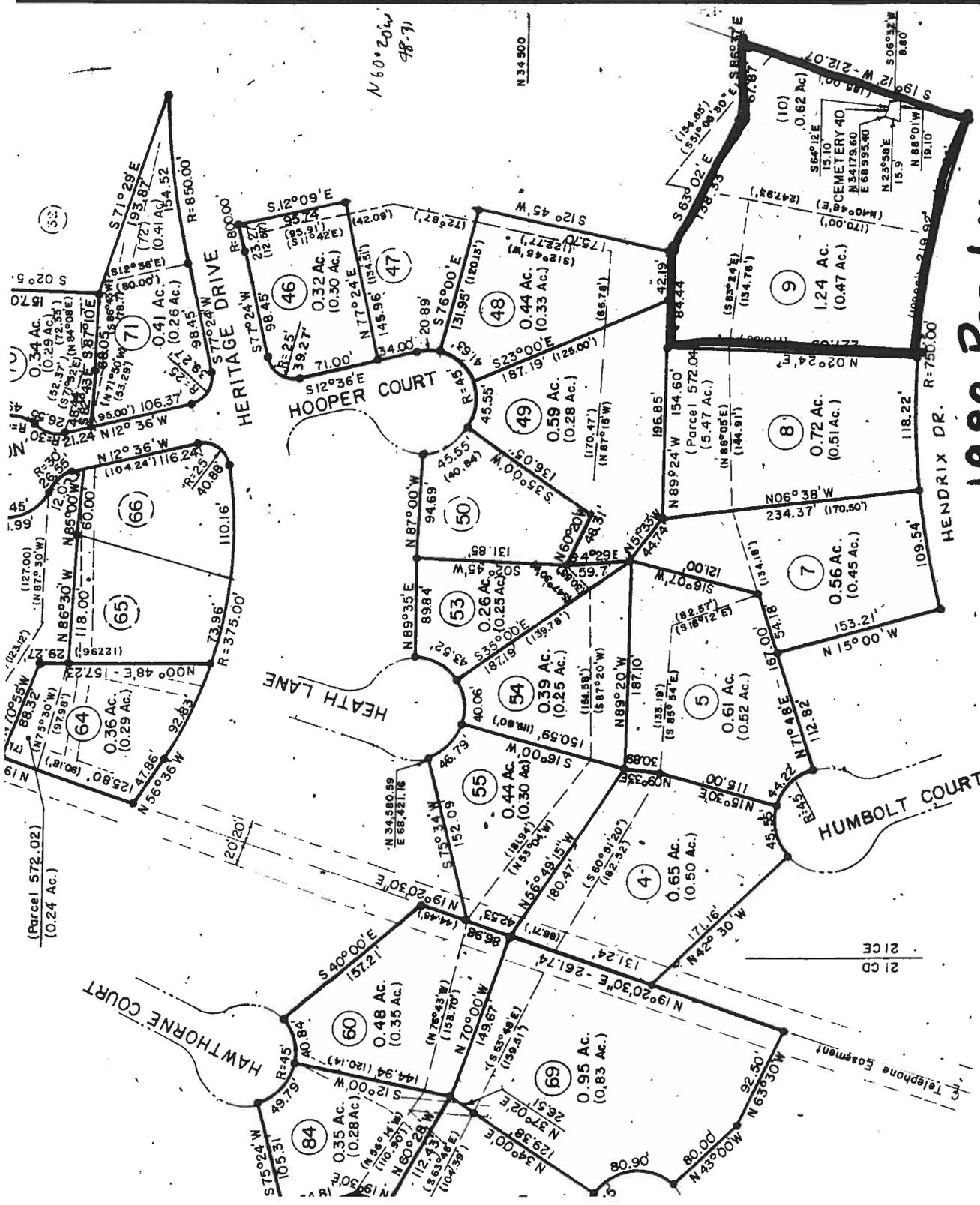


 HENDRIX CREEK HOMEOWNERS ASS.
 PROPOSAL TO DIVIDE HENDRIX CREEK
 PUD'S OPEN SPACE; REVISED 8-11-87

 PROP. TO TAKE TITLE

 PROP. TO DIVIDE AMONG
 ADJACENT HOMEOWNERS

CITY PLANNING OFFICE
 OAK RIDGE TENNESSEE



1988 Resubdivision

Form 5 CERTIFICATE OF APPROVAL FOR RECORDING
 I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the Oak Ridge, Tennessee, Planning Region, with the exception of such variances, if any, as are noted in the minutes of the planning commission and that it has been approved for recording in the office of the County Register.

Date: 7-8-88
 Secretary, Planning Commission: *[Signature]*

EE HENDRIX CREEK FILE FO-1
 RESTRICTIONS

THIS INSTRUMENT PREPARED BY:
Craig H. Stewart, Attorney
ELY AND STEWART
8930 Cross Park Drive
Knoxville, Tennessee 37923

AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF KNOX)

Personally appeared before the undersigned Notary Public, WINSTON D. COX and EDWIN T. LOY (collectively "Affiants"), who, after being duly sworn, state under oath as follows:

1) Sonja Development, Inc., a Tennessee corporation, predecessor-in-interest to Affiants, caused to be subdivided a tract of land located in District Six of Anderson County, Tennessee, within the City of Oak Ridge, Tennessee, and being known as Hendrix Creek Subdivision - Phase One as shown on the plat of record in Plat Cabinet 2, Envelope 176-D, revised by plat of record in Plat Cabinet 4, Envelope 25-B, both in the Register's Office for Anderson County, Tennessee; and

2) Affiants' predecessor-in-interest prepared a Declaration of Covenants and Restrictions for Hendrix Creek – Phase One which appears of record in Deed Book U-14, page 438 in the Register's Office for Anderson County, Tennessee (hereinafter "Restrictions"); and

3) ARTICLE III, Section 3 of the Restrictions provides in part as follows:

ARTICLE III, Section 3. Amendments. The Developer reserves and . . . (e) shall have the right, with the consent of the parties then owning seventy-five percent (75%) or more of the plotted lots of the Properties Phase One to amend or alter these covenants and restrictions and any parts thereof in any other respects.

4) Attached to this Affidavit as EXHIBIT A is a copy of the instrument titled AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS HENDRIX CREEK SUBDIVISION – PHASE ONE AND WAIVER OF DEED RESTRICTION, wherein Affiants and seventy-five percent or more of the lot owners agree to amend the Restrictions as therein set forth.

5) Further Affiants saith not.

THIS INSTRUMENT PREPARED BY:

Craig H. Stewart, Attorney
ELY AND STEWART
8930 Cross Park Drive
Knoxville, Tennessee 37923

AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS
HENDRIX CREEK SUBDIVISION – PHASE ONE
AND WAIVER OF DEED RESTRICTION

THIS INSTRUMENT is entered into as of the 13th day of October by WINSTON D. COX and EDWIN T. LOY (hereinafter collectively referred to as “Developer”), HENRY M. OAKES and wife, RALPHINE N. OAKES (hereinafter referred to collectively as “Oakes”), and the undersigned, being seventy-five percent or more of the lot owners in Hendrix Creek Subdivision, Phase One.

WHEREAS, Sonja Development, Inc., a Tennessee corporation, predecessor-in-interest to Developer, caused to be subdivided a tract of land located in District Six of Anderson County, Tennessee, within the City of Oak Ridge, Tennessee, and being known as Hendrix Creek Subdivision - Phase One as shown on the plat of record in Plat Cabinet 2, Envelope 176-D, revised by plat of record in Plat Cabinet 4, Envelope 25-B, both in the Register’s Office for Anderson County, Tennessee; and

WHEREAS, Developer’s predecessor-in-interest prepared a Declaration of Covenants and Restrictions for Hendrix Creek – Phase One which appears of record in Deed Book U-14, page 438 in the Register’s Office for Anderson County, Tennessee (hereinafter “Restrictions”); and

WHEREAS, ARTICLE III, Section 3 of the Restrictions provides in part as follows:

ARTICLE III, Section 3. Amendments. The Developer reserves and . . . (e) shall have the right, with the consent of the parties then owning seventy-five percent (75%) or more of the plotted lots of the Properties Phase One to amend or alter these covenants and restrictions and any parts thereof in any other respects.

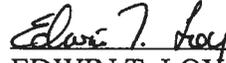
and

WHEREAS, Developer and seventy-five percent or more of the lot owners now wish to amend the Restrictions as herein set forth.

NOW, THEREFORE, in consideration of the premises, Developer and seventy-five percent or more of the lot owners do hereby amend the Restrictions by deleting the exception for Lot 10 from ARTICLE V – GENERAL RESTRICTIONS, Section I. Land Use, and do further amend the Restrictions to expressly permit the development of Lot 10 for residential purposes like other lots covered by the Restrictions.

This Affidavit is executed this 13 day of OCTOBER, 2010.


WINSTON D. COX


EDWIN T. LOY

Sworn to and subscribed before me this _____ day of _____, 2010.

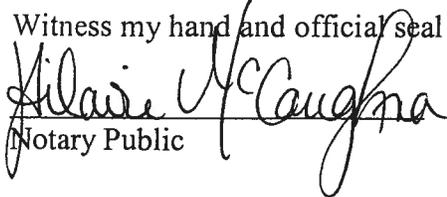
Notary Public

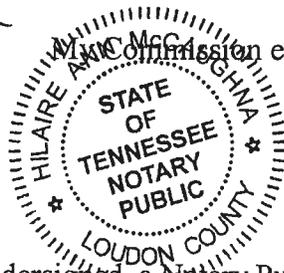
My commission expires: _____

STATE OF TENNESSEE)
COUNTY OF KNOX)

Personally appeared before the undersigned, a Notary Public in and for said State and County, WINSTON D. COX, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument of the purposes therein contained.

Witness my hand and official seal at office this 13 day of October, 2010.


Notary Public

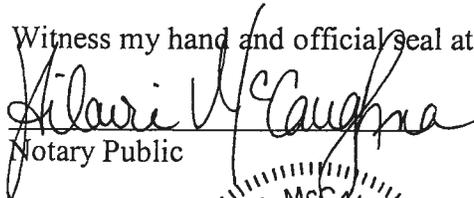


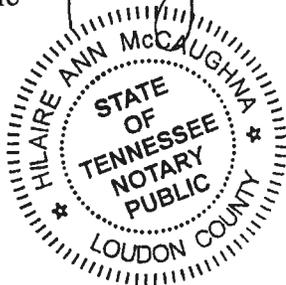
My Commission expires: 1/9/13

STATE OF TENNESSEE)
COUNTY OF KNOX)

Personally appeared before the undersigned, a Notary Public in and for said State and County, EDWIN T. LOY, the within named bargainer, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument of the purposes therein contained.

Witness my hand and official seal at office this 11 day of OCTOBER, 2010.


Notary Public



My Commission expires: 1/9/13

The revised ARTICLE V – GENERAL RESTRICTIONS, Section I. Land Use shall henceforth provide in its entirety as follows:

ARTICLE V – GENERAL RESTRICTIONS, Section I. Land Use. The numbered lots shown on the plats(s) of the Properties shall be used for residential purposes only. Except as herein otherwise specifically provided, no structure shall be erected or permitted to remain on any numbered lot on said land other than one single family residence. Without the prior approval of the Developer, the height of the main residence on each numbered Lot shall be not more than two full stories above the normal surface of the ground. No building at any time situated on any numbered lot shall be used for any business, commercial, amusement, hospital, sanitarium, school, clubhouse, religious, charitable, philanthropic or manufacturing purpose or as a professional office, and no billboards or advertising signs of any kind shall be erected or displayed thereon, except such signs as are permitted elsewhere in these covenants and restrictions. No building situated on any numbered Lot shall be rented or leased separately from the rental or lease of the entire property and no part of any such building shall be used for the purpose of renting rooms therein or as a boardinghouse, hotel, motel, tourist or motor court or other transient accommodation. No duplex residence, garage apartment or apartment house shall be erected or allowed to remain on any numbered Lot and no building on any numbered Lot at any time shall be converted into a duplex residence, garage apartment or apartment house.

Developer and the Oakes further join in this Instrument for the express purpose of consenting to the amendment herein set forth and releasing and declaring of no further force and effect the prohibition against the construction of buildings on the portion of Lot 9, Block 21CE conveyed in Deeds of record in Deed Book J17, page 678 and Deed Book U-17, page 506, both of record in the Register's Office for Anderson County, Tennessee.

IN WITNESS WHEREOF, Developer, the Oakes and seventy-five percent or more of the Lot Owners have executed this Amendment as of the date first above written.



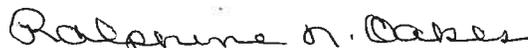
WINSTON D. COX



HENRY M. OAKES



EDWIN T. LOY



RALPHINE N. OAKES

[Remaining signatures appear on following pages]

Lot 1, Block 21CE

James R. Atkins
Printed Name: JAMES R. ATKINS

Printed Name: _____

Lot 2, Block 21CE

Mark Pratt
Printed Name: Mark Pratt

Printed Name: _____

Lot 3, Block 21CE

David D. Burton
Printed Name: David D. Burton

Printed Name: Keri Rosenberger

Lot 4, Block 21CE

Keri Rosenberger

Printed Name: _____



Ken Kendall

Printed Name: Ken Kendall

Lot 5, Block 21CE



Printed Name: Ken Kendall



Kendall

Printed Name: _____

Printed Name: _____

Lot 6, Block 21CE

Printed Name: Betsy Horwadel

Betsy Horwadel

Printed Name: _____

Lot 7, Block 21CE

Printed Name: Betsy Horwadel

Betsy Horwadel

Printed Name: _____

Lot 8, Block 21CE

Printed Name: CLEM HSHATA BLOCK

Clem Hshata, Shata Blah

Printed Name: _____

Lot 9, Block 21CE

[Signature]

Printed Name: Dane Wilson

Lalia Wilson

Printed Name: Lalia Wilson

Lot 10, Block 21CE

Printed Name: Emily Gibson

Emily Gibson

Printed Name: _____

Lot 1, Block 22CE

Robin L Harvey

Printed Name: Robin L. Harvey

115 Hendrix Dr.

Printed Name: _____

Lot 2, Block 22CE

Printed Name: Gene Ice

Gene Ice

Printed Name: Sherry Menefee

Lot 3, Block 22CE

Printed Name: Sherry Menefee

Sherry Menefee

Printed Name: _____

Lot 4, Block 22CE

Douglas P. Hammit

Printed Name: Douglas HAMMIT

Printed Name: _____

Lot 5, Block 22CE

Mary Anne Peagler

Printed Name: MARY ANNE PEAGLER

Printed Name: Sharon J. May

Lot 6, Block 22CE

Sharon J. May

Printed Name: _____

Printed Name: _____

Lot 7, Block 22CE

Printed Name: Valarie Wright

Valarie Wright

Printed Name: _____

George

Lot 8, Block 22CE

Printed Name: George Schmitt

George Schmitt

Printed Name: _____

Lot 9, Block 22CE

Printed Name: Bobby H. Hedford

Bobby Hedford

Printed Name: _____

Lot 10, Block 22CE

Printed Name: Bobby H. Hedford

Bobby Hedford

Printed Name: _____

Lot 11, Block 22CE

108 Handel

Printed Name: Bill Wilburn

108 Bill Wilburn

Printed Name: _____

Lot 12, Block 22CE

Printed Name: Jo Ann King

Jo Ann King

Printed Name: _____

Lot 13, Block 22CE

Printed Name: Jo Ann King

Jo Ann King

Printed Name: _____

Lot 14, Block 22CE

Printed Name: JD Weisgerber

JD Weisgerber

Printed Name: _____

Lot 15, Block 22CE

Printed Name: William Hale

William Hale

Printed Name: _____

Lot 16, Block 22CE

Printed Name: William Hale

William Hale

Printed Name: _____

Lot 62 Block 21CD

Kate Kerekes

Printed Name: Kate Kerekes

Printed Name: Ryan Kerekes

Lot 63 Block 21CD

Shezri Mitchell

Printed Name: Shezri Mitchell

Shoni Mitchell

Printed Name: _____

64

Lot 64 Block 21CD

Printed Name: Jim Younkin

Jim Younkin

Printed Name: BARBARA Younkin

Barbara Younkin

Printed Name: James Huddleston

James Huddleston

Printed Name: _____

112 Hurdix

Lot 65 Block 21CD

Lot 66 Block 21CD

Printed Name: Kimberly S Kittrell

Kimberly S Kittrell

Printed Name: _____

Lot 67 Block 21CD

Printed Name: James E. Dunn, Jr.

James E. Dunn, Jr.
Printed Name: _____

Lot 71 Block 21CD

SUSAN B. COLEMAN
Susan B. Coleman

Lot 72 Block 21CD

Printed Name: James Duke Wendy Bird

James Duke Wendy Bird
Printed Name: _____

Lot 73 Block 21CD

Real estate Sale ON Market

Printed Name: _____
↓

Printed Name: _____

Lot 74 Block 21CD

Real estate Sale ON Market

Printed Name: _____
↓

Printed Name: _____

TITLE

AN ORDINANCE TO AMEND A USE DESIGNATION ON A PORTION OF PARCEL 59.00, MAP 100J, GROUP A, IN HENDRIX CREEK PLANNED UNIT DEVELOPMENT, PHASE I, LOCATED AT 123 HENDRIX DRIVE, FROM OPEN SPACE TO RESIDENTIAL, WITH THE OVERALL ZONING DISTRICT REMAINING R-1-C/PUD, ONE-FAMILY RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT OVERLAY.

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

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

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

Section 1. That Hendrix Creek Planned Unit Development, Phase I, is hereby amended to change the use designation on a portion of Parcel 59.00, Map 100J, Group A, from open space to residential, with the overall zoning district remaining R-1-C/PUD, One-Family Residential with a Planned Unit Development Overlay.

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:



City Attorney

Mayor

City Clerk

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

**FINAL ADOPTION
OF
ORDINANCES**

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-04

DATE: January 25, 2011

TO: Mark S. Watson, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Request to Rezone, Parcels ED-8A, ED-8B, ED-8C, ED-8D, ED-8E, and Parcels identified on Roane County Tax Map 30 as 1.01, 1.02, 1.03 and 1.07.**

An item for the City Council agenda is a request to rezone approximately 83.3 acres within the Heritage Center from IND-2, Industrial to IND-2 with the Industrial Manhattan District Overlay (IMDO). The property is located east of ED-5, and north of State Route 58. This rezoning is part of a continuing process that the U.S. Department of Energy (D.O.E.) and Heritage Center LLC have undertaken to privatize property within the Heritage Center. At their regular meeting on January 20, 2011, the Planning Commission recommended approval of the rezoning by a vote of 8-0.

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

The subject property has been transferred from D.O.E. to Heritage Center LLC, JMM Realty LLC and Manhattan Project, LLC and rezoned from F.I.R., Federal Industry and Research to IND-2, Industrial in November 2010. Rezoning to a base zone of IND-2, Industrial with the Industrial Manhattan District Overlay (IMDO) is the next step in facilitating the reuse of this industrial property. The Staff finds the rezoning to be in compliance with the Land Use Plan, consistent with the existing uses within the area and appropriate for the proposed use. Approval of the rezoning is recommended.

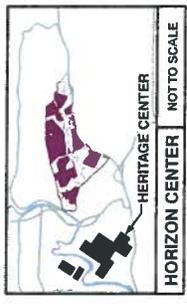
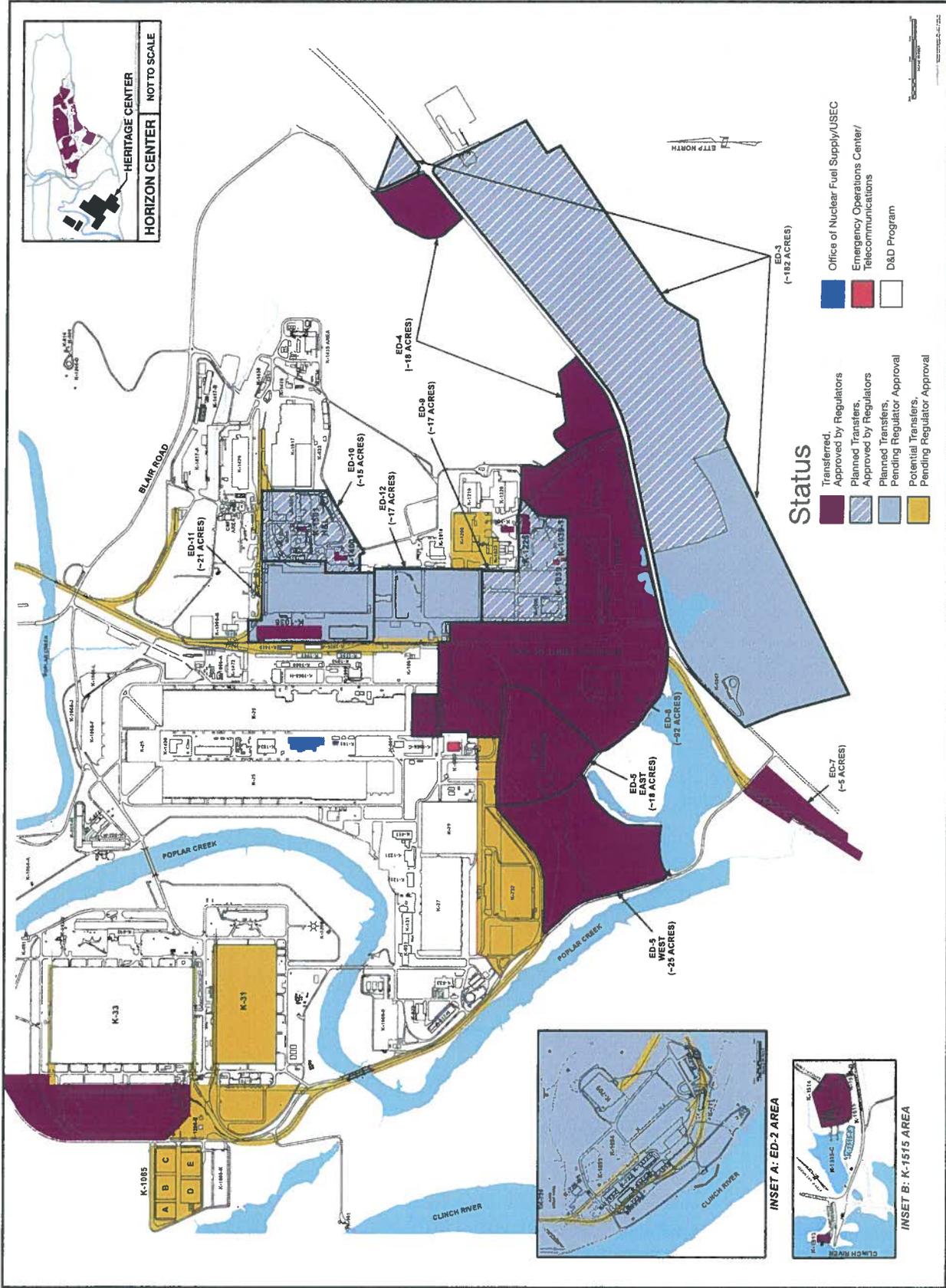


City Manager's Comments:

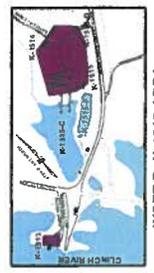
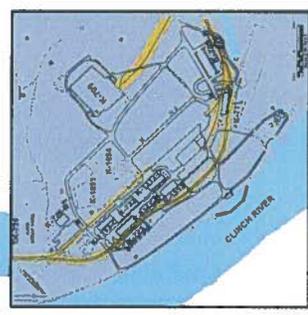
I have reviewed the above issue and recommend Council action as outlined in this document.

Mark S. Watson 2-8-11
Mark S. Watson Date

Heritage Center Development Plan



- Status**
- Transferred, Approved by Regulators
 - Planned Transfers, Approved by Regulators
 - Planned Transfers, Pending Regulator Approval
 - Potential Transfers, Pending Regulator Approval
 - Office of Nuclear Fuel Supply/USEC
 - Emergency Operations Center/ Telecommunications
 - D&D Program



Staff Review of Rezoning Request

Location & Approximate Area: Roane County Tax Map 30, Parcels ED-8 A, B, C, D and E, and Parcels 1.01, 1.02, 1.03, 1.07 located within the Heritage Center. Approx. 83.3 acres in area.

Date: January 14, 2011

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

JMM Realty LLC, Manhattan Project LLC
21312 Catawba Avenue
Cornelius, NC 28031

Request Rezoning

From: IND-2, Industrial

To: IND-2 IMDO, Industrial Manhattan District Overlay

Purpose: Redevelopment of brownfield industrial site.

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

Existing Land Use: Industrial, includes buildings K-1007, K-1000, K-1580, K-1330

Adjacent Land Uses & Zoning:

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

East: F.I.R., Federal Industry and Research, open space within Heritage Center

South: F.I.R. Federal Industry and Research, State Route 58, D.O.E.

West: IND-2, Industrial, ED-5, site of two industrial spec buildings

Previous Rezoning Requests: November 2010 rezoned from FIR to IND-2

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

Applicable Policies:

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

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

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

3. **Applicable Regulations:**

Setbacks: IND-2, Industrial setbacks are as follows: Front – 30 feet; Side –25 feet;
Rear – 25 feet. Overlay allows exceptions for existing buildings
Maximum Usable Floor Area to Lot Area Ratio: 60%

Analysis:

The following criteria were used to evaluate the rezoning request.

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

Yes.

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

The property has become privately owned and made available by D.O.E for economic development.

3) **Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?** Yes, the property is within an industrial area without close proximity to residential uses. There is nearby access to S.R. 58, S.R. 95 and Interstate 40.

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

The ED-8 parcels are the second group of parcels within the Heritage Center to be rezoned. ED-5 was rezoned from FIR to IND-2 in September 2009. Additional rezonings from F.I.R. will occur as the redevelopment and privatizing of the Heritage Center continues.

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

Public utilities and road capacity are adequate.

6) **Would the requested rezoning have environmental impacts?**

The Heritage Center is already an industrial site. Changing the zoning from F.I.R. to IND-2 will not change the environmental impacts.

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

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

Notification of Property Owners Within 200': January 14, 2011

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

Rezoning Parcel ED-8
January 14, 2011

3

Planning Commission Recommendation: January 20, 2011, Planning Commission voted to recommend approval of rezoning from IND-2 to IND-2 IMDO by a vote of 8-0.

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 THE BUILDINGS DESIGNATED AS PARCELS 1.01, 1.02, 1.03, AND 1.07, ROANE COUNTY TAX MAP 30, AND THE REAL PROPERTY DESIGNATED BY THE UNITED STATES DEPARTMENT OF ENERGY AS PARCELS ED-8A, ED-8B, ED-8C, ED-8D, AND ED-8E, WHICH BUILDINGS AND PROPERTIES ARE LOCATED AT HERITAGE CENTER, FROM IND-2, INDUSTRIAL TO IND-2, INDUSTRIAL MANHATTAN DISTRICT OVERLAY (IMDO).

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

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

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

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

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 1.01, Map 30 (± 0.19 Acres)	North side of State Route 58 west of Victorious Boulevard East	IND-2, Industrial	IND-2, Industrial Manhattan District Overlay (IMDO)
Parcel 1.02, Map 30 (± 0.32 Acres)	North side of State Route 58 east of Americus Avenue	IND-2, Industrial	IND-2, Industrial Manhattan District Overlay (IMDO)
Parcel 1.03, Map 30 (± 2.16 Acres)	North side of State Route 58 east of Meritus Avenue	IND-2, Industrial	IND-2, Industrial Manhattan District Overlay (IMDO)
Parcel 1.07, Map 30 (± 0.11 Acres)	North side of State Route 58 east of Heritage Center Boulevard	IND-2, Industrial	IND-2, Industrial Manhattan District Overlay (IMDO)
Parcel ED-8A (+ 3.79 Acres)	North side of State Route 58 east of Victorious Boulevard East	IND-2, Industrial	IND-2, Industrial Manhattan District Overlay (IMDO)
Parcel ED-8B (+ 18.89 Acres)	North side of State Route 58 east of Americus Avenue	IND-2, Industrial	IND-2, Industrial Manhattan District Overlay (IMDO)
Parcel ED-8C (+ 9.00 Acres)	North side of State Route 58 east of Heritage Center Boulevard	IND-2, Industrial	IND-2, Industrial Manhattan District Overlay (IMDO)
Parcel ED-8D (+ 31.14 Acres)	North side of State Route 58 east of Meritus Avenue	IND-2, Industrial	IND-2, Industrial Manhattan District Overlay (IMDO)

Parcel ED8-E
(+ 14.94 Acres)

North side of State Route
north of Victorious Boulevard
West

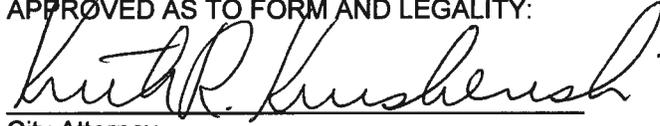
IND-2, Industrial

IND-2, Industrial
Manhattan District
Overlay (IMDO)

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

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

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

Public Hearing: 2/14/11
First Reading: 2/14/11
Publication Date: 2/21/11
Second Reading: _____
Publication Date: _____
Effective Date: _____

LEGAL DEPARTMENT MEMORANDUM
11-06

DATE: February 22, 2011

TO: Mark S. Watson, City Manager

FROM: Tammy M. Dunn, Senior Staff Attorney

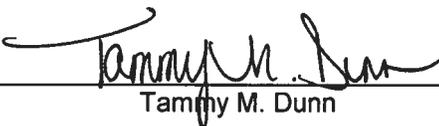
SUBJECT: **SUBSTITUTE ORDINANCE FOR COUNCIL'S CONSIDERATION ON THE BOARDS AND COMMISSIONS (BEER BOARD AND EQAB) AMENDMENT APPROVED ON FIRST READING – ALLOWS THE TERM OF OFFICE COMMENCEMENT DATE TO BE SET BY RESOLUTION RATHER THAN BY ORDINANCE**

At the March 7, 2011 meeting, City Council will consider on second reading an ordinance to amend City Code §2-203 and §8-603(1) to change the term of office commencement date for non-student members of the Environmental Quality Advisory Board (EQAB) and all members of the Oak Ridge Beer Permit Board (Beer Board).

As approved on first reading on February 14, 2011, the ordinance extends current non-student EQAB members' and all Beer Board members' terms of office through to the December 31 following their current term of office. The ordinance also provides for a new commencement date of January 1 for these terms of office. At the February 14, 2011 meeting, Councilwoman Smith asked if it would not be simpler for the ordinance to allow Council to change the commencement dates by resolution, as it is for all other boards and commissions, rather than require the commencement date to be set forth by ordinance. At the meeting, Councilwoman Smith was told her question would be addressed for second reading of the ordinance.

Councilwoman Smith's suggestion would make the process simpler should Council desire to alter the terms of office for boards and commissions again in the future. Therefore, attached is a substitute ordinance for Council's consideration which will implement Councilwoman Smith's suggested modification. A bold-strikethrough version and a clean copy version are attached for ease of reference.

Should Council desire to adopt the substitute ordinance instead of the ordinance approved on first reading, a simple motion can be made to amend the ordinance on the floor with the substitute ordinance. If the substitute ordinance is adopted by Council, no further action will be required to establish January 1 as the new term of office commencement date as that has already been done by Resolution 2-8-11, which resolution is applicable to EQAB and Beer Board, and becomes effective April 1, 2011.



Tammy M. Dunn

Attachments

TITLE

AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS, ETC.," CHAPTER 2, TITLED "ENVIRONMENTAL QUALITY ADVISORY BOARD," SECTION 2-203, TITLED "TERMS OF MEMBERS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY ADDING A NEW PARAGRAPH; AND TO AMEND TITLE 8, TITLED "ALCOHOLIC BEVERAGES," CHAPTER 6, TITLED "BEER AND OTHER LIGHT BEVERAGES – GENERALLY," SECTION 8-603, TITLED "BEER PERMIT BOARD," SUBSECTION (1), **BY ESTABLISHING THE EXISTING LANGUAGE AS SUBPARAGRAPH (A) AND CREATING A NEW SUBPARAGRAPH (B); TO CHANGE THE COMMENCEMENT DATE FOR ALL FOR THE PURPOSE OF EXTENDING CURRENT MEMBERS' TERMS OF OFFICE FOR EQAB (EXCEPT STUDENT MEMBERS) AND BEER BOARD TO NOW BE JANUARY 1, WITH CURRENT MEMBERS' TERMS BEING EXTENDED THROUGH TO THE DECEMBER 31 FOLLOWING THEIR CURRENT TERM OF OFFICE, AND PROVIDING FOR NEW TERM COMMENCEMENT DATES TO BE ESTABLISHED BY RESOLUTION OF CITY COUNCIL ALL FOR THE PURPOSE OF CONSISTENCY AND SIMPLIFICATION OF THE ELECTION PROCESS.**

WHEREAS, Article III, Section 5, of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall create by ordinance a personnel advisory board and may create by ordinance, resolution, or motion other long- or short-term advisory boards to the Council or to the City Manager with respect to specific municipal functions as may be deemed necessary; and

WHEREAS, City Council has established various boards and commissions under this authority; and

WHEREAS, the City desires to place all terms of office for members of boards and commissions (with the exception of student members) on the same schedule, ~~with all terms commencing on January 1,~~ to provide for consistency and simplification of the election process; and

WHEREAS, certain boards and commissions have a specified term date set forth in the City Code, which requires an amendment in order to change their terms of office; and

WHEREAS, this change does not shorten any member's term of office, but extends it through to the December 31 following their current term.; and

WHEREAS, this change establishes new terms of office commencing on a date set by resolution of City Council; and

WHEREAS, by Resolution 2-8-11, City Council has established a commencement date of January 1 for terms of office for most boards and commissions, which date is applicable to the Environmental Quality Advisory Board and the Oak Ridge Beer Permit Board effective April 1, 2011, and can be changed at any time by resolution of City Council rather than by ordinance.

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

Section 1. Title 2, titled "Boards and Commissions, Etc.," Chapter 2, titled "Environmental Quality Advisory Board," Section 2-203, titled "Terms of members," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new paragraph to the end of this section, which new paragraph shall read as follows:

Sec. 2-203. Terms of members.

....

As of April 1, 2011, all current members' terms (except for student members which shall remain unchanged) shall be extended through to the following December 31, and all subsequent terms shall commence on ~~January 4~~ **a date established by resolution of City Council** with the term lengths and staggered appointments remaining the same.

Section 2. Title 8, titled "Alcoholic Beverages," Chapter 6, titled "Beer and Other Light Beverages - Generally," Section 8-603, titled "Beer permit board," Subsection (1), titled "Creation of board," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by ~~deleting the phrase "expire on the first Thursday of January" and substituting therefore the phrase "commence on January 1" in the first sentence establishing the existing paragraph as subparagraph (a) and creating a new subparagraph (b), which shall read as follows:~~

Sec. 8-603. Beer permit board.

(a)

(b) **As of April 1, 2011, all current member's terms shall be extended through to the following December 31, and all subsequent terms shall commence on a date established by resolution of City Council with the term lengths and staggered appointments remaining the same.**

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:

City Attorney

Mayor

City Clerk

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

TITLE

AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS, ETC.," CHAPTER 2, TITLED "ENVIRONMENTAL QUALITY ADVISORY BOARD," SECTION 2-203, TITLED "TERMS OF MEMBERS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY ADDING A NEW PARAGRAPH; AND TO AMEND TITLE 8, TITLED "ALCOHOLIC BEVERAGES," CHAPTER 6, TITLED "BEER AND OTHER LIGHT BEVERAGES – GENERALLY," SECTION 8-603, TITLED "BEER PERMIT BOARD," SUBSECTION (1), BY ESTABLISHING THE EXISTING LANGUAGE AS SUBPARAGRAPH (A) AND CREATING A NEW SUBPARAGRAPH (B); ALL FOR THE PURPOSE OF EXTENDING CURRENT MEMBERS' TERMS OF OFFICE (EXCEPT STUDENT MEMBERS) THROUGH TO THE DECEMBER 31 FOLLOWING THEIR CURRENT TERM OF OFFICE, AND PROVIDING FOR NEW TERM COMMENCEMENT DATES TO BE ESTABLISHED BY RESOLUTION OF CITY COUNCIL ALL FOR THE PURPOSE OF CONSISTENCY AND SIMPLIFICATION OF THE ELECTION PROCESS.

WHEREAS, Article III, Section 5, of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall create by ordinance a personnel advisory board and may create by ordinance, resolution, or motion other long- or short-term advisory boards to the Council or to the City Manager with respect to specific municipal functions as may be deemed necessary; and

WHEREAS, City Council has established various boards and commissions under this authority; and

WHEREAS, the City desires to place all terms of office for members of boards and commissions (with the exception of student members) on the same schedule to provide for consistency and simplification of the election process; and

WHEREAS, certain boards and commissions have a specified term date set forth in the City Code, which requires an amendment in order to change their terms of office; and

WHEREAS, this change does not shorten any member's term of office, but extends it through to the December 31 following their current term; and

WHEREAS, this change establishes new terms of office commencing on a date set by resolution of City Council; and

WHEREAS, by Resolution 2-8-11, City Council has established a commencement date of January 1 for terms of office for most boards and commissions, which date is applicable to the Environmental Quality Advisory Board and the Oak Ridge Beer Permit Board effective April 1, 2011, and can be changed at any time by resolution of City Council rather than by ordinance.

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

Section 1. Title 2, titled "Boards and Commissions, Etc.," Chapter 2, titled "Environmental Quality Advisory Board," Section 2-203, titled "Terms of members," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new paragraph to the end of this section, which new paragraph shall read as follows:

Sec. 2-203. Terms of members.

....

As of April 1, 2011, all current members' terms (except for student members which shall remain unchanged) shall be extended through to the following December 31, and all subsequent terms shall commence on a date established by resolution of City Council with the term lengths and staggered appointments remaining the same.

Section 2. Title 8, titled "Alcoholic Beverages," Chapter 6, titled "Beer and Other Light Beverages - Generally," Section 8-603, titled "Beer permit board," Subsection (1), titled "Creation of board," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by establishing the existing paragraph as subparagraph (a) and creating a new subparagraph (b), which shall read as follows:

Sec. 8-603. Beer permit board.

(a)

(b) As of April 1, 2011, all current member's terms shall be extended through to the following December 31, and all subsequent terms shall commence on a date established by resolution of City Council with the term lengths and staggered appointments remaining the same.

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:

City Attorney

Mayor

City Clerk

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

CITY COUNCIL MEMORANDUM
11-13

DATE: February 7, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CHANGING THE TERMS OF THE OAK RIDGE BEER PERMIT BOARD AND THE ENVIRONMENTAL QUALITY ADVISORY BOARD

One item scheduled for the February 14th agenda is an ordinance to simplify the election process for certain boards and commissions by setting all terms of office to commence on January 1, thereby allowing City Council to consider elections for all expired terms of office at one meeting per year (December), except for elections needed to fill vacancies occurring prior to the expiration of a term.

Because the above two boards were established by ordinance, the proposed ordinance pertains to the terms of office for the Oak Ridge Beer Permit Board and the Environmental Quality Advisory Board. No current member's term of office will be shortened by this change. Current members' terms of office will extend through to December 31 of their current term, thereby placing all terms of office on a calendar year.

By changing the election process to once per year, the City Clerk's Office will conduct an annual recruitment for vacancies in October of each year with the election being held in December. This change is intended to not only simplify the process, but to increase the amount of interest in boards and commissions.

This item coincides with a resolution pertaining to terms of office for other boards and commissions. Both the resolution and the ordinance will take effect on April 1, 2011.

Approval of the attached ordinance is recommended.



Mark S. Watson

TITLE

AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS, ETC.," CHAPTER 2, TITLED "ENVIRONMENTAL QUALITY ADVISORY BOARD," SECTION 2-203, TITLED "TERMS OF MEMBERS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY ADDING A NEW PARAGRAPH; AND TO AMEND TITLE 8, TITLED "ALCOHOLIC BEVERAGES," CHAPTER 6, TITLED "BEER AND OTHER LIGHT BEVERAGES – GENERALLY," SECTION 8-603, TITLED "BEER PERMIT BOARD," SUBSECTION (1), TO CHANGE THE COMMENCEMENT DATE FOR TERMS OF OFFICE FOR EQAB (EXCEPT STUDENT MEMBERS) AND BEER BOARD TO NOW BE JANUARY 1, WITH CURRENT MEMBERS' TERMS BEING EXTENDED THROUGH TO THE DECEMBER 31 FOLLOWING THEIR CURRENT TERM OF OFFICE, ALL FOR THE PURPOSE OF CONSISTENCY AND SIMPLIFICATION OF THE ELECTION PROCESS.

WHEREAS, Article III, Section 5, of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall create by ordinance a personnel advisory board and may create by ordinance, resolution, or motion other long- or short-term advisory boards to the Council or to the City Manager with respect to specific municipal functions as may be deemed necessary; and

WHEREAS, City Council has established various boards and commissions under this authority; and

WHEREAS, the City desires to place all terms of office for members of boards and commissions (with the exception of student members) on the same schedule, with all terms commencing on January 1, to provide for consistency and simplification of the election process; and

WHEREAS, certain boards and commissions have a specified term date set forth in the City Code, which requires an amendment in order to change their terms of office; and

WHEREAS, this change does not shorten any member's term of office, but extends it through to the December 31 following their current term.

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

Section 1. Title 2, titled "Boards and Commissions, Etc.," Chapter 2, titled "Environmental Quality Advisory Board," Section 2-203, titled "Terms of members," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by adding a new paragraph to the end of this section, which new paragraph shall read as follows:

Sec. 2-203. Terms of members.

....

As of April 1, 2011, all current members' terms (except for student members which shall remain unchanged) shall be extended through to the following December 31, and all subsequent terms shall commence on January 1 with the term lengths and staggered appointments remaining the same.

Section 2. Title 8, titled "Alcoholic Beverages," Chapter 6, titled "Beer and Other Light Beverages - Generally," Section 8-603, titled "Beer permit board," Subsection (1), titled "Creation of board," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting the phrase "expire on the first Thursday of January" and substituting therefore the phrase "commence on January 1" in the first sentence.

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:



City Attorney

Mayor

City Clerk

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

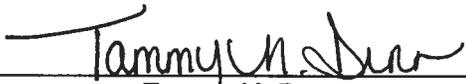
LEGAL DEPARTMENT MEMORANDUM
11-07

DATE: March 2, 2011
TO: Mark S. Watson, City Manager
FROM: Tammy M. Dunn, Senior Staff Attorney
SUBJECT: CORRECTED ORDINANCE FOR THE TRADE LICENSING BOARD ORDINANCE
APPROVED BY COUNCIL ON FIRST READING ON FEBRUARY 14, 2011 AND
SCHEDULED FOR SECOND READING ON MARCH 7, 2011

At the March 7, 2011 meeting, City Council will consider on second reading an ordinance to abolish the Electrical and Plumbing Examiner Boards and to create a new Trade Licensing Board. Within the text of this ordinance is a list of the current chapters within Title 12 to be renumbered so there is not a gap in the code due to the deletion of the chapters for the abolished boards. Chapter 12 is listed as the "Gas Code"; however, it is actually the "Residential Code" which was adopted by Council through Ordinance 8-08. This change was adopted in 2008, but is not in the current version (either printed or online) of the City Code because the City Code has not been updated by MTAS since August 2007. This error caught this afternoon during the review of the City Code updates provided by MTAS to the City yesterday.

Attached is a corrected ordinance for this item. It contains the correct title of Title 12, Chapter 12, which is the "Residential Code" and not the "Gas Code."

Please ask Council to amend the ordinance on the floor of the meeting to substitute the attached corrected ordinance.



Tammy M. Dunn

Attachment

City Manager's Comments:

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

 3/2/2011

Mark S. Watson Date

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 4, TITLED "BOARD OF ELECTRICAL EXAMINERS," IN ITS ENTIRETY; BY RENUMBERING CHAPTER 3, TITLED "ELECTRICAL CODE," AS THE NEW CHAPTER 4 KEEPING THE SAME TITLE; BY CREATING A NEW CHAPTER 3, TITLED "TRADE LICENSING BOARD"; BY DELETING CHAPTER 8, TITLED "BOARD OF PLUMBING EXAMINERS," IN ITS ENTIRETY; BY RENUMBERING THE FOLLOWING CHAPTERS WITH ALL TITLES REMAINING THE SAME: CHAPTER 9, TITLED "PLUMBER'S LICENSE," AS THE NEW CHAPTER 8, CHAPTER 10, TITLED "PLUMBER'S WORK PERMIT," AS THE NEW CHAPTER 9, CHAPTER 11, TITLED "MECHANICAL CODE," AS THE NEW CHAPTER 10, CHAPTER 12, TITLED "RESIDENTIAL CODE," AS THE NEW CHAPTER 11, AND CHAPTER 13, TITLED "CITATIONS AND ORDINANCES SUMMONSES," AS THE NEW CHAPTER 12; BY DELETING SECTION 12-302 (NEW SECTION 12-402), TITLED "DEFINITIONS," SUBSECTION (2), TITLED "BOARD," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 12-402(2), TITLED "BOARD"; AND BY DELETING SECTION 12-702, TITLED "DEFINITIONS," SUBSECTION (2), TITLED "BOARD," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 12-702(2), TITLED "BOARD," ALL FOR THE PURPOSE OF ABOLISHING THE BOARD OF ELECTRICAL EXAMINERS AND THE BOARD OF PLUMBING EXAMINERS AND CREATING A NEW TRADE LICENSING BOARD WHICH COMBINES THE RESPONSIBILITIES OF BOTH BOARDS INTO ONE.

WHEREAS, on January 11, 2011, the Board of Electrical Examiners and the Board the Plumbing Examiners unanimously voted to abolish their respective boards and combine their functions into one board to be known as the Trade Licensing Board; and

WHEREAS, combining these two five-member boards into one seven-member board should alleviate current issues with vacancies and allow the board to operate more efficiently.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 4, titled "Board of Electrical Examiners," in its entirety.

Section 2. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by renumbering Chapter 3, titled "Electrical Code," as the new Chapter 4, titled "Electrical Code."

Section 3. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Chapter 3, titled "Trade Licensing Board," which new chapter shall read as follows:

CHAPTER 3

TRADE LICENSING BOARD

SECTION

- 12-301. Established; composition.
- 12-302. Appointment of members.
- 12-303. Members not to own or be employed by same firm.
- 12-304. Terms of members; filling of vacancies; removal of members.
- 12-305. Chairperson.

- 12-306. Secretary.
- 12-307. Rules of procedure; meetings.
- 12-308. General powers and duties.
- 12-309. Records open to public inspection.
- 12-310. Examination of applicants.

Sec. 12-301. Established; composition.

There is hereby established in the city a Trade Licensing Board, which shall consist of seven (7) members. Such board shall be composed of two (2) members holding a current and valid Class I or II electrical license from the City of Oak Ridge and two (2) members holding a current and valid plumber's license from the City of Oak Ridge, if such qualified applicants are available, and the remaining members from the public at large, including persons who possess current and valid electrical and plumbing licenses.

Sec. 12-302. Appointment of members.

Members of the board shall be appointed by City Council.

Sec. 12-303. Members not to own or be employed by same firm.

Board members shall not own or be employees of the same contracting corporation, firm, partnership or individual employer.

Sec. 12-304. Terms of members; filling of vacancies; removal of members.

Of the members first appointed to the board, three (3) members shall serve through December 31, 2014, two (2) members shall serve through December 31, 2013, and two (2) members shall serve through December 31, 2012. Thereafter, the term of office for board members shall be three (3) years commencing on January 1. In case of resignation, death, or removal from office, another appointment will be made to finish out the unexpired term of office of the former member. Members of the board may be removed for good cause by the City Council at any time. Removal of members due to absences shall be governed by the attendance policy established by City Council for all boards and commissions.

Sec. 12-305. Chairperson.

The chairperson of the board shall be elected by the board from members serving on the board. The chairperson shall preside at meetings and shall have such other duties as designated by the board. In the absence of the chairperson, the board shall elect a chairperson pro tem.

Sec. 12-306. Secretary.

A secretary shall be elected by the board from the members of the board. The secretary shall prepare or have prepared minutes of all meetings, and shall have such other responsibilities as assigned by the board. In the absence of the secretary, the board shall elect a secretary pro tem. Copies of all minutes shall be filed with and kept in the custody of the City Clerk, and shall be available for public inspection.

Sec. 12-307. Rules of procedures; meetings.

The board shall establish written rules and regulations for its own procedure consistent with the provisions of the electrical and plumbing codes of the City of Oak Ridge. Such rules, or any changes thereto, shall be approved by City Council and shall be filed with the City Clerk. The board shall meet at regular intervals at the call of the chairperson of the board or the City Manager.

Sec. 12-308. General powers and duties.

The board shall set standards and procedures for the qualification, examination, and licensing of Class I Electrical Contractors, Class II Residential Electrical Contractors, Master Electrician Certifications, Master Plumbers, and Journeyman Certifications under the provisions of the electrical and plumbing codes of the City of Oak Ridge. Such standards and procedures shall be approved by City Council. The board shall exercise the powers and perform the duties provided for in the electrical and plumbing codes of the City of Oak Ridge and shall have such other duties and powers as are necessary to carry out the intent and provisions of the electrical and plumbing codes of the City of Oak Ridge.

Sec. 12-309. Records open to public inspection.

All records of the board shall be maintained by the City Manager or the City Manager's designee and shall be open to inspection by the public.

Sec. 12-310. Examination of applicants.

The Board shall use only Board-approved testing agencies for the electrical and plumbing construction industry, which shall include the State of Tennessee Licensing Board's approved test designed to measure competency in the electrical and plumbing professions. The test grade shall be current within two (2) years of an applicant appearing before the Board. All examinations shall be proctored by a qualified person.

Section 4. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 8, titled "Board of Plumbing Examiners," in its entirety.

Section 5. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by renumbering the following chapters as set forth below, with all titles remaining the same:

Chapter 9, titled "Plumber's License," renumbered to Chapter 8

Chapter 10, titled "Plumber's Work Permit," renumbered to Chapter 9

Chapter 11, titled "Mechanical Code," renumbered to Chapter 10

Chapter 12, titled "Residential Code," renumbered to Chapter 11

Chapter 13, titled "Citations and Summonses," renumbered to Chapter 12

Section 6. Title 12, titled "Building, Utility, Etc. Codes," Section 12-302 (new Section 12-402), titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section is hereby amended by deleting Subsection (2), titled "Board," and substituting therefor a new Subsection 12-402(2), titled "Board," which new subsection shall read as follows:

Sec. 12-402. Definitions.

(2) "Board." The term "board" shall mean the Trade Licensing Board created by §12-301.

Section 7. Title 12, titled "Building, Utility, Etc. Codes," Section 12-702, titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section is hereby amended by deleting Subsection (2), titled "Board," and substituting therefor a new Subsection 12-702(2), titled "Board," which new subsection shall read as follows:

Sec. 12-702. Definitions.

(2) "Board." The term "board" shall mean the Trade Licensing Board created by §12-301.

Section 8. 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:

City Attorney

Mayor

City Clerk

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

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
11-06**

Date: January 26, 2011
To: Mark Watson, City Manager
Thru: Kathryn Baldwin, Community Development Director 
From: Tim Ward, Community Development Division Manager 
RE: CITY CODE AMENDMENT – CREATION OF A TRADE LICENSING BOARD AND
ABOLISHMENT OF THE ELECTRICAL AND PLUMBING EXAMINERS BOARDS

An item for the agenda is an ordinance to amend the City Code to abolish the Board of Electrical Examiners and the Board of Plumbing Examiners, and to create a new Trade Licensing Board which will incorporate the responsibilities of the previous electrical and plumbing examiners boards.

Attached is Community Development Memorandum 11-01 outlining the proposal to consolidate the Board of Electrical Examiners and the Board of Plumbing Examiners into one new board called the Trade Licensing Board. Memorandum 11-01 sets forth the discussions held with both boards pertaining to this proposal. On January 11, 2011, the boards held a joint meeting to consider this proposal, and both boards unanimously gave their support.

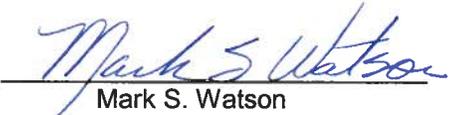
While the proposed ordinance is lengthy, it simply abolishes the two current boards by deleting Chapters 4 and 8 of Title 12 of the City Code. A decision was made to re-number the existing chapters in this title for consistency with the new chapter on the Trade Licensing Board. Additionally, two sections within this title (City Code §12-302 (the new §12-402) and City Code §12-702) defined the term "board" and require an amendment to refer to the new Trade Licensing Board.

It is anticipated that consolidation of these five-member boards into one seven-member board will alleviate current issues with vacancies and will allow the work needed by these boards to continue in a more efficient and effective manner.

Staff recommends approval of the attached ordinance.

City Manager's Comments:

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



Mark S. Watson 2-8-11
Date

**COMMUNITY DEVELOPMENT MEMORANDUM
CODE ENFORCEMENT DIVISION
11-01**

Date: January 18, 2011

To: Mark Watson, City Manager

Thru: Kathryn Baldwin, Community Development Director 

From: Tim Ward, Community Development Division Manager 

RE: Consolidation of Electrical and Plumbing Boards of Examiners

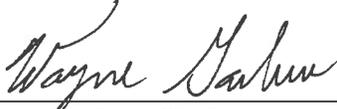
Please be advised that on January 11, 2011 the Boards of Electrical and Plumbing Examiners conducted a joint meeting for the purpose of allowing staff to present a proposal intended to combine both groups into a new Trade Licensing Board which combines the responsibilities of both previous boards into one.

While providing the members in attendance with an outline of why this proposal was an important part of helping to improve the City's ability to provide trade licensing, a function dating back to the early 1960's, it was also being proposed to help stabilize membership now and for the years ahead. With the current member composition, as established by Ordinance, it simply takes too long to find qualified and interested citizens willing to volunteer their time and talents to serve. This has been especially true with the Plumbing Board of Examiners, a five-member board that struggles from month to month to conduct business due to a lack of a quorum, as it currently has two vacant seats.

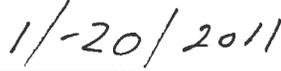
During our discussion, we covered the key issues this new board will encounter, such as the need for a new Ordinance, revised rules and procedures, and a membership composition increase from two five-member boards to one seven-member board. Currently, both combined memberships total eight, with two members from the electrical board and one from the plumbing board facing term expiration on March 10, 2011. It would be my recommendation that all current board members with terms expiring in March of this year be re-appointed, provided they notify the City Clerk of their wish to continue service on this proposed Trade Licensing Board.

Upon completing my presentation, and a number of questions being asked by the attendees, a motion was made by current Plumbing Board Chairman Brian Hayden and seconded by electrical board member Joe McCarty, to recommend staff's proposal be sent to City Council as the boards' recommendation for Council to approve a new Ordinance to create a new board

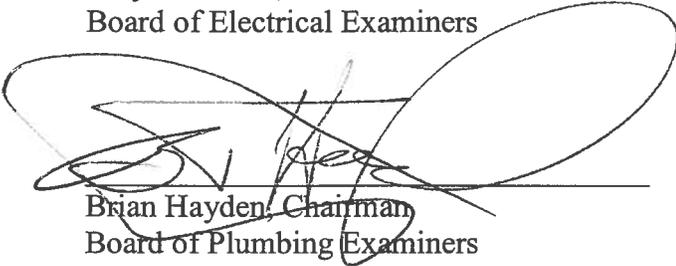
referred to as the Trade Licensing Board. Both the Chairmen of the Electrical and Plumbing Boards of Examiners have signed this memo indicating each board's support.



Wayne Garber, Chairman
Board of Electrical Examiners



Date



Brian Hayden, Chairman
Board of Plumbing Examiners



Date

cc: Board of Electrical Examiners
Board of Plumbing Examiners
Denny Boss
Arnold Blackwell
Jake Martin
Donna Satterfield
Mary Mason
City Clerk
Ken Krushenski, City Attorney
File

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 4, TITLED "BOARD OF ELECTRICAL EXAMINERS," IN ITS ENTIRETY; BY RENUMBERING CHAPTER 3, TITLED "ELECTRICAL CODE," AS THE NEW CHAPTER 4 KEEPING THE SAME TITLE; BY CREATING A NEW CHAPTER 3, TITLED "TRADE LICENSING BOARD"; BY DELETING CHAPTER 8, TITLED "BOARD OF PLUMBING EXAMINERS," IN ITS ENTIRETY; BY RENUMBERING THE FOLLOWING CHAPTERS WITH ALL TITLES REMAINING THE SAME: CHAPTER 9, TITLED "PLUMBER'S LICENSE," AS THE NEW CHAPTER 8, CHAPTER 10, TITLED "PLUMBER'S WORK PERMIT," AS THE NEW CHAPTER 9, CHAPTER 11, TITLED "MECHANICAL CODE," AS THE NEW CHAPTER 10, CHAPTER 12, TITLED "GAS CODE," AS THE NEW CHAPTER 11, AND CHAPTER 13, TITLED "CITATIONS AND ORDINANCES SUMMONSES," AS THE NEW CHAPTER 12; BY DELETING SECTION 12-302 (NEW SECTION 12-402), TITLED "DEFINITIONS," SUBSECTION (2), TITLED "BOARD," AND SUBSTITUTING THEREFOR A NEW SUBSECTION 12-402(2), TITLED "BOARD"; AND BY DELETING SECTION 12-702, TITLED "DEFINITIONS," SUBSECTION (2), TITLED "BOARD," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SUBSECTION 12-702(2), TITLED "BOARD," ALL FOR THE PURPOSE OF ABOLISHING THE BOARD OF ELECTRICAL EXAMINERS AND THE BOARD OF PLUMBING EXAMINERS AND CREATING A NEW TRADE LICENSING BOARD WHICH COMBINES THE RESPONSIBILITIES OF BOTH BOARDS INTO ONE.

WHEREAS, on January 11, 2011, the Board of Electrical Examiners and the Board the Plumbing Examiners unanimously voted to abolish their respective boards and combine their functions into one board to be known as the Trade Licensing Board; and

WHEREAS, combining these two five-member boards into one seven-member board should alleviate current issues with vacancies and allow the board to operate more efficiently.

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

Section 1. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 4, titled "Board of Electrical Examiners," in its entirety.

Section 2. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by renumbering Chapter 3, titled "Electrical Code," as the new Chapter 4, titled "Electrical Code."

Section 3. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Chapter 3, titled "Trade Licensing Board," which new chapter shall read as follows:

CHAPTER 3

TRADE LICENSING BOARD

SECTION

- 12-301. Established; composition.
- 12-302. Appointment of members.
- 12-303. Members not to own or be employed by same firm.
- 12-304. Terms of members; filling of vacancies; removal of members.
- 12-305. Chairperson.

- 12-306. Secretary.
- 12-307. Rules of procedure; meetings.
- 12-308. General powers and duties.
- 12-309. Records open to public inspection.
- 12-310. Examination of applicants.

Sec. 12-301. Established; composition.

There is hereby established in the city a Trade Licensing Board, which shall consist of seven (7) members. Such board shall be composed of two (2) members holding a current and valid Class I or II electrical license from the City of Oak Ridge and two (2) members holding a current and valid plumber's license from the City of Oak Ridge, if such qualified applicants are available, and the remaining members from the public at large, including persons who possess current and valid electrical and plumbing licenses.

Sec. 12-302. Appointment of members.

Members of the board shall be appointed by City Council.

Sec. 12-303. Members not to own or be employed by same firm.

Board members shall not own or be employees of the same contracting corporation, firm, partnership or individual employer.

Sec. 12-304. Terms of members; filling of vacancies; removal of members.

Of the members first appointed to the board, three (3) members shall serve through December 31, 2014, two (2) members shall serve through December 31, 2013, and two (2) members shall serve through December 31, 2012. Thereafter, the term of office for board members shall be three (3) years commencing on January 1. In case of resignation, death, or removal from office, another appointment will be made to finish out the unexpired term of office of the former member. Members of the board may be removed for good cause by the City Council at any time. Removal of members due to absences shall be governed by the attendance policy established by City Council for all boards and commissions.

Sec. 12-305. Chairperson.

The chairperson of the board shall be elected by the board from members serving on the board. The chairperson shall preside at meetings and shall have such other duties as designated by the board. In the absence of the chairperson, the board shall elect a chairperson pro tem.

Sec. 12-306. Secretary.

A secretary shall be elected by the board from the members of the board. The secretary shall prepare or have prepared minutes of all meetings, and shall have such other responsibilities as assigned by the board. In the absence of the secretary, the board shall elect a secretary pro tem. Copies of all minutes shall be filed with and kept in the custody of the City Clerk, and shall be available for public inspection.

Sec. 12-307. Rules of procedures; meetings.

The board shall establish written rules and regulations for its own procedure consistent with the provisions of the electrical and plumbing codes of the City of Oak Ridge. Such rules, or any changes thereto, shall be approved by City Council and shall be filed with the City Clerk. The board shall meet at regular intervals at the call of the chairperson of the board or the City Manager.

Sec. 12-308. General powers and duties.

The board shall set standards and procedures for the qualification, examination, and licensing of Class I Electrical Contractors, Class II Residential Electrical Contractors, Master Electrician Certifications, Master Plumbers, and Journeyman Certifications under the provisions of the electrical and plumbing codes of the City of Oak Ridge. Such standards and procedures shall be approved by City Council. The board shall exercise the powers and perform the duties provided for in the electrical and plumbing codes of the City of Oak Ridge and shall have such other duties and powers as are necessary to carry out the intent and provisions of the electrical and plumbing codes of the City of Oak Ridge.

Sec. 12-309. Records open to public inspection.

All records of the board shall be maintained by the City Manager or the City Manager's designee and shall be open to inspection by the public.

Sec. 12-310. Examination of applicants.

The Board shall use only Board-approved testing agencies for the electrical and plumbing construction industry, which shall include the State of Tennessee Licensing Board's approved test designed to measure competency in the electrical and plumbing professions. The test grade shall be current within two (2) years of an applicant appearing before the Board. All examinations shall be proctored by a qualified person.

Section 4. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 8, titled "Board of Plumbing Examiners," in its entirety.

Section 5. Title 12, titled "Building, Utility, Etc. Codes," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by renumbering the following chapters as set forth below, with all titles remaining the same:

Chapter 9, titled "Plumber's License," renumbered to Chapter 8

Chapter 10, titled "Plumber's Work Permit," renumbered to Chapter 9

Chapter 11, titled "Mechanical Code," renumbered to Chapter 10

Chapter 12, titled "Gas Code," renumbered to Chapter 11

Chapter 13, titled "Citations and Summonses," renumbered to Chapter 12

Section 6. Title 12, titled "Building, Utility, Etc. Codes," Section 12-302 (new Section 12-402), titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section is hereby amended by deleting Subsection (2), titled "Board," and substituting therefor a new Subsection 12-402(2), titled "Board," which new subsection shall read as follows:

Sec. 12-402. Definitions.

(2) "Board." The term "board" shall mean the Trade Licensing Board created by §12-301.

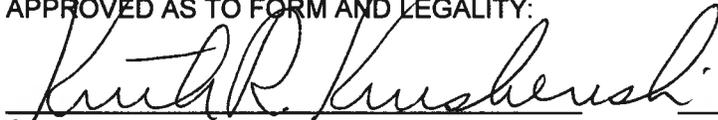
Section 7. Title 12, titled "Building, Utility, Etc. Codes," Section 12-702, titled "Definitions," of the Code of Ordinances, City of Oak Ridge, Tennessee, Section is hereby amended by deleting Subsection (2), titled "Board," and substituting therefor a new Subsection 12-702(2), titled "Board," which new subsection shall read as follows:

Sec. 12-702. Definitions.

(2) "Board." The term "board" shall mean the Trade Licensing Board created by §12-301.

Section 8. 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:



City Attorney

Mayor

City Clerk

First Reading: 2/14/11
Publication Date: 2/21/11
Second Reading: _____
Publication Date: _____
Effective Date: _____

ELECTRIC DEPARTMENT MEMORANDUM
11-01

DATE: February 3, 2011

To: Mark Watson, City Manager

From: Jack L. Suggs, Electrical Director

SUBJECT: ADOPTION OF NEW RULES AND REGULATIONS

Attached is an ordinance adopting the CITY OF OAK RIDGE, TENNESSEE RULES AND REGULATIONS GOVERNING ELECTRIC POWER DISTRIBUTION. The Rules and Regulations provide the framework for the Electric Utility and much of the day-to-day operations of the Utilities Business Office. The existing Rules and Regulations were adopted December 4, 2000.

As we have discussed, the Business Office is working to reduce our uncollectable accounts in the utility area. We are doing this through a multi-faceted approach, which will include examining our deposit programs, our billing and cut off policies and our collection efforts. I believe that the most opportunity for improvement lies, however, in establishing reasonable deposits for our customers.

Currently, the City charges a deposit of \$80.00 for water, sewer and electric service. This deposit was set in December of 2000, by resolution # 12-183-00. An examination of bad accounts, however, reveals that the average customer, who leaves owing the City money, owes the utility over \$300.00. This is money which must be made up by other rate payers.

Raising the deposit amount arbitrarily is difficult on new customers who might want to move into the City. In trying to strike a balance between protecting our rate payers and setting arbitrarily high deposit levels, staff surveyed sixteen utilities seeking the best deposit practices. We were aided in this endeavor by Mr. Chris Mitchel, with whom you and the Council are familiar.

We found that typical deposits range from \$150 to \$300, but frequently are reduced by the utility based on an independent evaluation of the risk of default posed by the customer. In fact, nearly two thirds of the utilities contacted participate in programs where a third party provider evaluates new customers and, based on the risk of default, makes adjustments to deposits. Customers with a high risk of default pay a substantial deposit; those with virtually no risk of default pay little or no deposit.

The evaluation of the risk of default of a customer is calculated based on the credit score of the individual and any history of having defaulted on previous utility bills. The cost of this service is nominal, at \$2.70 per customer. The staff conducting the check does not see the customer's credit score or creditors. Based on the information submitted, the system provides information for an identity check, and then a rating of "Green," for customers with a 0% to 10% chance of default, "Yellow" for a customer with a 10.1% to 25% chance of default or "Red," for customers with 25.1% or higher chance of default or customers who have previously defaulted on utility bills.

The details of the system application will be developed in a written policy which is available for public inspection once implemented. Note that interest will be paid on the deposited monies and credited to the depositor's account on an annual basis. Deposits will be refunded to customers upon termination of the account.

The amount of deposit is set by resolution. The basic deposit system for the electric utility, however, is established in the attached Rules and Regulations. Staff believed that since the rules and regulations had to be modified to clearly allow the deposit program described, we would examine the entire document. As such, several changes are suggested.

Section 2.1.2: This section was modified to make it more prominent. Additionally, language was added to make it clear that customers are responsible for unpaid utility bills which benefited them, whether the accounts were in their own name or not.

Section 2.1.3: New requirements for identity are specified, as is a requirement that the customer show he has the right to affect service. Normally, this will be in the form of either a signed lease or purchase agreement.

Section 2.2: The customer is required to be at the premises at the time the service is activated. This provision allows the City to recover costs should multiple trips be required.

Section 2.3.1: Provides for the deposit program as described above to be developed.

Section 2.3.2.c): Allows that small additions to commercial or industrial facilities can be made without increasing and recalculating the required deposits.

Section 2.3.3: A new section that allows the reconsideration of deposit amounts for customers who have either improved or deteriorated in their payment habits. This section will allow the City to obtain larger deposits from existing customers who have poor habits, or to decrease deposits on those who have improved their credit and payment history.

Section 3.1: Clarified on available voltages.

Section 3.5.4: New section that clarifies existing policy concerning unsafe conditions.

Section 3.7.3: Clarification

Section 5.3: Clarification to allow limited flexibility in application of penalties.

As a final note, TVA is the City's regulator for its electric utility. Although TVA does not approve our Rules and Regulations, they will review them and could mandate changes. Staff has been in constant contact with TVA about these changes and does not expect action by TVA. Should such occur, we will bring back the ordinance to make adjustments as required.

Staff believes that the changes strengthen the ordinance and make it a better document. There will be minor budget impacts in terms of the cost of performing the risk analysis and in programing the billing system to accept and credit interest on the deposit accounts.

Staff believes that the benefits far outweigh the cost and recommends approval of the attached ordinance.



Jack L. Suggs
Electric Director

City Manager's Comments:

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



Mark Watson 2-8-11
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.

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 to this~~ 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.

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2.1.2 2.1.3 REQUEST FOR SERVICE:

Any request for service shall include the following information:

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- 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
- GH) 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) a) — Deposits for new residential service will be established by Council Resolution. Deposits and 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 a written policy for the reduction or waiver of deposits which shall be available for inspection at the Utility

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~~Business Office required based on past payment history. In cases of hardship of residential customers, distributor may accept installment payments of deposits.~~

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.

~~c)~~ Amount of deposit for residential customers shall be stipulated in the Distributor's fee schedule.

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 may 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.~~

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2.3.3 Adjustment of Deposits

~~a) 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 the distributor. For hardship cases, the distributor may accept installment payments on the deposit increase.~~

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~~b) Decreasing Deposits: 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.~~

2.3.3.4 Refund of Deposits

Upon termination of service, the deposit 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 is not limited to circuses, carnivals, fairs, temporary construction, and like 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 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 ~~ef~~ 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

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3-5.43.5.5 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.

3-5.53.5.6 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, which-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 downrun conduit). F-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** ~~the~~ 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 ~~for~~ 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 ~~for residential customers of fifteen (15) days, and for all other classes of service ten (10) days,~~ 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:

1. The time period and number of days of utility service covered by the utility bill;
2. The utility charge and/or installment due;
3. The date of the utility bill;
4. 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;
5. An indication if the utility bill is based on actual or estimated measurement of the amount of utility service supplied;
6. 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:

1. The availability and operation of deferred payment plan;
2. The procedure to dispute a utility charge and/or an installment;
3. The procedure to avoid termination of utility service due to non-payment of utility charges and/or installments;
4. The procedure for tenants to avoid termination of utility service due to their landlord's non-payment of utility charges and/or installments; and
5. 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.

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:

- 1) Name of all tenants residing in such dwelling where service is to be terminated;
and
- 2) 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:

- 1) Landlords name, address and telephone number;
- 2) Address of utility service that is to be terminated;
- 3) Date of utility service(s) disconnection;
- 4) Advisement to the tenant(s) on what procedures are necessary to avoid termination of utility service(s); and
- 5) 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.

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, 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

1. The date of the notice of termination.
2. The amount to be paid.
3. The date of termination, which shall be at least five (5) days from the date of the notice of termination.
4. 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.
5. 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.
6. 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. ~~1~~ 1) The Distributor has not received complete payment of the amount shown on the notice of termination;
2. ~~2~~ 2) The residential customer has not requested the establishment of a deferred payment plan; and
3. ~~3~~ 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.

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9.2 LIMITATION ON TERMINATION OF UTILITY SERVICE

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.

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.

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.

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. 30-00 WHICH ADOPTED THE RULES AND REGULATIONS GOVERNING DISTRIBUTION OF ELECTRIC POWER, AND TO ADOPT NEW RULES AND REGULATIONS GOVERNING DISBTRIPTION 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, the new rules and regulations are recommended for adoption by City Council.

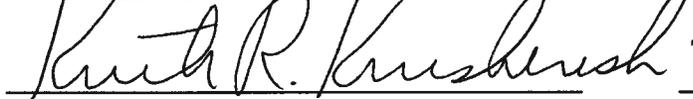
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 30-00 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:



City Attorney

Mayor

City Clerk

First Reading: 2/14/11
Publication Date: 2/21/11
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.

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. Deposits and 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 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.
- c) Amount of deposit for residential customers shall be stipulated in the Distributor's fee schedule.

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) 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 the distributor. For hardship cases, the distributor may accept installment payments on the deposit increase.
- b) Decreasing Deposits: 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.

2.3.4 Refund of Deposits

Upon termination of service, the deposit 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 downrun 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:

1. The time period and number of days of utility service covered by the utility bill;
2. The utility charge and/or installment due;
3. The date of the utility bill;
4. 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;
5. An indication if the utility bill is based on actual or estimated measurement of the amount of utility service supplied;
6. 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:

1. The availability and operation of deferred payment plan;
2. The procedure to dispute a utility charge and/or an installment;
3. The procedure to avoid termination of utility service due to non-payment of utility charges and/or installments;
4. The procedure for tenants to avoid termination of utility service due to their landlord's non-payment of utility charges and/or installments; and
5. 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.

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:

- 1) Name of all tenants residing in such dwelling where service is to be terminated; and
- 2) 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:

- 1) Landlords name, address and telephone number;
- 2) Address of utility service that is to be terminated;
- 3) Date of utility service(s) disconnection;
- 4) Advisement to the tenant(s) on what procedures are necessary to avoid termination of utility service(s); and
- 5) 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.

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, 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

1. The date of the notice of termination.
2. The amount to be paid.
3. The date of termination, which shall be at least five (5) days from the date of the notice of termination.
4. 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.
5. 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.
6. 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

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.

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.

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.

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.

ELECTIONS

**BOARD OF
ELECTRICAL
EXAMINERS**

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Jason Brian Boyd

BOARD OR COMMISSION: Board of Electrical Examiners

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 2/8/10

Number of Terms Served No full term

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 3

Number of Absences 0

Date Prepared 1/26/11

Attachment: Resume

Jason Brian Boyd

108 Poplar Road
Oak Ridge, Tennessee 37830
(865) 483-1282
(865)250-7432 (cell)
Email: boydeleco@gmail.com

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2010 JAN 22 AM 8:11

OFFICE OF THE CITY CLERK

Objective:

To obtain a long-term career with a company that is committed to fully utilizing my skills in industrial electricity and maintenance. The company must value performance of high quality work in a safe manner for even the most demanding/challenging job requirements. This company allows their employees to advance based on and abilities and contributions.

Summary of Qualifications:

Thoroughly familiar and experienced with all facets of electrical installation. Extensive experience and proficiency in the following:

- Skilled at troubleshooting, maintenance, and repair of motor controls and electrical systems.
- Proficient at all types of equipment and system installations, such as conduit, wiring, setting equipment and start-up.
- Troubleshooting, analyzing and problem solving; following oral and written instructions, including reading and interpreting technical manuals, schematics and drawings.
- Plans projects according to blueprints and job specifications and work plans to ensure wiring is being installed to current electrical codes.
- Installation of security, fire alarm and back-up generator systems.
- Installation and termination of high voltage cable systems

Strengths:

Provides quality work with strong attention to details, conscientious, reliable, works well independently and with others and quickly masters new concepts and procedures.

Experience:

2003-Present **Journeyman Electrician**
Self Employed

- As an independent contractor perform residential, commercial and industrial electrical service work

1994-2003 **Journeyman Electrician**
Lewis Electric,
101-B Valley Court Drive
Oak Ridge, TN 37830

- Duties include residential, commercial, industrial service work, plant maintenance, and industrial electric construction.

Education:

1989-1993 Oak Ridge High School
Oak Ridge, Tennessee 37830
Diploma, 1993

1994-1998 Resource Valley Electrical
Apprenticeship Program
535 Chickamauga Avenue
Knoxville, TN
Graduated 1998

1997-1998 Tennessee Technology Center at Knoxville
110 Liberty Street
Knoxville, TN 37919
Major: Industrial Electricity and Maintenance
Certificate 1998

1998-Present Licensed Journeyman Electrician #2009

References: References are available on request.

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Joe McCarty

BOARD OR COMMISSION: Board of Electrical Examiners

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 6/20/88

Number of Terms Served 8

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 10

Number of Absences 0

Date Prepared 1/26/11

Attachment: Resume



**DIVERSIFIED
ELECTRIC CO.**

(865) 482-6520

Fax 483-9120

Joe McCarty, owner

191 Lafayette Drive Oak Ridge, TN 37830

RECEIVED

2011 FEB -7 AM 10:41

OFFICE OF THE CITY CLERK

February 1, 2011

TO: The Honorable Mayor and Members of City Council

RE: Board of Electrical Examiners

Please accept my application for re-appointment to the Board of Electrical Examiners.

PERSONAL: I am a 57 year old native of Oak Ridge and reside at 101 Timbercrest Drive in Oak Ridge with my wife, Valerie; and my daughters, Jenna and Amanda.

EDUCATION: 1971 graduate of Oak Ridge High School. Completed 3 years at the University of Tennessee. Completed the City of Oak Ridge sponsored Electrical Code Class.

EMPLOYMENT: Electrical Contractor since 1982 and owner of Diversified Electrical Company in Oak Ridge.

I hope to be re-appointed to the Board of Electrical Examiners for another term so that I may continue to serve the citizens of Oak Ridge.

Sincerely,

Joe McCarty

**HIGHLAND VIEW
REDEVELOPMENT
ADVISORY
BOARD**

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Sharon Crane

BOARD OR COMMISSION: Highland View Redevelopment Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 9/22/08

Number of Terms Served No full term

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 14

Number of Absences 7

Date Prepared 1/26/11

Attachment: Resume

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2008 SEP -9 PM 4: 27

Sharon M. Crane

OFFICE OF THE CITY CLERK

107 Wakefield Road, Apt F
Oak Ridge, TN 37830
Mailing address:
174 W. Wadsworth Circle
Oak Ridge, TN 37830

Phone 865. 382.0530
email scrane52@hotmail.com

Objective

Position on Highland View Redevelopment Advisory Board

**Functional
summary**

I grew up in the Highland View Neighborhood attending Highland View from kindergarten to sixth grade, then Robertsville, and graduating from Oak Ridge. I have attended Tennessee Technology Center at Harriman and Roane State Community College.

I have taught Red Cross CPR for nearly 30 years. I am a very active member of the Red Cross Disaster Team, serving clients who have been affected by both small and large disasters. I previously worked as a Licensed Practical Nurse.

I currently live in the Highland View District and I am familiar with many of the residents.

References

Tony Farris, Executive Director, Appalachian Chapter American Red Cross, 908 Oak Ridge Turnpike, Oak Ridge, Tennessee, 37830

Scott Chippendale, Chairman Board of Directors, and Chairman of Disaster Services, Appalachian Chapter of American Red Cross, 105 Chatham Lane, Oak Ridge, TN. 37830

Bob Holt, Neighborhood Watch Block Captain, 149 W. Wadsworth Circle, Oak Ridge, Tn 38730

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: J. W. Moore, Jr.

BOARD OR COMMISSION: Highland View Redevelopment Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 4/01/05

Number of Terms Served 2

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 14

Number of Absences 1

Date Prepared 1/26/11

Attachment: Resume

Resume
J. W. Moore, Jr.

Address: 109 Wakefield Rd., Oak Ridge, TN 37830
Telephone: 865.483.9006
Email: ~~barr409@comcast.net~~ akitaz@mac.com

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2005 FEB 28 A 9:30

Education:

- B. A., English, Texas A & I, 1965
- B. S. Electrical Engineering, Texas A & I, 1965
- Ph.D., Experimental Psychology, University of Houston, 1977.

Work Experience:

- 1988 - 2002. Faculty member, Department of Psychology, Marshall University, Huntington, WV. Undergraduate and graduate teaching duties, student advising. Course taught included Physiological Psychology, Introductory and Intermediate Statistics, Sensation and Perception, Introductory Psychology, Drugs and Behavior, Paranormal Psychology.
- 1987 - 1988. Adjunct Faculty, Drake University, Des Moines, IA. Undergraduate teaching. Courses taught included Introductory Psychology, Motivation and Personality.
- 1986 - 1987. Corporate Training, Microware Systems, Inc., Des Moines, IA. Developed training materials for small software company.
- 1981 - 1986. Computer Engineer, U. S. Tobacco, Nashville, TN. Developed systems for plant automation.
- 1979 - 1981. Research Associate, Middle Tennessee State University, Murfreesboro, TN. Behavioral research and undergraduate teaching.

Housing Related Experience:

- Founding Member, Highland View Neighborhood Association
- Participant, Housing Task Force, Oak Ridge, TN.
- Chairman, Highland View Redevelopment Steering Committee, 2004
- Member, Board of Directors of the Housing Development Corporation of the Clinch Valley, 2003-2005. ~~Currently Secretary of the Board.~~ *
- Resident of Highland View since 1992.

* 2/5/03

Note: Mr. Moore is currently Chairman of the Board

* 1/25/11
changes

RECEIVED
2011 FEB 24 AM 7:53
OFFICE OF THE CITY CLERK

Laurel Patrick
127 Rockbridge Greens Blvd.
Oak Ridge, TN 37830

Donna M. Patterson, City Clerk
Oak Ridge City Council
200 South Tulane
Oak Ridge, TN 37830

2/23/2011

Dear Ms. Patterson and Members of City Council,

Please find the attached resume to submit to the Oak Ridge City Council for their consideration in fulfilling the vacant position on the **Highland View Redevelopment Advisory Board**.

It is my desire to see the neighborhood of Highland View transformed so that past, present and future citizens will find an increased value in the area. The success of the city as a whole requires involvement from all citizens. As a concerned resident of the area's depreciation I would like to assist in the forward progress of neighborhood regeneration.

Respectively,



Laurel Patrick

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OFFICE OF THE CITY CLERK

Laurel Patrick

127 Rockbridge Greens Blvd. Oak Ridge, TN 37830
(865) 483-7599 (C) (865) 705-1300
Laur119pat@yahoo.com

Skills

- **Highly Organized**
- **Dedicated Leader**
- **Passionate for Community Improvement**
- **Structural Engineer/Designer**
- **Home Construction & Remodeling Experience**

Education

B.S Civil Engineering; Michigan Technological University (Houghton, MI)
Summa Cum Lade

Work Experience

First Place Finish Inc. General Contractor TN License#00063846
CEO & President
2006– present
Commercial, Residential, and Industrial Construction/Remodeling

Campe Island Key, LLC. Property Management
Manager
2007– present
Real Estate Investment and Rental Management

Knox Ridge Basketball Official Association (Clinton, TN)
Middle School & High School Basketball Official
2005– present
Enforce TSSAA (Tennessee Secondary School Athletic Association) rules and regulations in TSSAA sanctioned basketball games

York Area Basketball Officials Association (York, PA)
Middle School & High School Basketball Official
2001-2005
Enforce PIAA (Pennsylvania Interscholastic Athletic Association) rules and regulations in PIAA sanctioned basketball games

Nu-Way Engineering (Wausau, WI)
Engineer & Designer
1997– 2002
Residential & Industrial Structural Design & Fabrication
Provided drawings and specifications to steel fabricators for project construction
Project Manager for Steel Erection

Tomahawk School District (Tomahawk, WI)
9th Grade Girls Basketball Head Coach
1997-1998
Leader of Team Operations and Game Plan Enforcement

Volunteer Experience

Next Page

Volunteer Experience

Woodland Elementary School PTO (Oak Ridge, TN)

Public Relations Representative

2010 – Present

Coordinate communications within the school and city area

Enhance PTO operations to effectively benefit school, families and community

Classroom volunteer

Media Coordinator; newsletter editor, web site submissions, email distribution, local newspaper submissions

President

2008– 2010

Organized fundraising

Sponsored community activities

Managed fund distributions

Provided assistance for school website development

Author and editor of school Newsletter

Directed Communications between staff and families

Classroom Volunteer

Chippewa Trailside Condo Homeowners Association (Wakefield, MI)

Board Member & Treasurer

2006-present

Manage and Schedule ongoing building improvements and repairs

Organize/Distribute association funds

YMCA East York Branch (York, PA)

Board Member

2003– 2005

Expanded community programs

Established plan for a new facility built within local community

Grace Lutheran Church (Oak Ridge, TN)

2006 – 2009

Sunday School Teacher, Vacation Bible School Director

Coordinated Curriculum and instructed children ages 4-7

**BOARD OF
PLUMBING
EXAMINERS**

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Danny Scott

BOARD OR COMMISSION: Board of Plumbing Examiners

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 9/08/03

Number of Terms Served 2 1/2

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 14

Number of Absences 3

Date Prepared 1/26/11

Attachment: Resume

128 Nebraska Avenue
Oak Ridge, TN 37830

Phone/Fax: 865-482-9449
Email: msharp49@bellsouth.net

Danny Scott

Objective

To be a member of the Oak Ridge Plumbing Board

Experience

2002-Present Dannys Plumbing Oak Ridge, TN
Owner/Master Plumber

1988-2002 Hayden Plumbing Oak Ridge, TN
Master Plumber

1980-1988 Beaver Plumbing Oak Ridge, TN
Plumbers Helper / Master Plumber

**Trade
Licensing
Board**

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2011 FEB 15 AM 10:10
OFFICE OF THE CITY CLERK

Mayor Beehan and Members of City Council:

As a current licensed electrical contractor serving on the City's Board of Electrical Examiners, I would like for Council to consider my name for appointment to the new Trade Licensing Board as one of its newly-appointed members. I would be honored to serve as a qualified licensed electrician or as a member-at-large, if that position requires appointment and is being considered by Council.



Teresa Arthur
14 Presidential Dr
Oak Ridge TN 37830

2/11/11
Date

License # @Larger

Teresa Lynn Arthur
14 Presidential Drive
Oak Ridge, Tennessee 37830
(865) 483-1509
teresaarthur@cfaith.com

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OFFICE OF THE CITY CLERK

Professional Experience

2001- Present

Spallation Neutron Source Project,

Oak Ridge, TN

Electrical Field Engineer in the Electrical Power Group

- Leads electrical design effort for using AutoCAD, Accelerator Integrated Projects, Design Change Notification (DCN's) for RAD electrical systems and Target Beam Line Design / Installation. Manages electrical designer level of effort by assigning work activities, tracking progress, insuring all design criterion, codes and technical specifications are followed and follow-up with review of as-built drawing and documents are completed and recorded.
- Works with scientist and other lead design engineers on conceptual designs and development of documentation, drawings and specifications for electrical systems and ensure electrical systems coexist with other systems. Works to ensure that all electrical designs meet all code requirements and equipment to be used / installed meets all Nationally Recognized Testing Laboratory (NRTL) listing criteria.
- Manages electrical activities using Craft resources working with tech, engineers and scientist, ensuring completion of schedule on time and within budget; ensuring that craft resources meet all required ISMS, the National Electrical Code (NEC), as well as all Construction design requirements; communicating feedback on activities and daily events to engineers, scientists and project controls on weekly or as needed/required basis effectively to review project cost and schedule of installation need to be completed to meet project deadlines; and actively communicate problems and solutions with design engineers, technicians, and craft on daily basis on electrical installation and any problems, or coordination issues with other systems during installation.
- Actively monitors installation activities, works effectively with all designers, engineers, and scientist and ESH&Q to resolve conflicts; communicates with field on resolutions in a timely and efficient manner to reduce minimal impact to project deadlines and goals; and actively revises and reviews installation plans, documents JHA and non-critical lift plans for electrical systems equipment with skilled craft resources on work to be performed.
- Works with RAD/NFDD (ASD/XFD) director and group leaders in developing goals, milestones, and project objectives; set short- and long-term planned activities goals and deadlines for all electrical installations using technical and craft resources and ensure that all electrical schedules accurately reflect the installation plans working with project controls; and advise group staff members on sequence events, resources time, and materials required to complete electrical installation activities while working around other events or other systems being performed at the same time.
- Works on developing electrical maintenance plans and goals to ensure project meets all ISMS requirements in this area for project life span.
- Assists and prepares presentations for reviews to be presented to review committees and present presentations before group leaders in division meetings, as required.
- Participates in design reviews for beam lines prepared by outside groups, safety reviews at ORNL, and for SNS as required during audits and reviews.
- As LSM for three buildings this past year, have ensured that all ISMS are met in these facilities.
- Evaluates technical staff and craft resources to ensure hired personnel are capable of meeting and performing required goals, performs review of staff performance evaluations, and encourages electrical designers to continue educational and professional group working with ORNL skills enhancement and educational development programs.
- Maintains strong personal commitment to project values and professional ethnics.
- Strong communication and presentation skills.
- Twenty-two years experience in the electrical construction industry.
- Twelve years experience in project management/engineering side of construction industry.

1999-2001

Broadway Electric Service

Knoxville, TN

Electrical Estimator/Project Coordinator

- Take-off for project estimations.
- Prepared bid proposal packages and prepared closeout requirements of all project documents and as-built drawings.

Teresa Lynn Arthur
14 Presidential Drive
Oak Ridge, Tennessee 37830
(865) 483-1509
teresaarthur@cfaith.com

- Interacted with architect/engineering firms, general contractors, suppliers, and project managers on design, installation, and completion phases of various projects.

1998-1999 British Nuclear Fuels Limited Oak Ridge, TN

Operations Area *Superintendent/Supervisor*

Decommissioning/demolition of facilities at the East Tennessee Technical Park

- Interacted with design engineering, subcontractors, and project management on the development of work packages.
- Revised/field changes to the work packages, procurement of materials, and scheduling work to meet the project milestone
- Schedule and coordinated power outage for subcontractors.
- Verified all work was performed in a safe work environment and craftsmen-type manner and that the work was completed in accordance with the work package.

1997-1998 Morrison Knudsen Corporate SGT Jensen Beach, FA

Construction Engineer

- Interacted with design engineering, client, and construction supervision on the development of work packages.
- Revised/field changes to the work packages and procurement of materials.
- Scheduled power outage for transfer of power to contractor.
- Verified all work was performed in craftsmen-type manner with the work completed in accordance with the work package and the work package closed out and accepted by the client.
- All work packages were required to meet the (NEC) Nuclear Regulatory Code, and client engineering specifications.

1996-1997 Consultant Oak Ridge, TN

Constructed custom built home for homeowner

- Designed layout and drawings - these drawings were reviewed by licensed engineer and Building Code Enforcement Office.
- Reviewed plans with the City of Oak Ridge Building Codes Enforcement on all electrical, mechanical, plumbing, and structural code requirements
- Scheduled inspections during construction phases.
- Procured all materials and labor and organized, planned, and scheduled work to complete the project.

1991-1996 Lockheed Martin Energy Systems Oak Ridge, TN

Building Conditional Assessment Inspector Journeyman Electrician

- Building Inspector for the Conditional Assessment Program; evaluated all site buildings for upgrade to correct building code violations.
- Provided maintenance of electrical systems, repair and troubleshooting equipment, and installations of new power equipment and experiment controls.

Education

2001, Bachelor of Science in Industrial Engineering
University of Tennessee, Knoxville, TN
Currently working on Electrical Engineering degree

Professional Skills

Member Secretary of Electrical Examiners Board for City of Oak Ridge
Radiation Worker Training Program (UT-Battelle ORNL)
Previously trained for Hazardous Waste Operations (SARA/OSHA)
Previously trained as Asbestos Abatement Workers Course (General Physics Corporation)
Previously trained in Electrical Safety, Potential Hazards and Safety Precautions (American Power Institute)

RECEIVED
2011 FEB -9 AM 8:33
OFFICE OF THE CITY CLERK

Mayor Beehan and Members of City Council:

As a current licensed electrical contractor serving on the City's Board of Electrical Examiners, I would like for Council to consider my name for appointment to the new Trade Licensing Board as one of its newly-appointed members. I would be honored to serve as a qualified licensed electrician or as a member-at-large, if that position requires appointment and is being considered by Council.



Jason Boyd
108 Poplar Rd
Oak Ridge TN 37830

2-8-11

Date

License # 2009

Jason Brian Boyd
108 Poplar Road
Oak Ridge, Tennessee 37830
(865) 483-1282
(865)250-7432 (cell)
Email: boydeleco@gmail.com

RECEIVED
2010 JAN 22 AM 8:11
OFFICE OF THE CITY CLERK

Objective:

To obtain a long-term career with a company that is committed to fully utilizing my skills in industrial electricity and maintenance. The company must value performance of high quality work in a safe manner for even the most demanding/challenging job requirements. This company allows their employees to advance based on and abilities and contributions.

Summary of Qualifications:

Thoroughly familiar and experienced with all facets of electrical installation. Extensive experience and proficiency in the following:

- Skilled at troubleshooting, maintenance, and repair of motor controls and electrical systems.
- Proficient at all types of equipment and system installations, such as conduit, wiring, setting equipment and start-up.
- Troubleshooting, analyzing and problem solving; following oral and written instructions, including reading and interpreting technical manuals, schematics and drawings.
- Plans projects according to blueprints and job specifications and work plans to ensure wiring is being installed to current electrical codes.
- Installation of security, fire alarm and back-up generator systems.
- Installation and termination of high voltage cable systems

Strengths:

Provides quality work with strong attention to details, conscientious, reliable, works well independently and with others and quickly masters new concepts and procedures.

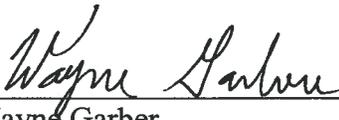
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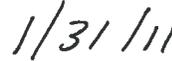
OFFICE OF THE CITY CLERK

Mayor Beehan and Members of City Council:

As a current member serving on the City's Board of Electrical Examiners, I would like for Council to consider my name for appointment to the new Trade Licensing Board as one of its newly-appointed members. I would be honored to serve as a member-at-large, if that position requires appointment and is being considered by Council.



Wayne Garber
1113 W Outer Dr
Oak Ridge TN 37830



Date

Floyd Wayne Garber

Education:

- 1963: BA Magna Cum Laude, Physics and Mathematics, Southwestern College, Winfield, KS
- 1965: MS, U of Tennessee, Health Physics Program
- 1968: PhD, U of Tennessee, Physics
- 1980: Executive Development Program, U of Tennessee
- 1992: Superior Product and Process Development, U of Tennessee

Employment History:

- 4/06- Chief Science Officer, NuSAFE, Inc.
- 10-05-4/06 Program Director, NuSAFE, Inc.
- 1992-9/05 Vice President of Operations, Sr Scientist and Radiation Safety Officer, IntraSpec, Inc.
- 1982-1992: Vice President of Operations, TEC, Inc. and Radiation Safety Officer
- 1981-1982: Director of Operations Wemco, Inc.
- 1968-1981: EG&G ORTEC, Inc., Various Management Positions and Radiation Safety Officer

Summary of Experience:

At NuSAFE, Inc. the current emphasis is for technical management of the Science Group. The group is responsible for providing the science input to the design of radiation detection systems that the company is developing and selling. Served as project manager for the development of a number of radiation detection systems that can be mounted on land based, marine based and aircraft based platforms. Another responsibility is directing the personnel that are responsible for the fiber manufacturing and engineering at NuSAFE. This includes keeping the process under control.

At IntraSpec, Inc. the technical focus has been in the development and improvement in the various processes that are utilized for making silicon semiconductor detectors. This covered processes for oxidizing wafers, photolithography, machining, surface treatments, etc. A major effort was focused on the advancement of the Neutron Transmutation Doping facility and processing of the doped Silicon. Senior scientist for numerous SBIR projects aimed at developing new detector technology. In addition to the technical process development work had responsibility for all operational aspects of the company, including purchasing, finance, shipping and receiving and personnel.

At TEC, Inc. managed a successful 10CFR50 Nuclear Qualified engineering, marketing, purchasing, and fabrication operation. As part of this responsibility led the project team that designed, fabricated, qualified, and installed the first gamma thermometer based cooling fluid level monitoring systems. This system is installed in reactors as part of the qualified safety equipment to determine the cooling fluid level in the pressure vessel. Directed development and was the lead detector engineer for a project to develop a Silicon Detector based Field Water Radiation Monitoring System. This system was designed to perform field measurements of the fall out radioactivity content of drinking water at EPA levels in the presence of high background radiation. Served as the product manager for an X-ray Residual Stress Analysis system. This system is based upon the x-ray diffraction pattern off of the surface of the material being examined. The detector for this system is a gas filled position sensitive proportional counter. Took the product line from less than one unit a year to four units/year. In the last position was responsible for all purchasing, shipping receiving, assemble, and testing activities in addition to the program responsibilities. As the TEC corporate radiation safety officer had responsibility for operator training and managing a high flux radiation (3000 Ci ¹³⁷Cs source) calibration facility for calibrating nuclear reactor accident detectors.

At Wemco, Inc. was responsible for managing a group of Si(Li) X-ray systems that were installed in minerals processing plants. These systems utilized X-ray fluorescence to quantify elements of interest in the process stream, such as Copper, Zinc, Lead. These systems were placed in the process streams to provide

continuous data on the minerals of interest in the stream.

At EG&G ORTEC started as a development engineer in the semiconductor R&D group. After a year was recruited by the Corporate Manufacturing Manager to become the Unit manager of the Germanium Detector operation. After being in the position for one year was promoted to Detector Production Manager responsible for the Germanium Detector Line, Silicon Charged Particle Line, and Silicon X-Ray System Line. Took the ORTEC Tube Excited Florescence Analyzer from R&D into manufacturing. Became the program manager for the development and marketing of a portable Ge based X-ray Source Excited Florescence Analyzer for Au & U assaying. This system was designed to be carried by an operator underground to the mine stope face for in situ assaying of Au and U bearing ore.

Founded OreCo in 1985 to provide radiation systems engineering, radioactive materials licensing services to small companies in the East Tennessee area. Co-founder of Changer Labs, Inc. a small privately held company that develops, manufactures, and sells a pick and place robot system. This computer controlled system is designed to pick up a sample and move it to a detector located in a lead shield to be counted, then return it to the sample tray and go on to the next sample.

Professional Achievements and Activities:

Author/Co-Author of over 35 papers in the radiation and instrumentation field

AEC Health Physics Fellowship 1963-1965

ORINS Research Fellowship 1965-1968

Valedictorian of Southwestern College, Class of 1963

Member: Health Physics Society
IEEE-NS Group
American Physical Society

Member: Oak Ridge Regional Planning Commission, 1978-1981
Oak Ridge Board of Electrical Examiners, 1988-
Chairman, 1989-

Selected Publications

R. Wunstorf, W. M. Bugg, J. Walter, F. W. Garber, D. Larson, Investigations of donor and acceptor removal and long term annealing in silicon with different boron/phosphorus ratios, *Nuclear Instruments & Methods in Physics Research Section A-Accelerators Spectrometers Detectors and Associated equipment*, v 377, Issue: 2-3 p228-233, (1996)

F.E. LeVert and F. W. Garber, Development of a Portable Field Water Radioactivity Monitor, *Proceeding of the Health Physics Society Twenty-first Midyear Topical Symposium*, San Antonio, Texas, (Oct 20, 1988)

D. Bell, F.W. Garber, R. A. Hedrick, F. E. Levert, R. C. Oakley, G. Pannell, R.D. Smith, and J. P. Waring, Radcal-Based Vessel Monitoring System for Inadequate Core Cooling Determination, *IEEE Trans. On Nuclear Science*, Vol. NS-32, (Feb, 1985)

F. E. LeVert, F. W. Garber et al, Radcal-Based Reactor Vessel Monitoring System, *Proc. of the NRC/EPRI/ISA on New Technologies in Nuclear Power Plant Instrumentation and Control*, (November, 1984)

F. W. Garber and Robert F. Hill, Hand Held High Resolution Gamma-Ray Spectrometer, *Proceeding of the Health Physics Society Eleventh Midyear Topical Symposium on Radiation Instrumentation*, 382, (1978)

Robert F. Hill and **F. W. Garber**, Portable X-Ray Analyzer for In Situ Gold Qualifications, *IEEE Trans on Nuclear Science*, Vol. NS-25, 1, (Feb, 1978)

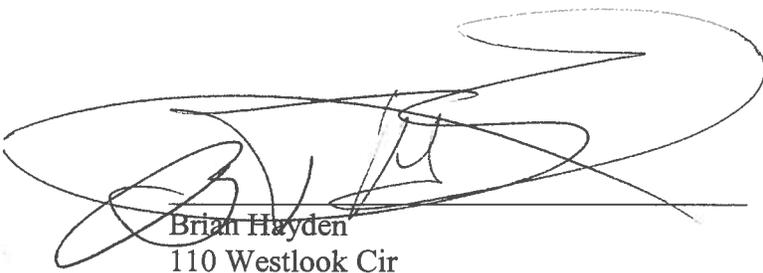
F. W. Garber, Some Important Aspects of a Pre-operational Program for a Nuclear Power Plant, *Suara-Fizikawan*, 1, 11, (1977)

F.W. Garber, M.Y. Nakai, J.A. Harter, R. D. Birkoff, Low-Energy Electron Beam Studies in Thin Aluminum Foils, *Journal of Applied Physics*, Vol. 42, p.1149-1158, (03/1971)

R. H. Ritchie, **F. W. Garber**, M. Y. Nakai and R. D. Birkoff, Low Energy Electron Mean Free Paths in Solids, *Adv. in Radiation Biology*, (Academic Press Inc. New York) Vol. 3, (1969)

Mayor Beehan and Members of City Council:

As a current licensed plumbing contractor serving on the City's Board of Plumbing Examiners, I would like for Council to consider my name for appointment to the new Trade Licensing Board as one of its newly-appointed members. I would be honored to serve as a qualified licensed plumber or as a member-at-large, if that position requires appointment and is being considered by Council.



Brian Hayden
110 Westlook Cir
Oak Ridge TN 37830

Date 2-10-11

License # 965

Brian T. Hayden
110 Westlook Cir
Oak Ridge, TN 37830
Phone # Hayden Plumbing
865-483-1328
Home 865-482-3749

RECEIVED
OFFICE OF CITY CLERK
2004 MAY 19 A 10:40

Objective to be a Member of the Oak Ridge
Plumbing Board

Experience — Mayes Plumbing O.R.
1975 - 1982
— Self Employed
1982 - Present

RECEIVED
2011 FEB -9 AM 8:33
OFFICE OF THE CITY CLERK

Mayor Beehan and Members of City Council:

As a current licensed electrical contractor serving on the City's Board of Electrical Examiners, I would like for Council to consider my name for appointment to the new Trade Licensing Board as one of its newly-appointed members. I would be honored to serve as a qualified licensed electrician or as a member-at-large, if that position requires appointment and is being considered by Council.



Jeff Lewis
399 Warehouse Rd
Oak Ridge TN 37830



Date

License # 997

RECEIVED

2009 FEB 17 AM 9:08

OFFICE OF THE CITY CLERK

Jeff C. Lewis

110 Concord Road
Oak Ridge, TN 37830
Jeffclewis58@gmail.com
865-740-4549

EDUCATION

June 1979

Roane State Community College

Electrical and Electronic Courses

June 1976

Oak Ridge High School

High School Diploma

EXPERIENCE

February 1981-present

Lewis Electric Company

Owner and Operator

-Manage 20-40 employees on a daily basis

-Organize and implement job assignments

-Maintain and repair electrical infrastructures

January 1975- May 1980

Latham Electric Company

Apprentice Journeyman Electrician

-Assisted with daily electrical tasks

CERTIFICATIONS

May 2000- present

Certified Home Inspector

June 1980- present

Journeyman Electrician License

June 1981-present

Electrical Contractor License

July 1989-present

State of Tennessee CE License Electrical Contractor

AWARDS

Best Electrician of Oak Ridge & Anderson County

Nominated 2003, 2004, 2005, 2006, 2007, 2008

ACTIVITIES

May 1985-present

City of Oak Ridge Board of Electrical Examiners

August 1988-August 1992

Board of Education

St. Mary's School, Oak Ridge

March 1985- March 1989

Board of Directors

Medical Credit Union, Oak Ridge

ADDITIONAL INFORMATION

-Proficient with the installation and troubleshooting of all types of electrical systems (low and high voltage)

-Completed multiple projects for ADT, Gallaher & Associates, Martin Marietta BWXT, TVA, and Jacobs Engineering

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2011 FEB -9 AM 8:33

OFFICE OF THE CITY CLERK

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As a current licensed electrical contractor serving on the City's Board of Electrical Examiners, I would like for Council to consider my name for appointment to the new Trade Licensing Board as one of its newly-appointed members. I would be honored to serve as a qualified licensed electrician or as a member-at-large, if that position requires appointment and is being considered by Council.



Joe McGarty
101 Timbercrest Dr
Oak Ridge TN 37830

2-8-11
Date

License # 1010



**DIVERSIFIED
ELECTRIC CO.**

191 Lafayette Drive Oak Ridge, TN 37830

(865) 482-6520

Fax 483-9120

Joe McCarty, owner

RECEIVED
2011 FEB -7 AM 10:41

OFFICE OF THE CITY CLERK

February 1, 2011

TO: The Honorable Mayor and Members of City Council
RE: Board of Electrical Examiners

Please accept my application for re-appointment to the Board of Electrical Examiners.

PERSONAL: I am a 57 year old native of Oak Ridge and reside at 101 Timbercrest Drive in Oak Ridge with my wife, Valerie; and my daughters, Jenna and Amanda.

EDUCATION: 1971 graduate of Oak Ridge High School. Completed 3 years at the University of Tennessee. Completed the City of Oak Ridge sponsored Electrical Code Class.

EMPLOYMENT: Electrical Contractor since 1982 and owner of Diversified Electrical Company in Oak Ridge.

I hope to be re-appointed to the Board of Electrical Examiners for another term so that I may continue to serve the citizens of Oak Ridge.

Sincerely,

Joe McCarty

RECEIVED

2011 FEB -9 AM 8:33

OFFICE OF THE CITY CLERK

Mayor Beehan and Members of City Council:

As a current licensed plumbing contractor serving on the City's Board of Plumbing Examiners, I would like for Council to consider my name for appointment to the new Trade Licensing Board as one of its newly-appointed members. I would be honored to serve as a qualified licensed plumber or as a member-at-large, if that position requires appointment and is being considered by Council.



Philip Nipper
167 Hendrix Dr
Oak Ridge TN 37830

License # 880

1 Feb 2011
Date

RECEIVED

2010 FEB -4 AM 11:42

OFFICE OF THE CITY CLERK

**PHILIP W. NIPPER
167 HENDRIX DRIVE
OAK RIDGE, TN 37830
865-272-3035
pnipper09@comcast.net**

SEEKING TO BE RE-APPOINTED TO THE BOARD OF PLUMBING EXAMINERS. THE FOLLOWING INFORMATION IS PROVIDED:

EMPLOYMENT HISTORY / EXPERIENCE

-SENIOR CHIEF HULL MAINTENANCE TECHNICAIN UNITED STATES NAVY (RET).
DECEMBER 7 1987 - JUNE 30 2008.

- SELF EMPLOYED PLUMBER IN OAK RIDGE FROM 1982 TO 1987

- PIPE FITTER / PLUMBER WITH DANIELS CONSTRUCTION INTERNATIONAL, BOISE
CASCADE PAPER MILL PROJECT, RUMFORD MAINE AND A. E. STALEY PROJECT
LOUDON, TN, 1980-1982

LICENSED MASTER PLUMBER WITH THE CITY OF OAK RIDGE. LICENSE NUMBER 880
ISSUED IN 1980

APPRENTICE / JOURNEYMAN PLUMBER 1975 - 1979. EMPLOYED WITH FLATT PLUMBING,
KNOXVILLE, TN., A&M PLUMBING, OAK RIDGE, TN AND NICK PESCE PLUMBING OAK
RIDGE, TN

- OVER 34 YEARS COMBINED CIVILIAN AND MILITARY EXPERIENCE IN MECHANICAL
SYSTEM REPAIR AND INSTALLATION. TRAINED IN NAVAL NUCLEAR PROPULSION
SYSTEM MAINTENANCE INCLUDING SURFACE SHIP AND SUBMARINE HIGH PRESSURE
PIPING REPAIR

- OVER 13 YEARS OF SENIOR ENLISTED MILITARY LEADERSHIP EXPERIENCE

EDUCATION

- OAK RIDGE SCHOOL SYSTEM K-12. ORHS GRADUATE CLASS OF 1975

- HIGH PRESSURE PIPE WELDING SCHOOL, UNITED STATES NAVY, SAN DIEGO, CA. 1988

- NAVY NUCLEAR COMPONENTS WELDING SCHOOL, UNITED STATES NAVY, SAN DIEGO,
CA. 1988

- U. S. NAVY CHIEF PETTY OFFICER LEADERSHIP SCHOOL, KINGS BAY SUBMARINE
BASE, GA. 2000

- DEPARTMENT OF THE NAVY / DEPARTMENT OF LABOR ASBESTOS CONTAINMENT /
RIP-OUT SUPERVISOR SCHOOL, UNITED STATES NAVY
LA MADDALENA, ITALY 2001



RECEIVED

2011 FEB 25 PM 12:39

OFFICE OF THE CITY CLERK

**APPLICATION FORM
FOR A CITY BOARD, COMMISSION, OR COMMITTEE**

Please return completed application to Donna L. Patterson, City Clerk, P.O. Box 1, Oak Ridge, TN 37831-0001
Fax: 865-425-3409 or email: dpatterson@cotrn.org

BOARD, COMMISSION, OR COMMITTEE DESIRED:

TRADE LICENSING BOARD

(Use a separate application for each appointment desired)

Name: Ms. Mrs. (Mr.) JERRY SEIBER

Address: 301 EAST FOREST LN, OAK RIDGE

Telephone: 865-483-3325 Email: RIDGER2@BELLSOUTH.NET

Occupation: ELECTRICIAN Retired: _____

Position: OWNER

Do you currently serve on any other City board, commission or committee? If so, please list:

NO

Education, Professional and/or Community Activity (Present): SMALL BUSINESS OWNER
IN OAK RIDGE

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

- 1) SERVICE TO THE COMMUNITY
- 2) INTEREST IN MAINTAINING EXCELLENCE IN SERVICE INDUSTRY

Any special knowledge or past experience qualifying you for this appointment:

BUSINESS OWNER FOR 15 YEARS.

All information provided is public pursuant to the Tennessee Public Information Act.

Applicant Statement: I understand that I am applying for appointment to a Board, Commission or Committee of the City of Oak Ridge; that I will be required to provide proof of my Oak Ridge residency; that I will be required to take an oath of office to uphold the United States and Tennessee Constitutions and the laws of the same if appointed. I agree to comply at all times with all requirements of the office for which I am applying and to which I may be appointed. All statements and information provided in the application are true to the best of my knowledge.

Signature of Applicant: Jerry Seiber Date: 2/25/11

If you wish to provide a resumé or additional information, please attach to this form.

ATTACHED

Jerry W. Seiber
301 East Forest Road
Oak Ridge, TN 37830
865-481-3588 865-924-0990
ridger2@bellsouth.net

RECEIVED
2011 FEB 25 AM 11:33
OFFICE OF THE CITY CLERK

Employment History:

06/01/97 - present	Ridge Electric Service Co. 175-C Robertsville Road Oak Ridge, TN 37830	General Partner Responsible for supervision, scheduling, quality control and management of electrical work. Estimating and installation.
06/88 - 06/97	Lewis Electric Co., Inc. 101-B Valley Court Oak Ridge, TN 37830	Journeyman electrician. Jobs included commercial, residential, and industrial under \$300,000. Such as SEG, Coors, TN Valley Steel Mill and Harriman Recycling.
06/86 - 06/88	Southland Electric Alcoa, TN	Commercial and industrial electrical from \$300,000 to 1 million. Such as WalMart, St. Marys Hospital, UT Dorms, and West Hills High School.
06/80 - 06/86	Trails of Woodlake Houston, TX	Maintenance Supervisor including all electrical work for approximately 400 residential units and several office buildings.

**NOTICE
OF
ELECTIONS**

CITY CLERK MEMORANDUM

11-07

DATE: February 28, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna L. Patterson, City Clerk
SUBJECT: ELECTION – March 28, 2011

The following election is scheduled for the March 28, 2011 'Special Called Meeting' of the City Council:

Recreation and Parks Advisory Board

Nine (9) members are needed for the Recreation and Parks Advisory Board. There are no special qualifications for these seats. The term of office is a three-year term ending December 31.

However, in order to establish staggered terms of office, the initial membership will be elected as follows:

- Three (3) members for a term of office expiring on December 31, 2012
- Three (3) members for a term of office expiring on December 31, 2013
- Three (3) members for a term of office expiring on December 31, 2014

Deadline for Filing

The deadline for filing is 5:00 p.m. on Friday, March 18, 2011.


Donna L. Patterson, City Clerk

CITY CLERK MEMORANDUM

11-05

DATE: February 28, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna L. Patterson, City Clerk
SUBJECT: ELECTIONS – April 11, 2011

The following elections are scheduled for the April 11, 2011 City Council meeting:

Environmental Quality Advisory Board

One (1) seat remains vacant on the Environmental Quality Advisory Board for an unexpired term of office ending December 31, 2013. No special qualifications required.

Traffic Safety Advisory Board

Two (2) seats remain vacant on the Traffic Safety Advisory Board. One seat is designated for an Oak Ridge High School student to serve an unexpired term of office ending May 31, 2011. The other seat is to serve an unexpired term of office ending December 31, 2013. As of this date, there are no new candidates for either the student seat or the regular seat.

Deadline for Filing

The deadline for filing is 5:00 p.m. on Friday, April 1, 2011.


Donna L. Patterson, City Clerk