



OAK RIDGE CITY COUNCIL REGULAR MEETING

Municipal Building Courtroom

September 11, 2023 - 7:00 PM

AGENDA

I. INVOCATION

- a. Drew Mentzer - Oak Ridge Police Department Chaplain

II. PLEDGE OF ALLEGIANCE

- a. Presentation of Colors and Pledge of Allegiance - Oak Ridge Fire Department Honor Guard

III. ROLL CALL

IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS

- a. A Proclamation Honoring Christopher "Chris" Keever
[Proclamation - Chris Keever.doc](#)

V. SPECIAL REPORTS

VI. CONSENT AGENDA

- a. August 2, 2023 Special Meeting Minutes
[August 2, 2023 Special Meeting Minutes.docx](#)
- b. August 28, 2023 Special Meeting Minutes
[August 28, 2023 Special Meeting Minutes.docx](#)
- c. [Purchase of Electrical Foreman's Vehicle](#)
[F250 Crew Cab Memo Pictures and Quote.pdf](#)
[Resolution - Purchase Electrical Foreman Vehicle - Replacement.docx](#)
- d. [A Resolution to Authorize the Purchase of 350 MCM Copper Underground Cable](#)
[RFQ 180673 Abstract 350 URD MCM Cu Cable.pdf](#)
[Resolution - Purchase Underground Distribution Cable.docx](#)
- e. [Approval of the Employment Agreement with Randall W. "Randy" Hemann for the Position of City Manager](#)
[Hemann - Proposed Employment Agreement Modifications.docx](#)
[Resolution - Amendments to City Manager Employment Agreement.docx](#)
[Amendment No. 1 - City Manager Employment Agreement.docx](#)

VII. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

- a. City Code Amendment - Food Trucks - Change in Distance Requirements
Food Truck Amendment - Attachment.docx
Ordinance - Food Truck Amendment.docx

VIII. FINAL ADOPTION OF ORDINANCES

- a. Rezoning Request: 1009 Commerce Park Drive (Parcel 106G B 026.00) IND-2 Industrial District to O-2 Office District (Public Hearing Required)
1009 Commerce Park Rezone Map.pdf
1009 Commerce Park Rezoning materials submitted by applicant.pdf
Rezoning_-_1009_Commerce_Park_Drive.docx

IX. PUBLIC HEARING AND APPROVAL OF RESOLUTIONS

- a. Community Development Block Grant - Substantial Amendments for: 3 Year Consolidated Plan 2017 - 2019, 3 Year Consolidated Plan 2020 - 2022, and Annual Action Plans for Program Years 2017 - 2022
2017-2019 Consolidated-Annual Plan Amendment BriefV2.pdf
2020-2022 Consolidated-Annual Plan Amendment BriefV2.pdf
Resolution - CDBG Consolidated Plan and Annual Action Plan Substantial Amendments.docx

X. RESOLUTIONS

- a. Oak Ridge Housing Authority Scarborough Project and Transfer of Property
Map - Scarborough Parcel 105F C 035.00.pdf
Scarboro Property Details - State Website.docx
Resolution - Transfer of Scarborough Property to ORHA.docx
ORHA Scarborough Term Sheet - Final.pdf
- b. Appointment Procedure for 2023 Charter Review Committee
Charter Review Committee - Background Information.docx
Resolution - Charter Review Committee Appointment Process.docx
- c. Contract with GEOServices for Site Investigatory Work at the New Water Treatment Plant
Oak Ridge WTP OPC.pdf
Resolution - Water Treatment Plant - GEOServices Contract.docx
- d. Delegation of Authority to the Industrial Development Board to Negotiate and Accept Payments-in-Lieu-of-Taxes for Extended Stay Hotel Project
Resolution - IDB PILOT Delegation for RAMA Oak Ridge LLC.docx
- e. A Resolution Authorizing Approval of an Application for a Certificate of Compliance by Taylor Martin, to Engage in the Retail Sale of Alcoholic Beverages in the City of Oak Ridge at Hilltop Wine and Spirits, LLC, located at 346 Illinois Avenue.
Martin Certificate of Compliance Application.pdf
Resolution - Approving Certificate of Compliance - Hilltop Wine and Spirits, LLC.docx
- f. An Amendment to Resolution 6-52-2022, to Increase Funding Amount to Include Deductible Costs for Public Entity Partners (PEP)
Resolution - PEP Premium and Claims Amendment.docx

XI. APPEARANCE OF CITIZENS

ALL CITIZENS ARE GIVEN 3 MINUTES

XII. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

XIII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIV. SUMMARY OF CURRENT EVENTS

- a. CITY MANAGER'S REPORT
- b. CITY ATTORNEY'S REPORT

XV. ADJOURNMENT

PROCLAMATION

WHEREAS, Christopher “Chris” Keever passed away unexpectedly on August 30, 2023; and

WHEREAS, born in Manchester, Tennessee, Chris spent most of his life in Oak Ridge and was a 1988 graduate of Oak Ridge High School; and

WHEREAS, Chris' love of his community was seen through the many sports he participated in and even coached for his children, along with the creative events he organized, such as Catch the Leprechaun, 5K Pints and Paddles, Friendsgiving potluck events and winter coat drives; and

whereas, Chris was extremely proud of Oak Ridge and a tireless champion of small businesses in the community; and

whereas, Chris opened multiple successful businesses over the last few decades, including his first business, Anderson County Visions, a monthly magazine he published from home on his desktop for twelve years; and

WHEREAS, Chris' work experience also included selling ads at The Oak Ridger, working at an internet company and Monster Works T-shirt printing at Jackson Square; and

whereas, for the last six and a half years, Chris has been the owner of three local businesses – Crafter's Brew Market and Social, The Kitchen at Crafter's Brew, and the Scotsman Grille at Centennial Golf Course; and

WHEREAS, Chris' upbringing in Royce Baptist Church inspired his life of faith, and recently he could be found participating in Sunday School; at Alliance Church or hosting Bible studied on Monday nights at the The Kitchen; and

WHEREAS, Chris enjoyed playing poker, kayaking, hiking with friends in Hot Springs, North Carolina and traveling across the country exploring breweries and other cultures; and

whereas, Chris was the proud father of three children – Alexis, Rachel, and Matthew – who were his life, and he was a brother, uncle, colleague and friend to many; and

whereas, Chris touched many lives with his generous nature, and welcoming personality, instantly lighting up a room with his smiles, hugs, and good cheer, and he will be truly missed by all who knew him.

NOW, THEREFORE, BE IT RESOLVED by the council OF THE CITY OF OAK RIDGE, TENNESSEE:

That in recognition of his contributions to the Oak Ridge community, we hereby honor

Christopher “Chris” Keever

in witness whereof, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 11th day of September in the year 2023.

Warren L. Gooch, Mayor

OAK RIDGE CITY COUNCIL SPECIAL MEETING
Municipal Building Court Room

August 2, 2023

Minutes

A special meeting of the City Council of the City of Oak Ridge, Tennessee convened at 4:00 p.m. on August 2, 2023 with Mayor Warren Gooch presiding.

ROLL CALL

Upon roll call the following Councilmembers were present: Mayor Pro Tem Jim Dodson; Councilmember Sean Gleason; Mayor Warren Gooch; Councilmember Derrick Hammond; Councilmember Charlie Hensley; Councilmember Charles J. Hope, Jr.; and Councilmember Ellen Smith. Councilmember Sean Gleason was absent.

Also present were Jack Suggs, Interim City Manager; Tammy Rackard, City Attorney; and Beth Hickman, City Clerk.

ITEM FOR CONSIDERATION

SELECTION OF NEW CITY MANAGER

Mayor Gooch asked for comments from Council regarding the candidates for City Manager,

During public comment, the following citizens spoke in support of candidate Aretha Ferrell-Benevides:

Kowetha Mack, 184 Whippoorwill Drive

Teresa Green, 28 Rockingham Lane

Ann Garcia, 120 Outer Drive

Larry Gipson, 217 S. Benedict Road

Leonard Vaughn, 108 Euclid Place

Robert Kennedy, 209 Whippoorwill Drive, did not speak in favor of either candidate, but asked Council to think about the vision for our city.

By ballot vote, Mayor Pro Tem Dodson, Councilmember Gleason, Mayor Gooch, Councilmember Hensley, and Councilmember Hope voted for Randy Hemann. Councilmember Hammond and Councilmember Smith voted for Aretha Ferrell-Benevides.

Councilmember Smith made a motion to authorize the City Attorney and the Mayor to begin negotiations on an employment contract with Mr. Hemann. Councilmember Hensley seconded, and the motion was approved unanimously by voice vote.

ADJOURNMENT: 4:50 p.m.

OAK RIDGE CITY COUNCILSPECIAL MEETING
Municipal Building Court Room

August 28, 2023

Minutes

A special meeting of the City Council of the City of Oak Ridge, Tennessee convened at 4:00 p.m. on August 28, 2023 with Mayor Warren Gooch presiding.

ROLL CALL

Upon roll call the following Councilmembers were present: Mayor Pro Tem Jim Dodson; Mayor Warren Gooch; Councilmember Derrick Hammond; Councilmember Charlie Hensley; Councilmember Charles J. Hope, Jr.; and Councilmember Ellen Smith. Councilmember Sean Gleason was absent.

Also present were Jack Suggs, Interim City Manager; Tammy Rackard, City Attorney; and Valarie Emery, Administrative Associate.

ITEM FOR CONSIDERATION

Resolution No. 8-112-2023

A RESOLUTION APPROVING THE EMPLOYMENT AGREEMENT WITH RANDALL W. "RANDY" HEMANN FOR THE POSITION OF CITY MANAGER FOR THE CITY OF OAK RIDGE, TENNESSEE, FOR AN INITIAL THREE-YEAR TERM AT AN ANNUAL SALARY OF \$229,000.00.

Mayor Pro Tem Dodson moved for approval of the resolution, and Councilmember Hope seconded.

The resolution was approved by voice vote with Councilmembers Hammond, Hensley, Hope, Smith, Mayor Gooch and Mayor Pro Tem Dodson voting "Aye." Councilmember Gleason was absent.

ADJOURNMENT: 4:15 p.m.

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Honorable Mayor and City Council

FROM: Travis Solomon , Fire Chief

SUBJECT: Purchase of Electrical Foreman's Vehicle

Introduction

An item for City Council's consideration is a resolution authorizing the City to purchase a Ford F-250 crew cab utility truck at the state contract price of \$64,831, which will replace a F-350 utility vehicle that was totaled in an accident.

Funding

The at fault driver's insurance has provided a settlement of \$43,465 that includes buying the totaled truck back at \$2,535. After consultation with the Finance Director Janice McGinnis, the remaining funds will come from the electric fund.

Background

On August 7, 2023, the 2020 Ford F-350 was involved in an accident. This vehicle was purchased new in 2020 for \$53,539. The at fault driver's insurance company deemed the F-350 totaled and paid the City \$43,465, which includes buying the totaled vehicle back for \$2,535. The utility bed of the vehicle is undamaged and can be used on a newer cab/chassis.

Due to the current situation of vehicle availability, the City can purchase an in-stock F-250 crew cab utility truck at a state contract price of \$64,831. This would allow the electric department to have a vehicle that is in-stock, instead of waiting months for a replacement vehicle.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[F250 Crew Cab Memo Pictures and Quote.pdf](#)

[Resolution - Purchase Electrical Foreman Vehicle - Replacement.docx](#)

**PUBLIC WORKS DEPARTMENT
INTRAOFFICE MEMORANDUM**

23 - 61

DATE: August 29, 2023

TO: Travis Solomon, Fire Chief, Acting Electric Director

FROM:  Mike Miller, Streets and Fleet Manager

SUBJECT: EVALUATION OF VEHICLE 465

- 2020 Ford F350
- Assigned to the Electric Department
- Overall condition – Totaled in an accident.
- The City paid \$53,539.00 for this truck new in 2020. It was totaled in an accident on August 7th, 2023. The at fault drivers' insurance has offered \$46,000.00 as a total settlement or we can retain the truck for \$2535.00 and receive a settlement of \$43,465.00. As the Fleet manager I am recommending we retain the truck. The utility bed is undamaged and can be used on a newer cab/chassis truck. Other usable parts include motor, transmission, transfer case, tires, wheels etc...
- The City can purchase an in-stock Ford F250 crew cab utility truck at a state contract price of \$64,831.00 Due to the current situation of vehicle availability, I am recommending we move forward in the purchase of the in-stock truck in order to keep the Electric Department from being without a working foreman truck.
- Replacement cost - \$64,831.00

 cc: Tom Roberts, Deputy Public Works Director







Ford of Murfreesboro

John Hamby
1550 NW Broad St.
Murfreesboro, TN 37129

SALES QUOTATION

STATE CONTRACT- 000075348

TO:

OAKRIDGE

W2B-600A

2023 FORD F250 CREW CAB 4WD

WHITE

SERVICE BODY

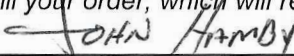
F.O.B.
TERMS
DELIVERY
NUMBER

Thank you for your inquiry dated: August 8, 2023

We are pleased to quote you the following:

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	DELIVERY DATE
1	1	2023 FORD F250 CREW CAB 4WD	\$44,756.00	TBD
2		6.8 LITER V-8 GAS, 10 SPEED TRANSMISSION		
3		EXTERIOR- WHITE		
4		INTERIOR- SLATE VINYL		
5		OPTIONS LISTED ON WINDOW STICKER	\$2,775.00	
6				
7				
8		READING SERVICE BODY, SLAM LOCK DOORS	\$17,300.00	
9		LED LIGHTS, MASTER LOCKING, SPRAY IN LINER SIDES AND TOPS		
10		LIFT TOP SIDE BOXES		
11				
12		TOTAL X 1	\$64,831.00	

We will be happy to supply any further information you may need and trust that you call on us to fill your order, which will receive our prompt and careful attention.



PER

August 8, 2023

DATE







NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF A FORD F-250 CREW CAB UTILITY TRUCK FROM FORD OF MURFREESBORO FOR THE ELECTRIC DEPARTMENT UTILIZING STATE CONTRACT PRICING IN THE AMOUNT OF \$64,831.00.

WHEREAS, on August 7, 2023, a 2020 Ford F-350 assigned to the Electric Department was involved in a traffic accident; and

WHEREAS, the at-fault driver's insurance company has paid the City \$43,465.00 as a settlement, with the City retaining the vehicle for parts (undamaged utility bed, motor, transmission, tires, etc.); and

WHEREAS, a replacement vehicle (2023 Ford F-250 crew cab utility truck) is available from Ford of Murfreesboro with state contract pricing of \$64,831.00, which allows the Electric Department to expeditiously have a vehicle as opposed to waiting an unknown length of time for a Ford F-350 replacement vehicle; and

WHEREAS, settlement funds will be applied toward the purchase, with the remaining balance paid out of the Electric Fund; and

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

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

That the recommendation of the Interim City Manager is approved, and the City is hereby authorized to purchase a 2023 Ford F-250 truck from Ford of Murfreesboro, 1550 NW Broad Street, Murfreesboro, Tennessee 37129, utilizing state contract pricing in the amount of \$64,831.00 for use by the Electric Department.

BE IT FURTHER RESOLVED that the Mayor and/or Interim City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

Tammy M. D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Jack L. Suggs, Interim City Manager

FROM: Travis Solomon , Fire Chief

SUBJECT: A Resolution to Authorize the Purchase of 350 MCM Copper Underground Cable

Introduction

An item for City Council's consideration is a resolution approving the purchase of 5,000 feet of Underground Distribution Cable 350 MCM Cu in an amount not to exceed \$83,260.00 from WESCO Distribution Incorporated, Knoxville, Tennessee.

Funding

Funding for this purchase is available through the Electric Fund

Background

The Electric Department uses a variety of underground cables in its distribution system. Cables of the size indicated are needed where large electric loads are expected or where the cable may serve as a primary or backup feed to a larger area of load. In the past, this type of cable has been used for circuits feeding commercial areas such as Rutgers Avenue shopping area and Mitchell Road. The cable being purchased will be used to replenish some of the stock cable that will be used to feed lot 7 in Horizon Center.

Bids for the cable were opened on August 15th, 2023, with WESCO Distribution being the low bidder, and having the fastest delivery time.

A contract amendment for overage not to exceed \$3,620.00 has been added to account for any overproduced conductor up to 5%.

Because copper prices change daily, a contingency amount not to exceed \$7,240.00 has been added to the bid price to account for any increased cost at the time of shipment.

Recommendation

Staff recommends approval of the resolution.

Attachments:

[RFQ 180673 Abstract 350 URD MCM Cu Cable.pdf](#)

CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids

RFQ 180673

OPENING DATE: August 15, 2023 2:00 P.M.

FOR --- Underground Distribution Cable 350 MCM Cu Cable			BIDDER: Wesco Distribution, Inc. 427 Park Village Road Knoxville, TN 37923		BIDDER: Irby Utilities 501 West Mountain View Road Johnson, City, TN 37604		BIDDER:		BIDDER:	
MANUFACTURER:			Prysmian		Okonite					
DESCRIPTION	ITEM	FEET	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
THE FURNISHING OF UNDERGROUND DISTRIBUTION CABLE 15KV 350 MCM CU PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE ELECTRIC DEPARTMENT	1	5,000	\$ 14.480	\$ 72,400.00	\$ 16.65	\$ 83,250.00				
* CONTRACT AMENDMENT BUDGET FOR OVERAGE, SHALL NOT EXCEED 5%.	1*			\$ 3,620.00		\$ 4,162.50				
CONTINGENCY - PRICE SUBJECT TO CHANGE AT SHIPMENT				\$ 7,240.00		\$ 8,325.00				
TOTAL PRICE			\$ 83,260.00		\$ 95,737.50					
TERMS			Net 30		Net 30					
DELIVERY			16 - 18 Weeks		66 - 68 Weeks					
F.O.B.			Oak Ridge		Oak Ridge					
VIA			Best Way		Best Way					
Advertised on the City's website for 20 days. OTHER BIDDERS CONTACTED: Power Supply Company, LLC - Chattanooga, TN Gresco Supply - Nashville, TN Border States Industries, Inc. Nashville, TN United Utility Supply - Louisville, KY BIDS OPENED AND RECORDED BY--- <i>Lyn Majeski</i> Lyn Majeski Purchasing Manager										
REASON FOR AWARD: ONLY BID RECEIVED ☐ LOW PRICE ☐ BETTER OR REQUIRED DESIGN ☐ EARLY DELIVERY ☐ LOWEST TOTAL COST ☒			RECOMMEND AWARD BE MADE TO: Wesco Distribution, Inc. 427 Park Village Road Knoxville, TN 37923					BIDS REVIEWED BY--- <i>Dallas Dyce</i> Dallas Dyce Accounting Manager		

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF UNDERGROUND DISTRIBUTION CABLE FROM WESCO DISTRIBUTION INC., KNOXVILLE, TENNESSEE, IN AN AMOUNT NOT TO EXCEED \$83,260.00.

WHEREAS, the Electric Department is in need of certain underground distribution cable to replenish current stock; and

WHEREAS, the City issued an invitation to bid for the purchase; and

WHEREAS, bids were received and publicly opened on August 15, 2023, with WESCO Distribution Incorporated of Knoxville, Tennessee, submitting the lowest and best bid with the fastest delivery time, which bid the Interim City Manager recommends be accepted.

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

That the recommendation of the Interim City Manager is approved, and award is hereby made to WESCO Distribution Inc., 427 Park Village Road, Knoxville, Tennessee 37923, for the purchase of underground distribution cable in strict accordance with Requisition No. 180673, the required specifications, and the bid as received and publicly opened on August 15, 2023, and in an amount not to exceed \$83,260.00; said amount includes an additional five percent (5%) for overage and a \$7,240.00 contingency amount for any increased cost at the time of shipment.

BE IT FURTHER RESOLVED that the Mayor and/or Interim City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

Tammy M. D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Honorable Mayor and City Council

FROM: Tammy Rackard , City Attorney

SUBJECT: Approval of the Employment Agreement with Randall W. "Randy" Hemann for the Position of City Manager

Introduction

An item for the agenda is a resolution amending the City Manager Employment Agreement with Randall W. "Randy" Hemann to allow for delays in his annual review (currently required annually in November) if needed but set a final date (February) by which it must occur, and to clarify existing language within the termination section.

Funding

The amendments require no additional funding.

Background

On August 28, 2023, City Council approved Resolution 8-112-2023 to approve an Employment Agreement with Randall W. "Randy" Hemann for the position of City Manager. During the meeting, Councilwoman Ellen Smith requested consideration of two changes to the agreement. City Council agreed to move forward with approval of the Employment Agreement with the understanding Councilwoman Smith's requests would be brought back to City Council for consideration at a future meeting.

The attached Proposed Employment Agreement Modifications sets forth the two proposed modifications and the concern each is intended to address.

Recommendation

Approval of the attached resolution is recommended to address the concerns originally brought up for discussion by Councilwoman Smith.

Attachments:

[Hemann - Proposed Employment Agreement Modifications.docx](#)

[Resolution - Amendments to City Manager Employment Agreement.docx](#)

[Amendment No. 1 - City Manager Employment Agreement.docx](#)

PROPOSED EMPLOYMENT AGREEMENT MODIFICATIONS

CONCERN: WHAT IF CANNOT MEET THE NOVEMBER ANNUAL REVIEW DATE FOR WHATEVER REASON (EX. BUSYNESS OF AN ELECTION YEAR)

PROPOSED MODIFICATION:

Section 3.01. Performance Evaluation

- A. Annual Review. The City shall annually review the performance of Mr. Hemann in November subject to a process, form, criteria, and format for the evaluation, which shall be mutually agreed upon by the City and Mr. Hemann. **The parties agree that should the City not be able to meet the November deadline for the annual review that such review will be conducted no later than the following February and any salary adjustments approved as part of that annual review will be retroactive to November when the review should have taken place.**

CONCERN: SECTION 4.02.A.4. CONTAINS CONFLICTING LANGUAGE ("OFFER" V. "SUGGESTION") AND CLARIFICATION OF THIS LANGUAGE WOULD BE APPROPRIATE

PROPOSED MODIFICATION:

Section 4.02. Termination

- A. For the purpose of this Employment Agreement, termination shall occur when:
4. ~~If Mr. Hemann resigns following an offer to accept resignation, whether formal or informal, by the City, as representative of the majority of City Council that Mr. Hemann resign, then Mr. Hemann may declare a termination as of the date of the suggestion.~~ **If the City, as representative of the majority of City Council, formally or informally, suggests to Mr. Hemann that he resign and Mr. Hemann does so, then Mr. Hemann may declare a termination as of the date of said suggestion.**

Note: The above unmodified language came from the model ICMA agreement:

If the Employee resigns following an offer to accept resignation, whether formal or informal, by the Employer as representative of the majority of the governing body that the Employee resign, then the Employee may declare a termination as of the date of the suggestion.

NUMBER _____

RESOLUTION

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE EMPLOYMENT AGREEMENT WITH RANDALL W. "RANDY" HEMANN, CITY MANAGER, TO MODIFY LANGUAGE REGARDING ANNUAL REVIEW AND TO CLARIFY LANGUAGE REGARDING TERMINATION.

WHEREAS, by Resolution 8-112-2023, City Council approved an Employment Agreement with Randall W. "Randy" Hemann for the position of City Manager, effective November 1, 2023; and

WHEREAS, prior to approval of the resolution, a request was made to modify two provisions in the agreement – (1) to allow for delayed annual review if needed such as during election years, and (2) to clarify the language regarding resignation at the request of the City; and

WHEREAS, the attached Amendment No. 1 addresses those requests and Mr. Hemann is agreeable to the modifications.

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

That the attached Amendment No. 1 to the Employment Agreement between the City of Oak Ridge, Tennessee, and Randall W. "Randy" Hemann, dated August 28, 2023, is hereby approved.

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

This 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

Tammy M. D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

AMENDMENT NO. 1
(Employment Agreement – Randall W. “Randy” Hemann, City Manager)

This Amendment No. 1 entered into this the 11th day of September 2023, amends the Employment Agreement (FY2024-030), dated August 28, 2023, between the City of Oak Ridge, Tennessee, hereinafter referred to as the “City,” and Randall W. “Randy” Hemann, hereinafter referred to as “Mr. Hemann.”

NOW, THEREFORE, the parties hereto agree as follows:

1. Section 3.01, Performance Evaluation, Subsection A, Annual Review, of the Employment Agreement is hereby amended by adding the following sentence at the end of the existing language:

The parties agree that should the City not be able to meet the November deadline for the annual review that such review will be conducted no later than the following February and any salary adjustments approved as part of that annual review will be retroactive to November when the review should have taken place.

2. Section 4.02, Termination, Subsection A, of the Employment Agreement is hereby amended by deleting existing subpart 4 and replacing it with a new subpart 4 as follows:

4. If the City, as representative of the majority of City Council, formally or informally, suggests to Mr. Heman that he resign and Mr. Hemann does so, then Mr. Hemann may declare a termination as of the date of said suggestion.

3. All other terms, conditions, and provisions of the Employment Agreement, dated August 28, 2023, not in conflict with this Amendment No. 1 shall remain in full force and effect.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

 Tammy M. D. Rackard, City Attorney

 Warren L. Gooch, Mayor

RANDALL W. HEMANN

 Signature

Attachments: None

Approved by Resolution _____

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Honorable Mayor and City Council

FROM: Tammy Rackard , City Attorney

SUBJECT: City Code Amendment - Food Trucks - Change in Distance Requirements

SUPPORTING DEPARTMENT: Fire

Introduction

An item for the agenda is an ordinance to amend City Code §23-104(c) to change the distance requirements between food trucks and to instead require compliance with the distance requirements set forth in the National Fire Protection Association (NFPA) Standard 96.

Funding

No funding is associated with this item.

Background

By Ordinance 12-2023, City Council adopted a food truck ordinance. This ordinance is codified in City Code Title 23, Food Trucks. After adoption of the ordinance, the Legal Department became aware of a need to change the distance requirement between food trucks. The National Fire Protection Association (NFPA) Standard 96 §17.2, Location of Mobile and Temporary Cooking Operations, sets forth a ten foot (10 ft) minimum distance between food trucks and other structures. Since this requirement may change in the future, the Fire Department has requested an amendment to change the ordinance to require compliance with NFPA Standard 96 rather than simply increasing the distance requirement from three feet (3 ft) to ten feet (10 ft).

NFPA Standard 96 §17.2, Location of Mobile and Temporary Cooking Operations :

§17.2.1. Relative to Buildings.

Mobile or temporary cooking operations shall be separated from the entrances and other exits of buildings or structures, combustible materials, vehicles and other cooking operations by a clear space distance of 10 ft (3 m).

§17.2.2. Relative to Other Mobile or Temporary Cooking.

Mobile or temporary cooking operations shall be separated from other mobile or temporary cooking operations by a clear space distance of 10 ft (3 m).

The attached ordinance amends City Code §23-104(c) as shown on attached bold/strikethrough document to incorporate compliance with NFPA Standard 96.

Update on Local and State Permits for Food Trucks

As an update to food trucks, the City has created an application for food truck permits and has received its first request for a permit. Additionally, the State Fire Marshal's Office has created their food truck permit application which is now available to food truck vendors for operation statewide. This permit is at a higher cost than the City's local permit (\$300.00 v. \$50.00). It is unknown at this time how many food trucks will utilize the state permit versus the local permit.

Recommendation

Approval of the attached ordinance is recommended.

Attachments:

[Food Truck Amendment - Attachment.docx](#)

[Ordinance - Food Truck Amendment.docx](#)

BOLD/STRIKETHROUGH OF PROPOSED AMENDMENT

Section 23-104. Operation of Food Trucks

The following requirements apply to all Food Trucks and Food Truck Operators operating at any location within the city.

...

- C. Distance between Food Trucks and Other Structures. While operating, Food Trucks shall be ~~at least three (3) feet from other Food Trucks~~ **comply with the distance requirements set forth in the National Fire Protection Association (NFPA) Standard 96.**

TITLE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY CREATING A NEW TITLE 23, TITLED "FOOD TRUCKS," FOR THE PURPOSE OF REGULATING MOBILE FOOD VENDING WITHIN THE CITY BOUNDARIES OF THE CITY OF OAK RIDGE, TENNESSEE.

WHEREAS, by Ordinance 12-2023, City Council adopted a food truck ordinance as set forth in City Code Title 23, Food Trucks; and

WHEREAS, City Code §23-104(c) requires a minimum three-foot distance between food trucks; and

WHEREAS, the Oak Ridge Fire Department (ORFD) has requested this section be amended to require compliance with the distance requirements set forth in the National Fire Protection Association (NFPA) Standard 96 §17.2, Location of Mobile and Temporary Cooking Operations, which is currently a minimum of ten feet (10ft) between food trucks and other structures; and

WHEREAS, the City desires to amend City Code §23-104(c) as requested.

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

Section 1. The Code of Ordinances, City of Oak Ridge, Tennessee, Title 23, titled "Food Trucks," Section 23-104, titled "Operation of Food Trucks," is hereby amended by deleting Subsection C, titled "Distance between Food Trucks," in its entirety and substituting therefor a new Subsection C, titled "Distance between Food Trucks and Other Structures," which new subsection shall read as follows:

Section 23-104. Operation of Food Trucks

The following requirements apply to all Food Trucks and Food Truck Operators operating at any location within the city.

...

- C. Distance between Food Trucks and Other Structures. While operating, Food Trucks shall comply with the distance requirements set forth in the National Fire Protection Association (NFPA) Standard 96.

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:

Tammy M. Rackard, City Attorney

Warren Gooch, Mayor

Mary Beth Hickman, City Clerk

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

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Jack L. Suggs, Interim City Manager

FROM: Jennifer Williams , Senior Planner

THROUGH: Wayne Blasius, Planning and Development Director

SUBJECT: Rezoning Request: 1009 Commerce Park Drive (Parcel 106G B 026.00)
IND-2 Industrial District to O-2 Office District (Public Hearing Required)

Introduction

An item for City Council's consideration is an ordinance amending ordinance no. 2 to rezone 1009 Commerce Park Drive (Parcel 106B B 026.00) from IND-2 Industrial District to O-2 Office District.

Funding

There is no funding associated with this item.

Background

The proposed rezoning request is for an approximately 9.43-acre parcel at 1009 Commerce Park Drive. The property is the site of the Oak Ridge Technical Center Building 4, which was constructed in the early 1990s. The property owners plan to create a daycare facility in the existing building to serve employees of Oak Ridge National Laboratory. Daycare facilities are not an allowed use in the IND-2 district, therefore the owner is requesting a rezoning to O-2 Office District, where daycare centers are a use permitted by right. The remainder of the building is used for office space, which is also an allowed use in the O-2 district.

Analysis

The following criteria were used to evaluate the rezoning request:

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

The City's Land Use Plan identifies the Commerce Park area as 'I' Industrial. A change in use for only a portion of the building does not warrant a Land Use Plan amendment. Additionally, an ongoing goal identified by the City Blueprint is to increase the desirability of Oak Ridge as a place to live for those hired by the City's major employers, which includes ORNL. Nearby childcare facilities are a desirable service for families considering moving to the area.

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

The proposed rezoning is compatible with the development of Commerce Park. Although most of the property is zoned IND-2, much of the park is used for professional office space. A rezoning to O-2 is not contradictory to these existing uses. One property, where the Covenant Presbyterian Church is located, was also rezoned to O-2 PUD in 2006.

3. Is the character of the area suitable for the uses permitted in the proposed zoning district and is the proposed zoning district compatible with surrounding zoning and uses?

The area surrounding this site includes offices, industrial buildings, vacant properties, and a church. Allowed uses in the O-2 district are generally compatible with the surrounding uses.

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

No, there are additional O-2 zoned properties near the property in question.

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

Existing public utilities and services at this site are adequate to serve the proposed use.

6. Would the requested rezoning have environmental impacts?

The proposed development will take place inside of an existing building. No significant environmental impacts are anticipated. If any significant change occurs at the property in the future, environmental impacts will be studied as part of the site development and permitting process.

At their July 20, 2023 business meeting the Planning Commission voted unanimously to recommend approval of the rezoning request.

Recommendation

Approval of the attached ordinance is recommended.

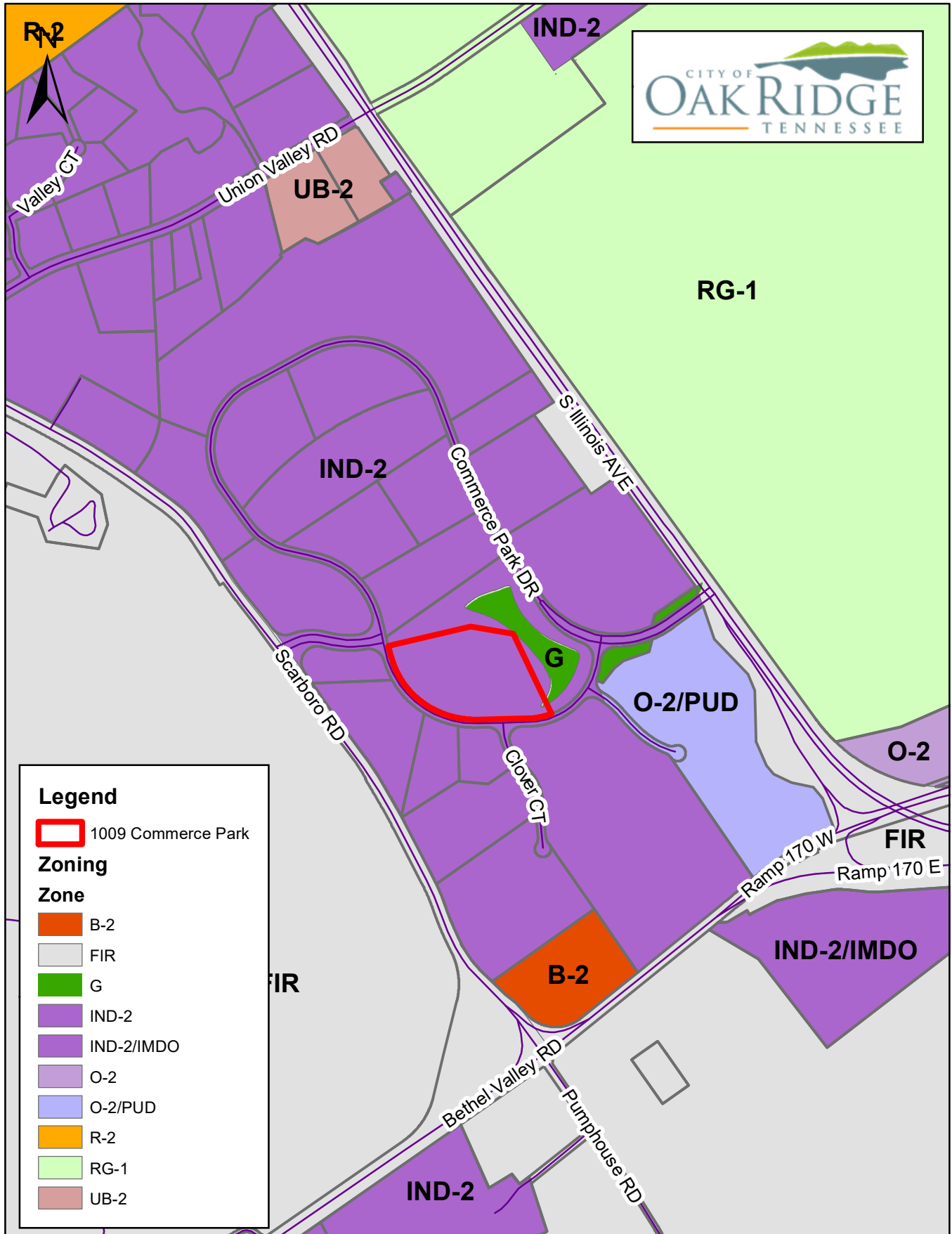
Attachments:

[1009 Commerce Park Rezone Map.pdf](#)

[1009 Commerce Park Rezoning materials submitted by applicant.pdf](#)

[Rezoning_-_1009_Commerce_Park_Drive.docx](#)

1009 Commerce Park Drive (Parcel 106G B 026.00) IND-2 to O-2 Office District



June 6, 2023

To: Members of the Oak Ridge Planning Commission
City of Oak Ridge, Tennessee

From: Mark Harvey, Partner
Cowperwood Company

RE: Request to Rezone the Oak Ridge Technical Center Building from Industrial-2 to
Office-2

On behalf of Cowperwood Company, UT-Battelle, and Emory Valley Center, I submit the attached information for your review in regard to our request to rezone the Oak Ridge Technical Center Building, located in Commerce Park, from Industrial-2 (I-2) to Office-2 (O-2).

The building was built in 1993 as part of Cowperwood's single-story office campus, consisting of six buildings, and has been occupied by various tenants over the years – predominantly subcontractors to the Department of Energy operations.

We would like to add a childcare facility within this building, but this use is not allowed within the I-2 zone. However, the O-2 zone does accommodate childcare within its allowed uses while not impacting any future office leasing in the building.

Thank each of you for your consideration of this requested rezoning. If you have any questions during your review, please do not hesitate to contact me at 865-207-3446.

Thank you.

COWPERWOOD COMPANY



**PROPOSED REZONING OF THE OAK RIDGE
TECHNICAL CENTER FOUR BUILDING TO
ACCOMMODATE A CHILD CARE FACILITY FOR
THE EMPLOYEES OF THE OAK RIDGE
NATIONAL LABORTORY**

June 2, 2023

SUMMARY OF THE PROPOSED CHILD CARE FACILITY

Cowperwood Company was approached by a group from the Oak Ridge National Laboratory (ORNL) who desire to construct a childcare facility in our Oak Ridge Technical Center Four building (ORTC4) located within the Commerce Park office/industrial campus. This childcare facility would be dedicated to the children of those parents or grandparents who are employed by ORNL.

The Oak Ridge National Laboratory is one of the premier research labs in the country under the direction of the Department of Energy (DOE), and is operated by UT-Battelle. UT-Battelle, LLC, was established in 2000 as a private not-for-profit company for the sole purpose of managing and operating ORNL for the U.S. Department of Energy. Formed as a 50-50 limited liability partnership between the University of Tennessee and Battelle Memorial Institute, UT-Battelle is the legal entity responsible delivering the Department of Energy's research mission at ORNL.

UT-Battelle has proposed to contract the childcare operations to the Emory Valley Center, which initially began services in Oak Ridge in 1955 for children with disabilities. Since that time, they expanded their specialties into comprehensive pre-school programs across East Tennessee.

Additionally, the UT-Battelle Foundation, which was created by UT-Battelle as a non-profit foundation in support of enhancing the economic vitality of ORNL, will provide the funding to construct the childcare facility.

The UT-Battelle Development Corporation (UTBDC) will be responsible for overseeing the design & construction components of the childcare facility. UTBDC handles all construction related activities for UT-Battelle at the ORNL.

However, the building is currently zoned for Industrial use (IND-2) which does not allow childcare operations. According to discussions with the City of Oak Ridge staff, we will need to have the building rezoned to an Office zoning (O-2) which will allow this type of operation. **Therefore, we are seeking Planning Commission approval to rezone the property from I-2 to O-2.**

ZONING

In terms of the historical use of the ORTC 4 building since its completion in approximately 1993, we have always utilized the building for office space use - predominantly for sub-contractors to the DOE Oak Ridge operations. Rezoning the building to O-2 will have no impact on our future office leasing program. We completed a survey of all current tenants in Commerce Park several months ago to make sure that none of them had any concerns about having a childcare facility in the park, and we had no negative reactions.

OPERATIONS/DEVELOPMENT PARTNERS:

EMORY VALLEY CENTER

The Emory Valley Center includes the Emory Valley Early Learning Center which offers comprehensive and family-centered preschool programs for children from infants to kindergarten in an inclusive, high-quality early learning environment. The teaching staff hold, at a minimum, a degree in early childhood education (or a related field), and hold the highest 3-Star rating from the Tennessee Department of Human Services.

UT-BATTELLE DEVELOPMENT CORPORATION

UTBDC is a public benefit not-for-profit corporation organized to support the management of ORNL in connection with the provision of research facilities. UTBDC will lead the charge in design development and construction of the childcare facility.

UTBDC has secured construction funding from the UT-Battelle Foundation.

ATTACHMENTS

- Property Description
- Aerial location of the building within the office campus
- ALTA Survey of the property
- Conceptual plan of the proposed childcare space
- Conceptual site layout
- Building plan



Lot 5 – Commerce Park
Block 28CD
City of Oak Ridge, Tennessee



ZONING REQUIREMENTS AND AS-SURVEYED DATA

Zoning	IND-2 (General Industrial District)
Setbacks	Front - 30 Feet Side - 25 Feet Rear - 25 Feet
Total Parking Required	240 Total Parking Spaces
Total Parking Existing	286 Total Parking Spaces
Handicap Parking Required	7 Handicap Parking Spaces
Handicap Parking Existing	8 Handicap Parking Spaces

NOTES

- Property corners marked as noted.
- Source of title is:
Oak Ridge Technical Center Partners-Four, L.P.
Warranty Deed Book 018, Page 314
Warranty Deed Book 018, Page 676
RESUBDIVISION LOTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190



ZONING REQUIREMENTS AND AS-SURVEYED DATA

Zoning	IND-2 (General Industrial District)
Setbacks	Front - 30 Feet Side - 25 feet Rear - No Maximum Required
Total Parking Required	240 Total Parking Spaces
Total Parking Existing	286 Total Parking Spaces
Handicap Parking Required	7 Handicap Parking Spaces
Handicap Parking Existing	8 Handicap Parking Spaces

NOTES

- Property corners marked as noted.
- Source of title is:
Oak Ridge Technical Center Partners-Four, L.P.
Warranty Deed Book 018, Page 314
Warranty Deed Book 018, Page 676
RESUBDIVISION LOTS 5 & 7 - CHICAGO TITLE INSURANCE COMPANY
Plat Cabinet 4, Envelope 176-D
- Directional bearings used on this map are based on the Oak Ridge Coordinate System and do not refer to either true or magnetic north.
- A 5 foot utility and drainage easement is reserved inside all lot lines and a 10 foot utility and drainage easement is reserved inside the lot lines along all road right of ways.
- The location of utilities shown hereon are from observed evidence of above ground appurtenances only.
- By graphical plotting only, this property lies within Zone 'X' of the Oak Ridge Rate Map, Community Plan No. 4700(CD301F) as shown on Map No. 4700(CND006), effective date May 4, 2009.
- This Property is subject to matters contained within Title Commitment No. 1202009-5, dated July 14, 2021 and issued by the Chicago Title Insurance Company.
- This Property is zoned IND-2. Minimum building setbacks are: Front - 30 feet, Side and Rear - 25 feet. Maximum height in stories - none.
- Building dimensions shown are to the exterior building walls. Building square footage shown is computed from the exterior building dimensions minus the outdoor areas at the building entry ways.
- This Property is subject to Restrictive Covenants for Commerce Park, Warranty Deed Book H-17, Page 778, Registers Office, Anderson County, Tennessee as noted herein.
- This Property is subject to the right of re-entry, reserved by the United States of America, Warranty Deed Book W-15, Page 280, Registers Office, Anderson County, Tennessee as noted herein.
- This Property is subject to all matters shown on the plan of record in Plat Cabinet 4, Envelope 176-D, Registers Office, Anderson County, Tennessee as noted and shown hereon.
- There was no evidence observed of any recent earth moving work, building construction, or building additions in the process of conducting the survey fieldwork.
- There was no evidence observed of the delineation of wetlands in the process of conducting the survey fieldwork.
- No party or common walls were observed along the lot lines in the process of conducting the survey fieldwork.
- There are no observed or proposed changes within the street right of ways.
- This property has direct access to Commerce Park Drive, a public right of way.
- There are no significant items noted or encroachments on this property.
- The Tax Parcel ID number for this property is 1066026.00.

SURVEYOR CERTIFICATION

To Oak Ridge Technical Center Partners - Four, L.P., a Tennessee Limited Partnership, Chicago Title Insurance Company, Anderson County, Tennessee, and its successors and assigns, company and each of their respective successors and assigns:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standards for Professional Land Surveyors, the Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(b), 7(c), 7(d), 7(e)(1), 7(c), 8, 9, 10(c), 11 (as to utilities surface matters only), 13, 14, 16, 17, 18, 19 and 20 of Table A thereof. The fieldwork was completed on August 9, 2021.

Date of Plat or Map
James L. Hill, Jr.
Tennessee
TIN RLS 2440



REVISION	DATE	DESCRIPTION
4	9-21-2021	Revised per Comments JH
3	8-28-2021	Revised per Comments JH
2	8-18-2021	Updated and Rev. per Commitment 20210954CTN JH
1	3-21-2012	Revised per Comments JH

TITLE COMMITMENT LEGAL DESCRIPTION

LAND in Anderson County, Tennessee, being Lot No. 10.02, on the Block 28 CD, of Commerce Park, Parcel 1066026.00, as shown on the plat of record in Plat Cabinet 4, Envelope 176-D, in the Register's Office for Anderson County, Tennessee, to which plat reference is hereby made for a more complete description of the property.

Being the same property conveyed to Oak Ridge Technical Center Partners - Four, L.P. by deed of record in Book L-18, Page 314 and Book Q-18, Page 676, Register's Office for Anderson County, Tennessee.

AS-SURVEYED LEGAL DESCRIPTION

LOT 5 - COMMERCE PARK
BLOCK 28CD
CITY OF OAK RIDGE, TENNESSEE

Being situated in District No. 2, Anderson County, and within the City of Oak Ridge, Tennessee, and being more particularly bounded and described as follows:

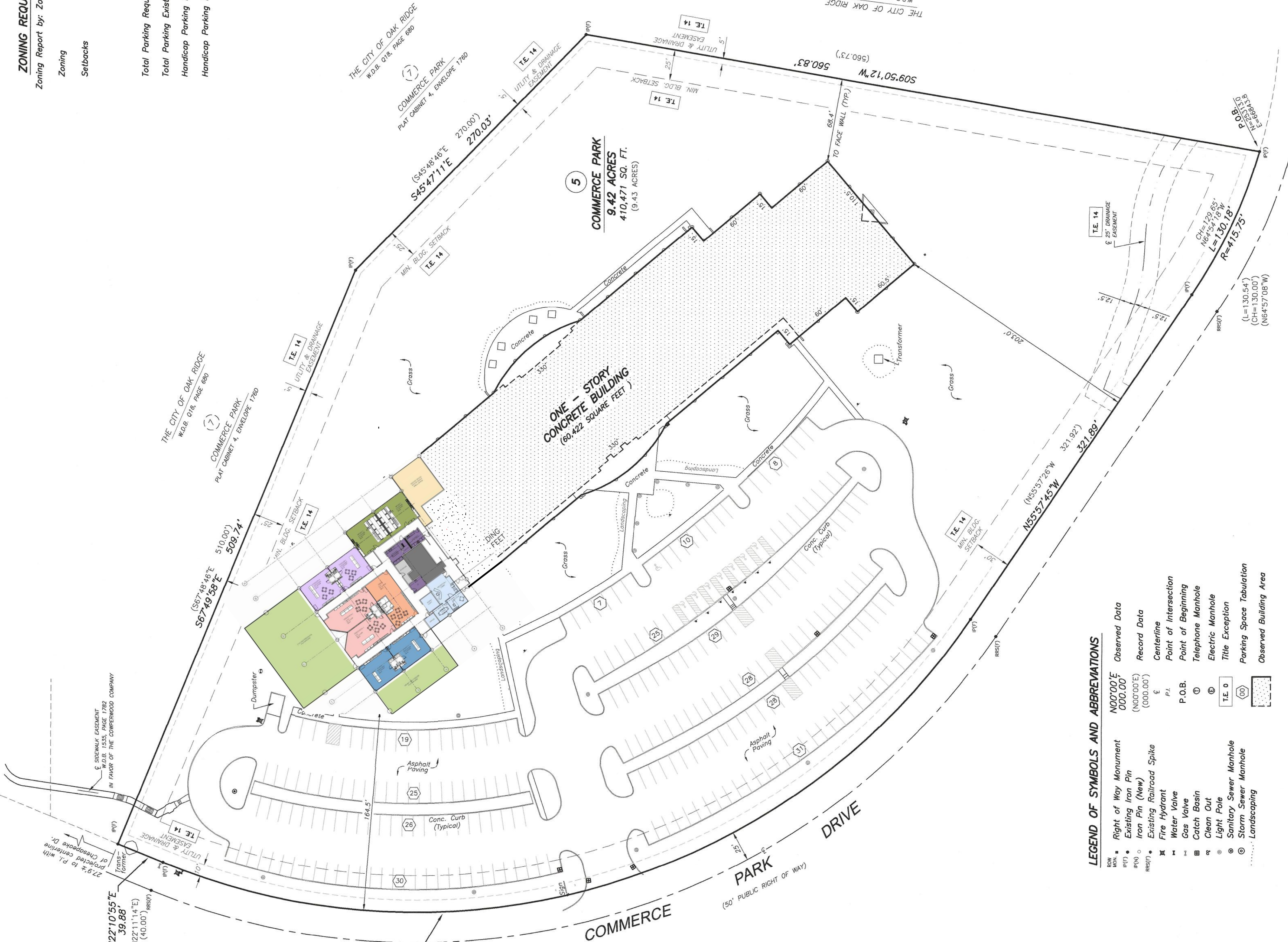
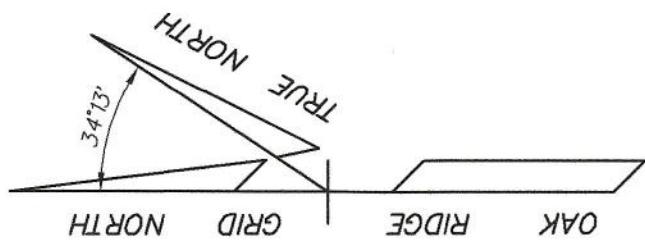
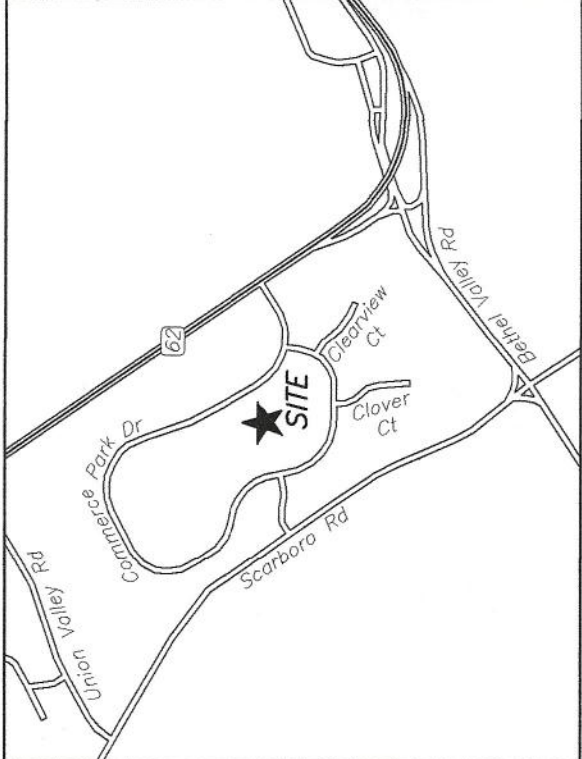
Beginning at an iron pin in the eastern right of way of Commerce Park Drive, having the following coordinates N25.313.0 - E565.843.8. Thence, with the eastern right of way of Commerce Park Drive four calls as follows:

- With the arc of a curve to the right 130.18 feet to an iron pin, said curve having a radius of 413.75 feet and a chord of N64°54'18"W 29.65 feet;
 - N55°57'45"W 321.89 feet to an iron pin;
 - With the arc of a curve to the right 747.57 feet to an iron pin, said curve having a radius of 547.96 feet and a chord of N16°53'12"W 650.93 feet;
 - N22°10'55"E 39.88 feet to an iron pin;
 - thence, with the boundary line of Lot 7 Commerce Park (Plat Cabinet 4, Envelope 176D), three calls as follows:
 - 5) S67°49'58"E 509.74 feet to an iron pin;
 - 6) S45°47'11"E 270.03 feet to the point of beginning;
 - 7) S09°50'12"W 560.83 feet to the point of beginning;
- and containing 410,471 square feet (9.42 acres) more or less; in accordance with Drawing No. 1202009-5, dated March 11, 2012, revised August 18, 2021 by James L. Hill, Jr., Rockwood, Tennessee.

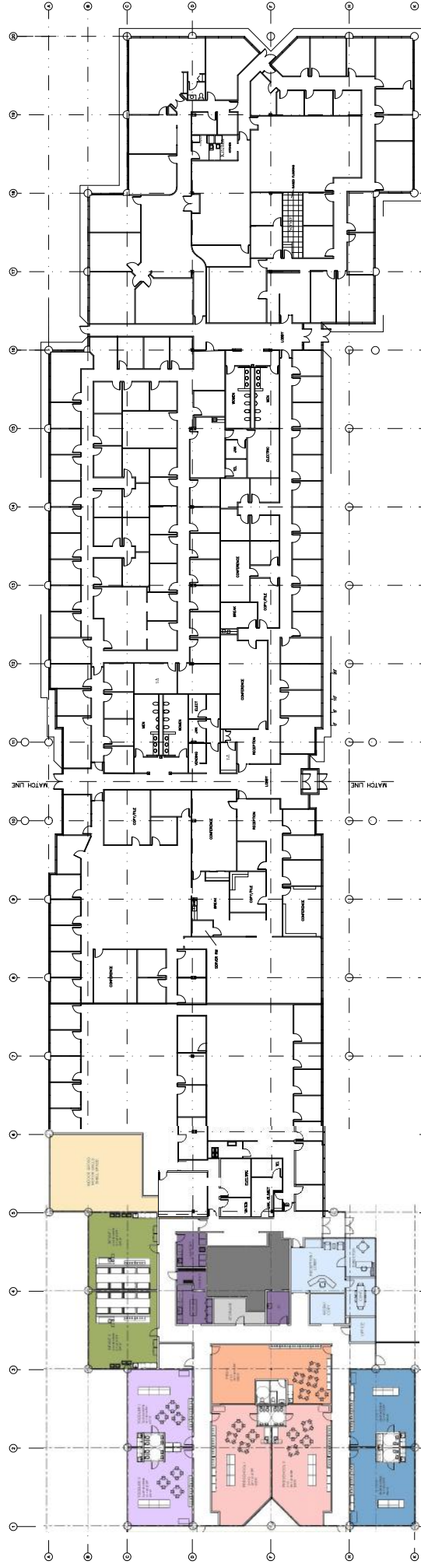
The property shown hereon is the same property described as Tract 5 in Chicago Title Insurance Company Commitment No. 20210954CTN.

LEGEND OF SYMBOLS AND ABBREVIATIONS

Symbol	Observed Data	Record Data
W.M.	Right of Way Monument	
RP	Existing Iron Pin	
RP(N)	Iron Pin (New)	
RE(R)	Existing Railroad Spike	
+	Fire Hydrant	
W.V.	Water Valve	
G.V.	Gas Valve	
C.B.	Catch Basin	
C.O.	Clean Out	
L.P.	Light Pole	
S.S.M.	Sanitary Sewer Manhole	
S.S.M.	Storm Sewer Manhole	
.....	Landscaping	
.....	Observed Building Area	



(L=747.35')
(CH=690.76')
(N16°53'08"W)
(L=747.57')
(CH=690.93')
(N16°53'12"W)
(L=747.96')
(R=547.96')



Emory Valley Center Child Care Premises - Oak Ridge Technical Center Four

ORDINANCE NO. _____

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 1009 COMMERCE PARK DRIVE (ANDERSON COUNTY CONTROL MAP 106G GROUP B PARCEL 026.00), CONTAINING APPROXIMATELY 9.43 ACRES, FROM IND-2, INDUSTRIAL, TO O-2, OFFICE.

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 at their July 20, 2023 meeting; 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:

<u>Parcel</u>	<u>Property Address</u>	<u>Present Zoning District</u>	<u>New Zoning District</u>
Anderson County Control Map 106G Group B, Parcel 026.00, ± 9.43 acres	1009 Commerce Park Drive	IND-2, Industrial	O-2, Office

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

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

APPROVED AS TO FORM AND LEGALITY:

Tammy M.D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading: 08/14/2023
Publication Date: 08/25/2023
Public Hearing: 09/11/2023
Second Reading: 09/11/2023
Publication Date: _____
Effective Date: _____

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Jack L. Suggs, Interim City Manager

FROM: Jacob Smith

THROUGH: Wayne Blasius, Planning and Development Director

SUBJECT: Community Development Block Grant - Substantial Amendments for: 3 Year Consolidated Plan 2017 - 2019, 3 Year Consolidated Plan 2020 – 2022, and Annual Action Plans for Program Years 2017 - 2022

Introduction

An item for City Council's consideration is a resolution authorizing the approval of the Community Development Block Grant (CDBG) Substantial Amendments for: 3 Year Consolidated Plan 2017 - 2019, 3 Year Consolidated Plan 2020 – 2022, and Annual Action Plans for Program Years 2017 – 2022.

Funding

The City of Oak Ridge receives CDBG entitlement funds annually from the U.S. Department of Housing and Urban Development (HUD). The proposed Substantial Amendments intend to reallocate existing funding provided by CDBG for the program years 2017-2022.

Background

The City of Oak Ridge intends to amend its existing CDBG Consolidated and Annual Action Plans for the Program Years spanning from 2017 through 2019 and 2020 through 2022. The attached documents for the Consolidated and Annual Action Plan Amendments depict the proposed funding changes in detail.

City Planning and Development staff and the City Manager's Office previously met with the Housing and Urban Development Knoxville Office on July 11th regarding the proposed Amendments and received their endorsement regarding the proposed re-programming. The City Council Budget and Finance Committee has been briefed on the details and process of the proposed Substantial Amendments at three separate meetings, which took place on June 21st, August 15th, and September 1st.

City Planning and Development staff has published the proposed Substantial Amendments for a 30-day public comment period which began on August 11, 2023. Copies of the report have been made available to the public through the City's website, the City Clerk's Office, the Oak Ridge Public Library, the City Planning and Development Office, and the Scarboro Community

Center.

A public hearing for the Substantial Amendments will be held on September 11, 2023, prior to City Council adoption.

Recommendation

Staff recommends approval of the Substantial Amendments for: 3 Year Consolidated Plan 2017 - 2019, 3 Year Consolidated Plan 2020 – 2022, and Annual Action Plans for Program Years 2017 – 2022 for submission to the U.S. Department of Housing and Urban Development for the Community Development Block Grant funding.

Attachments:

[2017-2019 Consolidated-Annual Plan Amendment BriefV2.pdf](#)

[2020-2022 Consolidated-Annual Plan Amendment BriefV2.pdf](#)

[Resolution - CDBG Consolidated Plan and Annual Action Plan Substantial Amendments.docx](#)

CITY OF OAK RIDGE



OAK RIDGE MUNICIPAL PLANNING & DEVELOPMENT

RE: CDBG - Substantial Amendments: 3-Year Consolidated Plan 2017 – 2019 & Annual Action Plans 2017-2019

The 2017-2019 Consolidated Plan Substantial Amendment and associated Annual Action Plan Amendments aim to re-allocate existing program funds and activities from the previously approved allotment. All revised programing and funding will continue to support HUD's objectives of providing benefit to low and moderate-income citizens of the City.

The amended funds will be transferred from completed and obsolete activities and will be made available for proposed improvement projects within the CDBG Target Areas of Highland View and Scarboro Neighborhoods. The goal of this amendment is to simplify program administration and expedite expenditure of existing CDBG funds in order to best serve Oak Ridge's citizens.

This Amendment specifically reallocates funds from completed, under-utilized, or obsolete activities within the categories of *removal of vacant blighted housing*, *residential electrical upgrades*, and *grant administration*, and adds the funds to the categories of *neighborhood improvement projects*, and *right of way infrastructure, traffic calming, public transportation access*.

The Annual Action Plan Substantial Amendments for 2017-2019 provide a detailed break-down of proposed expenditures by program year.

The summary documents provided on pages 2-5 outline the specific funding changes proposed via the amendments. For further reference, the full copy of the amendment documents may be found online at [CDBG Public Comment | City Of Oak Ridge \(oakridgetn.gov\)](https://www.oakridgetn.gov/CDBG-Public-Comment) or printed copies may be found in the City Clerk's office.

Table 1: 2017-2019 Consolidated Plan revisions. Adjustments depicted in red.

Tables 2-4: 2017-2019 Annual Actions Plan revisions. Adjustments depicted in red.

2017-2019 Consolidated Plan Revisions: The proposed Amended 2017-2019 Consolidated Plan reallocates funds **from** *Residential Electrical Upgrades, Removal of vacant blighted housing, Grant Administration, and Rehabilitation of MDO Homes* **to** *Right of Way infrastructure, traffic calming, public transportation, and Neighborhood Improvement Projects*. The funding reallocation, by program year, is provided in the Annual Action Plan revision tables found below.

**2017-2019 Consolidated Plan Revisions
Table 1**

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding Estimated	Goal Outcome Indicator
1	Removal of vacant blighted housing	July 2017	June 2020	Housing - Acquisition and demolition -- community development	Within the Manhattan District Overlay (MDO)	Prevention Elimination Slum/Blight	~~\$480,000~~ \$240,200 Fully Drawn	Improvement, stabilization, and revitalization of neighborhoods in the MDO district
2	Neighborhood Improvement Projects	July 2017	June 2020	Non-housing Infrastructure, Sidewalks, Pocket Parks, Accessibility – Community Development	Within the Manhattan District Overlay (MDO)	Activities Benefitting L/M Area	~~\$36,000~~ \$361,328	Improvement, revitalization of neighborhood areas that benefit L/M persons
3	Residential Electrical Upgrades (PY17) only	July 2017	June 2018	Housing – Community Development	Within the Manhattan District Overlay (MDO)	Rehab Activities Benefitting L/M Area	~~\$18,000~~ \$9,725 Fully Drawn	Provide Electrical service upgrades to residential dwellings that are participating in the MORE2 program
4	Right of Way infrastructure, Traffic calming, Public Transportation access	July 2017	June 2020	Non-Housing, Non-Homeless Community Development,	Within the Manhattan District Overlay (MDO)	Activities Benefitting L/M Area	~~\$36,000~~ \$40,275	Provide infrastructure improvements to areas that Benefit low to moderate income persons
5	Grant Administration	July 2017	June 2020	Non-Housing Community Development	200 S. Tulane Ave		~~\$33,690~~ Fully Drawn \$14,418	Provide funding and training for CDBG admin
6	Rehabilitation of MDO Homes	July 2019	June 2020	Housing community development, non-homeless community development	Within the MDO	Activities Benefitting L/M Area	\$25,095 Fully Drawn	Provide supporting funds to City THDA Home Program and other essential service repairs for e23lderly and LM
						3 year Total	~~\$603,690~~ \$691,041	At least 70% of funds to be expended on L/M persons

Funding adjustments depicted in red.

2017 Annual Action Plan Revisions:

\$8,275.00 reallocated **from** *Residential Electrical Upgrades* **to** *Right of Way infrastructure, traffic calming, public transportation.*

**2017 Annual Action Plan Revisions
Table 2**

Sort	Goal Name	Start	End	Category	Geographic	Addresses	Funding	Goal Outcome
Order		Year	Year		Area			Indicator
1	Removal of vacant blighted housing	July 2017	June 2018	Acquisition and demolition -- community development	Within the Manhattan District Overlay (MDO)	Prevent Eliminate Slum/Blight	Estimated \$160,000 Fully Drawn	Improvement, stabilization, and revitalization of neighborhoods in the MDO district
2	Neighborhood Improvement Projects	July 2017	June 2018	Non-housing	Within the Manhattan District Overlay (MDO)	Activities Benefitting L/M Area	\$12,000 Fully Drawn	Provide neighborhood public space, sidewalks, Public Transportation access
3	Residential Electrical Upgrades (PY17) only	July 2017	June 2018	Housing – Community Development	Within the Manhattan District Overlay (MDO)	REHAB Activities Benefitting L/M Area	~~\$18,000~~ \$9,725 Fully Drawn	Provide Electrical service upgrades to residential dwellings that are participating in the MORE2 program
4	Right of Way infrastructure, Traffic calming, Public Transportation access	July 2017	June 2018	Non-housing community development, non- homeless community development	Within the Manhattan District Overlay (MDO)	Activities Benefitting L/M Area	~~\$12,000~~ \$20,275	Provide infrastructure improvements in areas that benefit low to moderate income persons
5	Grant Administration	July 2017	June 2018	Non-housing community development	200 S. Tulane Ave		\$11,230 Fully Drawn	Provide funding and training for CDBG admin to ensure compliance with program-related HUD
TOTAL:							\$203,230	(sic)

\$213,230

Funding adjustments depicted in red.

2018 Annual Action Plan Revisions:

\$81,120 reallocated **from** *Removal of vacant blighted housing* **to** *Neighborhood Improvement Projects*.

\$25,529 reallocated **from** *Grant Administration* **to** *Neighborhood Improvement Projects*.

2018 Annual Action Plan Revisions**Table 3**

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Addresses	Funding	Goal Outcome Indicator
1	Removal of vacant blighted housing	July 2018	June 2019	Acquisition and demolition -- community development	Within the Manhattan District Overlay (MDO)	Prevent Eliminate Slum/Blight	Allocation ~~\$160,000~~ ~~\$78,880~~ Fully Drawn	Improvement, stabilization, and revitalization of neighborhoods in the MDO district
2	Neighborhood Improvement Projects	July 2018	June 2019	Non-housing	Within the Manhattan District Overlay (MDO)	Activities Benefitting L/M Area	~~\$30,000~~ ~~\$136,650~~	Provide neighborhood public space, sidewalks, Public Transportation access
3	Right of Way infrastructure, Traffic calming, Public Transportation access	July 2018	June 2019	Non-housing community development, non-homeless community development	Within the Manhattan District Overlay (MDO)	Activities Benefitting L/M Area	\$20,000	Provide infrastructure improvements in areas that benefit low to moderate income persons
5	Grant Administration	July 2018	June 2019	Non-housing community development	200 S. Tulane Ave		~~\$28,717~~ ~~\$3,188~~ Fully Drawn	Provide funding and training for CDBG admin to ensure compliance with program-related HUD
				PY18/FY19	Allocation TOTAL:	\$238,717		

Funding adjustments depicted in red.

2019 Annual Action Plan Revisions:

\$8,680 reallocated **from** *Removal of vacant blighted housing* **to** *Neighborhood Improvement Projects*.

\$34,905 reallocated **from** *Rehabilitation of MDO Homes* **to** *Neighborhood Improvement Projects*.

\$4,094 reallocated **from** *Grant Administration* **to** *Neighborhood Improvement Projects*.

**2019 Annual Action Plan Revisions
Table 4**

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Addresses	Funding	Goal Outcome Indicator
1	Removal of vacant blighted housing	July 2019	June 2020	Acquisition and demolition -- community development	Within the Manhattan District Overlay (MDO)	Prevent Eliminate Slum/Blight	Allocation ~~\$10,000~~ \$1,320 Fully Drawn	Improvement, stabilization, and revitalization of neighborhoods in the MDO district
2	Neighborhood Improvement Projects	July 2019	June 2020	Non-housing	Within the Manhattan District Overlay (MDO)	Activities Benefitting L/M Area	~~\$165,000~~ \$212,679	Provide/Upgrade neighborhood public spaces, sidewalks, Public Parks & Transportation access and infrastructure
3	Rehabilitation of MDO Homes	July 2019	June 2020	Housing community development, non- homeless community development	Within the Manhattan District Overlay (MDO)	Activities Benefitting L/M Area	~~\$60,000~~ \$25,095 Fully Drawn	Provide supporting funds to City THDA Home Program and other essential service repairs for e23lderly and LM Households
4	Grant Administration	July 2019	June 2020	Non-housing community development	200 S. Tulane Ave		~~\$4,094~~ \$0	Provide funding and training for CDBG admin to ensure compliance with program-related HUD regulations
PY19/FY20 Allocation TOTAL:							\$239,094	

Funding adjustments depicted in red.



**RE: CDBG - Substantial Amendments:
3-Year Consolidated Plan 2020 – 2022 & Annual Action Plans 2020-2022**

The 2020-2022 Consolidated Plan Substantial Amendment and associated Annual Action Plan Amendments aim to re-allocate existing program funds and activities from the previously approved allotment. All revised programing and funding will continue to support HUD's objectives of providing benefit to low and moderate-income citizens of the City.

The amended funds will be transferred from completed and obsolete activities and will be made available for proposed improvement projects within the CDBG Target Areas of Highland View and Scarboro Neighborhoods. The goal of this amendment is to simplify program administration and expedite expenditure of existing CDBG funds in order to best serve Oak Ridge's citizens.

This Amendment specifically reallocates funds from under-utilized or obsolete activities within the categories of *removal of vacant blighted housing, elder/disabled abuse support/social services, renovation of MDO homes, and grant administration*, and adds the funds to the categories of *neighborhood improvement projects, infrastructure projects access/connectivity*.

The Annual Action Plan Substantial Amendments for 2020-2022 provide a detailed break-down of proposed expenditures by program year.

The summary documents provided on pages 2-5 outline the specific funding changes proposed via the amendments. For further reference, the full copy of the amendment documents may be found online at [CDBG Public Comment | City Of Oak Ridge \(oakridgetn.gov\)](https://www.oakridgetn.gov/cdbg-public-comment) or printed copies may be found in the City Clerk's office.

Table 1: 2020-2022 Consolidated Plan revisions. Adjustments depicted in red.

Tables 2-4: 2020-2022 Annual Actions Plan revisions. Adjustments depicted in red.

2020-2022 Consolidated Plan Revisions: The proposed Amended 2020-2022 Consolidated Plan reallocates funds **from** *Removal of vacant blighted housing, Renovation of MDO Homes, Elder/Disabled Abuse Support /Social Services, and Grant Administration* **to** *Infrastructure Projects Access/Connectivity and Neighborhood Improvement Projects*. The funding reallocation, by program year, is provided in the Annual Action Plan revision tables found below.

**2020-2022 Consolidated Plan Revisions
Table 1**

SP-48 Goals Summary

Consolidated Plan (PY20 – PY22)

Estimated total funds available for 3 year plan: **\$697,727** (*not counting CARES Act COVID-19 funding)

Sort #	Goal Name	Category	Geographic Area	Needs Addressed	3 Year Funding Estimates	Goal Outcome Indicator
1	Removal of Vacant Blighted Housing	Affordable Housing Non-Housing Community Development	CDBG Target Areas	Prevention Elimination Slum/Blight	~~\$100,000.00~~	Improvement, stabilization, and revitalization of neighborhoods in the MDO district
2	Renovation of MDO Homes	Affordable Housing Non-Homeless Special Needs	Manhattan District Overlay	Activities Benefitting L/M Area	~~\$200,000.00~~ \$32,272.00	Provide housing renovation assistance to ensure continuity of essential services for L/M persons
3	Neighborhood Improvement Projects	Non-Homeless Special Needs Non-Housing Community Development	Manhattan District Overlay CDBG Target Areas	Activities Benefitting L/M Area	\$200,000.00	Provide neighborhood public space, neighborhood street makeover; park and recreation facility improvements
4	Infrastructure Projects Access/Connectivity	Non-Housing Community Development	CDBG Target Areas	Activities Benefitting L/M Area	~~\$80,000.00~~ \$465,455.00	Provide infrastructure improvements sidewalks, Public Transportation access, Downtown Wilson St
6	Elder/Disabled Abuse Support/Social Services	Public Housing Homeless Non-Homeless Special Needs	CDBG Target Areas	Activities Benefitting L/M Individuals Urgent Need	~~\$50,000.00~~	Provide social services to prevent homelessness and assist Family Justice Center/Elder Abuse
7	Grant Administration	Other	Manhattan District Overlay CDBG Target Areas	Grant Administration	\$75,000.00	Provide funding and training for CDBG admin

Funding adjustments depicted in red.

2020 Annual Action Plan Revisions:

\$43,000 reallocated **from** *Removal of vacant blighted housing* **to** *Neighborhood Improvement Projects*.

\$22,000 reallocated **from** *Removal of vacant blighted housing* **to** *Infrastructure Projects Access/Connectivity*.

\$83,864 reallocated **from** *Renovation of MDO Homes* **to** *Infrastructure Projects Access/Connectivity*.

\$15,000 reallocated from *Elder/Disabled Abuse Support /Social Services* **to** *Infrastructure Projects Access/Connectivity*.

\$10,872 reallocated **from** *Grant Administration* **to** *Infrastructure Projects Access/Connectivity*.

**2020 Annual Action Plan Revisions
Table 2**

AP-23 Annual Goals Summary

Sort #	Goal Name	Category	Geographic Area	Needs Addressed	PY20 Funding Allocation	Goal Outcome Indicator
1	Removal of Vacant Blighted Housing	Affordable Housing Non-Housing Community Development	CDBG Target Areas	Prevention Elimination Slum/Blight	\$65,000.00	Improvement, stabilization, and revitalization of neighborhoods in the MDO district
2	Renovation of MDO Homes	Affordable Housing Non-Homeless Special Needs	Manhattan District Overlay	Activities Benefitting L/M Area	~~\$100,000.00~~ \$16,136.00	Provide housing renovation assistance to ensure continuity of essential services for L/M persons
3	Neighborhood Improvement Projects	Non-Homeless Special Needs Non-Housing Community Development	Manhattan District Overlay CDBG Target Areas	Activities Benefitting L/M Area	~~\$32,000.00~~ \$75,000.00	Provide neighborhood public space, neighborhood street makeover; park and recreation facility improvements
4	Infrastructure Projects Access/Connectivity	Non-Housing Community Development	CDBG Target Areas	Activities Benefitting L/M Area	~~\$14,000.00~~ \$145,736.00	Provide infrastructure improvements sidewalks, Public Transportation, Access, etc.
6	Elder/Disabled Abuse Support/ Social Services	Public Housing Homeless Non-Homeless Special Needs	CDBG Target Areas	Activities Benefitting L/M Individuals Urgent Need	\$15,000.00	Provide social services to prevent homelessness and assist Family Justice Center/Elder Abuse
7	Grant Administration	Other	Manhattan District Overlay CDBG Target Areas	Grant Administration	\$10,872.00	Provide funding and training for CDBG admin

IDIS Table 2 modified

Allocation for PY20/FY21 AAP = \$236,872.00

Funding adjustments depicted in red.

2021 Annual Action Plan Revisions:

\$15,000 reallocated **from** *Removal of vacant blighted housing* **to** *Infrastructure Projects Access/Connectivity*.

\$61,864 reallocated **from** *Renovation of MDO Homes* **to** *Infrastructure Projects Access/Connectivity*.

\$15,000 reallocated **from** *Elder/Disabled Abuse Support /Social Services* **to** *Infrastructure Projects Access/Connectivity*.

\$8,776 reallocated **from** *Grant Administration* **to** *Infrastructure Projects Access/Connectivity*.

2021 Annual Action Plan Revisions
Table 3

Sort #	Goal Name	Category	Geographic Area	Needs Addressed	PY20 Funding Allocation	Goal Outcome Indicator
1	Removal of Vacant Blighted Housing	Affordable Housing Non-Housing Community Development	CDBG Target Areas	Prevention Elimination Slum/Blight	~~\$15,000.00~~	Improvement, stabilization, and revitalization of neighborhoods in the MDO district
2	Renovation of MDO Homes	Affordable Housing Non-Homeless Special Needs	Manhattan District Overlay	Activities Benefitting L/M Area	~~\$78,000.00~~ \$16,136	Provide housing renovation assistance to ensure continuity of essential services for L/M persons
3	Neighborhood Improvement Projects	Non-Homeless Special Needs Non-Housing Community Development	Manhattan District Overlay CDBG Target Areas	Activities Benefitting L/M Area	\$50,000.00	Provide neighborhood public space, neighborhood street makeover; park and recreation facility improvements
4	Infrastructure Projects Access/Connectivity	Non-Housing Community Development	CDBG Target Areas	Activities Benefitting L/M Area	~~\$75,000.00~~ \$175,640.00	Provide infrastructure improvements sidewalks, Public Transportation, Access, etc.
5	Elder/Disabled Abuse Support/Social Services	Public Housing Homeless Non-Homeless Special Needs	CDBG Target Areas	Activities Benefitting L/M Individuals Urgent Need	~~\$15,000.00~~	Provide social services to prevent homelessness and assist Family Justice Center/Elder Abuse
6	Grant Administration	Other	Manhattan District Overlay CDBG Target Areas	Grant Administration	~~\$8,776.00~~	Provide funding and training for CDBG admin

Allocation for PY21/FY22 AAP = \$241,776.00

Funding adjustments depicted in red.

2022 Annual Action Plan Revisions:

\$40,000 reallocated **from** *Elder Repairs / MDO Housing Rehab* **to** *Infrastructure Projects Access/Connectivity*.

\$45,000 reallocated **from** *Elder Repairs / MDO Housing Rehab* **to** *Neighborhood Improvement Projects*.

**2022 Annual Action Plan Revisions
Table 4**

Sort #	Goal Name	Category	Geographic Area	Needs Addressed	PY22 Funding Allocation	Goal Outcome Indicator
1	Infrastructure Projects Access /Connectivity / Utility	Non-Housing Community Development	CDBG Target Areas	Activities Benefitting L/M Area	~~\$104,079.00~~ \$144,079.00	Provide infrastructure improvements sidewalks, Public Transportation, Access, etc.
2	~~Elder Repairs / MDO Housing Rehab~~	~~Affordable Housing Non-Homeless Special Needs~~	~~Manhattan District Overlay CDBG Target Areas~~	~~Activities Benefitting L/M Area~~	~~\$85,000.00~~	~~Provide housing renovation assistance to ensure continuity of essential services for L/M persons~~
3	Neighborhood Strategy Improvements	Non-Homeless Special Needs Non-Housing Community Development	Manhattan District Overlay CDBG Target Areas	Activities Benefitting L/M Area	~~\$30,000.00~~ \$75,000.00	Provide neighborhood public space, neighborhood street makeover; park and recreation facility improvements

Allocation for PY22/FY23 AAP = \$219,079.00

Funding adjustments depicted in red.

RESOLUTION

A RESOLUTION AUTHORIZING THE APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUBSTANTIAL AMENDMENTS TO THE CITY'S THREE-YEAR CONSOLIDATED PLANS FOR 2017-2019 AND 2020-2022, AND THE CITY'S ANNUAL ACTION PLANS FOR PROGRAM YEARS 2017-2022.

WHEREAS, the City is the annual recipient of Community Development Block Grant (CDBG) Entitlement funds from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, HUD requires the development and submission of a Consolidated Plan at least every five years, however, it may be developed and submitted for a three-year period if deemed appropriate by the grant recipient; and

WHEREAS, by Resolution 6-53-2017 and Resolution 12-107-2020, the City approved and submitted a Three-Year Consolidated Plan for 2017-2019 and 2020-2022, respectively; and

WHEREAS, the City additionally approved and submitted Annual Action Plans and proposed allocations of CDBG funds for Program Years 2017-2022 by Resolution 6-53-2017, Resolution 6-54-2018, Resolution 7-75-2019 (as amended by Resolutions 7-73-2020, 6-71-2021, and 7-75-2021), Resolution 12-170-2020, Resolution 6-70-2021, and Resolution 7-87-2022; and

WHEREAS, the City desires to amend its existing CDBG Consolidated and Annual Action Plans for Program Years spanning from 2017 through 2022 to reallocate existing program funds from completed and obsolete activities to make said funds available for proposed improvement projects within the CDBG Target Areas of Highland Avenue and Scarboro Neighborhoods; and

WHEREAS, the goal of these amendments is to simplify program administration and expedite expenditure of existing CDBG funds in order to best serve City citizens; and

WHEREAS, the Amendment for the 3-Year Consolidated Plan 2017-2019 specifically reallocates funds from completed, under-utilized, or obsolete activities within the categories of removal of vacant blighted housing, residential electrical upgrades, and grant administration, and adds the funds to the categories of neighborhood improvement projects, and right of way infrastructure, traffic calming, and public transportation access; and

WHEREAS, the Amendment for the 3-Year Consolidated Plan 2020-2022 specifically reallocates funds from under-utilized or obsolete activities within the categories of removal of vacant blighted housing, elder/disabled abuse support/social services, renovation of MDO homes, and grant administration, and adds the funds to the categories of neighborhood improvement projects and infrastructure projects access/connectivity; and

WHEREAS, the thirty-day public comment period began on August 11, 2023 and the official public hearing was held on September 11, 2023; and

WHEREAS, the Interim City Manager recommends approval of the proposed CDBG Substantial Amendments.

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

That the recommendation of the Interim City Manager is approved, and the Three-Year Consolidated Plan 2017-2017, the Three-Year Consolidated Plan 2020-2022, and the Annual Action Plans for Program Years 2017-2022 are hereby amended as set forth on the attached *CDBG – Substantial Amendments 3-Year Consolidated Plan 2017 – 2019 & Annual Action Plans 2017-2019* and *CDBG – Substantial Amendments 3-Year Consolidated Plan 2020 – 2022 & Annual Action Plans 2020-2022*.

BE IT FURTHER RESOLVED that the above Substantial Amendments allocate funds for categories of projects which will allow the City to move forward with the following: Scarboro Community Center Roof Replacement, Highland-Hillside Sidewalk Project, and Highland View Park/Playground Project.

BE IT FURTHER RESOLVED that the Mayor and/or Interim City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

Tammy M. D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Honorable Mayor and City Council

FROM: Jack Suggs , Interim City Manager

SUBJECT: Oak Ridge Housing Authority Scarborough Project and Transfer of Property

Introduction

The attached resolution authorizes the transfer of property associated with the Oak Ridge Housing Authority Scarborough Project in accordance with the attached project description and terms.

Funding

There is no immediate funding requirement. Over the long term, the City will save money in maintenance, such as mowing, and collect property taxes from future owner occupied units.

Background

In late spring of 2023, the Oak Ridge Housing Authority (ORHA) approached the City about developing new workforce housing on a vacant City-owned parcel of approximately 9-acres adjacent to the Scarborough Community Center. After several detailed discussions, City staff and ORHA worked together to develop a term sheet which outlines the project and represents the intent of the parties.

In summary, the agreement provides that the City will sell the roughly 9 acre property to ORHA for \$100. ORHA will develop 100 to 150 affordable housing units on the transferred property. The units are envisioned to be a mix of rental units and some owner occupied units.

Although the project specifics are yet to be developed, ORHA has committed to a Planned Unit Development (PUD) which will provide significant review opportunities before plan approval and construction.

The funding for the project is anticipated to be through grants. The anticipated grant process is highly competitive and occurs only once a year in the spring. As proposed, ORHA would have time for two attempts to obtain the funding, after which the City Manager could offer one additional year. Failure to obtain the funding or meet specific milestones would result in the property being returned to the City.

The concept was presented to the City Council in general terms at their June 20th work session. After further development, the project, including the attached term sheet, was

presented to a Special Meeting of the Council's Budget and Finance Committee on September 1st. The item was received positively in both instances.

Staff believes that this development will offer much-needed workforce housing with a variety of community amenities and resident services for our citizens. Further we believe that the project represents an excellent opportunity for the City to leverage underutilized resources, in the form of the land in question, for an excellent return.

Recommendation

Staff recommends approval of the attached resolution.

Attachments:

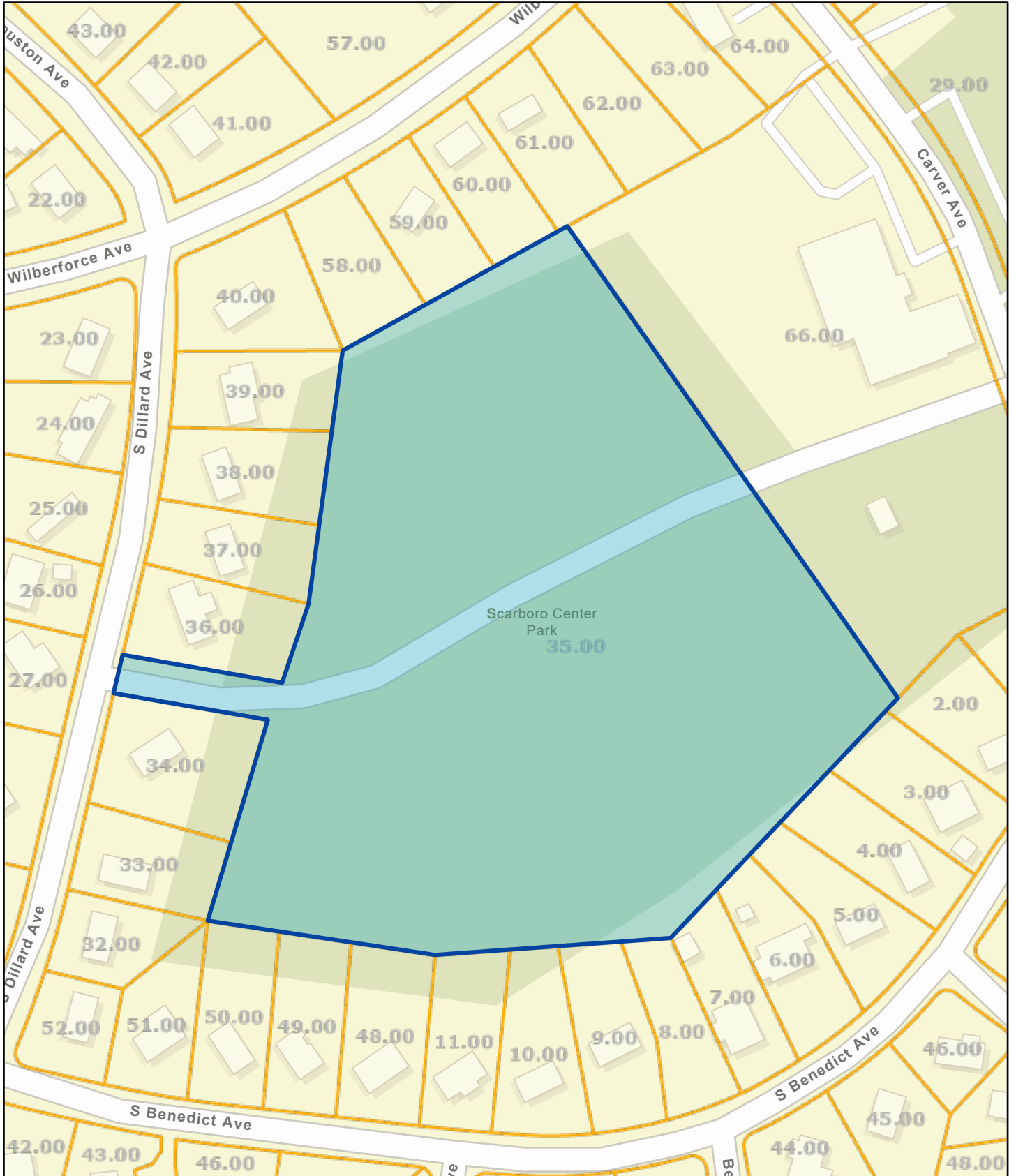
[Map - Scarboro Parcel 105F C 035.00.pdf](#)

[Scarboro Property Details - State Website.docx](#)

[Resolution - Transfer of Scarboro Property to ORHA.docx](#)

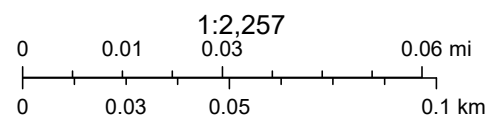
[ORHA Scarboro Term Sheet - Final.pdf](#)

Anderson County - Parcel: 105F C 035.00



Date: September 5, 2023

County: Anderson
Owner: CITY OF OAK RIDGE
Address: CARVER AVE
Parcel Number: 105F C 035.00
Deeded Acreage: 9.29
Calculated Acreage: 0
Date of TDOT Imagery: 2019
Date of Vexcel Imagery: 2021



Esri Community Maps Contributors, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, State of Tennessee, Comptroller of the Treasury

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

[Return to Results](#)[GIS Map](#)[PDF](#)

Parcel Details

ANDERSON COUNTY, TN | TAX YEAR 2023

Property Owner and Mailing Address

January 1 Owner
CITY OF OAK RIDGE
P O BOX 1
OAK RIDGE TN 37831

Value Information

Land Market Value:	\$73,500
Improvement Value:	\$0
Total Market Appraisal:	\$73,500
Assessment Percentage:	0%
Assessment:	\$0

County Information

County Number: 001**Reappraisal Year:** 2020

Property Location

Address: CARVER AVE

Control Map:	Group:	Parcel:	Property Identifier:	Special Interest:
105F	C	035.00		000

Subdivision Data

Subdivision:**Plat Book:** 7 **Plat Page:** 158B **Block:** 0L10 **Lot:** 395

Additional Information

02 022BY 022BY39500 000

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY LOCATED OFF CARVER AVENUE BEHIND THE SCARBORO COMMUNITY CENTER (CONTROL MAP 105F GROUP C PARCEL 035.00) TO THE OAK RIDGE HOUSING AUTHORITY FOR \$100.00 TO BE USED FOR DEVELOPMENT OF NEW WORKFORCE HOUSING.

WHEREAS, the City is the owner of approximately 9.29 acres of vacant land located off Carver Avenue immediately behind the Scarboro Community Center, more specifically designated as Control Map 105F Group C Parcel 035.00; and

WHEREAS, the Oak Ridge Housing Authority (ORHA) has requested the transfer of this parcel for the purpose of constructing a multi-phased development of new workforce housing; and

WHEREAS, terms associated with this transfer which include, but are not limited to, construction of approximately 100 to 150 affordable (defined as eighty percent to one hundred twenty percent (80%–120%) of average median income) housing units, mixed rental and homeowner occupied units, and reversion provisions should certain milestones not be met; and

WHEREAS, the City's Budget and Finance Committee met on September 1, 2023 with ORHA and the Interim City Manager to review the terms associated with the transfer, and the Committee was supportive of the project; and

WHEREAS, the City is authorized by Tennessee Code Annotated §13-20-110(a) to convey property to ORHA without appraisal, public notice, advertisement, or public bidding.

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

That the City is hereby authorized to transfer City-owned land located off Carver Avenue immediately behind the Scarboro Community Center, more specifically defined as Control Map 105F Group C Parcel 035.00, to the Oak Ridge Housing Authority (ORHA) for \$100.00; said transfer to comply with the terms set forth in the attached *Scarboro Project* document created by ORHA.

BE IT FURTHER RESOLVED that the Mayor and/or Interim City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

Tammy M. D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk



Scarboro Project

Summary of Project

The Oak Ridge Housing Authority proposes the multi-phased development of new workforce housing on an approximately 9-acre vacant property adjacent to the Scarboro Community Center in the Scarboro neighborhood of Oak Ridge, Tennessee. ORHA is facilitating a thoughtful community engagement and planning process with neighborhood residents and interested stakeholders to create a vision for the master-planned unit development (PUD). Initial community discussions are focused on providing rental as well as potential ownership opportunities for low- and moderate-income residents.

Design features will be incorporated which create connections between existing and new residents, walkability, common site amenities, attractive green spaces, environmental sustainability, and a greater sense of community in the area. To ensure a holistic redevelopment approach, ORHA has nurtured a strong relationship with the City of Oak Ridge, as well nurtures cross-sector collaborations with local community leaders and agencies to improve existing housing and expand new housing opportunities for low- and moderate-income households. In addition to the physical environment, ORHA is committed to improving the wellbeing of its residents by developing partnerships with myriad support service organizations in Oak Ridge. ORHA will connect a variety of support services to the new development's residents to enhance and improve their quality of life.

This transformational development will offer much-needed workforce housing with a variety of community amenities and resident services to allow residents to achieve a high quality of life. These development efforts will contribute to the ongoing revitalization occurring throughout the city of Oak Ridge, with a commitment to equity and inclusiveness. The development will not only positively benefit its new residents, but the surrounding Scarboro community for decades to come.

Terms and Conditions

- Intent:** Development of affordable (80%-120% of average median income) mixed income workforce housing. Preliminary estimated total housing units is 100-150 units, with a combination of rental and homeownership units.
- Transaction:** Transfer to ORHA shall occur within 45 days of City Council approval.
- Price:** \$100
- Reversion Conditions:** Failure to:
- Demonstrate secure funding by September 1, 2025. The City Manager may extend it up to 12 months.
 - Provide design level documents by January 1, 2026. The City Manager may extend it up to 12 months.
 - Begin vertical construction of units as approved by September 1, 2026. The City Manager may extend it up to 12 months.
- Additional Conditions:**
- Maintenance, i.e. mowing, cleaning, etc., along with insurance goes to with title.
 - The title is to always remain free and clear except when it is collateralized for specific project or projects on said property.
 - ORHA will make all reasonable efforts to ensure that construction on the property will not affect the operation of the Scarborough Community Center.
 - Main access for entrance/exit to be determined.

Timeline of Milestones

Strategic Planning Retreat	November 2022	Completed
Publish Request for Qualifications for Developer Services	February 2023	Completed
Announce Development Partner –	March 2023	Completed
Community Meetings	March/ April 2023	Completed
City Council Work Session Project Proposal	May 2023	Completed
Project Proposal Overview with Planning & Community Development	July 2023	Completed
Community Meetings	July 2023	Completed
Community Input & Engagement Design Charette #1	August 2023	Completed
City Council Meeting – Proposal Approval	September 2023	
Land Transfer	October 2023	
Community Input & Engagement Design Charette #2 & #3	October/November 2023	
Pre-Application Activities: ○ Survey ○ Apply for re-zoning to PUD ○ Site Plan ○ Market Study ○ Appraisal	October 2023 – April 2024	
Apply to Tennessee Housing Development Agency for Low Income Housing Tax Credits (LIHTC)	April 2024	

Low Income Housing Tax Credit Award	August 2024
Upon successful in securing LIHTCs, Post Award Tasks	4-6 months post award
○ Architectural plans and specifications ○ Civil engineering plans ○ Apply and secure building permits. ○ Secure debt and equity investor commitments ○ Funders' underwriting due diligence	
Closing of construction financing	6-8 months post award
Start construction – Phase I	8-9 months post award
Complete Construction – Phase I	18 months post award
Fully occupied – Phase I	24 months post award
Second Application Pre-Application Activities:	January – April 2025
○ Update Market Study ○ Update Appraisal	
Apply to Tennessee Housing Development Agency for Low Income Housing Tax Credits (LIHTC)	April 2025
Low Income Housing Tax Credit (LIHTC) Award	August 2025

Upon successful in securing LIHTCs, Post Award Tasks	4-6 months post award
○ Architectural plans and specifications ○ Civil engineering plans ○ Apply and secure building permits. ○ Secure debt and equity investor commitments ○ Funders' underwriting due diligence.	
Closing of construction financing	6-8 months post award
Start construction – Phase I	8-9 months post award
Complete Construction – Phase I	18 months post award
Fully occupied – Phase I	24 months post award

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Honorable Mayor and City Council

FROM: Tammy Rackard , City Attorney

SUBJECT: Appointment Procedure for 2023 Charter Review Committee

Introduction

An item for the agenda is a resolution to establish the procedure for appointment of the 2023 Charter Review Committee.

Funding

No funding is associated with this item.

Background

Article III, Section 14, of the City Charter requires City Council to appoint a seven (7) member Charter Review Committee every eight (8) years beginning in July 2007. The purpose of this periodic charter review is to ensure consistency with state law. The specific charter language and the process that was used for the 2007 Charter Review Committee and the 2015 Charter Review Committee is shown on the attachment "Appointment of Charter Review Committee," which is the same document presented to City Council at the August 22, 2023 work session.

The attached resolution offers two options for the appointment process. Option 1 is an election process similar to how boards and commission vacancies are filled, which is how appointment was made for the 2007 Charter Review Committee. Option 2 is a process where each individual councilmember appoints a member to serve, which is how appointment was made for the 2015 Charter Review Committee. Once the resolution is on the floor for approval, a motion will be needed to select either Option 1 or Option 2 as the appointment process for the 2023 Charter Review Committee.

It is recommended the Charter Review Committee be appointed at the next available meeting. Additionally, it is recommended the Charter Review Committee be asked to submit their recommendations to City Council no later than May 24, 2024 in order to make the November 5, 2024 election date should modifications to the City Charter be recommended. This recommendation is included in the attached resolution.

Recommendation

Approval of the attached resolution is recommended. City Council will need to select one of the two proposed options prior to final approval of the resolution. This would be done as an

amendment to the resolution on the floor.

Attachments:

[Charter Review Committee - Background Information.docx](#)

[Resolution - Charter Review Committee Appointment Process.docx](#)

APPOINTMENT OF CHARTER REVIEW COMMITTEE

Charter Requirement – Periodic Review for State Law Compliance Purposes

City Charter Article III, Powers of City and Council, Section 14, Periodic Charter Review

Every eight years beginning in July 2007, the city council shall appoint a Charter Review Committee. The duty of the Committee shall be to review the Charter to ensure consistency with state law. The Charter Review Committee shall consist of seven members appointed by the city council. The city manager and city attorney shall serve as non-voting ex officio members. The Charter Review Committee shall conduct regular meetings, appoint one of its members as chair, keep minutes of its meetings, and submit its proposed amendments to the city council not later than 10 months from the date of official appointment. The city council shall consider the recommendations of the Charter Review Committee, and submit amendments that the council deems appropriate to a referendum of the voters in accord with the home rule provisions of the Tennessee Constitution.

Process for Appointment – Not Defined – Past Practices

Election Process – 2007

Resolution 6-66-07 required interested parties to submit resumes, then elected members at the July 16, 2007 meeting: Tom Burns, Boyd Carter, Ella DuBose, Tom Normand, Mary Helen Rose, Phil Wallace, and Aaron Wells. Resolution 6-66-07 gave the Committee broader range than state law compliance, and allowed them to bring any changes it perceived to be “in the best interests of the community.” The Committee met 13 times over a 7-month period and proposed 4 amendments.

Appointment Process – 2015

Resolution 9-112-2015 required City Councilmembers to select a candidate for approval at the next meeting. Committee was formally appointed on October 12, 2015: Lin Phillips, Martha Wallus, Aaron Wells, Donald “Chip” Dooley, Ma? Bailey, Phil Yager, and Jessica Hill. Committee met 4 times over 3-month period and proposed 0 amendments.

Qualifications for Serving

No qualifications for members are listed in the Charter. Aside from being an Oak Ridge citizen, in 2015 City Council specified no member of the Committee could be a current city employee.

Timeline / Recommendation

It is recommended the pathway for appointment be voted on at the September 11, 2023 meeting, with Committee appointment occurring at the October 9, 2023 meeting. In order to make the November 5, 2024 ballot, any proposed amendments would need to be submitted to the Election Commission by August 22, 2024. To give Council sufficient time to review any proposed amendments and still allow November 5, 2024 as the voting date, it is recommended the resolution set forth a requested/targeted deadline of May 24, 2024 for the Committee to finalize its recommendation. This gives Council the months of June and July should there be any proposed amendments to move forward to referendum. And, based upon past committees, it still gives the Committee sufficient time for their review.

NUMBER _____

RESOLUTION

A RESOLUTION ESTABLISHING THE PROCESS FOR APPOINTMENT OF THE MEMBERS OF THE 2023 CHARTER REVIEW COMMITTEE AND SETTING FORTH THE RESPONSIBILITIES OF THE CHARTER REVIEW COMMITTEE AS ESTABLISHED BY CITY CHARTER.

WHEREAS, Article III, Section 14, of the Charter of the City of Oak Ridge, Tennessee, provides that every eight (8) years beginning in July 2007 the City Council shall appoint a Charter Review Committee whose duty shall be to review the Charter to ensure consistency with state law; and

WHEREAS, the 2007 Charter Review Committee was established through an election process after submittal of resumes by interested citizens, and the 2015 Charter Review Committee was established by each councilmember appointing an individual to serve on the committee; and

WHEREAS, it is appropriate to establish the process for appointment of the 2023 Charter Review Committee and to document and clarify its charge as set forth in the Charter.

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

That in accordance with Article III, Section 14, of the Charter of the City of Oak Ridge, Tennessee, City Council shall appoint a seven (7) member Charter Review Committee whose duty shall be to review the Charter to ensure consistency with state law. The Committee shall conduct regular meetings, appoint one of its members as chair, keep minutes of its meetings, and the City Manager and the City Attorney shall serve as non-voting ex officio members of the Committee.

BE IT FURTHER RESOLVED that, in accordance with Article III, Section 14, of the Charter of the City of Oak Ridge, Tennessee, City Council shall consider the recommendations of the Committee and submit amendments that the Council deems appropriate to a referendum of the voters in accordance with the home rule provisions of the Tennessee Constitution. Therefore, in order for any recommended amendments to be included on the November 5, 2024 ballot, the Committee is requested to submit its proposed amendments to City Council by May 24, 2024.

BE IT FURTHER RESOLVED that the members of the Committee shall be residents of Oak Ridge and shall not be current City employees.

BE IT FURTHER RESOLVED that the members of the Committee shall be appointed as follows: [one of the options below needs to be inserted here before final approval]

Option 1: persons interested in serving on the Committee shall submit resumes to the City Clerk for inclusion in the agenda packet for the October 9, 2023 meeting, for City Council to appoint the Committee at this meeting. In the event of an insufficient number

of candidates or in the event not all seven members are appointed, the appointment of the Committee or some members thereof may be postponed to a future meeting.

Option 2: each Councilmember shall submit the name of his or her appointment for the Committee to the City Clerk for inclusion in the agenda packet for the October 9, 2023 meeting, and City Council shall officially name said appointees as the members of the Committee at this meeting.

This the 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Jack L. Suggs, Interim City Manager

FROM: Patrick Berge , Public Works Director

SUBJECT: Contract with GEOServices for Site Investigatory Work at the New Water Treatment Plant

Introduction

An item for Council's consideration is a resolution authorizing the City to contract with GEOServices, Knoxville, TN, for site investigatory work, laboratory testing, and site observation services for the new water treatment plant in an amount not to exceed \$200,000.

Funding

Funding is available in the Waterworks Fund.

Background

The new water treatment plant construction requires a variety of testing services which are to be performed by an independent laboratory. GEOServices has been utilized by the City for several years for soil testing and construction laboratory testing. Testing services include laboratory testing of soils, proofrolling observations, field density testing, foundation excavation observations, reinforcing steel observations, fresh concrete testing, structural steel observations, and report preparation. GEOServices is the primary large scale testing facility for these services in the region and is best suited to provide the services for this project.

The proposal is for \$150,050.00 to cover these activities. A contingency of \$22,507.50 is included to cover any additional costs incurred due to unforeseen conditions during construction.

Recommendation

Staff recommends approval of the resolution as attached.

Attachments:

[Oak Ridge WTP OPC.pdf](#)

[Resolution - Water Treatment Plant - GEOServices Contract.docx](#)



Opinion of Probable Cost (OPC)

Oak Ridge WTP

Oak Ridge , Tennessee

GEO Services Proposal No. 12-23307

SERVICES	QUANTITY	RATE	TOTAL
Site Grading Operations - Proofrolling observations, laboratory testing and soil density testing.			
Engineering Technician:	90 hours	\$60.00 /hour	\$5,400.00
Senior Engineering Technician:	60 hours	\$70.00 /hour	\$4,200.00
Staff Professional:	45 hours	\$95.00 /hour	\$4,275.00
Senior Engineer	28 hours	\$150.00 /hour	\$4,200.00
Secretarial Services:	40 hours	\$50.00 /hour	\$2,000.00
Nuclear Density Gauge:	30 days	\$75.00 /day	\$2,250.00
Laboratory Standard Proctor:	5 test	\$200.00 /test	\$1,000.00
Moisture Testing:	5 test	\$15.00 /test	\$75.00
Atterberg Limits Testing (Plasticity):	5 test	\$100.00 /test	\$500.00
Trip Charge (per day):	40 trips	\$25.00 /trip	\$1,000.00
		Subtotal	\$24,900.00
Foundation Excavation Observations and Reinforcing Steel Observations			
Senior Engineering Technician:	100 hours	\$70.00 /hour	\$7,000.00
Staff Professional:	80 hours	\$95.00 /hour	\$7,600.00
Registered Engineer:	40 hours	\$125.00 /hour	\$5,000.00
Senior Engineer	36 hours	\$150.00 /hour	\$5,400.00
Secretarial Services:	40 hours	\$50.00 /hour	\$2,000.00
Trip Charge (per day):	36 trips	\$25.00 /trip	\$900.00
		Subtotal	\$27,900.00
Foundation Concrete Sampling and Testing			
Engineering Technician:	200 hours	\$60.00 /hour	\$12,000.00
Senior Engineering Technician:	100 hours	\$70.00 /hour	\$7,000.00
Senior Engineer	18 hours	\$150.00 /hour	\$2,700.00
Secretarial Services:	40 hours	\$50.00 /hour	\$2,000.00
Concrete Cylinder Compression Test:	300 cylinders	\$20.00 /test	\$6,000.00
Trip Charge (per day):	40 trips	\$25.00 /trip	\$1,000.00
		Subtotal	\$30,700.00
Masonry Observations and Sampling			
Senior Engineering Technician:	64 hours	\$70.00 /hour	\$4,480.00
Senior Engineer	12 hours	\$150.00 /hour	\$1,800.00
Secretarial Services:	20 hours	\$50.00 /hour	\$1,000.00
Grout Testing:	64 samples	\$20.00 /test	\$1,280.00
Trip Charge (per day):	20 trips	\$25.00 /trip	\$500.00
		Subtotal	\$9,060.00



Opinion of Probable Cost (OPC)

Oak Ridge WTP

Oak Ridge , Tennessee

GEOServices Proposal No. 12-23307

SERVICES	QUANTITY	RATE	TOTAL
Building Slab Concrete Testing			
Engineering Technician:	180 hours	\$60.00 /hour	\$10,800.00
Senior Engineering Technician:	100 hours	\$70.00 /hour	\$7,000.00
Senior Engineer	16 hours	\$150.00 /hour	\$2,400.00
Secretarial Services:	40 hours	\$50.00 /hour	\$2,000.00
Concrete Cylinder Compression Test:	260 cylinders	\$20.00 /test	\$5,200.00
Trip Charge (per day):	36 trips	\$25.00 /trip	\$900.00
		Subtotal	\$28,300.00
Structural Steel Observations			
Certified Welding Inspector (CWI):	84 hours	\$95.00 /hour	\$7,980.00
Senior Engineer	20 hours	\$150.00 /hour	\$3,000.00
Secretarial Services:	36 hours	\$50.00 /hour	\$1,800.00
Trip Charge (per day):	20 trips	\$25.00 /trip	\$500.00
		Subtotal	\$13,280.00
Exterior Concrete Testing			
Engineering Technician:	60 hours	\$60.00 /hour	\$3,600.00
Senior Engineer	8 hours	\$150.00 /hour	\$1,200.00
Secretarial Services:	20 hours	\$50.00 /hour	\$1,000.00
Concrete Cylinder Compression Test:	60 cylinders	\$20.00 /test	\$1,200.00
Trip Charge (per day):	10 trips	\$25.00 /trip	\$250.00
		Subtotal	\$7,250.00
Basestone Testing - Assume 4 site visits, 4 hours/visit.			
Engineering Technician:	56 hours	\$60.00 /hour	\$3,360.00
Senior Engineer	18 hours	\$150.00 /hour	\$2,700.00
Secretarial Services:	20 hours	\$50.00 /hour	\$1,000.00
Nuclear Density Gauge:	12 days	\$75.00 /day	\$900.00
Stone Proctor:	1 test	\$250.00 /test	\$250.00
Trip Charge (per day):	18 trips	\$25.00 /trip	\$450.00
		Subtotal	\$8,660.00
Contingency: 15%			\$22,507.50
Opinion of Cost			\$172,557.50

Notes: 1. Should our assumptions and/or quantities differ from the anticipated schedule, please notify our office so that we can modify our Opinion of Cost. The requested services will be charged at the hourly rates shown above.

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH GEOSERVICES LLC, KNOXVILLE, TENNESSEE, FOR SITE INVESTIGATORY WORK, LABORATORY TESTING, AND SITE OBSERVATION SERVICES FOR THE NEW WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$200,000.00.

WHEREAS, the new water treatment plant construction requires a variety of testing services from an independent laboratory; and

WHEREAS, the testing services needed include laboratory testing of soils, proof-rolling observations, field density testing, foundation excavation observations, reinforcing steel observations, fresh concrete testing, structural steel observations, and report preparation; and

WHEREAS, GEOServices is the primary large-scale testing facility for the necessary services in the region and is best suited to provide these services for the City, and has provided satisfactory services to the City in the past; and

WHEREAS, the Interim City Manager recommends entering into a professional services agreement with GEOServices for the work.

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

That the recommendation of the Interim City Manager is approved, and the City is hereby authorized to execute a Professional Services Agreement with GEOServices Inc., 2561 Willow Point Way, Knoxville, Tennessee 37934, for site investigatory work, laboratory testing, and site observation services for the new water treatment plant, in an amount not to exceed \$200,000.00.

BE IT FURTHER RESOLVED that the Mayor and/or Interim City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

Tammy M. D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Honorable Mayor and City Council

FROM: Tammy Rackard , City Attorney

SUBJECT: Delegation of Authority to the Industrial Development Board to Negotiate and Accept Payments-in-Lieu-of-Taxes for Extended Stay Hotel Project

Introduction

An item for the agenda is a resolution delegating authority to the Industrial Development Board of Oak Ridge (IDB) to negotiate and accept payments in lieu of ad valorem taxes with respect to a certain project that falls outside of the approved PILOT policy. Preetesh Patel, the project developer, was present at the Budget and Finance Committee's September 1, 2023 meeting for a discussion of the project and the request for a PILOT. After discussion with Mr. Patel and learning more about the heavy encumbrances on the property, the Budget and Finance Committee is supportive of the PILOT request.

Funding

No funding is associated with this item.

Background

The IDB has received a request from Rama Oak Ridge, LLC, a Tennessee limited liability company, to develop an extended stay hotel at 131 Tuskegee Drive which property is located behind the retail buildings that house Books-A-Million, Golds Gym, Dollar Tree, and Rent-A-Center. The request is for a payment in lieu of taxes (PILOT) over a ten (10) year period for a thirty-three percent (33%) abatement .

This project, being a hotel, falls outside of the 2021 PILOT Reauthorization Documents as approved by Resolution 11-131-2022 (effective for the period of January 1, 2021 through December 31, 2023). However, Tennessee Code Annotated §7-53-305(b) authorizes City Council to delegate to the IDB the authority to negotiate and accept PILOTs when City Council finds such payments are in furtherance of the public purposes of the IDB. The attached resolution delegates such authority to the IDB. And, for statutory compliance, the resolution also designates the extended stay hotel's location to be within the "center city area" of Oak Ridge.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[Resolution - IDB PILOT Delegation for RAMA Oak Ridge LLC.docx](#)

RESOLUTION

A RESOLUTION DELEGATING TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE THE AUTHORITY TO NEGOTIATE AND ACCEPT PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO A CERTAIN PROJECT IN OAK RIDGE, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION 7-53-305.

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

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

WHEREAS, the City has been informed that Rama Oak Ridge, LLC, a Tennessee limited liability company, or an affiliate thereof (the "Developer"), intends to cause the acquisition and development of an extended stay hotel (the "Project") located at 151 Tuskegee Drive, Oak Ridge, Tennessee (the "Property"); and

WHEREAS, the Developer has requested the Board to hold ownership of the Property and certain related personal property and equipment; and

WHEREAS, the Developer has furthermore requested the Board to lease the Property and the related personal property and equipment to the Developer and to permit the Developer to make payments in lieu of ad valorem taxes; and

WHEREAS, Tenn. Code Ann. § 7-53-305(b) authorizes the City to delegate to the Board the authority to negotiate and accept from the lessees of the Board payments in lieu of ad valorem tax upon the finding that such payments are deemed to be in furtherance of the public purposes of the Board as defined in said Code Section; and

WHEREAS, the City's Budget and Finance Committee met with the Developer at its September 1, 2023 meeting and is supportive of the request due to the heavy encumbrances on the Property.

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

1. The Governing Body hereby finds that the negotiation and acceptance by the Board of payments in lieu of ad valorem taxes consistent with this resolution are deemed to be in furtherance of the public purposes of the Board as defined in Tennessee Code Annotated Section 7-53-305, and the Governing Body hereby consents and delegates to the Board the authority to negotiate and accept such payments from the Developer. The Governing Body furthermore hereby finds, designates and confirms that the Property is located in a center city area for purposes of the Act and applicable law.

2. The terms of the agreement between the Board and the Developer concerning payments in lieu of ad valorem taxes shall be determined by the Board; provided, however (i) the term of such agreement shall not exceed ten (10) years, plus a reasonable construction period not to exceed three (3) years and (ii) the amounts of the annual payments in lieu of taxes during the ten (10) year period following construction shall be not less than 67% of the of the ad valorem property taxes that would otherwise be payable with respect to the Property and related personal property and equipment (i.e., an abatement of 33%).

3. The Board's agreements concerning payments in lieu of ad valorem taxes relating to the Project may contain such administrative provisions not inconsistent with this resolution as the Board deems appropriate.

4. The terms of the payments in lieu of ad valorem taxes are reserved for this specific Project and the approval of this resolution does not create an expectation for similar payments in lieu of ad valorem taxes for any future similar project(s).

5. The Mayor and/or City Manager are hereby authorized and directed to execute and deliver such other recommendation letters, documents, certificates and instruments and to take all such further action as they may consider necessary or desirable in connection with the consummation of the transactions described herein.

6. All other acts of the Governing Body and the officers of City which are in conformity with the purposes and intent of this resolution are hereby approved, ratified and confirmed in all respects.

7. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed, and this resolution shall be in immediate effect from and after its adoption.

This the 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

Tammy M.D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Jack L. Suggs, Interim City Manager

FROM: Beth Hickman , City Clerk

SUBJECT: A Resolution Authorizing Approval of an Application for a Certificate of Compliance by Taylor Martin, to Engage in the Retail Sale of Alcoholic Beverages in the City of Oak Ridge at Hilltop Wine and Spirits, LLC, located at 346 Illinois Avenue.

Introduction

An item for City Council's consideration is a resolution authorizing a Certificate of Compliance for Taylor Martin, as the executive officer of Hilltop Wine and Spirits, LLC to submit as part of her application to the Tennessee Alcoholic Beverage Commission.

Funding

No funding is associated with this item.

Background

Ms. Taylor Martin is requesting a state-required Certificate of Compliance to assume ownership of Hilltop Wine and Spirits already located at 346 Illinois Avenue. Ms. Martin has submitted an application and has provided an up-to-date background check. Her application is attached to this memorandum. Ms. Martin has advised City staff that she plans to be in attendance at the City Council meeting to answer any questions about her application.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[Martin Certificate of Compliance Application.pdf](#)

[Resolution - Approving Certificate of Compliance - Hilltop Wine and Spirits, LLC.docx](#)

Date Received by City Clerk's Office

8-4-2023

CITY OF OAK RIDGE, TENNESSEE

APPLICATION FOR CERTIFICATE OF COMPLIANCE
TO SELL ALCOHOLIC BEVERAGES AT RETAIL UNDER
TITLE 8, CHAPTER 4, CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE

To the Oak Ridge City Council
Municipal Building
Oak Ridge, Tennessee

Date 8/4/2023

I, or We (if a corporation, list executive officers and board chairman; if a partnership or other organization, list all persons having an interest)

Name

Address

Taylor Martin

989 W Outer Drive
Oak Ridge TN 37830

doing business as: individual _____, corporation _____, partnership _____, other (specify) LLC, hereby make application for a permit and certificate of good moral character to sell alcoholic beverages at retail in the following store for the year 2023:

Name of Store: Hilltop Wine & Spirits LLC Address 346 Illinois Ave Oak Ridge TN 37830

INSTRUCTIONS:

- A. Each question must be fully answered.
- B. Wherever the word "you" is used, all persons of the organization are included, both collectively and individually.
- C. Application need be made only for locations specified in Title 8, Chapter 4, of the Code of Ordinances, City of Oak Ridge, Tennessee.
- D. If other than individual is applying, then a list of all persons having an interest in the particular organization along with the amount of each of their interest must accompany this application. If a corporation, a copy of the charter and by-laws must be submitted. If a partnership, what are the terms of the partnership agreement that provide for control?

1. Are you an American citizen? yes
2. Do you, or any person having any interest in this business, directly or indirectly, either proprietary or by means of any loan, mortgage, or lien, or participation in the profits in anyway, hold a public office, either representative or elective, National, State, City, or County? no If so, what office? n/a
3. Have you ever been convicted for any offense, other than minor traffic violations, under the laws of the City of Oak Ridge, the State of Tennessee, or of any other state or of the United States? NO If yes, specify on an attached statement, giving date, place, charge, and disposition.
4. Have you been convicted of any offense under the laws of the State of Tennessee, or of any other state, or of the United States, or of the City of Oak Ridge, prohibiting, or regulating the sale, possession, transportation, storing, manufacturing or otherwise handling intoxicating liquors within ten (10) years preceding the date of this application? NO If yes, specify on an attachment.
5. Have you been engaged in business alone, or with others in violation of any laws, or Rules and Regulations of the State of Tennessee, or City of Oak Ridge, prohibiting or regulating the sale, possession, transportation, manufacturing, or otherwise handling intoxicating liquors within ten (10) years preceding the date of this application? NO If yes, specify on an attachment.
6. Have you ever been cited to appear before the Commissioner of Revenue, the Tennessee Alcoholic Beverage Commission, or the Oak Ridge City Council, and charged with a violation of the law or rules and regulations made pursuant to law? NO If yes, specify on an attachment.
7. In whose name is, or will be, the Federal Special Tax Stamp as a retail liquor dealer issued at this location? Taylor Elizabeth Martin
8. Do you have, or have you ever had, a Federal Special Stamp as a Wholesale Liquor Dealer or a Federal Basic Permit? NO If yes, state year. _____
9. Do you have, or have you ever had, a Federal Gambling Stamp? NO
10. Give the names and addresses of persons related to you within the 3rd degree, by blood, marriage, or otherwise, who own, operate, or have any interest either in a retail store, wholesale distributor, distillery, or supplier. none
11. Give the names and addresses of all persons other than those shown on this application who have any kind of interest, financial, stock ownership, loans, gifts, or securing loans, or otherwise, made for carrying on said business. (Specify interest) none

12. Give the names and addresses of all persons other than those shown on this application who share in the profits from your business and state their interest.

none

14. Who will be in active control in the management of the business?

Taylor Martin

15. Give the name and address of any other business in which you are actively engaged.

none

16. Give the name and address of the owner of the premises on which the business is to be located and the amount of the rental, if any. Also submit for our files a copy of any lease agreement that has or may be entered into. Troy Howe, Hilltop Rental LLC,

15 Radcliff Terrace Oak Ridge TN, 37830; Rental amount
\$1650 per month

17. Do you employ some person not otherwise connected with your store to keep your books? If yes, give name and address of person. YES; Elaine Duker

352 Illinois Ave Oak Ridge TN 37830

18. Do you agree to accept full responsibility for the action of any member of the enterprise or any person employed by you in the conduct of your business? yes

19. Have you received any financial assistance in connection with your business during the past year? NO If yes, then attach a separate statement setting forth all details.

20. List the closest school, church, and public institutions to your business.

Robertsville Middle School, Heritage Fellowship Church,
Choices Resource Center

21. Do you understand that your Certificate of Compliance cannot be sold, assigned, or transferred to any other person or location? yes

22. Do you agree to allow free access to your premises by authorized personnel of the City to inspect for compliance with requirements of City ordinances? yes

23. Have you read the requirements for a building, and does your proposed place of business (or existing business) meet all of these requirements, including adequate parking and zoning? yes

24. Have you read all applicable state and local laws pertaining to retail package stores, and do you agree to abide by all of these? YES

All data, written statements, affidavits, evidence or other documents submitted in support hereof or upon bearing hereon shall be deemed to be a part of this application and must be attached hereto.

The applicant or applicants agrees that the place for which application is made will be operated in conformity with Title 8, Chapter 4, of the Code of Ordinances, City of Oak Ridge, Tennessee, and in conformity with all applicable rules and regulations made pursuant to law, which are now, or may hereafter, be in force.

The undersigned hereby swears (affirms) that the foregoing is a true, correct, and complete statement to the best of his knowledge and belief, and that any false or misleading statement will constitute grounds for revocation or denial of a retail dealer's permit.

Taylor Martin
Name of Applicant

989 W Outer Drive Oak Ridge TN
Address 37830

Taylor Martin
Name of Applicant

Address

Name of Applicant

Address

Name of Applicant

Address

STATE OF TENNESSEE)
COUNTY OF ANDERSON)

Before me, the undersigned authority, on this day personally appeared Taylor Martin

known to me to be the person(s) whose name is subscribed to the within application, and on oath stated that the statements contained therein, including all attachments, are true and accurate to the best of his belief and knowledge.

Witnesseth my hand at office this 4th day of August, 2023

Jonathan R Barker
Notary Public

My Commission Expires Apr. 29, 2026

My Commission Expires: _____



NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE FOR HILLTOP WINE AND SPIRITS, LLC, TO ENGAGE IN THE RETAIL SALE OF ALCOHOLIC BEVERAGES AT HILLTOP WINE & SPIRITS LOCATED AT 346 ILLINOIS AVENUE.

WHEREAS, as required by Tennessee Code Annotated §57-3-208, Taylor Martin, on behalf of Hilltop Wine and Spirits, LLC, has applied for a Certificate of Compliance from the City for Hilltop Wine & Spirits, located at 346 Illinois Avenue, to continue to sell alcoholic beverages at retail; and

WHEREAS, after diligent inquiry and careful investigation of Ms. Martin, City Council has found her general character to be good; and

WHEREAS, City Council feels assured that Ms. Martin and Hilltop Wine and Spirits, LLC, will refrain from any violation of Title 8, Chapter 4, of the City Code, and Title 57, Chapters 1, 6, 7, and 8, of Tennessee Code Annotated, which are the alcoholic beverage laws; and

WHEREAS, Hilltop Wine and Spirits, LLC, meets all necessary conditions and requirements 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 City Council hereby authorizes the issuance of the state-required Certificate of Compliance for Hilltop Wine and Spirits, LLC, for the sale of alcoholic beverages at retail at Hilltop Wine & Spirits located at 346 Illinois Avenue.

BE IT FURTHER RESOLVED that City Council finds Ms. Taylor Martin, as the executive officer of Hilltop Wine and Spirits, LLC, has not been convicted of a felony within the ten-year period immediately preceding the date of application.

BE IT FURTHER RESOLVED that City Council determines the location of Hilltop Wine & Spirits (346 Illinois Avenue) complies with all local laws, ordinances, and resolutions as to the location of the business.

BE IT FURTHER RESOLVED that the City of Oak Ridge does not have a limitation on the number of retail licenses that may be issued within its jurisdiction, nor does it impose a residency requirement on applicants.

BE IT FURTHER RESOLVED that, as required by state law, the Certificate of Compliance is valid unless there is a change in ownership or location.

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

This the 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

Tammy M. D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: September 11, 2023

TO: Jack L. Suggs, Interim City Manager

FROM: Cindi Gordon

THROUGH: Eric Ault, Interim Personnel Director

SUBJECT: An Amendment to Resolution 6-52-2022, to Increase Funding Amount to Include Deductible Costs for Public Entity Partners (PEP)

Introduction

An item for City Council's consideration is the amendment of Resolution 6-52-2022, which awarded a contract with Public Entity Partners (PEP) for various insurance policies, by increasing funding by an estimated amount of \$580,000.00 annually for deductible and other cost liabilities and in the amount of \$565,367.62 retroactively for deductible and other cost liabilities in FY2023. Additionally, Staff is also seeking approval for premium increases for FY2024 due to them increasing to \$1,015,148.00.

Funding

Funding is already included in the City's Insurance Fund budget.

Background

Previously, City resolutions for PEP included funding authorization for both premium amounts and deductible amounts. For the FY2017 contract with PEP (Resolution 05-27-2016), staff at the time determined that it was no longer necessary to include deductible costs in the authorization from council; however, funding for deductibles would still be included in the Insurance Fund budget. As a result, all PEP resolutions since then have excluded deductibles, including the current Council authorization, which approved funding for FY2023, and for 9 subsequent one-year renewal periods. After re-evaluating the PEP agreements, Staff from the Personnel, Legal, and Finance Departments have determined that the authorization language is necessary for deductible amounts. On September 1, 2023, staff presented this item to the Budget and Finance Committee. The committee concurred with staff findings.

Staff have estimated the amount of \$580,000.00 for deductible amounts after reviewing claims data over the past 5 years for general liability, law enforcement liability, errors and omissions liability, automobile liability, automobile physical damage, property, and worker's compensation insurance. This amount allows for flexibility given that the deductible payments can fluctuate greatly from year to year based on the amount for claims.

FY2023 concluded with total deductible and other cost liability of \$565,367.62.

Premium costs for FY2024 have increased to \$1,015,048.00. That is a 30.52% increase from what was budgeted in FY23. This is due to the FY23 amount of \$777,691.00 including \$(98,817.00) in dividend returned to the City. PEP announced in April 2023 that there would be no customer dividends for FY2024. When comparing the FY2024 rate with the FY2023 total rate of \$876,508.00, it is a year-to-year increase of 15.81%

This plus the estimated deductible cost of \$580,000.00 takes total FY2024 costs to be estimated at \$1,595,148.00.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[Resolution - PEP Premium and Claims Amendment.docx](#)

RESOLUTION

A RESOLUTION TO AMEND RESOLUTION 6-52-2022 PERTAINING TO THE CITY'S CONTRACT WITH PUBLIC ENTITY PARTNERS TO INCLUDE THE COST OF CLAIMS FOR FISCAL YEAR 2023 AND TO ESTABLISH PREMIUM AND CLAIMS COSTS FOR FISCAL YEAR 2024.

WHEREAS, by Resolution 6-52-2022, City Council authorized a contract with Public Entity Partners for the City's general liability, law enforcement liability, errors and omissions liability, automobile physical damage, property, and workers' compensation insurance for Fiscal Year 2023 in an amount not to exceed \$772,667.00, with up to nine (9) renewal options; and,

WHEREAS, by Resolution 8-91-2022, City Council amended the resolution to establish a not to exceed amount of \$772,691.00 for Fiscal Year 2023, which premium amount was the actual cost of the premium (\$876,508.00) less the dividend credit received (\$98,817.00) and a bonus credit received (\$5,000.00); and

WHEREAS, Resolution 6-52-2022, as amended, did not, however, include any costs for payment of deductibles for claims; and

WHEREAS, in years past, the cost of claims were included in the resolutions for insurance premiums, however, this stopped in 2016 for unknown reasons and has been evaluated by current staff as an item that needs to be addressed in the authorizing resolution for insurance; and

WHEREAS, the City's liabilities equaled \$565,367.62 in claims (up to the deductible amounts, which vary based upon type of claim) in Fiscal Year 2023; and

WHEREAS, as payment of claims can fluctuate greatly year to year depending on the number and type of claims, staff evaluated claims data over the past five years and estimates \$580,000.00 for payment of claims and other costs (ex. audits) for Fiscal Year 2024; and

WHEREAS, premium costs for Fiscal Year 2024 have risen to \$1,015,148.00, which is an increase of 15.81% over Fiscal Year 2023 (actual premium cost exclusive of credits); and

WHEREAS, PEP has advised the City there will be no dividends issued for Fiscal Year 2024; and

WHEREAS, since premium costs and claims payments can vary widely year to year, city staff will bring subsequent renewals to City Council for approval of the premium amount with an estimated amount for claims based upon then current data; and

WHEREAS, the Interim City Manager recommends an amendment to Resolution 6-52-2022 to include the cost of claims and establish the premium cost for Fiscal Year 2024.

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

That the recommendation of the City Manager is approved, and Resolution 6-52-2022, as amended by Resolution 8-91-2022, is hereby amended to include the payment of claims (up to the individual deductible amounts per claim) in the amount of \$565,367.62.

BE IT FURTHER RESOLVED that the cost of premiums for Fiscal Year 2024 is \$1,015,148.00 and the estimated cost for payment of claims and other costs is \$580,000.00, which is based upon claims data over the past five years.

BE IT FURTHER RESOLVED that subsequent renewals will be brought to City Council for approval with the known premium amount and an estimated payment of claims amount based upon then current data.

BE IT FURTHER RESOLVED that the Mayor and/or Interim City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 11th day of September 2023.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. D. Rackard, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk