

AGENDA

OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

April 11, 2011

7:00 p.m.

INVOCATION -Reverend Joe Westfall, Itinerate Minister for Christian Brotherhood Churches

PLEDGE OF ALLEGIANCE

ROLL CALL

I. APPEARANCE OF CITIZENS

II. PROCLAMATIONS AND PUBLIC RECOGNITIONS

1. PROCLAMATION – ‘PUBLIC SERVICE RECOGNITION WEEK’ MAY 1-7
2. PROCLAMATION – ‘CHILD ABUSE PREVENTION MONTH’ APRIL
3. PROCLAMATION – ‘PARKINSON’S AWARENESS MONTH’ – APRIL
4. PROCLAMATION – ‘FAIR HOUSING MONTH’ APRIL

III. SPECIAL REPORTS

1. CITY MANAGER EVALUATION PROCEDURE FOR FY 2011

IV. CONSENT AGENDA

1. APPROVAL OF THE MARCH 7, 2011 COUNCIL MINUTES
2. APPROVAL OF THE MARCH 28, 2011 SPECIAL CALLED MINUTES
3. RESOLUTION – APPROVAL OF AGREEMENTS TO DELIVER ELECTRIC POWER TO THE EAST TENNESSEE TECHNOLOGY PARK (ETTP)

A resolution to approve an agreement between the City and the U.S. Department of Energy (DOE), and an agreement between the City and the Tennessee Valley Authority (TVA) to provide electric power to the East Tennessee Technology Park (ETTP).

4. RESOLUTION – APPROVAL OF MODIFICATIONS TO TVA BILLING AGREEMENTS

A resolution to approve agreements between the City and the Tennessee Valley Authority (TVA) regarding power billing arrangements at the East Tennessee Technology Park (ETTP) and the Science and Technology Park.

V. RESOLUTIONS

1. RESOLUTION – APPROVAL OF BICYCLE AND PEDESTRIAN PLAN

A resolution to approve the Oak Ridge Bicycle and Pedestrian Plan, dated March 2011, as a tool to guide the City in future improvements.

2. RESOLUTION - MELTON LAKE GREENWAY PHASE IV CONSTRUCTION CONTRACT

A resolution to approve an agreement with Duco Construction, LLC, for the construction of Melton Lake Greenway Phase IV in the estimated amount of \$667,086.16.

3. RESOLUTION - AMENDMENT TO RESOLUTION 6-49-10

A resolution to amend Resolution 6-49-10 to increase expenditure levels for Temporary Employment Services, Information Service Consultants (temporary technical support) and fuel for Fiscal Year 2011.

4. RESOLUTION - 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.

VI. PUBLIC HEARING AND 1ST READING OF ORDINANCES

1. PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT
CONSOLIDATED PLAN 2011-2013 / ACTUAL ACTION PLAN PY 2011 / FY 2012

[No Ordinance]

VII. FINAL ADOPTION OF ORDINANCES

1. PUBLIC HEARING AND 2ND READING/ AMEND USE DESIGNATION
PORTION OF HENDRIX CREEK PUD

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.

VIII. ELECTIONS & APPOINTMENTS / ANNOUNCEMENTS / SCHEDULING

1. ELECTIONS & APPOINTMENTS

ELECTIONS

Environmental Quality Advisory Board

Donald E. Forester has applied to serve on the Environmental Quality Advisory Board for an unexpired term of office ending December 31, 2013.

Traffic Safety Advisory Board

Oak Ridge High School student David Hughes applied to serve an unexpired term of office ending May 31, 2011.

Recreation and Parks Advisory Board

Sixty-one candidates applied for the nine (9) seats on the newly formed Recreation and Parks Advisory Board. One candidate (Fran Pisano) withdrew her name for consideration.

The nine members will be elected to the following terms: Three (3) members to three-year terms; Three (3) members to two-year terms; and Three (3) members to one-year terms.

NOTICE OF ELECTIONS FOR MAY 9, 2011

Environmental Quality Advisory Board

- Two (2) seats to the Environmental Quality Advisory Board, both shall be Oak Ridge High School students.

Traffic Safety Advisory Board

- Two (2) seats to the Traffic Safety Advisory Board. One seat is for an Oak Ridge High School student, the other seat is to fill an unexpired term ending December 31, 2013.

Deadline for Filing

- The deadline for filing is 5:00 p.m. on Friday, April 29, 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

Information – Budget Presentation

2. CITY ATTORNEY'S REPORT

XI. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITION**

**CITY CLERK MEMORANDUM
11-19**

DATE: March 31, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna Patterson, City Clerk
SUBJECT: PROCLAMATION

PUBLIC SERVICE RECOGNITION WEEK

Councilmember Smith requested this Proclamation to honor public employees.


City Clerk

PROCLAMATION

WHEREAS: Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working; and

WHEREAS: Public employees take not only jobs, but oaths; and

WHEREAS: Many public servants, including military personnel, police officers, firefighters, border patrol officers, embassy employees, health care professionals and others, risk their lives each day in service to the people of the United States and around the world; and

WHEREAS: The City and citizens of Oak Ridge are fortunate to have the services of a dedicated corps of public servants who work with efficiency and integrity to ensure public safety, maintain our public utilities, teach our children, and provide the many other diverse services that our citizens demand of local government; and

WHEREAS: Without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and

WHEREAS: All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels;

NOW, THEREFORE: The Mayor and Council of the City of Oak Ridge, Tennessee, do hereby announce to all citizens that in honor of the millions of public employees at the federal, state, county, and city levels, May 1-7, 2011, is proclaimed:

‘Public Service Recognition Week’

in the City of Oak Ridge, Tennessee, and that all citizens be urged to honor this worthy observance.

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 11th day of April in the year 2011.

Mayor Thomas L. Beehan

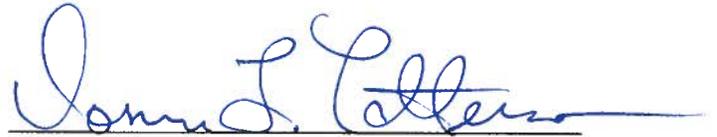
ATTEST: Donna L. Patterson, City Clerk

CITY CLERK MEMORANDUM
11-13

DATE: March 31, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna Patterson, City Clerk
SUBJECT: PROCLAMATION

Child Abuse Prevention Month

The accompanying proclamation is presented for the Council's consideration at the request of **Anita Vines**, Healthy Start Board Member. **Marsha Slagle**, the President of Healthy Start, and other board members will also be present at the city council meeting. 'Blue' is the color to represent child abuse prevention. They have blue pinwheels and will plant a pinwheel garden in front of the city building before the meeting. Everyone from the city council is invited to come early, if they would like, for a picture.



City Clerk

PROCLAMATION

'CHILD ABUSE PREVENTION MONTH'

WHEREAS, four to five children die, everyday, as a result of child abuse in the United States. More than three children are under the age of four;

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

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

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

WHEREAS, all citizens need to be more aware of child abuse and neglect and its prevention within the community, and be involved in supporting parents to raise their children in a safe, nurturing society;

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

WHEREAS, since Healthy Start of Anderson County was implemented in 1998 and having served over 350 high risk families in the Healthy Start program, not one child has been removed for abuse;

NOW, THEREFORE, be it resolved by the Oak Ridge City Council that the month of April 2011 be proclaimed:

'CHILD ABUSE PREVENTION MONTH'

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 11th day of April in the year 2011.

Thomas L. Beehan, Mayor

ATTEST:

Donna L. Patterson, City Clerk

April is National Child Abuse Prevention month. Find just one of the "R's" that you can do during the month of April to show your support of this effort to prevent child abuse. Prevent Child Abuse America, the parent agency for Healthy Families America, offers the following 5 "R's" for ways you can help prevent child abuse and neglect:

1. **Reach out.** Find ways to support families to help reduce stress.
 - * offer to baby-sit or run errands
 - * donate used clothing furniture or toys
 - * support local parenting programs

2. **Raise the issue.** Educate yourself and others about child abuse.
 - * www.preventchildabuse.org
 - * www.childhelpusa.org
 - * parent helpline 1-800-356-6767

3. **Remember the risk factors.** Child abuse and neglect happen in all kinds of families but the risks are greater in families with financial hardships, with no or little extended family, and with substance abuse problems.

4. **Recognize the warning signs.** Children may be nervous around adults, be aggressive, have frequent or unexplained bruises or injuries and have low self-esteem.

5. **Report suspected abuse or neglect.** Call DCS Central Intake(877-237-0004). It is the law.... you must report suspected child abuse but you do not have to give your name.

Healthy Start, a program of Prevent Child Abuse Tennessee, strives to help parents give their children a healthy start. We offer home visits for first time parents in Anderson County. Our goal is to provide support and parenting information to new parents in an effort to prevent child abuse/neglect. We achieve this by visiting with the family weekly, determining whether the babies are developmentally on task, receiving their immunizations on time, and bonding with their parents. We have a lending center filled with baby items any family would need to care for an infant. We also give age-appropriate books to the parents, encouraging them to read to their babies. Once a month the families get together for a group meeting. This is a time to share birth stories, see how the babies have grown and make new friends. The Healthy Start program was credentialed in February 2003 by the National Healthy Families America. Every Healthy Families program has to go through the credentialing process after the initial first three years of being in operation. We were notified that we were "one of the elite programs in the nation" , having passed the credentialing process with flying colors. In 2010 we went through the credentialing process again with Prevent Child Abuse Tennessee, who became our umbrella agency in July. Healthy Start welcomes referrals from any source and everyone is eligible to be screened for this free program. Please contact us at 483-7377 and ask for Marcia Slagle or Tanya Brown. Together we can make a difference.



Make a Difference in Your Community



The following ways include simple ways to build a strong environment that will allow children to grow into healthy, productive citizens who will in turn give back to communities.

Talk to your neighbors

Be willing to look out for one another's children. Encourage a supportive spirit among parents in your community.

Mentor a new parent in your neighborhood

Sometimes families go from receiving a lot of support when a baby first arrives to getting little or no support just a few months later. This can leave a parent feeling overwhelmed. Check in often with a new parent. Sometimes just holding or changing the baby will allow a new mom or dad to finish an errand or take a few minutes for themselves.

Be a friend to the parents that you know

Ask how their children are doing. Ask them how they are doing! If a parent seems to be struggling, offer to baby-sit, run errands or lend a friendly ear. Remind them that raising kids is a difficult job.

Keep your neighbors safe

Offer to pick up your neighbors mail when they are out of town and let them know you can keep an eye on their home. When street lights burn out, report the outage to the city to avoid dark places in your neighborhood.

Distribute materials to educate and support families in public places

Parenting is tough work! It is important to let families know that you support the love, devotion and healthy discipline they offer their children. It's also important to offer information and tips about the developmental milestones.

Plant a pinwheel garden in a community gathering place

Pinwheels are a sign of happy, carefree childhoods; the kind that every kid deserves to experience. Host a public event to launch the garden. Take photos and send them to your local newspaper along with a statement of your support.

Host an event for children

Inspire them to color pinwheels and post them in a public place. Arrange for the activity to be lead by a childcare provider, allowing parents a break and the chance to enjoy conversation with other adults.

Be a good role model

Parents are always looking for new parenting techniques and you can help provide them by setting a good example.

Be active in your community

Developing playgroups for new families at community centers, libraries or schools ultimately contributes to the well-being of children.

Call or write your elected officials

Ask your representatives to support funding and legislative initiatives for parent support and child abuse prevention programs.

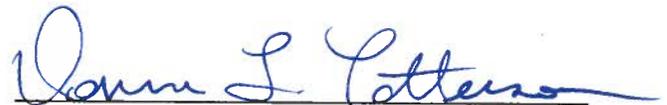
CITY CLERK MEMORANDUM
11-13

DATE: March 31, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna Patterson, City Clerk
SUBJECT: PROCLAMATION

Parkinson's Awareness Month

The accompanying proclamation is presented for the Council's consideration at the request of **Karen Sampsell**, RN - Founder and President of 'PK Hope Is Alive' and **Joan Cassens** - Secretary. They will both be present at the April 11 City Council Meeting to be recognized and receive the proclamation.

In January 2008 three people started a Parkinson Disease support group called "PK Hope Is Alive". In October of 2009 they received 501 (c) 3 status as a public charity. They now have over 72 members. Members of "PK Hope Is Alive" work to create awareness of this disease thereby increasing chances to find a cure. The Parkinson's Disease Foundation has proclaimed April as Parkinson's Awareness month. If you would like to read more about it:
www.pkhopeisalive.org


City Clerk

Attachment

PROCLAMATION

' *PARKINSON'S AWARENESS MONTH* '

WHEREAS, Parkinson's is the second most common neurodegenerative disease in the United States, second only to Alzheimer's; and

WHEREAS, even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2010, it is estimated that the disease affects over 1,000,000 people in the United States; and

WHEREAS, although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown; and

WHEREAS, there is no objective test for Parkinson's disease and the rate of misdiagnosis can be high; and

WHEREAS, symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing, speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruption; and

WHEREAS, there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

WHEREAS, increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

NOW, THEREFORE, WE, the members of the City Council of Oak Ridge, Tennessee do hereby proclaim April 2011 as Parkinson's Awareness Month.

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 11th day of April in the year 2011.

Thomas L. Beehan, Mayor

ATTEST:

Donna L. Patterson, City Clerk

**CITY CLERK MEMORANDUM
11-17**

DATE: March 31, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna Patterson, City Clerk
SUBJECT: PROCLAMATION

FAIR HOUSING MONTH

This proclamation is recommended by the U.S. Department of Housing and Urban Development as part of the City's participation in the Community Development Block Grant Program.

City Clerk

PROCLAMATION

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

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

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

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

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

FAIR HOUSING MONTH

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 11th day of April in the year 2011.

Mayor

SPECIAL REPORTS

MEMORANDUM

DATE: March 31, 2011

TO: City Council

FROM: City Manager Evaluation Committee
Councilmember Thomas Hayes, Chairman
Councilmember Ellen Smith
Councilman David Mosby

SUBJECT: CITY MANAGER EVALUATION PROCEDURE FOR FY 2011

City Manager Watson began work with the City of Oak Ridge on August 9, 2010. The Council's employment agreement with the City Manager provides that his first formal evaluation shall be completed by July 31, 2011. Thereafter, the evaluations shall be conducted on an annual basis by July 31 of each year for the previous year.

The City Manager Evaluation Committee has met several times in the past few months. All of the Committee members were present as well as the City Clerk. The City Manager, City Attorney, and Margaret Norris, Municipal Management Consultant with MTAS attended several of the meetings. Mayor Beehan and Councilmember Miller attended one of the meetings.

In considering the procedure for evaluation of the City Manager's performance for FY 2011, the Committee took into account the length of time the manager has been employed with the City. Evaluation forms received from MTAS and Mercer were carefully reviewed and considered, along with the City's past City Manager evaluation form. Ms. Norris successfully created the end product after many changes and discussions.

It was agreed unanimously to recommend the use of the attached form for this evaluation period. It will be presented to the Council at the April 11th Council Meeting for consideration.

Attached are the following:

The Proposed FY 2011 Evaluation Questionnaire
A Proposed Schedule for Completion of the Evaluation Process

You will note that the schedule provides for presentation of the Committee's final report and recommendations to City Council at the July meeting.

The City Manager Evaluation Committee believes that this recommended evaluation process will provide beneficial information to both the City Manager and the Council. It is submitted for your approval, and with such approval the evaluation process will begin.


Donna L. Patterson, City Clerk

Attachments

**SCHEDULE FOR COMPLETION OF THE CITY
MANAGER'S PERFORMANCE EVALUATION FOR FY 2011**

- | | |
|----------------|--|
| April 11, 2011 | City Council review of the evaluation form at Council Meeting. |
| May 2011 | Changes made to the evaluation forms as directed by Council. Forms returned to Council no later than the 23 rd for evaluation of the City Manager. |
| June 10, 2011 | Deadline for return of the completed evaluation questionnaires and goals/objectives to the City Clerk. |
| June 22, 2011 | Committee meeting for review of the summary of the evaluation questionnaires prepared by the City Clerk and the goals/objectives submitted by Councilmembers, and to develop the Committee's report and recommendations to City Council. |
| July 11, 2011 | City Council consideration of the committee's report and recommendations at the Council Meeting. |

CONSENT AGENDA

CITY COUNCIL MEMORANDUM
11-18

DATE: April 6, 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 April 6, 2011, Council meeting.

Approval of Minutes

Approval of the Minutes of the March 7, 2011 City Council regular meeting.

Approval of the Minutes of the March 28, 2011 City Council special meeting.

Resolutions

Adoption of a resolution approving an agreement between the City and the U. S. Department of Energy (DOE), and an agreement between the City and the Tennessee Valley Authority (TVA) to provide electric power to the East Tennessee Technology Park (ETTP).

Adoption of a resolution approving agreements between the City and the Tennessee Valley Authority (TVA) regarding power billing arrangements at the East Tennessee Technology Park (ETTP) and the Science and Technology Park.

The documentation for these items follows this memorandum.



Mark S. Watson

**MINUTES OF THE
OAK RIDGE CITY COUNCIL MEETING
MARCH 7, 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 J.E. Wiseman, Retired Pastor of First Assembly of God

PLEDGE OF ALLEGIANCE: John Hurtubise

ROLL CALL:

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

Councilmember Jane Miller was absent (sick).

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. PROCLAMATION – ‘NATIONAL LIBRARY WEEK’ APRIL 10-16, 2011

City Clerk Donna Patterson read the proclamation proclaiming the week of April 10 – 16 as ‘National Library Week’.

A motion was made by Councilmember Hensley, seconded by Councilmember Smith, to approve the proclamation as read.

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

The motion carried.

Mayor Beehan presented the proclamation to Susie Stooksbury, Assistant Director of the Oak Ridge Public Library. He expressed appreciation to all the librarians and library workers that make Oak Ridge Public Library so outstanding.

2. 2011 SECRET CITY FESTIVAL

Jane Gibson, Aquatics Supervisor and Secret City Festival Coordinator, came forward to update the Council on the 2011 Secret City Festival being held on June 17 & 18. This year’s entertainment will be ‘The Village People’ on Friday night and Ricky Skaggs and his band ‘Kentucky Thunder’ on Saturday night.

Ms. Gibson also stated that the Southeast Festival and Events Association presented the Secret City Festival with six Kaleidoscope awards at their February 2011 conference. The awards include the Silver Award for Best Festival; the Silver Award for Best Sponsor – Oak Ridge Chapter of Credit Unions; the Silver Award for Best Green Component; the Bronze Award for Best Volunteer – Jane Miller; the Gold Award for Best Other Merchandise; and the Silver Award for Best T-Shirt.

3. CEDAR HILL PARK PLAYGROUND UPDATE

Parks Supervisor John Hetrick came forward to give an update on the Cedar Hill Park Playground Rebuild project and the 'Community Build Week' scheduled for May 18-22, 2011. The new schematic of the playground has been designed with input from Oak Ridge school children with the help of Leathers and Associates, a playground design firm. The new logo was designed by Middle School teacher Jim Dodson. Construction on the newly designed Cedar Hill Park Playground is scheduled during the 'Community Build Week' and the steering committee is seeking volunteers to help make the vision a reality. Among the committees needing volunteers are the Volunteer Committee, Construction Committee, Public Relations Committee, Food Committee, Design Committee, Childcare Committee, and several other groups that require community involvement.

III. SPECIAL REPORTS [none]

IV. CONSENT AGENDA

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

A motion was made by Councilmember Hensley, seconded by Councilmember Hayes, to remove the following items from the Consent Agenda:

- Resolution – 'Safe Route to Schools' Grant Project
- Resolution – 'Our Town' Planning Grant Application

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

The motion carried.

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

- Approving the Minutes of the February 14, 2011 City Council Meeting; and
- Adopting **Resolution No. 3-13-11 / ACCEPTANCE OF DOE/TEMA GRANT**

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

- **Resolution No. 3-14-11 / 'SAFE ROUTE TO SCHOOLS' GRANT PROJECT**

City Manager Mark Watson explained that this is 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).

After discussion, a motion was made by Councilmember Mosby, seconded by Councilmember Smith, to adopt the resolution as presented.

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

The motion carried.

- **Resolution No. 3-15-11 / 'OUR TOWN' PLANNING GRANT APPLICATION**

City Manager Mark Watson explained that this is 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.

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

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

The motion carried.

V. RESOLUTIONS

1. RESOLUTION NO. 3-16-11 / RETAIL SALE OF ALCOHOLIC BEVERAGES RENEWALS

City Manager Mark Watson stated that this resolution grants renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waives the residency requirement for nonresident applicants.

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

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

The motion carried.

**2. RESOLUTION NO. 3-17-11 / MAYOR'S SIGNATURE & CERTIFICATES OF COMPLIANCE
RETAIL SALE OF ALCOHOLIC BEVERAGES**

City Manager Mark Watson stated that this is 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.

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

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

The motion carried.

**3. RESOLUTION NO. 3-18-11 / KNOX BRADLEY MECHANICAL CONTRACTORS, INC.
CONTRACT**

City Manager Mark Watson explained that this is a resolution approving 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.

Councilmember Smith stated that the contractor estimates a return on investment of 18% to 22% on the HVAC controls and 25% to 30% for the combined HVAC and lighting controls.

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

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

The motion carried.

4. RESOLUTION NO. 3-19-11 / AMEND CONTRACT WITH TENNESSEE VALLEY AUTHORITY

City Manager Mark Watson stated that this is a resolution to amend the power contract with the Tennessee Valley Authority (TVA) in order to establish new wholesale and resale rate schedules.

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

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

The motion carried.

5. RESOLUTION / AUTHORIZING EXPENDITURES FROM SPECIAL PROGRAMS FUND

City Manager Mark Watson stated that this resolution authorizes approval of expenditures from the Special Programs Fund for transportation enhancement projects to improve traffic capacity/safety, school crossing, and bicycle/pedestrian safety improvements at multiple locations in the City.

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

City Manager Mark Watson stated that the source of funding for the 'Special Programs Fund' is red light and speed camera monies. Based on previous work sessions with the Council, 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. All of the funds will be utilized for traffic safety/pedestrian improvements and enhancement. He further explained that any expenditure over the \$25,000 level would be presented to Council for discussion and approval.

Councilmember Garcia Garland stated that she had heard from citizens requesting that this be postponed until a public meeting could be held to obtain input from the citizens.

Councilmember Smith stated that she supports approving the resolution tonight and moving forward, but she also agrees that the community should be allowed equitable input before approving the entire Transportation Enhancement Project list and before funds over \$25,000 are expended.

Mayor Beehan stated that the project list has been discussed several times and he relies on professional staff to compile and rank the projects based on the input received from the Council.

Councilmember Hensley concurred with Mayor Beehan.

Councilmember Mosby stated his concerns with making a policy decision on the use of the funds for traffic safety, when that had not been decided as yet. He would like for item to be postponed to obtain public input for other possible uses of the funds.

Trina Baughn, 119 Newport Drive, came forward and stated that the reasons the cameras were installed in the beginning was to improve safety. One of the main complaints from those against the cameras is that if the cameras were installed for safety then why haven't the funds been designated for safety improvements? She feels that the longer it is put off to spend the funds for safety, the greater the controversy.

Councilmember Hensley agreed with Ms. Baughn completely. He stated that the funds have always been designated for safety and he doesn't understand continually putting off spending the money in that manner.

Joseph Lee, 99 E. Pasadena Road, came forward and stated that the cameras were installed for safety and the Council needs to go ahead and start spending the money for the items designated on the list (Transportation Enhancement Project list) generated by City Engineer Steven Byrd. If a public meeting is held, it will be spent rehashing all the debate and opinions concerning the traffic cameras.

Kay Williamson, 420 Jefferson, came forward and stated that she is against the red light cameras and the City Council spending funds too quickly.

Councilmember Smith stated that during the first year, the revenue from the cameras went into the City General Fund. During discussion of the FY2011 budget, City Council instructed that the funds be set into a separate account. She feels that if the funds are spent on safety issues, maybe eventually the cameras will no longer be necessary.

After discussion, a motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to postpone this item until the next regular Council Meeting on April 11.

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

Those voting against: Councilmember Smith.

The motion carried.

6. RESOLUTION NO. 3-20-11 / AUTHORIZING SUBMITTAL OF COMMENT LETTER TO D.O.E.

City Clerk Donna Patterson read the title of the resolution as follows: 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).

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

Amy Fitzgerald, Government and Public Affairs Coordinator, came forward and explained that this has been an ongoing process the City has been engaged in for approximately 10 years. In 2010, the City Council adopted a resolution concurring with the U.S. Department of Energy's "Bridge" Memorandum of Agreement, which was needed for the Oak Ridge Office to remain in compliance with the National Historic Preservation Act as the agency proceeds with decontamination, decommissioning and demolition at the East Tennessee Technology Park. The Memorandum of Agreement also provided additional time for the completion of a feasibility study, which was to help evaluate mitigation alternatives for interpreting the significant historic roles played by the K-25 facility.

In addition to the feasibility study, the Department of Energy commissioned a structural evaluation of several historic preservation alternatives with K-25 with estimated costs. The Department of Energy has requested comments on the documents.

The Department of Energy Oak Ridge Office intends to engage the Signatory and concurring parties for a new, final Memorandum of Agreement regarding any mitigation measures, which will then be brought back to the City Council for consideration.

Mayor Beehan acknowledged Anderson County Commissioner Tracy Wandell, who was present and also involved with this issue.

There being no further discussion, Mayor Beehan called for a vote.

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

The motion carried.

7. RESOLUTION NO. 3-21-11 / AUTHORIZING PURCHASE OF POLICE VEHICLES - \$231,140

City Manager Mark Watson stated that this is 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.

He explained that the Police Department's older vehicles will be retained for lighter use. Even though the Ford Motor Company will discontinue the production of the Interceptor vehicles, parts for repairs and routine maintenance will continue to be readily available and the company will continue to service the vehicles as long as they remain in law enforcement fleets. It is anticipated that purchasing these vehicles now will result in the Police Department not needing any replacement police cruisers until FY2013.

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

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

The motion carried.

**8. RESOLUTION NO. 3-22-11 / REPEAL RESOLUTION 12-133-03 TAX ABATEMENTS
OAK RIDGE MALL**

City Manager Mark Watson stated that this resolution repeals 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.

Mr. Watson explained 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. At this time, however, the Oak Ridge Mall has not proceeded forward in recent years despite \$5 million in environmental grants or sale of property to willing investors. The City needs to be in the position to negotiate with any and all investors willing to improve the retail market anywhere in Oak Ridge.

Mayor Beehan stated that any new abatements offered to Oak Ridge Mall should be brought before the City Council for approval.

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

After discussion, a motion was made by Councilmember Smith, seconded by Councilmember Garcia Garland, to amend the resolution by removing all of the language pertaining to future financial incentives for the Oak Ridge Mall being governed by the 2010 PILOT Reauthorization documents.

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

The motion carried.

Mayor Beehan called for a vote on the resolution as amended.

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

The motion carried.

9. RESOLUTION NO. 3-23-11 / AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS

City Clerk Donna Patterson read the title of the resolution as follows: 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.

City Manager Mark Watson stated that the City has an opportunity to 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 depending on the interest rate at the time of the sale. The estimated savings are net of any costs for issuance of the refinanced bonds.

Chris Bessler with Morgan Keegan & Company, Inc., the City's financial advisor, was present to provide an overview of the plan of refunding as required by *Tennessee Code Annotated* Section 9-21-903. The report does not constitute approval or disapproval for the proposed plan or a determination that a refunding is advantageous or necessary nor that any of the outstanding obligations should be called for redemption on the first or any subsequent available redemption date or remain outstanding until their respective dates of maturity. The City's purpose in performing this refunding is to restructure debt service capacity to fund a pledged donation to Roane State Community College.

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

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

The motion carried.

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]**

City Clerk Donna Patterson read the title of the ordinance as follows: 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.

A motion was made by Councilmember Hensley to amend the ordinance to include the provision of providing a 10-foot wide access easement to the John Hendrix gravesite on the property.

There was no second on the motion.

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

Community Development Director Kathryn Baldwin came forward to explain and answer questions concerning the rezoning request. She also stated that the owner of the property has agreed to the 10-foot wide access easement.

A motion was made by Councilmember Hensley to amend the ordinance to provide for a 10-foot wide access easement to the John Hendrix gravesite; seconded by Councilmember Smith for discussion.

Councilmember Smith stated that an easement could be required by the Planning Commission when approving the plat, instead of complicating the zoning request at this time. Easements are not usually part of the zoning, but are part of the subdivision plat.

Councilmember Mosby noted that he is the owner of an adjoining property - Lot 28.

After further discussion, Mayor Beehan called for a vote.

Those voting for: Councilmembers Hayes, Hensley, and Mosby.

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

The motion failed.

Attorney Ken Krunshenski stated that this could be discussed further and provisions made during the Public Hearing at the second reading of the ordinance at the April 11 City Council Meeting.

Mayor Beehan called for a vote on the motion to approve the ordinance as presented.

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

The motion carried.

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

City Clerk Donna Patterson read the title of the ordinance as follows: 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).

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

Community Development Director Kathryn Baldwin came forward and explained that 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.

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

The motion carried.

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

City Clerk Donna Patterson read the title of the ordinance as follows: 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 Hayes, seconded by Councilmember Garcia Garland, to adopt the ordinance as presented.

City Manager Mark Watson stated that this ordinance is to simplify the election process for the Oak Ridge Beer Permit Board and the Environmental Quality Advisory Board.

Councilmember Smith noted that staff has provided a substitute ordinance that will allow possible future changes to terms be made by resolution instead of by ordinance.

A motion was made by Councilmember Smith, seconded by Councilmember Hensley, to amend the ordinance with a substitute ordinance that allows terms to be set in the future by resolution.

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

The motion carried.

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

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

The motion carried.

**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**

City Clerk Donna Patterson read the title of the ordinance as follows: 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.

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

Councilmember Smith stated that this ordinance consolidates the Board of Electrical Examiners and the Board of Plumbing Examiners into a new board called the Trade Licensing Board. She also said that staff had discovered an error in the title of Chapter 12 after the 1st reading and has provided a substitute ordinance with the correction for tonight’s meeting.

A motion was made by Councilmember Smith, seconded by Councilmember Hayes, to amend the ordinance with a substitute ordinance that corrects the title of Title 12, Chapter 12, which is the ‘Residential Code’ and not the ‘Gas Code’.

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

The motion carried.

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

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

The motion carried.

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

City Clerk Donna Patterson read the ordinance title as follows: 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 Garcia Garland, seconded by Councilmember Hayes, to adopt the ordinance as presented.

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

The motion carried.

VIII. ELECTIONS & APPOINTMENTS / ANNOUNCEMENTS / SCHEDULING

1. ELECTIONS & APPOINTMENTS

ELECTIONS

Board of Electrical Examiners
Board of Plumbing Examiners

City Attorney Ken Krushenski stated that since the Board of Electrical Examiners and the Board of Plumbing Examiners will not be meeting in March and the Trade Licensing Board was created and approved by the City Council tonight, these vacancies will not be filled. No further action is necessary.

Highland View Redevelopment Advisory Board

City Clerk Donna Patterson stated that this is for the election of three members to serve on the Highland View Redevelopment Advisory Board. Two 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 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 Patrick has applied for this position and if elected she will serve an unexpired term of office ending March 31, 2013.

A motion was made by Councilmember Smith, seconded by Councilmember Hayes, to elect by acclamation Sharon Crane, J.W. Moore, Jr., and Laurel Patrick to the Highland View Redevelopment Advisory Board.

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

The motion carried.

Trade Licensing Board

City Clerk Donna Patterson stated that this is for the election of seven members to serve on the Trade Licensing Board. This board combines the responsibilities of the Electrical Examiners and Board of Plumbing Examiners. The terms of office for this board will be three year staggered terms. In order to accomplish staggered terms, the initial membership is created as follows:

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

The first ballot was for the election of one licensed plumber and one licensed electrician to three-year terms.

<u>Candidate</u>	<u>Vote by Councilmember</u>	<u>Total</u>
Brian Hayden	Beehan/Garcia Garland/Hayes/Hensley/Mosby/Smith	6
Jeff Lewis	Beehan/Garcia Garland/Hayes/Hensley/Mosby	5
Joe McCarty	Smith	1

Brian Hayden and Jeff Lewis were elected to serve three-year terms ending on December 31, 2014.

The second ballot was for the election of one licensed plumber and one licensed electrician to two-year terms.

<u>Candidate</u>	<u>Vote by Councilmember</u>	<u>Total</u>
Jason Brian Boyd	Mosby	1
Joe McCarty	Beehan/Garcia Garland/Hensley/Smith	4
Philip Nipper	Beehan/Garcia Garland/Hayes/Hensley/Mosby/Smith	6
Jerry Seiber	Hayes	1

Joe McCarty and Philip Nipper were elected to serve two-year terms ending on December 31, 2013.

The third ballot was for the election of one member-at-large to serve a three-year term.

<u>Candidate</u>	<u>Vote by Councilmember</u>	<u>Total</u>
Jason Boyd	Garcia Garland	1
Jerry Seiber	Beehan/Hayes/Hensley	3
Wayne Garber	Smith/Mosby	2

No candidate received four votes. City Attorney Ken Krushenski explained that the only candidates for the Council to consider on the next ballot for the three-year term would be Boyd, Seiber, and Garber. Mayor Beehan called for another vote.

<u>Candidate</u>	<u>Vote by Councilmember</u>	<u>Total</u>
Jerry Seiber	Beehan/Garcia Garland/Hayes/Hensley/Smith	5
Wayne Garber	Mosby	1

Jerry Seiber was elected to serve a three-year term ending on December 31, 2014.

The fourth ballot was for the election of two members-at-large to serve one-year terms.

<u>Candidate</u>	<u>Vote by Councilmember</u>	<u>Total</u>
Jason Boyd	Beehan/Garcia Garland/Hayes/Smith	4
Wayne Garber	Beehan/Garcia Garland/Hayes/Hensley/Mosby/Smith	6

Jason Boyd and Wayne Garber were elected to serve one-year terms ending on December 31, 2012.

NOTICE OF ELECTIONS FOR MARCH 28, 2011

Mayor Beehan announced that one election is scheduled for the March 28, 2011 Special Called City Council meeting to appoint nine 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*.

Mayor Beehan announced that two elections are scheduled for the April 11, 2011 City Council meeting as follows:

- One seat remains vacant on the Environmental Quality Advisory Board for an unexpired term of office ending December 31, 2013. No special qualifications required.
- Two 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

Councilmember Hayes announced that there will be a meeting of the City Manager Evaluation Committee on Wednesday March 16, 2011 at noon in the Mayor's Office.

3. SCHEDULING

IX. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

X. SUMMARY OF CURRENTS EVENTS

1. CITY MANAGER'S REPORT

City Manager Mark Watson announced that his son was featured in the Oregon City/County Management Magazine. The front of the magazine features photographs of Buford Watson, Mark Watson, and Kevin Watson. Kevin Watson is a "third generation" manager in the making, now working as Assistant to the City Manager of Keizer, Oregon.

2. CITY ATTORNEY'S REPORT

City Attorney Ken Krushenski announced that it was tax time again. Delinquent taxes will be advertised in the legal organ soon.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 10:10 p.m.

Approved this _____ day of _____, 2011.

Donna L. Patterson, City Clerk

Thomas L. Beehan, Mayor

**MINUTES OF THE
OAK RIDGE CITY COUNCIL
SPECIAL CALLED MEETING
MARCH 28, 2011**

The Special Called 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: Pastor Mark Walton, Glenwood Baptist Church

PLEDGE OF ALLEGIANCE: Joseph Lee

ROLL CALL:

The following Councilmembers were present: Anne Garcia Garland, Thomas Hayes, Charles Hensley, Jane Miller, David Mosby, Ellen Smith (arrived at 7:25 p.m.), 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. RESOLUTION NO. 3-24-11 / MATERIALS & EQUIPMENT FOR CEDAR HILL PARK

City Clerk Donna Patterson read the title as follows: A resolution waiving the competitive bid process and authorizing the purchase of materials and equipment for Cedar Hill Park Playground from Bedford Technology, LLC; Superior International Industries, Inc; and Playland Equipment in the total estimated amount of \$82,383.

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

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, and Mayor Beehan. Councilmember Smith was not present at this time.

The motion carried unanimously.

II. ELECTION – RECREATION AND PARKS ADVISORY BOARD

- An election of nine (9) members to serve on the Recreation and Parks Advisory Board, whose purpose is to advise City Council and City Staff as to the recreation and park needs of the City as well as provide advice on future rules, planning, usage, land acquisition, and facility needs of all city-owned properties used for recreational, athletic or land conservation purposes. Initial membership will be as follows: three (3) members shall be appointed to serve through December 31, 2012; three (3) members shall be appointed to serve through December 31, 2013; and three (3) members shall be appointed to serve through December 31, 2014. Thereafter, all appointments shall be for terms of three (3) years.

City Manager Mark Watson recommended postponing the election for the Recreation and Parks Advisory Board due to the large number (61) of applicants. Postponing the election by two weeks will give the Council additional time to review the applications prior to making their selections.

A motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to postpone the election for the Recreation and Parks Advisory Board until the April 11, 2011 City Council Meeting.

Those voting for: Councilmembers Garcia Garland, Hayes, Hensley, Miller, Mosby, and Mayor Beehan. Councilmember Smith was not present at this time.

The motion carried unanimously.

Manager Mark Watson recommended that, due to the high number of applicants, the Council consider two options to further define how the selection process will be conducted for the election as follows:

OPTION 1

STEP I

Round 1 – Each Councilmember will vote for their top twenty (20) candidates.

Round 2 – Each Councilmember will vote for their top ten (10) candidates.

Round 3 – Each Councilmember will vote for their top nine (9) candidates.

After each round the votes will be called out and tallied as follows:

- Any candidate that receives a total of 4 or more votes will be elected to the board automatically* and their name removed from the list.
- Any candidate that doesn't receive at least one vote will be removed from the list completely.
- The remaining candidates will be listed on the ballot for the next Round, and so on, until the final nine (9) members are selected.

*Unless, at some point, more candidates are elected (receive four votes) than are needed to fill the nine seats; in this case a vote would be necessary to break the tie.

[At this time, the meeting will be open for discussion of the candidates and the needs of the Oak Ridge Recreation and Parks while the 3 yr., 2 yr., and 1 yr. ballots are prepared.]

STEP II.

During the second step, the chosen members will be elected to three-year terms, then two-year terms, then one-year terms (in the manner as the election that was held for the 'Trade Licensing Board' at the last Council meeting).

OPTION 2

STEP I

Round 1 – Each Councilmember will vote for their top five (5) candidates.

Round 2 – Each Councilmember will vote for their top three (3) candidates.

Round 3 – Each Councilmember will vote for their top two (2) candidates.

After each round the votes will be called out and tallied as follows:

- Any candidate that receives a total of 4 or more votes will be elected to the board automatically and their name removed from the list.
- Any candidate that doesn't receive at least one vote will be removed from the list completely.
- The remaining candidates will be listed on the ballot for the next Round, and so on, until the final nine (9) members are selected.

*Unless, at some point, more candidates are elected (receive four votes) than are needed to fill the nine seats; in this case a vote would be necessary to break the tie.

STEP II.

During the second step, the chosen members will be elected to three-year terms, then two-year terms, then one-year terms (in the manner as the election that was held for the 'Trade Licensing Board' at the last Council meeting).

The Mayor and each of the Councilmembers spoke of the excellent qualifications and diversity presented by the applicants for the Recreation and Parks Advisory.

Mayor Beehan and Councilmembers Hensley, Garcia Garland, and Smith agree that the Council should be allowed to discuss the candidates and needs of the Oak Ridge Parks Department during the election.

Councilmembers Hayes and Mosby stated their opinions that the election process shouldn't be changed from the way it had always been held.

Councilmember Miller does not agree that the Council should be allowed to discuss the candidates, but does agree with allowing the candidates to speak.

Councilmember Miller asked City Attorney Ken Krushenski if the City's voting process was directed by the City Charter.

City Attorney Ken Krushenski stated that there isn't a specific voting procedure in the Charter. In the past, the candidates could not be discussed during the election and four votes automatically determined the successful candidates. However, the Council can change the procedures and decide the rules for any election.

After reviewing the two options, a motion was made by Councilmember Miller to approve Option 1 as presented by the City Manager, with those candidates left on the ballot (removing those with no votes and those elected) after Round 1 given the opportunity to speak for themselves.

The motion was seconded by Councilmember Hensley with the understanding that the Council also have the opportunity to discuss the candidates.

Mayor Beehan stated that an election of this magnitude had not been held before and he hoped that during the election process, the Council would be flexible enough to allow discussion and make the best decisions for this board.

After discussion, a motion was made by Councilmember Smith, seconded by Councilmember Hensley, to amend the motion to require a super majority of 6 votes for a candidate to be elected during Round 1.

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

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

The motion failed.

A motion was made by Councilmember Hensley, seconded by Councilmember Garcia Garland, to amend the motion to state that after Round 1 the Council will vote for twice the number of seats remaining in the following Rounds.

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

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

The motion passed.

A motion was made by Councilmember Garcia Garland, seconded by Councilmember Hensley, to amend the motion to state that after Round 1 the candidates may present to Council, if they so choose, and that the Council have the opportunity to discuss the available seats at that time and the needs of the Recreation and Parks Advisory Board.

Mayor Beehan stated that it would be the normal process to have discussion and he doesn't think it's necessary to make a motion to allow it since the rules of Council allow it to happen.

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

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

The motion passed.

Mayor Beehan called for a vote on the main motion.

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

Those voting against: Councilmembers Hayes, Miller and Mosby.

The motion passed.

III. ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 p.m.

Approved this _____ day of _____, 2011.

Donna L. Patterson, City Clerk

Thomas L. Beehan, Mayor

ELECTRIC DEPARTMENT MEMORANDUM
11-10

DATE: April 1, 2011

To: Mark Watson, City Manager

From: Jack L. Suggs, Electrical Director

SUBJECT: APPROVAL OF AGREEMENTS TO DELIVER POWER TO ETTP

Attached is a resolution authorizing the Mayor to execute contracts required for the delivery of electrical power from the City's electrical substation on Blair road to the East Tennessee Technology Park (ETTP). There will be two agreements, one between the City of Oak Ridge and TVA, and one between the City of Oak Ridge and the Department of Energy (DOE).

A significant part of the reindustrialization of ETTP revolves around the provision of private utilities to facilities inside the park. This transition has been completed for the water and sewer system, but code compliance and other issues slowed down progress in the electric utility area. To facilitate the work, the Council approved a Memorandum of Agreement in August (MOA) of 2006 that laid out the foundations for the transfers.

Staff has been working since the execution of the MOA with DOE in assuming ownership and operation of lines surrounding ETTP. As of this time, we now operate nearly every offsite DOE line in the area. The next step in the process will be for the City to assume responsibility for providing power to ETTP itself. This will initially be accomplished via a single 13kV delivery point that will be located at the ETTP fence. The City will deliver power to that point, but inside the park itself, DOE will continue to distribute the power to both itself and to City customers.

The contract between the City and Department of Energy lays out the billing and other arrangements that will allow the City to bill DOE for the power it uses while crediting it for power that flows through the delivery point, but is used by others. Although the determination of energy used is fairly straight forward, the demand charges will be calculated using historical data from the site. TVA is not a party to the financial transactions that result from the power sales on site, but must approve the techniques used to determine how the billing is done- especially with reference to demand. They have concurred with the approach of the City and DOE.

Staff has examined the financial implications of the agreement closely. We have also had the provisions of the contracts examined by a third party. It is our conclusion that the contracts will benefit the financial position of the City overall. In very basic terms, the City will begin to make revenue from an investment that has been underutilized for some time.

Staff recommends approval of the attached resolutions.



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 Date 4/7/2011

RESOLUTION

A RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY AND THE U.S. DEPARTMENT OF ENERGY (DOE), AND AN AGREEMENT BETWEEN THE CITY AND THE TENNESSEE VALLEY AUTHORITY (TVA) TO PROVIDE ELECTRIC POWER TO THE EAST TENNESSEE TECHNOLOGY PARK (ETTP).

WHEREAS, the City of Oak Ridge is a distributor of electric power purchased from the Tennessee Valley Authority (TVA); and

WHEREAS, by Resolution 8-106-06, City Council approved a Memorandum of Agreement (MOA) with the U.S. Department of Energy (DOE) to facilitate the transition of the East Tennessee Technology Park (ETTP) electrical distribution systems; and

WHEREAS, the City is now ready to deliver electric power to ETTP from the City's electrical substation at Blair Road, with DOE continuing to distribute electric power to itself and to City customers; and

WHEREAS, delivering electric power to ETTP will require two agreements, one between the City and DOE for billing and other arrangements associated with the delivery of electric power, and one between the City and TVA approving the techniques used to determine how billing will be done with DOE; and

WHEREAS, the City Manager recommends approval of both agreements.

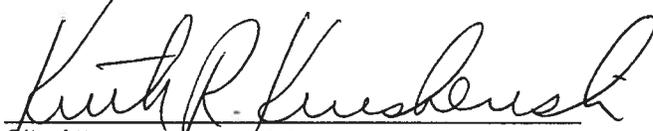
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into the necessary agreements with the Tennessee Valley Authority (TVA) and the U.S. Department of Energy (DOE) in order to provide electric power to the East Tennessee Technology Park (ETTP).

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

This the 11th day of April 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ELECTRIC DEPARTMENT MEMORANDUM
11-09

DATE: April 1, 2011

To: Mark Watson, City Manager

From: Jack L. Suggs, Electrical Director

SUBJECT: APPROVAL OF MODIFICATIONS TO TVA BILLING AGREEMENTS

Attached is a resolution authorizing the Mayor to execute contracts between the City of Oak Ridge and the Tennessee Valley Authority regarding power billing arrangements at the East Tennessee Technology Park and the Science and Technology Park located on the Oak Ridge National Laboratory Campus. Although these contracts are largely housekeeping in nature, they are considered by TVA to be part of the City's power contract and, therefore, Council action is required.

In 1997 and 2008, the City of Oak Ridge entered agreements regarding power delivery at the East Tennessee Technology Park (ETTP) and the Science and Technology Park (STP) respectively. Under these agreements power which TVA delivered to the Department of Energy was provided through Oak Ridge meters to customers of the Oak Ridge electric system.

An integral part of these agreements provided credit to the Department of Energy (DOE) for energy used by the Oak Ridge customers and charged this same amount to Oak Ridge delivery points. As you will be aware, the power used and billed consisted of two parts, the total energy used (in kWh) and the demand (in kW). Under the terms of those agreements, the Demand component of the customers' usage was treated as a whole and simply treated as a summation.

While this situation worked well under the previous billing system (end use wholesale rates), TVA is not willing to continue this simple practice under the new rate structure. After some discussion, TVA has decided to calculate a demand that is applied evenly over each hour of the billing month, based solely on the energy consumed by the Oak Ridge customers. In other words, TVA will take the sum of all energy used, in kWh, divide that by the number of hours in the month (say 720 hours) and arrive at a demand in kW. That amount will be added on an hour by hour basis to the demand curve of the Oak Ridge system and be deducted on an hour by hour basis from the demand curve of DOE.

Staff has analyzed this change and concluded that it is slightly favorable to Oak Ridge and will result in a slight increase in our net revenues. It will not affect our customers.

Two agreements need to be executed in order for this to take effect. One will be for ETTP and will cover only the time from April 1 until the City takes over power delivery in the park. The second will be for STP and cover the time period from execution until October of 2012, when it will be expected that TVA will require the City to install interval metering.

Staff has examined this issue carefully and recommends approval of the attached resolution.



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 4/7/2011
Date

RESOLUTION

A RESOLUTION TO APPROVE AGREEMENTS BETWEEN THE CITY AND THE TENNESSEE VALLEY AUTHORITY (TVA) REGARDING POWER BILLING ARRANGEMENTS AT THE EAST TENNESSEE TECHNOLOGY PARK (ETTP) AND THE SCIENCE AND TECHNOLOGY PARK.

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, by Resolution 3-19-11, City Council approved an amendment to the Power Contract with TVA to incorporate new wholesale and resale rate schedules; and

WHEREAS, by Resolution 6-107-97, City Council approved an agreement between the City and the U.S. Department of Energy (DOE) and an amendment to the power contract with the Tennessee Valley Authority (TVA) to provide for a mechanism for the provision of electrical power and energy to private companies at the East Tennessee Technology Park (ETTP); and

WHEREAS, by Resolution 8-77-08, City Council approved an agreement between the City and TVA, as well as a Municipal Services Agreement between the City and DOE, for the provision of electric service to Oak Ridge Science and Technology Park located on the Oak Ridge National Laboratory campus; and

WHEREAS, under the new rate structure, TVA has decided to change the method for calculation of demand, which requires modification to the agreements with ETTP and the Science and Technology Park; and

WHEREAS, the agreement with ETTP will be in effect from April 1, 2011 until the City takes over power delivery to ETTP, and the agreement with the Science and Technology Park will be in effect from its execution until October 2012 when it is expected that TVA will require the City to install interval metering; and

WHEREAS, the City Manager recommends approval of both agreements.

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

That the recommendation of the City Manager is approved and the City is hereby authorized to enter into the necessary agreements with the Tennessee Valley Authority (TVA) regarding power billing arrangements at the East Tennessee Technology Park (ETTP) and the Science and Technology Park located on the Oak Ridge National Laboratory campus.

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

This the 11th day of April 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

RESOLUTIONS

**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
11-20**

DATE: March 29, 2011

TO: Oak Ridge City Council

FROM: Kathryn Baldwin, Community Development Director



RE: **OAK RIDGE BICYCLE AND PEDESTRIAN MASTER PLAN**

An item for consideration by City Council is a Resolution for adoption of the proposed Bicycle Pedestrian Master Plan. The Bicycle Pedestrian Master Plan was presented and approved during the Oak Ridge Planning Commission on February 24, 2011 at their regularly scheduled meeting. The Plan was presented to City Council on February 28, 2011 during a work session.

The Plan was prepared by staff of the Transportation Planning Organization (TPO) along with assistance of the Community Development and Parks and Rec staff as well as the City Engineer. The plan is the result of more than a year and a half of community engagement and planning among staff, regional planners, and an ad hoc Bicycle Pedestrian Technical Committee. Two public meetings were held during development of the plan. The purpose of the first meeting, held in January 2010, was to listen to the transportation needs of our citizens. Participants were asked where they thought the City needed to “fill in gaps” and address “spot locations” within our existing transportation network. Following the public hearing, information regarding employment centers, commercial centers, parks, schools, public facilities and other destinations were mapped. This data was compared with existing bicycle and pedestrian facilities and missing connections and corridors were identified. In addition, spot locations which presented obstacles to an integrated alternative modal system were addressed. The second meeting, held on December 7, 2010, was to present a draft of the plan to the public and receive feedback. Comments were received through February 2nd and the Plan is available online at www.cortn.org.

The intent of the Bicycle and Pedestrian Master Plan is to identify and prioritize linkages within our existing transportation network. Implementation of the plan will result in a system which makes it easier for our residents to use alternative modes of transportation within the City of Oak Ridge to work, shop and play. In addition, the Plan will better position the City of Oak Ridge to request funding for sections of the plan through state and federal sources. Adoption of the

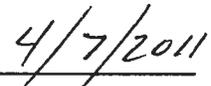
Bicycle and Pedestrian Master Plan illustrates our intent to embrace our multi-modal system, which is a key element in sustainability and a commitment to provide a high quality of life for our visitors and residents.

City Manager's Comments:

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



Mark Watson



Date

RESOLUTION

A RESOLUTION TO APPROVE THE OAK RIDGE BICYCLE AND PEDESTRIAN PLAN, DATED MARCH 2011, AS A TOOL TO GUIDE THE CITY IN FUTURE IMPROVEMENTS.

WHEREAS, City Staff and the Knoxville Regional Transportation Planning Organization joined together to develop a bicycle and pedestrian plan for Oak Ridge with input from the community at large and an ad hoc Bicycle and pedestrian plan Technical Advisory Team comprised of Oak Ridge citizens; and

WHEREAS, on January 10, 2010, a public meeting was held to present an overview of the planning process and to seek comments on community needs; and

WHEREAS, the comments were analyzed and developed into a list of project priorities to make Oak Ridge a place to safely and easily travel by foot and bicycle; and

WHEREAS, a bicycle and pedestrian plan was developed outlining details of physical improvements such as trails, pavilions, traffic improvements, and crosswalks, to provide activities and recreational opportunities for the Oak Ridge community; and

WHEREAS, on December 7, 2010, a public meeting was held to present a draft of the bicycle and pedestrian plan and receive feedback from the public; and

WHEREAS, at its regular meeting on February 24, 2011, the Oak Ridge Municipal Planning Commission unanimously voted to recommend City Council approve the bicycle and pedestrian plan; and

WHEREAS, the City Manager recommends approval of the bicycle and pedestrian plan as a tool to guide the City in future improvements.

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

That the recommendations of the City Manager and the Oak Ridge Municipal Planning Commission are approved and the Oak Ridge Bicycle and Pedestrian Plan, dated March 2011, is hereby approved for use as a tool to guide the City in future improvements.

This the 11th day of April 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

RECREATION AND PARKS MEMORANDUM
11-02

DATE: April 5, 2011
TO: Mark S. Watson, City Manager
FROM: Josh Collins, Recreation and Parks Director
SUBJECT: CONSTRUCTION AWARD FOR MELTON LAKE GREENWAY PHASE IV

The accompanying Resolution awards a contract to DUCO Construction, LLC, Johnson City, Tennessee, to construct the Melton Lake Greenway Phase IV in the estimated amount of \$667,086.16.

The proposed project envisions the construction of a 10-foot-wide asphalt pedestrian/bike trail beginning at the terminus of Melton Lake Greenway Phase III near the Edgemoor Bridge and extending along the lakefront on what remains of Old River Road. The trail will then turn west and will follow Old Edgemoor Road for approximately 1,050 feet. From there, it will swing north and then west again paralleling Old Edgemoor on its north side for an additional 2,100 feet before crossing back onto the south side. The trail will follow an old logging road and contours west across the parcel, while staying outside the drip line of the TVA transmission line, to a new trailhead parking area on Edgemoor Road. Construction of this phase will provide a critical element toward linking the Oak Ridge Greenway System and the Pellissippi Greenway System in Knox County.

At its December 2006 meeting, City Council authorized a grant agreement for the construction of the Melton Lake Greenway Phase IV and accepted a \$552,500 grant from the Tennessee Department of Transportation (TDOT). The Greenway project was eligible for funding under the Federal Highway Administration SAFETY-LU program. The grant carried an 80/20 match (TDOT/City). At that time, the City's 20 percent share was approximately \$138,125. Based on the proposed construction bid, the City's share would be approximately \$132,771. Project design costs are included in the City's share of the project. TDOT funding has assisted with the construction of the Emory Valley Greenway and Melton Lake Greenway Phases I, II and III.

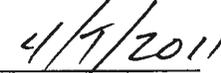
Upon City Council approval, staff will coordinate a pre-construction meeting with DUCO, the City and TDOT to initiate the construction phase of the project. Staff recommends approval of the accompanying Resolution as submitted. Funding for the project has been included in the Capital Projects Fund.

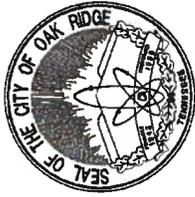
Attachments

City Manager's Comments:

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


Mark S. Watson


Date



Melton Lake Greenway Phase 4

- Greenway Phase 4
- Street
- Transmission Line
- Railroad
- Water
- Stream



1 inch equals 1000 feet



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

COR 10-01
OPENING DATE: February 3, 2011 2:00 P.M.

DESCRIPTION	BIDDER:		BIDDER:		BIDDER:	
	Option	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL
FOR — Melton Lake Greenway Phase IV FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES REQUIRED FOR MELTON LAKE GREENWAY PHASE IV PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE RECREATION AND PARKS DEPARTMENT			BIDDER: DUCO Construction, LLC 203 High Point Drive Johnson City, TN 37601	BIDDER: Cozy Excavation & Contracting, LLC 768 Old Emory Road Clinton, TN 37716	BIDDER: Rogers Group, Inc. 250 Union Valley Road Oak Ridge, TN 37830	BIDDER: Design & Construction Services, Inc. 515 Harry Street Knoxville, TN 37919
			\$ 667,086.16	\$ 693,670.82	\$ 709,675.99	\$ 878,924.30
TOTAL PRICE			\$ 667,086.16	\$ 693,670.82	\$ 709,675.99	\$ 878,924.30
TERMS			NET 30	NET 30	NET 30	NET 30
DELIVERY			PER CONTRACT	PER CONTRACT	PER CONTRACT	PER CONTRACT
F.O.B.			JOBSITE	JOBSITE	JOBSITE	JOBSITE
VIA			CONTRACTOR	CONTRACTOR	CONTRACTOR	CONTRACTOR
OTHER BIDDERS CONTACTED:	Leon Williams Contractors, LLC - Maryville, TN L. I. Smith & Associates, Inc. - Paris, TN Nature Bridges - Tallahassee, FL Signature Bridge, Inc. - Grand River - OH					
Wilson Construction Group - Athens, TN	BIDS OPENED AND RECORDED BY—					
Duracap Asphalt Paving Co., Inc. - Knoxville, TN	<i>Lynn Dowler</i> Lynn Dowler Accounting Division Manager					
GW Wyatt Contracting, LLC - Jefferson City, TN	BIDS REVIEWED BY—					
Horizon Construction Services, LLC - Knoxville, TN	<i>Janice McGinnis</i> Janice McGinnis Financial Director					
EC Corporation - Knoxville, TN						
REASON FOR AWARD	RECOMMEND AWARD BE MADE TO:					
ONLY BID RECEIVED	<input type="checkbox"/>					
LOW PRICE	<input type="checkbox"/>					
BETTER OR REQUIRED DESIGN	<input type="checkbox"/>					
EARLY DELIVERY	<input type="checkbox"/>					
LOWEST TOTAL COST	<input checked="" type="checkbox"/>					

RESOLUTION

A RESOLUTION TO APPROVE AN AGREEMENT WITH DUCO CONSTRUCTION, LLC, FOR THE CONSTRUCTION OF MELTON LAKE GREENWAY PHASE IV IN THE ESTIMATED AMOUNT OF \$667,086.16.

WHEREAS, the City of Oak Ridge wishes to construct a 10-foot wide asphalt pedestrian/bike trail known as Melton Lake Greenway Phase IV; and

WHEREAS, by Resolution 1-6-07, City Council formally accepted a \$552,500.00 grant from the Tennessee Department of Transportation (TDOT) for construction of Melton Lake Greenway Phase IV to be matched with \$138,125.00 in City funds; and

WHEREAS, by Resolution 2-18-08, City Council approved a professional services agreement with Cannon & Cannon, Inc., Knoxville, for the provision of professional design services, project management and construction engineering inspection services related to Melton Lake Greenway Phase IV; and

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for construction of Melton Lake Greenway Phase IV; and

WHEREAS, bids were received and publicly opened on February 3, 2011, with DUCO Construction, LLC, Johnson City, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

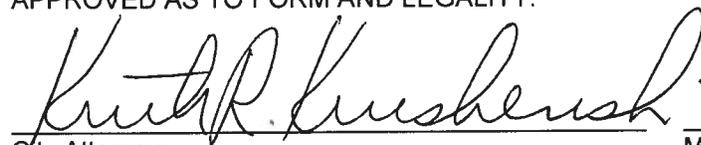
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to DUCO Construction, LLC, 203 High Point Drive, Johnson City, Tennessee 37601, for the furnishing all labor, tools, materials, equipment and supplies necessary to perform all work and services for the construction of a 10-foot wide asphalt pedestrian/bike trail known as Melton Lake Greenway Phase IV; said award in strict accordance COR 10-01, the required specifications, and the bid as publicly opened on February 3, 2011, and in the estimated amount of \$667,086.16.

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

This the 11th day of April 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**FINANCE DEPARTMENT MEMORANDUM
11-02**

DATE: April 5, 2011
TO: Mark S. Watson, City Manager
THROUGH: Steven W. Jenkins, Deputy City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: Amendment to Resolution 6-49-10



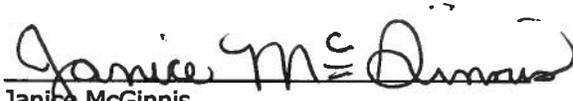
On June 7, 2010, City Council adopted Resolution 6-49-10 for the furnishing of routine material, equipment and services required by the City during fiscal year 2011. Additional expenditure levels are necessary for Temporary Employment Services, Informational Service Consultants and fuel for fiscal 2011 as outlined below.

Temporary employment services are used throughout the City for clerical and technical positions. These services are used by City departments throughout the year during short-term staffing vacancies due to termination, retirement or extended leave situations or to provide specialized services that are not needed on an ongoing basis. The largest user of temporary services is the Public Works Department who primarily uses these services for work demand fluctuations that occur on a seasonal basis and to replace injured workers until they recover. In order to meet the EPA Administrative Order timelines, the department is now expending approximately \$10,000 per week for temporary services. The work being performed by these temporary employees allows the department to essentially double their work efforts in the sewer system, including cleaning, tving, inspecting manholes and smoke testing. This high level of effort will be sustained through the end of December of this year at which time the field work needed to fully evaluate the entire system will be complete. During this time, the department will be reviewing permanent staffing levels required to maintain the wastewater systems at the level required by EPA. In June 2010, staff had estimated temporary employment requirement levels to be \$250,000 for fiscal 2011. Due to the increased temporary service level requirements to meet the EPA mandate, this is now estimated to be \$565,000. Funding for the additional projects required to meet the EPA administrative order will be funded through a combination of increased wastewater rates and long-term debt proceeds. Lamar Dunn and Associates has recently been contracted to perform a water and wastewater rate review with the resulting rates to be presented to City Council later this year. Much of the work required to meet the EPA order will be classified as capital and will be funded by long-term debt proceeds. Staff will be bringing forward an initial resolution for City Council's approval for the issuance of long-term debt to provide funding for waterworks capital improvements, including those mandated in the EPA Administrative Order.

Information Services Consultants provide temporary technical support in the Administrative Services Division for special projects that require expertise in a timely manner in specific fields. Staff had estimated the costs for these services to be \$150,000 in fiscal 2011. The need for additional technical support is the result of required technology changes as a result of audits, federal mandates, and/or upgrades to the City's systems. Projects include firewall and network security updates for police systems, upgrading the network, system upgrades required for the EPA order and the construction of a new website. These changes, along with the normal and planned improvements, have made it necessary to acquire an additional \$40,000 in technical support during the fiscal year. These services are now estimated at \$190,000 for fiscal 2011. These additional costs will be funded by the Equipment Rental Fund or the Fund for which the service is provided.

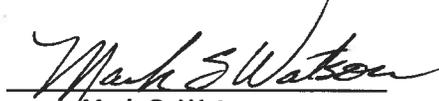
Fuel costs for fiscal 2011 were projected at \$531,300. In comparison with the same timeframe in last fiscal year, unleaded fuel is 75 cents per gallon higher and diesel 92 cents higher, with the City currently paying about \$2.97 for unleaded and \$3.17 for diesel. Due to the continuing escalation of fuel costs over the past few months, fiscal 2011 expenditures are estimated at \$635,000. The additional costs will be spread throughout the City Funds based on departmental consumption.

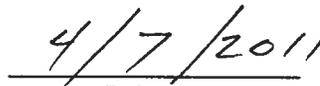
In order to maintain required services levels and programs, staff recommends approval of the attached resolution amendment.


Janice McGinnis

City Manager's Comments:

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


Mark S. Watson


Date

RESOLUTION

A RESOLUTION TO AMEND RESOLUTION 6-49-10 TO INCREASE EXPENDITURE LEVELS FOR TEMPORARY EMPLOYMENT SERVICES, INFORMATION SERVICE CONSULTANTS (TEMPORARY TECHNICAL SUPPORT) AND FUEL FOR FISCAL YEAR 2011.

WHEREAS, by Resolution 6-49-10, City Council waived competitive bids and made awards in the grand total estimated amount of \$4,697,000.00 based upon written quotations and negotiated agreements with suppliers for the furnishing of routine materials, equipment and services required by the City during Fiscal Year 2011; and

WHEREAS, temporary employment services was estimated at \$250,000.00; however, due to the U.S. Environmental Protection Agency (EPA) Administrative Order timelines the City is utilizing more temporary employment services in the Public Works Department and the City now estimates \$565,00.00 is needed in order to meet the EPA mandate; and

WHEREAS, information services consultants (temporary technical support) was estimated at \$150,000.00; however, due to required technology changes as a result of audits, federal mandates, and/or upgrades to the City's systems, the City now estimates \$190,000.00 is needed; and

WHEREAS, fuel costs were projected at \$531,300.00; however, due to increases in unleaded fuel and diesel costs, the City now estimates \$635,000.00 is needed; and

WHEREAS, the City Manager recommends an amendment to Resolution 6-49-10 to increase temporary employment services by \$315,000.00, information services consultants (temporary technical support) by \$40,000.00, and fuel costs by \$103,700.00.

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 Resolution 6-49-10 is hereby amended to increase expenditure levels as follows:

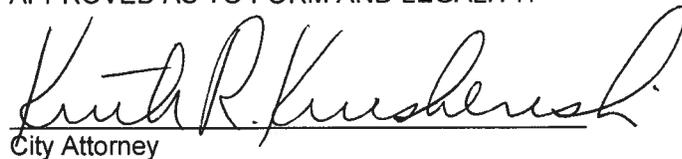
To Temp Systems, Inc., ADECCO, Account Temps, Alternate Staffing, Inc., IT Staff, At-Work and other suitable companies as needed for furnishing temporary employment services, in the additional estimated amount of \$315,000.00.

To Integracon, SDI Networks, SAIC, TEK Systems and other suitable companies as needed for furnishing temporary technical support for the Administrative Services Division, in the additional estimated amount of \$40,000.00.

To Mansfield Oil Company for furnishing unleaded and diesel fuel, in the additional estimated amount of \$103,700.00.

This the 11th day of April 2011.

APPROVED AS TO FORM AND LEGALITY:


City Attorney

Mayor

City Clerk

CITY COUNCIL MEMORANDUM
11-21

DATE: April 6, 2011

TO: Honorable Mayor and Members of City Council

FROM: Mark S. Watson, City Manager

SUBJECT: REPORT FROM PUBLIC MEETING ON EXPENDITURES OF
CAMERA MONIES

The City Manager conducted a public meeting on April 4, 2011 at the request of the City Council. Six of the seven Council members were present at the meeting, so all heard the comments received excepting Mayor Tom Beehan. The purpose of the meeting was to seek additional ideas that may be of public interest in the expenditure of funds generated by traffic cameras. The City Manager identified that \$392,000 was presently available (as of April 4, 2011) in Special Project accounts, but not authorized for any particular use by City Council. The City Manager has advised that these funds should be made available for use in traffic safety related one-time capital projects and costs.

Attendance at the meeting may have been affected by a severe thunderstorm, with most being City Council and City staff. General public members consisted of twelve attendees.

In review of the comments, the community members suggested that funds be used in several categories besides the one suggested by the City Manager. I would characterize the categories as those of (1) traffic signage and sidewalk enhancements, (2) recreational enhancements, (3) costs of larger capital facilities and historical preservation, (4) projects that lower City costs for services. The full list is below:

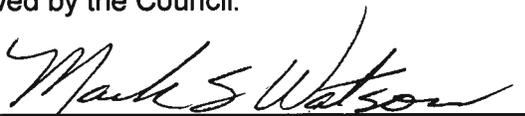
- Remove Cameras
- High School Sidewalk
 - o Overall City Sidewalks
- Safety Related Items
- Fund High Priority List (50% of Balance)
 - o Formula Based System
- Separate Sidewalks
 - o Walking
 - o Biking
- Ensure Utilization Factor
- Open to any project, but still use criteria
 - o (handout provided by citizen)
- Historical Projects
- Lower City Costs
- Replace Pre-K Facility
- 8th Lane for Rowing Facility
- Redevelop Marina
 - o Rentals
- Reconfigure Street Signs

- Pre-School Build Out
- More Kid Activities
 - o Improvements to Skate Park & Other Facilities
- Install Intelligent Transportation System
- Can Money be Used for Studies
- Number System (homes)
- Push Button System for Pedestrians at Difficult Intersections
- Spend Significant Amount of Money on Safety
- Point System for Traffic Camera Violations
- Leverage State and Federal Funds when Discussing Project Criteria
- Study of Improvement of Quality of Life for Young Generation

One other suggestion came from Resident Don Hurtubise suggesting a proposed process for selecting projects for use of the funds. Smart Project Criteria guidelines would include (1) projects that solve one of the City's most serious substantiated health and safety problems, (2) a project that honors a City commitment of clear and substantial benefit to our community, (3) a project that will substantially reduce the City's operating costs and be a great return on investment in the near- and long-term, and (4) a project that is needed to acquire a historic site and protect open space and a natural area.

As City Manager, I heard from those in attendance that enhancements to safety both traffic and pedestrian, were acceptable uses of the money. There was reluctance to utilize the funds for studies. There was a desire to keep funding project-oriented, which may interpret as one time capital costs and not for ongoing maintenance or personnel expenses. I would advise against using the funds for personnel expenses such as Police officers, school resource officers or crossing guards as the funds are too variable. Additionally, new state regulations may make changes to funding structures which could create a funding problem with ongoing personnel costs. There were no recommendations by the public to use the funds for equipment purchases.

At this time, I would ask the City Council to approve the initial City Manager's recommendation for approving the strategic use of camera funds for traffic safety and pedestrian improvements, which is generally an accepted use. Of course, projects over \$25,000 will be brought to you for bid award. Future projects will be developed by the City Traffic Engineer as further needs are identified. I would suggest that Public Works develop a plan for installing "missing links" to the sidewalk system and bring that back to the Council for future consideration. Future expansion of the use of funds as a source would be approved by the Council.


Mark S. Watson

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 
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.



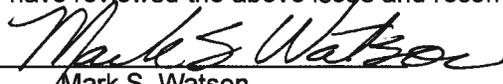
Steven R. Byrd

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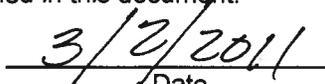
Enclosure

City Manager's Comments:

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



Mark S. Watson



Date

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 11th day of April 2011.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

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

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
11-28

DATE: March 29, 2011

TO: Mark S. Watson, City Manager *MSWatson*

FROM: Kahla Gentry, Senior Planner *KG*

THROUGH: Kathryn Baldwin, Community Development Director *KOB*

**SUBJECT: PUBLIC HEARING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT
CONSOLIDATED PLAN 2011 – 2013
ANNUAL ACTION PLAN PY2011/FY2012**

The City of Oak Ridge receives Community Development Block Grant (CDBG) entitlement funds annually from the U.S. Department of Housing and Urban Development (HUD). A requirement of the CDBG entitlement program is the development and submission of a Consolidated Plan to HUD at least every five years, but may be developed and submitted for a three-year period, if deemed appropriate by the grant recipient. The City's fifth Consolidated Plan is for the three-year period of July 1, 2011 through June 30, 2014.

A draft copy of the City of Oak Ridge CDBG Consolidated Plan 2011 – 2013 with a Citizen Participation Plan (CPP) that includes a local Relocation Policy and includes the CDBG Annual Action Plan for Program Year 2011/Fiscal Year 2012 was provided to you for transmittal to City Council on March 29, 2011. The distribution of the draft Consolidated Plan including the CPP and Annual Action Plan initiated a 30-day public comment period, for the document, that will conclude on April 30, 2011.

A public hearing for the three-year Consolidated Plan and the Annual Action Plan including the funding recommendations is scheduled for the April 11, 2011 City Council meeting. Final approval of the Consolidated Plan and the PY2011/FY2012 Annual Action Plan is scheduled for the May 9, 2011 City Council meeting.

The City of Oak Ridge CDBG Consolidated Plan 2011 – 2013 was developed after holding three public meetings to obtain comments and recommendations from citizens, non-profit agencies, faith-based organizations and city staff. Data and information from the 2000 U.S. Census was used since complete 2010 census data is not yet available. The Consolidated Plan will be updated in 2014 utilizing 2010 census data.

The City of Oak Ridge CDBG Consolidated Plan 2011 – 2013 includes the Citizen Participation Plan (Chapter I, Section E) which sets forth the City's policies and procedures for citizen participation in the development of the CDBG Consolidated Plan, Annual Action Plans, any subsequent amendment(s) and the Consolidated Annual Performance Evaluation Report (CAPER). The CPP also includes a local Relocation Policy that could be followed if a project does not include Federal and/or State funding. The Citizen Participation Plan has not been changed from the prior 2008-2010 Consolidated Plan.

The PY2011/FY2012 Annual Action Plan is included as Chapter VI and is the first of three annual plans for the City of Oak Ridge CDBG Consolidated Plan 2011 – 2013. Available funding for CDBG projects during FY2012 is estimated to be \$250,000. When the City is notified of the actual allocation an adjustment will be made to the funds budgeted for Acquisition and Removal of Dilapidated Housing.

The following projects are being recommended for funding by the PY2011/FY2012 CDBG Entitlement Program:

City of Oak Ridge Programs:

Scarboro Community Center Debt	\$ 95,000.00	
Code Enforcement	\$ 63,000.00	
Acquisition & Demolition of Dilapidated Housing	\$ 89,000.00	
Grant Administration	<u>\$ 3,000.00</u>	
Total		\$250,000.00

It is expected that Habitat for Humanity will not completely expend the funds budgeted for the "Brush with Kindness Program" carried over into PY 2010/FY2011 from PY 2009/FY2010 and it is also expected that ADFAC will have funds to carry over into PY2011/FY2012 for their housing rehabilitation program from funding approved in PY2010/FY2011. Habitat has \$8,561.64 remaining in approved funding and ADFAC has \$36,000 in remaining funding for rehabilitation approved in PY2010/FY2011. A recommendation for allocation of any unexpended funds will be made after June 30, 2011, the end of the CDBG project year. Historically, Ridgeview has received an allocation from the federally funded Emergency Shelter Grant program direct from the State of Tennessee. The Emergency Shelter Grant program has not been funded at the federal level for 2011. However, it is anticipated that the Emergency Shelter Grant will be replaced with a similar grant program, allowing for the possible funding for Ridgeview.

The Consolidated Plan Executive Summary and Citizen Participation Plan are attached to this memo. Staff committee members will be in attendance at the April 11, 2011 and May 8, 2011, City Council meetings and will be prepared to respond to questions regarding the proposed City of Oak Ridge CDBG Consolidated Plan 2011 – 2013 and the Annual Action Plan for PY2011/FY2012.

CDBG CONSOLIDATED PLAN 2011 – 2013

Executive Summary

General Information

The Consolidated Plan for Housing and Community Development is a requirement of the 1990 National Affordable Housing Act and the Community Development Plan, for the U.S. Department of Housing and Urban Development (HUD). The plan is required of entitlement communities, which receive Community Development Block Grant (CDBG) funds under HUD's housing and service programs related to the needs of low and moderate-income persons. Once developed, the Consolidated Plan identifies a community's housing, homeless, community development and non-homeless special needs and establishes strategies to address those needs.

The Consolidated Plan is the City's guide for the provision of decent housing, a suitable living environment and economic opportunities for its citizens, specifically those of low and moderate-income. The CDBG program can fund a host of activities to help low-income people and neighborhoods, such as housing rehabilitation, public facilities, code enforcement activities, transitional housing, community services and infrastructure.

The Consolidated Plan is required to be developed and submitted to HUD at least every five years, but may be developed and submitted for a three-year period, if deemed appropriate by the grant recipient. The City of Oak Ridge chose to develop a Consolidated Plan for the three-year period of July 1, 2011 through June 30, 2014, or for the federal fiscal years of 2011, 2012 and 2013. This decision was based on the belief that the City's housing and community development needs will be better identified after complete 2010 Census data is available.

The City of Oak Ridge CDBG Consolidated Plan 2011 – 2013 was developed after holding three public meetings to obtain comments and recommendations from citizens, non-profit agencies, faith-based organizations and city staff. Data and information from the 2000 U.S. Census, Amercian Community Survey and HUD is used.

The City of Oak Ridge must develop and submit three Annual Action Plans under the CDBG Consolidated Plan 2011 – 2013. Each Annual Action Plan must describe how the City of Oak Ridge intends to invest the CDBG entitlement funds for the upcoming program year. The first Annual Action Plan for the City of Oak Ridge Consolidated Plan 2011 – 2013 will be for Program Year (PY) 2011 / Fiscal Year (FY) 2012 and can be found in Section VI of this document.

Major Components of the Consolidated Plan

The City of Oak Ridge CDBG Consolidated Plan 2011 – 2013 contains several major components:

- A Citizen Participation Plan which includes a local Relocation Policy
- An analysis of housing, homeless, chronic homelessness, community development and non-homeless special needs
- A housing market analysis
- Strategies for monitoring the CDBG program, fair housing issues, lead-based paint hazards and anti-poverty
- A description of the community's priority needs
- Strategies to address the priority needs
- A listing of projects that will receive funding each year to implement the strategies

Organization and Preparation of the Consolidated Plan

The City of Oak Ridge CDBG Consolidated Plan 2011 – 2013 consists of seven sections and includes the HUD required documentation and tables. The sections of the Consolidated Plan are listed below with a brief description of the information provided in each section.

- **General Information**

This section contains the Consolidated Plan's executive summary, strategic plan, geographic information, management of the process, Citizen Participation Plan including a local Relocation Policy, institutional structure and the required strategies for monitoring, fair housing, lead-based paint hazards and anti-poverty. The section concludes with the priority needs analysis and strategies.

- **Housing**

This section provides information and data pertaining to the City's housing needs, priority housing needs, HUD Table 2A, a housing market analysis, barriers to affordable housing and specific housing objectives. The section also includes the needs of public housing and the public housing strategy from information provided by the Oak Ridge Housing Authority.

- **Homeless**

This section provides information concerning the City's homeless needs, priority homeless needs, homeless inventory, and specific homeless needs objectives and discussion of chronic homelessness. The section includes HUD Table 1A with data from a point-in-time inventory completed by agencies that serve the homeless and near-homeless population within the city limits of Oak Ridge.

- **Community Development**

This section provides information pertaining to the City's community development needs, community development needs analysis, HUD Table 2B, priority community development needs and specific community development objectives.

- **Non-Homeless Special Needs**

This section provides information concerning the City's non-homeless special needs analysis and the specific special needs objectives.

- **Annual Action Plan for PY2011/FY2012**

This section contains the entire City of Oak Ridge Annual Action Plan for PY2011/FY2012, which is the first annual action plan for this Consolidated Plan. The Annual Action Plan for PY2011/FY2012 provides information, including HUD Table 3 for each of the projects to be funded with CDBG entitlement funds during the period of July 1, 2011 through June 30, 2012. This section also includes the HUD required certifications.

- **Appendix**

The appendix contains information referenced in the Consolidated Plan and the Annual Action Plan. The appendix is organized into sections that include public meetings information, public hearings information, fair housing initiatives, maps, Oak Ridge City Council documents and other administrative information.

Coordination of resources and compilation of data for the Consolidated Plan was accomplished through a multi-faceted process combining public meetings, staff and the organization's expertise.

The development of the City of Oak Ridge CDBG Consolidated Plan 2011 – 2013 is a significant project, requiring the support and effort of city staff in all departments. Kahla Gentry, Senior Planner, Community Development Department was tasked with collecting the data, documenting the process

and creating the document. Several City employees provided research information, historical and statistical data. The effort and support of these employees is appreciated and without their assistance this document would not be possible.

The 30-day comment period for the City of Oak Ridge Consolidated Plan 2011 – 2013 and the PY2011/FY2012 Annual Action Plan will begin on Tuesday April 1, 2011 and end on Wednesday April 30, 2011. A public hearing is to be held on Monday April 11, 2011 at 7:00 p.m. during the City of Oak Ridge Council meeting at the Oak Ridge Municipal Building. There were ____ comments received during the 30-day comment period or the public hearing.

Copies of the City of Oak Ridge CDBG Consolidated Plan 2011 – 2013 and the PY2011/FY2012 Annual Action Plan are available by contacting Kahla Gentry, kgentry@cortn.org, 865-425-3580, and are available for review at the following locations:

City Clerk's Office
Community Development Department
Public Library

Or online at www.cortn.org CDBG Icon

CDBG CONSOLIDATED PLAN 2011 – 2013

Citizen Participation Plan

Introduction

The City of Oak Ridge is an entitlement jurisdiction receiving Community Development Block Grant (CDBG) funds directly from the U.S. Department of Housing and Urban Development (HUD). Pursuant to the CDBG program regulations, the City is required to prepare a Consolidated Plan at least every five years, or the City may choose to prepare a three-year plan. The City is also required to prepare one-year Annual Action Plans of the Consolidated Plan and a Consolidated Annual Performance Evaluation Report (CAPER).

This Citizen Participation Plan (CPP) sets forth the City of Oak Ridge's policies and procedures for citizen participation in the development of the CDBG Consolidated Plan, Annual Action Plans, including any subsequent amendment(s) and the CAPER. The CPP provides an opportunity for nonprofit service agencies and the community to work in partnership with the City to identify needs and allocate the CDBG funds. The CPP will aim to ensure the participation of all citizens.

The development of the three-year Consolidated Plan and the one-year Annual Action Plans include the involvement of the Senior Planner, CDBG Staff Committee, City Manager and City Council with their responsibilities listed below.

The City of Oak Ridge currently employs Kahla Gentry, Senior Planner, with having the responsibility of CDBG program administration. This staff member documents the CDBG Staff Committee recommendations, tracks CDBG expenditures and serves as the City's contact person for the CDBG program.

The CDBG Staff Committee is comprised of the City's CDBG program administrator and representatives from various City departments. This group will serve in an advisory manner to the City Manager and City Council concerning the planning, implementing and assessing of CDBG programs/activities through the following tasks:

• Collecting citizen input concerning neighborhood/community needs;
• Preparing an annual program model for recommendation by the City Manager City Council's review and approval;
• Disseminating information during the CDBG subrecipient application process;
• Providing project funding recommendations to the City Manager for City Council's review and approval;
• Reviewing project/program progress.

The City Manager will receive information from the CDBG Staff Committee and provide CDBG program and funding recommendations for City Council's review and approval.

The City Council is responsible for executing the procedures established in the CPP. The City Council makes the final determination about the priority of various community needs each year when allocating CDBG funds through the approval of the one-year Annual Action Plan.

The City of Oak Ridge staff and officials recognize that CDBG entitlement funds are tax money returned to the City to be used primarily to benefit extremely low, low and moderate-income residents. City staff and officials are stewards of this public money and will openly discuss all records, except for those confidential records protecting a household's privacy. The City of Oak Ridge presents the following CPP, in accordance with 24 CFR Parts 91, et.al.

Participation

The City of Oak Ridge will provide for and encourage citizen participation in the development of priority housing and community development needs eligible for funding by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) entitlement program. The City will encourage citizen participation in the development of the Consolidated Plan, the one-year Annual Action Plans, including the method of entitlement fund distribution and any amendments, and the Consolidated Annual Performance Evaluation Report (CAPER).

The City will especially encourage the participation of low-to-moderate income persons, advocates for those with physical and/or mental disabilities, the elderly, and others with special needs. In addition, the City will encourage the participation of officials from the Oak Ridge Housing Authority (ORHA) and representatives of the homeless. The City will encourage the participation of those deemed to be prospective beneficiaries of projects funded by the CDBG program, and those residents in areas and neighborhoods to be served by the entitlement funds.

Access to Information

The previously cited citizens, public agencies, and other interested parties, including those citizens directly affected, will be provided adequate information on the CDBG program, including the anticipated amount of CDBG funds that will be available for the current fiscal year, and the range of activities that the City may undertake with the funds. They also will be provided the opportunity to review and submit comments on any of the identified housing and community development needs, the amount of funds expected to be received, and the activities proposed to be undertaken to assist with the identified needs.

Anti-displacement/Relocation – Federal and/or State Funding

In the event that any residential displacement and relocation must take place in order to carry out a CDBG program activity, or any project that utilizes federal and/or state funding, the City of Oak Ridge ensures that it will develop an Anti-displacement and Relocation Plan in connection with that project as applicable per Federal regulations. This will include compliance with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations of 49 CFR part 24.

Anti-displacement/Relocation – Local Funding

The following policy may be utilized for any residential displacement and relocation of Oak Ridge residents if the project utilizes local funds only.

CITY OF OAK RIDGE, TENNESSEE LOCAL RELOCATION ASSISTANCE POLICY

Purpose

The City of Oak Ridge Relocation Assistance Policy has been developed to assist residents living in rental units within the city limits with assistance to move from their rental units due to redevelopment efforts. This policy is to be considered a local policy and will be utilized in the event no Federal or State funding is involved in the project that causes residents to be relocated.

Definitions

1. City refers to the City of Oak Ridge.
2. Authorized Administrator is any private or governmental agency, which administers the relocation policy to eligible clients living within the city limits.
3. Bona fide Resident is a person, eighteen years of age or older who is listed on the City of Oak Ridge utility records with corresponding proof of a valid lease and has been living in the affected rental unit for one year prior to the notice to vacate the unit.
4. Displacement is when tenants are forced to move from their rental units because of action taken by the City.
5. Eligible Tenant is a tenant that applies for assistance who meets the eligibility requirements.
6. Relocation Assistance is money and/or other support to help displaced tenants find a new place to live.

Displacement

Displacement occurs when tenants are forced to move from their rental units because of action taken by the City. The reasons to order a tenant to move include but may not be limited to the following:

1. The building is to be boarded up and/or torn down with government approval.
2. The landlord is ordered by the housing and/or building inspector to make repairs that cannot be made unless the tenants move.
3. The landlord has allowed more people to live in a unit than the law allows, or the landlord has made a separate apartment out of a part of the building, such as an attic or a basement, that is not legal to rent.
4. The building is being taken over by the City to be used to build a school playground, a highway, a neighborhood renewal program, or some other public project.
5. The landlord is not allowed to rent the apartment because of zoning laws.

Relocation Assistance

Relocation assistance is money and/or other support services to help displaced tenants find a new place to live. Tenants that are displaced may or may not receive relocation assistance. Monetary relocation assistance shall be limited to \$500 per Eligible Tenant. Available relocation assistance shall be limited to the following:

1. Money for temporary housing until the tenant finds a permanent home, if the City and/or the Authorized Administrator forces the tenant to move out immediately because of an emergency. This is limited to \$500 per Eligible Tenant.
2. A payment to assist with the Eligible Tenant's actual moving costs. This is limited to \$500 per Eligible Tenant and requires receipts for the actual moving costs.
3. A dislocation payment to the Eligible Tenant's dislocation, which includes an allowance of \$200 and a fixed moving payment of \$300. The payment does not require receipts.
4. Help by the City, Authorized Administrator and other partners to locate a new, affordable place for the Eligible Tenant to live.

Eligibility

Eligible Tenants are applicants that request relocation assistance and meet the following minimum requirements:

1. *Bona-fide resident of Oak Ridge which requires the following:*
 - a. *Eighteen years of age or older*
 - b. *Listed on the City of Oak Ridge utility records for the affected unit being vacated*
 - c. *Utility account with the City of Oak Ridge shall be in good standing with any past-due balances being paid in full by the date of application for relocation assistance*
 - d. *Proof of a written lease for the unit being vacated with the name listed on the lease being the same name as listed on the City of Oak Ridge utility records*
 - e. *Lived in the affected rental unit for 12 months consecutively and prior to the date of notice to vacate*
2. *Proof of legal residence within the United States of America.*
3. *If a tenant has been convicted for drug and/or alcohol violations within the previous twelve months (12) from the date of notice to vacate, they must provide proof they are currently or have been receiving treatment for this condition.*

Authorized Administrator

The Relocation Assistance Policy for the City of Oak Ridge allows the City to contract with a qualified agency to administer the relocation policy. This qualified agency will be the Authorized Administrator of the policy. With approval and assistance by the City, the Authorized Administrator will be responsible for determining Displacement has occurred, determining tenant Eligibility and providing Relocation Assistance.

Plan Publication

Summaries and/or complete copies of the Consolidated Plan, Annual Action Plans, substantial amendment(s) to either document and the CAPER will be available free to the public, upon written request to the CDBG program administrator.

The City of Oak Ridge will utilize the following procedures to ensure that all citizens will have a chance to review and comment on the Consolidated Plan and the one-year Annual Action Plans:

- Publish a notice of the 30-day public comment period and public hearing on the draft Consolidated Plan and/or the proposed Annual Action Plan in a local newspaper. The notices will include a summary of the draft Consolidated Plan and/or the proposed Annual Action Plan that describes the plan and a list of the locations where copies of the plan may be examined. The notice will be published at least 14 days prior to the public hearing.
- The draft Consolidated Plan and/or the proposed Annual Action Plan will be available for public review on the City's website www.cortn.org CDBG icon and at the following locations:

City Clerk's Office
Public Works Department
Public Library

Public Hearings

The City of Oak Ridge will schedule and hold at least four (4) Public Hearings each year to solicit citizen comments on the Consolidated Plan, Annual Action Plans and CAPER. Although held at different stages of the program year, these public hearings will address housing and community development needs, proposed activities to assist with the needs, and program performance. These hearings will be held at times and locations that are convenient to both potential and actual beneficiaries. The hearings will be scheduled separately from the City Council meetings that require approval of CDBG activities. Generally, the schedule for the Public Hearings will be:

Needs Assessment	October
Consolidated Plan and/or Annual Action Plan	March or April
CAPER	September

Notice of Public Hearings

Adequate advance notice of each public hearing will be provided to all of Oak Ridge's citizens. At least two (2) weeks prior to a public hearing a notice will be published in a local newspaper. The notice will include sufficient information on the hearing, including the purpose, date, time, and location. A notice will be displayed in a public area within the following city facilities:

Municipal Building Courtroom	Public Library
Recreation Center	Senior Center
Scarboro Community Center	

Access to Meetings

All meetings and public hearings related to the CDBG program will be held in locations accessible to those with physical disabilities and upon notice and in compliance with the American with Disabilities Act, the City will attempt to provide for individuals needing special accommodations (including auxiliary communicative aids and services) during the hearings.

Public Comments

In preparing the Consolidated Plan, Annual Action Plans and CAPER, the City of Oak Ridge will consider the views of its citizens, public agencies and all other interested parties. Public comments will be accepted for at least 30 days for the Consolidated Plan and/or Annual Action Plans prior to submission of the documents to HUD for review and approval. All citizen comments provided to the City either orally or in writing will be considered prior to City Council approving the Consolidated Plan and/or Annual Action Plans.

Public comments will be accepted for at least 15 days for the CAPER prior to submission of the document to HUD. A summary of these citizen comments will be included in the CAPER prior to submitting the document to HUD.

If a major project, such as the construction or expansion of a public facility, utilizes CDBG funds, additional public meetings will be held along with the acceptance of public comments, specific to the project.

All Oak Ridge City Council agendas include the opportunity for citizen comments that are not related to an agenda item. Citizens could use this forum to express their comments concerning the City's CDBG program. All Oak Ridge City Council members have email addresses that are accessible from the City's website at www.cortn.org.

Substantial Amendments

Once approved by City Council and HUD, the City of Oak Ridge may amend the Consolidated Plan and one-year Annual Action Plans if the need arises. Any amendments to the Consolidated Plan and/or Annual Action Plans shall include a 30-day public comment period. The City will give citizens reasonable notice and an opportunity to comment on the proposed amendment. All citizen comments provided to the City either orally or in writing will be considered prior to City Council approving the amendment(s). A summary of these citizen comments and the City's decision and reasoning with respect to their acceptance will be included with the substantial amendment(s) document prior to submission to HUD.

The City of Oak Ridge will amend the approved Consolidated Plan whenever a decision is made to propose a substantial change in funding priorities and/or a substantial change in the method of the distribution of funds. A "substantial change" is defined as a change equal to or in excess of 50% of the City's CDBG entitlement funds for the current program year. The City of Oak Ridge will amend an approved one-year Annual Action Plan whenever one of the following decisions is made:

- to carry out an activity that was not included or approved in the one-year Annual Action Plan;
- to cancel an activity, prior to the end of the plan year, that was included and approved in the one-year Annual Action Plan;
- to increase or decrease the amount to be expended on a particular activity from the amount stated in the one-year Annual Action Plan by more than 50%;
- to change the purpose, scope, specific location or beneficiaries of an activity that was included and approved in the one-year Annual Action Plan.

Performance Reports

The City of Oak Ridge will submit a Consolidated Annual Performance Evaluation Report (CAPER) to HUD on the City's CDBG funded projects outlined in each one-year Annual Action Plan. Like the Consolidated Plan and the Annual Action Plans, citizens will be provided with an opportunity to comment on the CAPER. Prior to submission of the CAPER to HUD, all citizens will be provided a fifteen (15) day comment period. Any citizen comments provided either orally or in writing to the City will be considered prior to submission of the report and a summary of the citizen comments will be included with the report.

Plan Availability and Access to Records

The City of Oak Ridge Consolidated Plan, Annual Action Plans, substantial amendment(s) to either document, and the CAPER will be made available to the public when they are developed and during the public comment periods. Once submitted and/or approved by City Council and HUD, the documents will be available on the City's website, www.cortn.org CDBG icon and to any interested party, upon written request to:

City of Oak Ridge
Municipal Building
Community Development Department
200 S. Tulane Avenue
Oak Ridge, TN 37830
Kahla Gentry, Senior Planner
kgentry@cortn.org

Technical Assistance

When needed, the City of Oak Ridge will offer technical assistance directly to groups representing low-to-moderate income persons, neighborhood organizations, and community service organizations. The City may also refer these groups to a competent local organization that can provide such assistance. The City's technical assistance contact for the CDBG entitlement program is:

Kahla Gentry, Senior Planner
Community Development Department
865-425-3580
kgentry@corn.org

Complaints

Written complaints from citizens with respect to the Consolidated Plan, one-year Annual Action Plans, any amendments, and the CAPER will be responded to by the City within thirty (30) days, if practicable.

**FINAL ADOPTION
OF
ORDINANCES**

CITY COUNCIL MEMORANDUM
11-20

DATE: April 6, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: SECOND READING – ORDINANCE TO AMEND HENDRIX CREEK PUD TO REMOVE OPEN SPACE RESTRICTION ON PROPERTY LOCATED AT 123 HENDRIX DRIVE

The City Council has approved, on first reading, a modification to the Hendrix Creek PUD allowing for the development of a residential lot at 123 Hendrix Drive. Interest has arisen on this lot due to location of the John Hendrix grave. The decision of the City Council is that of appropriateness of expanding the residential use in the PUD by one lot. Platting will begin in future weeks and will allow for provision of access to the Hendrix gravesite. I have prepared a motion for staff direction that will accommodate necessary changes to the plat to allow for a reservation of land for access to the Hendrix gravesite.



Mark S. Watson

Attachments

PROPOSED MOTION

**Parcel 59.00, Map 100J, Group A
Hendrix Creek Planned Unit Development, Phase I**

I move that the City Manager be directed to account for the John Hendrix gravesite during any future platting process associated with Parcel 59.00, Map 100J, Group A, in Hendrix Creek Planned Unit Development, Phase I, allowing for the provisions of dedicating, delineating and establishing a reservation of land that will be used for public purposes, access and preservation of the gravesite, including a permanent access easement from Hendrix Drive for the public and for the future of Oak Ridge.

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 

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.

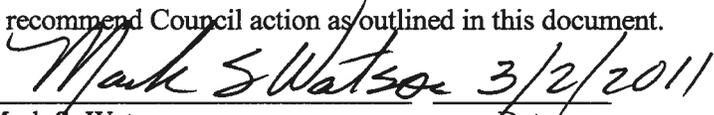
Letters to inform property owners within 200 feet of the subject property were sent out prior to the Planning Commission meeting and a sign was posted on the property providing notification of a PUD change request with the Planning Commission meeting date and time. Four callers contacted the Community 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.

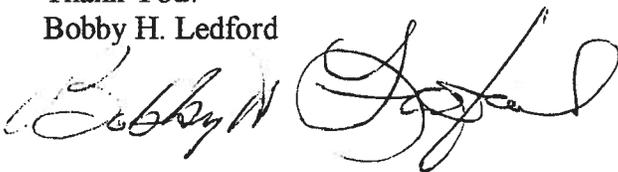
All covenants and Deed restrictions have been Wavered and amended wherein affiliates and Seventy-Five percent plus of the lot owners in Phase 1, agreed to the amending of these restrictions Pertaining to Lot 10 123 Hendrix Drive.

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.

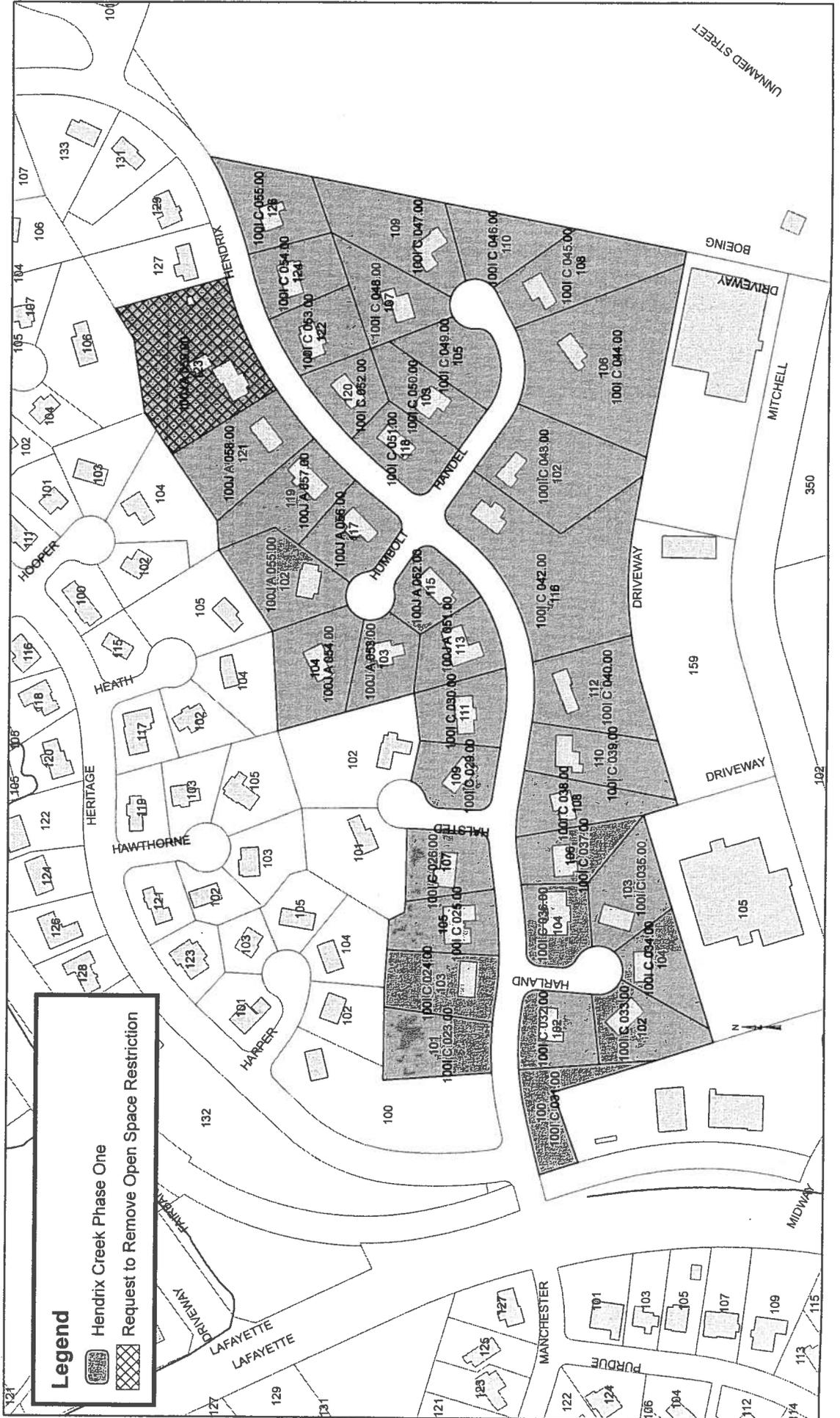
There has never been an egress or ride of way for the burial site to the public, only to the Hendrix Family which at this time has passed away, and any of his existing Kin has always been permitted egress to the cemetery lot.

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.

Hendrix Creek Phase One



Legend

-  Hendrix Creek Phase One
-  Request to Remove Open Space Restriction

CERTIFICATE OF OWNERSHIP AND DEDICATION

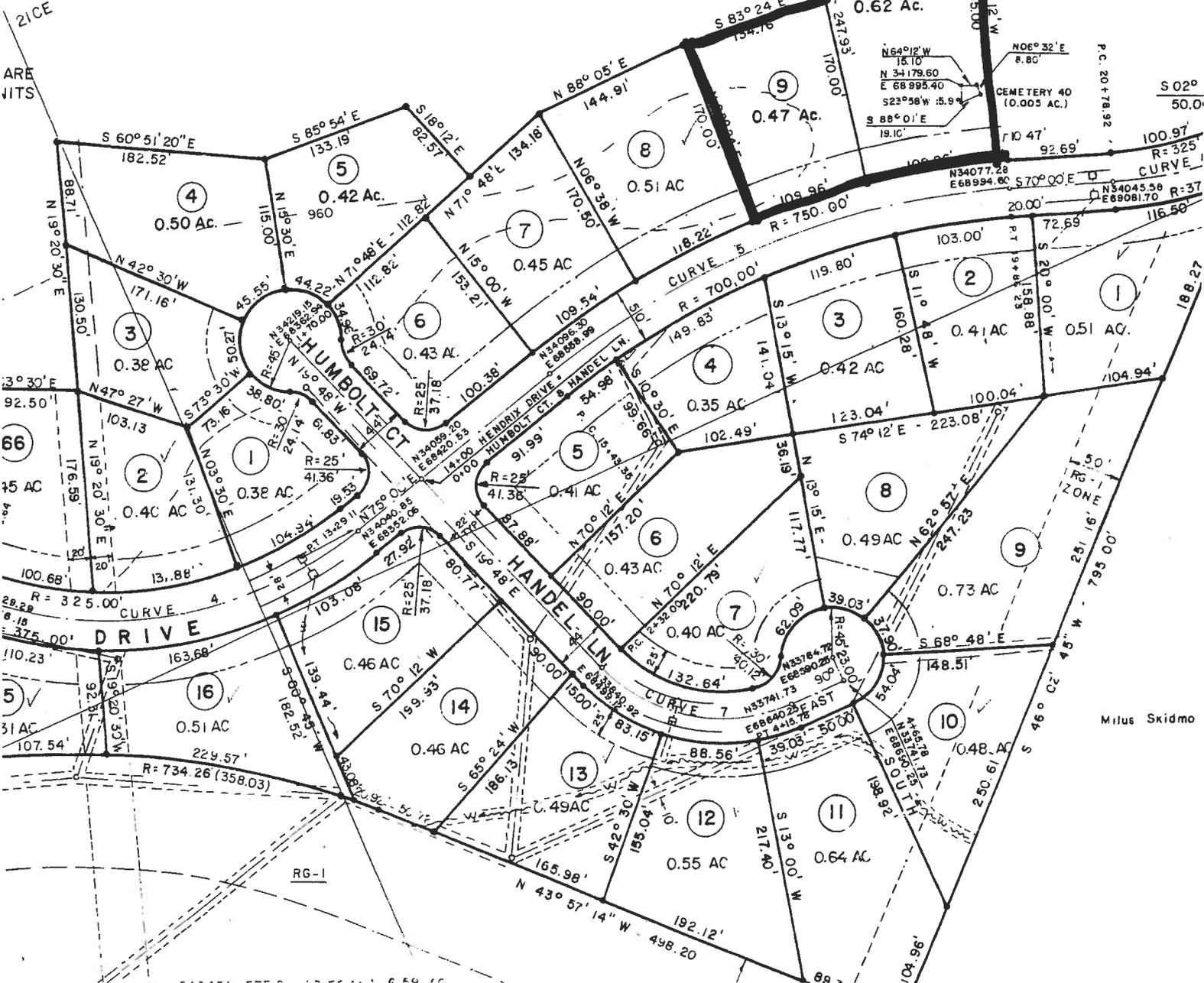
I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all roads, alleys, and walks to public use, and dedicate all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

Future Development

Original Plat

DATE _____
 POSTER PUMP TO _____
 Date _____ Owner _____

OWNER



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:

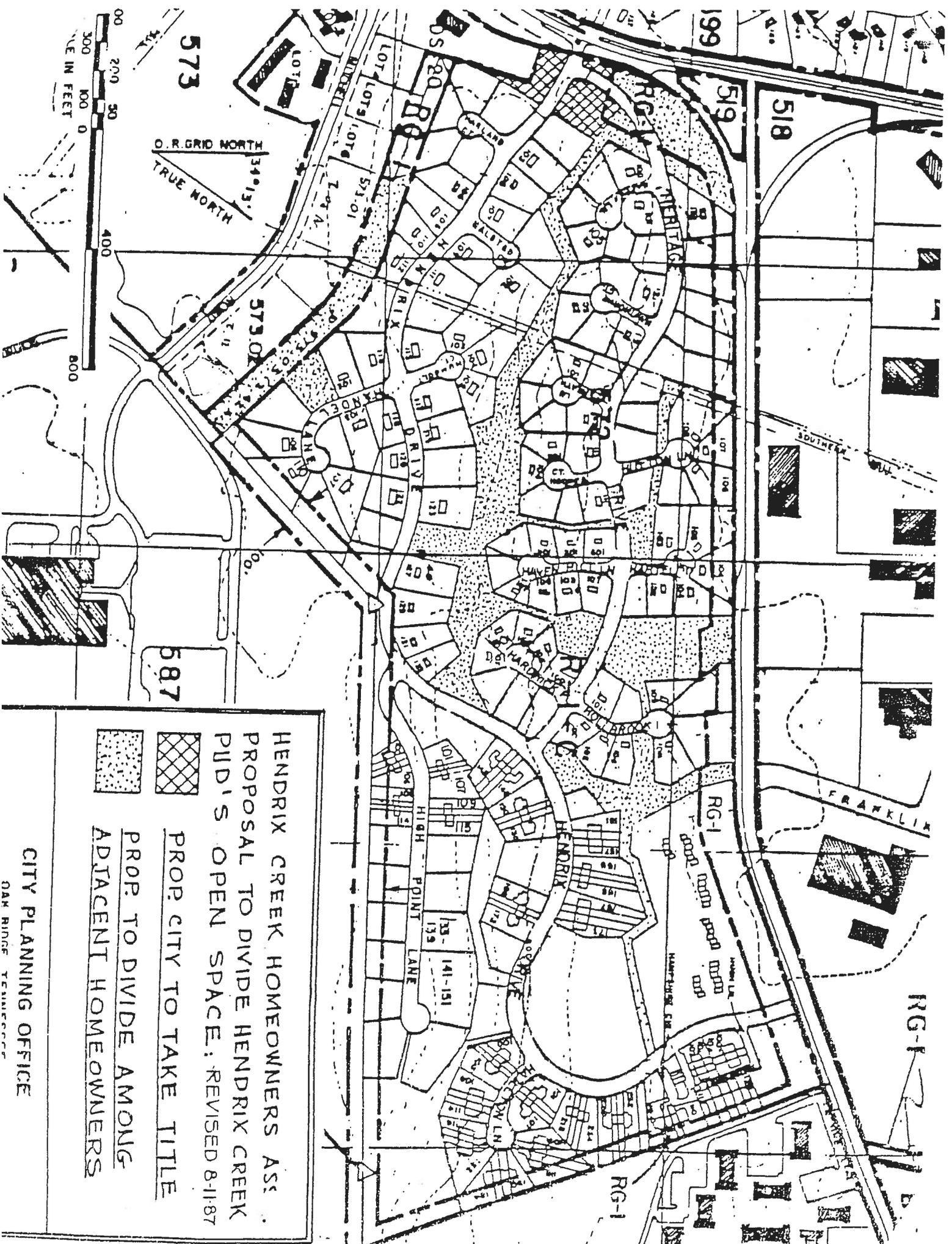
William E. Santip

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

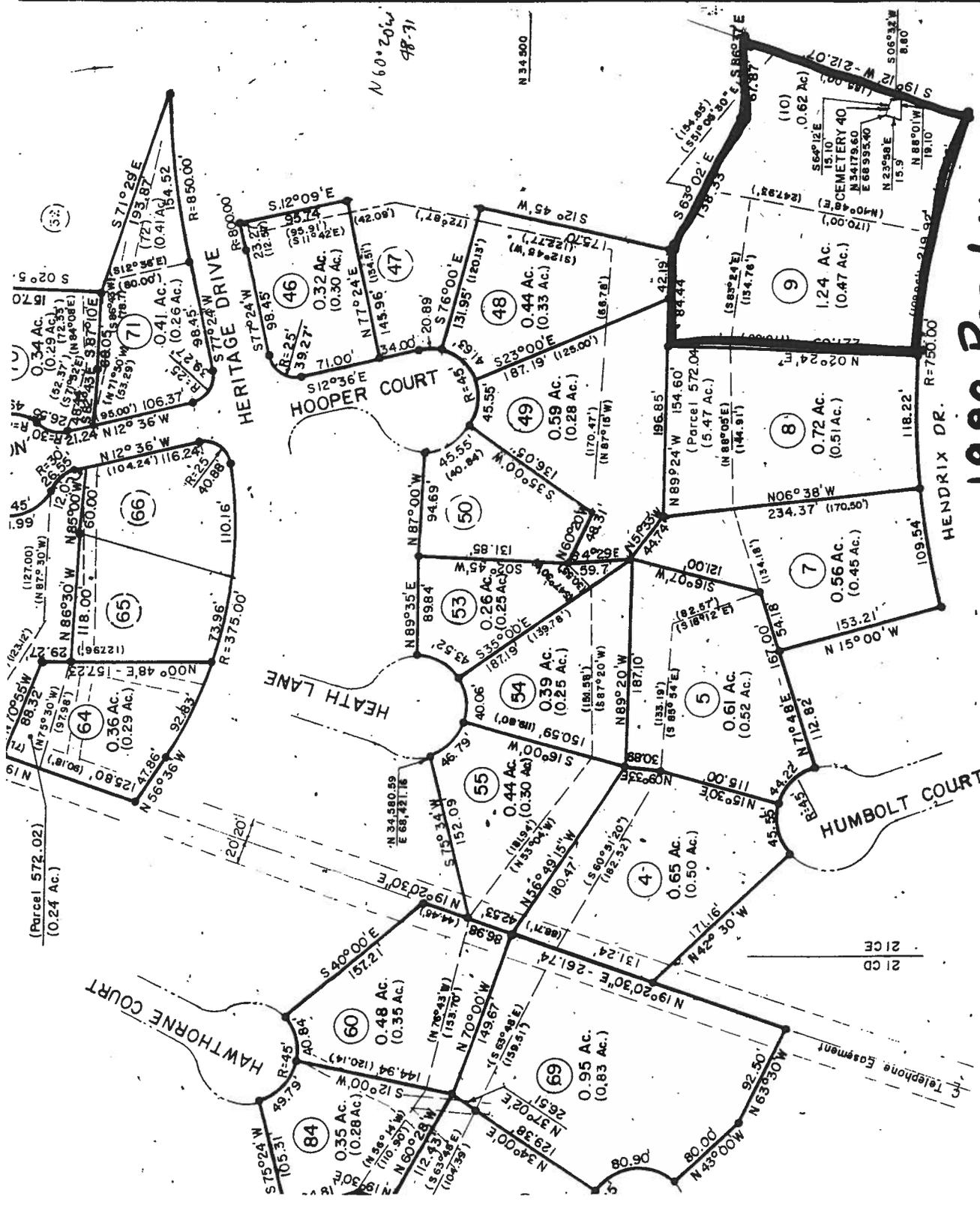


HENDRIX CREEK HOMEOWNERS ASS.
 PROPOSAL TO DIVIDE HENDRIX CREEK
 PUD'S OPEN SPACE; REVISED 8-11-87

 PROP TO DIVIDE AMONG
 ADJACENT HOMEOWNERS

 PROP CITY TO TAKE TITLE

CITY PLANNING OFFICE
 OAK RIDGE TENNESSEE



1988 Resubdivision

Form 3 CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision 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 FOR 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.

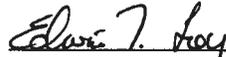
and

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.

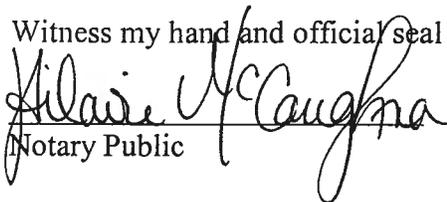
Notary Public

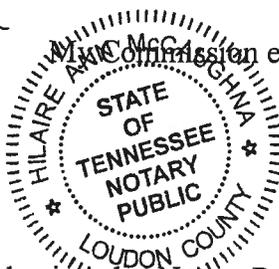
My commission expires: _____

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 bargainor, 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

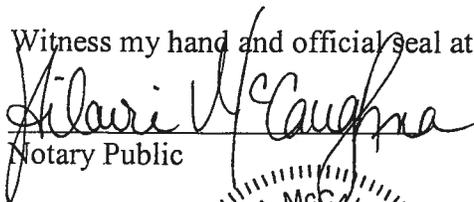


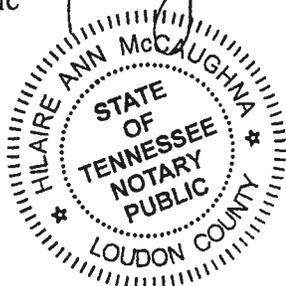
My Commission expires: 1/9/13

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 bargainor, 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.

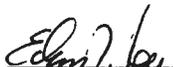
IN WITNESS WHEREOF, Developer, the Oakes and seventy-five percent or more of the Lot Owners have executed this Amendment as of the date first above written.



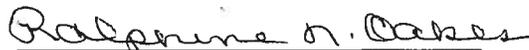
WINSTON D. COX



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

Ken Kendall

Printed Name: _____

PRINTED NAME: _____

Lot 6, Block 21CE

Printed Name: Betsy Horwede

Betsy Horwede

Printed Name: _____

Lot 7, Block 21CE

Printed Name: Betsy Horwede

Betsy Horwede

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: Valerie Wright
Valerie 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: JoAnn King
JoAnn King
Printed Name: _____

Lot 13, Block 22CE

Printed Name: JoAnn King
JoAnn 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 57 Block 21CD

Ron Dodson

Ron Dodson

Lot 58 Block 21CD

Printed Name: Bobby Dale + Elizabeth Shipley

~~Bobby Dale~~ Elizabeth Shipley

Printed Name: Yingzhong Lu + Huaiqing Chen

Lot 59 Block 21CD

Lu Yijun Huaiqing Chen

Printed Name: ↓ ↓

Printed Name: _____

Lot 60 Block 21CD

~~Niki Niki Oaten~~

Printed Name: Niki Oaten

~~Niki Oaten~~

Printed Name: Steven L. Oaten

X Lot 61 Block 21CD

This Individual
Says he Signs NO
papers etc

Printed Name: _____

Printed Name: _____

Lot 62 Block 21CD

Kate Kerekes

Printed Name: Kate Kerekes

Printed Name: Ryan Kerekes

Lot 63 Block 21CD

Shezi Mitchell

Printed Name: Shezi Mitchell

Shemi Mitchell

Printed Name: _____

Lot 4
Lot 54 Block 21CD

Printed Name: Tim Younkis

Tim Younkis

Printed Name: BARBARA Younkis

Barbara Younkis

Printed Name: James Huddleston

James Huddleston

Printed Name: _____

112 Harding
Lot 65 Block 21CD

Printed Name: Kimberly S Kittrell

Kimberly S Kittrell

Printed Name: _____

Lot 66 Block 21CD

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

Realstate Sale ON Market

Printed Name: _____
↓

Printed Name: _____

Lot 74 Block 21CD

Realstate 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: 3/07/11
First Reading: 3/07/11
Publication Date: 3/14/11
Second Reading: _____
Publication Date: _____
Effective Date: _____

Elections

ENVIRONMENTAL
QUALITY ADVISORY
BOARD



RECEIVED

2011 MAR 24 PM 3:44

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@corn.org

BOARD, COMMISSION, OR COMMITTEE DESIRED:
Environmental Quality Advisory Board

(Use a separate application for each appointment desired)

Name: *Ms. Mrs. Mr.* Donald E. Forester

Address: 1086 West Outer Dr, Oak Ridge, TN 37830

Telephone: 865-482-2955 Email: donforester@comcast.net

Occupation: Editor-Writer; USFS Incident Response Specialist; Background Inv. Retired: National Park Service

Position: Park Superintendent, Chief of Natural Resources Mgmt, Planner, Ranger, 27 years.

Do you currently serve on any other City board, commission or committee? If so, please list:
No.

Education, Professional and/or Community Activity (*Present*):
Bachelors Degree, MTSU, Basic and Applied Sciences.

Explain why you are interested in being appointed to this board, commission, or committee:
I am interested in serving in a capacity which will help The City to continue
its practice of maintaining a healthy living and working environment.

Any special knowledge or past experience qualifying you for this appointment: Served as a land manager
and planner for the National Park Service. Investigated and analyzed environmental impacts of
development proposals. Developed mitigation strategies; environmental compliance documents (EIS, EA).

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: Donald E. Forester Date: March 24, 2011

If you wish to provide a résumé or additional information, please attach to this form.

**TRAFFIC SAFETY
ADVISORY BOARD
ORHS STUDENT**

David Hughes
128 Tabor Rd.
Oak Ridge, TN 37830
(865)-482-9491
reallyboringbusinessman@gmail.com

RECEIVED
2011 MAR 17 PM 12:43
OFFICE OF THE CITY CLERK

March 16, 2011

The Honorable Mayor Tom Beehan and Members of the Oak Ridge City Council

Dear Mayor Beehan and Members of the City Council:

My name is David Hughes and I am a Sophomore at Oak Ridge High School. It has come to my attention that there is an opening for a student representative on Oak Ridge's Traffic Safety Advisory Board. As a student of ORHS, and a user of Oak Ridge's roads, I take a keen interest in traffic safety. It is something with which Oak Ridge residents, particularly high schoolers, interact with very closely on an almost daily basis. Navigating malfunction junction (both as a pedestrian and a driver) and dealing with the technicalities associated with the speed cameras on our streets come to mind. Additionally, given my interests in law and public policy, service on the board would be an ideal opportunity for me.

As a member of student council and chair of the recycling committee, I have some experience working both in community service and in a sort of a government. Additionally, having dedicated a substantial amount of my time to volunteering at Legal Aid (Rural Legal Services) in Jackson square, as well as having volunteered at the Earth Day festival (2010) and Lavender festival (2010), Unitarian Church (ORUUC) rummage sales, and the Children's Museum (2 weeks, summer 2010), and having contributed time to building a garden at Chapel on the Hill (UCCOTH), I believe that I demonstrate the community spirit desirable in a candidate for serving on this board.

Thank you for considering me for service on this board. If it is inconvenient to contact me within a week, I'll be in touch via email.

Respectfully yours,

David Hughes

**Recreation and
Parks Advisory
Board**

CITY CLERK MEMORANDUM
11-18

DATE: March 31, 2011

TO: Honorable Mayor and Members of City Council

FROM: Donna Patterson, City Clerk

SUBJECT: Voting Process for the Oak Ridge Recreation & Parks Advisory Board

This is the process that was voted for at the March 28 Special Called Meeting of the Council for the election of nine board members for the Oak Ridge Recreation and Parks Advisory Board.

The resumes are on the City's website, however, you should use the version that you downloaded earlier with the bookmarks. This will allow you to quickly locate them by name.

I have included a list of the candidates. One applicant, Fran Pisano, withdrew her name for consideration.



City Clerk

Oak Ridge Recreation and Parks Advisory Board

Applications/resumes received for the Oak Ridge Recreation and Parks Advisory Board:

<u>NAME</u>	<u>ADDRESS</u>
1. Eleanor Agron	102 Wilderness Lane
2. Robert 'Bob' Baker	125 Sanford Lane
3. Trina Baughn	119 Newport Drive
4. Theodore M. Biewer	132 Capital Circle
5. Frank P. Chmielewicz	12 Windhaven Lane
6. Linda Cloutier	168 Cumberland View Drive
7. Sherith Colverson	105 W. Lincoln Road
8. Gerald 'Jerry' L. Cooksey, Sr.	105 Liberty Court
9. Tracy Marie Wigham-Crossno	627 Pennsylvania Avenue
10. Robert M. Cushman	137 Whippoorwill Drive
11. Steven Dittner	111 Norton Road
12. Susan I. Donnelly	116 Everest Circle
13. Donald 'Chip' Dooley	829 W. Outer Drive
14. Leigha Edwards	1040 W. Outer Drive
15. Bridgett K. Ellis	123-B Montana Avenue
16. William Allen Eubanks	136 Orchard Lane
17. Joseph Everitt	124 Greystone Drive
18. Jenny Freeman	371 East Drive
19. Jeff Gilpin	127 Claremont Road
20. Dennis E. Gound	114 W. Melbourne Road
21. Erik H. Groscost	117 Mockingbird Lane
22. Barbara A. Gunn	157 Whippoorwill Drive
23. David K. Hackett	101 Burgess Lane
24. Teresa R. Harvey	101 Park Meade Drive
25. Donna Hatmaker	103 Colby Road
26. Bill Henry	111 N. Tampa Lane
27. Camden R. Hubbard	110 Crestview Lane
28. Keith L. Kline	943 W. Outer Drive
29. Suzanne Lance	138 Center Park Lane
30. Joan C. Lane	132 Heritage Drive
31. W. Mark Logan	28 Riverside Drive
32. Jan Lyons	122 Maple Lane
33. Fay M. Martin	108 Meadow Road

Oak Ridge Recreation and Parks Advisory Board

34. Lois Martin	1101 W. Outer Drive
35. Greg McPeak	98 Albright Road
36. David Miller	111 E. Madison Road
37. Donald Richard Miller	104 Mockingbird Lane
38. Bryan Moss	134 Parsons Road
39. Joseph H. Noecker	98 Park Meade Drive
40. Bob Olson	104 Beechwood Lane
41. Gerry Palau	104 Whippoorwill Drive
42. Esther R. Palmer	107 Brentwood Drive
43. Jack Alan Parker	24 Rivers Court
44. Laurel Patrick	127 Rockbridge Greens Blvd.
45. Harry E. Peters	105 Victoria Road
46. Fran Pisano [withdrawn]	108 Euclid Place
47. Lou Rabinowitz	166 Hendrix Drive
48. David Ricche	139 William Lane
49. G. Daniel Robbins	41 Riverview Drive
50. Theresa Scott	102 Victoria Road
51. James C. Sloan	102 Center Park Lane
52. Benjamin J. Stephens, II	105 Tamara Lane
53. Catherine P. Toth	100 Westview Lane
54. Ruth M. Tuft	127 Wakeman Lane
55. Tony Turner	107 Esquire Court
56. R. Scott Underwood, Jr.	107 Creek View Court
57. Timothy D. Vane	58 Rolling Links Blvd
58. Marci L. Willison	106 W. Pawley Road
59. Joe Wood	100 Brockton Lane
60. Thomas D. Wright	104 Wildwood Drive
61. David E. Yates	106 Dansworth Lane

VOTING PROCESS FOR THE OAK RIDGE RECREATION AND PARKS ADVISORY BOARD

The voting will be divided into two steps as follows:

- (1) narrowing the list of **60** applicants to the elected nine board members
- (2) voting those members into 3 year, 2 year and 1 year terms.

STEP I

Round 1 – Each Councilmember will vote for their top twenty (20) candidates.

The votes will be called out and tallied as follows:

- Any candidate that receives a total of 4 or more votes will be elected to the board automatically* and their name removed from the list.
- Any candidate that doesn't receive at least one vote will be removed from the list completely.
- The remaining candidates will be listed on the ballot for the next Round.

At this time, the meeting will be opened to the remaining candidates to come forward and speak if they so desire. The Council will then be allowed to discuss the candidates and the needs of the Recreation & Parks Advisory Board. City Staff will also be allowed to speak as to the needs of the Parks Board.

Round 2 – Each Councilmember will vote for twice the number of seats remaining.

The votes will be called out and tallied as follows:

- Any candidate that receives a total of 4 or more votes will be elected to the board automatically* and their name removed from the list.
- Any candidate that doesn't receive at least one vote will be removed from the list completely.
- The remaining candidates will be listed on the ballot for the next Round.

Discussion.

Round 3 – Each Councilmember will vote for twice the number of seats remaining.

The votes will be called out and tallied as follows:

- Any candidate that receives a total of 4 or more votes will be elected to the board automatically* and their name removed from the list.
- Any candidate that doesn't receive at least one vote will be removed from the list completely.
- The remaining candidates will be listed on the ballot for the next Round; and so on, until the final nine (9) members are selected.

*Unless, at some point, more candidates are automatically elected than needed to fill the nine seats; in this case a vote would be necessary to break the tie.

STEP II.

During the second step, the chosen nine members will be elected to 3 years terms, then 2 year terms, then 1 year terms (in the manner as the election that was held for the 'Trade Licensing Board').

**NOTICE
OF
ELECTIONS**

CITY CLERK MEMORANDUM
11-14

DATE: April 1, 2011
TO: Honorable Mayor and Members of City Council
FROM: Donna L. Patterson, City Clerk
SUBJECT: ELECTIONS – May 9, 2011

The following elections are scheduled for the May 9, 2011 City Council meeting:

Environmental Quality Advisory Board

- Two (2) seats to the Environmental Quality Advisory Board, both shall be Oak Ridge High School students.

On May 31, 2011, two seats will become vacant on the Environmental Quality Advisory Board. Both are designated seats for Oak Ridge High School students. One incumbent, Austin Morgan who is a rising 12th grader, is eligible to serve but we have yet to hear from him as to whether he desires to do so. The other incumbent, Benjamin Terpstra, will graduate this year and thus is unable to serve again. The term of office occupied by Mr. Terpstra was two years; therefore the student elected to this seat will be completing an unexpired term of office ending May 31, 2012.

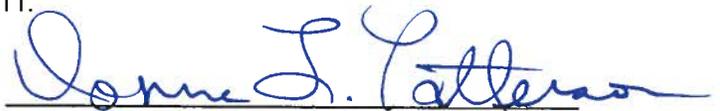
Traffic Safety Advisory Board

- Two (2) seats to the Traffic Safety Advisory Board. One seat is for an Oak Ridge High School student, the other seat is to fill an unexpired term ending December 31, 2013.

On May 31, 2011, two seats will become vacant on the Traffic Safety Advisory Board. One seat is designated for an Oak Ridge High School student. David Hughes is eligible to serve if he reapplies. The other seat is to serve an unexpired term of office ending December 31, 2013. As of this date, there are no new candidates.

Deadline for Filing

The deadline for filing is 5:00 p.m. on Friday, April 29, 2011.



Donna L. Patterson, City Clerk

**SUMMARY
OF
CURRENT EVENTS**

**CITY COUNCIL MEMORANDUM
11-19**

DATE: April 6, 2011
TO: Honorable Mayor and Members of City Council
FROM: Mark S. Watson, City Manager
SUBJECT: CITY MANAGER'S REPORT

Budget Presentation

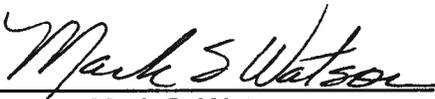
Council Action Recommended: None, for information only.

The City's proposed FY 2012 budget will be presented to City Council at its May 9 meeting. Keys Fillauer, Chairman of the Board of Education, and Dr. Thomas E. Bailey, Superintendent of Schools, will be in attendance to present the Schools budget.

The following timetable has been established for the adoption of the FY 2012 budget:

- Monday, May 9, 2011, regular meeting and formal budget presentation.
- Monday, May 16, 2011, public hearing on budget and special meeting for first reading of the Appropriation Ordinance.
- Monday, May 23, 2011, regular meeting and second reading of Appropriation Ordinance.

All meetings will begin at 7:00 p.m. in the Municipal Building Courtroom.


Mark S. Watson