

OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

April 12, 2010 – 7:00 p.m.

AGENDA

1. **INVOCATION**

The Reverend Eugene Grace, Calvary Lighthouse United Pentecostal Church

2. **PLEDGE OF ALLEGIANCE**

In honor of "The Week of the Young Child," the four-year-olds of the Oak Ridge Schools' Preschool/Woodland will lead the Pledge of Allegiance and sing a little song.

3. **ROLL CALL**

4. **APPEARANCE OF CITIZENS**

5. **APPROVAL OF AGENDA**

6. **RECOGNITION OF VISITORS**

Mr. Douglas McGill, Divisional Municipal Marketing Manager, Waste Connections of Tennessee

7. **PROCLAMATIONS AND COURTESY RESOLUTIONS**

A resolution of tribute to Jill Prudden for her distinguished career as the coach of the ORHS Lady Wildcats Basketball Team and her outstanding contributions to the game of basketball overall.

A proclamation designating the week of April 11–17, 2010 as "The Week of the Young Child."

A proclamation designating the week of April 11–17, 2010 as "National Public Safety Telecommunicators Week."

A proclamation designating the week of April 19–23, 2010 as "Administrative Professionals Week" and April 21, 2010 as "Administrative Professionals Day."

A proclamation designating April 24, 2010 as "Earth Day."

8. **PUBLIC HEARING**

a. Annual Action Plan of the Consolidated Plan for the Community Development Block Grant Program Year 2010/City of Oak Ridge Fiscal Year 2011.

b. Rezoning of Parcel 59, Group B, Anderson County Tax Map 94O, approximately 2.18 acres located on the Oak Ridge Turnpike, between 600 and 608, from UB-2, Unified General Business, to B-2 PUD, General Business with a Planned Unit Development overlay.

c. Rezoning of Parcels 40 and 43, Group A, Anderson County Tax Map 100A, approximately 4.27 acres located on West Madison Lane on the west side of Michigan Avenue, from O-1, Office, to R-3, Medium Residential; and amendment of the Comprehensive Plan's Land Use Plan to change the designation of the subject property from O, Office, to R, Residential.

- d. Amendment of Article III, General Provisions; Article IX, Special Districts; Article XI, Off-Street Parking and Loading Requirements; Article XIII, Landscaping and Design Standards; and Article XIV, Sign Regulations, of the Zoning Ordinance of the City of Oak Ridge, to address areas currently not addressed in the Zoning Ordinance, did not meet the criteria as prescribed in the Zoning Ordinance or needed clarification; to consolidate all landscaping requirements into one article; to add additional criteria for lighting to reduce the negative effects of lighting while addressing the need for adequate lighting for safety and visibility concerns; and to require evergreen plantings when non-residential uses abut residential uses in order to reduce the negative impacts on adjacent residential properties.

9. CONSENT AGENDA

- a. Approval of the Minutes of the March 8, 2010 City Council Meeting;
- b. Adoption of a proclamation designating May 1, 2010 as “Silver Star Banner Day.”

10. SPECIAL REPORTS

- a. Mayor and City Council
- b. Special Committees

City Manager Search Committee: Mayor Tom Beehan, Chair

Committee Report: Recruitment Brochure

- c. Boards and Commissions
- d. Other

11. APPROVAL OF MINUTES

12. ORDINANCES

- a. First Reading of New Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED “THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE,” BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 059.00, ANDERSON COUNTY TAX MAP 940, GROUP B, FROM UB-2, UNIFIED GENERAL BUSINESS TO B-2, GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED “THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE,” BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 040.00, ANDERSON COUNTY TAX MAP 100A, GROUP A, AND PARCEL 043.00, MAP 100A, GROUP A, FROM O-1, OFFICE, TO R-3, MEDIUM RESIDENTIAL; AND AMENDING THE COMPREHENSIVE PLAN’S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCELS FROM O, OFFICE TO R, RESIDENTIAL.

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, **ARTICLE III, TITLED "GENERAL PROVISIONS,"** SECTION 3.07, TITLED "ACCESSORY BUILDINGS OR STRUCTURES OF ADDITIONS TO PRINCIPAL BUILDINGS," TO AMEND SUBSECTION (E)(2) TO ALLOW SIX-FOOT DECORATIVE FENCING IN CERTAIN CIRCUMSTANCES PROVIDED THE TOP TWO FEET ARE LATTICE OR SOME OTHER OPEN DESIGN; **ARTICLE IX, TITLED "SPECIAL DISTRICTS,"** SECTION 9.05, TITLED "PUD, PLANNED UNIT DEVELOPMENT DISTRICT," SUBSECTION (V)(4)(A) TO CORRECT A TABLE REFERENCE; AND SECTION 9.09, TITLED "MANHATTAN DISTRICT OVERLAY (MDO)," SUBSECTION (D)(1) TO CHANGE THE SIDE AND REAR SETBACKS FOR PRINCIPAL BUILDINGS, ADDITIONS, STRUCTURES, AND ACCESSORY BUILDINGS FROM SIX FEET TO FIVE FEET, AND TO ADDRESS NON-ROOFED AND NON-ENCLOSED APPURTENANCES; **ARTICLE XI, TITLED "OFF STREET PARKING AND LOADING REQUIREMENTS,"** SECTION 11.01, TITLED "VEHICLE ACCESS CONTROL," SUBSECTION (D)(4) TO CORRECT THE REFERENCES TO RESIDENTIAL DISTRICTS; SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (F)(1)(F) TO CORRECT A TYPOGRAPHICAL ERROR IN THE SUBSECTION; SECTION 11.03, TITLED "REQUIRED OFF-STREET PARKING LOT LAYOUT, CONSTRUCTION AND MAINTENANCE," SUBSECTION (F)(4) TO ADD A CROSS REFERENCE TO ANOTHER APPLICABLE PROVISION AND SUBSECTIONS (G), (H) AND (I) TO DELETE THESE SUBSECTIONS WITHOUT REPLACEMENT; **ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS,"** SECTION 13.02, TITLED "DESIGN REVIEW STANDARDS," SUBSECTION (C)(2) TO ADD A STATEMENT ABOUT EXISTING VEGETATION IN RELATION TO PLANTING AND SCREENING REQUIREMENTS; SUBSECTION (D)(3) TO ADD A STATEMENT ABOUT PARAPET WALLS, AND TO INCLUDE INDUSTRIAL ZONING DISTRICTS TO THE LIST OF DISTRICTS THAT REQUIRE BUILDING SERVICE AREAS OR LOADING AREAS TO NOT BE VISIBLE FROM THE STREET; SUBSECTION (E)(2) TO ADD A STATEMENT ABOUT CURBS AND BUMPER STOPS IN PARKING AREAS, AND TO INCLUDE REQUIREMENTS FOR HAVING PARKING LOT ISLANDS; SUBSECTION (F) TO ADD ADDITIONAL PROVISIONS ABOUT PLANTING AND MAINTENANCE OF LANDSCAPE AND PLANTING MATERIALS, TO HAVE THE STREETScape PROVISIONS ON VISUAL IMPACT OF PARKING AREAS APPLICABLE TO INDUSTRIAL ZONING DISTRICTS, TO SPECIFY THAT GRASS AREAS SHALL BE ESTABLISHED AT THE TIME OF ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, AND TO CORRECT A TYPOGRAPHICAL ERROR; SUBSECTION (G)(3) TO UPDATE THE EXISTING ZONING DISTRICT REFERENCES FOR TRANSITIONAL SCREENING AND TO ADD OFFICE ZONING DISTRICTS, AND TO ADD PROVISIONS ABOUT BUFFERS FOR NON-RESIDENTIAL ZONING DISTRICTS OPPOSITE RESIDENTIAL ZONING DISTRICTS TO REDUCE THE NEGATIVE IMPACTS ON ADJACENT RESIDENTIAL PROPERTIES; SUBSECTION (H) TO ADD A STATEMENT OF INTENT REGARDING LIGHTING PROVISIONS, AND TO UPDATE THE LIGHTING REQUIREMENTS TO REDUCE THE NEGATIVE EFFECTS OF LIGHTING AND TO ADDRESS SAFETY AND VISIBILITY CONCERNS; AND FIGURE 13.04 (A-B), TO ADD A STATEMENT ABOUT EVERGREEN PLANTING FOR BUFFERS WHEN NON-RESIDENTIAL USES ABUT RESIDENTIAL USES; AND **ARTICLE XIV, TITLED "SIGN REGULATIONS,"** SECTION 14.05, TITLED "GENERAL REQUIREMENTS," SUBSECTION (2) TO INCLUDE POLE SIGNS IN THE REQUIREMENTS PERTAINING TO GROUND SIGNS.

- b. Adoption of Ordinances (Second Reading) - None

13. RESOLUTIONS

a. General Resolutions

A resolution requesting the Oak Ridge Municipal Planning Commission to reconsider its decision to cease discussion on consideration of a Zoning Ordinance amendment to allow hens to be kept on residential property in Oak Ridge and directing the Commission to present for City Council's consideration its recommendations in this regard, along with the appropriate amendment to the Zoning Ordinance; instructing the Commission to consult with interested citizens and other City boards in its consideration of the Zoning Ordinance amendment; and directing the Interim City Manager to present for the Council's consideration a companion ordinance to amend the Code of Ordinances to likewise allow the keeping of chickens, specifically hens, on residential property.

b. Bids and Contracts – None

14. ELECTIONS

Election of one (1) member to serve on the Industrial Development Board for a six-year term of office commencing on May 2, 2010.

Notice of Elections

Five (5) elections are scheduled for the May 3, 2010 City Council meeting to appoint:

- One (1) member to the Anderson County Board of Equalization
- Two (2)) members to the Environmental Quality Advisory Board who shall be Oak Ridge High School Students
- Two (2) members to the Highland View Redevelopment Advisory Board
- One (1) member to the Board of Plumbing Examiners
- One (1) member to the Traffic Safety Advisory Board who shall be an Oak Ridge High School student.

The deadline for filing is 5:00 p.m. on Tuesday, April 20, 2010.

15. COMMUNICATIONS

16. CITY MANAGER'S REPORT

17. CITY ATTORNEY'S REPORT

18. UNFINISHED BUSINESS

19. NEW BUSINESS

20. MISCELLANEOUS

21. UPCOMING MEETINGS/MAJOR ISSUES

22. ADJOURNMENT

**RECOGNITION
OF
VISITORS**



RECEIVED

2010 MAR 25 AM 8:15

WASTE CONNECTIONS OF TENNESSEE, INC. OFFICE OF THE CITY CLERK
Connect with the Future®

March 24, 2010

Mayor Tom Beehan
City of Oak Ridge
PO Box 1
Oak Ridge, TN 37831-0001

Dear Mayor Beehan,

It is hard to believe it's been one year since the kick-off for our Recycle Bank Program with the City of Oak Ridge.

As we discussed earlier with you, Waste Connections wishes to do an award presentation at the April 12, 2010 Council meeting. We want to invite the Number One Residential Recycler from your City to this meeting. This reward will be based on the most weight generated from their home during the first year of the program.

We wish to present them with a Framed Award Certificate and a Gift Certificate from a local participating Reward Merchant Partner, for their recycling efforts. We have contacted the winner ourselves, who is Rita Moore, who lives on West Outer Dr.; she has agreed to attend the City Council Meeting. We would also like to show the Plaque that is currently at City Hall with her name as the Annual Top Performer of the Year. The Annual winner will be announced each year at the April City Council Meeting, in the future, with the City's approval.

We request that you put this Awards Presentation on the Council Agenda for April 12, 2010 meeting.

If there are any questions that you need answered on this award, please contact me at (865) 679-2656.

Sincerely,

Waste Connections of Tennessee, Inc.

Douglas McGill
Divisional Municipal Marketing Manager

Cc: Gary Cinder
City Manager



**PROCLAMATIONS
AND COURTESY
RESOLUTIONS**

CITY CLERK MEMORANDUM
10-18

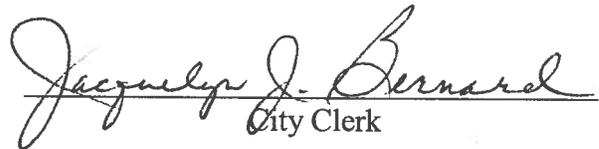
DATE: March 31, 2010

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: COURTESY RESOLUTION FOR COACH JILL PRUDDEN

The accompanying resolution is presented for the Council's consideration at the request of Councilman Tom Hayes. Coach Jill Prudden will be present at the April 12th City Council meeting to accept her executed copy of the resolution.


City Clerk

Attachment

CITY OF OAK RIDGE, TENNESSEE

Resolution Number 4-31-10

WHEREAS, on Tuesday, February 9, 2010, Jill Prudden registered the 900th victory of her career as the coach of the Oak Ridge High School Lady Wildcats Basketball Team; and

WHEREAS, in discussing this achievement, Coach Prudden took no credit for herself, attributing the achievement to the talented players on the Lady Wildcats teams over the years and the tremendous assistant coaches who have worked with her; and

WHEREAS, Jill Prudden was selected to become the Lady Wildcats basketball coach 31 years ago by the then ORHS athletic director, Mr. Jim Helton, who "needed someone to guide the Lady Wildcats out of the dark ages of half-court basketball in the late 1970s"; and

WHEREAS, her record at Oak Ridge High School includes three Tennessee AAA State Titles, 21 state tournament appearances, State runner-up five times, 25 district championships, and 20 regional championships; more than 50 of her players have received college scholarships and she has produced one Olympian and pro player, Ms. Jennifer Azzi; and

WHEREAS, former Athletic Director Jim Helton has called his appointment of Jill Prudden the "best hire" he ever made, and the current Athletic Director Mike Mullins recently said, "Jill is probably second to Pat Summit in the game of basketball in the state of Tennessee...she is as good as it gets"; and

WHEREAS, the City of Oak Ridge is very lucky that this former Michigan State Lady Spartan made her way to Oak Ridge High School and even more lucky that she stayed, because in addition to being an excellent basketball coach, she is an outstanding teacher of the art of true sportsmanship.

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

That in recognition of her distinguished career as the coach of the ORHS Lady Wildcats Basketball team and her outstanding contributions to the game of basketball overall, the Oak Ridge City Council pays tribute to Jill Prudden and accords her an honored place in the history of this city.

BE IT FURTHER RESOLVED, that this resolution shall be affixed with the Great Seal of the City of Oak Ridge, Tennessee, and presented to Coach Prudden as a token of this Council's esteem and on behalf of all citizens of the City of Oak Ridge.

This the 12th day of April 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

CITY CLERK MEMORANDUM
10-15

DATE: March 19, 2010

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PROCLAMATIONS

The Week of the Young Child

The accompanying proclamation is presented for the Council's consideration at the request of Marian Phillips, Ph.D, Principal of Oak Ridge Schools' Preschool, who will be present to accept the proclamation.

National Public Safety Telecommunicators Week

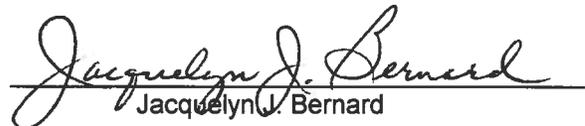
The accompanying proclamation is presented for the Council's consideration at the request of Officer Randy Myers of the Oak Ridge Police Department. Ms. Debbie Lowe, the Police Department's Chief Dispatcher, will be present to accept the proclamation.

Administrative Professionals Week and Day

The accompanying proclamation is presented for the Council's consideration at the request of Ms. Sandra Solands, Co-Chair of Administrative Professionals Week for the local Chapter of the International Association of Administrative Professionals, who will be present to accept the proclamation.

Earth Day

The accompanying proclamation is presented for the Council's consideration at the request of Ms. Pat Imperato, a member of the City's Environmental Quality Advisory Board. Ms. Imperato will be present to accept the proclamation.


Jacquelyn J. Bernard

Attachments

PROCLAMATION

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

WHEREAS, the Community Pre-K Advisory Committee of Oak Ridge Schools' Preschool in conjunction with the National Association of the Education of Young Children and our community partners are celebrating the *Week of the Young Child*, April 11-17, 2010; and

WHEREAS, effective early learning succeeds because of partnerships between parents, teachers, practitioners, schools, civic organizations, faith communities, health care organizations, law enforcement agencies, and the business community; and

WHEREAS, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Oak Ridge; and

WHEREAS, teachers and others who make a difference in the lives of young children in Oak Ridge deserve thanks and recognition; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the week of April 11–17, 2010, be proclaimed

THE WEEK OF THE YOUNG CHILD

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to work to make a good investment in early childhood in the City of Oak Ridge, Tennessee.

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 12th day of April in the year 2010.

Mayor

PROCLAMATION

WHEREAS, over one-half million dedicated men and women are engaged in the operation of emergency response systems for Federal, State, and local governmental entities throughout the United States; and

WHEREAS, these individuals are responsible for responding to the telephone calls of the general public for police, fire and emergency medical assistance and for dispatching said assistance to help save the lives and property of our citizens; and

WHEREAS, such calls include not only police, fire and emergency medical service calls but those governmental communications related to forestry and conservation operations, highway safety and maintenance activities, and all of the other operations which the modern governmental agency must conduct; and

WHEREAS, America's public safety telecommunicators daily serve the public in countless ways without due recognition by the beneficiaries of their services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the week of April 11 – 17, 2010 be proclaimed

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

in the City of Oak Ridge, Tennessee, and that all citizens be called upon to observe that week with appropriate ceremonies and activities.

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 12th day of April in the year 2010.

Mayor

PROCLAMATION

WHEREAS, administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations; and

WHEREAS, the work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities; and

WHEREAS, Administrative Professionals Week® is observed annually in workplaces around the world to recognize the important contributions of administrative support staff and is sponsored by the International Association of Administrative Professionals®; and

WHEREAS, the theme of Administrative Professionals Week 2010 is “The Power of Commitment,” reflecting how today’s career-minded administrative professionals are handling increasingly advanced roles and looking toward the future by recognizing the importance of life-long learning.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that the week of April 19–23, 2010 be proclaimed

ADMINISTRATIVE PROFESSIONALS WEEK

and that Wednesday, April 21, 2010 be proclaimed

ADMINISTRATIVE PROFESSIONALS DAY

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to join in saluting the valuable contributions of administrative professionals in the workplace, and all employers be called on to support continued training and development for administrative staff, recognizing that a well-trained workforce is essential for success in today’s business world.

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 12th day of April in the year 2010.

Mayor

PROCLAMATION

WHEREAS, beginning with the first *Earth Day*, April 22, 1970, *Earth Day* has become an annual event for people around the world to celebrate the earth, promote awareness of environmental issues, and commit to building a safer, healthier and cleaner world; and

WHEREAS, 2010 is the fortieth (40th) anniversary of the first *Earth Day*; and

WHEREAS, an informal all-volunteer group of individuals and organizations from Oak Ridge including Keep Anderson County Beautiful, The American Museum of Science and Energy, The Children's Museum of Oak Ridge, the City's Environmental Quality Advisory Board, First United Methodist Church, and Oak Ridge Unitarian Universalist Church have formed a working group in cooperation with the City to host a community *Earth Day* celebration in Oak Ridge on Saturday, April 24, 2010; and

WHEREAS, the volunteer planning group has made a commitment to educate, encourage, and empower the citizens of Oak Ridge and surrounding communities to create a sustainable community; and

WHEREAS, the volunteer planning group has arranged for a variety of events and activities for citizens of all ages, including environmentally themed activities for children, exhibits related to global environmental concerns and how residents can make the transition to living green, live entertainment by some of East Tennessee's best known local musicians, and information resources and activities intended to encourage children to step away from video games and get outside in the great outdoors; and

WHEREAS, the event will be held at the Oak Ridge Civic Center and A.K. Bissell Park from 11:00 a.m. to 3:00 p.m. on the afternoon of Saturday, April 24, with free admission for all; and

WHEREAS, the organizers strive to make this a zero-waste event by reducing, reusing, recycling, and composting discarded materials to the maximum extent possible; and

WHEREAS, the planning committee has elected to minimize the carbon footprint needed to host this Festival in the City of Oak Ridge; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that Saturday, April 24, 2010 be proclaimed

EARTH DAY

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged 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 12th day of April in the year 2010.

Mayor

PUBLIC HEARING

CITY CLERK MEMORANDUM
10-19

DATE: March 31, 2010

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PUBLIC HEARING

A public hearing has been scheduled for the April 12, 2010 City Council meeting on the following:

- a. Annual Action Plan of the Consolidated Plan for the Community Development Block Grant Program Year 2010/City of Oak Ridge Fiscal Year 2011.
- b. Rezoning of Parcel 59, Group B, Anderson County Tax Map 94O, approximately 2.18 acres located on the Oak Ridge Turnpike, between 600 and 608, from UB-2, Unified General Business, to B-2 PUD, General Business with a Planned Unit Development overlay.
- c. Rezoning of Parcels 40 and 43, Group A, Anderson County Tax Map 100A, approximately 4.27 acres located on West Madison Lane on the west side of Michigan Avenue, from O-1, Office, to R-3, Medium Residential; and amendment of the Comprehensive Plan's Land Use Plan to change the designation of the subject property from O, Office, to R, Residential.
- d. Amendment of Article III, General Provisions; Article IX, Special Districts; Article XI, Off-Street Parking and Loading Requirements; Article XIII, Landscaping and Design Standards; and Article XIV, Sign Regulations, of the Zoning Ordinance of the City of Oak Ridge, to address areas currently not addressed in the Zoning Ordinance, did not meet the criteria as prescribed in the Zoning Ordinance or needed clarification; to consolidate all landscaping requirements into one article; to add additional criteria for lighting to reduce the negative effects of lighting while addressing the need for adequate lighting for safety and visibility concerns; and to require evergreen plantings when non-residential uses abut residential uses in order to reduce the negative impacts on adjacent residential properties.

Supporting documentation for the CDBG Annual Action Plan follows this resolution. Supporting documentation for the Zoning Ordinance Amendments will be found under First Reading of New Ordinances.


City Clerk

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
10-19

DATE: March 29, 2010

TO: Gary Cinder, Interim City Manager

FROM: Susie Stooksbury, Library Operations Manager
Tim Ward, Community Development Department Division Manager 
Angie Marshall, Police Department 
Kahla Gentry, Community Development Department Senior Planner *KG.*
Susan Fallon, Contracts/Grants Coordinator 

SUBJECT: PUBLIC HEARING FOR THE CDBG ANNUAL ACTION PLAN

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 development of the fourth City of Oak Ridge Consolidated Plan took place during the seven-month period of September 2007 through March 2008 and is to be utilized for the three-year period of July 1, 2008 through June 30, 2010 (CDBG Program Year 2008 through Program Year 2010).

A draft copy of the CDBG Annual Action Plan for Program Year (PY) 2010/Fiscal Year (FY) 2011 will be provided to you by April 1, 2010 for transmittal to City Council. The distribution of the draft Annual Action Plan initiates a 30-day public comment period, for the document, that will conclude on April 30, 2010. A public hearing for the Annual Action Plan including the funding recommendations is scheduled for the April 12, 2010 City Council meeting. Final approval of the PY2010/FY2011 CDBG Annual Action Plan is scheduled for the May 3, 2010 City Council meeting.

The City of Oak Ridge CDBG Annual Action Plan for PY2010/FY2011 was developed after holding two public hearings to obtain comments and recommendations from citizens and non-profit agencies and reviewing the submitted subrecipient applications for funding. The PY2010/FY2011 Annual Action Plan is the third of three annual plans for the City of Oak Ridge CDBG Consolidated Plan 2008 – 2010. The Annual Action Plan Executive Summary, History of Funding, Recommended Funding Allocation and Recommended Project Funding are attached to this memo. Available funding for CDBG projects during FY2010 will total an estimated \$259,000.00.

Oak Ridge City Council Resolution 1-7-10 dated January 12, 2010, approved the FY2011 CDBG Program Model. The CDBG staff committee received submittals from two community organizations seeking project funding for FY2011 from the City's CDBG entitlement program. These two community organizations submitted four applications totaling \$111,000. Funding in the amount of \$186,000 for four City projects is also proposed.

One of the projects submitted by ADFAC was found to be ineligible for CDBG funding. This project was for exterior improvements such as driveways, fencing and landscaping on lots where ADFAC is completing new affordable home construction. The requested amount was for \$20,000. HUD does not allow CDBG funds to be used for new home construction or site improvements associated with new home construction. ADFAC's request for \$25,000 for Yard Enhancement is recommended for \$12,000 in funding. The Yard Enhancement project has been funded in the past and may be used to assist CDBG income eligible homeowners that require assistance with code issues such as removal of debris from yards and general cleanup. ADFAC's request for \$36,000 for minor home repairs for elderly homeowners is recommended for full funding. Ridgeview's request for \$30,000 for Transitional Housing is recommended for \$25,000 in funding.

In support of the City's application for \$500,000 of HOME funds for homeowner occupied housing rehabilitation, \$25,000 of CDBG funds are budgeted as leverage for the HOME program. ADFAC has prepared the HOME application on the City's behalf and will administer the HOME program if the application is successful. Additional points towards funding approval may be earned by providing funds to supplement the HOME funds. If the HOME program application is unsuccessful these funds will be reallocated by following the CDBG amendment process. The following projects are being recommended for funding by the PY2010/FY2011 CDBG Entitlement Program:

City of Oak Ridge Programs:

Scarboro Community Center Debt	\$ 95,000.00	
Code Enforcement Services	\$ 63,000.00	
Grant Administration	\$ 3,000.00	
	Total	\$161,000.00

Subrecipient Programs:

ADFAC		
Minor Repairs	\$ 36,000.00	
Yard Enhancement	\$ 12,000.00	
HOME Housing Rehabilitation	\$ 25,000.00	
Ridgeview	\$ 25,000.00	
	Total	\$ 98,000.00

Total Funds Proposed for Allocation \$259,000.00

The CDBG staff committee will be in attendance at the April 12, 2010 and May 3, 2010, City Council meetings and will be prepared to respond to questions regarding the proposed City of Oak Ridge CDBG Annual Action Plan for Program Year 2010/Fiscal Year 2011.

Attachments

**CDBG Annual Action Plan
Executive Summary
PY2010/FY2011**

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). Such a 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. The development of the fourth City of Oak Ridge Consolidated Plan took place during the seven-month period of September 2007 through March 2008 and will be utilized for the three-year period of July 1, 2008 through June 30, 2011 (CDBG Program Year 2008 through Program Year 2010).

Even though the federal government has passed a budget for federal fiscal year 2010, as of March 26, 2010, HUD has not released the final allocations for the CDBG Entitlement funds. The Annual Action Plan has been prepared to reflect an estimated amount of funding for PY2010/FY2011, which is the same funding as in PY2009/FY2010.

Each Annual Action Plan of the Consolidated Plan must be submitted to HUD at least forty-five days prior to the beginning of the entitlement community's fiscal year. A citizen participation plan element requires that interested parties have a 30-day period in which to review and comment upon the funding proposals and that at least one public hearing be held. Any information received during the public comment period or at the public hearing will be included with the submitted Annual Action Plan.

The 30-day comment period for the PY 2010/FY 2011 Annual Action Plan will begin on Wednesday April 1, 2010 and end on Thursday April 30, 2010. A public hearing is scheduled for Monday April 12, 2010 at 7:00 p.m. during the Oak Ridge City Council meeting at the Oak Ridge Municipal Building.

The objectives and outcomes utilizing the HUD Outcome Framework identified in the PY2010/FY2011 Annual Action Plan include the following:

Objective 1: Suitable Living Environment	Outcome 3: Sustainability
Objective 2: Decent Housing	Outcome 3: Sustainability
Objective 1: Suitable Living Environment	Outcome 1: Availability/Accessibility

Copies of the City of Oak Ridge Consolidated Plan 2008 – 2010 including the Citizen Participation Plan and the PY2010/FY2011 Annual Action Plan are available 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@corn.org
or
Online at www.corn.org

**CITY OF OAK RIDGE, TENNESSEE
CDBG ENTITLEMENT PROGRAM
HISTORY OF FUNDING**

Year #	CDBG Program Year	COR Fiscal Year	Grant Amount
1	1984	1985	\$ 256,000
2	1985	1986	\$ 253,000
3	1986	1987	\$ 213,000
4	1987	1988	\$ 214,000
5	1988	1989	\$ 199,000
6	1989	1990	\$ 207,000
7	1990	1991	\$ 198,000
8	1991	1992	\$ 222,000
9	1992	1993	\$ 231,000
10	1993	1994	\$ 260,000
11	1994	1995	\$ 283,000
12	1995	1996	\$ 270,000
13	1996	1997	\$ 264,000
14	1997	1998	\$ 257,000
15	1998	1999	\$ 262,000
16	1999	2000	\$ 263,000
17	2000	2001	\$ 282,000
18	2001	2002	\$ 299,000
19	2002	2003	\$ 302,000
20	2003	2004	\$ 309,000
21	2004	2005	\$ 313,000
22	2005	2006	\$ 293,923
23	2006	2007	\$ 266,461
24	2007	2008	\$ 267,165
25	2008	2009	\$ 252,411
26	2009	2010	\$ 259,079
27	2010	2011	(est.) \$ 259,000
TOTAL			\$6,955,039

TENNESSEE CDBG ENTITLEMENT ALLOCATIONS

NAME	CDBG PY10/FY11 (estimated)	% of Funds
Bristol	\$ 237,209	.5%
Chattanooga	\$ 1,742,399	3.5%
Clarksville	\$ 812,411	1.6%
Cleveland	\$ 335,733	.7%
Franklin	\$ 275,486	.5%
Jackson	\$ 586,814	1.2%
Johnson City	\$ 491,276	1%
Kingsport	\$ 406,743	.8%
Knoxville	\$ 1,879,731	3.9%
Memphis	\$ 8,128,514	16.4%
Morristown	\$ 294,103	.6%
Murfreesboro	\$ 641,873	1.3%
Nashville-Davidson	\$ 4,984,105	10%
Oak Ridge	\$ 259,000	.5%
Knox County	\$ 1,025,800	2%
Shelby County	\$ 996,894	2%
TN State Program	\$ 26,660,860	53.5%
Totals	\$ 49,760,414	100%

CDBG Annual Action Plan Recommended Funding Allocation PY2010/FY2011

It is estimated that approximately \$259,000 in CDBG funding will be available during the period of July 1, 2010 through June 30, 2011. PY2009/FY2010 Annual Action Plan recommends funding for the following program areas:

- **Debt Service** – The recommendation for **\$95,000** to provide the ninth of fifteen installments for the city's debt repayment of the Scarborough Community Center Expansion Project. (Consolidated Plan Priority – Debt Repayment (SCC), Strategies – Community Development and Special Populations)
- **Code Enforcement** – The recommendation for **\$63,000** to provide funds for services relating to enforcement of municipal codes in CDBG eligible areas and programs. (Consolidated Plan Priority – Code Enforcement (CE), Strategies – Housing and Community Development)
- **Housing – Citywide** – The recommendation to ADFAC Minor Home Repair project, for **\$36,000** to provide improvements to residences occupied by very low and low-income homeowners over the age of 60 within the city limits. Priority will be given to residents within the Highland View Redevelopment Area (HVRA) and CDBG Target Areas. The program will provide minor repairs to correct code violations within the home and property. (Consolidated Plan Priority – HV, Strategies – Housing, Special Populations and Community Development)
- **Housing – Citywide** – The recommendation to ADFAC Yard Enhancement project, for **\$12,000** to be utilized for residents living within the city limits that require assistance with code issues such as removal of debris from yards, painting and general cleanup. Priority will be given to residents within the HVRA and CDBG Target Areas. (Consolidated Plan Priority – HV, Strategies – Housing, Special Populations and Community Development)
- **Housing – Citywide** – The recommendation to ADFAC HOME Program Housing Rehabilitation project for **\$25,000** to supplement a potential HOME grant for homeowner occupied housing rehabilitation. (Consolidated Plan Strategy – Housing)
- **Homeless Prevention** – The recommendation to Ridgeview Psychiatric Hospital and Center, Inc. (Ridgeview) Oak Ridge Transitional Housing Program for **\$25,000** to provide two housing units and a housing coordinator for transitional housing services for the homeless, mentally ill and/or dually diagnosed Oak Ridge citizens. (Consolidated Plan Strategy – Homeless)
- **Program Grant Administration** – The recommendation for **\$3,000** to be used for general program administration, project implementation, management of subrecipient agreements and all reporting requirements for the CDBG entitlement program.

CITY OF OAK RIDGE, TENNESSEE
 CDBG FUNDS PY10/FY11
 PROJECTED FUNDS AVAILABLE FOR PROGRAMS

ESTIMATED FUNDS AVAILABLE
 FY11 ENTITLEMENT (ESTIMATED) \$ 259,000.00
 \$ 259,000.00
TOTAL ESTIMATED FUNDS

CITY OF OAK RIDGE PROGRAMS

FY11 SCARBORO CENTER DEBT
 (Year 9 of 15 for the debt expense of the expansion project)
 FY11 CODE ENFORCEMENT SERVICES
 (Includes 100% of employee costs)
 FY11 GRANT ADMINISTRATION

	<u>CDBG</u>
	\$ 95,000.00
	\$ 63,000.00
	\$ 3,000.00

\$ 161,000.00
TOTAL CITY PROGRAM COSTS

SUBRECIPIENT PROGRAMS

ADFAC - Minor Home Repair
 ADFAC - Yard Enhancement
 ADFAC - Exterior Projects
 ADFAC - HOME Program Home Rehabilitation
 RIDGEVIEW - Transitional Housing

	<u>REQUESTED</u>	<u>CDBG</u>
	\$ 36,000.00	\$ 36,000.00
	\$ 25,000.00	\$ 12,000.00
	\$ 20,000.00	-
	\$ 30,000.00	\$ 25,000.00
	\$ 111,000.00	\$ 98,000.00

\$ 98,000.00
TOTAL SUBRECIPIENT PROGRAM COSTS

CONSENT AGENDA

CITY CLERK MEMORANDUM
10-20

DATE: March 31, 2010

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: CONSENT AGENDA

The following items are presented for the Council's consideration as the Consent Agenda for the April 12, 2010 City Council meeting.

Approval of Minutes – March 8, 2010

Proclamations

Adoption of a proclamation designating May 1, 2010 as "Silver Star Banner Day."

The documentation for these items follows this memorandum.



City Clerk

MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

March 8, 2010

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on March 8, 2010 in the Courtroom of the Municipal Building with Mayor Pro Tem D. Jane Miller presiding.

INVOCATION

The Invocation was given by The Reverend Kerra Becker English of the First Presbyterian Church.

PLEDGE OF ALLEGIANCE

Mr. Rick Chinn of R & R Development and Rental Properties, Oak Ridge, led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

The following members of Council were present: Anne Garcia Garland, Thomas W. Hayes, L. Charles Hensley, Ellen D. Smith, and Mayor Pro Tem D. Jane Miller. Mayor Thomas L. Beehan and Councilman David N. Mosby were absent.

Also present were Gary M. Cinder, Interim City Manager; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins, Deputy City Manager; and Jacquelyn J. Bernard, City Clerk.

APPEARANCE OF CITIZENS

Buffer Maintenance at Sonic Drive-In Restaurant

Ms. Nancy Snowden, 100 Tucker Road, complained that the City has failed to enforce the requirements for a buffer, including plantings, between the Sonic Drive-In Restaurant and the residential properties that abut the Sonic's rear lot line. She also complained about the noise created by the emptying of the restaurant's dumpster during the early morning hours. She said, "this has gone on for years and years and the City has failed to protect our neighborhood." At the request of the Mayor Pro Tem, the Interim City Manager agreed to work with Ms. Snowden toward resolution of this matter.

Traffic Enforcement Cameras

Mr. Fred Childress, 231 Gum Hollow Road, reported that a group of Oak Ridge citizens has been collecting signatures of city residents regarding the dismantling of the traffic enforcement cameras that have been installed in Oak Ridge. He advised that over 1500 signatures have been collected, and he waved a sheaf of papers that he said were petitions containing the signatures of these residents. He added that he continues to receive additional signatures on a daily basis and that he has received numerous telephone calls regarding the changing shopping habits of nonresidents; i.e., they no longer shop in Oak Ridge due to the traffic enforcement cameras. He also expressed his concern about the potential for a "class action" lawsuit against the City.

Mr. Childress requested that a member of City Council make a motion to add to the agenda for the next regular meeting of the Council an ordinance to repeal the ordinance that enabled the installation of the traffic enforcement cameras. Failing that, he asked that the Council authorize a referendum to allow the citizens of Oak Ridge to voice their choice in this matter.

At the request of Councilwoman Smith, the City Attorney confirmed that the City Charter does not permit such a referendum.

Mr. Joseph Lee, 99 E. Pasadena Road, expressed his support for the traffic enforcement cameras.

Councilman Hensley noted that a full page advertisement appeared in The Oak Ridger last week encouraging citizens to call City Council members if they opposed the traffic enforcement cameras. Only one Council member reported receiving such a telephone call.

APPROVAL OF AGENDA

Councilman Hayes moved that the agenda be approved as published, seconded by Councilwoman Smith.

At the request of the Mayor Pro Tem, the City Clerk read the list of items that have been proposed by the staff for addition to the agenda, as follows:

- For insertion under Proclamations and Courtesy Resolutions:
A resolution recognizing Douglas B. Janney, Jr., for his distinguished service as a member of the Industrial Development Board.
- For insertion under Special Reports:
A Memorandum from Kathryn G. Baldwin, Community Development Director, reporting the actions of the Oak Ridge Municipal Planning Commission with reference to the possibility of keeping chickens on private residential property.
- For insertion under General Resolutions:
A resolution adopting the proposed mission statement, vision statement, key issues and goals, and timetable that resulted from the Council's strategic planning process, as enumerated in the summary report submitted by Ms. Margaret Norris of UT-MTAS.

Councilman Hensley moved that the agenda be amended as proposed. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

The agenda was approved, as amended, by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

RECOGNITION OF VISITORS – None

PROCLAMATIONS AND COURTESY RESOLUTIONS

A proclamation designating the week of April 11–17, 2010 as "Library Week."

Councilman Hayes moved that the proclamation be adopted. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

The proclamation was presented to Ms. Kathy McNeilly, Director of the Oak Ridge Public Library.

Resolution No. 3-25-10

A resolution recognizing Douglas B. Janney, Jr., for his distinguished service as a member of the Industrial Development Board.

Councilman Hayes moved that the resolution be adopted. The motion was seconded by Councilman Hensley and was adopted by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

PUBLIC HEARING – None

CONSENT AGENDA

Councilwoman Smith moved that the Consent Agenda be approved as presented. The motion was seconded by Councilman Hensley and was adopted, thereby:

- Approving the Minutes of the February 8, 2010 City Council Meeting; and
- Adopting a proclamation designating the month of April as "Fair Housing Month."

The vote was unanimous with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

SPECIAL REPORTS

A Memorandum from Kathryn G. Baldwin, Community Development Director, reporting the actions of the Oak Ridge Municipal Planning Commission with reference to the possibility of keeping chickens on private residential property.

Ms. Baldwin reviewed her memorandum, the conclusion of which reported that during the regular meeting of the Planning Commission on February 25, 2010, a motion to cease discussion on consideration of a Zoning Ordinance amendment to allow hens to be kept on residential property was adopted by a vote to eight to two.

Councilwoman Smith moved that the memorandum be received for the record, seconded by Councilman Hayes.

Councilman Hensley moved that the motion be amended to provide that the issue of allowing hens to be kept on residential property shall be referred back to the Planning Commission with a directive to study the matter and return with a recommendation to the Council complete with the required action instruments. The motion was seconded by Councilwoman Smith.

Councilwoman Smith moved that the motion be amended to instruct the Planning Commission to consult with citizens and with other interested City boards. She noted that the Environmental Quality Advisory Board has discussed the keeping of poultry as a sustainability initiative in connection with their consideration of climate action initiatives. The amendment was accepted as part of the main motion by Councilman Hensley, there being no objections from other members of City Council.

The motion failed by a 3/2 vote with Council members Garcia Garland, Hensley, and Smith voting "Aye" and Council members Hayes and Miller voting "Nay." The Mayor and Councilman Mosby were absent. [The Oak Ridge City Charter, Article II, Section 8, provides that the affirmative vote of at least a majority of the Council members then in office shall be required to approve such a proposed action.]

Councilman Hayes moved that further consideration of this matter be postponed until the full Council is available to participate in such consideration. The motion was seconded by Councilman Hensley and carried by unanimous electronic vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

Mr. Sam Suffern, 126 Everest Circle, presented a statement in support of allowing hens to be kept on residential property in Oak Ridge. He called his statement the “Chicken Manifesto for Oak Ridge (from 20+ years of experience).”

Ms. Linda Mabrey, 106 Montana Avenue, presented a statement in opposition to allowing hens to be kept on residential property.

Mr. Aaron Wells, 101 Scott Lane, chided the Council for talking about chickens when in his view it should be talking about more important matters, such as reduction of the City debt.

APPROVAL OF MINUTES

See Consent Agenda.

ORDINANCES

First Reading of New Ordinances – None

Adoption of Ordinances (Second Reading)

Ordinance No. 3-10

AN ORDINANCE TO AMEND TITLE 12, TITLED “BUILDING, UTILITY, ETC., CODES,” CHAPTER 4, TITLED “BOARD OF ELECTRICAL EXAMINERS,” AND CHAPTER 8, TITLED “BOARD OF PLUMBING EXAMINERS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-410 TITLED “EXAMINATION OF APPLICANTS,” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-410, TITLED “EXAMINATION OF APPLICANTS,” AND BY DELETING SECTION 12-808, TITLED “GENERAL POWERS AND DUTIES,” IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-808, TITLED “GENERAL POWERS AND DUTIES; EXAMINATION OF APPLICANTS,” IN ORDER TO UPDATE THE STANDARDS FOR COMPETENCY EXAMINATIONS FOR ELECTRICIANS AND PLUMBERS, AS WELL AS PLACE A TIME LIMIT ON THE VALIDITY OF TEST SCORES.

Councilwoman Smith moved that the ordinance be adopted. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting “Aye.” The Mayor and Councilman Mosby were absent.

RESOLUTIONS

General Resolutions

Resolution No. 3-26-10

A resolution granting six (6) permits to engage in the retail sale of alcoholic beverages at designated locations in the city for the year 2010-2011, and waiving the residency requirement for nonresident applicants.

Councilman Hayes moved that the resolution be adopted. The motion was seconded by Councilwoman Smith and after brief deliberation, it carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting “Aye.” The Mayor and Councilman Mosby were absent.

Resolution No. 3-27-10

A resolution authorizing Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC) to submit on the City's behalf a grant application, including all understandings and assurances contained therein, to the Tennessee Housing Development Agency (THDA) for 2010 HOME grant program funds to promote the rehabilitation of housing for low-income households in Oak Ridge, in the not to exceed amount of \$500,000.

Councilwoman Smith moved that the resolution be adopted. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

Resolution No. 3-28-10

A resolution authorizing City staff to take the steps necessary to obtain a new lease agreement with a casual dining restaurant to be located at Melton Lake Park, which steps include but are not limited to requesting permission from the Tennessee Valley Authority to locate a restaurant on this property and the issuance of a request for proposals to select a restaurant.

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

The resolution was deliberated at length, with the Interim City Manager and the City Attorney responding to the Council's questions and comments.

The following citizens presented remarks in support of the retention of The New China Palace Restaurant at its current location. [This restaurant currently leases the building at Melton Lake Park; however, the lease is due to expire on February 28, 2011.]

Mr. Tom Row, 114 Nebraska Avenue
Mr. Al Wohlpart, 1080 West Outer Drive
Mr. Steve Litherland, 220 Connors Circle
Ms. Virginia Coleman, 106 Elliott Circle
Dr. Fred Berry, 122 Barrington Drive
Ms. Amy Hylton, 106 Darwin Road
Dr. Paul Spray, 507 Delaware Avenue
Mr. Hal Smith, 103 Walton Lane
Ms. Shirley Knight, 105 Rand Circle
Mr. Randolph Jones, 101 Seneca Lane, Clinton
Mr. Hsiung-Yu Chou, who spoke on behalf of his parents, the proprietors of The New China Palace Restaurant, Mr. and Mrs. Chou Chung Nan of 218 Connors Circle in Oak Ridge.

Other speakers were:

Mr. Don Hurtubise, 114 Mason Lane, who objected to the "processes" that were used to arrive at the Waterfront Development Plan and urged the Council to appoint a Recreation and Parks Advisory Commission composed of 17 members "or thereabouts" that would be patterned after a format used in Albuquerque, New Mexico, and recommended by the National League of Cities.

Mr. Julius Krupp, 135 Parsons Road, who suggested that under the current circumstances, The New China Palace could easily be captured by the City of Knoxville and, therefore, be lost to Oak Ridge.

At several points in the discussion, the Interim City Manager emphasized that this proposal is in conformance with the Waterfront Development Plan and the RFP process will not exclude a proposal

submitted by the proprietors of The New China Palace Restaurant. He also pointed out that these discussions were begun early to allow adequate time for thorough consideration prior to the expiration of The New China Palace lease.

Councilman Hensley suggested that further consideration of this resolution be postponed to the next regular meeting to allow time for the staff to meet with the current proprietors of The New China Palace to clarify the issues involved with the proposed process at this time. However, his postponing motion died for lack of a second.

Councilman Hayes also urged that the staff work with the Chou's to arrive at a satisfactory solution, perhaps one which would permit both The New China Palace and a new casual dining facility in the Marina area.

Mr. Hsiung-Yu Chou indicated that he and his family were amenable to such discussions.

The resolution was adopted by electronic vote with Council members Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye" and Councilwoman Garcia Garland voting "Nay." The Mayor and Councilman Mosby were absent.

Councilwoman Garcia Garland then moved that the timeline for the process leading to a new lease agreement, as contained in Recreation and Parks Memorandum 10-02, be amended to include a City Council work session before release of the RFP. The subject timeline read as follows:

Work Session to discuss New China Restaurant.....	February 22, 2010
City Council Approval of Process	March 8, 2010
RFP Release	April 2010
Proposal Due Date	June 2010
Staff Review of Proposals/Qualifications.....	June 2010
Interviews with Top Respondents	June 2010
Lease Agreement Negotiations	July 2010
City Council Work Session	July 26, 2010
Staff Recommendation to City Council	August 9, 2010
Formal Submission to TVA for Approval	August 2010
TVA Review.....	August-October 2010
City Council Approval of Lease Agreement	November 8, 2010
Current Lease with New China Palace Expires	February 28, 2011
New Lease Begins.....	March 1, 2011

The motion was seconded by Councilman Hensley and carried by unanimous electronic vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

Resolution No. 3-29-10

A resolution authorizing the issuance of General Obligation Refunding Bonds, Series 2010, in the aggregate principal amount of not to exceed five million eight hundred thousand dollars (\$5,800,000) 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.

Councilwoman Smith moved that the resolution be adopted. The motion was seconded by Councilman Hayes and after brief deliberation, it carried by unanimous voice vote with Council members Garcia

Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

Resolution No. 3-30-10

A resolution adopting the proposed mission statement, vision statement, key issues and goals, and timetable that resulted from the Council's strategic planning process, as enumerated in the summary report submitted by Ms. Margaret Norris of UT-MTAS.

Councilwoman Smith moved that the resolution be adopted, seconded by Councilman Hayes.

Councilwoman Smith moved that the words "goal setting" be substituted for the words "strategic planning" wherever they appear in the preamble of this resolution. The motion was seconded by Councilwoman Garcia Garland and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

The resolution was adopted, as amended, by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

Bids and Contracts – None

ELECTIONS

Board of Electrical Examiners

Councilwoman Garcia Garland moved that Ms. Teresa Lynn Arthur and Mr. F. Wayne Garber be elected by acclamation to serve on the Board of Electrical Examiners for three-year terms of office commencing on March 11, 2010. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent. There were no other candidates.

Highland View Redevelopment Advisory Board

Councilman Hensley moved that Ms. Rosa M. Korpi and Ms. Claudia Lever, the representative of the Oak Ridge Municipal Planning Commission, be elected by acclamation to serve on the Highland View Redevelopment Advisory Board, with Ms. Korpi to serve a three-year term of office commencing on April 1, 2010, and Ms. Lever to serve for three years or until the expiration of her term on the Planning Commission, whichever occurs first. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent. There were no other candidates.

Industrial Development Board

Prior to balloting, the following candidates for the Industrial Development Board presented statements in support of their candidacy: Messrs. Ballard A. Jackson, Jr., Richard G. Chinn, Ben S. Adams, Leslie E. Agron, Mike Mahathy, and Fred Stout.

On first ballot, none of the candidates received the required four votes, the ballots being cast as follows:

<u>Candidate</u>	<u>Vote by Council Member</u>	<u>Total</u>
Ben S. Adams	Hayes	1
Leonard Abbatiello	(No Votes)	0
Leslie E. Agron	Garcia Garland	1
Richard G. Chinn	Hayes/Hensley/Miller	3
Ballard A. Jackson, Jr.	Garcia Garland/Smith	2
Chris Johnson	Hensley/Miller	2
Mike Mahathy	(No Votes)	0
Fred Stout	(No Votes)	0
Glenn Zahn	Smith	1

The Mayor and Councilman Mosby were absent.

On second ballot, none of the remaining candidates received the required four votes, the ballots being cast as follows:

<u>Candidate</u>	<u>Vote by Council Member</u>	<u>Total</u>
Ben S. Adams	Hayes	1
Leslie E. Agron	Garcia Garland	1
Richard G. Chinn	Hayes/Hensley/Miller	3
Ballard A. Jackson, Jr.	Garcia Garland/Smith	2
Chris Johnson	Hensley/Miller/Smith	3
Glenn Zahn	(No Votes)	0

The Mayor and Councilman Mosby were absent.

On third ballot, none of the remaining candidates received the required four votes, the ballots being cast as follows:

<u>Candidate</u>	<u>Vote by Council Member</u>	<u>Total</u>
Ben S. Adams	Hayes	1
Leslie E. Agron	Garcia Garland	1
Richard G. Chinn	Hayes/Hensley/Miller	3
Ballard A. Jackson, Jr.	Garcia Garland/Smith	2
Chris Johnson	Hensley/Miller/Smith	3

The Mayor and Councilman Mosby were absent.

On fourth ballot, Mr. Chris Johnson was elected to serve on the Industrial Development Board for the balance of an unexpired term of office ending on May 1, 2010. The ballots were cast as follows:

<u>Candidate</u>	<u>Vote by Council Member</u>	<u>Total</u>
Ben S. Adams	Hayes	1
Leslie E. Agron	(No Votes)	0
Richard G. Chinn	Hayes/Hensley/Miller	3
Ballard A. Jackson, Jr.	Garcia Garland/Smith	2
Chris Johnson	Garcia Garland/Hensley/Miller/Smith	4

The Mayor and Councilman Mosby were absent.

On fifth ballot, none of the remaining candidates received the required four votes, the ballots being cast as follows:

<u>Candidate</u>	<u>Vote by Council Member</u>	<u>Total</u>
Ben S. Adams	(No Votes)	0
Richard G. Chinn	Hayes/Hensley/Miller	3
Ballard A. Jackson, Jr.	Garcia Garland/Smith	2

The Mayor and Councilman Mosby were absent.

On sixth ballot, Richard G. Chinn was elected to serve on the Industrial Development Board for the balance of an unexpired term of office ending on May 1, 2010. The ballots were cast as follows:

<u>Candidate</u>	<u>Vote by Council Member</u>	<u>Total</u>
Richard G. Chinn	Hayes/Hensley/Miller/Smith	4
Ballard A. Jackson, Jr.	Garcia Garland	1

The Mayor and Councilman Mosby were absent.

Councilwoman Smith moved that Messrs. Chris Johnson and Richard G. Chinn be appointed to continue their service as members of the Industrial Development Board for the full six-year term of office commencing on May 2, 2010. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent.

Board of Plumbing Examiners

Councilwoman Garcia Garland moved that Messrs. Brian T. Hayden and Philip W. Nipper be elected by acclamation to serve on the Board of Plumbing Examiners for three-year terms of office commencing on March 11, 2010. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Smith, and Mayor Pro Tem Miller voting "Aye." The Mayor and Councilman Mosby were absent. There were no other candidates.

Notice of Elections

Mayor Pro Tem Miller announced that two elections are scheduled for the April 12, 2010 City Council meeting to appoint two (2) members to the Highland View Redevelopment Advisory Board and one (1) member to the Industrial Development Board. The deadline for filing is 5:00 p.m. on Tuesday, March 30, 2010.

COMMUNICATIONS – None

CITY MANAGER'S REPORT - None

CITY ATTORNEY'S REPORT

The City Attorney reported that during the month of April delinquent property taxes will be turned over to the County Law Director for collection.

MISCELLANEOUS

Councilman Hensley announced that the meeting of the Council's Budget and Finance Special Committee that was scheduled for tomorrow, March 9, 2010, has been canceled.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.


City Clerk

**CITY CLERK MEMORANDUM
10-16**

DATE: March 25, 2010

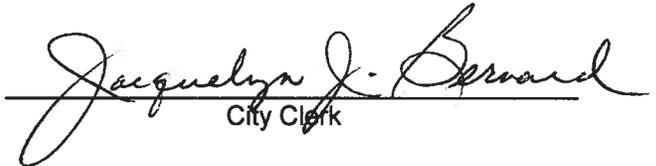
TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PROCLAMATION

Silver Star Banner Day

This proclamation is presented for the Council's consideration at the request of The Silver Star Families of America which is endorsed by the National League of Cities and the U.S. Conference of Mayors.


City Clerk

Attachments

PROCLAMATION

WHEREAS, *Silver Star Banner Day* is an initiative started by The Silver Star Families of America which was founded in 2005 with the goal to recognize the sacrifice of those service members with wounds or illnesses incurred during combat; and

WHEREAS, 49 states, the District of Columbia, the Virgin Islands and 2,598 cities and counties across America have signed proclamations declaring May 1st *Silver Star Banner Day*; and

WHEREAS, recognizing the importance of honoring the military service members who have been wounded or became ill while in the act of duty, the National League of Cities has signed on in support of *Silver Star Banner Day* and encourages support from cities and towns across America; and

WHEREAS, The Silver Star Families of America has designed and manufactured a Silver Star Banner and Flag which they have freely given, along with care packages, to thousands of wounded and ill members of the Armed Forces and their families; and

WHEREAS, the City of Oak Ridge has always honored the men and women in the Armed Forces of the United States of America and is pleased to lend its support to this special recognition of those who have sacrificed so much while serving our great nation both at home and abroad.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that May 1, 2010 be proclaimed

SILVER STAR BANNER DAY

in the City of Oak Ridge, Tennessee, and that all citizens be encouraged to observe this special day for honoring our wounded and ill service members and to join with fellow citizens across the USA in saying the nation's biggest "thank you" for their sacrifices in our behalf.

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 12th day of April in the year 2010.

MAYOR

SPECIAL REPORTS

**MAYOR'S MEMORANDUM
10-06**

DATE: March 29, 2010

TO: Fellow Members of City Council

FROM: Mayor Tom Beehan, Chair
City Manager Search Committee

SUBJECT: COMMITTEE REPORT: RECRUITMENT BROCHURE

The City Manager Search Committee met on Tuesday, March 23, 2010, to review the text of the brochure to be used by The Mercer Group in its search for candidates for the position of City Manager of the City of Oak Ridge. Committee members Jane Miller and David Mosby were present as well as myself, as Chair. Also present were Council members Anne Garcia Garland and Charlie Hensley, the City Attorney, the Personnel Director, and the City Clerk. Councilwoman Smith, who serves as the alternate committee member, was out of town.

The Committee voted unanimously to make text changes in the categories of **EXPERIENCE** and **SKILLS, KNOWLEDGE AND ABILITIES** as follows:

EXPERIENCE

- A minimum of five to seven years of increasingly responsible experience as a city manager, assistant or deputy city manager in a community of comparable size and complexity (or the equivalent public or private sector top leadership management experience).
- Experience in economic development and redevelopment.
- Experience in budgeting and finance.
- Experience in a community that hosts a DOE site, a large corporate employer, university or other large government facility, would be a plus.
- Experience with the funding of a school system would be a plus.

Deleted: F

Deleted: .

Deleted: with one large employer such as a major Federal facility or a university

SKILLS, KNOWLEDGE AND ABILITIES

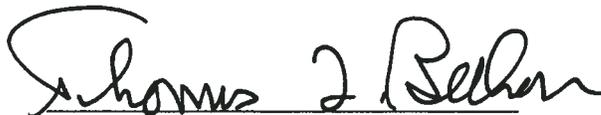
- An individual who is fiscally and ethically responsible.
- A politically astute, forward thinking, innovative leader and visionary individual who can effectively portray the image of the City government to the community.
- A team-oriented individual who works as an effective leader of the City team.

Deleted: member

- An effective and results oriented decision maker and problem solver with strong organizational skills.
- A manager who promotes training and development of City staff so that they may achieve their full potential. Deleted: people person
- A high energy person who is an effective communicator both verbally and in written form.
- An individual with proven negotiating skills.
- An approachable, personable and flexible person who has a strong commitment to customer service.
- A person who respects and promotes diversity in the workplace.
- An individual who can effectively engage the talents and enthusiasms of the city staff, the public, and citizen volunteers, and who will have an open door policy with citizens and staff. Deleted: will be involved in the community and who
- An individual who can effectively negotiate and implement the details of agreements between the City Council and state and federal agencies.
- An individual who is up to date technologically and who appreciates the role that technology can play in improving the processes of City government.
- Someone who is able to take input from the community and act upon the identified issues.
- A person with a sense of humor who is fair-minded, calm and rational.
- A manager with experience with legislative issues at the local, state and national levels is desired. Formatted: Bullets and Numbering
- A manager with experience in Quality Management would be a plus. Formatted: Bullets and Numbering

The remainder of the brochure was left unchanged.

The Committee recommends your approval of the attached brochure text, as amended.


Mayor

Attachment

DRAFT
4-12-10

THE CITY OF OAK RIDGE, TENNESSEE
INVITES YOUR INTEREST IN THE POSITION OF
CITY MANAGER

OAK RIDGE... AN EXCITING OPPORTUNITY

This is an exciting opportunity to live and work in a dynamic city located between the Great Smoky and the Cumberland Mountains. The City of Oak Ridge is seeking a highly qualified individual to become its new City Manager and to replace the current City Manager who has voluntarily taken a similar position with another City. The City Council is seeking an experienced and astute individual to provide leadership and management to the City government and to interact effectively with an enlightened and involved citizenry.

ABOUT THE CANDIDATE

Qualifications for the Oak Ridge City Manager position include:

EDUCATION AND PROFESSIONAL DEVELOPMENT

- Requires a Bachelor's degree in Public Administration or a related field.
- A related Master's degree is highly preferred.
- Evidence of continued professional development as evidenced by participation in professional association activities at the state and national levels and completion of seminars and workshops in the local government management field to stay abreast of changes in the field. An ICMA Credentialed City Manager would be a plus.

EXPERIENCE

- A minimum of five to seven years of increasingly responsible experience as a city manager, assistant or deputy city manager in a community of comparable size and complexity (or the equivalent public or private sector top leadership management experience).
- Experience in economic development and redevelopment.
- Experience in budgeting and finance.
- Experience in a community that hosts a DOE site, a large corporate employer, university or other large government facility would be a plus.
- Experience with the funding of a school system would be a plus.

SKILLS, KNOWLEDGE AND ABILITIES

- An individual who is fiscally and ethically responsible.
- A politically astute, forward thinking, innovative leader and visionary individual who can effectively portray the image of the City.
- A team-oriented individual who works as an effective leader of the City team.
- An effective and results-oriented decision maker and problem solver with strong organizational skills.
- A manager who promotes training and development of City staff so that they may achieve their full potential.
- A high energy person who is an effective communicator both verbally and in written form.
- An individual with proven negotiating skills.
- An approachable, personable and flexible person who has a strong commitment to customer service.
- A person who respects and promotes diversity in the workplace.
- An individual who can effectively engage the talents and enthusiasms of the city staff, the public, and citizen volunteers, and who will have an open door policy with citizens and staff.
- An individual who can effectively negotiate and implement the details of agreements between the City Council and state and federal agencies.
- An individual who is up to date technologically and who appreciates the role that technology can play in improving the processes of City government.
- Someone who is able to take input from the community and act upon the identified issues.
- A person with a sense of humor who is fair-minded, calm and rational.
- A manager with experience with legislative issues at the local, state and national levels is desired.
- A manager with experience in Quality Management would be a plus.

Other attributes of the successful candidate for City Manager sought by the City Council include someone who keeps the Council informed about key issues, someone who is patient with process, someone who can tactfully say “no” when required, an open-minded, enthusiastic and energetic individual, someone who is able to establish effective relationships with a broad range of groups and individuals, someone with a “walking around sense,” and an effective manager of people. Still further characteristics of the new City Manager include business management skills, a track record of successful decision making, a calculated risk taker, someone who can focus on the present with a view toward the future, someone who listens and takes ownership of issues, wants to be a partner and makes a commitment to serve the citizens of Oak Ridge.

ABOUT THE POSITION

The City Manager of the City of Oak Ridge is a professional individual who is selected by and reports to the City Council. The Council selects the City Manager on the basis of his or her training, experience, and other administrative qualifications for the office and without regard to political or religious preference or place of residence at the time of the appointment.

Duties and Responsibilities:

The City Manager shall be responsible to the City Council for:

- Administration of all units of the City government under his/her jurisdiction and for carrying out policies adopted by the City Council.
- Preservation of the public peace and health, the safety of persons and properties, and the enforcement of laws, ordinances and franchises, and the development and utilization of the City’s resources.
- Appointment and removal of City employees, and administration of the merit system. He/she shall, with the advice of the Personnel Advisory Board, develop, maintain, and apply suitable provisions for the classification of positions and for the recruitment, appointment, compensation, training, promotion and disciplinary and related aspects of personnel management.
- Administration of the financial affairs of the City, including the preparation and presentation of the City budget.
- Presentation of reports and recommendations as he/she may deem desirable.
- Performance of other duties as may be prescribed by the City Charter or required of him/her by ordinance or resolution of the City Council.

The City Manager has the right to take part in the discussion of all matters coming before the City Council, but not the right to vote.

Residence in Oak Ridge will be required of the successful candidate within a reasonable period of time following appointment.

ABOUT OAK RIDGE

This is an excellent opportunity to live and work in a unique community that is rich with technology, highly skilled workers, and comfortable lifestyles.

The City of Oak Ridge, Tennessee, lies in the eastern portion of the Tennessee River Valley nestled between the Great Smoky and Cumberland Mountains. The City is located just 25 miles north of Knoxville, home to the University of Tennessee. With a population of approximately 27,500 in an area covering 92 square miles, Oak Ridge offers a high quality of life, cultural diversity, community commitment to education, natural beauty and recreational opportunities. This is a progressive, sophisticated city with an exceptional commitment to excellence.

Oak Ridge was created by the Federal Government as a secret community during World War II as a part of the Manhattan Project which developed the country's first atomic weapon. It has grown and evolved from the mid 1940's into a modern stand alone community with considerable interaction with the U.S. Department of Energy (DOE) and its contractors. Oak Ridge is at the heart of a technology corridor pioneering developments in energy and environmental research, precision manufacturing, technology transfer, and several science and technical fields. The Oak Ridge/Knoxville area is the site of more than 1,000 technology-based companies that employ 45,000 technical professionals. The area is home to more than 3,500 PhD's, and the University of Tennessee in Knoxville enrolls 27,000 students, many of whom are enrolled in the University's highly rated engineering, logistics, and business programs.

A key to this dynamic technology corridor is the partnership between the Oak Ridge National Laboratory (ORNL), the University of Tennessee-Knoxville (UT), the Y-12 National Security Complex (Y-12), and the Tennessee Valley Authority (TVA). The research and development from this collaboration puts the technology corridor at the worldwide forefront in nuclear physics, environmental technology, advance materials science, information technology, biomedical technology, transportation research, nanoscience, etc.

ORNL, currently operated for DOE by UT-Battelle, is one of nine major national labs operated nationally by DOE. ORNL conducts basic and applied research and development to improve the nation's energy sources, environmental quality, and scientific knowledge, while contributing to educational foundations and industrial competitiveness. The Y-12 National Security Complex, currently operated by B&W Y-12, is one of the premier manufacturing facilities within the national nuclear security

complex. The local Oak Ridge economy is strongly linked to the DOE, which occupies about 33,000 acres within the City's limits in 1,000 buildings and employs about 13,000 persons.

No matter the age or ambition of the student, educational opportunities in and around Oak Ridge are highly regarded. The Oak Ridge School System is highly recognized for its educational programs and its students and teachers yearly receive numerous honors. The school system was named one of the top 100 school systems in the United States, second in the South, by the Wall Street Journal's *Offspring* magazine. Since 2003, *Newsweek* magazine has ranked Oak Ridge High School as one of the top high schools in the nation based on number of graduating seniors taking Advanced Placement courses. Since 1998, *Expansion Management* magazine's 2000 Education Quotient, which examines school districts across the nation, lists the Oak Ridge School System as the only Tennessee School system receiving the Gold Medal designation every year as one of the nation's top performing school systems.

The school system's 4,800 students are enrolled in one high school (grades 9–12), two middle schools (grades 5–8), and four elementary schools (K–4). Oak Ridge High School (ORHS) is a comprehensive public high school with an enrollment of approximately 1,500 students. Approximately 90% of seniors indicate that they plan to continue their education at the post-secondary level. The total certified staff at ORHS numbers 118, with 80% holding advanced degrees.

Colleges and universities in the Oak Ridge area include Roane State Community College, with a campus in Oak Ridge, Pellissippi State Technical Community College, Knoxville College, and the University of Tennessee-Knoxville.

Highways bring more than 70 percent of the U.S. Marketplace within a day's drive of Oak Ridge. The City is served by Interstates 40, 75, and 81, and four state highways. The City receives scheduled air service from several major airlines through Knoxville's McGhee Tyson Airport, less than 30 miles away.

Housing costs in Oak Ridge generally range from \$50,000 to \$500,000. Well-built houses from World War II that have been remodeled and renovated for modern conveniences dot the hillsides of Oak Ridge. New housing developments are steadily being built in the area, many of which include units with sustainable energy designs such as Energy Star or LEED certified housing. For golf enthusiasts, there are excellent homes located in Oak Ridge's golf-course communities. There are also condominiums, rentals, and assisted living facilities available.

Beginning in March 2009, Oak Ridge became the first city in the Southern United States to implement an innovative recycling program called RecycleBank. Under this program, residents can recycle mixed paper, mail, magazines, phone books, cardboard, plastics, glass, metal/aluminum cans, and newspaper in a single recycling cart that can be rolled to the curb and emptied weekly by the City's refuse contractor. RecycleBank is a rewards program that encourages residents to recycle by awarding points based on the volume of

recyclable materials produced by their households. The points are deposited directly into the household's personal account which can be tracked online and redeemed at dozens of local and national businesses. This program has dramatically increased curbside recycling by Oak Ridge residents.

Oak Ridge residents enjoy a moderate climate with four distinct seasons. Long periods of extreme heat or cold are rare. Throughout the City, parks and recreational opportunities abound, contributing to the quality of life. For sports enthusiasts, indoor and outdoor activities include golf, tennis, soccer, racquetball, rowing on an internationally renowned course, and swimming in one of the largest outdoor pools in the Southeast.

With 16 parks and 1,282 acres of parkland, Oak Ridge has 46 acres per 1,000 people, well above the national standard of 10 acres and an average of 17 acres from benchmark cities surveyed recently. The city has 1,336 acres of greenbelt, areas left in their natural state, different from greenways where trails are developed. Greenways range from simple dirt walking trails, where hiking, birding, and viewing wildflowers are attractions, to paved pathways like the one on Melton Lake Drive. Most follow scenic routes that are natural corridors, preserved for outdoor recreational use. Oak Ridge has 10 greenways with 30 miles of trails.

The Great Smoky Mountains National Park is less than an hour away, with hundreds of miles of hiking trails. Rivers nearby offer opportunities for rafting, fishing, swimming, and boating.

Oak Ridge has a diverse collection of cultural activities, including a symphony orchestra, civic ballet, an art center, and a community playhouse.

The Methodist Medical Center of Oak Ridge is a 301-bed regional medical center serving an area that includes nearly 200,000 people in Tennessee and Kentucky. Doctors trained in more than 30 specialties ranging from open heart and neurosurgery to orthopedics and vascular care provide care. The staff of the Methodist Medical Center represents one of the highest percentages of board-certified physicians in the region. Overall service measures related to physician and nursing care, pain control and cleanliness all rank better than both state and national ratings through U.S. Department of Health and Human Services Hospital Compare website.

ABOUT THE OAK RIDGE CITY GOVERNMENT

Incorporated in 1959, the City of Oak Ridge operates under a modified City Manager-Council form of government with a Home Rule Charter. Seven at-large City Council members are elected for four-year staggered terms. The City Council elects a Mayor and Mayor Pro-Tem from among its members to serve for two-year terms. The current City Council works together as a team in a highly effective manner.

The City Council appoints a chief administrative officer who is the City Manager and who serves at the pleasure of the Council. The previous City Manager left on good terms to accept a position in another city.

Oak Ridge is a right-to-work, full-service City that employs a total of 388 regular staff members with an additional 76 temporary and seasonal employees. The City operates its own electric utility. City Department Heads and many City staff members have significant tenure and are highly skilled professionals in their respective positions.

The FY 2010 budget totals \$179,316,041 of which \$127,739,861 is under the direct control of the City. The balance of \$51,576,180 is appropriated for the Oak Ridge School System which makes up only a percentage of the total School System budget. The City Council has bottom-line approval of the school budget, with the City providing significant operating funds through an operating transfer from the City's general fund. The general fund total budget is \$39,849,917 which includes municipal expenditures and operating transfers. The transfers include \$13,980,802 in operational funding for the Oak Ridge School System. Projected expenses are \$76,551,626 in the Enterprise Funds (Electric, Waterworks, Emergency Communications District, and Golf Course Funds). Oak Ridge has an Aa3 Moody's bond rating and an AA Standard and Poors bond rating.

There is a Charter Review Commission currently undertaking a review of the City Charter. It is uncertain what may come of that review, but a change in the Council-Manager form of government is highly unlikely.

Current goals of the City Council include:

- A more informed citizenry.
- Getting Oak Ridge's message (technical know-how, quality of life, etc.) into the minds of location decision-makers, prospective residents, local residents, and other key audiences.
- Becoming more resourceful in obtaining funding to meet the City's needs.
- Reduced costs/Increased efficiency.
- Making the city's older housing stock attractive to new residents.
- Increasing all housing choices and sales.
- Reducing crime in the City of Oak Ridge.
- Having a working legislative agenda for Federal and State levels.
- Increasing public awareness of recreational opportunities.

- Configuring/Reconfiguring the City's physical infrastructure to provide a safe and accessible pedestrian and bicycle connectivity through all neighborhoods and to and between all schools, retail centers, key City facilities, parks, playgrounds, major workplaces, Haw Ridge, and similar nodes.
- Exploring options for enhanced customer service delivery.
- Improving Council and Staff attitudes toward our customers/reducing anxiety both ways.
- Providing opportunity for citizens to become life-long learners.
- Enhancing communication with educational organizations.

Significant issues currently facing the City of Oak Ridge include:

- Maintenance of a competitive property tax rate while continuing to provide the superior level of services currently enjoyed by the citizens of Oak Ridge.
- Redevelopment of the center city, including the shopping facilities and pockets of substandard housing.
- Partnering with DOE in the modernization and reindustrialization of DOE facilities.
- Development of affordable housing.
- Replacement of aging infrastructure, much of which was built in the 1940's for a temporary city.

COMPENSATION

The starting salary for the new City Manager of Oak Ridge will be market competitive, depending upon the experience and qualifications of the selected candidate. The successful candidate will also receive an automobile allowance and a competitive fringe benefit program. Reasonable relocation expenses will also be provided to the successful candidate.

HOW TO APPLY

For additional information on this outstanding opportunity, please contact James L. Mercer, President, The Mercer Group, Inc. at 770-551-0403; jmercerc@mercergroupinc.com.

Resumes should be sent by close of business _____, 2010 to:

James L. Mercer, President
The Mercer Group, Inc.
5579B Chamblee Dunwoody Road, #511
Atlanta, GA 30338
Voice: 770-551-0403
Fax: 770-399-9749
E-Mail: jmerc@mercergroupinc.com
Website: www.mercergroupinc.com

In accordance with the Tennessee Open Records law, all application materials are subject to public disclosure. Please contact Mr. Mercer if you have questions about this law and its requirements.

The City of Oak Ridge is an Equal Opportunity Employer. The City of Oak Ridge does not discriminate on the basis of race, color, religion, creed, sex, age, marital status, national origin, political ideas or disability in employment or the provision of services.

ORDINANCES
FIRST READING

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
10-17**

DATE: March 26, 2010

TO: Gary Cinder, Interim City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

SUBJECT: **Rezoning from UB-2 to B-2 PUD and PUD Preliminary Master Plan, for Parcel 59.00, Anderson County Tax Map 940, Group B**

An item for the City Council agenda is a request to rezone Parcel 59.00 Anderson County Tax Map 940, Group B from UB-2, Unified General Business to B-2, General Business with a Planned Unit Development (PUD) overlay. The proposed zone district is in compliance with the Land Use Plan. The property proposed for rezoning has an area of approximately 2.18 acres and is located on the Oak Ridge Turnpike, between 600 and 608 Oak Ridge Turnpike. The Planning Commission recommended approval of the requested rezoning and PUD Preliminary Master Plan by a vote of 9-0 at their regular meeting on March 25, 2010.

The applicant is requesting rezoning to allow an automobile dealership. The request for approval of a PUD overlay is made in order to address compatibility issues with the residential uses located adjacent on the north property line. The Planning Commission approved two variances as part of their recommendation. The first variance is to allow a commercial PUD with an area less than the five acre minimum specified by the Zoning Ordinance. The Planning Commission approved the variance to allow a commercial PUD with an area less than five acres in order to memorialize requirements placed upon the property to improve compatibility with neighboring residential property.

The second variance request approved by the Planning Commission is to allow an eight-foot high wood board privacy fence, which exceeds the six-foot high maximum specified in the Zoning Ordinance. The Planning Commission approved the variance to provide increased screening between commercial and residential uses. The eight-foot fence height matches the fence height located along the rear property line of Sonic, the abutting property on the west.

If the rezoning and PUD Master Plan is approved the next step would be submittal of a site plan for review and approval by staff. The PUD overlay will provide a specific development plan for the site that addresses landscaping, building setback and height, lighting, noise, and restriction of uses.

This rezoning request was presented to the Planning Commission at their regular meeting on February 25, without the PUD overlay. Citizens attending the meeting stated they opposed the rezoning because of potential negative impacts including:

- Noise
- Excess lighting
- Reduced setback requirement and increased allowable maximum height compared to the existing UB-2 zone.
- Uses allowed in B-2 district that are not allowed in UB-2.
- Omission of trees in landscape buffer due to location of utility easement.

The Planning Commission postponed action on the rezoning request until March 11th in order to allow the applicant time to consider amending his request to B-2 PUD in order to address the concerns heard by the Planning Commission. The applicant chose to amend the rezoning by adding the PUD, but requested to be on the March 25th Planning Commission agenda instead of March 11th.

The PUD Master Plan submitted by the applicant addresses issues raised at the February 25th meeting by adding the following requirements and restrictions:

- **Noise** - the use of a public address system, loudspeakers, or outdoor music is prohibited.
- **Excess Lighting** – The PUD plan specifies site lighting focused downward with no light passing off site – dark sky lighting
- **Setback and Height** – The PUD requires a 30-foot rear setback. The maximum allowable height is 35-feet as required by the PUD ordinance.
- **Uses** – The PUD prohibits transient circuses, carnivals, or exhibitions, adult entertainment establishment, escort services, massage establishments and veterinary clinic and small animal hospital. This list of prohibited uses makes the uses permitted in the B-2 PUD the same as the permitted uses in the UB-2 zoning district except for open air businesses such as car sales.
- **Omission of trees in landscaped buffer** – The PUD specifies a 30-foot wide landscape buffer along the rear property line. The 30-foot width allows enough room for the planting of trees outside the utility easement. Evergreen plant varieties will be planted in the buffer to provide year round screening.

These requirements and restrictions of the PUD result in little difference between development that can occur with the current zoning and the proposed zoning. Rezoning to B-2 PUD will allow open air businesses as a permitted use but with restrictions on noise and lighting. In some aspects the application of the PUD provides more restrictions than would apply with the current UB-2 zone due to the noise and light restrictions and the enhanced landscape buffer.

Property owners within 200 feet of the property to be rezoned were notified in writing of the February 25th Planning Commission meeting and the March 25th Planning Commission meeting. However a mistake was made and the notification of the Planning Commission workshop meeting on March 18th was left out of the March notification letter. When the omission was realized staff attempted to make telephone calls to the affected property owners shortly before the workshop meeting. After the workshop meeting, another letter providing notification of the March 25th meeting was sent out. This mailing informed the recipients of the mistake and provided a copy of the proposed PUD plan for their review, and a summary of how the PUD proposal responded to issues raised at the February 25th meeting. Workshops are occasionally scheduled to allow the Planning Commissioners to have a preliminary review of upcoming agenda items and no official actions are taken during workshop meetings. Based upon a review of the restrictions imposed by the PUD there was a preliminary recommendation made for approval. The copy of the proposed PUD plan was sent in the mailing after the workshop to allow nearby property owners to see what was being proposed, to allow them to contact the Community Development Department with any questions they might have before the regular Planning Commission meeting on March 25th, and for them to be informed on what was to be considered so they could voice their opinions on the proposal at the regular meeting. Five people spoke in opposition to the rezoning at the March 25th meeting. There were objections to allowing open air business use, there was an anticipation that the proposed restrictions would not be sufficient to mitigate negative impacts caused by noise, lighting and appearance, particularly because of the topography rising upward north of the subject property.

Planning Commission and staff are recommending approval of the requested rezoning from UB-2 to B-2 PUD and the PUD Preliminary Master Plan. The proposed rezoning is in compliance with the Land Use

Plan. The subject property currently has a commercial zoning designation and with the PUD overlay the rezoning results in little change between what can be developed before and after the rezoning. The primary change is allowing open air business, but with restrictions that would not ordinarily apply within the B-2 or UB-2 district without the PUD overlay.

Kahla Gentry

City Manager's Comments:

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

Gary Cinder 3/31/10
Gary Cinder, Interim City Manager Date

Staff Review of Rezoning Request

Location & Approximate Area: Anderson County Tax Map 94O, Group B, Parcel 59.00, located on the Oak Ridge Turnpike between Sonic and Dollar General. Approximately 2.18 acres in area.

Date: February 11, 2010

Owner: Thomas Vicary and Glen Vicary
P.O. Box 729
Harriman, TN 37748

Revised March 26, 2010

Request Rezoning

From: UB-2, Unified General Business

To: B-2, General Business Planned Unit Development

Purpose: To broaden the use of the property to include an automobile dealership.

Site Characteristics: Site is fairly level with a drainage ditch running through. There has been recent clearing with a few scattered trees remaining.

Existing Land Use: Vacant

Adjacent Land Uses & Zoning:

North: R-1-C, One-Family Residential in the Manhattan District Overlay.
Single-family detached houses on Tucker Road.

East: UB-2, Unified General Business. Dollar General store.

South: UB-2, Unified General Business, Nuc-Safe offices & City of Oak Ridge Fire Station

West: UB-2, Unified General Business, Sonic drive-in restaurant

Previous Rezoning Requests:

1960: Request to rezone from Greenbelt to B-2 denied

Request to rezone from Greenbelt to O, Office denied

1970: Planning Commission recommended denial of request to rezone from G, Greenbelt to B-2 or B-3 Business. Application withdrawn before Council hearing.

1978: City initiated rezoning from G to RG-1 effective 1/26/78.

Planning Commission recommended denial of request to rezone from RG-1 to UB-2. Application withdrawn before Council hearing.

1979: Planning Commission recommended approval of rezoning from RG-1 and R-1-C to B-1, Neighborhood Business. Applicant then asked to change request to O, Office because of severe opposition to B-1 from the neighborhood. Planning Commission motion to recommend denial of O, Office failed with 5-5 vote. Planning Commission motion to recommend approval of O, Office zoning failed with 4 yes and 6 no votes. City Council approved O, Office zoning.

1986: Planning Commission recommended approval of rezoning from O-2, Office to UB-2. Council approved rezoning to UB-2.

2. **Conformity with 1988 Comprehensive Plan:** The Land Use Plan designates this area as B, General Business. The requested B-2 zoning is in conformance with the Land Use Plan.

Applicable Policies:

Policy E-6: The City will support the growth and diversification of retail and service establishments to better serve resident consumers and broaden the city's regional shopping center function

Policy L-7: To the extent possible, commercial development which is located along Oak Ridge's Arterial Streets will be in unified centers with shared access to those roadways.

Policy L-9: The City will also allow community-scale retail development on appropriately zoned sites having good traffic access and proper buffering from residential areas.

3. **Applicable Regulations:**

Current UB-2 Zoning	Proposed B-2 PUD Zoning
Front Setback – 30 feet	Front Setback – 20 feet
Side Setback – none specified when adjacent to property zoned UB-2	Side Setback – 0
Rear Setback – 30 feet	Rear Setback – 30
Max. Usable Floor Area to Lot Area – 80%	100% (PUD designates approximately 10,000 sq. ft. or 10%)
Max. Height – 35 feet	Maximum height 35 feet

Minimum Area for Commercial PUD: 5 acres. A variance is required.

Outdoor sales allowed if specified in approved Master Plan.

Analysis:

The following criteria were used to evaluate the rezoning request.

- 1) **Is the proposed zoning district consistent with the City's Comprehensive Plan?**
The B-2, General Business district is consistent with the City's Land Use Plan. Comprehensive Plan policies support the growth of business with proper buffering from residential areas. The proposed PUD provides specific enforceable provisions to reduce potential conflicts between residential and commercial uses, meeting the intent of the Comprehensive Plan and PUD requirements.
- 2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**
No, there have not been substantial changes in the character of development in or near the area under consideration for rezoning. The adjacent Dollar General store was recently built in compliance with the zoning that has been in effect since 1986.
- 3) **Is the character of the area suitable for the uses permitted in the proposed zoning**

district and is the proposed zoning district compatible with surrounding zoning and uses? The property is within a commercial area with frontage on the Oak Ridge Turnpike and is already zoned commercial. The commercial PUD has the same height restriction and setback requirement from residentially zoned property as presently required in the UB-2 district. The proposed PUD will limit the uses to the same uses as allowed under the current UB-2 zoning with the exception of open air business uses.

Landscape buffering is required between commercial and residential uses as part of the City's site plan requirements and commercial PUD requirements. "Along all portions of a district boundary where a commercial PUD adjoins residentially zoned land not included within the PUD district, all buildings (measured from the site boundary to the nearest building line) shall be a minimum of 30 feet. There shall be provided within the commercial PUD continuous screening along the extent of the boundary with residential districts. Such screening shall be of wood, brick or decorative block with landscaping to soften the effect, or it shall be of such plant materials as will provide a year-round evergreen screening. Screening shall be not less than six feet in height, shall be provided from the grade of the property upward, and shall be permanently maintained." Article XIII of the Zoning Ordinance requires "Buffer D" between B-2 and R-1 uses. Within a 30-foot wide buffer the following plants are required per 100 linear feet: 3 canopy trees, 6 understory trees and 9 shrubs. In areas where trees cannot be planted due to utility lines, an alternative must be provided such as a berm, fencing, and/ or additional shrubs. The proposed PUD shows a 30-foot wide landscaped area along the boundary with residentially zoned properties. Trees may not be planted within the 20-foot wide sanitary sewer easement. The PUD plan shows trees outside the utility easement, an eight-foot high fence and landscaped berm. The Planning Commission must approve allowing an eight-foot high fence. The Zoning Ordinance limits fence height to 6-feet. Plants should be of an evergreen variety and planted with sufficient density to provide a solid screen.

The potential for commercial uses to cause a nuisance to nearby residential development due to lighting and noise is a concern. The proposed commercial PUD prohibits the use of an exterior PA system or music. Low level lighting directed downward to prevent lighting passing off site is specified in the proposed PUD.

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

The rezoning will result in one parcel having different zoning than the adjacent parcels but it is similar to the existing zoning on each side and across the Turnpike. The B-2 and UB-2 zoning districts allow similar commercial uses. Seventeen of the twenty-two listed permitted uses in the B-2 district are also allowed in the UB-2 district. Uses allowed in the B-2 district but not the UB-2 are as follows: open air business use, adult entertainment establishment (not allowed at this location), escort service & massage establishment as defined and subject to the regulations in the City Code of Ordinances and veterinary clinic with no outside pens or runs. The proposed PUD prohibits transient circuses, carnivals or exhibitions, adult entertainment, escort service & massage establishment, and veterinary clinic.

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

Public utilities and road capacity are adequate.

6) Would the requested rezoning have environmental impacts?

Development under UB-2 or B-2 zoning will have the same environmental impacts. Drainage has been an on-going concern in this area. Required erosion control measures must be in place during development and the site plan design must provide for storm water control in compliance with the City's Erosion Control and Storm Water Management Ordinance.

Neighborhood Position: Several nearby residents spoke against the rezoning without the PUD overlay at the February Planning Commission meeting. Five people spoke at the March Planning Commission in opposition to the rezoning with the PUD. There was continued concern with potential negative impacts from allowing outdoor sales activities.

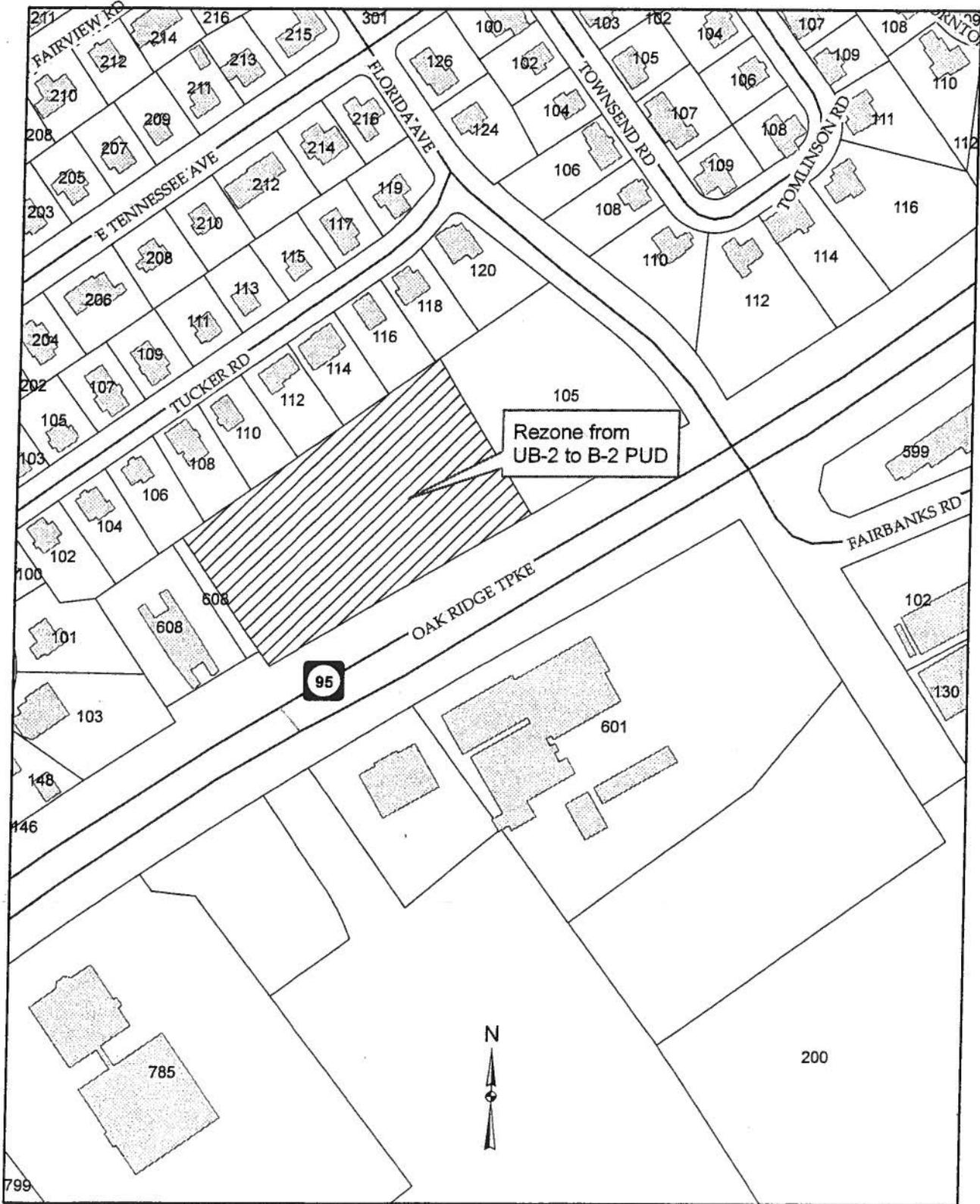
Notification of Property Owners Within 200': February 12, 2010 and March 15, 2010 and March 19, 2010

Rezoning signs posted: February 11, 2010

Conclusion and Planning Staff Recommendation: The requested B-2 PUD zoning is in compliance with the City's Land Use Plan. Utilization of the PUD eliminates most of the differences between the current zoning and the proposed zoning and it provides additional requirements for future development that lessen potential impacts from noise and lighting. By requiring a 30-foot setback from residential property (Zoning Ordinance requires a 30-foot setback between a commercial PUD and residentially zoned land) adequate space is provided for a landscaped buffer. The PUD plan supplements the landscaped buffer with fencing and an intermittent berm. Another earlier concern with the B-2 zoning was the lack of a height restriction. A Zoning Ordinance requirement is that buildings within a commercial PUD located within 200 feet of a R-1 district cannot exceed 35 feet in height. The PUD eliminates the uses allowed in the B-2 district but not the UB-2 district except for open air businesses. In summary, the PUD addresses differences between the UB-2 and B-2 zones regarding setbacks, height, and uses and adds additional conditions of development that lessen the impact on nearby residential properties. Staff recommends approval of the proposed B-2 PUD.

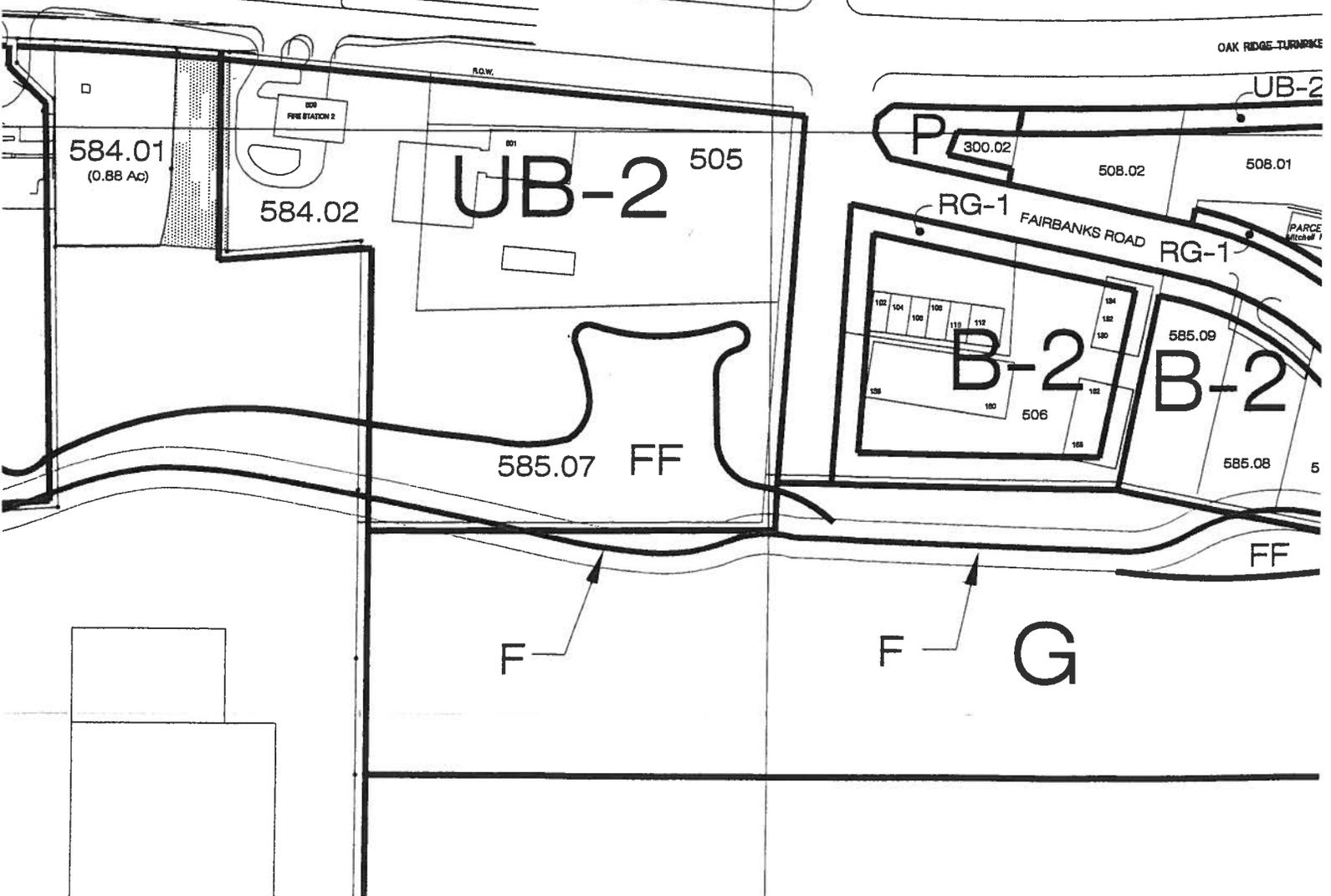
Planning Commission Recommendation: Recommended approval by a vote of 9-0.

Parcel 59.00, Map 94O, Group B Location of Property for Requested Rezoning



1 inch equals 200 feet

February 10, 2010



TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 059.00, ANDERSON COUNTY TAX MAP 940, GROUP B, FROM UB-2, UNIFIED GENERAL BUSINESS TO B-2, GENERAL BUSINESS WITH A PLANNED UNIT DEVELOPMENT (PUD) 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:

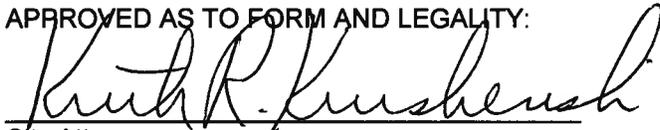
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 059.00, Map 940, Group B (± 2.18 Acres)	Oak Ridge Turnpike (between 600 Oak Ridge Turnpike and 608 Oak Turnpike)	UB-2, Unified General Business	B-2, General Business with a Planned Unit Development (PUD) Overlay

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

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

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

Public Hearing: 4/12/10
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
10-18

DATE: March 29, 2010

TO: Gary Cinder, Interim City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

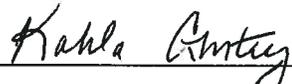
FROM: Kahla Gentry, Senior Planner

SUBJECT: **REZONING AND LAND USE PLAN AMENDMENT; PARCELS 40 & 43, ANDERSON COUNTY TAX MAP 100A, GROUP A ON WEST MADISON LANE**

An item for the City Council agenda is a request to rezone Parcels 40 and 43, Anderson County Tax Map 100A, Group A, from O-1, Office to R-3, Medium Residential. The application is submitted by Tom and Pat White and Len Hart to allow the development of an assisted living facility with independent living villas. The subject property is the former site of the First Christian Church. Due to a fire the site is now vacant and the Church has rebuilt at a new location. In 2007 the current owners purchased the property from the church and rezoned the property from R-3 to O-1, in anticipation of utilizing the property for medical offices. The medical office development did not occur and a new buyer intends to develop housing designed for the needs of elderly residents. The property proposed for rezoning has an area of approximately 4.27 acres and is located on West Madison Lane on the west side of Michigan Avenue. At their regular meeting on March 25, 2010, the Oak Ridge Municipal Planning Commission voted 9-0 to recommend approval of the requested rezoning and the associated Land Use Plan amendment from O, Office to R, Residential.

The zoning and land uses of the adjacent properties are as follows. On the north side of the property considered for rezoning are single-family homes zoned R-1-C, One-Family Residential. The subject property is bounded on the east by property zoned R-3, Medium Residential, being used as the Jewish Congregation site. Across Michigan Avenue, uses in the area zoned R-3 include an apartment complex and single-family residences. Located south of the subject property are parking lots used by the hospital and offices zoned R-3 and B-1, Neighborhood Business. Property adjacent to the west is zoned R-3 and uses include an office and a single-family residence owned by the applicant.

Rezoning back to R-3 fits the zoning pattern of the area. The surrounding zoning on three sides of the subject property is R-3. The area is one of transitional uses between the hospital to the south and the single-family neighborhood to the north. The R-3 zoning district is appropriate for such a transitional area. Staff recommends approval of the rezoning and Land Use Plan amendment.



City Manager's Comments:

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



Gary Cinder, Interim City Manager

3/31/10

Date

Staff Review of Rezoning Request

Location & Approximate Area: Anderson County Tax Map 100A, Group A, Parcels 40 and 43, located on West Madison Lane on the west side of Michigan Avenue. Approximately 4.27 acres in area.

Date: March 16, 2010

Owner: Tom and Pat White, 129 Westview Ln.
Oak Ridge, TN
Len Hart, 104 Westview Ln.
Oak Ridge, TN

Request Rezoning

From: O-1, Office

To: R-3, Medium Residential

Purpose: To develop an assisted living facility with independent living villas

Site Characteristics: Mix of grass, shrubs and trees.

Existing Land Use: Cleared site of former First Christian Church

Adjacent Land Uses & Zoning:

North: R-1-C, One-Family Residential, Manhattan District Overlay, single-family residential use.

East: R-3, Medium Residential, uses include Jewish Congregation, apartments and single-family residences

South: R-3, Medium Residential, parking area for hospital and offices.

West: R-3, Medium Residential and B-1, Neighborhood Business, uses include office and single-family residential.

Previous Rezoning Requests: December 2007 – Rezoned from R-3 to O-1

2. Conformity with 1988 Comprehensive Plan: The Land Use Plan designates this area as O, Office. If rezoned a minor amendment to the Land Use Plan map is required to change the designation from O, Office to R, Residential.

Applicable Policies:

Policy P-7: The City will promote the availability of housing alternatives for elderly and “empty nester” homeowners and others who may desire them.

3. Applicable Regulations:

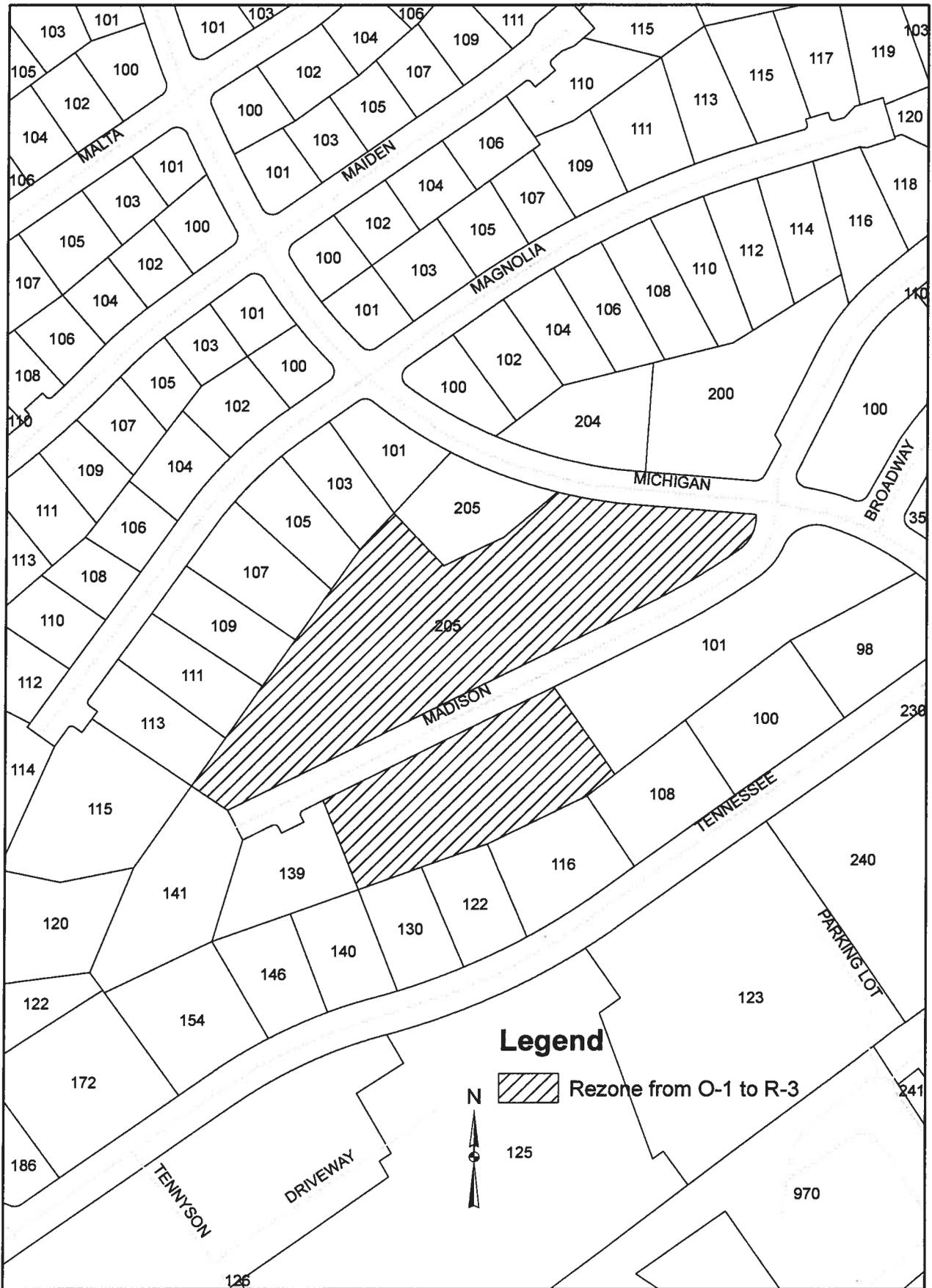
Setbacks: R-3, Medium Residential setbacks are as follows: Front – 25 feet; Side – 10 feet for less than 3 stories, plus 10 feet for each additional story; Rear – 30 feet
Maximum Usable Floor Area to Lot Area Ratio: 30% for permitted uses; 60% for special exceptions.

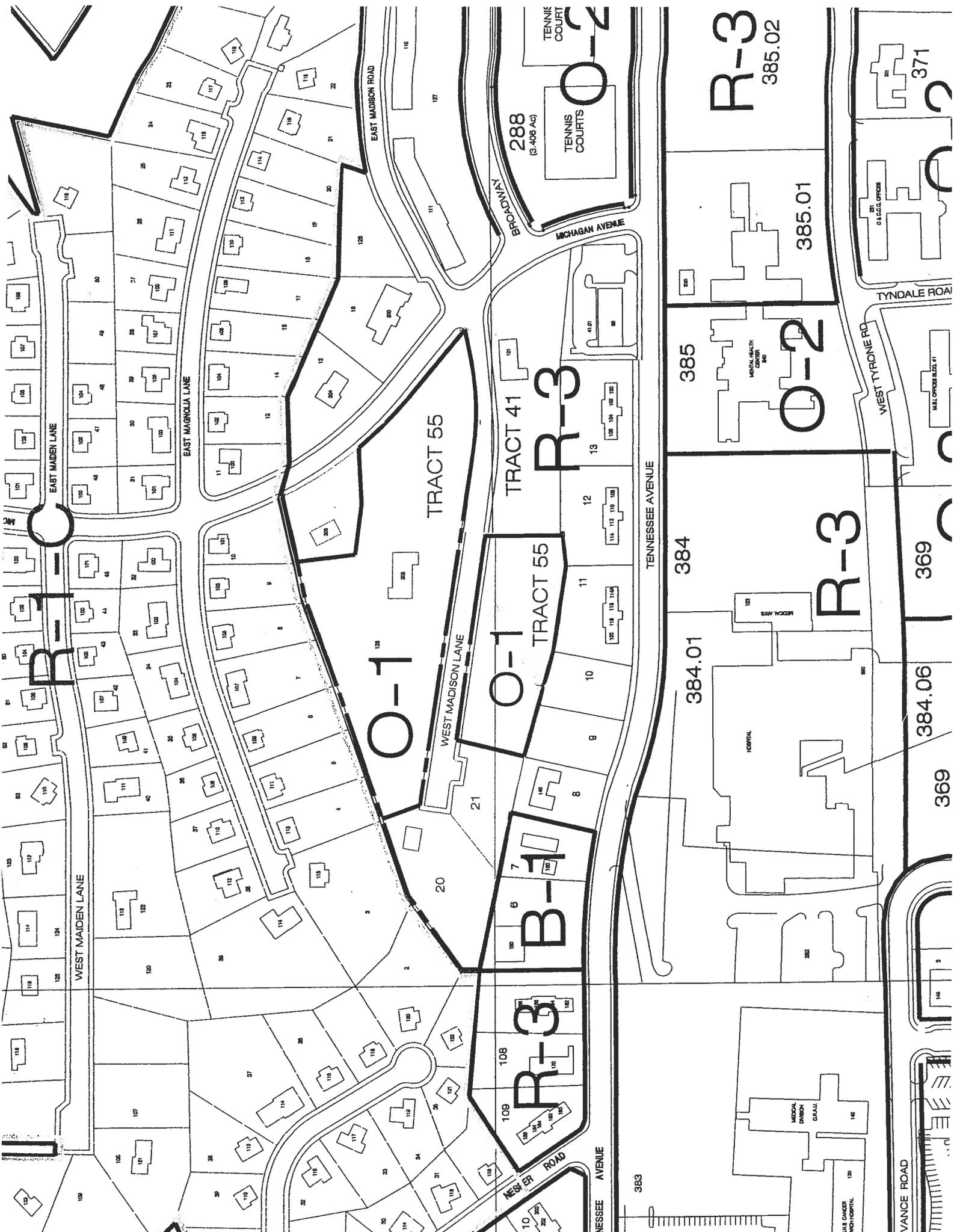
Maximum Height: 55 feet

4. **Impacts of Rezoning:** Rezoning from O-1 to R-3 reduces the maximum usable floor area to lot area ratio from 60% to 30%, unless a special exception is approved by the Board of Zoning Appeals. Maximum allowable height goes up from 36 feet to 55 feet. Offices are allowed in both districts, but the R-3 district has a greater variety of permitted uses.
5. **Neighborhood Position:** No comments received as of 3/18/10.
6. **Notification of Property Owners Within 200':** March 12, 2010
7. **Rezoning Sign Posted:** March 12, 2010
8. **Public Services/Utilities:** Services and utilities are readily available.
9. **Conclusion and Planning Staff Recommendation:** Staff recommends approval of rezoning the subject property from O-1 to R-3 and approval of the related Land Use Plan amendment from O, Office to R, Residential. The property was rezoned from R-3 to O-1 in 2007, but the anticipated development did not occur. Rezoning back to R-3 fits the zoning pattern of the area. The surrounding zoning on three sides of the subject property is R-3. The area is one of transitional uses between the hospital to the south and the single-family neighborhood to the north. The R-3 zoning district is appropriate for such a transitional area.

Planning Commission Recommendation: March 25, 2010

Madison Lane Rezoning Location Map





EAST MAIDEN LANE

EAST MAGNOLIA LANE

WEST MAIDEN LANE

O-1

TRACT 55

WEST MADISON LANE

O-1

TRACT 55

TRACT 41

R-3

288
(3.408 AC)
TENNIS COURTS
O-2

108

R-3

B-1

TRACT 55

R-3

NESSIE AVENUE

383

TENNESSEE AVENUE

384

384.01

385

O-2
MENTAL HEALTH CENTER BLDG

385.01

R-3
385.02

MEDICAL DIVISION BLDG

HOSPITAL

R-3

WEST TYRONE RD

TYNDALE ROAD

VANCE ROAD

384.06

369

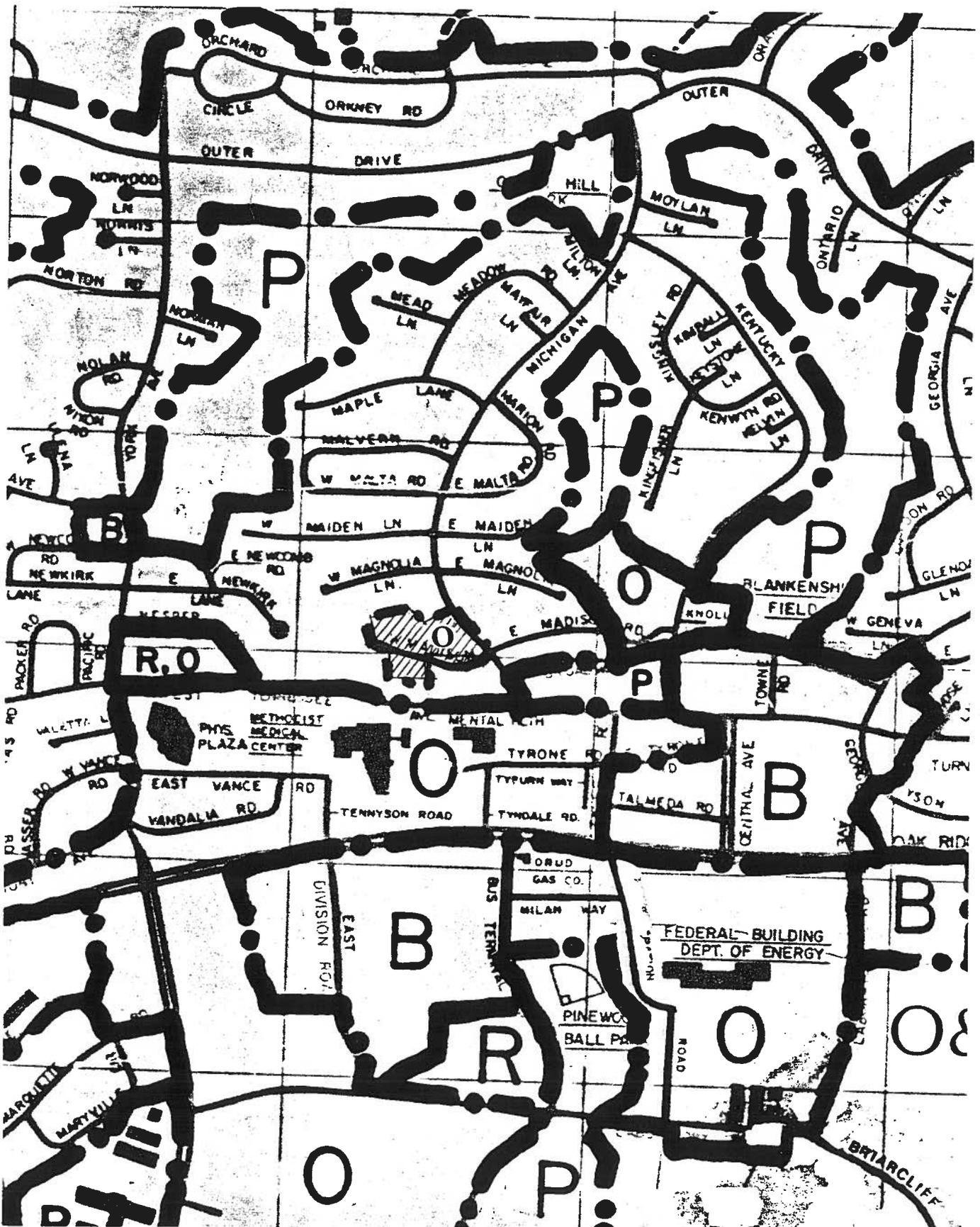
369

M.E.L. OFFICE BLDG #1

O.E.C.G. OFFICE

371

Amend Land Use Plan Map for Parcels 40 & 43,
Map 100A, Group A From O To R



TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 040.00, ANDERSON COUNTY TAX MAP 100A, GROUP A, AND PARCEL 043.00, MAP 100A, GROUP A, FROM O-1, OFFICE, TO R-3, MEDIUM RESIDENTIAL; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCELS FROM O, OFFICE TO R, RESIDENTIAL.

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

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

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

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

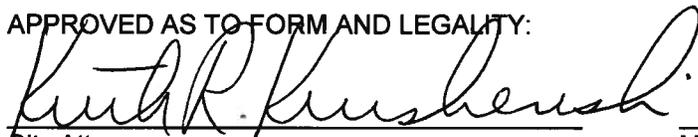
<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 040.00, Map 100A, Group A (± 3.00 Acres)	203 Michigan Avenue	O-1, Office	R-3, Medium Residential
Parcel 043.00, Map 100A, Group A (± 1.27 Acres)	West Madison Lane, west of Michigan Avenue	O-1, Office	R-3, Medium Residential

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

Section 3. The rezoning requires a minor amendment to the Comprehensive Plan's Land Use Plan, and said Plan is hereby amended by changing the designation of Parcel 040.00 and Parcel 043.00, Map 100A, Group A, to be changed from O, Office to R, Residential.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

Public Hearing: 4/12/10
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
10-16**

DATE: March 26, 2010

TO: Gary Cinder, Interim City Manager

FROM: Kathryn G. Baldwin, Community Development Director 

THROUGH: Monica Austin Carroll, AICP, Community Development Division Manager 

RE: **REVISIONS FOR THE ZONING ORDINANCE**

An item for the City Council agenda on April 12, 2010 is revisions to the zoning ordinance. The amendments were recommended for approval at the Planning Commission meeting on March 25, 2010 by a vote of 9 - 0. Over the past few months, Planning staff has identified areas in the Zoning Ordinance that were either not addressed, did not meet the criteria as prescribed in our Zoning Ordinance, or needed clarification. Below is a list and explanation of individual provisions that need revisions. The added revisions are identified in bold print and the deletions are identified as the strikethroughs.

•Amend Section 3.07 (e)

2. On corner lots, fences and walls shall be permitted in the required side and rear yards. On the street side on which the house faces, fences and walls exceeding four (4) feet in height are prohibited in the required front yard. However, on the street side on which the house does not face, a decorative fence, as defined in Article II, ~~or wall~~ can be six (6) feet **provided that the top two (2) feet is lattice or some other open design** in height in the required side yard provided that the fence does not overlap with the required front and rear yards.

•Amend Section 9.09 (d)

(d) Overlay Criteria

- (1)(a) All principal buildings or additions or structures or accessory buildings shall not be closer than ~~six (6)~~ **five (5)** feet to a side lot line. Patios, decks, and other similar non-roofed and non-enclosed appurtenances of a principal building shall not be required to meet the side setback requirements of the principal building. Such appurtenances may be constructed in the required side yard without approval of the Board of Zoning Appeals provided they are constructed no closer than five (5) feet to a side lot line.
- (1)(c) All principal buildings or additions or structures or accessory buildings shall not be closer than ~~six (6)~~ **five (5)** feet to a rear lot line.

•Amend Section 9.05 (v) Residential Development Standards

4. Minimum Lot Sizes – Change the reference from Table 1 to Table 2

•Amend Section 11.01 (d) Design Criteria

4. Minimum Distance from Property Line

No driveway, other than a shared driveway as authorized under Subsection 8., Shared Access Easements, below, shall be allowed within ten (10) feet of the intersection of a

straight line projection of any side or rear lot line and the nearest point of radius return of the driveway, except for single or double parking spaces for use in R-1 ~~one-family residential~~ and R-2 ~~two-, three- and four-family residential~~ zoning districts.

•Amend Section 11.02 (f)

Amend to add omitted word:

1 per 250 *square* feet of usable floor area.

•Amend Section 11.03 (f) Design Criteria 4. Lighting

Add cross reference to Section 13.02 (h) Lighting

•Amend Section 13.02 Design Review Standards

(c) Preservation Of Existing Trees And Site Features

2. Retention of Site Features

Paragraph #3

Existing significant vegetation may be considered to meet the planting and screening requirements provided that it meets the minimum performance standards set forth in this article.

•Amend 13.02 (d) Architectural Character

3. Relationship to Streets

Paragraph #3

“Stage-set” facades on the street are discouraged. Acceptable materials and colors of the street face shall continue on the sides and rear of structures, when visible from a street. *This shall include parapet walls. For example, if a building has a parapet wall on the front façade then it shall continue on the sides and rear of the building.*

Paragraph #4

Building service areas or loading areas within commercial, ~~and office, industrial zone districts,~~ and multifamily residential ~~uses~~ (residential with more than four (4) attached housing units) *zoning districts* shall not be visible from streets; they shall be located away from streets and/or adequately screened. Screening shall meet criteria identified in Section 13.02 (g) 3 b. of this Article.

•Amend 13.02 (e) Parking Configurations

2. Reduction in Apparent Size and Visibility of Parking Areas

Paragraph #6

All Required Landscape Areas within parking areas shall be protected by curbs. *There shall be curbs or bumper stops provided so as to prevent any vehicle from blocking or overhanging walkways, or damaging plant material in adjacent landscape areas.*

Paragraph #7

The minimum width of a landscaped zone is five (5) feet, excluding curb dimensions. *Such islands have raised concrete curbs six (6) inches high, shall extend across the end of the aisle, and be shaped to accommodate vehicular turning movements.* As an alternative to distributing landscaping throughout parking areas, pooling of landscaped areas to create more significant landscape zones may be considered, provided that these zones break up the appearance of pavement effectively. *Additionally, 80% of all islands shall have one (1) tree planted.*

•Amend 13.02 (f) Landscape

2. Streetscape

Paragraph #6

In the event there is no interference with utility lines then the street tree needs to be a canopy tree. To provide a consistent effect along other streets, examples of desirable street tree species are Sugar Maple, Willow Oak, and Red Maple. If power lines or other utilities are present city staff will consider alternative species. All invasive non-native species and invasive exotic pest plants as identified by the Tennessee Exotic Pest Plant Council should be avoided.¹ *In addition, such plantings shall not obstruct the view or the flow of traffic.*

Paragraph #7

In an effort to minimize the visual impact of parking areas in commercial, *industrial*, and office ~~zone districts~~, and multifamily residential uses (residential with more than four (4) attached housing units) *zoning districts*, shrub rows shall be planted within the Streetscape area at a minimum height of ~~24 inches to 30 inches~~ *three (3) feet high* along the boundaries of any parking area visible from public streets. Species used shall be evergreen or have dense branching qualities, which provide an effective visual screen in all seasons. *Consideration may be given to shrubs with 30-inch height in certain locations, based on species.*

3. Plant Materials

Paragraph #7

Grass areas shall be of sod or established lawn at the time of issuance of a ~~permanent use~~ and *Certificate of Occupancy* permit. Sod is encouraged on steep slopes and areas visible from the street or public parking areas.

New Paragraph #10

All materials specified within the approved plan shall be planted prior to the issuance of a Certificate of Occupancy permit; however, the City Manager or City Manager's designee may authorize an extension of such plantings for a period not to exceed nine (9) months, to permit plantings during a season with more favorable weather conditions to insure long term, healthy plant life.

4. Maintenance

a. (3) Landscape or plant materials which are dead or deteriorated shall be replaced to the same specifications on the originally approved site plan. Plantings shall be kept watered, fed, cultivated, and pruned to give a healthy appearance during all seasons. Excessive pruning of site and street trees is strictly prohibited (No Topping). *Plant materials or existing significant vegetation shall be kept trimmed so as not to obstruct any sidewalk, pedestrian way, vehicular aisle, and safe line of sight at the access, adjacent property line, or overhead public utility.*

Maintenance shall include, but may not be limited to, mowing, removal of litter, weeding, replacement of dead plant material and necessary pruning.

b. Failure to comply with the requirements of this ~~section~~ *article* after a notice of noncompliance has been issued by the City Manager or the City Manager's designee with a stated time frame for compliance shall be deemed a violation of the Oak Ridge Zoning Ordinance and shall be subject to the sanctions set forth in Article XVI, as well as to the revocation of any permit, license, certificate or other approval initially issued by the City as a basis for construction and/or occupancy of the development on which the violation has

¹ See the Tennessee Invasive Exotic Plant List, the List of Ecologically Desirable Trees and Shrubs Suitable for Landscaping in Oak Ridge prepared by the Environmental Quality Advisory Board of the City of Oak Ridge, and the current edition of Architectural Graphic Standards.

occurred.

•Amend 13.02 (g) Screening

3. Design Standards

Design standards vary according to the function of the screen, as follows:

a. Transitional Screening

Transitional screening is required, *for example*, where commercial, *office* or industrial ~~zone zoning~~ districts and associated land uses ~~adjoin~~ *abut* residential ~~areas zoning~~ *districts*; where multi-family residential ~~uses zoning districts~~ *adjoin one (1) or two (2) family housing zones, single family residential zoning districts*; and *or* within Planned Unit Developments with similar disparities.

New Section

c. *Buffers – Opposite Residential Zoning Districts*

A buffer strip shall be required around the entire outer perimeter of the off-street parking lot when such parking lot abuts any residentially zoned property or is located across the street from a residentially zoned property. Such buffer strips, at initial installation, shall provide a visual barrier of the parking lot from the abutting residentially zoned property. Screening materials to provide the visual barrier may include a wall, fence, landscaped earthen berm, planted vegetation or any appropriate combination of these elements. Consideration may be given to non-residential properties across the street from residentially zoned properties when a major arterial street separates the properties. In this instance, the minimum buffer width may be reduced to 10 feet, which is equivalent to the minimum width of the required streetscape area. Such instances could include lack of visibility of parking lot area from residentially zoned properties and/or large rights-of-way widths associated with major arterial streets.

•Amend Section 13.02 (h) Lighting to add language to further address the design criteria for lighting

New Paragraph

It is the intent of this section to establish outdoor lighting requirements that reduce the negative effects of lighting, but at the same time address the need for adequate lighting for safety and visibility concerns. The intent is also to prevent any light shine or glare so as to create a traffic safety hazard or nuisances on any adjacent properties, rights-of-way, access easements or driveways. For the purpose of this article, glare shall be defined as any brightness within the field of vision of such a character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility.

1. Design Criteria

New Paragraph #6

Unless specified elsewhere in this ordinance, all wall lights shall be directed toward the ground. No portion of the bulb or the globe/glass/plastic surrounding the bulb shall protrude from the light box/housing. Dark Sky Certified Lighting is required; however, a different lighting style could be used if it can be shown that a different lighting style would be equivalent to, or better than, these requirements.

New Paragraph #7

Lights located under canopies, such as gasoline service stations, bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it

can be shown that a different style would be equivalent to or better than these requirements.

New Paragraph #8

All electrical lines servicing all lights shall be underground.

2. Site and Parking Area Lighting

Site or parking area lighting ~~should~~ **shall** not cast light beyond property boundaries. Where necessary, cut-off devices ~~should~~ **shall** be used to avoid illuminating adjacent sites. Lighting that would otherwise cast a glare or cause a nuisance to adjacent residential properties ~~or public streets~~ **rights-of-way, access easement, or driveways** ~~should~~ **shall** be obscured in some acceptable manner.

In office zone districts and multifamily residential uses (residential with more than four (4) attached housing units), the maximum lighting height shall be 24 feet. In all commercial zone districts the maximum lighting height shall be 30 feet. Lighting fixtures should be compatible in style with associated buildings. ***For non-residential uses in residential districts the maximum height shall be 24 feet.***

New paragraph

All pole lights shall be directed toward the ground. No portion of the bulb or the globe/glass/plastic surrounding the bulb shall protrude from the light box/housing. Dark Sky Certified Lighting is required; however, a different lighting style could be used if it can be shown that a different lighting style would be equivalent to, or better than, these requirements.

Building mounted lighting for outdoor parking facilities shall be expressly prohibited.

•Amend Section 14.05 General Requirements

2. In the event more than one (1) ground **and/or pole** sign is allowed on a single parcel, the ground **and/or pole** signs shall be located a minimum of one hundred (100) feet apart from each other.

•Amend Figure 13.04 (a – b)

Add the following language

****In addition to the above buffer requirements, when non-residential uses abut residential uses, buffers shall be a minimum of 20 feet with solid evergreen plantings on 20-foot off set centers.***

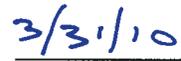
•Delete Article XI, Off-Street Parking and Loading Requirements Section 11.03 Required Off-Street Parking Lot Layout, Construction and Maintenance Subsections (G), (H) and (I) in their entirety

City Manager's Comments:

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



Gary Cinder



Date

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, **ARTICLE III, TITLED "GENERAL PROVISIONS,"** SECTION 3.07, TITLED "ACCESSORY BUILDINGS OR STRUCTURES OF ADDITIONS TO PRINCIPAL BUILDINGS," TO AMEND SUBSECTION (E)(2) TO ALLOW SIX-FOOT DECORATIVE FENCING IN CERTAIN CIRCUMSTANCES PROVIDED THE TOP TWO FEET ARE LATTICE OR SOME OTHER OPEN DESIGN; **ARTICLE IX, TITLED "SPECIAL DISTRICTS,"** SECTION 9.05, TITLED "PUD, PLANNED UNIT DEVELOPMENT DISTRICT," SUBSECTION (V)(4)(A) TO CORRECT A TABLE REFERENCE; AND SECTION 9.09, TITLED "MANHATTAN DISTRICT OVERLAY (MDO)," SUBSECTION (D)(1) TO CHANGE THE SIDE AND REAR SETBACKS FOR PRINCIPAL BUILDINGS, ADDITIONS, STRUCTURES, AND ACCESSORY BUILDINGS FROM SIX FEET TO FIVE FEET, AND TO ADDRESS NON-ROOFED AND NON-ENCLOSED APPURTENANCES; **ARTICLE XI, TITLED "OFF STREET PARKING AND LOADING REQUIREMENTS,"** SECTION 11.01, TITLED "VEHICLE ACCESS CONTROL," SUBSECTION (D)(4) TO CORRECT THE REFERENCES TO RESIDENTIAL DISTRICTS; SECTION 11.02, TITLED "REQUIRED OFF-STREET PARKING," SUBSECTION (F)(1)(F) TO CORRECT A TYPOGRAPHICAL ERROR IN THE SUBSECTION; SECTION 11.03, TITLED "REQUIRED OFF-STREET PARKING LOT LAYOUT, CONSTRUCTION AND MAINTENANCE," SUBSECTION (F)(4) TO ADD A CROSS REFERENCE TO ANOTHER APPLICABLE PROVISION AND SUBSECTIONS (G), (H) AND (I) TO DELETE THESE SUBSECTIONS WITHOUT REPLACEMENT; **ARTICLE XIII, TITLED "LANDSCAPING AND DESIGN STANDARDS,"** SECTION 13.02, TITLED "**DESIGN REVIEW STANDARDS,**" SUBSECTION (C)(2) TO ADD A STATEMENT ABOUT EXISTING VEGETATION IN RELATION TO PLANTING AND SCREENING REQUIREMENTS; SUBSECTION (D)(3) TO ADD A STATEMENT ABOUT PARAPET WALLS, AND TO INCLUDE INDUSTRIAL ZONING DISTRICTS TO THE LIST OF DISTRICTS THAT REQUIRE BUILDING SERVICE AREAS OR LOADING AREAS TO NOT BE VISIBLE FROM THE STREET; SUBSECTION (E)(2) TO ADD A STATEMENT ABOUT CURBS AND BUMPER STOPS IN PARKING AREAS, AND TO INCLUDE REQUIREMENTS FOR HAVING PARKING LOT ISLANDS; SUBSECTION (F) TO ADD ADDITIONAL PROVISIONS ABOUT PLANTING AND MAINTENANCE OF LANDSCAPE AND PLANTING MATERIALS, TO HAVE THE STREETSCAPE PROVISIONS ON VISUAL IMPACT OF PARKING AREAS APPLICABLE TO INDUSTRIAL ZONING DISTRICTS, TO SPECIFY THAT GRASS AREAS SHALL BE ESTABLISHED AT THE TIME OF ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, AND TO CORRECT A TYPOGRAPHICAL ERROR; SUBSECTION (G)(3) TO UPDATE THE EXISTING ZONING DISTRICT REFERENCES FOR TRANSITIONAL SCREENING AND TO ADD OFFICE ZONING DISTRICTS, AND TO ADD PROVISIONS ABOUT BUFFERS FOR NON-RESIDENTIAL ZONING DISTRICTS OPPOSITE RESIDENTIAL ZONING DISTRICTS TO REDUCE THE NEGATIVE IMPACTS ON ADJACENT RESIDENTIAL PROPERTIES; SUBSECTION (H) TO ADD A STATEMENT OF INTENT REGARDING LIGHTING PROVISIONS, AND TO UPDATE THE LIGHTING REQUIREMENTS TO REDUCE THE NEGATIVE EFFECTS OF LIGHTING AND TO ADDRESS SAFETY AND VISIBILITY CONCERNS; AND FIGURE 13.04 (A-B), TO ADD A STATEMENT ABOUT EVERGREEN PLANTING FOR BUFFERS WHEN NON-RESIDENTIAL USES ABUT RESIDENTIAL USES; AND **ARTICLE XIV, TITLED "SIGN REGULATIONS,"** SECTION 14.05, TITLED "GENERAL REQUIREMENTS," SUBSECTION (2) TO INCLUDE POLE SIGNS IN THE REQUIREMENTS PERTAINING TO GROUND SIGNS.

WHEREAS, the City of Oak Ridge is continually reviewing the Zoning Ordinance to update provisions and make it more understandable to the general public; and

WHEREAS, the amendments will update the Zoning Ordinance as follows: address areas not currently addressed, provide clarification, consolidate all landscaping requirements into one article, add additional lighting requirements to reduce negative effects as well as provide for adequate safety and visibility, and require evergreen plantings when non-residential uses abut residential uses to reduce the negative impacts on adjacent residential properties; and

WHEREAS, additional housekeeping amendments are also necessary throughout the Zoning Ordinance to correct typographical errors; and

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

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

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

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 3.07, titled "Accessory Buildings or Structures or Additions to Principal Buildings," is hereby amended by deleting Subsection (e)(2) in its entirety and substituting therefore a new Subsection (e)(2), which new subsection shall read as follows:

Section 3.07. Accessory Buildings or Structures or Additions to Principal Buildings.

- (e) 2. On corner lots, fences and walls shall be permitted in the required side and rear yards. On the street side on which the house faces, fences and walls exceeding four (4) feet in height are prohibited in the required front yard. However, on the street side on which the house does not face, a decorative fence, as defined in Article II, can be six (6) feet in height in the required side yard provided that the top two (2) feet of the fence is lattice or some other open design and provided that the fence does not overlap with the required front and rear yards.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 9.05, titled "PUD, Planning Unit Development District," Subsection (v), titled "Residential Development Standards," Subpart (4), titled "Minimum Lot Sizes" is hereby amended by deleting the reference to "Table 2" in Subsection (v)(4)(a) in its entirety and substituting therefore a reference to "Table 1."

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 9.09, titled "Manhattan District Overlay (MDO)," Subsection (d), titled "Overlay Criteria," is hereby amended by deleting Subsection (d)(1)(a) in its entirety and substituting therefore a new Subsection (d)(1)(a), which new subsection shall read as follows:

Section 9.09. Manhattan District Overlay (MDO).

- (d) Overlay Criteria
 - 1. a. All principal buildings or additions or structures or accessory buildings shall not be closer than five (5) feet to a side lot line. Patios, decks, and other similar non-roofed and non-enclosed appurtenances of a principal building shall not be required to meet the side setback requirements of the principal building. Such appurtenances may be constructed in the required side yard without approval of the Board of Zoning Appeals provided they are constructed no closer than five (5) feet to a side lot line.

Section 4. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 9.09, titled "Manhattan District Overlay (MDO)," Subsection (d), titled "Overlay Criteria," is hereby amended by deleting Subsection (d)(1)(c) in its entirety and substituting therefore a new Subsection (d)(1)(c), which new subsection shall read as follows:

Section 9.09. Manhattan District Overlay (MDO).

(d) Overlay Criteria

1. c. All principal buildings or additions or structures or accessory buildings shall not be closer than five (5) feet to a rear lot line.

Section 5. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.01, titled "Vehicle Access Control," Subsection (d), titled "Design Criteria," is hereby amended by deleting Subsection (d)(4) in its entirety and substituting therefore a new Subsection (d)(4), which new subsection shall read as follows:

Section 11.01. Vehicle Access Control.

(d) Design Criteria

4. Minimum Distance from Property Line

No driveway, other than a shared driveway as authorized under Subsection 8., Shared Access Easements, below, shall be allowed within ten (10) feet of the intersection of a straight line projection of any side or rear lot line and the nearest point of radius return of the driveway, except for single or double parking spaces for use in R-1 and R-2 residential zoning districts.

Section 6. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.02, titled "Required Off-Street Parking," Subsection (f), titled "Number of Parking Spaces Required," Subpart (1), titled "Commercial Uses," is hereby amended by inserting the word "square" between the words "(250)" and "feet" in Subsection (f)(1)(f).

Section 7. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.03, titled "Off-Street Parking Lot Layout, Construction and Maintenance," Subsection (f), titled "Design Criteria," Subpart (4), titled "Lighting," is hereby amended by adding a new sentence at the end of the paragraph which new sentence shall read as follows:

Section 11.03. Off-Street Parking Lot Layout, Construction and Maintenance.

(f) Design Criteria

(4) Lighting

.... See Section 13.02(h) for additional requirements on lighting.

Section 8. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 11.03, titled "Off-Street Parking Lot Layout, Construction and Maintenance," is hereby amended by deleting Subsection (g), titled "Buffer Strips – for Residential Zoning Districts," Subsection (h), titled "Buffer Strips – Opposite Non-Residential Zoning Districts," and Subsection (i), titled "Traffic Islands," in their entirety without replacement.

Section 9. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (c), titled "Preservation of Existing Trees and Site Features," Subpart (2), titled "Retention of Site Features," is hereby amended by adding a new paragraph at the end of the subsection which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

- (c) Preservation of Existing Trees and Site Features
 - (2) Retention of Site Features

....

Existing significant vegetation may be considered to meet the planting and screening requirements provided that it meets the minimum performance standards set forth in this article.

Section 10. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (d), titled "Architectural Character," Subpart (3), titled "Relationship to Streets," is hereby amended by adding a new sentence at the end of the third paragraph which new sentence shall read as follows:

Section 13.02. Design Review Standards.

- (d) Architectural Character
 - (3) Relationship to Streets

.... This shall include parapet walls. For example, if a building has a parapet wall on the front façade then it shall continue on the sides and rear of the building.

Section 11. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (d), titled "Architectural Character," Subpart (3), titled "Relationship to Streets," is hereby amended by deleting the fourth paragraph in its entirety and substituting therefore a new fourth paragraph which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

- (d) Architectural Character
 - (3) Relationship to Streets

Building service areas or loading areas within commercial, office, industrial, and multifamily residential (residential with more than four (4) attached housing units) zoning districts shall not be visible from streets; they shall be located away from streets and/or adequately screened. Screening shall meet criteria identified in Section 13.02 (g) 3 b. of this Article.

Section 12. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (e), titled "Parking Configurations," Subpart (2), titled "Reduction in Apparent Size and Visibility of Parking Areas," is hereby amended by adding a new sentence at the end of the sixth paragraph which new sentence shall read as follows:

Section 13.02. Design Review Standards.

(e) Parking Configurations

(2) Reduction in Apparent Size and Visibility of Parking Areas

.... There shall be curbs or bumper stops provided so as to prevent any vehicle from blocking or overhanging walkways, or damaging plant material in adjacent landscape areas.

Section 13. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (e), titled "Parking Configurations," Subpart (2), titled "Reduction in Apparent Size and Visibility of Parking Areas," is hereby amended by deleting the seventh paragraph in its entirety and substituting therefore a new seventh paragraph which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

(e) Parking Configurations

(2) Reduction in Apparent Size and Visibility of Parking Areas

The minimum width of a landscaped zone is five (5) feet, excluding curb dimensions. Such islands have raised concrete curbs six (6) inches high, shall extend across the end of the aisle, and be shaped to accommodate vehicular turning movements. As an alternative to distributing landscaping throughout parking areas, pooling of landscaped areas to create more significant landscape zones may be considered, provided that these zones break up the appearance of pavement effectively. Additionally, 80% of all islands shall have at least one (1) tree planted.

Section 14. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (f), titled "Landscape," Subpart (2), titled "Streetscape," is hereby amended by adding a new sentence at the end of the sixth paragraph which new sentence shall read as follows

Section 13.02. Design Review Standards.

(f) Landscape

(2) Streetscape

.... In addition, such plantings shall not obstruct the view or the flow of traffic.

Section 15. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (f), titled "Landscape," Subpart (2), titled "Streetscape," is hereby amended by deleting the seventh paragraph in its entirety and substituting therefore a new seventh paragraph which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

(f) Landscape

(2) Streetscape

In an effort to minimize the visual impact of parking areas in commercial, industrial, office, and multifamily residential (residential with more than four (4) attached housing units) zoning districts, shrub rows shall be planted within the Streetscape area at a minimum height of three (3) feet high along the boundaries of any parking area visible from public streets. Species used shall be evergreen or have dense branching qualities, which provide an effective visual screen in all seasons. Consideration may be given to shrubs with 30-inch height in certain locations, based on species.

Section 16. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (f), titled "Landscape," Subpart (3), titled "Plant Materials," is hereby amended by deleting the seventh paragraph in its entirety and substituting therefore a new seventh paragraph which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

(f) Landscape

(3) Plant Materials

Grass areas shall be of sod or established lawn at the time of issuance of a Certificate of Occupancy permit. Sod is encouraged on steep slopes and areas visible from the street or public parking areas.

Section 17. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (f), titled "Landscape," Subpart (3), titled "Plant Materials," is hereby amended by adding a new paragraph at the end of the subsection, which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

(f) Landscape

(3) Plant Materials

All materials specified within the approved plan shall be planted prior to the issuance of a Certificate of Occupancy permit; however, the City Manager or the City Manager's designee may authorize an extension of such plantings for a period not to exceed nine (9) months to permit plantings during a season with more favorable weather conditions to ensure long term, healthy plant life.

Section 18. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (f), titled "Landscape," Subpart (4), titled "Maintenance," is hereby amended by adding two new sentences at the end of Subsection 13.02(f)(4)(a)(3), which new sentences shall read as follows:

Section 13.02. Design Review Standards.

(f) Landscape

(4) Maintenance

(a)(3) Plant materials or existing significant vegetation shall be kept trimmed so as not to obstruct any sidewalk, pedestrian way, vehicular aisle, and/or safe line of sight at the access, adjacent property line, or overhead public utility.

Maintenance shall include, but may not be limited to, mowing, removal of litter, weeding, replacement of dead plant material and necessary pruning

Section 19. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (f), titled "Landscape," Subpart (4), titled "Maintenance," is hereby amended by deleting the word "section" in Subsection 13.02(f)(4)(b) and replacing it with the word "article."

Section 20. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (g), titled "Screening," Subpart (3), titled "Design Standards," Sub-subpart (a), titled "Transitional Screening," is hereby amended by deleting the first paragraph in its entirety and substituting therefore a new first paragraph which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

(g) Screening

(3) Design Standards

(a) Transitional Screening

Transitional screening is required, for example, where commercial, office or industrial zoning districts and associated land uses abut residential zoning districts; where multi-family residential zoning districts adjoin single family residential zoning districts; or within Planned Unit Developments with similar disparities.

Section 21. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (g), titled "Screening," Subpart (3), titled "Design Standards," is hereby amended by adding a new sub-subpart (c), titled "Buffers – Opposite Residential Zoning Districts," which new sub-subpart shall read as follows:

Section 13.02. Design Review Standards.

(g) Screening

(3) Design Standards

(d) Buffers – Opposite Residential Zoning Districts

A buffer strip shall be required around the entire outer perimeter of the off-street parking lot when such parking lot abuts any residentially zoned property or is located across the street from a residentially zoned property. Such buffer strips, at initial installation, shall provide a visual barrier of the parking lot from the abutting residentially zoned property. Screening materials to provide the visual barrier may include a wall, fence, landscaped earthen berm, planted vegetation or any appropriate combination of these elements. Consideration may be given to non-residential properties across the street from residentially zoned properties when a major arterial street separates the properties. In this instance, the minimum buffer width may be reduced to ten (10) feet, which is equivalent to the minimum width of the required streetscape area. Such instances could include lack of visibility of parking lot area from residentially zoned properties and/or large rights-of-way widths associated with major arterial streets.

Section 22. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (h), titled "Lighting," is hereby amended by adding an introductory paragraph immediately preceding the numbered subsections, which new paragraph shall read as follows:

Section 13.02. Design Review Standards.

(h) Lighting

It is the intent of this subsection to establish outdoor lighting requirements that reduce the negative effects of lighting, but at the same time address the need for adequate lighting for safety and visibility concerns. The intent is also to prevent any light shine or glare so as to create a traffic safety hazard or nuisances on any adjacent properties, rights-of-way, access easements or driveways. For the purpose of this subsection, glare shall be defined as any brightness within the field of vision of such a character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility.

Section 23. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (h), titled "Lighting," Subpart (1), titled "Design Criteria," is hereby amended by adding three new paragraphs at the conclusion of the existing paragraphs, which new paragraphs shall read as follows:

Section 13.02. Design Review Standards.

(h) Lighting

(1) Design Criteria

...

Unless specified elsewhere in this ordinance, all wall lights shall be directed toward the ground. No portion of the bulb or the globe/glass/plastic surrounding the bulb shall protrude from the light box/housing. Dark Sky Certified Lighting is required; however, a different lighting style could be used if it can be shown that a different lighting style would be equivalent to, or better than, these requirements.

Lights located under canopies, such as gasoline service stations, bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent to or better than these requirements.

All electrical lines servicing all lights shall be underground.

Section 24. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 13.02, titled "Design Review Standards," Subsection (h), titled "Lighting," is hereby amended by deleting Subpart (2), titled "Site and Parking Area Lighting," in its entirety and substituting therefore a new Subpart (2), titled "Site and Parking Area Lighting," which new subpart shall read as follows

Section 13.02. Design Review Standards.

(h) Lighting

(2) Site and Parking Area Lighting

Site or parking area lighting shall not cast light beyond property boundaries. Where necessary, cut-off devices shall be used to avoid illuminating adjacent sites. Lighting that would otherwise cast a glare or cause a nuisance to adjacent residential properties, rights-of-way, access easements, or driveways shall be obscured in some acceptable manner.

In office zone districts and multifamily residential uses (residential with more than four (4) attached housing units), the maximum lighting height shall be 24 feet. In all commercial zone districts the maximum lighting height shall be 30 feet. Lighting fixtures should be compatible in style with associated buildings. For non-residential uses in residential districts the maximum height shall be 24 feet.

All pole lights shall be directed toward the ground. No portion of the bulb or the globe/glass/plastic surrounding the bulb shall protrude from the light box/housing.

Dark Sky Certified Lighting is required; however, a different lighting style could be used if it can be shown that a different lighting style would be equivalent to, or better than, these requirements.

Building mounted lighting for outdoor parking facilities shall be expressly prohibited.

Section 25. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article XIII, titled "Landscaping and Design Standards," is hereby amended by inserting the following sentence below the chart in Figure 13.04 (a-b):

Figure 13.04 (a-b).

In addition to the above buffer requirements, when non-residential uses abut residential uses, buffers shall be a minimum of 20 feet with solid evergreen plantings on 20-foot off set centers.

Section 26. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Section 14.05, titled "General Requirements," Subsection (2) is hereby amended by inserting the phrase "and/or pole" between the words "ground" and "sign" in both locations.

Section 27. 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: 4/12/10
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

RESOLUTIONS GENERAL

CITY CLERK MEMORANDUM
10-17

DATE: March 30, 2010

TO: Gary M. Cinder, Interim City Manager

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PLANNING COMMISSION REFERRAL – BACKYARD CHICKENS

As you know, during its regular meeting on March 8, 2010, under Special Reports, the Council considered a memorandum from Kathryn Baldwin in which she reported the decision of the Oak Ridge Municipal Planning Commission with reference to the issue of keeping chickens on private residential property in Oak Ridge. She reported that during its meeting on February 25th, the Commission voted to cease discussion on consideration of a Zoning Ordinance amendment to allow hens to be kept on residential property. A copy of the memorandum is attached.

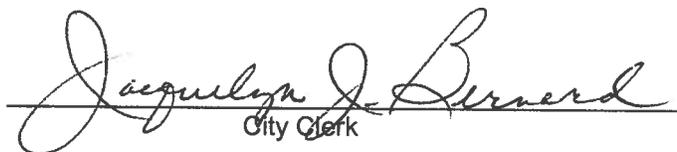
The following actions were taken by City Council in response to this report:

- A motion was made and seconded to refer the matter back to the Planning Commission with a directive to study the matter and return with a recommendation to the Council complete with the required action instruments. (It was understood that amendments to both the Zoning Ordinance and the City Code would be required to allow chickens on residential property in Oak Ridge.)
- An amendment to the motion was accepted that would instruct the Planning Commission to consult with citizens and with other interested City Boards, with specific mention of the Environmental Quality Advisory Board.

This motion, as amended, failed with a 3/2 vote. Two Council members were absent and the City Charter requires a majority of the members of Council then in office to approve any such proposed action.

Finally, the Council unanimously adopted a motion to postpone further consideration of this issue until such time as the full Council was available to participate in such consideration.

The attached resolution will allow the Council to (1) refer the matter back to the Planning Commission with the appropriate directive, (2) instruct the Planning Commission to consult with interested citizens and other City boards, and (3) direct the Interim City Manager to present for the Council's consideration a companion ordinance to amend the City Code.


City Clerk

Attachments

COMMUNITY DEVELOPMENT MEMORANDUM
10-11

DATE: March 4, 2010
TO: Gary Cinder, Interim City Manager
FROM: Kathryn G. Baldwin, Community Development Director
SUBJECT: Chicken/Fowl Ordinance

This memo is written to clarify the Planning Commission's action with regard to citizens' and City Council's request to research the possibility of keeping chickens on private residential property.

Based on the amount of discussion and citizen requests, city staff placed an item for discussion on the Planning Commission Policy Work Session agenda on February 11th, 2010. The agenda was sent to Planning Commission members on February 5th. Included in the work session agenda package were ordinances obtained from Charlotte and Asheville, North Carolina as well as an ordinance from Signal Mountain, Tennessee. Also included was a memo from Community Development staff that contained performance criteria as a recommendation in the event Planning Commission members decided to have staff draft a formal Zoning Ordinance amendment for consideration. Several other zoning issues were on the work session agenda for consideration as well.

During the work session meeting, Planning Commission members present unanimously voted to end further consideration of the Fowl Ordinance amendment. Based on City Council's discussion during their meeting on February 8th, Chairman Domm asked that the recommendation to cease discussion of the Fowl Ordinance be placed on the Planning Commission's business agenda on February 25th to be voted on by the full membership.

During the meeting on February 25th, several residents spoke or made presentations regarding the fowl issue. Following a brief discussion a motion was made and seconded to cease discussion on consideration of a Zoning Ordinance amendment to allow hens to be kept on residential property. The motion passed eight to two. If you have any questions regarding this action, or need additional information, please feel free to contact me.

Kathryn G. Baldwin
Community Development Director

RESOLUTION

WHEREAS, due to citizen requests and an indication from City Council that the Oak Ridge Municipal Planning Commission should review the issue of allowing backyard chickens in urban Oak Ridge, the issue was placed on the Planning Commission's business agenda on February 25, 2010; and

WHEREAS, in Community Development Memorandum 10-11, dated March 4, 2010, Ms. Kathryn G. Baldwin, the City's Community Development Director, reported that on February 25, 2010, by a vote of eight to two, the Commission adopted a motion to cease discussion on consideration of a Zoning Ordinance amendment to allow hens to be kept on residential property; and

WHEREAS, during its regular meeting on March 8, 2010, noting that two of its members were absent, City Council postponed further consideration of this issue until such time as the full Council was available to participate in such consideration; and

WHEREAS, allowing chickens to be maintained on private residential property in the City of Oak Ridge would require amendments to both the Zoning Ordinance and the City Code; and

WHEREAS, proposed amendments to the Zoning Ordinance may not be considered by City Council without having first been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission.

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

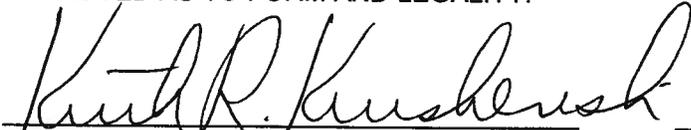
That the Oak Ridge Municipal Planning Commission is requested to reconsider its decision to cease discussion on consideration of a Zoning Ordinance amendment to allow hens to be kept on residential property in Oak Ridge and is hereby directed to present for City Council's consideration its recommendations in this regard, along with the appropriate amendment to the Zoning Ordinance.

BE IT FURTHER RESOLVED that in its consideration of said Zoning Ordinance amendment, the Planning Commission shall consult with interested citizens and with other City boards, such as the Environmental Quality Advisory Board, that have indicated an interest in this issue.

BE IT FURTHER RESOLVED that the Interim City Manager is directed to present for the Council's consideration a companion ordinance to amend the Code of Ordinances of the City of Oak Ridge to likewise allow the keeping of chickens, specifically hens, on residential property.

This the 12th day of April 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ELECTIONS

**INDUSTRIAL
DEVELOPMENT
BOARD**

RECEIVED

2010 FEB 23 AM 11:47

OFFICE OF THE CITY CLERK

February 22, 2010

The Honorable Mayor Tom Beehan
and City Council Members
200 South Tulane
Oak Ridge, TN 37830

Dear Honorable Mayor Behan and Council Members:

Please accept this letter of interest and accompanying resume for one of the vacant positions on the Industrial Development Board. My family and I moved to Oak Ridge almost 15 years ago, and my three adult children are products of Linden Elementary, Robertsville Middle, and Oak Ridge High Schools. I am a resident hoping to contribute to the economic prosperity and reputation of the city of Oak Ridge.

I am a career Federal Contract Specialist and have worked in the contracting profession with 4 different Federal agencies. In the last 15 years in environmental contracting with the U.S. Department of Energy, Oak Ridge Office, I have developed many of what I believe to be essential skills required for the position. Please know that I have a sincere desire to see Oak Ridge grow economically and hope to make a positive impact on efforts to attract new business to our city.

Thank you very much for your time and consideration. If I can provide you with any additional information, please contact me at (865) 216-9988.

Sincerely,



Ballard A. Jackson, Jr.

Enclosure: Resume

Ballard A. Jackson Jr.

133 Newell Lane
Oak Ridge, TN 37380

Email: jacksonba@oro.doe.gov- work
1969cuda@comcast.net- personal

Mobile: (865) 216-9988
Work: (865) 241-6137

Professional Profile

Federal Contract Specialist with over 24 years of progressive contracting experience encompassing acquisition planning, pre-award, award and administration of contracts, grants and interagency agreements; heavy emphasis on environmental management contracting; experience working with municipal Government seeking Federal Financial Assistance funding, public-private business competitions, business risk assessment, contract/grant compliance reviews, developing recommendations, and ensuring implementation of those recommendations if directed.

Professional Experience

US DEPARTMENT OF ENERGY, OAK RIDGE OPERATIONS – Oak Ridge, TN

April 1995-Present (Feb 2010)

Contract Specialist and Veterans Program Manager: Assigned to the Environmental Acquisitions Branch, Procurement and Contracts Division; responsible for full range of contracting including acquisition planning, pre-award, award and administration of contracts, grants and interagency agreements specializing in administration of environmental management contracts

Accomplishments:

- Contract Specialist on the Source Selection Board for the re-competition of the Oak Ridge Federal-Integrated Communications Network formerly held by Qwest Federal Services and recently awarded to Verizon Federal Network Services (without a Protest); contract provides for operation and maintenance of the system which serves ORNL, Y-12, ETPP, OSTI, and the Federal building complex
- Contract Specialist on the Source Selection Board for the Management and Operation of the Y-12 National Security Complex which selected B&W Y-12; received an award from Secretary of Energy
- Contract Specialist/Negotiator in a two year negotiation which resulted in a large multi-million dollar multi- year contract with Envirocare of Utah(now EnergySolutions LLC); the contract provides for disposal of Mixed Low-Level Waste for the entire DOE complex
- Administered and negotiated initial adjustments to the DOE prime contract with BNFL for the three building Decommissioning and Demolition Project at the ETPP
- Worked on effort to separate the operation and maintenance of the Toxic Substances Control Act Incinerator from the OR cleanup contract with Bechtel Jacobs Company
- Negotiated and administered modification of contract terms with M&EC facility at the ETPP site
- Administered the Wackenhut Services Inc. contract which provided facilities, asset protection, and personnel security for ORNL, Y-12 National Security Complex, ETPP and Federal Building complex.
- Administered and a coordinated funding for the CRESO (Clinch River Environmental Studies Organization) grant at the Oak Ridge and Anderson County High Schools; developed an creative alternative to closure to keep program research intact after contamination found on primary research site
- Administering closeout of the Jacobs Engineering contract which includes resolution of audits for 54 Teaming members and final negotiation of costs

MARINE CORPS LOGISTICS BASE – Albany, GA**March 1992 to April 1995**

Procurement Analyst/Contract Specialist: Branch Lead Contract Specialist and Analyst in the Directorate of Contracts providing procurement support for a Depot Maintenance Facility; solely responsible for full range of contract administration functions for four weapons programs; served as long term acting Branch Chief under formal delegation of authority while Branch Head was in overseas travel status

Accomplishments:

- At the request of the Base Commander, worked after business hours with city leaders to select an economic development target area within the city and development of an Enterprise Community proposal for submission to HUD under the Enterprise Community/Economic Zone Program; our proposal was selected from the 40 or more proposals received by HUD from around the country, the city received a grant funded at approximately 3.9 million dollars over 3 years
- Nominated as the sole contracting representative in the Naval Logistics War Games at the Naval War College, Newport, RI; worked in both Industrial Base Analysis and Supply Groups; co-authored a brief, "real time" paper on acquisition streamlining required to support the execution of two, nearly simultaneous, major regional conflicts/wars
- Active in community, former PTA president, vice-president and treasurer; frequent volunteer speaker at University of Georgia Small Business Development Center seminars after business hours
- Graduate of Leadership Albany (a year-long program)
- Participated as Contracts Directorate representative at Regional Procurement Opportunities Conferences; composed complex business memoranda; point papers for executive level briefs
- Wrote reports to document conferences; chaired acquisition planning conferences/meetings where acquisition and technical data was used to develop acquisition strategies
- Met with inventory managers, engineers and technical data specialists to communicate changes and revisions to technical data packages
- Met with senior Government and Contractor program management officials to resolve contract specification compliance issues
- Worked with local and headquarters counsel and contracts policy/compliance staff on unusual/complex high dollar procurements requiring headquarters level approvals
- Communicated with other armed forces branches collect and analyze performance/technical information on dual use equipment

US ARMY SEVENTH SIGNAL COMMAND - Fort Ritchie, MD**October 1989 to March 1992**

Contract Specialist: Contract Specialist providing direct procurement support for the Defense Communications and Army Switch Systems Command; administered large (2.5 to 19 million), multi-year, multi-site telecommunications modernization and upgrade contracts for 11 Army installations in the US; contracts ranged in dollar value from and required successive completion stages which included site preparation, construction, installation of hardware and then testing at each stage

Accomplishments:

- Team Leader for large or complex negotiations and contract progress status review meetings requiring attendance of engineering personnel, quality assurance specialists, operational and program management personnel

- Negotiated claims, contract compliance disputes, and engineering change proposals; negotiated consideration for the Government in the form of dollars, service or material as compensation for contract changes or non-compliance
- Composed pricing negotiation document packages, contract modifications and lengthy and often complex correspondence
- Interacted and communicated with Government and contractor senior management to keep projects on schedule; advised program management office and command of issues which impacted operational capabilities or politically sensitive implementation milestones; managed activities of with appointed contracting officer representatives at each of 11 assigned sites; reviewed monthly contractor performance rating reports in order to correct recurring or unresolved problems

US AIR FORCE, KELLY AIR FORCE BASE - SAN ANTONIO, TX

JULY 1986 TO OCTOBER 1989

Contract Specialist/Negotiator: Contract specialist/negotiator for the Air Force Logistics Command, Directorate of Contracting, Kelly Air Force Base, San Antonio, Texas; the Directorate awarded approximately 22,000 contracts valued over three billion dollars annually; responsible for solicitation, cost/price analysis and award of contracts for aircraft spare parts, ground support equipment and automatic test equipment for many of the aircraft in the Air Force active inventory

Accomplishments:

- Successfully completed a two year Contract Specialist intern program and worked in a extremely high volume shop
- Assigned additional responsibility for procurements for allied countries under foreign military sales guidelines
- Displayed an aptitude for small business issues and identification of end-items or individual spare parts that were suitable for breakout from prime defense contractors to small business firms

FEDERAL AVIATION ADMINISTRATION – Memphis, TN

August 1983 to July 1986

Air Traffic Assistant: Air Traffic Assistant at an air route traffic control center; total radar environment responsible for control of all enroute aircraft transitioning airspace encompassing Tennessee, Georgia, Alabama, Texas, Kentucky and a small part of Texas and Oklahoma.

Accomplishments:

- Required to memorize complex aeronautical maps and charts containing navigational aids, airways (similar to ground highways) and airports
- Responsible for entry of flight progress data for commercial airlines, business aircraft, military and small general aviation aircraft, transponder equipment for radar tracking and changes in flight paths
- Responsible for dissemination of weather advisories, notices to airmen and other safety related data.
- During computer failures, required to manually plot aircraft flight paths and estimated arrival times over published reference points and then use direct access (hotline) telephones to relay data normally accomplished automatically by computer to adjacent control areas or control centers
- Provided on the job training to developmental air traffic controllers or newly hired air traffic assistants

EDUCATION:

Business Major - Coursework at Miami University, Ohio, Tacoma Community College, Tacoma, WA, State Technical College, Memphis, TN

CERTIFICATIONS:

Certified Level II Contract Specialist

SKILLS/QUALITIES: In-depth knowledge of the Federal Acquisition Regulation, Agency Supplements, Defense Contract Audit Manual

Working knowledge of Microsoft Office Suite software applications

Excellent oral and written communication skills

Creative, analytical, flexible, honest, motivated, realistic
Self-Confident; possess guts and discipline

RECEIVED

2010 MAR 29 AM 9:42

OFFICE OF THE CITY CLERK

March 26, 2010

City Council
Industrial Development Board
City of Oak Ridge, Tennessee
200 S. Tulane Avenue
Oak Ridge, TN 37831

To Members of the City Council and the Industrial Development Board:

Please accept my resume for consideration in your search to fill the vacancy on the Industrial Development Board. With my experience as a manufacturing facility manager and as a local business leader, I feel that I can bring a unique perspective to the IDB.

Over the course of my career, I have launched new manufacturing facilities, managed them, and participated in numerous siting discussions. I understand the decision matrix used by manufacturers and as a local business leader, I am very familiar with the key attributes of this region. I believe this experience will allow me to be an active participant on the board and a credible advocate for the City of Oak Ridge to potential companies.

Most importantly, my desire is to serve and promote the city that my family calls home. Although we have only lived in Oak Ridge for five years, it is apparent to us that this city has more to offer than most. I feel compelled to participate in the promotion of what this city has to offer.

My desire to serve, coupled with my experience, leadership skills, and being one of a small group of tenants at the Horizon Center, makes me a strong candidate to fill this vacancy.

I look forward to an opportunity to serve in this capacity.

Regards,

Buzz Patrick

2010 MAR 29 AM 9:42

Buzz Patrick

OFFICE OF THE CITY CLERK

H: 865.483.7599 W: 865.392.9093 x57

127 Rockbridge Greens Blvd, Oak Ridge, Tennessee 37830 bpatrick@omegaconsultants.us

Professional Profile

Highly skilled strategic-thinking executive with 15+ years leading successful organizations and directing highly productive operational transformations. Leader who infuses a belief in multi-directional accountability and responsiveness which improves communication and builds common purpose. Recruits, retains, and develops exceptional leaders.

- Lean Transformations
- Strategic Planning
- Problem Solving – DOE / Six Sigma
- Facility Design / Build / Launch
- DOE Q Clearance (Active)
- Continuous Improvement Methodology
- Project Management / Construction
- ISO 9000 Auditor
- Site Management / P&L
- Over \$70M Large Capital Projects

Professional Experience**Omega Consultants, Inc.,****2009-Present****Chief Operating Officer & General Manager, Knoxville, TN**

Business Operations Leader of 70 employee woman-owned small business providing highly-skilled staffing and project support in the energy arena. Drives business development and project coordination to meet technical objectives of clients. Project Manager with an outstanding attention to detail to ensure that objectives are delivered safely, on-time and on-budget.

- Increased sales while maintaining direct costs, through the pursuit of new opportunities and implementation of solid support systems.
- Developed strategic plan providing operational direction of company towards improved profitability.
- Decreased expenses through detailed review of operational expenditures, cost reduction initiatives, and aggressive elimination of waste.
- Leads Project Managers to ensure that all client objectives are met.
- Developed Business Plan and responsible for implementation of Financial Strategy.
- Negotiates Joint Ventures and Teaming Agreements towards development of mutually beneficial strategic alliances.
- Operates as Capture Manager for large business proposals.
- Active Community Participation and a pro-business advocate for community

Omega Cabinetry, a Subsidiary of MasterBrand Cabinets, Inc.**2005-2009****General Manager, Tennessee Operations, Clinton, TN**

Site Leader of 400+ employee manufacturer instilling a focus on safety, quality, cost, delivery, and productivity. Sustainable improvements achieved through development and implementation of Strategic Plan, a daily focus of all employees.

- 70%+ reduction in OSHA Recordable Rate and Worker's Compensation Costs.
 - Decreased Warranty by 1/3 establishing aggressive multi-tiered process auditing.
 - Year over year improvements in expense dollars per unit for each year 2006-2008 (none less than 7% improvement).
 - Doubled production while shrinking throughput time by 20%. Zero backorders (four consecutive years) by focusing on strong manufacturing fundamentals.
 - Reduced monthly associate turnover by 94% through development of front-line
-

leadership, open communication, improved hiring practices, and shop floor savvy.

- Improved productivity by 25% and reduced floor space requirements by 50% by transition to work-balanced flow lines and overcoming “batch and push” mentality.
- Six-time Presidential Leadership Award nominee, representing top company leaders.

Harley-Davidson Motor Company

1993–2005

Site Manager, 3rd Shift, York Vehicle Operations, York, PA (2004–2005)

Top shift leader of a two-assembly-plant manufacturing campus and distribution center encompassing 1.5M+ square feet, 1100 employees, and \$2B in annual revenue.

Fabrication Manager, Softail Assembly Operations, York, PA (2004-2004)

Operations Manager attained improvement through development of metrics-based organization focusing on lean manufacturing. Strategic and Tactical leader of 130 salaried and hourly employees with a \$15M annual operating budget for metal fabrication.

Paint Manager, Softail Assembly Operations, York, PA (2001–2004)

Project manager of \$50M Design/Build/Launch of new paint facility. Post-launch Operations Manager responsible for productivity and quality improvements delivered through sound manufacturing system design and process controls.

- Coordinated construction/installation activities beating schedule and meeting budget.
- Improved productivity 45% over previous supplier of painted Softail components.
- Designed system utilizing visual factory techniques to provide real-time performance indicators and improve process predictability.
- Yielded Harley-Davidson's highest recorded quality metrics for a Paint Shop by reducing production variation nearly 75%.
- Developed a three Step OJT process ensuring new employees properly trained to perform job requirements – Process implemented plant-wide.
- Created a robust process audit procedure for daily verification of standard work practices – Process implemented plant-wide.
- Implemented pull systems reducing manufacturing inventory from days to hours.

Senior Mfg Engineer, Paint, York Vehicle Operations, York, PA (1999–2001)

Paint Process Engineer, accountable for liquid and powder paint application facility that produced 75% of Harley-Davidson's Motorcycle volume. Responsible for new model year color development throughout corporation.

- Project Managed \$2.5M in capital projects which reduced material consumption and improved quality yielding savings of over \$2M annually.
- Developed FMEA's and Control Plans for Powder Clear System which increased First Pass Yield from 87% to 94%.
- Leader of 'Corporate Paint Circle' establishing best practices company-wide.
- Ensuring continuous improvement with controllable and repeatable paint processes.

Manufacturing Engineer, Tomahawk, WI (1997–1999)

Process/Project Engineer in a Plastic, Paint, and Sub-Assembly facility. Led model year changeover and drove strategic planning process for entire facility.

Manufacturing Engineer / Supervisor Production, Tomahawk, WI (1993-1997)

Manufacturing Engineer responsible for production engineering support for Paint, Molding, and Assembly operations. Supervision of 35 hourly direct reports in paint departments.

- Engineered a new robotic application of painted pinstripes utilizing robotics, which has since become the industry standard.
- Upgraded three paint lines. Installed eight ABB painting robots, ovens, and booths increasing capacity to meet required demand.
- Implemented process for electrostatic application of liquid paint to plastic parts which yielded an annual paint savings of \$300,000, while increasing productivity by 15%.
- Project Manager for installation of new air supply houses (\$500k).

Education

Michigan Technological University, Houghton, MI
Bachelor of Science, Mechanical Engineering
Magna Cum Laude

Professional Development

Performance Problem Solving, MasterBrand Cabinets, Leadership Development
CEDAC, Productivity Inc.
Principles of Operational Excellence, Lean Learning Center

Community Activities

United Way of Anderson County, Board of Directors
Anderson County Chamber of Commerce, Board of Directors, Executive Committee
East Tennessee Economic Council, Member

161 South Purdue Avenue
Oak Ridge, Tennessee
February 23, 2010

RECEIVED

2010 FEB 23 PM 3:46

OFFICE OF THE CITY CLERK

The Honorable Mayor and
Members of City Council
Oak Ridge, TN
via courier

Greetings:

Please consider me for service on Oak Ridge's **Industrial Development Board**. Oak Ridge had been my home since 1956. For over thirty years I have pursued a professional career in implementing new and/or improved processes and facilities in a variety of industries. I believe that I can contribute to building a stronger economic base in and for Oak Ridge and its citizens.

You are familiar with the population and revenue stability challenges associated with limited business/employment options. I left Oak Ridge to find suitable employment. Fortunately when I returned for eldercare responsibilities I was able to retrain to fit the requirements of available employment. Others may not have been as fortunate. I hope to serve by contributing from my background in helping businesses be successful. I do not wish to have to move again to find work, nor do I want to see my neighbors forced to move elsewhere. Oak Ridge is a special community. My wish is to help others enjoy its benefits.

Thank you for your consideration.

Sincerely,



Fred Stout

FRED W. STOUT, PE**EXPERIENCE SUMMARY**

Over thirty years experience as a project engineer/manager responsible for the development, startup, and maintenance of process data acquisition and control systems for new manufacturing processes and facilities, often for industry leading processes. Scope of work usually included the entire project lifecycle from specification development and cost justification through commissioning and sustained operation.

PROFESSIONAL ACHIEVEMENTS**Innovation Engineer - Automation** (Gerdau Ameristeel 2007-2009)

Served as controls specialist on a team of "experts", supporting all North American mills, researching and developing solutions to multi-plant challenges; adapting technology to company needs; and aiding local staff via consulting, coaching, standards development, and commissioning assistance.

Shop Floor Control/Factory Scheduling (Boeing contractor 2001-2006)

Administered and enhanced manufacturing information or decision support systems, supporting management's ability to improve overall process performance.

SAS Web-based Decision Support

Contractor for NOVA Information Systems (credit card processing), Knoxville, TN (2000 - 2001)

Community Health Research Group, Univ. of Tennessee, Knoxville, TN (1998 - 2003)

Pellissippi State Technical Community College, Knoxville, TN (1994 - 2000)

From 1994 until 2005 eldercare responsibilities required residence in Oak Ridge, TN. Began new career focus and developed new skills to find work in the area.

Served two terms on Oak Ridge's **Health and Education Facilities Board** during this period.

Manufacturing Process Control Development

Sr. Systems Engineer, Veratec contractor (non-woven fabric), Athens, GA (1989 - 1994)

Process Automation Engineer, Veratec employee, Athens, GA (1984 - 1989)

Sr. Process Engineer, Parallam (green field facility, parallel strand lumber), Colbert, GA, (1989 - 1991)

Senior controls engineer with responsibility for all shop floor computing at both of these facilities. Both facilities used nuclear gauges for process control.

Engineering Technology Instructor (Athens Tech 1982-1984, Pellissippi State 1994-2000)

Helped create an ABET-accredited program in Electromechanical Engineering Technology.

Gas Centrifuge Systems Engineering (Daniel, Mann, Johnson, & Mendenhall 1979-1982)

Conducted systems analyses in support of the original Gas Centrifuge Enrichment Plant systems that was relocated from Oak Ridge.

Flight Control System Simulation and Design (General Dynamics 1975-1979)

Developed and used digital simulation to analyze and design the F-16's fly-by-wire flight controls.

FORMAL EDUCATION

M.S., Engineering; Purdue University; Major: Automatic Controls;

Minor: Machine Design; (General Motors Fellow)..

B.S., Aerospace Engineering; Georgia Institute of Technology; Minor: Thermal Systems;

(graduated in top 1% of class; named "Student Engineer of the Year" by the GSPE)

Graduate of Oak Ridge High School (National Merit Scholar)

**NOTICE
OF
ELECTIONS**

CITY CLERK MEMORANDUM

10-21

DATE: March 31, 2010

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk 

SUBJECT: ELECTIONS – May 3, 2010

The following elections are scheduled for the May 3, 2010 City Council meeting:

Anderson County Board of Equalization

By authority of State law, the Oak Ridge City Council appoints one (1) of the five members of the Anderson County Board of Equalization. In addition to being an Oak Ridge resident, the appointee is required to be a "freeholder (property owner) and taxpayer." Mr. Thomas F. Mullinix, the incumbent, has advised that he cannot serve again due to health problems and as of this date, there are no new candidates. The term of office is two years commencing on June 1, 2010.

Environmental Quality Advisory Board

On May 31, 2010, two (2) seats will become vacant on the Environmental Quality Advisory Board. Both are designated for Oak Ridge High School students. One incumbent, Mike Burns who is a rising 11th grader, is eligible to serve again but we have yet to hear from him as to whether he desires to do so. The other incumbent, Courtney Walls, has graduated from ORHS and is thus unable to serve again. The term of office for the seat occupied by Mike Burns is two years. Ms. Walls graduated before the expiration of her term; therefore, the young person elected to this seat will be completing her unexpired term of office ending on May 31, 2011. As of this date, there are no candidates.

Highland View Redevelopment Advisory Board

With the reelection of Rosa M. Korpi and Claudia Lever to serve on the Highland View Redevelopment Advisory Board, two (2) seats remain vacant. Those are the seats designated for a Social Services representative and a realtor; however, if no individuals meeting these criteria apply for appointment, the Council may appoint persons who do not possess such qualifications. The incumbents, Elizabeth Herbes (Social Services) and JoAnn Owens (Realtor and HV Resident) have indicated that they do not choose to serve again and as of this date, there are no new candidates. The term off office is three years.

Board of Plumbing Examiners

There is one (1) vacant seat on the Board of Plumbing Examiners due to the resignation of Mr. Gary M. Adkins. There are no special qualifications for this seat and as of this date, there are no candidates. This unexpired term of office will end on March 10, 2012.

Traffic Safety Advisory Board

On May 31, 2010, one (1) seat will become vacant on the Traffic Safety Advisory Board. It is the seat designated for an Oak Ridge High School student. The incumbent, Sonja Solomon, has graduated and is thus not eligible to serve again and as of this date, there are no new candidates. The term of office is one year.

Deadline for Filing

The deadline for filing is 5:00 p.m. on Tuesday, April 20, 2010.

**UPCOMING
MEETINGS
MAJOR ISSUES**

CITY COUNCIL MEMORANDUM
10-09

DATE: March 31, 2010
TO: Honorable Mayor and Members of City Council
FROM: Gary M. Cinder, Interim City Manager
SUBJECT: UPCOMING MEETINGS/MAJOR ISSUES

Tuesday, April 20, 2010, 6:00-8:00 p.m. – Council’s Night Out, A/B Rooms, Civic Center

Monday, April 26, 2010, 6:30 p.m. – Work Session, Multipurpose Room, Central Services Complex

- Marina Restaurant RFP

Monday, April 26, 2010, immediately following Work Session – Agenda Review Session, Multipurpose Room, Central Services Complex

Monday, May 3, 2010, 7:00 p.m. – Regular Meeting

- Second Reading:
 - Rezoning of Parcel 59, Anderson County Tax Map 94O, Oak Ridge Turnpike
 - Rezoning of Parcels 40 and 43, Anderson County Tax Map 100A, West Madison Lane
 - Revisions to the Zoning Ordinance
- Library Building, Phase I, Feasibility Contract
- Approval of CDBG Annual Action Plan
- FY 2011 Budget Presentation

Saturday, May 8, 2010, 8:00 a.m. – Budget Work Session, Multipurpose Room, Central Services Complex (if needed)

Monday, May 10, 2010, 7:00 p.m. – Special Meeting

- Public Hearing on Budget and First Reading of Appropriation Ordinance

Monday, May 24, 2010, 7:00 p.m. – Special Meeting

- Second Reading of Appropriation Ordinance



Gary M. Cinder