

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

August 9, 2010 – 7:00 p.m.

AGENDA

1. INVOCATION

Ms. Myra Mansfield, Chaplain, Oak Ridge Police Department

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPEARANCE OF CITIZENS

5. APPROVAL OF AGENDA

6. RECOGNITION OF VISITORS

7. PROCLAMATIONS AND COURTESY RESOLUTIONS

A proclamation designating August 20, 2010 as "Clean Commute Day."

8. PUBLIC HEARING

- a. Rezoning of Parcels 15.00 and 16.00, Anderson County Tax Map 100A, Group C, approximately 4.39 acres located on Bus Terminal Road between Ridgeway Center and NHC Nursing Home, from IND-1 Industrial District to R-4 High Density Residential District.
- b. Rezoning of Parcel 51.00, Anderson County Tax Map 94O, Group A, approximately 0.54 acres located at 103 Turner Road, from R-1-C Single-Family Residential in the Manhattan District Overlay to UB-2 Unified General Business District; and amendment of the Comprehensive Plan's Land Use Plan by changing the designation of the property from R, Residential, to B, General Business.

9. CONSENT AGENDA

- a. Approval of the Minutes of the June 30, 2010 City Council Meeting.
- b. Approval of the Minutes of the July 12, 2010 City Council Meeting.
- c. Approval of the Minutes of the July 15, 2010 City Council Meeting.
- d. Adoption of a resolution authorizing the City to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2010 calendar year.
- e. Adoption of a resolution awarding a bid in the estimated amount of \$50,837.60 to Sansom Equipment Company, Inc., Birmingham, Alabama, for the furnishing of one sewer easement machine with a trailer.

- f. Adoption of a resolution extending the subrecipient agreement between the City and Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) for down payment assistance (CDBG FY 10-03) and homeownership counseling (CDBG FY 10-04) for an additional year to allow ADFAC the opportunity to provide these services during Fiscal Year 2011.

10. SPECIAL REPORTS

- a. Mayor and City Council
- b. Special Committees
- 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 015.00, ANDERSON COUNTY TAX MAP 100A, GROUP C, AND PARCEL 016.00, MAP 100A, GROUP C, FROM IND-1, INDUSTRIAL, TO R-4, HIGH DENSITY RESIDENTIAL; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCELS FROM B, BUSINESS TO R, RESIDENTIAL.

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 051.00, ANDERSON COUNTY TAX MAP 940, GROUP A, FROM R-1-C, SINGLE-FAMILY RESIDENTIAL WITH A MANHATTAN DISTRICT OVERLAY, TO UB-2, UNIFIED GENERAL BUSINESS; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCEL FROM R, RESIDENTIAL TO B, BUSINESS.

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

13. RESOLUTIONS

- a. General Resolutions

A resolution authorizing the submittal of a grant application to the Tennessee Department of Transportation for an Operating Assistance Grant to reimburse the City for up to fifty percent (50%) of the net operating expenses of the City's Public Transportation Program in the estimated amount of \$268,424.00.

b. Bids and Contracts

A resolution awarding bids in the estimated total amount of \$403,117.00 to WESCO Distribution, Inc., Chattanooga, Tennessee, for the furnishing of 26 assorted three-phase pad mounted transformers in the estimated amount of \$356,764.00; and to ERMCO Distribution Transformers, c/o Utility Sales Agency, LLC, Lenoir City Tennessee, for the furnishing of seven (7) assorted three-phase pad mounted transformers in the estimated amount of \$46,353.00.

A resolution authorizing the City to enter into a Commercial and Industrial Efficiency Advice and Incentive Agreement with the Tennessee Valley Authority to encourage energy efficiency and demand reduction by commercial and industrial customers.

A resolution amending the lease agreement between the City and Oak Ridge Communications & Telephone for the Louisiana Avenue Reservoir Site to increase the leased space to approximately 2,352 square feet, to increase the base rent amount for the current term to \$2,069.76, and to add two (2) additional five-year renewal options, thereby extending the potential leased term through March 23, 2032.

14. ELECTIONS

Election of one (1) member to the Board of Commissioners of the Oak Ridge Housing Authority for a five-year term of office commencing on August 18, 2010.

Election of two (2) members to the Personnel Advisory Board of the City of Oak Ridge for three-year terms of office commencing on September 1, 2010.

Notice of Elections

Four (4) elections are scheduled for the September 13, 2010 City Council meeting to appoint:

- Four (4) members to the Environmental Quality Advisory Board, one of whom shall be an Oak Ridge High School student
- 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, August 31, 2010.

15. COMMUNICATIONS

A communication from Mr. Tim Holt, 1007 W. Outer Drive, requesting endorsement of a resolution supporting the opinion stated by United States Supreme Court Judge Stevens as part of the minority opinion in the *Citizens United vs FEC* decision.

A communication from Ms. Virginia Jones, 103 Burgess Lane, requesting that City Council convene a group of interested and knowledgeable citizens, some of whom would be conversant in the behavioral and social sciences, "to address the tragic death of Mr. Rodney Eugene Harris on July 18, 2010."

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**

**PROCLAMATIONS
AND COURTESY
RESOLUTIONS**

CITY CLERK MEMORANDUM
10-55

DATE: July 29, 2010

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PROCLAMATION

Clean Commute Day

The accompanying proclamation is presented for the Council's consideration at the request of Ms. Alisha Ashouri, Coordinator of *Smart Trips* of Knoxville, through Ms. Kathryn Baldwin, the Director of Community Development.


Jacquelyn J. Bernard

Attachment

PROCLAMATION

WHEREAS, Smart Trips is a program of the Knoxville Regional Transportation Planning Organization, and promotes greener alternatives to driving alone including carpooling, biking, walking and riding the bus to reach your destination; and

WHEREAS, using alternative modes of travel helps improve air quality and prospects for economic development, saves money, and reduces the amount of traffic congestion; and

WHEREAS, it is hoped that on "*Clean Commute Day*" at least 10,000 citizens will participate in this effort to made Knoxville a better place to live, work and play.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE that August 20, 2010 be proclaimed

CLEAN COMMUTE DAY

in the City of Oak Ridge, Tennessee, and that all citizens be urged to join in this 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 9th day of August in the year 2010.

MAYOR

PUBLIC HEARING

CITY CLERK MEMORANDUM
10-52

DATE: July 29, 2010

TO: Honorable Mayor and Members of City Council

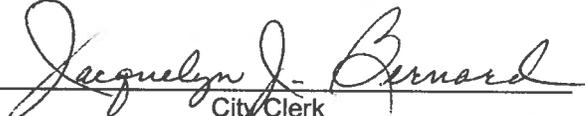
FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PUBLIC HEARING

A public hearing has been scheduled for the August 9, 2010 City Council meeting on the following:

- a. Rezoning of Parcels 15.00 and 16.00, Anderson County Tax Map 100A, Group C, approximately 4.39 acres located on Bus Terminal Road between Ridgeway Center and NHC Nursing Home, from IND-1 Industrial District to R-4 High Density Residential District.
- b. Rezoning of Parcel 51.00, Anderson County Tax Map 94O, Group A, approximately 0.54 acres located at 103 Turner Road, from R-1-C Single-Family Residential in the Manhattan District Overlay to UB-2 Unified General Business District; and amendment of the Comprehensive Plan's Land Use Plan by changing the designation of the property from R, Residential, to B, General Business.

Supporting documentation for these items will be found under First Reading of New Ordinances.


City Clerk

CONSENT AGENDA

CITY CLERK MEMORANDUM
10-53

DATE: July 29, 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 August 9, 2010 City Council meeting.

Approval of Minutes – June 30, 2010, July 12, 2010, and July 15, 2010

General Resolutions

Adoption of a resolution authorizing the City to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2010 calendar year.

Resolutions – Bids and Contracts

Adoption of a resolution awarding a bid in the estimated amount of \$50,837.60 to Sansom Equipment Company, Inc., Birmingham, Alabama, for the furnishing of one sewer easement machine with a trailer.

Adoption of a resolution extending the subrecipient agreements between the City and Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) for down payment assistance (CDBG FY 10-03) and homeownership counseling (CDBG FY 10-04) for an additional year to allow ADFAC the opportunity to provide these services during Fiscal Year 2011.

The documentation for these items follows this memorandum.


City Clerk

MINUTES OF THE OAK RIDGE CITY COUNCIL SPECIAL MEETING

June 30, 2010

A special meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 4:00 p.m. on June 30, 2010 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Councilman David N. Mosby.

PLEDGE OF ALLEGIANCE

Councilwoman D. Jane Miller 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, D. Jane Miller, David N. Mosby, Ellen D. Smith, and Mayor Thomas L. Beehan.

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.

MAYOR'S STATEMENT

Prior to calling on the City Clerk to read the resolution that states the purpose of this special meeting, Mayor Beehan presented a statement in which he reviewed the City Manager search process, urged the Council to "come together with one voice and make a statement that we will unite behind our next City Manager and assert that we are ready to move forward together to make our city the best that it can be." He suggested strongly that a sign of that unity would be a unanimous vote in the selection of the candidate to whom the position of City Manager shall be offered. He further suggested that the Council use a balloting process to arrive at its first and second choice candidates after the resolution has been placed on the floor.

RESOLUTION

Resolution No. 6-64-10

A resolution offering the position of City Manager to _____ at an annual salary of \$ _____ and in accordance with the terms and conditions set out in an attached employment agreement; authorizing the Mayor to enter into negotiations with _____, using the draft employment agreement as a negotiation tool, and providing that upon concurrence by City Council in the terms and conditions of the employment agreement, or as such agreement may be revised, _____ shall be appointed to serve as City Manager of the City of Oak Ridge, Tennessee; and further providing that in the event City Council is unable to reach a satisfactory agreement with _____, consideration shall be given to offering the position of City Manager to _____.

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

A brief discussion occurred about the advisability of inserting a salary figure in the resolution. The Mayor suggested that this not be done, thereby allowing him the flexibility of negotiating with the candidate without the candidate having preconceived information about the acceptable salary level.

On inquiry by Councilwoman Smith, the Mayor assured that he would work with Mr. Jim Mercer of The Mercer Group as needed during the negotiation process.

Prior to beginning the balloting, it was agreed that on the first ballot the Council members' would mark their first and second choices, with none of the four candidates being eliminated at this time.

On first ballot, the candidates were ranked as follows:

<u>Council Member</u>	<u>First Choice Candidate</u>	<u>Second Choice Candidate</u>
Mayor Beehan	Ray Gosack	Mark Watson
Councilwoman Garcia Garland	William Shanahan	James Zumwalt
Councilman Hayes	Mark Watson	Ray Gosack
Councilman Hensley	Mark Watson	Ray Gosack
Councilwoman Miller	Mark Watson	Ray Gosack
Councilman Mosby	Ray Gosack	Mark Watson
Councilwoman Smith	James Zumwalt	Ray Gosack

Following the ballot, each of the Council members made statements in support of their candidates of choice.

Prior to the casting of the second ballot, it was agreed that Council members would indicate their first choice candidate only.

<u>Council Member</u>	<u>First Choice Candidate</u>
Mayor Beehan	Ray Gosack
Councilwoman Garcia Garland	Mark Watson
Councilman Hayes	Mark Watson
Councilman Hensley	Mark Watson
Councilwoman Miller	Mark Watson
Councilman Mosby	Ray Gosack
Councilwoman Smith	Ray Gosack

Councilwoman Miller moved that the resolution be amended by the insertion of Mr. Mark Watson as the candidate to whom the position of City Manager of the City of Oak Ridge shall be offered, seconded by Councilman Hensley.

Council members once again commented on their candidates of choice, elaborating upon their reasons for choosing as they did.

Councilwoman Smith moved that the amendment be amended by the insertion of Mr. Ray Gosack as the candidate to whom the position shall be offered in the event City Council is unable to reach a satisfactory agreement with Mr. Mark Watson. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The amendment was adopted, as amended, by unanimous electronic vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The resolution was adopted, as amended, by unanimous electronic vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

ADJOURNMENT

The meeting adjourned at 5:00 p.m.


City Clerk

MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

July 12, 2010

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on July 12, 2010 in the Courtroom of the Municipal Building with Mayor Pro Tem D. Jane Miller presiding.

INVOCATION

The Invocation was given by Councilwoman Lessie Price of Aiken, South Carolina.

PLEDGE OF ALLEGIANCE

Ms. Susan Richardson Williams, a former member of the Tennessee Valley Authority Board of Directors, 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, David N. Mosby, Ellen D. Smith, and Mayor Pro Tem D. Jane Miller. Mayor Thomas L. Beehan was 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

Small Reactors

Mr. Joseph Lee, 99 E. Pasadena Road, urged the Council to pursue the location of a small reactor in Oak Ridge, and he mentioned the former Breeder Reactor Site as a suitable location for such a reactor. [It was recently reported in the news media that Senator Lamar Alexander of Tennessee has urged the Energy Secretary to consider using a small, modular reactor at Oak Ridge National Laboratory (ORNL) to generate enough electricity to power both the Laboratory and the Y-12 Security Complex.]

Mr. Lee was joined in his advocacy of the former Breeder Reactor Site for this purpose by Mr. John Clark of 439 East Drive.

Councilwoman Smith advised that City Council has discussed the matter of locating such reactors at the Breeder Site with the Department of Energy (DOE), and it was her understanding that this was likely to be pursued by DOE with ORNL leading the way. She expressed her view that one of the biggest challenges will be that the Nuclear Regulatory Commission (NRC) is not prepared to review the license applications as yet.

District Elections

Mr. Jim Holsopple, 128 S. Purdue Avenue, supported the election of members of City Council by district as apposed to the current process of election by the city at large. He was encouraged to express his views in this regard to the currently active Charter Commission.

APPROVAL OF AGENDA

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

Mayor Pro Tem Miller reported that the staff has recommended the following additions to the agenda:

Under Proclamations: A proclamation designating the week of July 12–16, 2010 as “Anderson County Fair Week.”

Under the Consent Agenda: Adoption of a resolution authorizing the submittal of a grant application to the Tennessee Municipal League Risk Management Pool for a grant in the amount of \$2,000.00.

Under Elections: The addition of Mr. Hugh B. Ward, Jr., to the ballot of the Board of Building and Housing Code Appeals for consideration of election to the Board to complete the balance of an unexpired term of office ending on July 31, 2012.

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

Councilman Mosby moved that the agenda be amended to provide for the election of members to serve on the Youth Advisory Board immediately following the Consent Agenda. The motion was seconded by Councilwoman Smith and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting “Aye.” Mayor Beehan was absent.

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

RECOGNITION OF VISITORS

Mayor Pro Tem Miller recognized members of Troop 320 of the Boy Scouts of America who were attending the Council meeting as part of the process for earning their citizenship merit badges.

PROCLAMATIONS AND COURTESY RESOLUTIONS

A proclamation designating the week of July 12–16, 2010 as “Anderson County Fair Week.”

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

The proclamation was presented to Ms. Robin Biloski, an Oak Ridge member of the Anderson County Commission.

PUBLIC HEARING – None

CONSENT AGENDA

Councilman Hensley moved that the Consent Agenda be approved as presented, seconded by Councilman Hayes.

Councilwoman Smith requested that the following items be removed from the Consent Agenda for consideration later in the agenda as follows:

Under General Resolutions:

Adoption of a resolution accepting the transfer of Lot 28, located at the intersection of Park Meade Place and Park Meade Drive from Southern Development Enterprises.

Under Bids and Contracts:

Adoption of a resolution awarding a bid in the estimated amount of \$46,288.00 to Display Sales, Bloomington, Minnesota, for the furnishing of 176 illuminated pole mounted holiday decorations with LED light bulbs.

The Consent Agenda was approved as amended, thereby:

- Approving the Minutes of the June 7, 2010 Regular Meeting of City Council;
- Approving the Minutes of the June 23, 2010 Special Meeting of City Council;
- Adopting **Resolution No. 7-55-10** authorizing the City to submit a grant application in the amount of \$14,072.00 to the U.S. Department of Justice, which funding would be utilized to purchase equipment and computer programs;
- Adopting **Resolution No. 7-56-10** awarding a bid in the estimated amount of \$25,960.00 to Ted Russell Ford-Lincoln-Mercury, Knoxville, Tennessee, for the furnishing of one (1) ½-ton four-wheel-drive Ford F-150 for use by the Fire Department;
- Adopting **Resolution No. 7-57-10** awarding a bid in the estimated amount of \$30,867.00 to Gardner Denver, Peachtree City, Georgia, for the furnishing of all labor, tools, materials, equipment and supplies necessary to perform all work and services for the refurbishment of three (3) blowers to the aeration basins at the Waste Water Treatment Plant.
- Adopting **Resolution No. 7-58-10** authorizing the submittal of a grant application to the Tennessee Municipal League Risk Management Pool for a grant in the amount of \$2,000.00.

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

ELECTIONS

Youth Advisory Board

Councilman Hensley moved that Kelsey Bell, Aaron Chasan, Calvin Cummings, Emily Ducko, Emily Gage, Nadia Harris, Magdalene King, Hannah Magill, MaKenzie Mosby, Zachary Plaster, Mackenzie

Stearns, Nathan Stokely, Sarah Stokely, Rebecca Therrien, Kelsey Warmbrod, and Patrick Williams be elected by acclamation to serve on the Youth Advisory Board (YAB) for one-year terms of office commencing on August 1, 2010. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent. There were no other candidates.

Ms. MaKenzie Mosby made a brief acceptance speech, which was followed by comments from Mr. Matt Reedy, who serves as the staff liaison to the YAB, and Councilman Hayes, who serves as the Council's representative on the YAB Screening Panel.

SPECIAL REPORTS - None

APPROVAL OF MINUTES

See Consent Agenda.

ORDINANCES

First Reading of New Ordinances - None

Adoption of Ordinances (Second Reading)

Ordinance No. 9-10

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 A PORTION OF PARCEL 2.00, ANDERSON COUNTY TAX MAP 101F, GROUP A, FROM R-3/PUD, MEDIUM DENSITY RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT OVERLAY, TO R-2/PUD, LOW DENSITY RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT OVERLAY, AND TO APPROVE THE REVISED FINAL MASTER PLAN FOR CENTENNIAL BLUFF AS SUBMITTED BY CENTENNIAL BLUFF, LLC.

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

Ordinance No. 10-10

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 033.00, ANDERSON COUNTY TAX MAP 99E, GROUP G, FROM R-1-C, SINGLE-FAMILY RESIDENTIAL, TO O-2, OFFICE, AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCEL FROM R, RESIDENTIAL, TO O, OFFICE/INSTITUTIONAL.

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

Ordinance No. 11-10

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 030.00, PARCEL 032.00, AND A PORTION OF PARCEL 035.00, ANDERSON COUNTY TAX MAP 99E, GROUP G, FROM R-1-C, SINGLE-FAMILY RESIDENTIAL, TO R-2, LOW DENSITY RESIDENTIAL.

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

Ordinance No. 12-10

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE, ARTICLE III, TITLED "GENERAL PROVISIONS," SECTION 3.18, TITLED "TEMPORARY USE PERMITS," SUBSECTION (H), TITLED "PORTABLE STORAGE CONTAINER REGULATIONS," TO AMEND SUBSECTION (1) TO CLARIFY THAT STORAGE CONTAINERS ARE NOT FOR HUMAN OCCUPANCY AND TO AMEND SUBSECTION (2) TO LIMIT TEMPORARY STORAGE TO NINETY (90) DAYS WITH THE POSSIBILITY OF ONE NINETY-DAY EXTENSION.

Councilman Hayes moved that the ordinance be adopted. The motion was seconded by Councilman Hensley and a brief discussion followed with Ms. Kahla Gentry, a Planner in the City's Community Development Department, responding to the Council's questions about the provisions of this ordinance.

The ordinance was adopted by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

RESOLUTIONS

General Resolutions

Resolution No. 7-59-10

A resolution accepting the dedication of one water booster station, 3,491 feet of water lines located in dedicated easements, one sanitary sewer lift station, and 2,956 feet of sanitary sewer lines located in dedicated easements, as identified on the Final Plat for Oak Ridge Summit recorded in the Anderson County Register of Deeds Office on December 7, 2017 to use for public purposes.

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

The ensuing discussion was relatively lengthy with the Interim City Manager and the City Engineer, Mr. Steve Byrd, responding to the Council's questions regarding the facilities that will be accepted with the adoption of this resolution.

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

Resolution No. 7-60-10

A resolution authorizing the submittal of a proposal to the Department of Transportation for a TIGER II planning grant in the estimated amount of \$1.5 million, with eligible matching funds, if required, to be contributed by the MOU parties, including the City of Oak Ridge.

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

Resolution No. 7-61-10

A resolution approving the abandonment of the South Florida Avenue right-of-way in its entirety and the dedication of the same to R & R Enterprises as the sole abutting property owner, conditioned upon R & R Enterprises being responsible for the costs associated with the required survey and legal documents, as well as recording costs.

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

Resolution No. 7-62-10

A resolution approving the abandonment of the Berkley Road right-of-way in its entirety and the portion of the Wilberforce Avenue right-of-way which is adjacent to Oak Valley Baptist Church property, conditioned upon Oak Valley Baptist Church submitting a new plat for their consolidated properties and providing that the abutting property owners will be given the option of accepting half of the right-of-way to the center line or allowing the full right-of-way to be dedicated to Oak Valley Baptist Church, with the property owners who accept the rights-of-way being responsible for the costs associated with the required surveys and legal documents, as well as recording costs.

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

(Postponed)

A resolution approving the abandonment of the right-of-way located between Sanford Lane and Rand Circle in its entirety and the dedication of the same to abutting property owners, conditioned upon the abutting property owners being responsible for the costs associated with the required surveys and legal documents, as well as recording costs.

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

Councilwoman Smith asked if in its consideration of this proposed abandonment the Planning Commission considered the possibility of having this right-of-way converted into a pedestrian footpath. Councilman Hensley, who serves as the Council's representative on the Oak Ridge Municipal Planning Commission, advised that no such consideration was given the matter.

Councilwoman Smith moved that action on this resolution be postponed to allow the Greenways Oak Ridge committee to determine the potential interest in making this right-of-way a part of the greenway or

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

Resolution No. 7-63-10

A resolution authorizing the submittal of an application to the State of Tennessee Department of Transportation (TDOT) requesting design and construction of improvements to the overpass of Centrifuge Way over South Illinois Avenue (State Route 62) under the authority of the Industrial Highway Act of 1959.

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

The resolution was deliberated at great length with the Interim City Manager being the principal responder to the Council's questions and comments. When a question arose as to the zoning of the Pine Ridge property in this area that is owned by Dr. Nathaniel Revis, the response was given by Ms. Kahla Gentry, a Planner in the City's Community Development Department. She clarified that the majority of that property is zoned IND-2 Industrial and the remainder O-2 Office.

Council members Garcia Garland and Smith questioned this project's validity under the authority of the Industrial Highway Act of 1959, suggesting that it would be an inappropriate use of those funds, would be of questionable benefit to USEC, and that the City could be forced to reimburse TDOT for the cost of the improvement if the land use in the area changed to nonindustrial. Reference was made to a letter dated July 1, 2010 from Commissioner Gerald F. Nicely of the Tennessee Department of Transportation, which had as its subject, "State Industrial Access Road Program Serving USEC Inc.," and the first paragraph of which read: *Thank you for submitting an application for assistance in providing adequate access to the referenced industry. The Tennessee Department of Transportation has determined that the proposal is eligible and approved for funding under the provisions of our State Industrial Access Road Program.*

Council members Hayes, Hensley, Miller, and Mosby expressed support for the adoption of the resolution, generally asserting that the project would benefit USEC as a growing Oak Ridge industry, that it would improve traffic flow in the area, that it would facilitate future development and growth of adjacent land areas, is a unique opportunity for a roadway improvement at no cost to the City, and that it is in the best interests of the City as a whole. It was also asserted that rejection of TDOT's offer to design and construct this roadway improvement would send the wrong message to that agency and could result in loss of future funding opportunities.

Councilwoman Smith moved that the resolution be amended by insertion of the following additional paragraphs within the preamble:

WHEREAS, all proposed improvements would be accomplished at no cost to the City;

WHEREAS, construction of the proposed project under the Industrial Highway Act would not bar future nonindustrial use of any benefited property;

WHEREAS, the City would have no obligation to reimburse the state if at some future time the land use of any portion of the benefited property were to change to nonindustrial;

The motion was seconded by Councilwoman Garcia Garland but failed to carry by electronic vote with Council members Hayes, Hensley, Mosby, and Mayor Pro Tem Miller voting "Nay" and Council members Garcia Garland and Smith voting "Aye." Mayor Beehan was absent.

Councilwoman Smith announced her intention to abstain from voting on the adoption of this resolution, stating that her reason for doing so was lack of sufficient information to make a decision. She elaborated that she has not seen the evidence that this is a project that truly benefits USEC which, in her view, is effectively what the State is asking for in this resolution; i.e., certification by the local governing body that there is a need for this project to benefit the industry identified. She also stated, "I also am concerned that we don't have actual assurance of the number of representations that have been made that the City, I believe, is relying on as the basis for supporting this resolution."

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

Resolution No. 7-64-10

A resolution accepting the transfer of Lot 28, located at the intersection of Park Meade Place and Park Meade Drive from Southern Development Enterprises.

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

Discussion of this acceptance was relatively lengthy, with the Interim City Manager, Ms. Kahla Gentry of the Community Development Department, and Mr. Ray N. Evans of Southern Development Enterprises responding to the Council's questions and comments.

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

Bids and Contracts

Resolution No. 7-65-10

A resolution amending Section 2, Term, Subsection C, of the Employment Agreement between the City of Oak Ridge and Kenneth R. Krushenski as City Attorney to provide that it shall continue in effect until March 1, 2015.

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, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

Resolution No. 7-66-10

A resolution approving the Economic Development Agreement between the City of Oak Ridge and the Oak Ridge Chamber of Commerce for economic development services, beginning on July 1, 2010 and ending on June 30, 2013, with available one-year renewal options, at a minimum annual compensation of \$253,752.00.

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

The agreement was discussed at some length with the Interim City Manager, the City Attorney, and Mr. Parker Hardy, President of the Chamber of Commerce, responding to the Council's questions and comments.

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

Resolution No. 7-67-10

A resolution awarding a bid in the estimated amount of \$151,194.00 to WESCO Distribution, Inc., Chattanooga, Tennessee, for the furnishing of single-phase pole mounted transformers.

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

Resolution No. 7-68-10

A resolution authorizing the City to sign the Memorandum of Understanding *Establishing a Regional Integrated Transportation Project* in order to participate in the planning and implementation of a regional sustainability initiative that can result in tangible benefits to the Oak Ridge community.

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

Resolution No. 7-69-10

A resolution awarding bids in the grand total estimated amount of \$155,820.00 to Nedrow & Associates, Murfreesboro, Tennessee, for the purchase of three (3) replacement pumps and variable frequency drives for the Pennsylvania Avenue pumping station, and to GA Industries, LLC, c/o Principle Environmental, Inc., Atlanta, Georgia, for the purchase of three (3) rotary ball valves for the Pennsylvania Avenue pumping station.

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, Mosby, Smith, and Mayor Pro Tem Miller voting "Aye." Mayor Beehan was absent.

Resolution No. 7-70-10

A resolution authorizing the City to enter into a Professional Services Agreement with Cockrill Design & Planning, Inc., Knoxville, Tennessee, to develop a feasibility study and concept design for possible renovation and/or expansion of the Oak Ridge Public Library, in the estimated amount of \$50,000.00.

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

Resolution No. 7-71-10

A resolution awarding a contract in the estimated amount of \$245,000.00 to Eskola Roofing, Morristown, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary to perform all work and services for the installation of a new roof at the Municipal Building.

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, Mosby, Smith, and Mayor Pro Tem Miller voting “Aye.” Mayor Beehan was absent.

Resolution No. 7-72-10

A resolution awarding a bid in the estimated amount of \$46,288.00 to Display Sales, Bloomington, Minnesota, for the furnishing of 176 illuminated pole mounted holiday decorations with LED light bulbs.

Councilman Hayes moved that the resolution be adopted. The motion was seconded by Councilman Hensley and the resolution was deliberated at great length with the Interim City Manager, the Deputy City Manager, and Mr. Jerry Dover, the Electrical Operations Manager, responding to the Council’s questions and comments. In addition to the cost for the purchase of these replacement decorations, there was concern about the annual cost for their installation, removal and maintenance (bulb replacement, etc.)

Three citizens also commented on this matter: Mr. John Clark, 439 East Drive; Mr. Joseph Lee, 99 E. Pasadena Road; and Mr. Jim Holsopple, 128 S. Purdue Avenue, all of whom appeared to support the adoption of this resolution.

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

ELECTIONS

Board of Building and Housing Code Appeals

Councilwoman Smith moved that Mr. John A. Russell, Jr., and Dr. Bruce R. LeForce be elected by acclamation to serve on the Board of Building and Housing Code Appeals for three-year terms of office commencing on August 1, 2010. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting “Aye.” Mayor Beehan was absent. There were no other candidates.

By ballot, Mr. Hugh B. Ward, Jr., was elected to serve on the Board of Building and Housing Code Appeals for the balance of an unexpired term of office ending on July 12, 2010. He received the votes of Council members Garcia Garland, Hayes, Mosby, Smith, and Mayor Pro Tem Miller. Councilman Hensley abstained and Mayor Beehan was absent.

Environmental Quality Advisory Board

Councilwoman Smith moved that Dr. David J. Weston be elected by acclamation to serve on the Environmental Quality Advisory Board for the balance of an unexpired term of office ending on September 29, 2011. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Garcia Garland, Hayes, Hensley, Mosby, Smith, and Mayor Pro Tem Miller voting “Aye.” Mayor Beehan was absent. There were no other candidates.

Notice of Elections

Mayor Pro Tem Miller announced that five (5) elections are scheduled for the August 9, 2010 City Council meeting to appoint:

- Two (2) members to the Highland View Redevelopment Advisory Board

- One (1) member to the Board of Commissioners of the Oak Ridge Housing Authority
- Two (2) members to the Personnel 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, July 27, 2010.

COMMUNICATIONS - None

CITY MANAGER'S REPORT

Tennessee Valley Lineman Rodeo, Murfreesboro, Tennessee

The Interim City Manager reported that on June 18 and 19, 2010, members of the Oak Ridge Electric Department participated in the Tennessee Valley Lineman Rodeo held in Murfreesboro, Tennessee. He explained that the rodeo, which includes competitive events for apprentices, journeyman teams, individual linemen and senior individuals recognizes and rewards excellence in safety, skill and knowledge in their fields. He advised that although the City's team did not "place" in the traditional sense, the lessons learned and skills developed will make a real contribution to the individual team members and the department as a whole.

CITY ATTORNEY'S REPORT - None

MISCELLANEOUS

Prior to adjournment, Council members touched on the need to:

- Review the structure of certain Council committees.
- Continue the goal-setting, visioning process.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.


City Clerk

MINUTES OF THE OAK RIDGE CITY COUNCIL SPECIAL MEETING

July 15, 2010

A special meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 6:00 p.m. on July 15, 2010 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION/PLEDGE OF ALLEGIANCE

The Invocation was given by Councilman David Mosby, followed by 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, D. Jane Miller, David N. Mosby, Ellen D. Smith, and Mayor Thomas L. Beehan.

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

RESOLUTION

Resolution No. 7-73-10

A resolution appointing Mark S. Watson to serve as City Manager of the City of Oak Ridge for an initial term of three (3) years, effective August 9, 2010, at an annual salary of \$131,996.80 and in accordance with the provisions set out in the attached Employment Agreement.

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

The ensuing discussion focused on the termination and severance pay provision which read as follows:

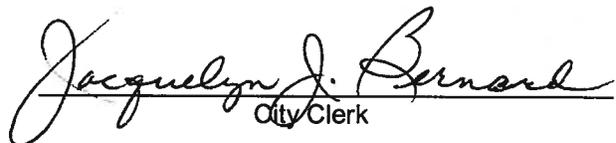
In the event the City Manager is terminated by the Council at its will and pleasure, during such time that the City Manager is willing and able to perform his duties under this agreement, then in that event the City agrees to pay the City Manager a lump sum cash payment equal to six (6) months' aggregate salary plus one (1) additional month's aggregate salary for each year of service for the first six years, not to exceed a total of 12 months....

It was noted that this provision differs from the provision offered to previous City Managers; specifically, previous provisions offered six months' severance pay, but did not offer the additional one month's aggregate salary for each additional year of service up to 12 months. The matter was discussed at some length, with Personnel Director Penny Sissom responding to the Council's questions and comments, but no amendments were offered.

The resolution was adopted by unanimous electronic vote with Council members Garcia Garland, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

The meeting adjourned at 6:15 p.m.

ADJOURNMENT


City Clerk

ELECTRIC DEPARTMENT MEMORANDUM
10-20

DATE: July 26, 2010

TO: Gary Cinder, Interim City Manager

FROM: Jack L. Suggs, Electrical Director

SUBJECT: MEMBERSHIP AND DUES PAYMENT FOR ETEDA

Attached is a resolution approving membership in the East Tennessee Economic Development Agency (ETEDA) and authorizing payment of membership dues in the amount of \$26,116.00.

ETEDA is a regional marketing and business recruitment organization that promotes our 16-county region through a variety of efforts and provides site location information and assistance to companies interested in locating here.

ETEDA is co-located with the State of Tennessee Department of Economic and Community Development and the Tennessee Valley Authority Economic Development Specialist for our area. This provides a nearly seamless experience for industrial prospects and is frequently cited as a positive model of cooperation and efficiency.

The full range of services offered to industrial clients can be found on the ETEDA website; these services include information such as labor and training statistics, utility service availability and cost of transportation information. ETEDA also provides regional real estate location information, including a complex, well-maintained database of available properties and buildings.

Specific ETEDA programs and accomplishments are detailed in the organization's quarterly newsletter. This newsletter is mailed to the City Manager's Office and members of the Council.

The City joined ETEDA through its functioning as a TVA Regional Industrial Development Agency (RIDA). Thus, the funding for the membership is through the Electric Fund and the Electrical Director sits on the ETEDA Board. TVA encourages membership on the Board by reimbursing the City for approximately one half of the membership dues. Therefore, the actual cost of membership will be \$13,058.00.

Measuring accomplishments in an Economic Development Program is always difficult. This is especially true in regional organizations where any success is the result of a variety of players.

That said, it is the opinion of staff that ETEDA has been a real and valuable asset to the City and to our region as a whole. As such we recommend approval of the attached resolution.



Jack L. Suggs
Electrical Director

City Manager's Comments:

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



Gary Cinder

7/27/10
Date

RESOLUTION

WHEREAS, the City of Oak Ridge recognizes the value of the East Tennessee Economic Development Agency (ETEDA), an organization operating in East Tennessee to promote retention and expansion of existing industrial business and the development of new business in the East Tennessee area; and

WHEREAS, the City of Oak Ridge is a member of ETEDA and wishes to continue that membership in an effort to promote economic development in the East Tennessee area in general and Oak Ridge in particular; and

WHEREAS, the membership dues for ETEDA for calendar year 2010 are \$26,116.00; and

WHEREAS, \$13,058.00 of the membership dues will be reimbursed to the City by the Tennessee Valley Authority (TVA) under a separate contract termed the Industrial Development Contract (Contract 01BKY-268931), approved by City Council through Resolution 3-46-01; and

WHEREAS, the Interim City Manager recommends the City's continued participation in ETEDA and payment of the above stated dues.

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

That the recommendation of the Interim City Manager is approved and the City is hereby authorized to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2010 calendar year.

This the 9th day of August 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**PUBLIC WORKS DEPARTMENT MEMORANDUM
10-18**

DATE: July 27, 2010
TO: Gary M. Cinder, P.E., Interim City Manager
THROUGH: Steven R. Byrd, P.E., Acting Public Works Director 
FROM: Susan Fallon, Contracts/Grants Coordinator

SUBJECT: PURCHASE OF SEWER EASEMENT MACHINE WITH TRAILER

The accompanying resolution recommends the purchase of one sewer easement machine with a trailer from Sansom Equipment Company, Inc. per the specifications provided in the total estimated amount of \$50,837.60.

Easement machines allow the Public Works Department Sewer Rehab crew to access sewer mains that cannot be accessed solely by truck, such as sewer mains that are located in resident's backyards or in wooded areas. Easement machines contain a hose that is connected to the sewer truck parked on the street, allowing for an extension and the ability to utilize the equipment mounted on the truck.

Equipment number 442, purchased in 1992, is the machine that will be replaced by the recommended purchase. This equipment has served the city well during the last eighteen years, but it is now increasingly difficult and expensive to procure replacement parts and it has seen its useful life. The recommended equipment for purchase allows for use in spaces at least 36" wide, includes expandable tracks allowing the machine to widen to 54", providing stability and safety as it travels on rough terrain. Attached are pictures of equipment number 442 and the recommended purchase.

Bids were solicited from three vendors, with Sansom Equipment Company, Inc., Birmingham, AL, the only bidder submitting a quote. The Public Works Department staff recommends the purchase of this equipment from the Wastewater Fund, since it is exclusively used for sewer activities. Staff recommends approval of the attached resolution as submitted.



Susan Fallon

Interim City Manager's Comments:

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



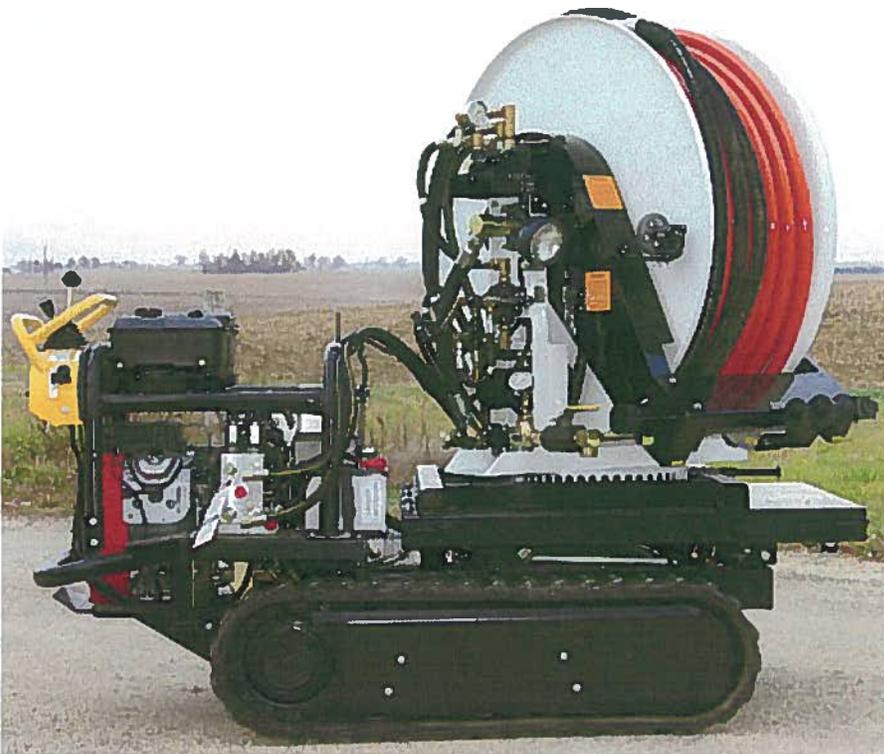
Gary M. Cinder, P.E.

7/27/10

Date



Equipment number 442 purchased in 1992



Recommended equipment for purchase

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

REQUEST NUMBER: 118780
OPENING DATE: JULY 22, 2010 2:00 P.M.

DESCRIPTION	ITEM	UNIT	BIDDER:		BIDDER:		BIDDER:	
			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
THE FURNISHING OF AN EASEMENT MACHINE WITH TRAILER PER THE SPECIFICATIONS PROVIDED FOR THE CITY OF OAK RIDGE PUBLIC WORKS DEPARTMENT			\$ 50,837.60					
TOTAL PRICE			\$ 50,837.60		\$		\$	
TERMS			Net 30					
DELIVERY			60 Days ARO					
F.O.B.			Oak Ridge					
VIA			Vendor					
<p>OTHER BIDDERS CONTACTED--- Environmental Products of Florida - Pembroke, FL Adams Equipment Company - White Plains, GA</p>								
<p>REASON FOR AWARD</p> <input type="checkbox"/> ONLY AVAILABLE SOURCE <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input checked="" type="checkbox"/> ONLY BID RECEIVED			<p>RECOMMEND AWARD BE MADE TO:</p> <p>Sansom Equipment Company Inc. 1225 Vanderbilt Road Birmingham, AL 35234</p>			<p>BIDS OPENED AND RECORDED BY---</p> <p><i>Lyn Dowling</i> Lyn Dowling Accounting Division Manager</p> <p>BIDS REVIEWED BY---</p> <p><i>Janice McGinnis</i> Janice McGinnis Director of Finance</p>		

RESOLUTION

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of one sewer easement machine with a trailer to replace a current easement machine that has seen its useful life after eighteen years of use; and

WHEREAS, bids were received and publicly opened on July 22, 2010, with Sansom Equipment Company, Inc., Birmingham, Alabama, submitting the sole bid, which bid the Interim City Manager recommends be accepted.

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

That the recommendation of the Interim City Manager is approved and award is hereby made to Sansom Equipment Company, Inc., 1225 Vanderbilt Road, Birmingham, Alabama 35234, for the furnishing of one sewer easement machine with a trailer; said award in strict accordance with Requisition No. 118780, the required specifications, and the bid as publicly opened on July 22, 2010, and in the estimated amount of \$50,837.60.

This the 9th day of August 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
10-66

DATE: July 23, 2010

TO: Gary Cinder, Interim City Manager

THROUGH: Kathryn Baldwin *K.B.*

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

**SUBJECT: AMENDMENT TO A SUBRECIPIENT AGREEMENT FOR THE
PY2009/FY2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

The accompanying resolution recommends amending the PY2009/FY2010 Community Development Block Grant (CDBG) subrecipient agreements for Housing Counseling Services and Down Payment Assistance with Aid to Distressed Families of Appalachian Counties (ADFAC) by extending the time allowed for project completion to June 30, 2011. The remaining allocation of funding for Down Payment Assistance is \$10,000 and the remaining allocation for Housing Counseling is \$2,000.

The funds allocated to this project are available from the City's CDBG Entitlement funds and will not affect any of the funded projects for FY2011. Since the amendment is for extending the time to utilize the funds, an amendment to the PY2009/FY2010 CDBG Annual Action Plan is not required.

Each fiscal year, the City of Oak Ridge allocates CDBG funding to local non-profit organizations with one-year subrecipient agreements. During FY2010 ADFAC received funding for housing rehabilitation and yard enhancement as well as funding for down payment assistance and housing counseling. The funding for housing rehabilitation and yard enhancement was completely utilized.

The funds for down payment assistance and home ownership counseling are used as ADFAC completes the construction of new homes for low-income families. As ADFAC continues to complete construction on new homes and assist the new homeowners during FY2011 there will be a need for down payment assistance and home ownership counseling. ADFAC is not receiving funds for this purpose from the FY2011 CDBG program and therefore is seeking approval for an extension of time to use FY2010 funds. ADFAC submitted a written request (copy attached) for an extension of time to utilize the FY2010 allocated funds, which changes the scope of the one-year subrecipient agreements. ADFAC plans to use the \$10,000 for down payment assistance and the \$2,000 for housing counseling services during the period of July 1, 2010 through June 30, 2011.

Staff recommends approval of the attached resolution as submitted.

City Manager's Comments:

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



Gary Cinder, Interim City Manager

7/27/10

Date

July 12, 2010

Ms. Kahla Gentry
City of Oak Ridge
Post Office Box 1
Oak Ridge, TN 37831

Ms. Gentry:

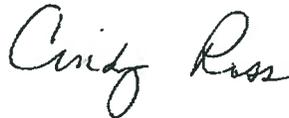
Please consider this letter as written request to carry over funds from the 2009-2010 CDBG Funding.

The 2009-2010 CDBG funding year was quickly followed by ARRA-Recovery monies. ADFAC spent recovery dollars first before starting to spend regular CDBG funding dollars.

There is approximately \$10,000 of down payment assistance and \$2,000 in homebuyer training from the 2009-2010 year. We expect to spend these remaining funds in the next 6 months and match them with recently secured funding.

Please let me know if any additional information is needed to fulfill this request.

Sincerely,



Cindy Ross
Director, Affordable Housing Program

Aid to
Distressed
Families of
Appalachian
Counties

Affordable Housing
Program

Post Office Box 5953
Oak Ridge, TN 37831

phone 865.481.3837
fax 865.481.3822
www.adfac.org

*ADFAC is an equal opportunity
provider, employer and lender.*

*To file a complaint of
discrimination, write U.S.
Department of Housing and
Urban Development, Assistance
Secretary For Fair Housing and
Equal Opportunity, Washington,
D.C. 20410 or you may write
USDA, Office of Civil Rights, 1400
Independence Avenue,
Washington, D.C. 20250, or you
may call 800-795-3272 (voice) or
202-720-6382 (TTY).*



RESOLUTION

WHEREAS, by Resolution 5-34-09, City Council authorized the allocation of Community Development Block Grant Entitlement funds for FY2010 in the total amount of \$261,000.00; and

WHEREAS, said allocations included \$10,000.00 to Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) for down payment assistance (CDBG FY10-03) and \$2,000.00 to ADFAC for homeownership counseling services (CDBG FY10-04); and

WHEREAS, the City and ADFAC entered into subrecipient agreements for these services for the period of July 1, 2009 through June 30, 2010; and

WHEREAS, ADFAC has requested permission to carry-over the funds to provide the same services during this fiscal year; and

WHEREAS, the Interim City Manager recommends approval of a one-year extension to both subrecipient agreements to allow ADFAC the ability to continue to provide down payment assistance and homeownership counseling services during Fiscal Year 2011.

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

That the recommendation of the Interim City Manager is approved and the subrecipient agreements between the City and Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) for down payment assistance (CDBG FY10-03) and homeownership counseling (CDBG FY10-04) are hereby extended for an additional year to allow ADFAC the opportunity to provide these services during Fiscal Year 2011.

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

This the 9th day of August 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**ORDINANCES
FIRST READING**

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
10-65

DATE: July 26, 2010

TO: Gary Cinder, Interim City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

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

SUBJECT: **REZONING AND LAND USE PLAN AMENDMENT; PARCELS 15.00 AND 16.00, ANDERSON COUNTY TAX MAP 100A, GROUP C ON BUS TERMINAL ROAD**

An item for the City Council agenda is a request to rezone Parcels 15.00 and 16.00, Anderson County Tax Map 100A, Group C, from IND-1, Industrial to R-4, High Density Residential. The property is owned by Methodist Medical Center and the applicant is Medical Development Corporation, Atlanta, Georgia. The rezoning is requested to allow the development of an assisted living facility. The subject property was once used for a bus maintenance facility. The building on the site was demolished in 1997 and the site has remained undeveloped since that time. It has most recently been used by Methodist Medical Center for a staging area during their renovations. The current condition of the site detracts from the area because of overgrown weeds, construction debris and old broken up areas of concrete and asphalt. Utilization and redevelopment of the site is needed. The property proposed for rezoning has an area of approximately 4.39 acres. The location on Bus Terminal Road is across from the Pinewood softball field zoned RG-1. On the south is Greenfield assisted living, zoned R-4-C, Multiple Family; NHC nursing home zoned O-2, Office and an AT&T facility zoned IND-1, Industrial. Ridgeway Center and Security Square, zoned B-2, General Business are north of the subject property. Behind the property on the west is an auto glass repair and body shop zoned B-2, General Business. At their regular meeting on July 22, 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 B, General Business to R, Residential. Approval was recommended for the following reasons:

1. Based upon the mix of zoning and existing uses in the area, including commercial establishments, offices, residential and nursing facilities for the elderly and a City park, R-4, High Density Residential is seen as more appropriate than IND-1, Industrial. The former use that generated the IND-1 designation has been removed and the area is not oriented towards industrial establishments.
2. The subject property is contiguous to property zoned R-4-C, Multiple Family.
3. Development of the property under R-4 zoning would be a positive contribution to the surrounding area. The property has remained underutilized and vacant for many years with IND-1 zoning.

Staff also recommends approval of the requested rezoning from IND-1 to R-4 and Land Use Plan amendment from B, General Business to R, Residential. The area is one with a wide variety of uses, however the proposed R-4 zoning is a logical extension of the R-4-C zoning adjacent to the south.

City Manager's Comments:

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



Gary Cinde, Interim City Manager

7/27/10
Date

Staff Review of Rezoning Request

Location & Approximate Area: Anderson County Tax Map 100A, Group C, Parcels 15.00 and 16.00, located on the west side of Bus Terminal Road across from Pinewood Softball Field. Approximately 4.39 acres in area.

Date: July 16, 2010

Owner: Methodist Medical Center
990 Oak Ridge Tpke.
Oak Ridge, TN

Applicant: Medical Development Corporation
1530 Dunwoody Village Parkway
Atlanta, GA 30338

Request Rezoning

From: IND-1, Industrial

To: R-4, High Density Residential

Purpose: To develop an assisted living facility.

Site Characteristics: Site is level. Former bus maintenance facility has been removed and site has been remediated, however concrete, asphalt and gravel remain.

Existing Land Use: The site has been used as a staging area for Methodist Medical Center during their renovations. The site has piles of dirt and construction debris along with overgrown weeds.

Adjacent Land Uses & Zoning:

North: B-2, General Business in commercial use.

East: O-2, Office in office use and RG-1 used for City softball field.

South: R-4-C, Multiple Family – location of Greenfield assisted living, IND-1, Industrial- location of AT&T storage yard and O-2, Office – location of NHC nursing home.

West: B-2, General Business, auto glass repair and body shop

Previous Rezoning Requests: none

2. **Conformity with 1988 Comprehensive Plan:** The Land Use Plan designates this area as B, General Business. If rezoned a major amendment to the Land Use Plan map is required to change the designation from B, General Business 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-4, High Density Residential setbacks are as follows: Front – 25 feet; Side – 12 feet plus 5 feet on each side per floor over 2 stories with a maximum of 50 feet; Rear – 12 feet plus 10 feet per floor over 2 stories with a maximum of 50 feet

Maximum Usable Floor Area to Lot Area Ratio: 50%

Maximum Height: No maximum height

Areas zoned R-4 must have direct access to a major thoroughfare or collector street. Bus Terminal Road is classified as a major collector between the Oak Ridge Turnpike and Laboratory Road.

Analysis:

The following criteria was used to evaluate the rezoning request.

Is the proposed zoning district consistent with the City' Comprehensive Plan?

The proposed zoning district is not consistent with the General Business land use plan designation. The subject property is adjacent to an area designated as R, Residential where a nursing home and an assisted living facility are located.

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

There have been no significant changes in the character of development in or near the area. The building on the site was demolished in 1997 and the site has remained undeveloped since that time. Overgrown weeds and construction debris on the subject property have detracted from the area.

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 area in which the subject property is located is one of mixed uses and is found to be suitable for the uses permitted in the R-4 district. In addition to assisted living facilities the R-4 district allows multiple family dwellings, community facilities, hotel or motel, bed & breakfast inns, offices, medical office uses, animal hospitals, religious institutions, and educational institutions. The existing uses on three sides of the property include uses permitted in the R-4 district. The abutting property on the south, Greenfield assisted living, is zoned R-4-C. The R-4 district is seen as more appropriate than the current IND-1 zoning designation for this area. If the site is developed under R-4 zoning a "Type C" landscaped buffer will be required between the site and the adjacent properties zoned IND-1 and B-2.

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

No, there is R-4-C zoning on adjacent property.

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

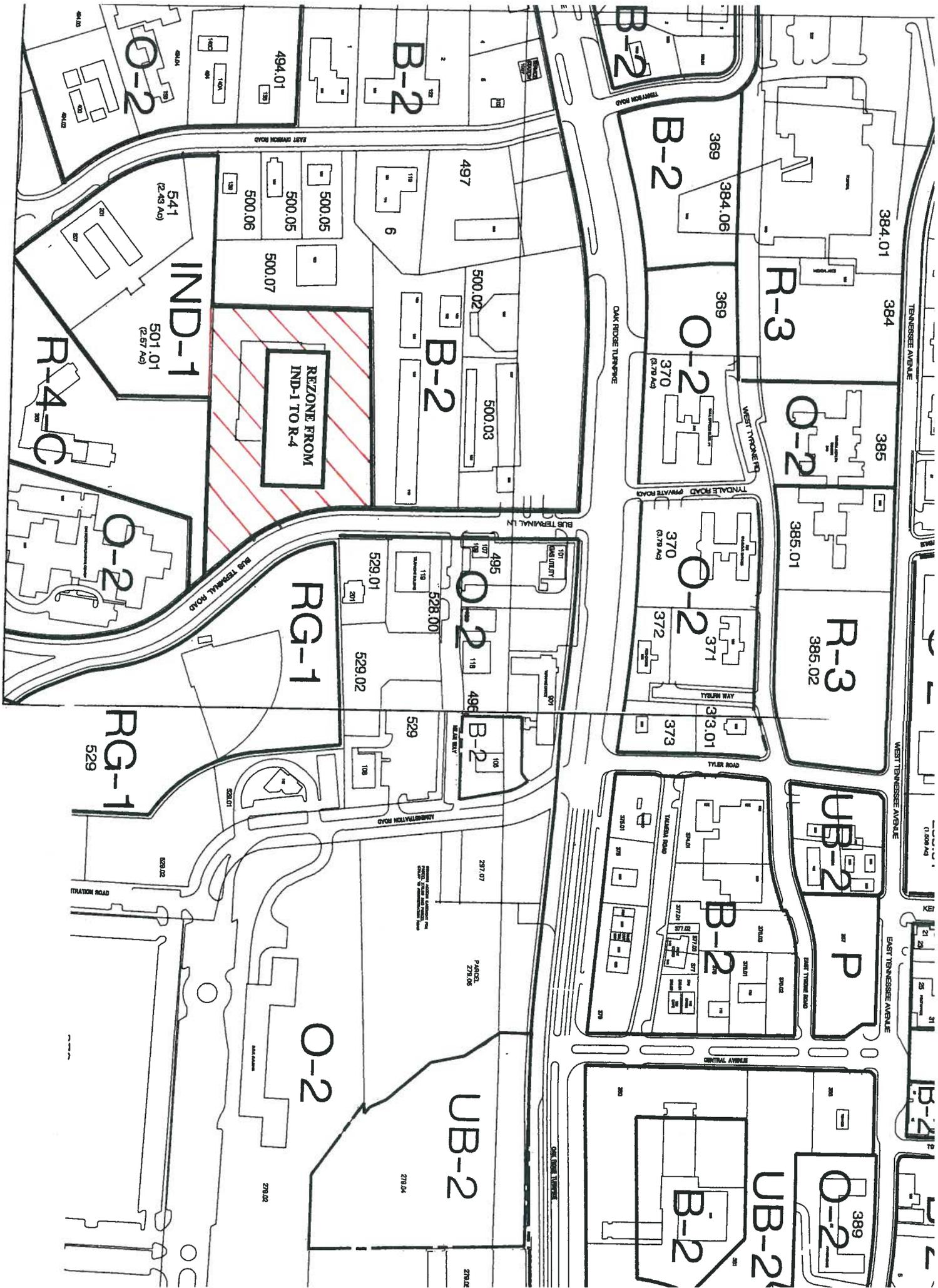
Yes, public facilities and road capacity are adequate.

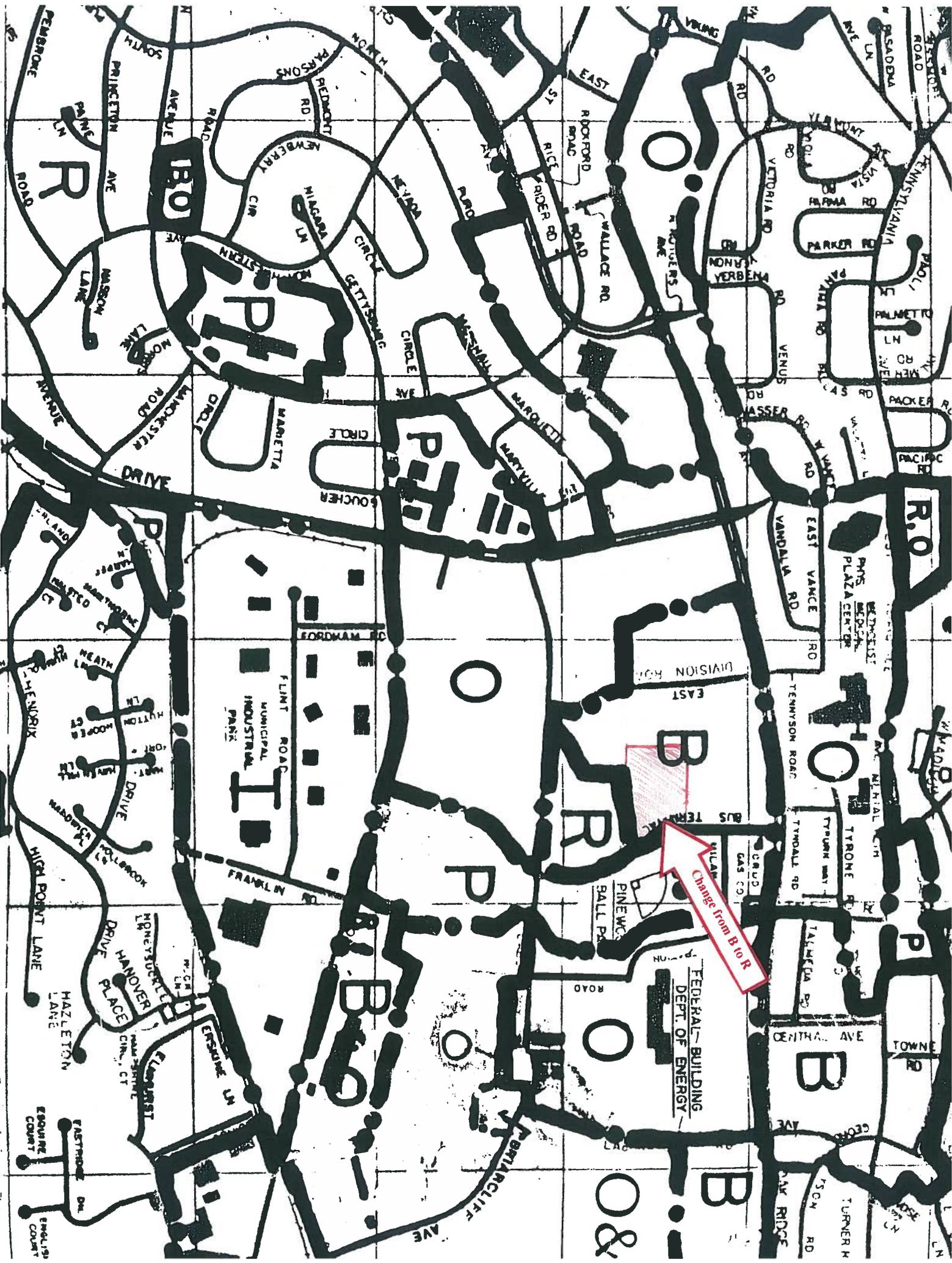
Would the requested rezoning have environmental impacts?

No, environmental impacts are likely to be similar whether the site is developed as IND-1 or R-4, however uses permitted in the IND-1 district are more likely to have the potential for negative environmental impact due to noise, truck traffic or other impacts associated with industrial uses.

4. **Impacts of Rezoning:** Rezoning from IND-1 to R-4 changes the potential character of development for the site in a desirable direction more suited as an adjacent use to the offices, park, nursing home and assisted living facility that are existing next to and nearby the subject property.
5. **Neighborhood Position:** No comments received as of 7/16/10.
6. **Notification of Property Owners Within 200':** July 9, 2010
7. **Rezoning Sign Posted:** July 8, 2010
8. **Conclusion and Planning Staff Recommendation:** Staff recommends approval of rezoning the subject property from IND-1 to R-4 and approval of the related Land Use Plan amendment from B, General Business to R, Residential. The R-4 zoning district is seen as more appropriate than the current IND-1 zoning district. The uses allowed in the R-4 district are similar to most of the existing uses in the area and would be more compatible with the assisted living facility and nursing home facility adjacent on south side.

Planning Commission Recommendation: July 22, 2010: Recommended approval of the requested rezoning and Land Use Plan amendment by a vote of 9-0.





Change from B to R

FEDERAL BUILDING
DEPT. OF ENERGY

PIUS XII
MEDICAL PLAZA
CENTER

FLINT ROAD
MUNICIPAL INDUSTRIAL
PARK

R

Pt

Pt

R

Pt

B

B

B

O &

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 015.00, ANDERSON COUNTY TAX MAP 100A, GROUP C, AND PARCEL 016.00, MAP 100A, GROUP C, FROM IND-1, INDUSTRIAL, TO R-4, HIGH DENSITY RESIDENTIAL; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCELS FROM B, BUSINESS 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 015.00, Map 100A, Group C (± 2.78 Acres)	Bus Terminal Road (formerly 140 Bus Terminal Rd)	IND-1, Industrial	R-4, High Density Residential
Parcel 016.00, Map 100A, Group C (± 1.61 Acres)	Bus Terminal Road (formerly 140 Bus Terminal Rd)	IND-1, Industrial	R-4, High Density 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 major amendment to the Comprehensive Plan's Land Use Plan, and said Plan is hereby amended by changing the designation of Parcel 015.00 and Parcel 016.00, Map 100A, Group C, to be changed from B, Business 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: _____
First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
10-64

DATE: July 26, 2010

TO: Gary Cinder, Interim City Manager

THROUGH: Kathryn Baldwin, Community Development Director



FROM: Kahla Gentry, Senior Planner

KG

SUBJECT: **REZONING AND LAND USE PLAN AMENDMENT; PARCEL 51.00,
ANDERSON COUNTY TAX MAP 940, GROUP A, 103 TURNER ROAD**

An item for the City Council agenda is a request to rezone the lot located at 103 Turner Road from R-1-C, Single-Family Residential in the Manhattan District Overlay to UB-2, Unified General Business, and to amend the Land Use Plan from R, Residential to B, General Business. The application is submitted by the owner, Kathy Miller, to allow a retail store or restaurant. The current use of the property is for a single-family residence with access from Turner Road. The lot backs up to the Oak Ridge Turnpike. On the west side of the subject property is a single-family residence and adjacent on the east side is a single-family residence and Sonic Drive-In. The property proposed for rezoning has an area of approximately 0.54 acres. At their regular meeting on July 22, 2010, the Oak Ridge Municipal Planning Commission voted 9-0 to recommend denial of the requested rezoning and the associated Land Use Plan amendment from R, Residential to B, General Business for the following reasons:

1. Although there is adjacent property on the east with commercial zoning, the commercially zoned property does not have frontage on a residential street, only on the Oak Ridge Turnpike, extending east to Florida Avenue.
2. Rezoning would change the zoning and land use pattern of the lots fronting on Turner and Tyson Roads being zoned and used for single-family residential. There are single-family residential lots on each side of the subject property.
3. Rezoning of the subject property to UB-2, Unified General Business is seen as detrimental to the residential neighborhood because of the isolated change of one lot to commercial when lots on each side are residential.

Staff also recommends denial of the rezoning and Land Use Plan amendment. As stated above, the requested rezoning will result in one lot fronting on Turner Road being zoned commercial when the existing pattern is one of residential lots in a continuous pattern fronting Tyson and Turner Road. The residential character of Tyson and Turner Road would be fragmented by such a rezoning. Rezoning 103 Turner Road to a commercial zone is seen as being destabilizing to the residential neighborhood, increasing the likelihood of additional commercial rezoning requests between Georgia Avenue and Turner Road.

City Manager's Comments:

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


Gary Cinder, Interim City Manager

7/27/10
Date

Staff Review of Rezoning Request

Location & Approximate Area: 103 Turner Road, Parcel 51.00, Anderson County Tax Map 940, Group A. The site has an approximate area of 0.54 acres.

Date: July 15, 2010

Owner: Kathy C. Miller
140 Windham Road
Oak Ridge, TN 37830

Request Rezoning

From: R-1-C, One-Family Residential in the Manhattan District Overlay (MDO)
To: UB-2, Unified General Business

Site Characteristics:

Developed as single-family detached residential lot. The lot is level with grass and a few trees.

Adjacent Land Uses & Zoning:

- North: Single-family detached residential zoned R-1-C/MDO
- West: Single-family detached residential zoned R-1-C/MDO
- South: Commercial including former car lot, *The Oak Ridger* newspaper facility, Home Depot, a fire station and NucSafe offices, zoned B-3, Roadside Business, IND-1, Industrial, B-2, General Business and UB-2, Unified General Business.
- East: Single-family detached residential zoned R-1-C/MDO and commercial - Sonic Drive-in, zoned UB-2, Unified General Business, next to Sonic is vacant land zoned B-2, General Business with a PUD overlay.

Previous Rezoning Requests: None

Background:

Purpose: To accommodate a commercial chain store/restaurant.

Conformity with 1988 Comprehensive Plan:

- a. Land Use Plan: The Land Use Plan designates the area proposed for rezoning as R, Residential. If rezoning is approved a major amendment to the Land Use Plan would be required changing the designation to B, General Business.
- b. Applicable Policies:

Policy P-15: The City will eliminate or reduce land use conflicts through strict enforcement of the Zoning Ordinance and by following the Oak Ridge Land Use Plan.

Policy L-8: The City will promote the location of intensively-designed retail, service, office, hotel, multiple-family residential, and civic activities in the Turnpike-Illinois-Rutgers vicinity and in the Jackson Square - Jackson Plaza vicinity while allowing appropriately located and designed neighborhood shopping centers.

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

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 proposed zoning district is not consistent with the Residential land use designation.
- 2) **Are there substantial changes in the character of development in or near the area under consideration that support the proposed rezoning.**
There have been no significant changes in the character of development in or near the area. The proposed rezoning would represent a change to the character of the neighborhood.
- 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 subject property is located in an area with mixed uses and zoning, but rezoning the subject property would disrupt the existing development pattern of properties with frontage on Turner/Tyson Road being zoned and utilized for single-family residential use.
- 4) **Will the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?**
There is commercial zoning adjacent to and near the subject property, however these properties do not have frontage on a residential street and have never been developed for residential use as part of the original neighborhood. Rezoning of the subject property would be isolated from the two other abutting properties on each side, which front on Tyson/Turner Road, zoned R-1-C/MDO and developed as single-family residential.
- 5) **Are public facilities and services adequate to accommodate the proposed zoning district?**
Public utilities and road capacity are adequate. Rezoning to a commercial zoning district would require construction of a frontage road extension to provide access to the Oak Ridge Turnpike.
- 6) **Would the requested rezoning have environmental impacts?**
Rezoning would result in more intensive use with increased impermeable surface area, increasing storm water run-off.

Neighborhood Position: One comment has been received from a nearby homeowner agreeing with the recommendation for denial. Two people spoke against the rezoning at the Planning Commission meeting and a resident who was against the rezoning called after the meeting.

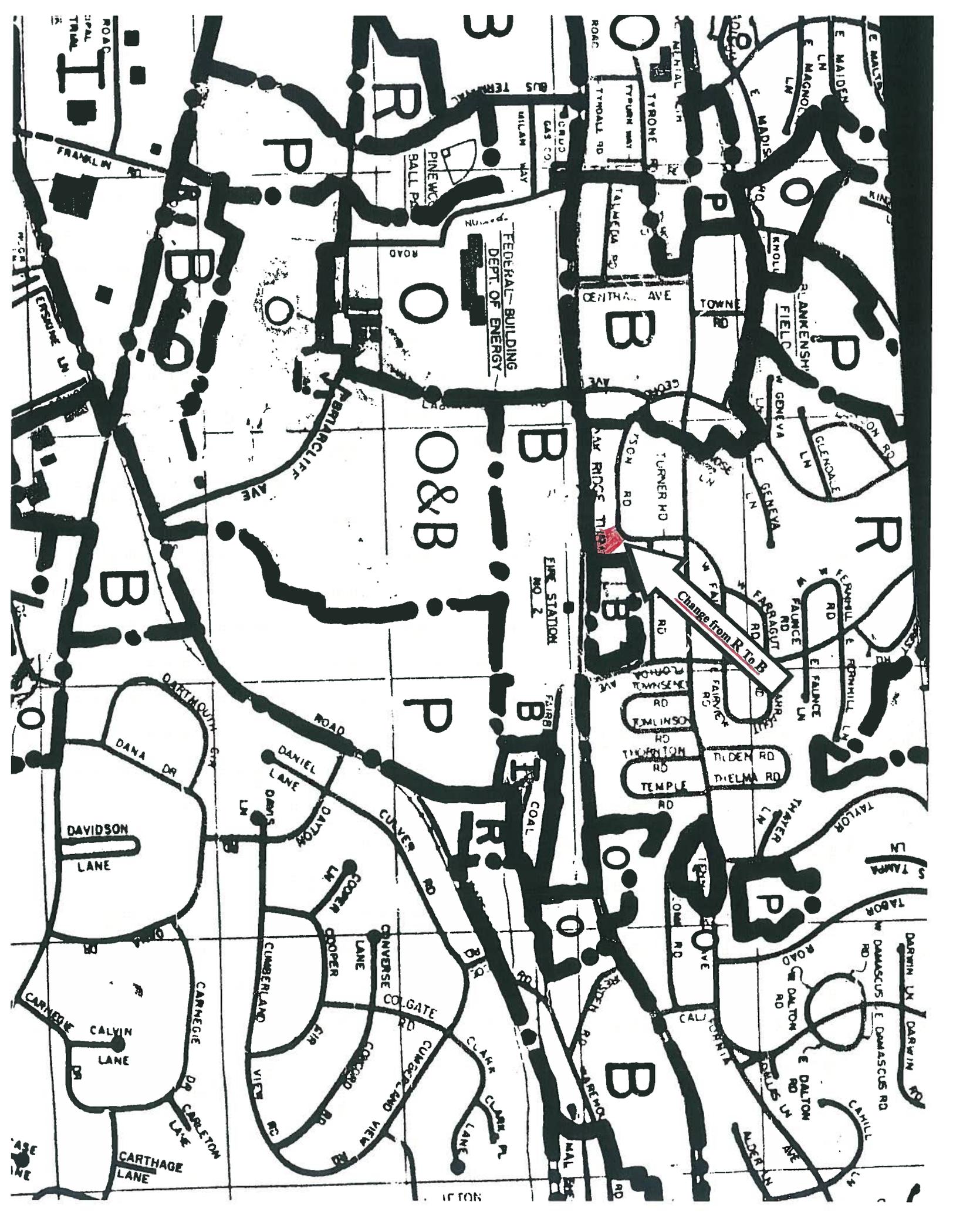
Landscaping/Buffering requirements: If new construction takes place, at least 20% of the site must remain in green space. A landscaped area between the parking lot and the front lot lines is required and a "Type D" landscaped buffer is required between uses in the UB-2 district and single-family residential uses.

Notification of Property Owners Within 200': July 9, 2010

Rezoning signs posted: July 8, 2010

Conclusion and Planning Staff Recommendation: Staff does not recommend approval of the rezoning request. The requested rezoning is not consistent with the Land Use Plan and is inconsistent with the existing development pattern of properties fronting Turner/Tyson Road. Rezoning would result in having one commercial lot located between two residential lots.

Planning Commission Recommendation: July 22, 2010: Recommended denial of rezoning and Land Use Plan amendment by a vote of 9-0.



TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," BY AMENDING THE ZONING MAP WHICH IS MADE A PART OF THE ORDINANCE BY CHANGING THE ZONING DISTRICT OF PARCEL 051.00, ANDERSON COUNTY TAX MAP 940, GROUP A, FROM R-1-C, SINGLE-FAMILY RESIDENTIAL WITH A MANHATTAN DISTRICT OVERLAY, TO UB-2, UNIFIED GENERAL BUSINESS; AND AMENDING THE COMPREHENSIVE PLAN'S LAND USE PLAN BY CHANGING THE DESIGNATION OF SAID PARCEL FROM R, RESIDENTIAL TO B, BUSINESS.

WHEREAS, the following change has been submitted for approval or disapproval to the Oak Ridge Municipal Planning Commission and the Commission has disapproved 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 051.00, Map 940, Group A (± 0.54 Acres)	103 Turner Road	R-1-C, Single-Family Residential	UB-2, Unified General Business

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 major amendment to the Comprehensive Plan's Land Use Plan, and said Plan is hereby amended by changing the designation of Parcel 051.00, Map 940, Group A, to be changed from R, Residential to B, Business.

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

RESOLUTIONS GENERAL

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM
10-63**

DATE: July 21, 2010
TO: Gary Cinder, Interim City Manager
THROUGH: Kathryn Baldwin, Community Development Director 
FROM: Athanasia Senecal, Community Development Specialist
SUBJECT: TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) OPERATING ASSISTANCE GRANT FOR FY 2011

An item for City Council's consideration is a resolution authorizing the City to apply for an Operating Assistance Grant from the Tennessee Department of Transportation (TDOT) for public transportation services during fiscal year 2011. The resolution also authorizes acceptance of the grant upon approval from TDOT. The City has been receiving this grant on an annual basis since 1993.

For fiscal 2011, the State has allocated \$268,424 in operational funding for the City's transit programs. This Operating Assistance Grant will be used to pay for 50% of the operating expenses for the City's two Public Transit Programs. Other eligible uses for the grant funds include advertising, marketing and promotions of the City's transit programs.

The City's share of expenses comes through the Streets and Public Transportation Fund, which gets its revenue primarily from a 1-cent-per-gallon fee levied by the State on petroleum products and shared with local governments, and an annual operating transfer from the City's General Fund. The City's revenue from the State source has continued to decline each year since 1994. This revenue is allocated to local governments based on a prorated share based on population. Escalating fuel costs resulting in reduced unit sales may also be impacting annual revenues. The operating transfer from the City's General Fund provides the remaining funding to match the grant with the fiscal 2011 transfer set at \$55,000.

Overview of Oak Ridge Public Transit Program - The City of Oak Ridge Public Transportation Program offers a valuable service to area citizens by providing door-to-door, on-demand transportation to any location within the City limits. The program is composed of two components:

1. **Demand Responsive Transit System.** The City's Demand Responsive System was created in 1993 to provide transportation service to all persons within the corporate limits of Oak Ridge. Riders can utilize the City's disabled-accessible minibuses to reach their doctors offices, places of employment, and favorite stores. Approximately 11% of the passenger trips are for individuals in wheelchairs.

By Resolution 6-75-03, City Council awarded a contract to East Tennessee Human Resource Agency (ETHRA) to provide demand-responsive public transportation services for the City. ETHRA is responsible for the daily operations and management of the system. This contract was for an initial one-year term, running on the City's fiscal year, and provides for up to nine (9) additional one-year terms upon the mutual consent of both parties. Fiscal year 2011 will be the eighth year of this contract. The City may reduce the amount of service rendered if, in the City's determination, the monthly ridership does not warrant operation of the vehicles during all service hours.

The City provides ETHRA with three disabled-accessible minibuses, with the capacity to carry 12 ambulatory and 2 wheelchair passengers each; and a van equipped with a hydraulic lift, which accommodates 13 ambulatory and 2 wheelchairs passengers. The vehicles currently operate six days a week, Monday through Saturday, from 8:00 a.m. until 4:30 p.m., and are leased to ETHRA for the sum of \$1.00 per vehicle per year by the City. ETHRA is responsible for maintenance, at its expense, of the vehicles in accordance with manufacturers and state maintenance standards and also provides fuel for operation of the vehicles.

Passengers are picked up and delivered anywhere within the City limits for only \$1.50 per one-way trip, or \$3.00 round trip. Rides are scheduled one day in advance by calling 482-2785. Same-day service is provided for emergency trips whenever feasible. The \$1.50 charged per trip rate will be reviewed during fiscal 2011 to see if a rate increase is warranted. This rate has not changed since inception of the program in 1993.

2. Transportation Assistance Program. The Transportation Assistance Program began in December 1974, offering a means to supplement transportation for eligible participants to healthcare, shopping, social, cultural and recreational events. The program was not designed to meet the total transportation needs of residents, but rather to supplement the efforts of family, neighbors and friends to assist with transportation needs within the City. Originally established to assist senior citizens, the program was restructured in 1987 to provide help for disabled adults as well. Any resident aged 55 or older or any disabled resident aged 18 or older with a physician-certified disability may purchase taxicab coupons. One coupon may be used per one-way trip.

Coupons are sold from 9:00 a.m. to 4:00 p.m., Monday through Friday, at the Oak Ridge Senior Center. Proof of identification, age and residency is required. Any qualified person per year may purchase a maximum of 144 coupons. Coupons are sold in books of 12 for \$9.00 per book. Each coupon is good from July 1 through June 30. Persons having coupons left over after June 30 can trade them at the Senior Center for current coupons. The taxicab company offers a 10% discount, absorbing thirty cents of the coupon cost, and the City provides the remaining \$1.95.

Financial Breakdown		
City's Share	\$1.95	65%
Participant's Share	\$0.75	25%
Taxicab Share	\$0.30	10%
	<u>\$3.00</u>	<u>100%</u>

RESOLUTION

WHEREAS, the City has implemented a public transportation program including a demand-responsive system and a transportation assistance program; and

WHEREAS, the Tennessee Department of Transportation has grant monies available under its Operating Assistance Grant program and has allocated funding to reimburse the City for a portion of the operating expenses for the City's transit system; and

WHEREAS, the Interim City Manager recommends submittal of an application for said grant and recommends acceptance of said grant should it be approved by the Tennessee Department of Transportation.

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

That the recommendation of the Interim City Manager is approved and the City is hereby authorized to submit a grant application to the Tennessee Department of Transportation for an Operating Assistance Grant to reimburse the City for up to fifty percent (50%) of the net operating expenses of the City's Public Transportation Program in the estimated amount of \$268,424.00.

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

BE IT FURTHER RESOLVED that if said application is approved by the Tennessee Department of Transportation, the Mayor is authorized to accept said grant for the City.

This the 9th day of August 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

**RESOLUTIONS
BIDS AND
CONTRACTS**

ELECTRIC DEPARTMENT MEMORANDUM
10-19

DATE: July 26, 2010

To: Gary Cinder, Interim City Manager

From: Jack L. Suggs, Electric Director

SUBJECT: AWARD OF BIDS FOR THREE PHASE PAD MOUNTED TRANSFORMERS

Attached is a resolution making an award to WESCO Distribution Inc., Chattanooga, Tennessee, in the estimated amount of \$356,764.00 for the purchase of twenty-six three phase pad mounted transformers and to ERMCO Distribution Transformers c/o Utility Sales Agency, LLC, Lenoir City, Tennessee in the estimated amount of \$46,353.00 for the purchase of seven three-phase pad mounted transformers in the sizes and voltages specified.

The electric system uses distribution transformers to provide power at voltages needed by its customers. We purchase three different types of transformers, single-phase pole mounts, single-phase pad mounts and three-phase pad mounted units. We strive to maintain a reasonable stock of the various sizes and voltage configurations available in these units both for new customers and for emergency replacements.

Three-phase pole mounted transformers are used primarily to serve larger commercial and industrial loads. The units being ordered will be placed in stock for new loads, but primarily used for system maintenance and emergency replacement purposes. Demand of the units depends a great deal on the development taking place and the severity of the weather. Based on our experience, we believe the number of units purchased will meet our needs for the next 12 to 18 months.

Transformer bids are not evaluated on the basis of low bid but rather based on the Total Life Cycle Cost. Total Life Cycle Cost includes not only the purchase price of the unit, but also the value of the energy used by the unit itself over its lifetime (termed losses). Typically, more efficient transformers cost more to manufacture than those that have poor energy efficiency. Using Total Life Cycle Cost as the award criteria balances the two factors to the economic benefit of the system. As a side benefit, more efficient transformers are generally quieter and may resist mechanical failure better. This technique for transformer award is a standard industry practice of which the bidders are advised before the bid.

In the particular bid under consideration, a wide range of sizes and voltages were bid. As indicated on the abstract, the staff recommends the bid be divided between two different vendors. The savings accomplished by splitting the bid amounts is \$5,926.00 in immediate cost and an estimated \$3,311.10 over the life of the units.

You will also note that two bids were rejected for technical reasons. Utilicor/GE took exceptions to the bidding process that were unacceptable. These included quoting prices that expired before the City Council meeting, refusing to honor portions of the quote regarding penalties for not meeting the required transformer efficiencies, increasing the acceptable tolerances for loss variance and substituting their own set of terms and conditions for those included in the bid.

HD Supply Utilities/Cooper submitted a bid for all aluminum transformer windings (outside of the specification), took exceptions to the testing procedures including wanting to charge the City if we chose to observe certain tests, made changes to the physical requirements of the transformers on issues such as structural support of connection points, sampling valve locations, types of included fuses (they submitted a proprietary design) and, again, substituted their own terms and conditions for those in the bid package.

Although the staff attempts to use some flexibility in the interpretation of specifications, both of these companies' submittals were found to be non-responsive to the bid package and were therefore not considered.

Failure to approve this resolution will result in the Electric Department either making purchases at higher cost under emergency conditions or not meeting customer electric needs. Funding for these purchases is through the Electric Fund. Staff recommends approval of the attached resolution.



Jack L. Suggs
Electrical Director

cc: Lyn Dowlen, Finance Department
Margaret Beams, Electrical Engineering Division Manager

City Manager's Comments:

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



Gary Cinder

7/28/10
Date

RESOLUTION

WHEREAS, the City of Oak Ridge operates an electric distribution utility, providing electricity to its citizens, such system requiring transformers for the delivery of electric power at usable voltages; and

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of three-phase pad mounted transformers for use in its electric distribution system; and

WHEREAS, bids were received and publicly opened on June 16, 2010, with WESCO Distribution, Inc., Chattanooga, Tennessee, submitting the best bid with the lowest total cost of ownership for the 480/277 volt, 300 kVA; 208/120 and 480/277 volt, 500 kVA; 208/120 volt, 750 kVA; 208/120 volt, 1000 kVA; and 480/277 volt, 1500 kVA three-phase pad mounted transformers identified as Items 12, 13, 14, 15, 17, and 20, and with ERMCO Distribution Transformers, c/o Utility Sales Agency, LLC, Lenoir City, Tennessee, submitting the best bid with the lowest total cost of ownership for the 480/277 volt, 45 kVA; 208/120 volt, 112.5 kVA; 208/120 and 480/277 volt, 150 kVA; and 208/120 volt. 225 kVA three-phase pad mounted transformers identified as Items 1, 4, 6, 7, and 8; which bids the Interim City Manager recommends be accepted.

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

That the recommendation of the Interim City Manager is approved and awards are hereby made as follows:

To WESCO Distribution, Inc., 1709 North Orchard Knob Avenue, Chattanooga, Tennessee 37406, for the furnishing of four (4) 480/277 volt, 300 kVA; six (6) 208/120 volt, 500 kVA; six (6) 480/277 volt, 500 kVA; six (6) 208/120 volt, 750 kVA; two (2) 208/120 volt, 1000 kVA; and two (2) 480/277 volt, 1500 kVA three-phase pad mounted transformers identified as Items 12, 13, 14, 15, 17, and 20 on the bid abstract; said award in strict accordance with the bid as received and publicly opened on June 16, 2010, and the required specifications, and in the estimated amount of \$356,764.00.

To ERMCO Distribution Transformers, c/o Utility Sales Agency, LLC, 1209 East Broadway, Lenoir City, Tennessee 37771, for the furnishing of one (1) 480/277 volt, 45 kVA; one (1) 208/120 volt, 112.5 kVA; two (2) 208/120 volt, 150 kVA; one (1) 480/277 volt, 150 kVA; and two (2) 208/120 volt, 225 kVA three-phase pad mounted transformers identified as Items 1, 4, 6, 7, and 8 on the bid abstract; said award in strict accordance with the bid as received and publicly opened on June 16, 2010, and the required specifications, and in the estimated amount of \$46,353.00.

Said bids in the estimated total amount of \$403,117.00.

This the 9th day of August 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ELECTRIC DEPARTMENT MEMORANDUM
10-18

DATE: July 26, 2010

To: Gary Cinder, Interim City Manager

From: Jack L. Suggs, Electric Director

SUBJECT: APPROVAL OF COMMERCIAL AND INDUSTRIAL EFFICIENCY ADVICE AND INCENTIVE PROGRAM CONTRACT

Attached is a resolution approving a contract between the City of Oak Ridge and the Tennessee Valley Authority to implement the Commercial and Industrial Efficiency Advice and Incentive (CIEAI) program.

TVA has developed a number of programs designed to reduce energy use, and particularly peak energy use by its customers. Like many, the CIEAI program was introduced initially to a limited number of distributors and their customers. Oak Ridge was not part of this initial offering, but TVA is now expanding it to be valley wide with the attached contract. Staff notes, however, that the program is identified in the contract as a PILOT effort, which means that future changes are likely and that continuation of the CIEAI program is not guaranteed.

In general, the CIEAI program provides incentives for commercial and industrial customers to qualify for specific reimbursements of existing lighting or HVAC units with higher efficiency units. Such replacements must be planned and approved before the replacement takes place; there are no provisions for retroactive reimbursement. As detailed in the attached documents, the amount of reimbursement varies.

In addition to our customers, the City itself may be able to participate and receive reimbursement from this program. Unfortunately, we will not be able to apply for the work that has already been done improving our facilities, but we should be able to get reimbursement for future projects.

Adoption of the attached resolution will not financially impact the City, as all reimbursements will be made directly from TVA to the customer. Staff recommends approval of the attached resolution.



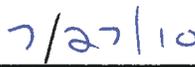
Jack L. Suggs
Electric Director

City Manager's Comments:

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



Gary Cinder



Date

**COMMERCIAL AND INDUSTRIAL EFFICIENCY ADVICE
AND INCENTIVE AGREEMENT**

**Between
OAK RIDGE, TENNESSEE
And
TENNESSEE VALLEY AUTHORITY**

Date: _____

Contract No. 3627

THIS AGREEMENT, made and entered into by and between OAK RIDGE, TENNESSEE (Distributor), a municipal corporation created and existing under and by virtue of the laws of the State of Tennessee; and the TENNESSEE VALLEY AUTHORITY (TVA), a corporation created and existing under and by virtue of the Tennessee Valley Authority Act of 1933, as amended;

WITNESSETH:

WHEREAS, TVA and Distributor have entered into a contract dated May 1, 1980, as amended (Power Contract), under which Distributor purchases its entire requirements for electric power and energy from TVA for resale; and

WHEREAS, Distributor and TVA wish to cooperate in a pilot (Pilot) to encourage implementation of energy efficiency and demand reduction improvements by commercial and industrial customers of Distributor;

NOW, THEREFORE, the parties hereto agree as follows:

SECTION 1 - PILOT PARTICIPANTS

A customer served by Distributor may be a participant in the Pilot (Participant) if the customer falls under one of the three categories below.

1. Commercial and Industrial Customer includes (a) a commercial customer that is billed under any of the Distributor's following currently effective rate schedules: part 2 or 3 of the Base Charges of Schedule GSA, Schedule GSB, Schedule GSC, or Schedule GSD and (b) an industrial customer that is billed under part 2 or 3 of the Base Charges of Distributor's currently effective Schedule GSA.
2. Small Business Customer includes a commercial or industrial customer that is billed under part 1 of the Base Charges of Distributor's currently effective Schedule GSA.
3. Disaster Affected Customer includes a customer that (a) qualifies as either a Commercial and Industrial Customer or a Small Business Customer where the customer's facility has been damaged or destroyed by a natural disaster, and (b) has provided that Distributor verification that it has registered for

disaster assistance from the Federal Emergency Management Agency (FEMA) and has a currently effective FEMA registration number.

Distributor may elect to offer the Pilot to customers falling under any or all of the three categories above. Distributor shall indicate which customers it elects to include in the Pilot by submitting to TVA a form substantially similar to that attached to this agreement entitled "Commercial and Industrial Efficiency Advice and Incentive Pilot Customers." Distributor may at any time change its election by submitting a revised Commercial and Industrial Incentive Options form to TVA.

TVA may, from time to time after written notice to Distributor, revise the requirements which must be met to (a) be considered a Participant under this section 1 or (b) fall under any of the three categories listed above; provided, however, that any such revision shall not apply to any Business Incentive Application Package (BIAP) that was in effect prior to the effective date of said revision.

SECTION 2 - PILOT REQUIREMENTS

To achieve the objectives of the Pilot, the parties agree to the following:

- (a) TVA shall enter into separate arrangements with a third party contractor (currently Nexant, Inc.) (the "Program Administrator") providing for the Program Administrator to administer and manage the Pilot.
- (b) Distributor shall work with TVA to identify commercial and industrial customers as potential Participants in the Pilot and shall determine the category under which the customer qualifies as a Participant under section 1 above. Except as otherwise provided under item (k) below, Distributor shall provide a BIAP, a copy of which is attached to and made a part of this agreement, to any potential Participant identified by Distributor or TVA. The BIAP may be changed, amended, or replaced by TVA from time to time upon notice to Distributor.
- (c) TVA or its authorized agents and contractors may, at TVA's discretion, provide technical advice and assistance to a Participant in order to identify and encourage implementation of energy efficiency and demand reduction improvements.
- (d) Upon receipt of any completed BIAP from a Participant, Distributor shall forward the BIAP, along with any supporting documentation provided in accordance with the BIAP, to TVA for approval.
- (e) Except as provided under item (j) below, TVA may, at TVA's discretion, perform or require the Program Administrator to perform (i) pre-installation or post-installation measurements and (ii) reviews and site inspections related to a Participant's pre-installation or post-installation measurements for any energy efficiency project (Project) proposed by a Participant in accordance with the BIAP. TVA and Distributor will cooperate to arrange for such measurements with the Participant.

- (f) Except as otherwise provided under item (k) below, TVA will provide Distributor (for presentation to the Participant) a Pre-Installation Incentive Notification for any approved Project under the Pilot.
- (g) After a Project is implemented, Distributor or Program Administrator, whichever is applicable, shall provide TVA with any receipts for the improvement(s) made and any supporting documentation received from the Participant in accordance with the BIAP. Except as otherwise provided under item (k) below, upon approval of the receipts and supporting documentation, TVA or Program Administrator, whichever is applicable, shall provide Distributor (for presentation to the Participant) a Post-Installation Incentive Notification.
- (h) For each completed Project, TVA shall cause the Program Administrator to provide incentive payments in accordance with the BIAP and section 3 below.
- (i) Distributor shall provide TVA with access to a Participant's billing information, including but not limited to, billing history before, during, and after the implementation of a Project to assess the value and effectiveness of the Project.
- (j) Upon Distributor's verification that a Participant qualifies as a Disaster Affected Customer under section 1 above, and notwithstanding item (e) above, TVA and Distributor agree that pre-installation measurements and a Pre-Installation Notification will not be required for such Disaster Affected Customer.
- (k) Notwithstanding items (b), (f), and (g) above, Distributor may elect to have the Program Administrator provide any BIAP, Pre-Installation Notification, or Post-Installation Notification directly to Distributor's customers. Further, notwithstanding items (b), (f), and (g) above, Program Administrator will provide all such documents to participants qualifying as a Small Business Customer or a Disaster Affected Customer under section 1 above. TVA will cause Program Administrator to promptly report all Program Administrator interactions with a participant to Distributor and TVA.

SECTION 3 - INCENTIVE PAYMENTS

Incentive payments will be processed and paid by the Program Administrator with funds provided by TVA. Distributor may elect to have payments sent to either (a) the party designated to receive payments in the BIAP or (b) Distributor. If Distributor elects to receive payments under (b), upon receipt of any payment from the Program Administrator, Distributor shall remit within 15 days such payment to the party designated to receive payments in the BIAP. Distributor shall promptly notify TVA's operating representative identified below when payment has been remitted.

Distributor shall indicate how it elects to have incentive payments processed by submitting to TVA a form substantially similar to that attached to this agreement

entitled "Incentive Payment Method." Distributor may at any time change its election by submitting a revised Incentive Payment Method form to TVA.

SECTION 4 - TERM OF AGREEMENT

This agreement shall be effective as of the date first above written and shall terminate upon thirty (30) days' written notification of such termination given by either party to the other party. Upon termination of this agreement, Distributor shall not enroll Participants in the Pilot.

The termination of this agreement shall not relieve the parties of their rights and obligations with regard to Participants enrolled in the Pilot prior to the effective date of such termination.

SECTION 5 - OPERATING REPRESENTATIVES

The operating representatives for administration of this agreement shall be:

Distributor: Mr. Jack L. Suggs, Electrical Director
Oak Ridge Electric Department
Post Office Box 1
Oak Ridge, Tennessee 37831-0001

TVA: C&I Product Manager
TVA EEDR
26 Century Boulevard, OCP-2G
Nashville, Tennessee 37214

Either party may change its operating representative designated above by giving notice to the other party.

SECTION 6 - ENERGY EFFICIENCY CREDITS

Distributor and TVA acknowledge and agree that TVA may be required in the future by law or regulation to meet specific, or a combination of, renewable energy, energy savings and/or demand reduction goals or requirements. Distributor, and TVA further acknowledge and agree that as part of the consideration for this agreement and at no additional cost to TVA, TVA shall have the sole right to use or apply a percentage (Investment Percentage) of all qualifying energy savings for any Project, including the right to a comparable portion of any credits which might be issued or awarded to Distributor under the aforementioned law or regulation on account of such energy savings, that arise or accrue each year as a result of each Project against the aforementioned types of goals and/or requirements. The Investment Percentage shall be equal to the ratio of incentive amounts provided by TVA to the total capital investment of each Project.

Distributor shall be obligated to take all reasonable steps necessary to assure such use or application by TVA, including providing any necessary documentation or transferring the aforementioned amounts of credits (if they are issued or awarded to Distributor under the aforementioned law or regulation) that may be required in that regard; provided, however, it is expressly recognized that such reasonable steps

shall not require Distributor to incur significant expenses to quantify, measure, certify or otherwise prove the amounts of the credit to be transferred to TVA unless agreement is reached between the parties to cover such costs.

For each Project, this obligation will terminate at the end of the useful life of the project or 20 years, whichever occurs first.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly authorized representatives, as of the day and year first above written.

OAK RIDGE, TENNESSEE

By _____
Title:

TENNESSEE VALLEY AUTHORITY

By _____
Executive Vice President
Customer Relations



Business Incentive Application Package

Updated-6/24/2010

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About this Incentive Application Package

Increasing energy efficiency is one of the best investments we can make to help meet the growing demand for electricity in the region. Your local power distributor and the Tennessee Valley Authority encourage all of its customers to be efficient in their use of energy. A broad array of energy efficiency programs, financial incentives and tools are being designed to offer all of Tennessee Valley customers the opportunity to participate in conserving energy.

This incentive application package is intended to provide the documents and instructions required to obtain approval for your qualifying energy efficiency project. Make sure you submit the appropriate forms as outlined in the How to Apply Steps defined.

How to Apply

Step 1: **Complete Section 1:** Applicant Information

Step 2: **Complete Section 2:** Project Information

Step 3: **Complete Section 3, 4a/4b, or 5a/5b:** Check the appropriate incentive offering listed below that applies to you and complete the application section required.

Business Customers:

DO NOT START REMOVAL OF EXISTING EQUIPMENT UNTIL YOU HAVE RECEIVED A PRE-INSTALLATION INCENTIVE NOTIFICATION AFTER ALL PRE-INSTALLATION MEASUREMENT REQUIREMENTS HAVE BEEN COMPLETED.

Commercial and Industrial Incentive

-Submit Section 3 and Required Measurement Forms

The Commercial and Industrial Incentive is offered as part of the Commercial and Industrial Efficiency Advice and Incentive Program. Financial assistance is available to commercial customers for those projects that help reduce power use during TVA's peak periods. These incentives can help shorten project payback periods and are offered through participating local power distributors in partnership with TVA. **Commercial Facility must have a demand greater than 50 kW. Industrial facility must have a demand greater than 50 kW but not more than 5,000 kW contract demand.**

Fast Cash Incentive-Small Business Customers

-Submit Section 4a (Lighting) and/or 4b (HVAC)

The Fast Cash Incentive is a streamlined application enhancement of the Commercial and Industrial Efficiency Advice and Incentives Programs. The streamlined process reduces the customer's time and effort required to receive an incentive. Facility must have a demand less than or equal to 50 kW.

Disaster Affected Customers:

Commercial and Industrial Disaster Assistance Incentive

-Submit Section 5a (Lighting) and/or 5b (HVAC)

The C and I Disaster Assistance Incentive is available to commercial and industrial customers with property affected by a federally declared disaster. C&I Disaster Assistance Incentive Applications must include a valid FEMA Registration Number.

Step 4: **Read and Sign Section 6:** Terms and Conditions

Step 5: **Submit:** Submit your application using the instructions and addresses shown in the section for the selected incentive offering (Section 3, 4 or 5).

All fields of the program applicant information (Section 1) must be completed by the customer applying for the incentive. The information requested is required to process the application and any incomplete fields may result in a rejected application package.

Applicant Information – All fields must be completed	
Customer Name	Contact Name
Address 1	Day Phone
Address 2	Cell Phone
City	Fax
State Zip	E-Mail
Federal Tax ID#	Power Distributor Name

Trade Ally (Contractor) Information		
Applicant is responsible for selecting a Trade Ally to assist in the purchase and installation of qualifying equipment. Trade Allies are vendors, installers, contractors or energy service companies.		
Company (Legal or Parent Company Name)		
Business Or Trade Name (if Different From Above)		
Contact Name		
Contact Title		
Mailing Address		
City	State	Zip
Phone	E-Mail	Fax
Business (Contractor Company) Type:		

Payment Method
<p>Remit payment to (Check one):</p> <p><input type="checkbox"/> Applicant at address indicated above</p> <p><input type="checkbox"/> Applicant at address other than that indicated above (specify): _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> Trade Ally at address indicated above</p>



All fields of the project information section (Section 2) must be completed detailing the specifics regarding the facility where the energy efficiency project is installed, the contact person just in case we have questions and the project description. The information requested is required to process the application and any incomplete fields may result in a rejected application package.

Project Site Information	
Project Site Address	Primary Contact
Facility Operating Hours	Day Phone
Facility Square Footage	E-Mail
Facility Type <input type="checkbox"/> Real Estate (Office Building) <input type="checkbox"/> College/University <input type="checkbox"/> School (K-12) <input type="checkbox"/> Hospital <input type="checkbox"/> Food Service <input type="checkbox"/> Warehouse <input type="checkbox"/> Industrial <input type="checkbox"/> Other _____	

Propose Project Description	
Description of Project	Proposed Install Date

All fields of the Commercial and Industrial Incentive Section (Section 3) must be completed detailing the specifics regarding the existing equipment to be replaced and the proposed equipment to be installed, include model numbers if available. Make sure to include the appropriate project measurement form which must be filled out by you and your contractor. The appropriate measurement forms are located at www.tva.com/commercial/measurement. The information requested is required to process the application and any incomplete fields may result in a rejected application package.

Existing Equipment To Replace				
Recommendation / Description	Equipment Type	Tonnage (HVAC)	Wattage (Lighting)	Number of Units

Proposed Equipment To Install				
Recommendation / Description	Equipment Type	Tonnage (HVAC)	Wattage (Lighting)	Number of Units

List of Measurement Forms to Include with Application Package (www.tva.com/commercial/measurement)
Lighting Form
Unitary AC Cooling Equipment Form
Heat Pump Cooling Equipment Form
Chiller Cooling Equipment Form

Send Business Incentive Application Package (Section 1, 2, 3, 6 and measurement forms) To:

Energy Right Solutions Incentive Processing Center
4021 S. 700 E., Suite 250
Salt Lake City, UT 84107
FAX: 801-266-4786

For a qualifying Small Business customer with a demand equal to or less than 50 kW, the applicable FAST CASH Incentive Section 4 must be completed. The information requested is required to process the application and any incomplete fields may result in a rejected application package.

Steps for Participating in FAST CASH-For Small Business Customers:

Step 1: Fill out the appropriate **FAST CASH** Incentive Section prior to beginning work:

o **Section 4a-Lighting**

Example

Existing Fixture Type	Proposed Fixture Type	Max New Fixture Wattage	Incentive per Fixture		Number of Fixtures		Incentive Amount	Fixture Existing Wattage	Fixture Wattage Installed
T8 and T12	T8 4' 4-lamp	86	\$4.42	x	120	=	\$530.40	113	86

o **Section 4b-HVAC**

Example

Category	Type	Minimum Efficiency Required	Incentive per Ton		Total Installed Tonnage		Incentive Amount	*Installed EER/SEER or COP
DX	Air Cooled	EER/SEER						
	<65,000 Btu's (~5 Tons)	11.0/14	\$29.00	x	10	=	\$290	11.1

Step 2: Submit this form with your Business Incentive Application Package to the address below:

Energy Right Solutions Incentive Processing Center
4021 S. 700 E., Suite 250
Salt Lake City, UT 84107
FAX: 801-266-4786

Step 3: Receive Pre-Installation Incentive Notification Letter. **DO NOT START WORK** until you receive the Pre-Installation Incentive Notification Letter. (Please note that a Pre-Installation Measurement review may be required on selected projects before a Pre-Installation Incentive Notification Letter is sent.)

Step 4: Install efficiency improvements listed on Pre-Installation Incentive Notification.

Step 5: Call 1-866-233-0450 when you are ready to process your incentive.

Step 6: Receive final Post-Installation Incentive Notification Letter, sign, and return with copies of project receipts/invoices and other required documentation (See Section 4b for additional documentation requirements for HVAC Incentives) to the address above. (Please note that a Post-Installation Measurement review may be required on selected projects before a Post-Installation Incentive Notification Letter is sent.)

Step 7: Receive incentive. (Payment will be made to the party specified in Section 1.)

For a qualifying Small Business customer with a demand equal to or less than 50 kW, the FAST CASH Incentive-Lighting Section 4a must be completed and returned to the address at the bottom of this form. The information requested is required to process the application and any incomplete fields may result in a rejected application package.

LIGHTING

Existing Fixture Type	Proposed Fixture Type	Max New Fixture Wattage	Incentive Per Fixture		Number of Fixtures		Incentive Amount	Fixture Existing Wattage	Fixture Wattage Installed	
T8 and T12	T8 4' 1-lamp	23	\$1.36	x		=				
	T8 4' 2-lamp	47	\$2.04	x		=				
	T8 4' 3-lamp	66	\$3.57	x		=				
	T8 4' 4-lamp	86	\$4.42	x		=				
MH 150-249W One for One Replacement	T8 4' 3-lamp (HB)	111	\$19.60	x		=				
	T5 4' 2-lamp (HO HB)	117		x		=				
MH 250-399W One for One Replacement	T8 4' 4-lamp (HB)	154	\$33.00	x		=				
	T5 4' 4-lamp (HO HB)	234		x		=				
MH 400-500W One for One Replacement	T8 4' 6-lamp (HB)	218	\$48.00	x		=				
	T5 4' 6-lamp (HO HB)	234		x		=				
Exit Signs Incandescent Fluorescent	LED Exit	2	\$5.61	x		=				
Total Incentive Potential										

HB=High Bay. HO=High Output

Send Sections (1, 2, 4a, and 6) To:

Energy Right Solutions Incentive Processing Center
 4021 S. 700 E., Suite 250
 Salt Lake City, UT 84107
 FAX: 801-266-4786

Questions? Call 1-866-233-0450

For a qualifying Small Business customer with a demand equal to or less than 50 kW, the FAST CASH Incentive-HVAC Section 4b must be completed and returned to the address at the bottom of this form. The information requested is required to process the application and any incomplete fields may result in a rejected application package.

HVAC

Category	Type	Minimum Efficiency Required	Incentive per Ton		Total Installed Tonnage		Incentive Amount	*Installed EER/SEER or COP
Direct Expansion (DX)	Air Cooled	EER/SEER						
	<65,000 Btu's (~5 Ton)	11/14	\$29.00	x		=		
	65,000 > 240,000 Btu's	11.5	\$67.00	x		=		
	Water Cooled	EER/SEER						
	<65,000 Btu's (~5 Ton)	14/16	\$87.00	x		=		
	65,000 > 240,000 Btu's	14	\$67.00	x		=		
Heat Pump (HP)	Air Cooled	EER/SEER						
	<65,000 Btu's (~5 Ton)	11.6/14	\$76.00	x		=		
	65,000 > 240,000 Btu's	11.5	\$104.00	x				
	Water Cooled	EER/SEER						
	<65,000 Btu's (~5 Ton)	14/16	\$87.00	x		=		
	65,000 > 240,000 Btu's	14	\$67.00	x		=		
Total Incentive Potential								

*Include documentation with receipts

** For split systems the indoor coil and condenser must be a matched set to be eligible for the incentive.

Send Sections (1, 2, 4b, 6) To:

Energy Right Solutions Incentive Processing Center
 4021 S. 700 E., Suite 250
 Salt Lake City, UT 84107
 FAX: 801-266-4786

Additional Requirements for HVAC Incentives (See Step 6 on page 7): When returning the Post Installation Incentive Notification Letter with to have the incentive payment processed, the applicant must attach receipts and/or invoices that list the equipment manufacturer, equipment model numbers, Air-Conditioning, Heating and Refrigeration Institute (AHRI) certified SEER/EER and cooling capacity (Btu/H), and quantity for each model installed. The AHRI manual will be used to verify equipment efficiencies and cooling capacities for all equipment. If the equipment or match set is not in the AHRI manual, the manufacturer's technical fact sheet must be submitted showing the SEER/EER and cooling capacity when tested under applicable AHRI test conditions and standards.

Questions? Call 1-866-233-0450

Commercial and Industrial customers affected by a federally declared disaster who have a valid FEMA Registration Number for that disaster may use Section 5 to apply for incentives for installing efficient lighting and HVAC equipment associated with the repair/replacement of disaster damaged property.

Steps for Participating in C&I Disaster Assistance Incentive

Step 1: Enter FEMA Registration Number:

Step 2: Fill out the appropriate **Disaster Assistance Incentive Section** after installation is complete:

- o **Section 5a-Lighting Installed**

Example

Existing Fixture Type	Proposed Fixture Type	Max New Fixture Wattage	Incentive per Fixture		Number of Fixtures		Incentive Amount	Fixture Existing Wattage	Fixture Wattage Installed
T8 and T12	T8 4' 4-lamp	86	\$4.42	x	120	=	\$530.40	113	86

- o **Section 5b-HVAC Installed**

Example

Category	Type	Minimum Efficiency Required	Incentive per Ton		Total Installed Tonnage		Incentive Amount	*Installed EER/SEER or COP
DX	Air Cooled	EER/SEER						
	<65,000 Btu's (~5 Tons)	11/14	\$29.00	x	10	=	\$290	11.1

Step 3: Submit this form with your Business Incentive Application Package with copies of project receipts/invoices and other required documentation (See Section 5b for additional documentation requirements for HVAC Incentives) to the address below:

Energy Right Solutions Incentive Processing Center
 4021 S. 700 E., Suite 250
 Salt Lake City, UT 84107
 FAX: 801-266-4786

Step 4: Receive Post-Installation Incentive Notification Letter (Please note that Post-Installation Measurement review may be required on selected projects before a Post-Installation Incentive Notification Letter is sent).

Step 5: Receive incentive. (Payment will be made to the party specified in Section 1.)

Questions? Call 866-233-0450

For disaster affected applicants with a FEMA Registration Number, the C&I Disaster Assistance Incentive Section 5a must be completed to apply for efficient lighting incentives. The applicant must provide receipts and/or invoices that detail the fixture type, number of lamps per fixture and lamp wattage installed.

*FEMA Registration Number:

Required for Disaster Affected Applicants Only

LIGHTING

Existing Fixture Type	Proposed Fixture Type	Max New Fixture Wattage	Incentive Per Fixture		Number of Fixtures		Incentive Amount	Fixture Existing Wattage	Fixture Wattage Installed
T8 and T12	T8 4' 1-lamp	23	\$1.36	x		=			
	T8 4' 2-lamp	47	\$2.04	x		=			
	T8 4' 3-lamp	66	\$3.57	x		=			
	T8 4' 4-lamp	86	\$4.42	x		=			
MH 150-249W One for One Replacement	T8 4' 3-lamp (HB)	111	\$19.60	x		=			
	T5 4' 2-lamp (HO HB)	117		x		=			
MH 250-399W One for One Replacement	T8 4' 4-lamp (HB)	154	\$33.00	x		=			
	T5 4' 4-lamp (HO HB)	234		x		=			
MH 400-500W One for One Replacement	T8 4' 6-lamp (HB)	218	\$48.00	x		=			
	T5 4' 6-lamp (HO HB)	234		x		=			
Exit Signs Incandescent Fluorescent	LED Exit	2	\$5.61	x		=			
Total Incentive Potential									

HB=High Bay. HO-High Output

Send Sections (1, 2, 5a, 6 and receipts/invoice) To:

Energy Right Solutions Incentive Processing Center
 4021 S. 700 E., Suite 250
 Salt Lake City, UT 84107
 FAX: 801-266-4786

Questions? Call 866-233-0450

For disaster affected applicants with a FEMA Registration Number, the C&I Disaster Assistance Incentive-HVAC Section 5b must be completed to apply for efficient HVAC incentives. The information requested is required to process the application and any incomplete fields may result in a rejected application package. **Additional Requirements for HVAC Incentives (See Step 3 on page 10):** The applicant must provide receipts and/or invoices that list the equipment manufacturer, equipment model numbers, Air-Conditioning, Heating and Refrigeration Institute (AHRI) certified SEER/EER and cooling capacity (Btu/H), and quantity for each model installed. The AHRI manual will be used to verify equipment efficiencies and cooling capacities for all equipment. If the equipment or match set is not in the AHRI manual, the manufacturer's technical fact sheet must be submitted showing the SEER/EER and cooling capacity when tested under applicable AHRI test conditions and standards. Chillers must meet full load and part load efficiency requirements.

*FEMA Registration Number:

Required for Disaster Affected Applicants Only

HVAC

Category	Type	Minimum Efficiency Required	Incentive per Ton		Total Installed Tonnage	Incentive Amount	*Installed EER/SEER or COP
Direct Expansion (DX)	Air Cooled	EER/SEER					
	<65,000 Btu's (~5 Ton)	11/14	\$29.00	x	=		
	65,000 > 240,000 Btu's	11.5	\$67.00	x	=		
	Water Cooled	EER/SEER					
	<65,000 Btu's (~5 Ton)	14/16	\$87.00	x	=		
	65,000 > 240,000 Btu's	14	\$67.00	x	=		
Heat Pump (HP)	Air Cooled	EER/SEER					
	<65,000 Btu's (~5 Ton)	11.6/14	\$76.00	x	=		
	65,000 > 240,000 Btu's	11.5	\$104.00	x	=		
	Water Cooled	EER/SEER					
	<65,000 Btu's (~5 Ton)	14/16	\$87.00	x	=		
	65,000 > 240,000 Btu's	14	\$67.00	x	=		
Chiller	Air Cooled	COP/IPLV					
	Rotary	2.5/3.05	\$30.00	x	=		
	Screw			x	=		
	Reciprocating			x	=		
	Centrifugal			x	=		
	Water Cooled	COP/IPLV					
	Rotary	4.4/5.65	\$18.00	x	=		
	Screw			x	=		
	Reciprocating	4.2/5.0	\$18.00	x	=		
Centrifugal	5.5/5.8	\$32.00	x	=			
Total Incentive Potential							

*Include documentation with receipts

** For split systems the indoor coil and condenser must be a matched set to be eligible for the incentive.

Send Sections (1, 2, 5b, 6 and receipts/invoice) To:

Energy Right Solutions Incentive Processing Center
4021 S. 700 E., Suite 250
Salt Lake City, UT 84107
FAX: 801-266-4786

Questions? Call 866-233-0450

Agreement

Applicant recognizes and agrees that:

1. No incentive will be paid for work that is done before the Pre-Installation Incentive Notification is received by the Applicant.
2. Incentive levels are to be paid in accordance with the Post-Installment Incentive Notification Letter.
3. Applicant hereby authorizes applicant's energy provider (gas and electric) to disclose to the program administrator identified by TVA (Program Administrator) and to TVA or their authorized agents and contractors Applicant's account information, such as billing information including billing history before, during, and after the implementation of improvements, to assess the anticipated value and actual effectiveness of the improvements.
4. The Program may require inspections, measurements, and/or verification of all measures included as part of the additional forms submitted with this application. Applicant agrees to provide access to the Project site for those purposes to TVA and TVA's Program Administrator or its agents.
5. Applicant agrees that TVA's Program Administrator may perform a pre-installation measurement review of Applicant's existing equipment and provide TVA with documentation showing estimated savings that would result from the implementation of the electrical project(s).
6. All projects must be completed within 180 days of the date noted on the Pre-Installation Incentive Notification to be eligible for the incentive payment.
7. Applicant shall provide information and data about the effectiveness of the Project and the energy savings achieved, as requested by TVA, Distributor, or TVA's Program Administrator. Applicant hereby grants permission to TVA's Program Administrator, Distributor, TVA, and their authorized agents and contractors to utilize the information in promotional materials related to implementing energy efficiency recommendations; provided, however, that the release of any such promotional material shall first be subject to Applicant's review and approval. Applicant understands that TVA plans to use such information and promotional materials (a) to provide benefits to other consumers of TVA power by increasing their awareness of commercial and industrial energy efficiency programs and (b) to increase customer retention in the TVA region.
8. Applicant or its authorized agents and contractors shall, in accordance with standards and specifications provided or approved by TVA or TVA's Program Administrator, perform post-installation measurement of the Applicant equipment involved in the project(s) after each project is implemented to gather data and determine the electrical demand and use reductions.
9. Applicant agrees that TVA, Distributor, TVA's Program Administrator or their officers, agents and employees make no warranty or representation regarding the qualifications of Trade Ally (Contractor). The customer is solely responsible for the selection of a Trade Ally (Contractor).
10. Applicant agrees that TVA, Distributor, TVA's Program Administrator or their officers, agents and employees make no representations or warranty whatsoever as to the economic or technical feasibility, capability, safety or reliability of the measures, or their compatibility with the customer's facility.
11. All installations must adhere to state and local building codes.
12. Applicant assumes all responsibilities for any tax consequences resulting from any incentive payment paid to Applicant.
13. Neither TVA's Program Administrator nor Applicant shall be considered the agent or employee of the other for any purpose under this agreement, and neither party nor its agents or employees assumes any liability to the other party or to any third party for any damages to property, both real and personal, including damage to Applicant's manufacturing facility or personal injuries, including death, which might arise out of or be in any way connected with any act or omission of such party.
14. TVA, Distributor, or TVA's Program Administrator shall not be liable to Applicant, whether in contract, in tort (including negligence and strict liability), under any warranty, or otherwise, for any special, indirect, incidental, or consequential loss or damage in any way connected with the Project.

(cont.)

15. APPLICANT AGREES THAT TVA, TVA's PROGRAM ADMINISTRATOR, DISTRIBUTOR, AND THEIR OFFICERS, AGENTS AND EMPLOYEES DO NOT WARRANT THE QUALITY, QUANTITY, OR WORKMANSHIP OF THE WORK DONE IMPLEMENTING THE PROJECT(S) LISTED IN THE POST-INSTALLATION INCENTIVE NOTIFICATION. FURTHER, TVA's PROGRAM ADMINISTRATOR, DISTRIBUTOR AND TVA HEREBY DISCLAIM ALL IMPLIED WARRANTIES, INCLUDING THE IMPLIED WARRANTY OF MERCHANTABILITY AND THE IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. FURTHER, APPLICANT AGREES THAT TVA's PROGRAM ADMINISTRATOR, DISTRIBUTOR AND TVA SHALL HAVE NO OBLIGATION OR LIABILITY FOR OR AS A RESULT OF A) ANY INFORMATION FURNISHED BY TVA's PROGRAM ADMINISTRATOR, DISTRIBUTOR OR TVA UNDER THIS PROJECT, AND B) ANY INSPECTIONS CONDUCTED BY TVA's PROGRAM ADMINISTRATOR, DISTRIBUTOR, OR TVA UNDER THIS PROJECT. APPLICANT AGREES THAT IF IT ELECTS TO RELY UPON SUCH INFORMATION OR INSPECTIONS, IT DOES SO AT ITS SOLE RISK.
16. Applicant acknowledges and agrees that TVA may be required in the future by law or regulation to meet specific, or a combination of, renewable energy, energy savings and/or demand reduction goals or requirements. Applicant further acknowledges and agrees that as part of the consideration for this agreement and at no additional cost to TVA, TVA shall have the sole right to use or apply a percentage (Investment Percentage) of all qualifying energy savings for each Project listed in the Post-Installation Incentive Notification, including the right to a comparable portion of any credits which might be issued or awarded to Applicant under the aforementioned law or regulation on account of such energy savings, that arise or accrue each year as a result of each project against the aforementioned types of goals and/or requirements. The Investment Percentage shall be equal to the ratio of incentive amount paid by TVA to the capital investment of the energy efficiency project.

Applicant shall be obligated to take all reasonable steps necessary to assure such use or application by TVA, including providing any necessary documentation or transferring the aforementioned amounts of credits (if they are issued or awarded to Applicant under the aforementioned law or regulation) that may be required in that regard; provided, however, it is expressly recognized that such reasonable steps shall not require Applicant to incur significant expenses to quantify, measure, certify or otherwise prove the amounts of the credit to be transferred to TVA unless agreement is reached between the parties to cover such costs.

For each project, this obligation will terminate at the end of the useful life of the project or 20 years, whichever occurs first.

17. Notwithstanding any provision of this agreement which may be interpreted to the contrary, this agreement shall not be interpreted to confer any benefits or rights on any third party except as specifically set out in this agreement.
18. TVA's Program Administrator, TVA and Distributor will use commercially reasonable efforts to maintain the confidentiality of all data collected from the Applicant (collectively, "Applicant Data"). In the event that there is an unauthorized access to Applicant Data for which a security breach notification to consumers will be legally required under applicable state or federal law (a "Security Incident"), TVA's Program Administrator will (i) use commercially reasonable efforts to investigate the Security Incident and prevent further or ongoing unauthorized access to such information; and (ii) provide any legally necessary notifications to Applicant.
19. To the extent applicable, this agreement incorporates by reference the Affirmative Action for Disabled Veterans and Veterans of the Vietnam-Era clause, 41 C.F.R. § 60-250.4; the Affirmative Action for Handicapped Workers clause, 41 C.F.R. § 60-741.4; and the Equal Opportunity clause, 41 C.F.R. § 60-1.4; and all amendments thereto and all applicable regulations, rules, and orders issued there under.

Commercial & Industrial Incentive

20. Commercial and Industrial Incentive payments identified in the Pre-Installation Incentive Notification are estimates only and are subject to change based on post-installation measurement/review results. In the event that the actual kW demand savings determined in the post-installation measurement review vary more than +/- 10% from the estimated kW demand savings determined in the pre-installation measurement/review, the incentive payment amount will be based upon the actual kW demand savings. Otherwise, the incentive payment amount will be based upon the estimated kW demand savings determined in the pre-installation measurement/review results.
21. Upon completion of the installation of each project approved for Commercial and Industrial Incentive payments in the Pre-Installation Incentive Notification, Applicant shall submit all paid receipts for the improvement(s) made, along with supporting documentation such as engineering calculations supporting the electrical peak demand reduction for the Approved Project to TVA's Program Administrator. TVA's Program Administrator may perform post-installation measurement reviews to verify estimates and submit the findings to TVA.

FAST CASH Small Business Incentive

22. The Small Business Applicant shall submit all paid receipts, invoices and other additionally required documentation for the improvement(s) made. TVA's Program Administrator may perform post-installation measurement reviews to verify estimates and submit the findings to TVA.

Commercial and Industrial Disaster Assistance Incentive

23. Notwithstanding sections 1, 4, 5, 6 and 20 above, a Disaster Affected Applicant will not be required to perform pre-installation measurements or receive a Pre-Installation Notification if Applicant can show evidence on the application that (a) Applicant's facility has been damaged or destroyed by a natural disaster so that such measurements are not feasible and (b) Applicant has registered for disaster assistance from The Federal Emergency Management Agency (FEMA). To evidence this, Applicant shall provide a currently effective FEMA identification number.
24. The Disaster Affected Applicant shall submit all paid receipts, invoices and other required documentation for the improvement(s) made. TVA's Program Administrator may perform post-installation measurement reviews to verify estimates and submit the findings to TVA.

Agreement

I have read and understand the terms and conditions set forth in this Application. I certify that the information I have provided is true and correct, and the project(s) for which I am requesting incentive(s) meet the requirements in this application package. Furthermore, I understand and agree that I must meet all eligibility criteria in order to receive a payment under this program.

Printed Customer Contact Name

Title

Signature

Date

**COMMERCIAL AND INDUSTRIAL EFFICIENCY ADVICE AND INCENTIVE PILOT
CUSTOMERS**

I elect to offer the Commercial and Industrial Efficiency Advice and Incentive Pilot to the customers of _____ (Distributor) indicated by the boxes checked below:

- Commercial and Industrial Customers
- Small Business Customers
- Disaster Affected Customers

Signature

Title

Date

INCENTIVE PAYMENT METHOD

I request that incentive payments for customers of _____ (Distributor) under all Commercial and Industrial programs be made in the following manner (check one):

I grant permission for incentive payments to be processed and paid by TVA's Program Administrator to the party designated to receive payments in the applicable Incentive Application and Agreement (IAA).

I elect for incentive payments to be paid by TVA's Program Administrator to Distributor. Upon receipt of any such incentive payment by Distributor, payment shall be promptly remitted to the party designated to receive payments in the applicable IAA.

Signature

Title

Date

RESOLUTION

WHEREAS, the City of Oak Ridge is a distributor of electric power purchased from the Tennessee Valley Authority (TVA), which organization from time to time offers special programs and incentives to electric customers made available through its distributors; and

WHEREAS, TVA has developed a new program under a Commercial and Industrial Efficiency Advice and Incentive Agreement designed to encourage energy efficiency and demand reduction by commercial and industrial customers; and

WHEREAS, the City desires to offer this program to its customers; and

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

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

That the recommendation of the Interim City Manager is approved and the City is hereby authorized to enter into a Commercial and Industrial Efficiency Advice and Incentive Agreement with the Tennessee Valley Authority to encourage energy efficiency and demand reduction by commercial and industrial customers.

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

This the 9th day of August 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

LEGAL DEPARTMENT MEMORANDUM
10-35

DATE: July 28, 2010
TO: Gary M. Cinder, Interim City Manager
FROM: Kenneth R. Krushenski, City Attorney
Tammy M. Dunn, Senior Staff Attorney
SUBJECT: OAK RIDGE COMMUNICATIONS & TELEPHONE – LOUISIANA AVENUE RESERVOIR
SITE – LEASE AMENDMENT NO. 2

An item for the agenda is a resolution approving an amendment to the telecommunications lease agreement between the City and Oak Ridge Communications & Telephone for property leased at the Louisiana Avenue Reservoir Site for the purpose of maintaining and operating a telecommunications tower.

Jerry Creasey, Site Manager for Oak Ridge Communication & Telephone, has been in communications with City Staff over the past few months regarding two potential new collocators that are interested in attaching onto his telecommunications tower at the Louisiana Avenue Reservoir Site. In order to accommodate their interest and provide an attractive offer to them, Mr. Creasey has requested permission from the City to increase his leased space at this site from approximately 1,776 square feet to 2,352 square feet. Additionally, Mr. Creasey has requested additional renewal options to be added to the lease agreement.

The current lease agreement between the City and Oak Ridge Communication & Telephone for this site was entered into on March 24, 1997, which included one five-year renewal option for a potential lease term through March 23, 2007. The lease agreement was amended on May 5, 2003 to add three (3) additional five-year renewal options, for a new potential lease term through March 23, 2022. The lease agreement is currently in its second renewal term, which expires on March 23, 2012, and has a rent amount of \$1,562.50 per year plus twenty five percent (25%) of any and all rents or payments received from sublessees or collocators.

Increasing the lease space from 1,776 square feet to approximately 2,352 square feet will result in an increase to the base rent amount as well. The current base rent amount is approximately \$0.88 per square foot. Carrying forward this per-square-foot amount will result in a new base rent of \$2,096.76 for the remainder of the current term. Subsequent renewal terms would increase by twenty five percent (25%), which is the current escalation scale in the current lease agreement as stated in Lease Amendment No. 1.

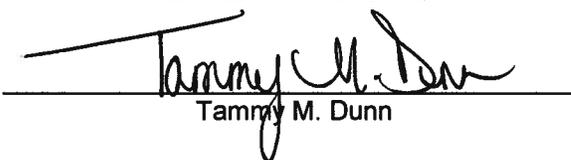
Adding two (2) additional five-year renewal options will allow Oak Ridge Communication & Telephone the option to offer collocators a potential lease term through March 23, 2032. This potential lease term happens to coincide with Oak Ridge Communication & Telephone's potential lease term on the other telecommunications lease agreement this company has with the City at the Orchard Lane Reservoir Site.

A copy of the proposed lease amendment is attached for your reference, as well as Mr. Creasey's official written request for the lease amendment.

Staff recommends approval of the attached resolution.



Kenneth R. Krushenski



Tammy M. Dunn

Attachments

Interim City Manager's Comments:

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



Gary M. Cinder

7/28/10
Date

Oak Ridge Communications and Telephone

July 28, 2010

Tammy Dunn
Senior Staff Attorney
City of Oak Ridge
P.O. Box 1
Oak Ridge Tennessee 37831-0001

Dear Tammy:

This letter is to confirm our previous conversations and request to amend our Lease Agreement at the Louisiana Water Reservoir. The amendment is to add additional lease option periods and to increase the size of the lease space by adding the area previously leased by Pinnacle Towers which was a space of 18 by 32 ft. or 576 square feet.

Thanks you for your help in this matter.

Jerry Creasey



Site Manager

LEASE AMENDMENT NO. 2
(Louisiana Avenue Reservoir Site Lease)

This Lease Amendment No. 1, dated this the 9th day of August, 2010, to the Lease Agreement, dated March 24, 1997, as amended on May 5, 2003, by and between the City of Oak Ridge, Tennessee, a municipal corporation, hereinafter designated as the "Lessor," and Oak Ridge Communications and Telephone, hereinafter designated as the "Lessee."

WITNESSETH:

WHEREAS, the Lessee currently leases a portion of Parcel 276, Block 12-BV, commonly referred to as the Louisiana Avenue Reservoir Site, from the Lessor for the purpose of maintaining and operating a telecommunications tower and all facilities and equipment appurtenant thereto; and

WHEREAS, the Lessee has requested permission to lease additional space at the Louisiana Avenue Reservoir Site to accommodate potential new collocators, and has requested additional renewal options to be built into the Lease Agreement; and

WHEREAS, the Lessor is agreeable to the Lessee's requests; and

WHEREAS, the Lessor and the Lessee desire to amend the Lease Agreement to increase the amount of leased space, to add additional renewal options, and to increase the base lease payment.

In consideration of the provisions, terms, conditions, and covenants contained herein, the Lessor and the Lessee do mutually agree as follows:

1. Section 1, Premises, is hereby amended by increasing the amount of leased space from approximately 1,776 square feet to 2,352 square feet. A drawing of the leased space is attached as Exhibit A.
2. Section 4, Term, is hereby amended to extend the right to renew, upon the same terms and conditions, for two (2) additional five (5) year periods, making a total of six (6) options to renew (renewal period one: March 24, 2002 – March 23, 2007; renewal period two: March 24, 2007 – March 23, 2012; renewal period three: March 24, 2012 – March 23, 2017; renewal period four: March 24, 2017 – March 23, 2022; renewal period five: March 24, 2022 – March 23, 2027; and renewal period six: March 24, 2027 – March 23, 2032).
3. Section 5, Lease Payment, is hereby amended to add the following language:

Effective August 1, 2010, the base rent becomes \$2,069.76 per year payable in advanced monthly installments of \$172.48, plus twenty five percent (25%) of any and all rents or payments received from sublessees and collocators.

If the Lessee exercises the third renewal option, the lease payment shall increase to \$2,587.20 per year, payable in advance monthly installments of \$215.60, plus twenty five percent (25%) of any and all rents or payments received from sublessees and

collocators.

If the Lessee exercises the fourth renewal option, the lease payment shall increase to \$3,234.00 per year, payable in advance monthly installments of \$269.50, plus twenty five percent (25%) of any and all rents or payments received from sublessees and collocators.

If the Lessee exercises the fifth renewal option, the lease payment shall increase to \$4,042.50 per year, payable in advance monthly installments of \$336.87 with the last monthly payment equal to \$336.93, plus twenty five percent (25%) of any and all rents or payments received from sublessees and collocators.

If the Lessee exercises the sixth and final renewal option, the lease payment shall increase to \$5,053.13 per year, payable in advance monthly installments of \$421.09 with the last monthly payment equal to \$421.14, plus twenty five percent (25%) of any and all rents or payments received from sublessees and collocators.

4. All other terms, conditions and provisions of the Lease Agreement not in conflict with this Amendment No. 2 shall remain in full force and effect.
5. The Lease Agreement, as amended hereby, is hereby ratified and confirmed.

IN WITNESS WHEREOF, the parties have executed this instrument as of the day first above written.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE



City Attorney

Mayor

OAK RIDGE COMMUNICATIONS AND
TELEPHONE

Signature

Printed or Typed Name and Title

Attachment: Exhibit A

RESOLUTION

WHEREAS, the City currently leases space at the Louisiana Avenue Reservoir Site to Oak Ridge Communications & Telephone for telecommunications purposes; and

WHEREAS, a request has been made from Oak Ridge Communications & Telephone to amend the lease agreement to increase the amount of leased space to accommodate potential new collocators that have requested permission to attach onto Oak Ridge Communications & Telephone's tower at this site; and

WHEREAS, in order for Oak Ridge Communications & Telephone to provide an attractive offer to accommodate the potential new collocators, Oak Ridge Communication & Telephone's lease term with the City will need to be extended by two (2) additional five-year renewal options; and

WHEREAS, the Interim City Manager recommends approval of the request.

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

That the recommendation of the Interim City Manager is approved and the Lease Agreement between the City of Oak Ridge, Tennessee and Oak Ridge Communications & Telephone, dated March 24, 1997, as amended on May 5, 2003, for the Louisiana Avenue Reservoir Site is hereby amended to increase the leased space to approximately 2,352 square feet, to increase the base rent amount for the current term to \$2,069.76, and to add two (2) additional five-year renewal options thereby extending the potential leased term through March 23, 2032.

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

This the 9th day of August 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

ELECTIONS

**OAK RIDGE
HOUSING
AUTHORITY
BOARD OF
COMMISSIONERS**

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Dorothy T. Hightower

BOARD OR COMMISSION: Oak Ridge Housing Authority Board of Commissioners

TIME IN OFFICE: Term of Office 5 Years

Date Appointed 7/7/03

Number of Terms Served 1-2/5

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 46

Number of Absences 6

Date Prepared 7/27/10

Attachment: Resume

RECEIVED

2010 JUL 13 PM 1:22

OFFICE OF THE CITY CLERK

DOROTHY T. HIGHTOWER
104 SCENIC DRIVE
OAK RIDGE, TN 37830-4211

865-482-3348

July 9, 2010

June 13, 2003

APPLICATION FOR MEMBERSHIP, BOARD OF DIRECTORS, OAK RIDGE HOUSING AUTHORITY

CITIZEN OF OAK RIDGE SINCE SEPTEMBER, 1964

EDUCATION:

1966-67

University of Tennessee
Graduate Coursework in Psychology

1962-63

Tulane University
New Orleans, Louisiana.

1958-61

University of Mississippi
Oxford, Mississippi.

May, 1958

High School Diploma
Newton High School
Newton, Mississippi

COMMUNITY RELATED EXPERIENCE

2003 - 2010 Commissioner, Oak Ridge Housing Authority - Vice Chairman
2003 - Public Relation Chairs, Board of Directors, Oak Ridge Art Center/Museum of Fine Arts
2003 - 2010 Parliamentarian, Andrew Bogle Chapter NDAR
2003 - Board of Directors Ossoli Circle of Knoxville National Daughters of The Amer. Revolution
Former President of Ossoli Circle

2003 - Public Relations Chair, Andrew Bogle Chapter, Daughters of the American Revolution

2010 - Volunteer - Free Medical Clinic of Oak Ridge
2003 - Volunteer at the People's Clinic of Volunteer Ministry, Knoxville

Charter Board Member Oak Ridge Institute for Continued Learning (ORICL)

Former Member State Board of Directors for Tennessee Federation of Women's Clubs

Former Board Member, Community Television of Oak Ridge--appointed by Oak Ridge City Council.

1992-President, Board of Directors, Oak Ridge Community Art Center/Museum of Fine Arts.

1992 Leadership Oak Ridge Graduate

1983-87; Volunteer, Hospice, Methodist Medical Center, Oak Ridge, Tennessee. Support group to terminally ill and their families.

1973-74; Volunteer, Training and Technology Program, Y-12 Plant, Oak Ridge, Tn. Duties; Counselling for students enrolled in program.

1967-76; Volunteer, Planned Parenthood Association of the Southern Mts. Oak Ridge, Tennessee. Duties; Responsible for administration of outreach family planning clinics in Anderson County in conjunction with the Anderson County Health Department, Clinton, Tennessee; Speakers Bureau, educational services provided to adults and students; Former member of Board of Directors.

1966-78; League of Women Voters of Oak Ridge, Past Board of Directors Member.

October-March 1964; Volunteer, Daniel Arthur Rehabilitation Center, Oak Ridge, Tennessee. Duties; teaching of mentally retarded and emotionally disturbed students.

REFERENCES:

Marvin Thomas, former member Board of Directors, Oak Ridge Housing Authority
1305 Fawn Valley
League City, Texas 77573
e-mail: CMTARTIST@AOL.com
Tel: 281-557-1418

Dr. M.W. Rosenthal
124 Carnegie
Oak Ridge, TN 37830
Tel: 483-7150

Mr. Albert Sigal, current member, Oak Ridge Planning Commission
112 Parma Road
Oak Ridge, TN 37830
Tel: 482-4125

PERSONNEL
ADVISORY
BOARD

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: Jonathan Forstrom

BOARD OR COMMISSION: Personnel Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 8/20/07

Number of Terms Served 1

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 5

Number of Absences 1

Date Prepared 7/27/10

Attachment: Resume

JONATHAN FORSTROM

130 Greystone Drive
Oak Ridge, Tn 37830
(865) 220-9406

RECEIVED
2007 JUL 31 PM 12:49
OFFICE OF THE CITY CLERK

Objective: I would like to volunteer to serve on the City of Oak Ridge Personnel Advisory Board. I have 16 years of supervisory experience, including 12 years as a Division Director, and have dealt with a broad spectrum of personnel issues. I believe this experience would allow me to immediately contribute to the successful functioning of the Board.

Residency: I have been a resident Oak Ridge since 1992 and have worked in Oak Ridge since 1987.

Education: M.S. Hydrogeology, Univ. of Georgia, 1986 – 4.0 GPA, elected Phi Kappa Phi
B.A. Geology, Thiel College, 1982 – 3.8 GPA, Summa Cum Laude, Dept. Honors

Professional

Experience: Director, Logistical Services Division, Oak Ridge National Laboratory, 1998 to present.
Director, Environmental Compliance Division, K-25/ORGDP, 1994 to 1998.
Department Manager, Air and Water Compliance, K-25/ORGDP, 1991 to 1994.
Research Hydrogeologist, Environmental Sciences Division, ORNL, 1990 to 1991.
Groundwater Program Manager, Environmental Compliance, K-25, 1988 to 1990.
Hydrogeologist, Department of Energy Oak Ridge Operations, 1987 to 1988.
Hydrogeologist, Nuclear Regulatory Commission, Washington D.C., 1986 to 1987.

Community

Involvement: Secretary/Treasurer, Clayton's Lesson (Anti-drug awareness organization), 2003 to present.
Member, Roane County Anti-Drug Coalition, 2003 to present.
Volunteer baseball and basketball coach, Boys Club of Oak Ridge, 1995 to 2002.
Named Volunteer Basketball Coach of the Year for 1999, Boys Club of Oak Ridge.
Member of Pillar Society, Roane County United Way, 2005 to present.
Member of Pillar Society, United Way of Anderson County, 1992 – 2004.
Employee Campaigns Co-Chair, United Way of Anderson County, 1998-99.
Loaned Executive, United Way of Anderson County, 1994 – 1997.

CITY OF OAK RIDGE, TENNESSEE
BOARDS AND COMMISSIONS

TIME IN OFFICE AND ATTENDANCE RECORD

NAME: William R. Tedford

BOARD OR COMMISSION: Personnel Advisory Board

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 11/01/04

Number of Terms Served 2

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 5

Number of Absences 1

Date Prepared 7/27/10

Attachment: Resume

RECEIVED
OFFICE OF CITY CLERK

2004 OCT 12 P 4: 35

William Randall (Randy) Tedford
114 Wakefield Road
Oak Ridge, Tennessee 37830

(Resident of Oak Ridge since May 1973)

Application for Membership on Oak Ridge Personnel Advisory Board

City of Oak Ridge, Tennessee
Police Department

4/16/1973 – 1/3/2003

- 1 Worked as patrol officer, then promoted to sergeant on October 16, 1989.
- 2 Duties included foot and squad car patrol, misdemeanor and felony investigations, traffic investigation and direction, and community-relations work.
- 3 Supervised patrol team.
- 4 Critiqued and reviewed police reports for clarity, accuracy and completeness.
- 5 Managed personnel matters and maintained a current knowledge of City of Oak Ridge Personnel Policy as well as operational and tactical analysis and warrant probable cause review.
- 6 Provided primary and remedial instruction in personnel matters, appropriate to my supervisory position.

Blount County, Tennessee
Sheriff Deputy

10/1/1972 – 4/15/1973

- 1 Duties included squad car patrol, misdemeanor and felony investigations, and traffic investigation and direction.

Specialized Training

- Automobile accident investigation.
- Criminal investigation.
- D.W.I. enforcement.
- Crime scene photography.
- Court security.
- Police traffic radar and radar instruction.
- Additional college level training (including multiple hours of University of Tennessee/MTAS and U.S. Dept. of Justice personnel and supervisory training), with total career training in excess of 2250 actual classroom hours.

Various Positions

- 1 Tennessee Law Enforcement Training Academy, Nashville, TN
Adjunct Faculty
Classes: Fair Labor Standards Act, Accident Investigation, Report Writing, Law, Patrol Tactics and Firearms
- 2 University of Tennessee School of Journalism
Guest Lecturer
- 3 Various instruction of police officers and civilians in report writing, communication, RADAR, crisis intervention, proper completion of police forms and related topics.

MEMBERSHIPS

**Tennessee Law Enforcement Training Officers Association
American Society of Law Enforcement Trainers
Tennessee Law Enforcement Officers Association
American Legion
Sequoyah Birthplace Museum Heritage Council
Fraternal Order of Police
Law Enforcement Alliance of America
Tennessee Sheriffs' Association**

**NOTICE
OF
ELECTIONS**

CITY CLERK MEMORANDUM

10-54

DATE: July 29, 2010

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk 

SUBJECT: ELECTIONS – September 13, 2010

The following elections are scheduled for the September 13, 2010 City Council meeting:

Environmental Quality Advisory Board

On September 28, 2010, three (3) seats will become vacant on the Environmental Quality Advisory Board (EQAB) due to normal expirations of term. There are no special qualifications for these seats. Letters have been sent to the incumbents – Patricia M. Fain, Joan B. Nelson, and Fred Stephens – to determine if they wish to serve again, but we have yet to hear from them in this regard. The term of office is three years.

One of the student seats on EQAB has also become vacant due to the resignation of Ms. Dora Mcpeak who has determined that she will not have enough time to devote to this board. This term will end on May 31, 2012.

As of this date, there are no candidates for the vacant seats on EQAB.

Highland View Redevelopment Advisory Board

Two (2) seats remain vacant on the Highland View Redevelopment Advisory Board. Those are the seats designated for a social services representative and a realtor; however, if no individuals meeting these criteria apply, the Council may appoint persons who do not possess such qualifications. The incumbents, Elizabeth Herbes (social services) and JoAnn Owens (realtor and Highland View resident), have indicated that they do not choose to serve again and as of this date, there are no new candidates. The term of 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 became 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, August 31, 2010.

COMMUNICATIONS

Bernard, Jacquelyn

From: TimHolt39@comcast.net
Sent: Thursday, June 03, 2010 3:26 PM
To: Council, City
Cc: Bernard, Jacquelyn
Subject: Resolution on Citizens United vs FCC
Attachments: OR City Resolution.doc

The attached resolution stems from the US Supreme Court 5/4 decision in *Citizens United vs FEC*. The court declared that corporations had extensive rights as persons in funding election campaigns. Polls indicate that from 75 to 85% of the people disagree with that decision. The decision overturned a hundred years of federal, state, and local campaign finance law. Short term efforts are in work to limit the damage that might occur in near term elections, and long term efforts are currently moving to amend the constitution.

City Council endorsing the resolution would establish it's agreement with the minority on the Supreme Court decision and it's intent to preserve a local government for natural persons.

Please consider endorsing the attached Resolution at the July meeting of City Council.

I live at 1007 W Outer Drive, Oak Ridge, Tn. and can be reached at phone # 482 -1821.

Resolution on Corporate Personhood by the City of Oak Ridge, Tennessee

Whereas,

- Citizens of the City of Oak Ridge hope to nurture and expand democracy in our community and our nation.
- Corporations, participating as equals to citizens in the democratic process, reduce the democratic rights of citizens.
- Democracy means governance by the people. Only natural persons should be able to participate in the democratic process.
- Corporations are not naturally endowed with consciousness or the rights of natural persons. Corporations are creations of law and are only permitted to do what is authorized under law.
- Corporations are not natural persons.

Therefore be it hereby resolved that:

The City of Oak Ridge supports this opinion stated by US Supreme Court Judge Stevens as part of the minority opinion in the *Citizens United vs FEC* decision.

“In the context of election to public office, the distinction between corporate and human speakers is significant. Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office. Because they may be managed and controlled by nonresidents, their interests may conflict in fundamental respects with the interests of eligible voters. The financial resources, legal structure, and instrumental orientation of corporations raise legitimate concerns about their role in the electoral process. Our lawmakers have a compelling constitutional basis, if not also a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local and national races.”

Bernard, Jacquelyn

From: Charles and Virginia Jones [cavjones@bellsouth.net]
Sent: Monday, July 26, 2010 10:30 AM
To: Bernard, Jacquelyn
Cc: Jones C. and V.
Subject: Study Panel--FINAL DOCUMENT

JACKIE--This is the final Communication for the City Council Meeting on August 9th. Thanks, Virginia

To Jacquelyn Bernard, City Clerk

I am writing to ask that a request to the City Council be put on the Agenda for the August 9th Meeting: the request is for the Council to convene a group of interested and knowledgeable citizens, some of whom would be conversant in the behavioral and social sciences to address the tragic death of Mr. Rodney Eugene Harris on July 18, 2010. This group would make recommendations based on a study of events surrounding his death, as well as gather information about what has been learned in other communities in similar situations. The purpose of this study panel would be not to criticize, but to gather information and make suggestions.

Some members of the panel could be drawn from the School of Social Work at the University of Tennessee, as well as the administration of Ridgeview, or private practitioners.

Again, the purpose of this panel would not be to point a finger of accusation, but to address the concerns of all involved in this event and to make recommendations for the future.

Respectfully,

Virginia Jones
483-8944

7/26/2010

**UPCOMING
MEETINGS
MAJOR ISSUES**

CITY COUNCIL MEMORANDUM
10-24

DATE: July 29, 2010

TO: Honorable Mayor and Members of City Council

FROM: Gary M. Cinder, Interim City Manager

SUBJECT: UPCOMING MEETINGS/MAJOR ISSUES

Tuesday, September 7, 2010, 6:30 p.m. – Agenda Review Session, Multipurpose Room,
Central Services Complex

Monday, September 13, 2010, 7:00 p.m. – Regular Meeting

- Second Reading:
 - Rezoning – Parcel 51, 103 Turner Road
 - Rezoning – Parcels 15.00 and 16.00, Bus Terminal Road
- Water Treatment Plant Improvements – 4MG Clearwell Cover



Gary M. Cinder