

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

March 14, 2016 —7:00 p.m.

AGENDA

I. INVOCATION

Pastor Dale Crank, Oak Ridge Alliance Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

Public Recognitions

- a. Introduction of new City Clerk, Mary Beth Hickman
- b. Introduction of new Public Works Director, Shira A. McWaters

Proclamations

- a. A proclamation designating the month of March, 2016 as Adopt a Shelter Pet Month
- b. A proclamation designating March 30, 2016 as Oak Ridge Wellness Day
- c. A proclamation designating April 10-16, 2016 as Library Week

VI. SPECIAL REPORTS

- a. Recreation and Parks Advisory Board 2015 Annual Report

VII. CONSENT AGENDA

- a. Approval of the February 8, 2016 City Council meeting minutes.
- b. A RESOLUTION MAKING AN AWARD TO IRBY UTILITIES, JOHNSON CITY, TENNESSEE, FOR FURNISHING OF TWO (2) SWITCHGEARS FOR THE ELECTRIC DEPARTMENT IN THE ESTIMATED AMOUNT OF \$37,938.00.

VIII. RESOLUTIONS

- a. A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF OAK RIDGE A CERTIFICATE OF GOOD MORAL CHARACTER FOR DENNIS L. MCCARTER, FRATERNAL ORDER OF EAGLES, 1650 OAK RIDGE TURNPIKE.
- b. A RESOLUTION GRANTING A PERMIT TO JAMES ROBERT WILLIAMS TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF OAK RIDGE AT SECRET CITY LIQUOR AND WINE, 858 OAK RIDGE TURNPIKE.

- c. A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ISSUE ON BEHALF OF THE CITY OF OAK RIDGE A CERTIFICATE OF COMPLIANCE FOR JAMES ROBERT WILLIAMS TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES AT SECRET CITY LIQUOR AND WINE, 838 OAK RIDGE TURNPIKE.
- d. A RESOLUTION GRANTING RENEWAL PERMITS TO PERSONS ENGAGED IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR ONE YEAR AND WAIVING THE RESIDENCY REQUIREMENT FOR NONRESIDENT APPLICANTS.
- e. A RESOLUTION AUTHORIZING THE APPLICATION OF A LOCAL PARKS AND RECREATION FUND GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, AS WELL AS ACCEPTANCE OF SAID GRANT IF APPROVED, IN AN AMOUNT UP TO \$500,000 FOR THE PURPOSE OF INSTALLING SYNTHETIC TURF AT BLANKENSHIP FIELD.
- f. PLACEHOLDER: A RESOLUTION TO APPROVE A WATER SERVICES CONTRACT BETWEEN THE CITY AND THE UNITED STATES DEPARTMENT OF ENERGY (DOE).

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

Public Hearing and First Reading:

- a. 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 456.02, ANDERSON COUNTY TAX MAP 105D, GROUP A, (APPROXIMATELY 3.29 ACRES) FROM RG-1, RESIDENTIAL, OPEN SPACE AND RESERVED, TO B-2, GENERAL BUSINESS, SAID PARCEL BEING LOCATED ON EAST TULSA ROAD.
- b. AN ORDINANCE TO AMEND ORDINANCE NO. 11-2015, WHICH ORDINANCE ADOPTS A BUDGET AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, BY AMENDING SAID APPROPRIATIONS.

X. FINAL ADOPTION OF ORDINANCES

- a. AN ORDINANCE TO AMEND TITLE 14, TITLED "ZONING AND LAND USE CONTROL," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 5, TITLED "EROSION CONTROL AND STORMWATER MANAGEMENT," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 5, TITLED "STORMWATER MANAGEMENT," FOR THE PURPOSE OF COMPLIANCE WITH THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROGRAM.

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

a. Elections/Appointments

i. Appointment of City Judge Salary Review Committee

ii. Appointment of Council Representative to participate in the Engineering Firm Evaluation/Selection Process

b. Announcements

c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

a. CITY MANAGER'S REPORT

b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

**PROCLAMATIONS
AND
PUBLIC RECOGNITIONS**

CITY CLERK MEMORANDUM
16-04

DATE: February 25, 2016
TO: Honorable Mayor and Members of City Council
FROM: Beth Hickman, City Clerk
SUBJECT: PROCLAMATIONS FOR THE MARCH CITY COUNCIL AGENDA

The following proclamations are presented for the March 14, 2016 City Council meeting for the City Council's consideration:

Adopt a Shelter Pet Month

The accompanying proclamation is presented for Council's consideration to designate the month of March, 2016 as Adopt a Shelter Pet Month. Mayor Warren Gooch requested that the item be placed on the March 14th meeting agenda in response to an email from Oak Ridge resident Lauren Biloski. Governor Bill Haslam signed a similar statewide proclamation on February 5, 2016. Chief James Akagi will accept the proclamation, along with Captain Mike Uher, Lieutenant Matt Tedford, and Animal Shelter Supervisor Julie Armes.

Oak Ridge Wellness Day

In 2008, the City's Wellness Committee was created to educate employees on total wellness. Over the years, the Committee has organized numerous lunch and learn events, walks and hikes, weight-loss competitions, and wellness fairs. The Committee has requested a proclamation to declare March 30, 2016 "Oak Ridge Wellness Day" to commemorate the upcoming Wellness Fair which is scheduled for the Civic Center Gymnasium from 11:00 a.m. to 3:30 p.m. The Fair is open to city and school employees, retirees, students, and the community at large. Various health, safety, and wellness information will be provided along with some health screenings such as blood pressure. Several of the Wellness Committee members will be in attendance at the meeting. City Manager Mark Watson will accept the proclamation for the City of Oak Ridge. Bruce Lay, Executive Director of School Leadership and Dr. Tracey Beckendorf-Edou, Executive Director of Teaching and Learning, will accept the proclamation for Oak Ridge Schools.

Library Week

The accompanying proclamation is presented for the Council's consideration to designate April 10-16, 2016 as Library Week. Library Director Kathy McNeilly will be in attendance to accept the proclamation.



Mary Beth Hickman

Attachments:
Adopt a Shelter Pet Month Proclamation
Wellness Day Proclamation
Library Week Proclamation

PROCLAMATION

WHEREAS, many local animal shelters in Tennessee are over capacity; and

WHEREAS, approximately 8 to 10 million animals enter shelters nationwide every year, and approximately 3 to 4 million are euthanized; and

WHEREAS, all shelter pets need a loving owner and a safe, happy home; and

WHEREAS, there are many dogs and cats housed in Tennessee animal shelters that are available and awaiting the opportunity to be an affectionate companion; and

WHEREAS, having a pet can greatly enrich one's life, increase social interaction, and notably make people happier; and

WHEREAS, it is also vital to raise awareness of the need for proper spay and neuter programs as well as the importance of providing good veterinary care for our pets; and

WHEREAS, the Oak Ridge Animal Shelter joins with shelters across the state to raise awareness of these important concerns,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the month of March, 2016 be proclaimed

ADOPT A SHELTER PET MONTH

In the City of Oak Ridge, Tennessee, and that all residents be encouraged to visit the Oak Ridge Animal Shelter this month to provide a pet with a forever home.

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 14th day of March in the year 2016.

WARREN L. GOOCH
MAYOR

PROCLAMATION

WHEREAS, in 2008 the City organized an employee Wellness Committee with a goal of educating employees on important information critical to total wellness in the areas of emotional, physical, social, occupational, environmental, and intellectual wellbeing; and

WHEREAS, in an effort to achieve this goal, the Wellness Committee has organized lunch and learn events on matters such as sleep, anger management, nutrition, back and joint health, exercise physiology, and relaxation; hikes and walks on city-owned greenways and trails which stretch over 60 miles; and competitive weight-loss events which have resulted in a total weight loss of 1,053 pounds during the last three events; and

WHEREAS, in 2008 the Wellness Committee organized its first Wellness Fair for employees and retirees; and

WHEREAS, in 2014, Oak Ridge Schools Coordinated School Health joined the Wellness Committee to add teacher and student wellness, and together the Wellness Fair has grown into an annual community-wide event; and

WHEREAS, this year's Wellness Fair is scheduled for Wednesday, March 30, 2016, in the Civic Center Gymnasium from 11:00 a.m. to 3:30 p.m., and offers an array of information on health, safety, and wellness; and

WHEREAS, as part of the Wellness Fair, the Police Department and Fire Department will be onsite to provide valuable information and services such as child ID/fingerprinting, car seat checks, smoke alarm safety, and Code Red alert system;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that March 30, 2016 be proclaimed

OAK RIDGE WELLNESS DAY

in the City of Oak Ridge, Tennessee, and encourage all citizens to participate in health activities in the interest of better health and quality of life for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 14th day of March in the year 2016.

WARREN L. GOOCH
MAYOR

PROCLAMATION

WHEREAS, libraries create potential and possibilities in their communities, campuses, and schools; and

WHEREAS, libraries work to meet the changing needs of their users, including building collections, expanding outreach services and increasing programming; and

WHEREAS, our nation's libraries provide a forum for diverse ideas and points of view that help us better understand each other and ourselves; and

WHEREAS, librarians are trained, tech-savvy professionals, providing technology training to help people of all ages and backgrounds find and interpret the information they need to live, learn and work in an ever-changing economy; and

WHEREAS, librarians design and offer programs, facilities, and resources to meet their community's needs, providing residents with access to computers, Wi-Fi, and technology assistance, job seeking tools, homework help, electronic databases, story times, periodicals, E-Books, senior book deliveries, local history archives, and genealogy resources; and

WHEREAS, libraries are part of the American dream, places for education, opportunity and lifelong learning; and

WHEREAS, libraries continuously grow and evolve in how they provide for the needs of every member of their communities;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the week of April 10-16, 2016 be proclaimed

LIBRARY WEEK

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

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 14th day of March in the year 2016.

WARREN L. GOOCH
MAYOR

SPECIAL REPORTS

Executive Summary

The purpose of the Recreation and Parks Advisory Board is to advise City Council and City Staff as to the recreation and park needs of the City as well as provide advice on future rules, planning, usage, land acquisition, and facility needs of all City-owned properties used for recreational, athletic or land conservation purposes.

This document serves as the 2015 Annual Report of the City of Oak Ridge Recreation and Parks Advisory Board as required by the Board Charter. This is the first such report generated by this relatively new Board. The Board has been extremely active in working with the Recreation and Parks Department Director and staff, the City Manager, City Council, and other City and regional officials and organizations.

2015 Board Membership

The Board is comprised of nine (9) members. Members are elected by City Council for three-year staggered terms of office. Five (5) members constitute a quorum and the concurring vote of a majority of those members present at a meeting is required for board action. 2015 Board Members are

- B. Alan Tatum (Chair)
- Ray Garrett (Vice Chair)
- Naomi Asher
- John Clayton
- Steve Dittner
- Davis Kitzmiller
- Fay Martin
- Dan Robbins
- Ken Rueter

Board Meetings

Eleven regular meetings were held in 2015, one each month except for September

Board Work Sessions

Two special Board Work Sessions were held:

- January: development of the 2015 Board Work Plan (attached)
- May: long range planning session including development of the CIP project evaluation process

Guest Speakers

We periodically invite guest speakers to Board Meetings to become better acquainted with Recreation and Parks Department staff members, programs, and issues. We also include regional experts to learn and explore potential partnerships. Speakers this year included:

- Carol Evans, Legacy Parks Foundation Executive Director
- Pat Postma, discussing the Explore Oak Ridge app developed by the Breakfast Rotary Club

Accomplishments

- Developed a comprehensive process for evaluating and ranking capital improvement and capital maintenance projects. Results were utilized in the 2017-2019 CIP budget request and serve as the foundation for a long range planning that will be revised on at least an annual basis
- Reviewed and unanimously supported plans for the International Friendship Bell Peace Pavilion
- Completed the "Oak Ridge Recreation and Parks Donations Brochure" to provide the community with guidance and options for making equipment and financial donations to the Recreation and Parks Department
- Proposed a new East Fork Poplar Creek Trail and acquired concurrence of property owners
- Assessed the potential for improvements to the North Ridge Trail
- Continued to explore opportunities for the proposed Rails to Trails Project
- Evaluated grant opportunities and expressed support for hiring a City grant writer
- Initiated the development of a concise, 20 minute promotional presentation on the City's Recreation and Parks Department programs, facilities, and amenities

Letters Written

- Letter of Support for Oak Ridge Bocce
- Letter of Support for the Sink Hole Trail on Parcel 405
- Recommendation on inclusion of cultural landscapes in the Manhattan Project National Historical Park

International Friendship Bell Presentations were made to

- Oak Ridge City Council
- Oak Ridge Breakfast Rotary
- Oak Ridge Sunset Rotary
- At the Secret City Festival (booth and tours)
- At the Manhattan Project National Historical Park dedication celebration (booth)
- Japanese Consul-General Masami Kinefuchi of the Nashville Consulate

Participation of Board Members in Recreation and Parks Related Activities

- B. Alan Tatum serves as Co-Chair of the International Friendship Bell Citizens Advisory Committee
- B. Alan Tatum participated in Manhattan Project National Historical Park planning meetings
- Steve Dittner appointed as Recreation and Parks Advisory Board liaison to attend and report on Convention and Visitors Bureau (CVB) Meetings
- David Kitzmiller appointed as Recreation and Parks Advisory Board representative on the City Council Special Events Committee
- Ken Rueter serves on the Board of Directors of the Knoxville-based Legacy Parks Foundation
- Dan Robbins is President of Greenways Oak Ridge
- Steve Dittner is President of Friends of Haw Ridge
- Fay Martin is actively involved with Oak Ridge tennis programs
- Board Members assisted with Graduation Celebration
- Board Members assisted with the Secret City Festival
- Board Members participated in the development of the Sink Hole Trail
- Multiple Board Members participate in trail stewardship

CONSENT AGENDA

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

February 8, 2016

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on February 8, 2016 in the Courtroom of the Municipal Building with Mayor Warren L. Gooch presiding.

INVOCATION

Pastor Robert May, Oak Ridge Family Bible Church

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag of the United States of America was led by Councilmember Kelly Callison.

ROLL CALL

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Councilmember Kelly Callison; Councilmember Rick Chinn, Jr; Mayor Warren L. Gooch; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; and Mayor Pro Tem Ellen D. Smith.

Also present were Mark S. Watson, City Manager; Janice E. McGinnis, Finance Director; Bruce Applegate, Acting City Clerk; and Kenneth R. Krushenski, City Attorney.

APPEARANCE OF CITIZENS

Martin McBride, 954 W. Outer Drive, provided a response to the DOE's recent letter about DOE travel practices and emphasized the need for increased communication between the DOE and the City.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation honoring Terry Domm.

Mayor Pro Tem Smith moved to adopt, and Councilmember Hope seconded. The proclamation was unanimously adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

A proclamation honoring William R. "Randy" Tedford.

Mayor Pro Tem Smith moved to adopt, and Councilmember Chinn seconded. The proclamation was unanimously adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

A proclamation designating March 4, 2016 as Arbor Day.

Councilmember Hope moved to adopt, and Mayor Pro Tem Smith seconded. The proclamation was unanimously adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

SPECIAL REPORTS

City Attorney Evaluation Committee report, by Chair Chuck Hope.

Councilmember Hope moved, and Councilmember Hensley seconded.

City Council provided comments on the City Attorney's performance prior to voting on the resolution.

A RESOLUTION TO AMEND THE CITY ATTORNEY'S EMPLOYMENT AGREEMENT TO EXTEND THE TERM BY ONE YEAR AND TO PROVIDE FOR AN EQUIVALENT TWO PERCENT (2%) SALARY INCREASE RETROACTIVE TO MARCH 1, 2015.

The resolution was unanimously adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Agenda Addition

Prior to the consent agenda Councilmember Hensley moved to add a resolution to accept a grant from Tennessee Valley Authority (TVA) related to the extreme energy makeover project; to approve a professional services agreement with Gilmartin Engineering Works, Inc., to administer the grant; and to authorize the expenditure of grant funds. The motion was seconded by Mayor Pro Tem Smith.

The agenda addition was unanimously adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

CONSENT AGENDA

The Consent Agenda was unanimously adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

Approval of the January 11, 2016 City Council meeting minutes.

Approval of the January 19, 2016 City Council special meeting minutes.

A RESOLUTION AWARDING A CONTRACT TO INGRAM EQUIPMENT COMPANY, LLC, PELHAM, ALABAMA, TO REFURBISH THE VAC-CON SEWER VACUUM TRUCK FOR THE PUBLIC WORKS DEPARTMENT IN THE ESTIMATED AMOUNT OF \$80,000.00.

A RESOLUTION AUTHORIZING THE TRANSFER OF TAX EQUIVALENTS FROM THE ELECTRIC AND WATERWORKS FUNDS TO THE GENERAL FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2016, AND TO AUTHORIZE ITS DISTRIBUTION BETWEEN THE CITY OF OAK RIDGE AND ANDERSON AND ROANE COUNTIES IN ACCORDANCE BY STATE LAW.

RESOLUTIONS

A RESOLUTION INDICATING THE INTENT OF CITY OF OAK RIDGE, TENNESSEE, TO ISSUE ITS BONDS OR OTHER OBLIGATION OF INDEBTEDNESS TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SCHOOL FACILITIES FOR USE AS A PRE-KINDERGARTEN.

Councilmember Hensley moved, seconded by Councilmember Callison. The City Manager provided an overview of the need for adoption, and answered questions from City Council.

Anne Garcia Garland, 120 Outer Drive, voiced concern that citizens cannot see how councilmembers vote on their screens at home. Additional concerns were voiced about the removal of a widely used neighborhood park, and a lack of options for temporary measures.

Joseph Lee 99, E. Pasadena Rd., voiced support of this resolution and believes the numbers put forth are legitimate, and reminded councilmembers that this is Oak Ridge and supporting education is what we do.

Keys Fillauer, commented on time being a factor in making a good decision for a quick time period and believes information has been taken out of context regarding education and the Oak Ridge City Schools.

Martin McBride, 954 W. Outer Dr., commented on the direction the Department of Energy is going relative to this city, and the effect it has on the town. He stated that Anderson and Roane County lost 20% of their workforce (roughly \$90 million dollars lost revenue) due to changes in DOE practices.

Mayor Pro Tem Smith responded to citizen comments, and identified that the joint committee had addressed many of the issues brought forward before making their recommendation.

The resolution was adopted by board vote with Councilmembers Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye" and Councilmember Baughn voting "Nay."

Resolution 02-0010-2016 is hereby adopted by reference and incorporated as part of the record.

A RESOLUTION TO ACCEPT A GRANT FROM TENNESSEE VALLEY AUTHORITY (TVA) RELATED TO THE EXTREME ENERGY MAKEOVER PROJECT; TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH GILMARTIN ENGINEERING WORKS, INC., TO ADMINISTER THE GRANT; AND TO AUTHORIZE THE EXPENDITURE OF GRANT FUNDS.

Councilmember Hensley moved, and Mayor Pro Tem Smith seconded. Councilmember Chinn recused himself, and removed himself from the dais for the duration of the discussion and vote. The City Manager provided a brief overview of the program, followed by Bruce Applegate, Assistant to the City Manager, who added details and a progress update on the program.

Councilmember Baughn moved to divide the question. The motion was seconded by Councilmember Hope. The resolution would be divided into three resolutions with the following foci: Grant Acceptance, Professional Services Agreement with Gilmartin Engineering Works, Inc., and an authorization to expend grant funds.

Vote to separate motion failed with Councilmembers Baughn, Hope, and Mayor Gooch voting "Aye," and Councilmembers Callison, Hensley, and Mayor Pro Tem Smith voting "Nay."

The City Manager, Assistant to the City Manager, and Gary Gilmartin of Gilmartin Engineering Works, Inc. provided additional information and responded to questions from City Council.

Anne Garcia Garland, 120 Outer Drive, asked questions from Gary Gilmartin, and commented on the need to have discussed the resolution at a work session. Gary Gilmartin of Gilmartin Engineering Works, Inc. responded to Anne Garcia Garland's questions.

David Kitzmiller, 144 Wellington Circle, commented on the need to address purchasing contracts as they continue to detract from the professionalism of the Council when brought up.

Leonard Abbatiello, 110 Dover Ln., commented on his interest in the program as well as his uneasiness with the awarding of the professional services agreement as laid out in the resolution.

Councilmembers responded to Mr. Abbatiello's comments.

The resolution was adopted by board vote Councilmembers Callison, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye" and Councilmember Baughn abstaining.

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

AN ORDINANCE TO AMEND TITLE 14, TITLED "ZONING AND LAND USE CONTROL," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 5, TITLED "EROSION CONTROL AND STORMWATER MANAGEMENT," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 5, TITLED "STORMWATER MANAGEMENT," FOR THE PURPOSE OF COMPLIANCE WITH THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROGRAM.

Councilmember Hope moved, and Councilmember Baughn seconded, to adopt the resolution. The City Manager and Pat Fallon provided an overview of the ordinance and responded to questions from Council.

The ordinance was unanimously adopted by board vote with Councilmembers Baughn, Callison, Chinn, Hensley, Hope, Mayor Pro Tem Smith, and Mayor Gooch voting "Aye."

FINAL ADOPTION OF ORDINANCES

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Announcements

Councilmember Hensley commented that Steve Whitson is now the Planning Commission Chair.

Councilmember Chinn announced the first meeting of Oak Ridge Corridor Committee had occurred, and the next meeting was scheduled in two weeks.

Councilmember Hope announced he had been at the start of the teardown of K-27, and asked for an update from the City Manager about the hurdles the mall project was facing.

Scheduling

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Mayor Pro Tem Smith requested an update on the following items: 1) Investigation that staff was doing about some type of Uber type program for drivers within our community and a hybrid program for driving services for those who cannot drive themselves. 2) Some liquor store rules have been relaxed with allowance of wine in grocery stores, look into current ordinances to see if there are any current issues with standing alcohol ordinances. 3) Would like to revisit Council rules and procedures. 4) Progress on vacant buildings ordinance requiring registration.

SUMMARY OF CURRENT EVENTS

CITY MANAGER'S REPORT

The City Manager provided an update on the dissolution of the contract extension with Waste Connections, and provided an update on the equalization basins completion time table.

CITY ATTORNEY'S REPORT

ADJOURNMENT: 9:17 p.m.

ELECTRIC DEPARTMENT MEMORANDUM

16-03

DATE: February 29, 2016
TO: Mark S. Watson, City Manager
FROM: Jack L. Suggs, Electric Director
SUBJECT: PURCHASE OF 13KV SWITCHGEAR

Introduction

An item for City Council's consideration is a resolution awarding a bid to Irby Utilities, Johnson City, Tennessee in the estimated amount of \$37,938.00 for the purchase of two 13 kV electric switchgears.

Funding

Funding is from the Electric Fund.

Consideration

Switchgears are devices used in the electric systems underground areas. They act as junction points where various circuits can be tied together, as switches to determine how power feeds among the various circuits present and as fuses or circuit breakers to provide protection of the electric cable and other infrastructure present in case of electrical fault.

The Electric Department is making improvements to the system in the area around Manhattan Place Shopping Center and the ORNL Credit Union. These improvements are needed both to better support existing customers and to prepare the system for future changes due to growth in the area. This improvement will require one switchgear as bid.

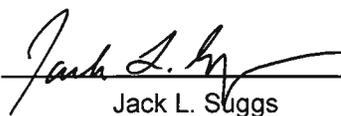
The second switchgear will act as a spare. The spare unit will be available in case one of the units we have in place fails or to facilitate better response to a new customer load that requires circuit reconfiguration.

Recommendation

Staff recommends approval of the attached resolution.

Attachment(s)

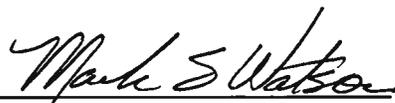
Abstract of Bids



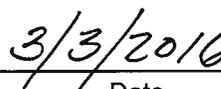
Jack L. Suggs

City Manager's Comments:

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



Mark S. Watson



Date

CITY OF OAK RIDGE, TENNESSEE

Abstract of Bids

RFQ #146559

OPENING DATE: January 14, 2016 2:00 P.M.

FOR --- Switchgear			BIDDER: Irby Utilities 501 West Mountain View Road Johnson City, TN 37604		BIDDER: Chas. W. Ashby Co. Inc. 1905 Indian Lake Drive Birmingham, AL 35244		BIDDER:		BIDDER:		
DESCRIPTION	ITEM	QUANTITY	UNIT COST	TOTAL	UNIT COST	TOTAL	37874	TOTAL	UNIT COST	TOTAL	
THE FURNISHING OF SWITCHGEAR S&C PME-10, #65242R1-F2 PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE ELECTRIC DEPARTMENT	1	2	\$18,969.00	\$ 37,938.00	\$ 19,444.00	\$ 38,888.00					
TOTAL PRICE			\$	37,938.00	\$	38,888.00	\$	-	\$	-	
TERMS			Net 30 Days		Net 30 Days						
DELIVERY			6 - 8 Weeks		6 Weeks ARO						
F.O.B.			Destination Oak Ridge		Prepaid Oak Ridge						
VIA			Best Way/Irby Truck		Best Way						
OTHER BIDDERS CONTACTED:							BIDS OPENED AND RECORDED BY---				
							 Lyn Majeski Accounting Division Manager				
REASON FOR AWARD: ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input checked="" type="checkbox"/>			RECOMMEND AWARD BE MADE TO: Irby Utilities 501 West Mountain View Road Johnson City, TN 37604				BIDS REVIEWED BY---  Janice McGinnis Finance Director				

BID PROCESS FORM



BID NAME RFQ 146559 **DESCRIPTION** Switchgear

CITY COUNCIL MEETING February 8, 2016

BIDDERS CONTACTED (CONTACT INFORMATION)

<u>Company</u>	<u>Name</u>	<u>Address</u>	<u>City, State ZIP</u>	<u>Phone</u>	<u>Email</u>	<u>Contacted Via</u>
Irby Utilities Chas. W. Ashby Co., Inc.	Lynda Miller David Peirano	501 West Mountain View Road 1905 Indian Lake Drive	Johnson City, TN 37604 Birmingham, AL 35244	615-280-3375 205-985-45112	lmiller@irby.com dpeirano@ashbyco.com	[e-mail] [e-mail]

BIDS RECEIVED FROM BIDDERS CONTACTED DIRECTLY BY THE CITY

Irby Utilities and Chas. W. Ashby Co., Inc.

BIDS RECEIVED FROM BIDDERS NOT DIRECTLY CONTACTED BY THE CITY

(e.g., City's Website, Vendor Registry, Planrooms, Word of Mouth)

ADVERTISEMENT

The City of Oak Ridge advertised this bid on the Finance Department's Departmental Webpage for a duration of 18 days.

RESOLUTION

A RESOLUTION MAKING AN AWARD TO IRBY UTILITIES, JOHNSON CITY, TENNESSEE, FOR FURNISHING OF TWO (2) SWITCHGEARS FOR THE ELECTRIC DEPARTMENT IN THE ESTIMATED AMOUNT OF \$37,938.00.

WHEREAS, the Electric Department is making improvements to the underground electric system in the vicinity of Manhattan Place Shopping Center and ORNL Federal Credit Union to improve support to existing customers and to prepare the system for future growth; and

WHEREAS, said improvements require one new switchgear for the area, however, the Electric Department desires to also purchase a spare switchgear for future use to quickly replace a failed switchgear or to facilitate a better response to a new customer load requiring circuit reconfiguration; and

WHEREAS, bids were received and publicly opened on January 14, 2016, with Irby Utilities, Johnson City, Tennessee, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

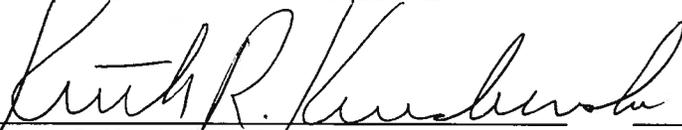
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Irby Utilities, 501 West Mountain View Road, Johnson City, Tennessee 37604, for the furnishing of two electrical switchgears; said award in strict accordance with Requisition No. 146559, the required specifications, and the bid as publicly opened on January 14, 2016, and in the estimated amount of \$37,938.00.

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

This the 14th day of March 2016.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

RESOLUTIONS

LEGAL MEMORANDUM
16-04

DATE: February 29, 2016

TO: Honorable Mayor and Members of City Council

FROM: Kenneth K. Krushenski, City Attorney

SUBJECT: CERTIFICATE OF GOOD MORAL CHARACTER FOR DENNIS L. MC CARTER,
FRATERNAL ORDER OF EAGLES, 1650 OAK RIDGE TURNPIKE

Introduction

An item for City Council's consideration is a resolution authorizing the Mayor to execute on behalf of the City of Oak Ridge a Certificate of Good Moral Character for Dennis L. McCarter, Fraternal Order of Eagles, 1650 Oak Ridge Turnpike.

Background

State statute requires that as a condition for any club seeking a license to sell alcoholic beverages for consumption on the premises, the person in the actual charge of the sale of alcoholic beverages shall submit a certificate stating that he/she is of good moral character.

A request for a Certificate of Good Moral Character for Dennis L. McCarter, Fraternal Order of Eagles, 1650 Oak Ridge Turnpike, has been submitted and a notice has been published in The Oak Ridger advising that consideration of the issuance of a certificate would be made at the March 14, 2016 City Council meeting. A police background check on Mr. McCarter has been conducted and no record that would prohibit him from obtaining a certificate was reported.

Recommendation

Adoption of the attached resolution is recommended.


Kenneth R. Krushenski

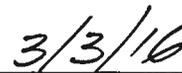
Im

Attachment

City Manager's Comments:

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


Mark S. Watson


Date

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF OAK RIDGE A CERTIFICATE OF GOOD MORAL CHARACTER FOR DENNIS L. MC CARTER, FRATERNAL ORDER OF EAGLES, 1650 OAK RIDGE TURNPIKE.

WHEREAS, Tennessee Code Annotated §57-4-201(c)(2) requires that as a condition for obtaining a license to sell alcoholic beverages for consumption on the premises that a club obtain a Certificate of Good Moral Character for the person who will be responsible for the operation of the establishment; and

WHEREAS, Dennis L. McCarter on behalf of the Fraternal Order of Eagles, 1650 Oak Ridge Turnpike, has made application to the City of Oak Ridge for such Certificate of Good Moral Character.

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

That the Mayor is hereby authorized to execute on behalf of the City of Oak Ridge a certificate of Good Moral Character for Dennis L. McCarter, Fraternal Order of Eagles, 1650 Oak Ridge Turnpike, the City Council having made an investigation of the general character of Mr. McCarter and from such investigation her character is found to be good.

This the 14th day of March 2016.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

LEGAL MEMORANDUM
16-05

DATE: February 29, 2016

TO: Honorable Mayor and Members of City Council

FROM: Kenneth K. Krushenski, City Attorney

SUBJECT: APPLICATION FOR RETAIL PACKAGE STORE
PERMIT AND CERTIFICATE OF COMPLIANCE

Introduction

Two items for City Council's consideration are (1) a resolution granting a permit for James Robert Williams to engage in the retail sale of alcoholic beverages at Secret City Liquor and Wine, 858 Oak Ridge Turnpike, and (2) a resolution authorizing the Mayor to sign and issue on behalf of the City of Oak Ridge a certificate of compliance for Mr. Williams.

Background

James Robert Williams is in the process of purchasing the business currently known as Ridge Package Store, Inc., 858 Oak Ridge Turnpike. Mr. Williams will rename the business Secret City Liquor and Wine and has submitted an application for a City of Oak Ridge Retailer's Permit and his state-required Certificate of Compliance under the new name. Pertinent information concerning Mr. Williams' application has been distributed to the Council, and notice has been published in The Oak Ridger advising that consideration of the issuance of the Certificate of Compliance would be considered at the March 14, 2016 Council meeting. Staff has advised the applicant to be in attendance at the meeting to answer any questions Council may have.

Recommendation

Adoption of the attached resolutions is recommended.



Kenneth R. Krushenski

Im

Attachments

City Manager's Comments:

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



Mark S. Watson

3/3/16
Date

NUMBER _____

RESOLUTION

A RESOLUTION GRANTING A PERMIT TO JAMES ROBERT WILLIAMS TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF OAK RIDGE AT SECRET CITY LIQUOR AND WINE, 858 OAK RIDGE TURNPIKE.

WHEREAS, Title 8, Chapter 4, of the Oak Ridge Code of Ordinances requires a permit to be issued before anyone may engage in the retail sale of alcoholic beverages, and

WHEREAS, James Robert Williams has made proper application for such a permit, and

WHEREAS, said applicant meets all the necessary conditions and requirements of the laws of the City of Oak Ridge and the State of Tennessee.

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

That James Robert Williams is hereby granted a permit to engage in the retail sale of alcoholic beverages in the City of Oak Ridge at Secret City Liquor and Wine, 858 Oak Ridge Turnpike and that the Mayor is authorized to sign said permit on behalf of the City of Oak Ridge.

This the 14th day of March 2016.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ISSUE ON BEHALF OF THE CITY OF OAK RIDGE A CERTIFICATE OF COMPLIANCE FOR JAMES ROBERT WILLIAMS TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES AT SECRET CITY LIQUOR AND WINE, 838 OAK RIDGE TURNPIKE.

WHEREAS, after diligent inquiry and careful investigation of James Robert Williams, City Council has found his general character to be good, and

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

WHEREAS, City Council has granted the necessary permit to Mr. Williams for the retail sale of alcoholic beverages thereby signifying full compliance with the ordinances of the City of Oak Ridge, and

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

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

That the Mayor is hereby authorized to sign and issue on behalf of the City of Oak Ridge a Certificate of Compliance for James Robert Williams, Secret City Liquor and Wine, 858 Oak Ridge Turnpike, City Council finding that Mr. Williams has not been convicted of a felony, that all local regulations have been complied with, and that they will refrain from any violations hereinabove set forth.

This the 14th day of March 2016.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

LEGAL MEMORANDUM
16-06

DATE: February 29, 2016
TO: Honorable Mayor and Members of City Council
FROM: Kenneth R. Krushenski, City Attorney
SUBJECT: RETAIL PACKAGE STORE RENEWAL APPLICATIONS

Introduction

An item for City Council's consideration is a resolution granting renewal permits to persons engaged in the retail sale of alcoholic beverages for one year and waiving the residency requirement for nonresident applicants.

Background

The Retail Package Store permits for the sale of alcoholic beverages in the city expire every year on March 31 and it is necessary that renewal permits be issued before that date. A list of permitted stores and any significant changes in the applications from last year is provided below:

Store Number

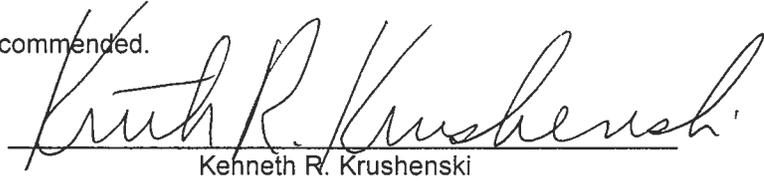
- | | |
|-----|---|
| 131 | <u>Ridge Liquor's, Inc.</u> Two applicants, Donald R. Knight and Brenda S. Roach, reside outside the city limits of Oak Ridge, Tennessee. One applicant, Michael L. Knight, resides inside the city limits. No changes. |
| 149 | <u>Turnpike Wine & Spirits, Inc.</u> Two applicants, Patricia B. Gettys and Catherine D. Pattison, reside outside the city limits of Oak Ridge, Tennessee. No changes. |
| 151 | <u>JB's Wine & Spirits, Inc.</u> The applicant, Jeanette Bowen, resides outside the city limits of Oak Ridge, Tennessee. No changes. |
| 153 | <u>Oak Ridge Package Store.</u> The applicant, Scott E. Garriott, resides outside the limits of Oak Ridge, Tennessee. No changes. |
| 154 | <u>Hilltop Wine & Spirits.</u> The applicant, Troy Joseph Howe, resides inside the city limits of Oak Ridge, Tennessee. No changes. |
| 155 | <u>Lizz's Wine & Spirits.</u> One applicant, Aaron Wells, resides inside the city limits of Oak Ridge, Tennessee. One applicant, Vander Murray, resides outside the city limits. No changes. |

The applicants/owners of Ridge Liquors, Inc., are applying for their renewal permit pending final disposition of the sale of their business to James Robert Williams and the issuance of his license from the State Alcoholic Beverage Commission. Mr. Williams will be changing the name of the business to Secret City Liquor and Wine.

In accordance with Council's previous instructions, all nonresident applicants have been requested to be present at the March 14, 2016 Council meeting.

Recommendation

Approval of the attached resolution is recommended.


Kenneth R. Krushenski

Attachment

City Manager's Comments:

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

 3/3/16
Mark S. Watson Date

RESOLUTION

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

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

WHEREAS, said permits will expire on March 31, 2016, and it is necessary that renewal permits be issued before that date, and

WHEREAS, the individuals listed hereinafter have made application for permits for the year 2016-2017, and

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

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

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

That the following persons are hereby granted a permit to engage in the retail sale of alcoholic beverages in the city at the indicated locations, for the year 2016-2017, and that the Mayor is authorized to sign said permits on behalf of the city:

<u>City Permit No.</u>	<u>Name of Applicant</u>	<u>Store and Location</u>
131	Donald R. Knight Brenda S. Roach Michael L. Knight	Ridge Liquor's, Inc. 858 Oak Ridge Turnpike
149	Patricia B. Gettys Catherine D. Pattison	Turnpike Wine & Spirits, Inc. 331 Oak Ridge Turnpike
151	Jeanette Bowen	JB's Wine & Spirits, Inc. 202 S. Illinois Avenue
153	Scott E. Garriott	Oak Ridge Package Store 971 Oak Ridge Turnpike
154	Troy Joseph Howe	Hilltop Wine & Spirits 346 N. Illinois Avenue
155	Aaron Wells Vander Murray	Lizz's Wine & Spirits 1505 Oak Ridge Turnpike

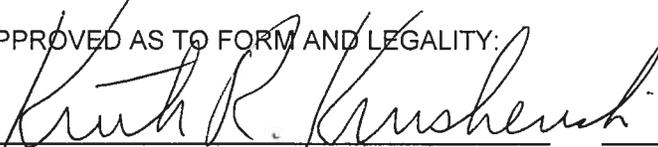
BE IT FURTHER RESOLVED that the Council does hereby waive the residency requirement for the following nonresident applicants:

Donald R. Knight
Patricia B. Gettys
Jeanette Bowen
Vander Murray

Brenda S. Roach
Catherine D. Pattison
Scott E. Garriott

This the 14th day of March 2016.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

**RECREATION AND PARKS DEPARTMENT MEMORANDUM
16-01**

DATE: March 3, 2016

TO: Mark S. Watson, City Manager

FROM: Jonathan W. Hetrick, Recreation and Parks Director

SUBJECT: LOCAL PARKS AND RECREATION FUND (LPRF) GRANT APPLICATION

Introduction

An item for City Council's consideration is a resolution authorizing the application of a Local Parks and Recreation (LPRF) grant from the Tennessee Department of Environment and Conservation as well as acceptance of said grant if approved, in an amount up to \$500,000 for the purpose of installing synthetic turf at Blankenship Field.

Funding

The grant requires a 50% match, which is to be provided by the Blankenship Field Revitalization Foundation. Past practice of the City of Oak Ridge has been to coordinate with non-profit organizations for grant opportunities. Grant funding is requested in the amount of a minimum \$250,000 up to a maximum of \$500,000. All matching funds will be the obligation of the Blankenship Field Revitalization Foundation.

Analysis

The Local Parks and Recreation Fund (LPRF) grant is administered by the Tennessee Department of Environment and Conservation Recreation Education Services Division. County governments and incorporated municipalities are eligible to apply for the grant. The grant provides state funding for parks and recreation development and capital projects. This is a 50% grant that requires the facility to be maintained as a public recreational facility in perpetuity and open to the public. Grant reports must be filed with the state every five (5) years to document ongoing use as a public recreational facility. The 50% match is to be provided by the Blankenship Field Revitalization Foundation.

The City has previously been the recipient of LPRF grants for ballfields and recreational facilities. The City is the responsible party for the grant, but may receive matching funds from outside sources. The expectations of the City Council for approval of making application are:

- Matching funds are to be confirmed by the Foundation to the City for availability.
- Due to grant requirements, the City must become the controlling agent of park/field use and will coordinate with Oak Ridge Schools.
- The Foundation will coordinate any in-kind contributions of this project with the City in advance of work to ensure proper processing/credit to grant match.
- A long-term maintenance agreement must be established with the School system prior to completion or use of the project.
- The City of Oak Ridge will be listed as owner and beneficiary of any warranties associated with the project by the Foundation.

Grant funds are proposed to be used for the installation of synthetic turf for the playing surface at Blankenship Field, which replicates lush natural grass and will require less maintenance than the current playing surface (Bermuda grass) as well as provide for increased playability.

On February 11, 2016, the Foundation presented its proposal to the Recreation and Parks Advisory Board for a LPRF grant application from the State of Tennessee. The Board voted unanimously to support the Foundation's proposal.

Recommendation

Staff recommends approval of the resolution as submitted.


Jonathan W. Hetrick

Attachments

City Manager's Comments:

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

 3/3/16
Mark S. Watson Date

**Blankenship Field
Revitalization
Foundation**

February 24, 2016

City Clerk
200 South Tulane Avenue
P.O. Box 1

Subject: TENNESSEE LWCF/LPRF/NRTF/RTP GRANT APPLICATION

Dear City Council Members and City Manager Watson:

The Blankenship Field Revitalization Foundation (Foundation) requests that the City of Oak Ridge (City) evaluate the means and merits of submitting a grant application to the Tennessee Department of Environment and Conservation for a Local Parks and Recreation Fund matching grant. If approved, the Foundation's intended purpose would be to use its and the grant funds as a Development Project for the installation of a synthetic playing surface on Blankenship Field. The estimated total cost for this project including new ornamental fencing surrounding the playing surface is \$1,000,000. Current grant documentation identifies a grant ceiling of \$250,000. The Foundation has recently been advised that the ceiling has been raised to \$500,000.

The Foundation fully understands that if the City chooses to make application for the requested grant, and if it is approved, that all matching funds required will be provided by the Foundation. These funds will be provided as prescribed under the terms of the grant as either cash or as in-kind services that the Foundation has secured from private donors. Evidence of the Foundation's capacity to fulfill this obligation will be provided.

The Foundation also understands that if approved the grant would be awarded to the City, and that the Foundation would be obligated to provide support to the City for the administration of the grant. This would include compliance with any related internal policies and procedures.

In accordance with the grant application process, on February 11, 2016 the Foundation presented its request for a grant application to the Oak Ridge Parks and Advisory Board. The Board provided a motion of support at that meeting. The agenda and minutes of that meeting will be provided.

This grant funding will enable us to expand usage of the facility to thousands of local residents for a variety of events and venues by creating a multi-purpose facility that will include music, sports, and community events. The present condition of the field has limited opportunity for usage by the public for additional events.

Our vision is that the revitalization of this historic landmark will compliment other efforts to recognize our historical significance in Oak Ridge, especially in the Jackson Square area and the recent establishment of the Manhattan Project National Park.

This is the first phase of a multi-million dollar vision of a state of the art facility that will enable our children and our community to appreciate our history and prosper in the future. I encourage you to review the attached brochure, and we look forward to responding to any questions you have about the grant or the project.

We appreciate your consideration and look forward to working with you in the year ahead.

Officers:

Chairman
Randy McNally

Operating Officer
David Beck

Secretary
Scott Underwood

Treasurer
David Bradshaw

Directors:

Richard G. Chinn Jr.
Christopher J Corwin
Pete Craven
Joe Gaddis
Lawrence A. Hahn
Len M. Hart
Jim Helton
Mike Mullins
James T. Normand
Gregory S. Palmer
Phil Parrett
Jack Pope
James C. Powers
Jill Prudden
Nat Revis
Wayne Roquemore
John Smith

Randy McNally
Chairman, Blankenship Field Revitalization Foundation

Town Hall Building, 30 Kentucky Avenue, Oak Ridge, TN 37830 - www.BlankenshipLegacy.org

Blankenship Field Revitalization Foundation

Synthetic Turf Project

LPRF Grant Presentation 2/22/16

- Blankenship Revitalization Project

- Blankenship Revitalization Foundation
 - A 501(c) (3) non-profit, public benefit organization
 - Led by State Senator Randy McNally and a Board of Directors comprised of 18 other private citizens
 - Foundations sole purpose is to secure funding and oversee the renovation of Blankenship Field and Jack Armstrong Stadium
 - Completion of the Foundation's work will result in a multi-million dollar capital improvement project for the City of Oak Ridge and the Oak Ridge Schools.
 - This multi-use venue for sports, music, and community events will be an extension of the Alexander Guest House and Jackson Square projects. It will truly revitalize the area into a central gathering place that brought the world into the atomic age.

- Project Participants
 - City of Oak Ridge
 - Oak Ridge Schools
 - Blankenship Field Revitalization Foundation
 - Wildcats

- Project Progress to date
 - Replaced Visitor's Side Bleachers and Contouring of East Bank- \$500K- (ORS)
 - Contouring and Landscaping of North Bank- \$35K- (ORs) (OR Qb club)
 - Installation of Visitors Steps-\$15K- (ORS)
 - Renovation of Broadway Ave. Parking Lot-\$250K- (COR)

- ❑ Local Parks and Recreation Fund (LPRF) grant
 - **One of the initial steps in securing the LPRF grant is for the applicant to present the project to their Parks and Recreation Board and receive a motion of support for the project.**
 - LPRF is a 50%/50% matching grant funded through Tennessee Department of Environment & Conservation
 - Maximum Grant Award- \$500,000
 - Minimum Grant Award- \$25,000
 - Any county government or incorporated municipality may submit **one** LPRF grant application per cycle
 - LPRF grant is awarded every two years
 - LPRF Eligible Match Funds-\$200K- In-kind gifts toward the synthetic turf project. Matching funds will come from private monies
 - LPRF Eligible Development Projects: Athletic Fields

- ❑ Current playing surface at Blankenship Field
 - Hybrid Bermuda grass from Tifton, Ga. Tiftgrass. Similar to Neyland Stadium
 - East Tn is at the northern most climate zone for Bermuda grass to thrive

- ❑ Artificial Turf vs. Synthetic Turf
 - 1960's &1970's concrete-like **Artificial Turf** (Astroturf) Green, thin carpet
 - 1990's- Latest generation of **Synthetic Turf** replicates lush natural grass in appearance and function

- ❑ Synthetic Turf Sample

- ❑ Advantages of Synthetic Turf
 - Lower maintenance costs \$35K vs 5K
 - Pesticide Free- doesn't require treatment with pesticides and fertilizers
 - Saves water- 50,000 gallons of water per week during the growing season
 - Increased playability: Much more durable than grass; because playability is much higher, allow a broader access; can be played on all of the time; allow middle schools and youth organizations a venue they might not otherwise have; eliminates the problem of spring and fall rains which result in cancellation of numerous games slated for grass

- Fewer injuries; Durability and an consistent, even playing surface mean fewer injuries

❑ East Tennessee schools who have synthetic turf or who are scheduled to get it

- Kingsport Dobyns-Bennett
- Science Hill
- Greeneville
- Morristown West
- Morristown East
- Gatlinburg-Pittman
- Sevier Co.
- Northview
- Pigeon Forge
- Seymour
- Rhea Co.
- Maryville
- Alcoa
- Farragut
- Bearden
- Hardin Valley
- Karns
- Powell
- Central
- Carter
- Gibbs
- Halls
- Fulton
- South-Doyle
- Austin-East
- Webb
- Grace
- Catholic
- CAK

❑ Questions



PHASE I

- ★ Installation of turf field
- Installation of LED scoreboard with video and media options
- New entrance—ticket booths at field level with plaques honoring Oak Ridge and Wildcat historical events and people
- New front parking lot and lighting with walkway from main entrance to Jackson Square
- Wrought iron fencing with decorative brick columns and donor's recognition wall
- New visitor's side concessions and restrooms, home side bleachers, and grandstand
- New advanced energy-efficient lighting and communications

The Blankenship Field Revitalization Foundation is a 501(c)(3) non-profit citizen's group led by State Senator Handy McNally. The Foundation is coordinating project and fund raising activities in cooperation with the City of Oak Ridge and The Oak Ridge School System.



PHASE II

- ★ New home side stadium building with expanded locker rooms, press box, and club seating and communications



How You Can Help Right the Ship!

Yes, I/we would like to help with the Blankenship Revitalization Project.

Name(s) _____

Address _____

City _____ State _____

Phone (____) _____ Zip _____

Email Address _____

RECOGNITION OF BENEFACTORS

Oak Ridge High School greatly appreciates the support of parents, alumni, friends, businesses, corporations, and foundations. As an expression of appreciation to those who help fund the **Drive to Right the Ship: Blankenship Field Revitalization Project**, a permanent recognition plaque will be featured on the donor wall inside the stadium to publicly acknowledge our most generous benefactors. Below are the giving levels that will appear on the plaque recognition display.

RECOGNITION LEVELS*

- Honorary Wildcat: \$500,000 and above
- Diamond: \$100,000+
- Platinum: \$50,000–\$99,999
- Gold: \$25,000–\$49,999
- Silver: \$10,000–\$24,999
- Bronze: \$5,000–\$9,999
- Cardinal: \$2,500–\$4,999
- Gray: \$1,000–\$2,499
- White: \$500–\$999

*Donor anonymity will be honored upon request

PLEDGE INFORMATION

I/we Pledge a total of \$ _____ to be paid:

Now _____ Annually _____ Quarterly _____ Monthly _____

For a total of _____ years (up to 5 years)

_____ This gift is eligible for a match by: _____

ACKNOWLEDGMENT INFORMATION

The following is how my/our name(s) should appear in donor recognition listing:

_____ My/our gift should remain anonymous

CREATE YOUR OWN LEGACY

Charitable giving through your estate plan is not just for the very wealthy. There are several good ways to provide for your family while also giving to one of Oak Ridge's most symbolic landmarks. Gifts through your will can help you:

- Reduce estate taxes
- Express your personal values
- Ensure Oak Ridge's legacy for future generations

PLEASE MAKE ALL GIFTS PAYABLE TO:

Blankenship Field Revitalization Foundation
 c/o TN Bank, 401 South Illinois Avenue, Oak Ridge, TN 37830



“Oak Ridge's history and the legacy of its Wildcat football teams are inseparable. They both are very, very special.”

—Jackie Pope



THE VISION

- ★ Create a world-class gathering place that can accommodate over 20,000 people in a natural amphitheater for sporting and other events.
- ★ Make Blankenship Field a vital part of the country's newest National Park connecting Jackson Square and the original site of Oak Ridge High School.
- ★ Honor the historic founders of Oak Ridge, a community dedicated to world-class education, scientific discovery, and a high quality of life.



Blankenship Field
Revitalization Foundation
c/o TNBank
401 South Illinois Ave
Oak Ridge, TN 37830

**BLANKENSHIP
FIELD**

AT JACK ARMSTRONG STADIUM

**REVITALIZATION
PROJECT**

★ ★ ★

A Multi-use Venue for Sports,
Music, and Community Events

Ensuring Oak Ridge's Legacy
for Future Generations

For over 70 years,

Blankenship Field has not only been the home of the Oak Ridge High School Wildcat football team, it has been a central gathering place for the city that brought the world into the atomic age. As the U.S. Congress



completed work on legislation to create the Manhattan Project National Park, an effort began to revitalize Tennessee's most storied high school stadium as a key building block of America's newest National Park.

**The Blankenship
Field Revitalization
Foundation formed this
vision with the hope
that it would be shared,
and with your help
become a reality.**

RESOLUTION

A RESOLUTION AUTHORIZING THE APPLICATION OF A LOCAL PARKS AND RECREATION FUND GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, AS WELL AS ACCEPTANCE OF SAID GRANT IF APPROVED, IN AN AMOUNT UP TO \$500,000.00 FOR THE PURPOSE OF INSTALLING SYNTHETIC TURF AT BLANKENSHIP FIELD.

WHEREAS, the Blankenship Field Revitalization Foundation is a 501(c)(3) non-profit, public health benefit organization whose sole purpose is to secure funding and oversee the renovation of Blankenship Field and Jack Armstrong Stadium; and

WHEREAS, local governments are eligible to apply for a Local Parks and Recreation Fund grant funded through the Tennessee Department of Environment and Conservation Recreation Education Services Division, with said grants requiring a fifty percent (50%) local match; and

WHEREAS, the Foundation has requested the City to apply for said grant for the installation of synthetic turf for the playing surface at Blankenship Field, which replicates lush natural grass and will require less maintenance than the current playing surface (Bermuda grass) as well as provide for increased playability; and

WHEREAS, additionally, installation of synthetic turf will enable expansion of the usage of the facility for a variety of events and venues by creating a multi-use facility for sports, music, and community events; and

WHEREAS, as required by the grant application process, the Foundation submitted the request to the City's Recreation and Parks Advisory Board for a vote of support, which was received on February 11, 2016; and

WHEREAS, if awarded, the Foundation has given assurance that it will provide all required local matching funds as well as provide support for grant administration.

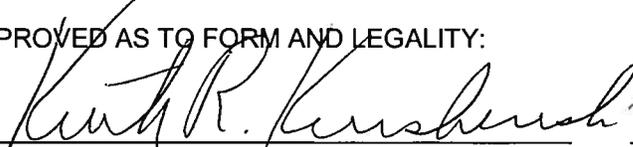
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

The City is hereby authorized to apply for, and accept if approved, a Local Parks and Recreation Fund grant from the Tennessee Department of Environment and Conservation in an amount up to \$500,000.00 for installation of synthetic turf at Blankenship Field, with the required local match and administrative support for the grant coming from the Blankenship Field Revitalization Foundation.

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

This the 14th day of March 2016.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

**PUBLIC HEARINGS
AND
FIRST READING OF
ORDINANCES**

**COMMUNITY DEVELOPMENT MEMORANDUM
PLANNING DIVISION
16-07**

DATE: February 23, 2016
TO: Mark Watson, City Manager
FROM: Sherith Colverson, Senior Planner *see*
THROUGH: Kathryn G. Baldwin, Community Development Director 
SUBJECT: REZONING OF PARCEL 456.02, MAP 105D, GROUP A, LOCATED ON EAST TULSA ROAD

Introduction

An item for City Council's consideration is a request to approve the rezoning of Parcel 456.02, Map 105D, Group A, from RG-1, Residential, Open Space & Reserved to B-2, General Business District. The parcel totals approximately 3.29 acres and is located at 301 East Tulsa Road.

Funding

No funding is necessary for this item.

Analysis

The proposed zone district is consistent with the commercial land use designation and the Comprehensive Plan policies to allow for a community-scale business and does not require a Land Use Plan Map Amendment.

The property is currently zoned RG-1, Residential, Open Space & Reserved, which is principally a residential zone district. In the past RG-1 has been used as a buffer between intensive commercial developments along South Illinois Avenue or other arterial roads, and nearby adjacent residential properties.

The proposed B-2, General Business District, shares many similarities to nearby properties which are currently zoned B-2. If rezoned, development of the subject property will be required to comply with all zoning performance criteria such as landscaping and approved building materials. No major extensions of utilities are necessary to serve the site due to existing available services. Currently, the property is utilized as a practice driving location for the Oak Ridge Truck Driving School, and remnant concrete pads remain from a garden center. Commercial development of this nature will add value to the property in the form of a viable business with associated sales and property taxes. In addition, a site that contributes to the aesthetic fabric of the location, in addition to property values, improves offsite properties as well and increases redevelopment potential on a larger geographic scale. This is important to note given the property's proximity to adjacent underutilized commercial property, the Oak Ridge Baseball Complex, and nearby residential properties.

Recommendation

The rezoning request was reviewed and discussed by the Oak Ridge Planning Commission and recommended for approval to City Council by a vote of 10 – 0 during the regularly scheduled meeting on February 18, 2016.

City Manager's Comments:

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



Mark S. Watson



Date

STAFF REVIEW OF REZONING REQUEST

Date: February 9, 2016

Property Owner: 105D A 031.00 – Melvin Sturm and Other Trustees

Location: 301 East Tulsa Road

Zoning: Rezone Map 105D, Group A, Parcel 456.02 (3.29 Acres) from RG-1 to B-2

Setbacks:

Front – 20 feet

Rear – 0 feet

Side – 0 feet

Maximum Floor Area to Lot Area Ratio: 100%

Existing Land Use: The subject property is currently being utilized as a practice driving location for the Oak Ridge Truck Driving School.

- a. **Access:** The subject property is located at the intersection of East Tulsa Road and Wilberforce Avenue. Per the Subdivision Regulations, minor collector streets have two (2) open ends: each end generally connects with another street. One or more other streets may intersect it between its two open ends. Property fronting on either side of the street may have access to the street. Minor collector streets may carry through traffic within the immediate vicinity. Minor collector streets shall have a minimum right-of-way width of 70 feet and a minimum lane width of 12 feet.
- b. **Utilities:** Existing utilities are available for this property. If additional utilities are needed, this will be resolved during the Site Review process.

Adjacent Land Uses, Type of Development, & Zoning:

North: General Business – zoned B-2

South: Residential, Open Space & Reserved – zoned RG-1 (mostly City owned property)

West: Residential, Open Space & Reserved & General Business – zoned RG-1 & B-2

East: Floodway Fringe & General Business – zoned FF & B-2

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 would not require an amendment to the Land Use Plan Map.

The subject property current land use designation on the Map is B, Community Business.

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

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

The property is currently zoned RG-1, Residential, Open Space and Reserved District. The intent of this current zone designation is to act as a buffer between intensive commercial development along S. Illinois Avenue, its arterial roads, and the nearby residential properties.

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 currently located adjacent to other General Business zoned properties; however, these adjacent properties are divided by two lane roads and to the east, the East Fork Poplar Creek. The majority of the surrounding properties that are zoned B-2 are commercial retail big box stores.

The property to the south is the City's Baseball Complex. This Complex includes Calia Field, A & B Field, Hopkins Field and Strang Field. During the site review, the subject property will be required to be brought into full compliance with all zoning performance criteria for landscape buffering.

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

The proposed B-2, General Business zoning designation is already designated to adjacent properties.

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

Electric, sewer and water are all available on the subject property. These lines may need to be moved or extended to service any proposed buildings for the site, but this will be discussed during the site review process.

5) Would the requested rezoning have environmental impacts?

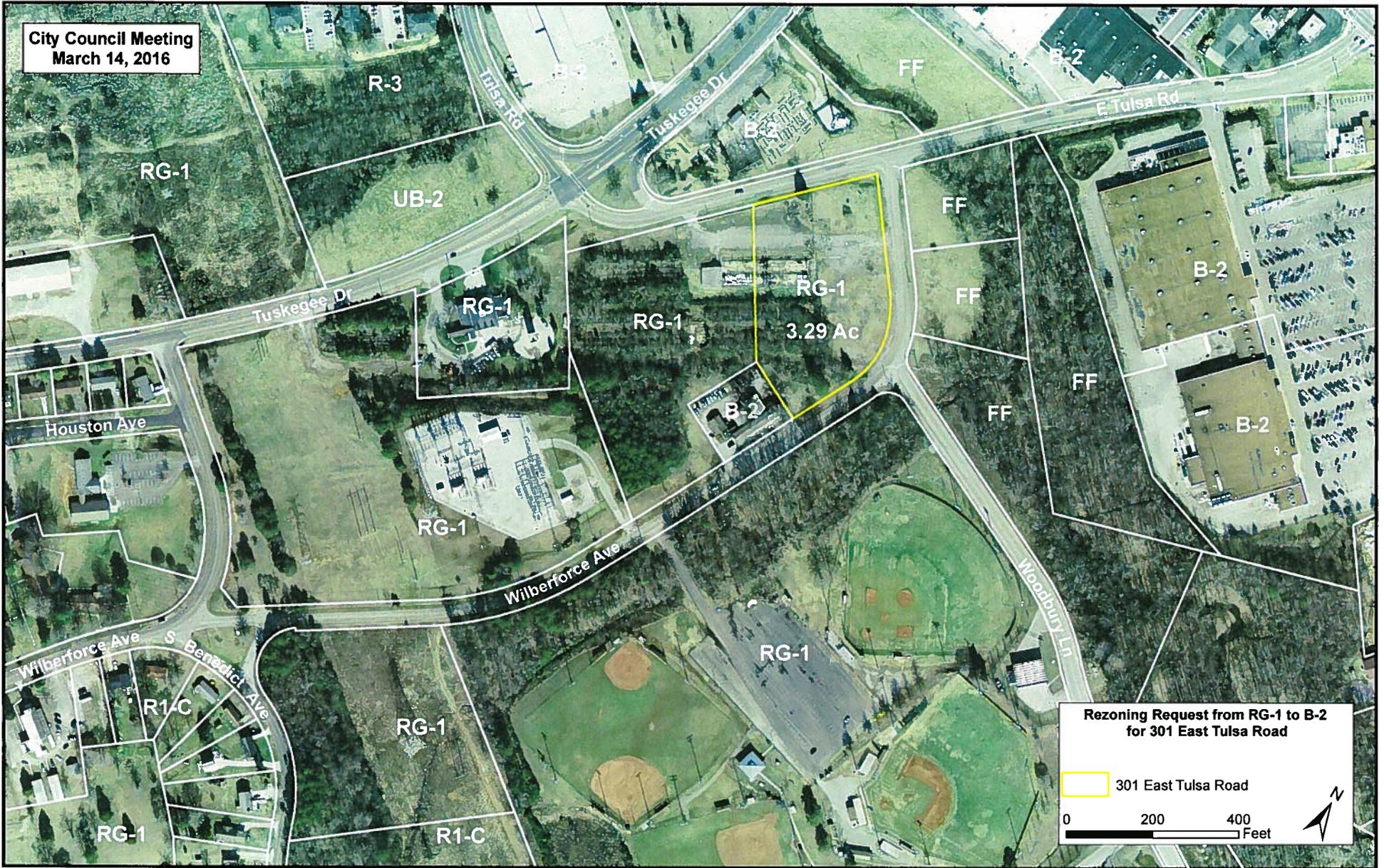
The proposed improvements required to accommodate the proposed hotel, will create additional impervious surfaces; however, this will be addressed during the Site Review process.

Conclusion & Planning Staff Recommendation:

The following factors may be taken into consideration when considering the request to rezone the property to B-2, General Business District to develop the 3.29 acre property into a hotel development:

- Permitted uses around the proposed B-2, General Business District, are already taking place.
- Future access to the property off East Tulsa Road could potentially delay traffic flow to and from Wilberforce Avenue.
- Traffic trip generation for business, retail (hotel) use could be greater than the current use of the residential zone.
- Additional utility requirements may be necessary to accommodate the business use, but can be achieved through the Site Review process.
- Additional landscaping and design standards are required for business uses as opposed to residential uses.

City Council Meeting
March 14, 2016



**Rezoning Request from RG-1 to B-2
for 301 East Tulsa Road**

301 East Tulsa Road

0 200 400 Feet



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 456.02, ANDERSON COUNTY TAX MAP 105D, GROUP A, (APPROXIMATELY 3.29 ACRES) FROM RG-1, RESIDENTIAL, OPEN SPACE AND RESERVED, TO B-2, GENERAL BUSINESS, SAID PARCEL BEING LOCATED ON EAST TULSA ROAD.

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:

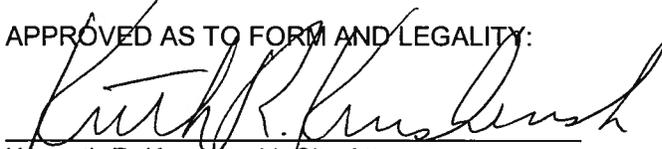
Section 1. The district boundaries of the zoning map attached to and made a part of Ordinance No. 2, as amended, are revised in the following particulars:

<u>Property Description</u>	<u>Location</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Parcel 456.02 Map 105D, Group A (± 3.29 Acres)	East Tulsa Road	RG-1, Residential, Open Space and Reserved	B-2, General Business

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

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

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

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

**FINANCE DEPARTMENT MEMORANDUM
16-06**

DATE: March 1, 2016
TO: Mark S. Watson, City Manager
FROM: Janice E. McGinnis, Finance Director
SUBJECT: Fiscal Year 2016 Budget Appropriation Amendment

Attached is a request from Keys Fillauer, Chairman of the Oak Ridge Board of Education, and Dr. Bruce T. Borchers, Superintendent, requesting that the fiscal year 2016 budget appropriation for the General Purpose School Fund be amended to \$59,791,614. This is a \$200,000 increase over the General Purpose School Fund appropriation of \$59,591,614 adopted by City Council in budget ordinance number 11-2015 on July 27, 2015. The expenditure increase is requested to allow for expenditures from federal grant carryover amounts and from unanticipated increases in grant funding. The amendment does not change the fiscal year 2016 operating transfer from the City to the Oak Ridge Schools and has no impact on the property tax rate.

Staff recommends approval of the attached ordinance amendment.



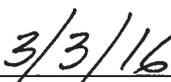
Janice McGinnis

City Manager's Comments:

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



Mark S. Watson



Date



Oak Ridge Schools

OFFICE OF
Karen Gagliano
Executive Director of Business
and Support Services

Telephone (865)425-9003
Fax: (865)425-9060

January 14, 2016

Honorable Mayor and Members of City Council
City of Oak Ridge Schools
P.O. Box 1
Oak Ridge, TN 37831

Dear Mayor and members of City Council:

The purpose of this letter is to request an amendment to the Schools FY 2016 Appropriations Ordinance to reflect budget adjustments that have been approved by the Board to date. The following summarizes those amendments.

FUND		FY16 APPROVED BUDGET	AMENDED	FY16 REVISED BUDGET
141	General Fund	\$53,693,815.00	-0-	\$53,693,815.00
142	Federal Projects Fund	\$3,340,683.00	\$200,000.00	\$3,540,683.00
143	Central Cafeteria Fund	\$1,978,829.00	-0-	\$1,978,829.00
145	Special Revenue Fund	\$119,121.00	-0-	\$119,121.00
146	Extended School Program	\$384,159.00	-0-	\$384,159.00
262	Equipment Rental/Replacement	\$75,007	-0-	\$75,007
GRAND TOTAL – ALL FUNDS		\$59,591,614.00	\$200,000.00	\$59,791,614.00

The requested amendment is due to use of federal grant carryover amounts and unanticipated increases in grant funding, unknown at the time of budget development.

The requested amendment does not impact the amount appropriated by Council to the Schools or the local tax rate but does impact the overall budget appropriation and must be authorized by ordinance.

Thank you for your prompt attention to this matter.

Sincerely,

Keys Fillauer
Chairman, Board of Education

Dr. Bruce T. Borchers
Superintendent of Schools

BTB/KLG/tv

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 11-2015, WHICH ORDINANCE, ADOPTS A BUDGET AND ADOPTS APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, BY AMENDING SAID APPROPRIATIONS.

WHEREAS, there exists a need to amend the appropriations for Fiscal Year 2016 and for the accomplishment of the same, a public hearing will be scheduled during first reading of the ordinance, scheduled for March 14, 2016, before the City Council after ten (10) days' notice thereof published in The Oak Ridger, the official newspaper, as provided by law, and

WHEREAS, the need to amend the appropriations of the General Purpose School Funds for Fiscal Year 2016 is at the request of the Board of Education in the amount of \$200,000 to allow for expenditures from federal grant carryover amounts and from unanticipated increases in grant funding.

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

Section 1. Ordinance No. 11-2015, which adopts appropriations for Fiscal Year 2016, is hereby amended by revising Section 2 so that the same, as revised, will read as follows:

Section 2. In accordance with Article V, Section 13, of the Charter of the City of Oak Ridge, the following amounts shall be and hereby are adopted as appropriations by funds for the operation of the City of Oak Ridge, Tennessee, for Fiscal Year 2016:

General Fund, Municipal Operations	\$ 25,118,403
General Purpose School Funds	\$ 59,791,614
Debt Service (Bond and Interest Redemption Fund)	\$ 8,415,000
Capital Projects Fund	\$ 4,211,910
Drug Enforcement Program Fund	\$ 255,200
State Street Aid Fund	\$ 1,721,000
Golf Course Fund	\$ 1,193,049
West End Fund	\$ 2,803,944

Section 2. This Ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



 Kenneth R. Krushenski, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

Publication Date: 03/04/2016
 Public Hearing: 03/14/2016
 First Reading: 03/14/2016
 Publication Date: _____
 Publication Date: _____
 Public Hearing: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

**FINAL ADOPTION
OF
ORDINANCES**

PUBLIC WORKS DEPARTMENT MEMORANDUM
16-07

DATE: February 26, 2016
TO: Mark S. Watson, City Manager
THROUGH: Jack L. Suggs, Interim Public Works Director 
FROM: Pat Fallon, Public Works Division Manager
SUBJECT: STORMWATER ORDINANCE CLARIFICATION AND EDIT

The following information is provided in response to an email dated February 25, 2016 (copy attached) from Mayor Pro Tem Smith concerning clarification and providing suggested edits for the proposed Stormwater Ordinance.

Section 14-502 Definitions

- (5) "Buffer Zone" means a strip of dense undisturbed perennial native vegetation, either original or reestablished that borders ~~streams, rivers, ponds, lakes, wetlands, etc.~~ **each bank of a stream, river, pond, lake, wetland, etc.** Buffer zones are established for the purpose of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are primarily established for the ~~primary~~ purpose of ~~protection~~ **protecting** water quality and maintaining a healthy aquatic ecosystem in receiving waters.

Section 14-505 Stormwater system design: Construction and permanent stormwater management

- (8) Minimum volume control requirements. In accordance with 14-501(1)(c)(iii) the City Manager or the City Manager's designee may establish standards to regulate the quantity of stormwater discharged, therefore:
- (a) Stormwater designs shall meet the multi-stage storm frequency storage requirements to control the peak flow rates of stormwater discharge associated with the one (1) year, two (2) year, five (5) year, ten (10) year, and twenty-five (25) year Type II twenty-four (24) hour design storm frequency **in accordance with rainfall standards used for most construction projects in the United States (U.S.) as established by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS).** Post construction stormwater generated runoff must be reduced to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

Staff recommends approval of these changes to the proposed Stormwater Ordinance.

Attachment(s)
February 25, 2016 email



Pat Fallon

City Manager's Comments:

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


Mark S. Watson


Date

Fallon, Pat

From: Watson, Mark
Sent: Thursday, February 25, 2016 3:39 PM
To: Suggs, Jack; Fallon, Pat
Subject: FW: My concerns about definitions in the storm water ordinance

Take a note of these ideas.....

From: Smith, Ellen
Sent: Thursday, February 25, 2016 12:08 PM
To: Fallon, Pat <PFallon@oakridgetn.gov>
Cc: Watson, Mark <MWatson@oakridgetn.gov>; Krushenski, Ken <KKrushenski@oakridgetn.gov>
Subject: My concerns about definitions in the storm water ordinance

Pat,

I've been delinquent in communicating the specifics of my concerns about terms in the storm water ordinance, as expressed during the last City Council meeting.

1. Definition of "buffer zone." I understand the regulation to mean that the width of the buffer zone is measured on one side of the stream, so that a stream in the midst of a new development would have 30 ft buffers on both sides. However, it appears to me that the ordinance can easily be misread to indicate a requirement for a single buffer encompassing both sides of the stream. To avoid misunderstandings (which could get nasty if somebody gets pretty far down the road on a project based on a misreading), I suggest that the end of the first sentence of the definition of "buffer zone" should be revised to say "a strip of dense undisturbed perennial native vegetation ... that borders each bank of a stream, river, pond, lake, wetland, etc." That revision would add "each bank of" and it would change the noun form from plural to singular.

2. Design storm and design storm event. However, I am concerned that the ordinance specifies (sect. 14-505 (8)) the use of Type II 24-hour design storms without indicating what a Type II storm is. I have not done the research to determine what it refers to. Can a definition be added? If this is a definition in a TDEC manual or handbook that is cited, could the reference to Type II be indicated to be "(as defined in TDEC [Whatever])"? Or maybe a clause could be added to the end of the subject sentence saying "as determined from the TDEC manuals incorporated by reference in this section".

Also, in the Feb. 8 agenda package, pages 57 and 58 are out of sequence -- they got switched. (Sections 14-506 and 14-507.)

Thanks for your attention and patience...

Ellen

Sent from my Verizon Wireless 4G LTE smartphone. I've read this over for bloopers due to the automatic spell checker, but I may have missed some....

PUBLIC WORKS DEPARTMENT MEMORANDUM
16-03

DATE: January 25, 2016
TO: Mark S. Watson, City Manager
THROUGH: Jack L. Suggs, Interim Public Works Director
FROM: Pat Fallon, Division Manager
SUBJECT: STORMWATER ORDINANCE

Introduction

An item for City Council consideration is an ordinance replacing the City's current Erosion Control and Stormwater Management provisions (City Code Title 14, Chapter 5) with an updated version designed to bring the City of Oak Ridge (City) into compliance with the State of Tennessee, Department of Environment and Conservation (TDEC), Municipal Separate Storm Sewer System (MS4) program as required by the Phase II MS4 (Permit number TNS088366) Notice of Coverage issued March 23, 2014.

Funding

Approval of the ordinance does not require funding. At a future date, funding will be required to complete the activities required by the ordinance.

Background

As a Phase II MS4 community, the City is charged with reducing the discharge of stormwater pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act, regulated by the Environmental Protection Agency (EPA). In order to meet the requirements, EPA has defined six (6) minimum control measures (MCMs) that are listed below to be addressed and will satisfy a portion of the City Phase II MS4 Permit requirements.

- Public Education and Outreach
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention / Good Housekeeping

The new ordinance will bring the City into compliance with the TDEC permit requirements for a Phase II MS4 community and will be an enhancement over the previous ordinance by including stormwater quality, construction waste control, pollution prevention, good municipal housekeeping and MS4 enforcement authority.

Recommendation

Staff recommends adoption of the ordinance as submitted.



Pat Fallon

City Manager's Comments:

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


Mark S. Watson


Date

TITLE

AN ORDINANCE TO AMEND TITLE 14, TITLED "ZONING AND LAND USE CONTROL," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 5, TITLED "EROSION CONTROL AND STORMWATER MANAGEMENT," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 5, TITLED "STORMWATER MANAGEMENT," FOR THE PURPOSE OF COMPLIANCE WITH THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION (TDEC) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROGRAM.

WHEREAS, City Code Title 14, Chapter 5, contains provisions pertaining to erosion control and stormwater management; and

WHEREAS, the provisions are in need of updating for compliance with the State of Tennessee Department of Environment and Conservation (TDEC) Municipal Separate Storm Sewer System (MS4) Program; and

WHEREAS, as a Phase II MS4 community, the City is charged with reducing the discharge of stormwater pollutants, protecting water quality, and satisfying the appropriate water quality requirements of the Clean Water Act.

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

Section 1. Title 14, titled "Zoning and Land Use Control," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 5, titled "Erosion Control and Stormwater Management," in its entirety and substituting therefor a new Chapter 5, titled "Stormwater Management," which new chapter shall read as follows:

Section 14-501. General provisions.

- (1) Purpose. It is the purpose of this chapter to:
 - (a) Protect, maintain, and enhance the environment of the City and the public health, safety and the general welfare of the citizens of the City by controlling discharges of pollutants to the City's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the City;
 - (b) Enable the City to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for stormwater discharges; and
 - (c) Allow the City to exercise the powers granted in Tennessee Code Annotated §68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:
 - (i) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the City, whether or not owned and operated by the City;
 - (ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
 - (iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

- (iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
 - (v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
 - (vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
 - (vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
 - (viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.
- (2) Administering Entity. The City Manager or the City Manager's designee shall administer the provisions of this chapter.
- (3) Stormwater Management Ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater.

Section 14-502. Definitions.

For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

- (1) "Administrative or Civil Penalties." Under the authority provided in Tennessee Code Annotated §68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of not less than fifty dollars (\$50.00) and not more than five-thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.
- (2) "As built plans" means drawings depicting conditions as they were actually constructed.
- (3) "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (4) "Borrow Pit" is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.
- (5) "Buffer Zone" means a strip of dense undisturbed perennial native vegetation, either original or reestablished, that borders streams, rivers, ponds, lakes wetlands, etc. Buffer zones are established for the purpose of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are primarily established for the primary purpose of protection water quality and maintaining a healthy aquatic ecosystem in receiving waters.
- (6) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

- (7) "City" means the City of Oak Ridge, Tennessee.
- (8) "City Manager" means the City Manager of Oak Ridge who has the authority to delegate to designated staff, which includes, but is not limited to, staff engineers and stormwater inspectors.
- (9) "Clearing" typically refers to the removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also cover a wide variety of uses, many of which may not be regulated with the scope of stormwater management.
- (10) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.
- (11) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.
- (12) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
- (13) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.
- (14) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.
- (15) "Erosion prevention and sediment control plan" (EPSCP) means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.
- (16) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Hotspots include, but are not limited to: garages, repair shops, junk yards, detailing shops, car wash waste water, restaurants (where grease traps are maintained), commercial properties with large paved parking areas, factories, retail facilities, manufacturing plants, storage lots, maintenance areas, sanitary wastes water, effluent from septic tanks and alternate sewer systems, carpet cleaning waste water, laundry waste water/gray water, and household toxics.
- (17) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.
- (18) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under Section 14-507(2).
- (19) "Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).
- (20) "Inspector" An inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as

stabilization and maintenance activities. An inspector may also have the following responsibilities:

- (a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;
 - (b) Update field stormwater pollution prevention plan (SWPPP);
 - (c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
 - (d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.
- (21) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
- (22) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.
- (23) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- (24) "Municipal separate storm sewer system" (MS4) means the conveyances owned or operated by the City for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system.
- (25) "National Pollutant Discharge Elimination System Permit" or a "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.
- (26) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
- (27) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- (28) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.
- (29) "Priority Construction Activity" means any construction activities discharging directly into or immediately upstream of waters of the state recognizes as impaired (for siltation or habitat alteration) or Exceptional Tennessee Waters.
- (30) "Planning Commission" means the City of Oak Ridge Municipal Planning Commission.
- (31) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.
- (32) "Sediment" means solid material, both inorganic and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

- (33) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.
- (34) "Soils Report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation.
- (35) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
- (36) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
- (37) "Stormwater entity" means the entity designated by the City to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the City.
- (38) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.
- (39) "Stormwater management facilities" means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
- (40) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
- (41) "Stormwater pollution prevention plan" (SWPPP) means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current *Tennessee Erosion and Sediment Control Handbook*. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with Section 3 of the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.
- (42) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.
- (43) "Stream" means a surface water that is not a wet weather conveyance as defined herein.
- (44) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.
- (45) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
- (46) "TDEC manuals" means the current *Sediment and Erosion Control and Post Construction* manuals approved by the State of Tennessee Department of Environment and Conservation (TDEC) for stormwater system design and installation.
- (47) "Turbidity" means the cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, similar to smoke in air.

- (48) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.
- (49) "Water Quality Buffer" see "Buffer".
- (50) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (51) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.
- (52) "Waters" or "waters of the State" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.
- (53) "Wetland(s)" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.
- (54) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months. (Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(3)).

Section 14-503. Land disturbance permits.

(1) When required.

- (a) Every person will be required to obtain a land disturbance permit from the City Manager or the City Manager's designee in the following cases:
 - (i) Land disturbing activity that disturbs one (1) or more acres of land;
 - (ii) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one or more acre of land;
 - (iii) Land disturbing activity of less than one (1) acre of land, as provided below, or if in the discretion of the City Manager or the City Manager's designee such activity poses a unique threat to water, or public health or safety. Projects or developments of less than one (1) acre of total land disturbance may also be required to obtain authorization under this permit if:
 - (a) The City Manager or the City Manager's designee has determined that the stormwater discharge from a site is causing, contributing to or is likely to contribute to a violation of a state water quality violation.
 - (b) The City Manager or the City Manager's designee has determined that a stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state.

- (c) Changes in state or federal rules require sites of less than one (1) acre that are not part of a larger common plan of development or sale to obtain a stormwater permit.
 - (d) Any new development or redevelopment, regardless of size, that is defined by the City Manager or the City Manager's designee to be a hot spot land use.
- (iv) The creation and use of borrow pits where material is excavated and relocated offsite, and fill sites where materials or earth is deposited by mechanized methods resulting in an increase elevation or grade.
 - (v) Land disturbance for single or duplex residential lots of any size are required to obtain a land disturbance permit. As determined by the City Manager or the City Manager's designee, lots that have karst features, adjoining lakes or streams, slopes exceeding fifteen percent (15%), floodplains or streams to cross are required to submit an erosion control and stormwater management plan. Depending on site specific conditions the requirement that the plan be developed by a qualified licensed professional engineer or architect may be waived by the City Manager or the City Manager's designee. Minimal plan requirements shall include pre- and post-stormwater runoff directions, construction access, erosion/sediment control measures, roof downspout direction and termination, swales and temporary and/or permanent soil stabilization.
 - (vi) Land disturbance activities in a City Floodway Zoning Districts require a permit and shall provide evidence of obtaining appropriate licenses/permits that may be required by federal or state laws and regulations, or written waiver from such permits and licenses prior to the issuance of a land disturbance permit by the City Manager or the City Manager's designee.
 - (vii) If the City Manager or the City Manager's designee determines that construction activity is ongoing, but is not permitted, the City Manager or the City Manager's designee must notify TDEC of this situation by supplying the following information to the Knoxville Environmental Field Office:
 - (a) Construction project or industrial facility location.
 - (b) Name of the operator or owner.
 - (c) Estimated construction project or size or type industrial activity (including the Standard Industrial Classification (SIC) code, if known).
 - (d) Records of communications with the owner or operator.
- (2) Existing Areas with Soil Erosion Problems. Upon written notification from the City Manager or the City Manager's designee, the owner of any parcel of land which exhibits unstable or eroding soil conditions and impacts downstream properties or any stream shall correct the problem within a sixty (60) calendar day period. Upon written request to the City Manager or the City Manager's designee, the period for construction may be extended upon request if seasonal conditions warrant and temporary control measures are installed. Slopes which are found to be eroding excessively shall be provided stabilizing measures until the problem is corrected. Minimum corrective measures may include stabilizing slopes and revegetating all exposed soil surfaces. Before commencing corrective measures, the owner shall consult with the City Manager or the City Manager's designee to determine an acceptable method of correction. A plan for soil erosion control shall be submitted to the City Manager or the City Manager's designee for final review and approval prior to initiation of corrective measures.

- (3) Building Permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this ordinance.
- (4) Exemptions. The following activities are exempt from the permit requirement:
- (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (b) Any installation, maintenance or repair of any underground public utility provided that all erosion control and stormwater management requirements of this ordinance are met.
 - (c) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 - (d) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the appropriate federal or state agency.
 - (e) The owner or developer whose land disturbing activity has been exempted from requirements for registration shall nevertheless be responsible for otherwise conducting such activity in accordance with the provisions of this ordinance and other applicable laws including responsibility for controlling erosions and sedimentation.
 - (f) Any construction of foundation drains, french drains, extension of roof drains and minor building additions if not otherwise required in this section and unless the possibility of erosion, stream siltation or impact to downstream properties is such to necessitate a permit as determined by the City Manager or the City Manager's designee.
 - (g) Any home gardens, home landscaping, or land preparation unless the possibility of erosion or stream siltation is such to necessitate a permit as determined by the City Manager or the City Manager's designee.
- (5) Limitations. The City Manager or the City Manager's designee shall not grant land disturbance coverage for discharges into waters that are designated by the Water Quality Control Board as "Outstanding National Resource Waters" (ONRW). An individual permit is required for land disturbance activities and is available from TDEC.
- (6) Application for a Land Disturbance Permit. Each application shall include the following:
- (a) Name of applicant;
 - (b) Business or residence address of applicant;
 - (c) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;
 - (d) Address and legal description of subject property including the tax reference number and parcel number of the subject property;
 - (e) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
 - (f) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;
 - (g) Where the property includes a sinkhole, the applicant shall obtain appropriate permits from the TDEC;

- (h) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. If Aquatic Resource Alteration Permits (ARAP) are required for a site in areas proposed for active construction, the Notice of Coverage (NOC) will not be issued until ARAP application(s) are submitted and deemed by TDEC to be complete. The treatment and disposal of wastewater (including, but not limited to sanitary wastewater) generated during and after the construction must also be addressed. The issuance of the Notice of Coverage (NOC) may be delayed until adequate wastewater treatment and accompanying permits are issued. The inclusion of any such permits in the application shall not prevent the City from imposing additional development requirements and regulations of the City on the development of property covered by those permits; however, the inclusion of those permits in the application shall not prevent the City Manager or the City Manager's designee from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits; and
- (i) Each application shall be accompanied by:
 - (i) A commercial or residential land disturbance permit application.
 - (ii) A sediment and erosion control plan that meets the criteria set forth by this ordinance and/or the City Manager or the City Manager's designee. Single family or duplex residential land disturbance of less than one acre is exempt from submission of the sediment and erosion control plan unless otherwise required in this ordinance.
 - (iii) A stormwater management plan approved by the City Manager or the City Manager's designee.
 - (iv) Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, which shall be set by the City Manager or the City Manager's designee as provided for under City Code §1-203. No permit or amendment to a permit shall be valid until such fees have been paid.

(7) Review and Approval of Application.

- (a) The City Manager or the City Manager's designee, within a reasonable amount of time after receipt, will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. After the review of an application, the City Manager or the City Manager's designee shall provide one of the following responses:
 - (i) Approval of the permit application;
 - (ii) Conditional approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
 - (iii) Denial of the permit application, indicating the reason(s) for the denial.
- (b) If the City Manager or the City Manager's designee has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Manager or the City Manager's designee. The applicant may be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City Manager or the City Manager's designee.
- (c) No development plans will be released until the land disturbance permit has been approved.

- (d) Disclaimer of liability. Neither the submission of a plan under the provisions herein, nor compliance with the provisions of these regulations shall relieve any person from responsibility for damages to any person or property otherwise imposed by law, nor impose any liability upon the City of Oak Ridge or its representatives for damages to any person or property.
- (8) Permit Duration. Every land disturbance permit may expire and become null and void if in the judgment of the City Manager or the City Manager's designee substantial work authorized by such permit has not commenced within one-hundred eighty (180) calendar days of issuance, or has not been completed within an amount of time deemed reasonable by the City Manager or the City Manager's designee.
- (9) Notice of Construction. The applicant must notify the City Manager or the City Manager's designee at least three (3) working days in advance of the commencement of construction.
- (10) Performance Bonds.
 - (a) The City Manager or the City Manager's designee may require the submittal of a performance security or performance bond, if greater than 2.5 acres of land disturbance, prior to issuance of a permit in order to ensure that the stormwater practices are installed and maintained by the permit holder as required by the approved stormwater management plan. The bond provider shall be responsible to keep the bond in effect until such time the bond is released by the City Manager or the City Manager's designee. In the event the bond provider allows the bond to expire, the bond provider shall be responsible for the cost of completion of the work required by the permit and be responsible for any damages resulting from non-completion of the work. The amount of the installation performance security or performance bond shall be the total estimated construction cost for the structural BMPs and associated maintenance cost for the duration of the project, approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement [or plus a certain percentage of the total estimated costs]. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City Manager or the City Manager's designee. Alternately, the City Manager or the City Manager's designee shall have the right to require that a professional engineer prepare the cost or to calculate the cost estimates.
 - (b) The performance security or performance bond shall be released in full only upon approval of the City Manager or the City Manager's designee. Submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance may be required at the discretion of the City Manager or the City Manager's designee. The City Manager or the City Manager's designee may make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages may be made at the discretion of the City Manager or the City Manager's designee. It shall be the responsibility of the applicant to secure and renew the bond as necessary. Failure to obtain a timely renewal of bond shall result in revocation of the permit and/or the issuance of a stop work order.
- (11) Transfer of Ownership.
 - (a) Some construction projects are subdivided, such as residential or commercial subdivisions and/ or developments or industrial parks. Subdivided lots are sometimes sold to new owners prior to completion of construction. The site wide developer/ owner must describe erosion control and sediment prevention measures implemented at those lots. Once the property is sold, the new operator must obtain coverage under this permit.

- (b) If the transfer of ownership is due to foreclosure or a permittee filing for bankruptcy proceedings, the new owner (including but not limited to a lending institution) must obtain permit coverage if the property is inactive, but is not stabilized sufficiently. If the property is sufficiently stabilized permit coverage may not be necessary, unless and until construction activity at the site resumes.

(12) Inspections.

- (a) The permit holder shall perform inspections of erosion prevention and sediment control practices on all construction sites as indicated by the current, "NPDES Permit for Discharges Associated with Construction Activities" twice weekly and at least seventy-two (72) hours apart (3.5.8.2). This standard is the same for "priority construction sites." Based on the results of the inspections, any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event if possible. Inspections should be documented. Quality assurance of erosion prevention and sediment controls shall be done by performing site assessment at a construction site. The site assessment shall be conducted at each outfall involving drainage totaling ten (10) acres or more (of disturbed and undisturbed acreage combined) or five (5) or more acres if draining to impaired or exceptional quality waters, within 1 month of construction commencing. The site assessment shall be performed by individuals with one or more of the following qualifications:
 - (i) A licensed professional engineer or landscape architect;
 - (ii) A Certified Professional in Erosion and Sediment Control (CPESC); or
 - (iii) A person that has successfully completed the "Level II Design Principles for Erosion Prevention and Sediment Control for Construction Sites" course.

As a minimum, a site assessment should be performed to verify the installation, functionality and performance of the erosion prevention and sediment control measures described in the SWPPP. The site assessment findings shall be documented and the documentation kept with the SWPPP on site. The site assessment should be performed with the site inspector, and should include a review and update (if applicable) of the SWPPP. Modifications of plans and specifications for any building or structure, including the design of sediment basin or other sediment controls involving structural, hydraulic, hydrologic or other engineering calculations shall be performed by a licensed engineer or landscape architect and stamped and certified in accordance with state law. The site assessment can take the place of one of the twice weekly inspections.

- (b) The City Manager or the City Manager's designee shall perform inspections on priority construction sites, and other construction sites as warranted by site location and complaints. If the City Manager or the City Manager's designee finds that the permit holder has failed to properly install, maintain, or use proper structural and/or vegetative erosion and sediment control practices as specified in the erosion and sediment control plan and the post construction design and maintenance plan, the permit holder may be subject to a notice of violation order or additional penalties as set forth in this chapter.
- (c) The City Manager or the City Manager's designee may require an inspection by a registered Engineer licensed in the State of Tennessee, if deemed necessary, for any erosion and sediment control measure or post construction stormwater management facility to ensure they meet the design standards as described in the construction site and post construction site plans.
- (d) If the City Manager or the City Manager's designee determines that significant erosion and/or sedimentation is occurring on a graded site despite approved structural and/or vegetative erosion and sediment control practices, the City

Manager or the City Manager's designee shall require the permit holder to take additional corrective action to protect the adversely affected area. The additional corrective action required shall be part of an amended erosion and sediment control plan.

- (e) Where sites or portions of construction sites have been temporarily stabilized, or runoff is unlikely due to winter conditions (e.g., site covered with snow or ice) or due to extreme drought, such inspection only has to be conducted one (1) per month until thawing or precipitation results in runoff or construction activity resumes. Inspection requirements do not apply to definable areas that have been finally stabilized.
- (f) Inspections and maintenance for post construction stormwater facilities shall be performed as required in Section 14-506 for permanent construction design and maintenance.

Section 14-504. Waivers.

- (1) General. No waivers will be granted any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the 2010 NPDES General Permit for Discharges from MS4s primary requirement for onsite permanent stormwater management may be considered, if:
 - (a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one-hundred percent (100%) managed with no discharge to surface waters.
 - (b) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter. Alternative minimum requirements for onsite management of stormwater discharges have been established in a stormwater management plan that has been approved by the City Manager or the City Manager's designee.
- (2) Downstream Damage, Etc. Prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the City Manager or the City Manager's designee that the proposed alternative will not lead to any of the following conditions downstream:
 - (a) Deterioration of existing culverts, bridges, dams, and other structures;
 - (b) Degradation of biological functions or habitat;
 - (c) Accelerated streambank or streambed erosion or siltation; and
 - (d) Increased threat of flood damage to public health, life or property.
- (3) Grading permit not to be issued where alternatives requested. No grading permit shall be issued where an alternative has been requested until the alternative is approved. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for onsite stormwater management.

Section 14-505. Stormwater system design: Construction and Permanent stormwater management.

- (1) MS4 Stormwater Design or BMP Manuals.
 - (a) Adoption. The City adopts as its MS4 stormwater design and best management practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

- (i) *TDEC Erosion Prevention and Sediment Control Handbook*; most current edition.
 - (ii) *TDEC Manual for Permanent Stormwater Management and Design Guidance Manual*; most current edition.
 - (iii) This manual includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. These include City approved BMPs for permanent stormwater management including green infrastructure BMPs.
 - (b) The City manual(s) may be updated and expanded from time to time, at the discretion of the governing body of the City, upon the recommendation of the City Manager or the City Manager's designee, based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation.
 - (c) Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.
- (2) Submittal of a Copy of the NOC, SWPPP and Notice of Termination to the City Manager or the City Manager's Designee. Permittees who discharge stormwater through an NPDES-permitted municipal separate storm sewer system (MS4) who are not exempted in section 1.4.5 (Permit Coverage through Qualifying Local Program) of the Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Notice of Coverage (NOC); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed notice of termination to the City Manager or the City Manager's designee. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's DataViewer web site. Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request. If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent.
- (3) Stormwater Pollution Prevention Plan (SWPPP) for Construction Stormwater Management. The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with Subsection (4) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.
- (4) Stormwater Pollution Prevention Plan (SWPPP) Requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be phased so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate phase of the plan. The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee. The plan shall also conform to the requirements found in the most current *TDEC Erosion Prevention and Sediment Control Handbook*, and shall include at least the following:
- (a) Project description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
 - (b) A topographic map with contour intervals of five (5) feet or less showing present conditions and proposed contours resulting from land disturbing activity.

- (c) The plan shall be at a minimal scale of one (1) inch equals one-hundred (100) feet.
- (d) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (e) A general description of existing land cover. Individual trees and shrubs do not need to be identified.
- (f) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
- (g) Approximate limits of proposed clearing, grading and filling.
- (h) Approximate flows of existing stormwater leaving any portion of the site.
- (i) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (j) Location, size and layout of proposed stormwater and sedimentation control improvements.
- (k) Existing and proposed drainage network including land depressions and sinkholes.
- (l) Proposed drain tile or waterway sizes. All swales, roads, etc., shall be designed to prevent flood damage to nearby buildings and other structures by being overtopped during a 24-hour duration storm of a 100-year frequency or to structurally carry the equivalent storm event.
- (m) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- (n) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.
- (o) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- (p) Specific details for: (1) the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; (2) eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the City. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

- (q) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.
 - (r) A description of onsite measures to be taken to recharge surface water into the ground water system through runoff reduction practices.
 - (s) Specific details for construction waste management: Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.
 - (t) The plan shall include detailed drawings of all structural and non-structural controls and stabilization measures which shall be designed to minimize erosion and maximize sediment removal resulting in storm discharge associated with the two (2) year, twenty-four (24) hour design storm event as a minimum, from total rainfall in the designed period. These specific details for constructing stabilized construction entrance/exits, concrete washouts, sediment basins for controlling erosion, and road access points should be designed to eliminate or keep soils, sediment, and/or debris to a minimum.
 - (u) When land disturbance activities are proposed along 303(d) listed streams impaired for siltation or a known high quality waterway, the erosion and sediment control plan shall be designed at a minimum to control the discharge of a five (5) year (24) twenty-four hour storm event along with other additional minimum standards outlined in the current Tennessee Construction General Permit.
- (5) Development near Karst Features. Development that has or is near karst features shall include in the land disturbance permit plan or comply with the following:
- (a) Pre-development natural drainage courses shall be maintained as much as feasible.
 - (b) No structures shall be built with the contour line within the post-development contour line calculated for each sinkhole present on the property for a 24-hour rain event duration storm of the 100-year frequency as if the sinkhole was completely filled.
 - (c) Removal of overburden in areas with karst features shall be minimized.
 - (d) Existing healthy mature trees whose drip line canopy covers a karst feature should be protected during grading whenever possible. Removal of trees should be replaced in kind by trees in the same locale and maintained as required to ensure healthy growth.
 - (e) Changes to terrain, including the remediation of a sinkhole shall not move this 100-year contour line onto adjacent property nor increase stormwater runoff onto adjacent properties without written permission from the relevant adjacent property owner(s).
 - (f) All exposed karst features exposed by cutting of overburden must be examined by a qualified licensed professional for appropriate mitigation procedures and The Erosion and Control and Stormwater Management Plan shall be amended accordingly.
- (6) Development within City Floodway Zoning Districts. Land may be filled within the 100-year flood boundary limits provided such fill extends twenty-five (25) feet beyond all limits of any structures erected. If such fill areas occurs, then the 100-year flood elevation contour shall be established on finished contours. No fill shall be placed in established buffer area as define in by this ordinance.

- (7) General Design Performance Criteria for Permanent Stormwater Management. The following performance criteria shall be addressed for permanent stormwater management at all development sites:
- (a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one-hundred percent (100%) managed with no discharge to surface waters.
 - (b) Limitations to the application of runoff reduction requirements include, but are not limited to:
 - (i) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;
 - (ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;
 - (iii) Presence of sinkholes or other karst features.
 - (c) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.
 - (d) Incentive Standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such credits are additive such that a maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:
 - (i) Redevelopment;
 - (ii) Brownfield redevelopment;
 - (iii) High density (>7 units per acre);
 - (iv) Vertical Density, (Floor to Area Ratio (FAR) of 2 or >18 units per acre); and
 - (v) Mixed use and Transit Oriented Development (within ½ mile of transit).
 - (e) For projects that cannot meet one-hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) total suspended solids (TSS) unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.
 - (f) For projects that cannot meet one-hundred percent (100%) of the runoff reduction requirements, the City Manager or the City Manager's designee may allow runoff reduction measures to be implemented at another location within the same USGS 12-digit hydrologic unit code (HUC) as the original project. Off-site mitigation must be a minimum of 1.5 times the amount of water not managed on site. The off-site mitigation location (or alternative location outside the 12-digit HUC) and runoff reduction measures must be approved by the City Manager or the City Manager's designee. The City Manager or the City Manager's designee shall identify priority areas within the watershed in which mitigation projects can be completed. The City Manager or the City Manager's designee must create an inventory of appropriate mitigation projects, and develop appropriate institutional standards and

management systems to value, evaluate and track transactions. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

- (g) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the MS4 BMP manual.
 - (h) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
 - (i) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated.
 - (j) Prior to or during the site design process, applicants for land disturbance permits shall consult with the City Manager or the City Manager's designee to determine if they are subject to additional stormwater design requirements.
 - (k) The calculations for determining peak flows shall be used for sizing all stormwater facilities.
- (8) Minimum Volume Control Requirements. In accordance with Section 14-501(1)(c)(iii) the City Manager or the City Manager's designee may establish standards to regulate the quantity of stormwater discharged, therefore:
- (a) Stormwater designs shall meet the multi-stage storm frequency storage requirements to control the peak flow rates of stormwater discharge associated with the one (1) year, two (2) year, five (5) year, ten (10) year, and twenty-five (25) year Type II twenty-four (24) hour design storm frequency. Post construction stormwater generated runoff must be reduced to pre-construction levels. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
 - (b) Whenever detention or retention ponds are employed as part of a storm water management system, then such ponds and related stormwater management equipment and facilities shall be maintained in perpetuity as requires by this ordinance.
 - (c) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City Manager or the City Manager's designee may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
 - (d) All stormwater design assumptions, calculation and analysis results shall be summarized in an executive summary attached to the site plan submission.
- (9) Permanent Stormwater Management Plan Requirements. The stormwater management plan shall include sufficient information to allow the City Manager or the City Manager's designee to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:
- (a) Topographic base map: Topographic base map of the site which extends a minimum of one-hundred (100) feet beyond the limits of the proposed development and indicates:

- (i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
 - (ii) Current land use including all existing structures, locations of utilities, roads, and easements;
 - (iii) All other existing significant natural and artificial features; and
 - (iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.
- (b) Proposed structural and non-structural BMPs;
- (c) A written description of the site plan and justification of proposed changes in natural conditions may also be required;
- (d) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this ordinance. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of this manual. Such calculations shall include:
- (i) A description of the design storm frequency, duration, and intensity where applicable;
 - (ii) Time of concentration;
 - (iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - (iv) Peak runoff rates and total runoff volumes for each watershed area;
 - (v) Infiltration rates, where applicable;
 - (vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - (vii) Flow velocities;
 - (viii) Data on the increase in rate and volume of runoff for the design storms; and
 - (ix) Documentation of sources for all computation methods and field test results.
- (e) Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (10) Maintenance and Repair Plan. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

- (11) Buffers and Buffer Zones. "Buffer Zone" means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration.
- (12) Buffer Zone Requirements.
- (a) "Construction" applies to all streams adjacent to construction sites, with an exception for streams designated as impaired or Exceptional Tennessee waters, as designated by the Tennessee Department of Environment and Conservation. A 30-foot natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the State located within or immediately adjacent to the boundaries of the project, as identified using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the State. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty (30) feet criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than fifteen (15) feet at any measured location.
- (b) Buffer zone requirements for discharges into impaired or exceptional waters: A sixty (60) foot natural riparian buffer zone adjacent to the receiving stream designated as impaired or exceptional waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the State (e.g. perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the State. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The sixty (60) feet criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty (30) feet at any measured location.
- (c) "Permanent" new development and significant redevelopment sites are required to preserve water quality buffers along waters within the City. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than 1 square mile will require buffer widths of thirty (30) feet minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty (60) feet minimum. The sixty (60) feet criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty (30) feet at any measured location. The City Manager or the City Manager's designee shall develop and apply criteria for determining the circumstances under which these averages will be available. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. Every attempt should be made for development

and redevelopment activities not to take place within the buffer zone. If water quality buffer widths as defined above cannot be fully accomplished on-site, the City Manager or the City Manager's designee shall determine the circumstances under which alternative buffer widths will be available. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

Section 14-506. Permanent stormwater management: operation, maintenance, and inspection.

- (1) As Built Plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the City is required before any performance security or performance bond will be released. The City shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the City.
- (2) Landscaping and Stabilization Requirements.
 - (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be stabilized. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than fifteen (15) days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:
 - (i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or
 - (ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.
 - (b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.
 - (c) The following criteria shall apply to revegetation efforts:
 - (i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
 - (ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 - (iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

- (iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (3) Inspection of Stormwater Management Facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in Section 14-506.
- (4) Records of Installation and Maintenance Activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.
- (5) Failure to Meet or Maintain Design or Maintenance Standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City may take necessary corrective action. The cost of any action by the City under this section shall be charged to the responsible party.

Section 14-507. Existing locations and ongoing developments.

- (1) On-Site Stormwater Management Facilities Maintenance Agreement.
 - (a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.
 - (b) The maintenance agreement shall:
 - (i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
 - (ii) Provide for a periodic inspection by the property owners in accordance with the requirements of below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the City Manager or the City Manager's designee. It shall also grant permission to the City to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
 - (iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass,

cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

- (iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City Manager or the City Manager's designee.
- (v) Provide that if the property is not maintained or repaired within the prescribed schedule, the City shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the City's cost of performing the maintenance shall be a lien against the property.

(2) Existing Problem Locations – No Maintenance Agreement.

- (a) The City Manager or the City Manager's designee shall, in writing, notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.
- (b) Inspection of existing facilities. The City may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: (1) routine inspections; (2) random inspections; (3) inspections based upon complaints or other notice of possible violations; (4) inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; (5) inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the City's NPDES stormwater permit; and (6) joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: (1) reviewing maintenance and repair records; (2) sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and (3) evaluating the condition of drainage control facilities and other BMPs.

(3) Owner/Operator Inspections - Generally. The owners and/or the operators of stormwater management practices shall:

- (a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The City Manager or the City Manager's designee may require submittal of this documentation.
- (b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:
 - (i) Facility type;

- (ii) Inspection date;
 - (iii) Latitude and longitude, and nearest street address;
 - (iv) BMP owner information (e.g. name, address, phone number, fax, and email);
 - (v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation;
 - (vi) Photographic documentation of BMPs; and
 - (vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and re-inspection dates.
- (c) Owners or operators shall maintain documentation of these inspections. The City Manager or the City Manager's designee may require submittal of this documentation.
- (4) Requirements for All Existing Locations and Ongoing Developments. The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:
- (a) Denuded areas must be vegetated or covered under the standards and guidelines specified in Section 14-506 and on a schedule acceptable to the City Manager or the City Manager's designee.
 - (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
 - (c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
 - (d) Trash, junk, rubbish, etc., shall be cleared from drainage ways.
 - (e) Stormwater runoff shall, at the discretion of the City Manager or the City Manager's designee, be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:
 - (i) Ponds
 - (1) Detention pond
 - (2) Extended detention pond
 - (3) Wet pond
 - (4) Alternative storage measures
 - (ii) Constructed wetlands
 - (iii) Infiltration systems
 - (1) Infiltration/percolation trench
 - (2) Infiltration basin
 - (3) Drainage (recharge) well

- (4) Porous pavement
 - (iv) Filtering systems
 - (1) Catch basin inserts/media filter
 - (2) Sand filter
 - (3) Filter/absorption bed
 - (4) Filter and buffer strips
 - (v) Open channel
 - (1) Swale
- (5) Corrections of Problems Subject to Appeal. Corrective measures imposed by the City Manager or the City Manager's designee under this section are subject to appeal under Section 14-511 of this chapter.

Section 14-508. Illicit discharges.

- (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the City's separate storm sewer system.
- (2) Prohibition of Illicit Discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from stormwater facility that is not inspected in accordance with Section 14-507 shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:
 - (a) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources;
 - (ii) Landscape irrigation or lawn watering with potable water;
 - (iii) Diverted stream flows;
 - (iv) Rising ground water;
 - (v) Groundwater infiltration to storm drains;
 - (vi) Pumped groundwater;
 - (vii) Foundation or footing drains;
 - (viii) Crawl space pumps;
 - (ix) Air conditioning condensation;
 - (x) Springs;
 - (xi) Non-commercial washing of vehicles;
 - (xii) Natural riparian habitat or wetland flows;

- (xiii) Swimming pools (if dechlorinated - typically less than one PPM chlorine);
 - (xiv) Firefighting activities; or
 - (xv) Any other uncontaminated water source.
- (b) Discharges specified in writing by the City as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge if the City has so specified in writing.
- (d) Discharges authorized by the Construction General Permit (CGP), which comply with Section 3.5.9 of the same:
- (i) Dewatering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);
 - (ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
 - (iii) Water used to control dust in accordance with CGP Section 3.5.5;
 - (iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
 - (v) Routine external building washdown that does not use detergents or other chemicals;
 - (vi) Uncontaminated groundwater or spring water; and
 - (vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).
- (3) Prohibition of Illicit Connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (4) Reduction of Stormwater Pollutants by the Use of Best Management Practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.
- (5) Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a

commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

- (6) No Illegal Dumping Allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the City.

Section 14-509. Enforcement.

- (1) Enforcement Authority. The City shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

- (a) Verbal Warnings – At a minimum, verbal warnings must specify the nature of the violation and required corrective action.
- (b) Written Notices – Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.
- (c) Citations with Administrative Penalties – The City Manager or the City Manager's designee has the authority to assess monetary penalties, which may include civil and administrative penalties.
- (d) Stop Work Orders – Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.
- (e) Withholding of Plan Approvals or Other Authorizations – Where a facility is in noncompliance, the City Manager or the City Manager's designee's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.
- (f) Additional Measures – The City Manager or the City Manager's designee may also use other escalated measures provided under local legal authorities. The City Manager or the City Manager's designee may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

- (2) Notification of Violation.

- (a) Verbal warning – Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.
- (b) Written notice – Whenever the City finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the City Manager or the City Manager's designee may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City Manager or the City Manager's designee. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- (c) Consent orders – The City is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force

and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

- (d) Show cause hearing – The City may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- (e) Compliance order – When the City finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- (f) Cease and desist and stop work orders – When the City finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the City Manager or the City Manager's designee may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:
 - (i) Comply forthwith; or
 - (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.
- (g) Suspension, revocation or modification of permit – The City may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the City. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the City Manager or the City Manager's designee may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (h) Conflicting standards – Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the City under this ordinance, the strictest standard shall prevail.

Section 14-510. Penalties.

- (1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City Manager or the City Manager's designee, shall be guilty of a civil offense.
- (2) Penalties. Under the authority provided in Tennessee Code Annotated §68-221-1106, the City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of not less than fifty dollars (\$50) and not more than five-thousand dollars (\$5,000) per day for each day of violation. Each day of violation shall constitute a separate violation.

- (3) Measuring Civil Penalties. Under the authority provided in Tennessee Code Annotated §68-221-1106, the following factors may be considered by the City in assessing a civil penalty:
- (a) The harm done to the public health or the environment;
 - (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - (c) The economic benefit gained by the violator;
 - (d) The amount of effort put forth by the violator to remedy this violation;
 - (e) Any unusual or extraordinary enforcement costs incurred by the City;
 - (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- (4) Recovery of Damages and Costs. In addition to the civil penalty in Subsection (2) above, the City may recover:
- (a) All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation; and
 - (b) The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.
- (5) Referral to TDEC. Where the City has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the City has not been successful, the City may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:
- (a) Construction project or industrial facility location;
 - (b) Name of owner or operator;
 - (c) Estimated construction project or size or type of industrial activity (including the Standard Industrial Classification (SIC) code, if known); and
 - (d) Records of communications with the owner or operator regarding the violation, including at least two (2) follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.
- (6) Other Remedies. The City may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (7) Remedies Cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

Section 14-511. Appeals from Decisions of City Manager or the City Manager's Designee.

- (1) When May Appeal. Whenever the City Manager or the City Manager's designee shall reject or refuse to approve the mode or manner of construction proposed to be followed,

or materials to be used, or when it is claimed that the provisions of this ordinance do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this ordinance or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such property or his duly authorize agent, may appeal from the decision of the City Manager or the City Manager's designee to the Board of Zoning Appeals. Notice of appeal shall be in writing and filed within sixty (60) days after the decision is rendered by the City Manager or the City Manager's designee. A fee of two hundred dollars (\$200) shall accompany such notice of appeal which shall be returned to the appellant if successful.

- (2) Time for Appeal May be Limited. In case of a condition which, in the opinion of the City Manager or the City Manager's designee, is unsafe or dangerous, the City Manager or the City Manager's designee may, in his order, limit the time for such appeal to a shorter period.
- (3) Appeal Form. Appeals under this section shall be on forms provided by the City Manager or the City Manager's designee.
- (4) Timeframe. The Board of Zoning Appeals shall meet and conduct a hearing on any appeal within thirty (30) days unless the appellant requests or consents to additional time.

Section 14-512. Appeal of Damage Assessment or Civil Penalty

Pursuant to Tennessee Code Annotated §68-221-1106(d), any person incurring a damage assessment or a civil penalty as provided by this chapter (alleged violator) may appeal the damage assessment or civil penalty to the City's Board of Zoning Appeals.

- (1) Appeals to be in Writing. The appeal shall be in writing and filed with the Community Development Department within thirty (30) days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- (2) Appealing Decisions of Board of Zoning Appeals. The alleged violator may appeal a decision of the Board of Zoning Appeals pursuant to the provisions of Tennessee Code Annotated, Title 27, Chapter 8.
- (3) Failure to Appeal to Board of Zoning Appeals. If the alleged violator does not file an appeal within the timeframe set forth above in Subsection (1), the alleged violator shall be deemed to have consented to the damage assessment or civil penalty and it shall become final. The City may then apply to the appropriate chancery court for a judgment and seek execution of such judgment. The court shall treat the failure to appeal such damage assessment or civil penalty as a confession of judgment.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading: 2/08/2016
Publication Date: 2/11/2016
Second Reading: _____
Publication Date: _____
Effective Date: _____

ELECTIONS

&

APPOINTMENTS

ANNOUNCEMENTS

SCHEDULING

CITY CLERK MEMORANDUM
16-05

DATE: February 25, 2016
TO: Honorable Mayor and Members of City Council
FROM: Beth Hickman, City Clerk
SUBJECT: ESTABLISHING AN AD HOC SALARY REVIEW COMMITTEE FOR THE CITY JUDGE

An item for Council's consideration is the appointment of the City Judge Salary Review Committee. Article III, Section 2, of the City Charter provides that Council sets the compensation of the City Judge by ordinance which amount may not be related to the amount of money collected by the court. State law (Tennessee Code Annotated §16-18-205) provides that any modification in the judge's salary may not take effect during the judge's term of office. Therefore, any salary modification must take effect with the new term cycle.

By Resolution 12-141-06, Council is required to appoint a committee comprised of three councilmembers to review the salary of the City Judge in the year in which the City Judge is elected. The City Judge is elected on the same cycle as City Council, which means the City Judge will be elected this November. The resolution further provides that any modification in salary becomes effective with first full pay period following the election. By Resolution 11-87-2012, any salary modification recommendation must be made by July 1 of the election year to afford ample opportunity for Council to adopt an ordinance to modify the salary prior to the deadline for candidates to register for the election. According to the Anderson County Election Commission, the qualifying deadline is August 18, 2016. The current base salary of the City Judge is \$41,600.00 established in 2006 by Ordinance 19-06 (effective June 2007).

In 2012, the Council appointed members to this committee who were not up for election that year with the City Judge. Because this year is also an election year, the City Clerk recommends Councilmember Chinn, Councilmember Callison, and Mayor Pro Tem Smith to serve as the ad hoc Salary Review Committee. Following the established membership of the Committee, the City Clerk will begin working with the Committee to develop a procedure and timeline for when a report will be provided to the full City Council.


Mary Beth Hickman

Attachments:

Resolution 12-141-06 - Appointment of 3-member Salary Review Committee for City Judge
Resolution 11-87-2012 - Deadline for salary modification recommendation for City Judge

RESOLUTION

WHEREAS, Article III, Section 2 of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall by ordinance provide for the compensation of the City Judge; and

WHEREAS, Tennessee Code Annotated § 16-18-205 provides that the salary of the popularly elected City Judge may be fixed prior to the term of office and shall not be increased nor diminished during the term; and

WHEREAS, the City Judge of Oak Ridge is elected at the same time as members of City Council and the Board of Education and serves the same term of four years; and

WHEREAS, it is the desire of City Council to establish a policy and procedure for determining the appropriate level of compensation for the City Judge based upon a review to be conducted at four-year intervals in compliance with the provisions of the Oak Ridge City Charter and the Tennessee Code Annotated.

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

That to aid in determining the appropriate level of compensation for the City Judge, City Council shall appoint three of its members to serve as an ad hoc Salary Review Committee in January of the year in which the term of office of the City Judge shall expire.

BE IT FURTHER RESOLVED that said committee shall complete its work and present a recommendation regarding the compensation of the City Judge to City Council at least three months prior to the expiration of the sitting Judge's term of office.

BE IT FURTHER RESOLVED that in the event City Council chooses to modify the base salary of the City Judge, such modified salary shall become effective with the first full pay period following the election to be held on the first Tuesday of June in that same year.

BE IT FURTHER RESOLVED that upon presentation of its report and recommendations to City Council, the current Salary Review Committee shall cease to exist unless continued by action of City Council.

This the 18th day of December 2006.

APPROVED AS TO FORM AND LEGALITY:



City Attorney



Mayor



City Clerk

RESOLUTION

A RESOLUTION AMENDING RESOLUTION 12-141-06 TO REQUIRE THE CITY JUDGE SALARY REVIEW COMMITTEE TO RECOMMEND TO CITY COUNCIL ANY MODIFICATIONS TO THE COMPENSATION OF THE CITY JUDGE NO LATER THAN JULY 1 OF THE YEAR IN WHICH THE TERM OF OFFICE IS SET TO EXPIRE.

WHEREAS, Article III, Section 2 of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall by ordinance provide for the compensation of the City Judge; and

WHEREAS, Tennessee Code Annotated § 16-18-205 provides that the salary of the popularly elected City Judge may be fixed prior to the term of office and shall not be increased nor diminished during the term; and

WHEREAS, the City Judge of Oak Ridge is elected at the same time as members of City Council and the Board of Education and serves the same term of four years; and

WHEREAS, by Resolution 12-141-06, City Council established a policy and procedure for determining the appropriate level of compensation for the City Judge based upon a review to be conducted at four-year intervals in compliance with the provisions of the Oak Ridge City Charter and the Tennessee Code Annotated; and

WHEREAS, at their October 17, 2012 meeting, the City Judge Salary Review Committee unanimously voted to recommend to that, in the future, any modification in the City Judge's salary be established by ordinance prior to judicial candidates registering for the election; and

WHEREAS, the City Judge Salary Review Committee at the same meeting met to consider the current compensation of the City Judge, and unanimously voted to recommend that no changes be made in compensation for the City Judge for the current term.

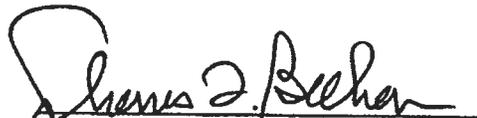
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

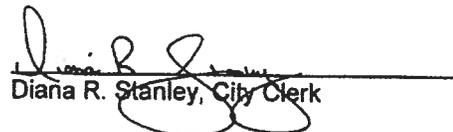
That the recommendation of the City Judge Salary Review Committee is approved and Resolution 12-141-06 is hereby amended to require the Salary Review Committee to recommend to City Council any modifications to the compensation of City Judge no later than July 1 of the year in which the term of office is set to expire so as to afford ample opportunity for City Council to enact an ordinance on said salary modification prior to the deadline for candidates to register for the election.

This the 5th day of November 2012.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney


Thomas L. Beehan, Mayor

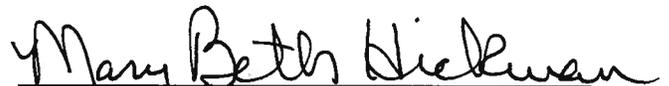

Diana R. Stanley, City Clerk

CITY CLERK MEMORANDUM
16-06

DATE: February 29, 2016
TO: Honorable Mayor and Members of City Council
FROM: Beth Hickman, City Clerk
SUBJECT: COUNCIL REPRESENTATION IN ENGINEERING FIRM EVALUATION/SELECTION
PROCESS

An item for Council's consideration is the appointment of a Council representative to participate in the engineering firm evaluation/selection process. This item was included for discussion on the Tuesday, February 16 Council work session agenda. During the discussion, Councilmember Baughn expressed a willingness to serve if the Council chooses to appoint a representative.

Attached please find a memorandum from Jack L. Suggs, Interim Director of Public Works, that provides additional information.


Mary Beth Hickman
Mary Beth Hickman

Attachments:

Memo dated February 10, 2016 from Jack L. Suggs, Interim Public Works Director

PUBLIC WORKS DEPARTMENT MEMORANDUM
16-05

DATE: February 10, 2016

TO: Mark S. Watson, City Manager

FROM: Jack L. Suggs, Interim Public Works Director

SUBJECT: POTENTIAL COUNCIL REPRESENTATION IN ENGINEERING FIRM
EVALUATION

The Public Works Department uses a variety of engineering firms to conduct various tasks as part of its normal operation. In some cases, these tasks are limited and of short duration; such as a one-time structural evaluation or other small project. However, in some areas it is beneficial to develop a long term relationship with an engineering firm. These long term relationships allow the City to benefit from continuity of knowledge, records, and design philosophy. One such long term relationships have been with the firm of LDA Engineering (formerly Lamar Dunn and Associates).

LDA provides guidance to the City, not only in engineering and inspection, but they also aid in obtaining grants, low interest loans, and helping us meet reporting requirements as specified in those loans and grants. They maintain records and engineering models of City systems and have provided ongoing services in a number of projects over an extended period of time.

Over the next several months, staff will be soliciting request for qualifications to engineering firms who have expertise in the areas where we have need. Primarily, I see the needs being the continuation of the wastewater system rehabilitation and maintenance, design services relative to the water plant and distribution system, and aid in examining the need for a stormwater utility.

This solicitation is not due to any shortcoming on the part of our current engineers, but simply reflects the City's desire to re-evaluate our relationships for future work. In fact, staff fully expects the firm of LDA to be a strong contender for a long term relationship into the future in areas of their specific expertise.

Because of the nature and importance of these selections, I believe it would be beneficial to seek input into the process from a member of the City Council or their representative. I envision the representative having input into developing the request for qualifications, selecting firms that will be asked to participate, and then in reviewing submissions and conducting interviews while making selections for firms to use for various areas of expertise. The representative might then report out to the Council body on the process that was followed and their impression of the firms considered.

I am requesting your help in approaching Council to see if they, as a body, are interested in participating in the process with a representative member. I will be present at the upcoming work session to answer any questions that might arise from this request.



Jack L. Suggs