A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN
July 28, 2011

FBMA MEETING
7:00 PM

I. Silent Prayer, Pledge of Allegiance, Roll Call

II. Approval of Agenda

III. Mayor's Report
A. 2011 Beautification Awards Presentation

IV. Citizens Forum

V. Approval of Minutes
A. July 14, 2011

VI. Ordinances
A. Public Hearing and Second Reading

1. Ordinance 11-09, a request to close Herron Road right-of-way between the I-40/75 right-of-way and the Town Limits, located adjacent to Buddy Gregg Motor Homes (Young, Williams & Kirk, PC, Applicant)

2. Ordinance 11-10, a request to amend the Farragut Zoning Ordinance, Chapter 3, Section XV. Regional Commercial District (C-2), to allow motorized wakeboard cable systems as an allowed use (David L. McFarland, Applicant)

B. First Reading

1. Ordinance 11-11, Ordinance to amend the Capital Investment Program funds for Fiscal Year 2011

2. Ordinance 11-12, Ordinance to amend the Capital Investment Program funds for Fiscal Year 2012

VII. Business Items
A. Consider Approval of Amendment No. 1 to the TDS Cable Communications Franchise Agreement

B. Consider Approval of Contract 2011-12 Farm at Willow Creek drainage project

C. Consider Approval of Resolution 2011-08, resolution adopting a referendum process for the Section 218 agreement and election into social security coverage

D. Consider Approval of Town Entrance Signs

VIII. Town Administrator's Report
IX. Associate Town Administrator's Report
X. Engineer's Report
XI. Recorder's Report
XII. Attorney's Report

AGENDA NUMBER III, A **MEETING DATE** July 28,2011

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Sue Stuhl, CPRP - Parks and Leisure Services Director

SUBJECT: 2011 Beautification Awards

INTRODUCTION: The purpose of this agenda item is to present the 2011 Beautification Awards.

DISCUSSION: The Farragut Beautification Committee made up the judging team which included members that have done the judging in past years. This makes the 28th year the awards have been given – the award was first part of the Visual Resources Review Board's responsibility but was later transferred to the Beautification Committee. The following criteria were used in evaluating the various developments located within the Town of Farragut:

LANDSCAPE DESIGN - (Functional & Aesthetic Aspects) - 30%
SELECTION OF PLANT MATERIAL - (Construction Features & Plant Materials) - 30%
MAINTENANCE - 30%
FIRST IMPRESSIONS - 5%
LAST IMPRESSIONS - 5%
(The last two criteria are subjective impressions)

Beautification Committee Chair Clare Ansink will attend the July 28 meeting to explain the awards process and announce the award winners. Winners have been notified and have been asked to have a representative at the meeting to accept the award. The following are the winners:

<u>COMMERCIAL/OFFICE BUILDING</u>
Winner – Y-12 Federal Credit Union, 13128 Kingston Pike

<u>COMMERCIAL/RETAIL BUILDING</u>
Winner – Buddy's BBQ, 121 West End Ave.

<u>RESIDENTIAL ENTRANCE</u>
Winner – The Battery at Berkeley Park, Off Grigsby Chapel Road

<u>RELIGIOUS INSTITUTION</u>
Winner – St. John Neumann Catholic Church, 645 St. John Ct.

<u>RETAIL COMMERCIAL COMPLEX</u>
Winner – The Pinnacle at Turkey Creek Phase III, Parkside Drive

<u>MULTI-FAMILY RESIDENTIAL COMPLEX</u>
Winner – Parkview Senior Living, 10914 Kingston Pike

AGENDA NUMBER VI. A. 1 MEETING DATE July 28, 2011

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 11-09, ordinance on 2nd reading to close Herron Road right-of-way between the I-40/75 right-of-way and the Town Limits, located adjacent to Buddy Gregg Motor Homes (Young, Williams & Kirk, PC, Applicant)

INTRODUCTION: Per the Farragut Municipal Code, Title 16, Chapter 3. Road Closing or Terminating Policy, the planning commission is to review a road closure request and make recommendation to the Board of Mayor and Aldermen.

DISCUSSION: Attached please find a copy of Chapter 3. Road Closing or Terminating Policy of the Farragut Municipal Code. Also attached, please find a copy of the letter of request to close Herron Road north of I-40/75 to the Town limit line. This section of Herron Road is bound by Buddy Gregg Motor Homes and the company would like for the right-of-way to be abandoned so that they can more easily expand their facilities.

Herron Road was bisected by the construction of I-40/75. The section of Herron Road between Sweet Briar subdivision and I-40/75 has already been abandoned as part of the Parkside Drive development. The section of Herron Road located north of I-40/75 within the Town limits accesses a single property that has now been purchased by Buddy Gregg Motor Homes.

On April 19, 2011, I sent notification letters of the road closure request to First Utility District (FUD), Knoxville Utilities Board (KUB), Charter Communications, Lenoir City Utilities Board (LCUB), TDS Telecom, and Rural Metro. I received notice from FUD that they had a 6" waterline, a fire hydrant, and three (3) meters within the current right-of-way. I also received notice from KUB that they had a gas line within this right-of-way. Both utilities were agreeable to the right-of-way being abandoned provided appropriate easements are established. TDS has an above ground line in the right-of-way that crosses the interstate. They are looking into abandoning this line. If that is not feasible, they are agreeable to the right-of-way being abandoned provided the appropriate easement is established.

Attached please find an aerial photo of the general area and a GIS map of the general area for your review.

Staff supports the request to abandon the right-of-way provided adequate easements are retained. The road has functionally served as a private driveway for many years. Since Buddy Gregg Motor Homes has purchased Parcel 179, Tax Map 130, there is no longer a need for this public road. Staff recommends the following conditions of abandonment:

1. That the Town of Farragut relinquish ownership of the right-of-way through Quit Claim Deed to the adjoining property owner of Parcels 179, 181 & 182.01, Tax Map 130;
2. That the owner of the adjoining properties prepare and record a subdivision plat which dissolves the right-of-way and the interior property lines between Parcels 179, 181, and 182.01, Tax Map 130, to create a single parcel. This will ensure that all lots have road frontage;
3. That the plat establish the appropriate utility easements; and
4. The Herron Road right-of-way be used as a land swap for the right-of-way for the Snyder Road/Outlet Drive connector.

Attached please find a copy of Ordinance 11-09 for your review.

PROFESSIONAL RECOMMENDATION: Community Development Director, Ruth Hawk, recommends approval of Ordinance 11-09.

PLANNING COMMISSION RECOMMENDATION: On June 16, 2011, in a unanimous vote, the Farragut Municipal Planning Commission recommended approval of Ordinance 11-09.

PROPOSED MOTION: To approve Ordinance 11-09 as attached.

BOARD ACTION:

MOTION BY:_________________________________ **SECONDED BY:**____________________________________

VOTE/TOTAL	ELLIOTT	LAMARCHE	MARKLI	HONKEN	MCGILL
YES	______	______	______	______	______
NO	______	______	______	______	______
ABSTAIN	______	______	______	______	______

ORDINANCE: 11-09
PREPARED BY: Hawk
REQUESTED BY: Young, Williams & Kirk, PC
CERTIFIED BY FMPC: June 16, 2011
PUBLIC HEARING: ____________________
PUBLISHED IN: ____________________
DATE: ____________________
1ST READING: ____________________
2ND READING: ____________________
PUBLISHED IN: ____________________
DATE: ____________________

AN ORDINANCE TO CLOSE APPROXIMATELY THREE HUNDRED (300) FEET OF HERRON ROAD RIGHT-OF-WAY BETWEEN I-40/75 RIGHT-OF-WAY AND THE TOWN LIMITS, ADJACENT TO PARCELS 179, 181 & 182.01, TAX MAP 130

WHEREAS the Board of Mayor and Aldermen of the Town of Farragut has been petitioned by the adjacent property owner to close approximately three hundred feet of Herron Road right-of-way between I-40/75 right-of-way and the Town Limits, adjacent to Parcels 179, 181 & 182.01, Tax Map 130, and

WHEREAS the Farragut Municipal Planning Commission has as set forth in Title 16, Section 16-303. of the Farragut Municipal Code, reviewed the request for closure,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, as follows:

SECTION 1.

That approximately three hundred (300) feet of Herron Road right-of-way between I-40/75 right-of-way and the Town Limits be closed, as illustrated on Exhibit A, with the following stipulations:

1. That the Town of Farragut relinquish ownership of the right-of-way through Quit Claim Deed to the adjoining property owner of Parcels 179, 181 & 182.01, Tax Map 130;
2. That the owner of the adjoining properties prepare and record a subdivision plat which dissolves the right-of-way and the interior property lines between Parcels 179, 181, and 182.01, Tax Map 130, to create a single parcel. This will ensure that all lots have road frontage;
3. That the plat establish the appropriate utility easements; and
4. The Herron Road right-of-way be used as a land swap for the right-of-way for the Snyder Road/Outlet Drive connector.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

____
Dr. Ralph McGill, Mayor

____
Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of ___________, 2011, with approval recommended.

____
Rita Holladay, Chairman

____
Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

AGENDA NUMBER VI. A. 2 MEETING DATE July 28, 2011

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 11-10, ordinance on 2nd reading to amend the Farragut Zoning Ordinance, Chapter 3, Section XV. Regional Commercial District (C-2), to allow motorized wakeboard cable systems as an allowed use (David L. McFarland, Applicant)

INTRODUCTION: Currently within the C-2 District, indoor recreational facilities and non-motorized outdoor recreational facilities are allowed uses. Attached please find a copy of Chapter 3, Section XV. Regional Commercial District (C-2), B. Permitted Principal and Accessory Uses and Structures, 21. and 22. of the Farragut Zoning Ordinance for your review. When this section of the ordinance was re-written, it was decided that motorized recreational facilities can be noisy and disruptive and should not be allowed. Noise from such facilities can be quite loud in the near vicinity and can also carry great distances, especially on clear evenings.

DISCUSSION: Mr. McFarland is the owner of Wild Wings Café, which is located at 11335 Campbell Lakes Drive. On his site there is a pond which is approximately 230' x 155'. Although a text amendment is not site specific, in this particular case there are very few locations within the C-2 district where such a system could be used. Because of this, I have included an aerial photo of the Wild Wings Café site.

The motorized wakeboard cable system that Mr. Farland is wishing to install is called System 2.0. We will have a video of the system at the meeting. If you are interested, however, Google "System 2.0" and look at the various websites which explain the system and how it works. Rather than using a lead connected to a boat or a jet ski, the wakeboarder uses a lead connected to a cable system which pulls them from one end of the cable to the other and back again.

Per the information on the website, the system can be operated on water bodies that range in size from 80' – 700' in length and 50' – 120' in width. The system consists of portable towers/stanchions that are designed similar to a step ladder. The towers/stanchions must be anchored on permanent footers/platforms. The cables are strung between the towers/stanchions. Operators of the system can climb the ladders to change out hooking mechanisms at the top of the towers/stanchions.

Although the system itself is quite intriguing and has many benefits to wakeboarders, staff does have some concerns of operating such a system on the Wild Wings Café site.

1. The building's deck is located adjacent to the water and a portion of it actually overhangs the water. Staff is concerned about patrons being so close to the system as it is operating;

2. The ladders are attractive nuisances, particularly to customers who have been consuming alcohol; and
3. The pond is square vs. rectangular shaped. There are concerns that the shape and size of the pond does not conform to the water body size parameters established on the System 2.0 websites.

Staff included the following development criteria in order to address the above referenced concerns and the concerns expressed by the planning commission:

Motorized wakeboard cable system provided the following development criteria are met:

a. The system is installed per the manufacturer's specifications and inspected by the Town;
b. The motor is electric powered;
c. The stanchions are fenced or barricaded so as to prevent open access;
d. The stanchions and cables are removed during the off season; and
e. The stanchions are set back from all structures and property lines a minimum of one (1) foot for each one (1) foot of stanchion height.

Attached please find a copy of the text amendment request and Ordinance 11-10.

PROFESSIONAL RECOMMENDATION: Community Development Director, Ruth Hawk, recommends approval of Ordinance 11-10 because the proposed ordinance addresses the concerns expressed by staff and the planning commission.

PLANNING COMMISSION RECOMMENDATION: On June 16, 2011, in a unanimous vote, the Farragut Municipal Planning Commission recommended approval of Ordinance 11-10.

PROPOSED MOTION: To approve Ordinance 11-10 as attached.

BOARD ACTION:

MOTION BY:________________________________ **SECONDED BY:**__________________________________

VOTE/TOTAL	ELLIOTT	LAMARCHE	MARKLI	HONKEN	MCGILL
YES	______	______	______	______	______
NO	______	______	______	______	______
ABSTAIN	______	______	______	______	______

ORDINANCE:	**11-10**
PREPARED BY:	**Hawk**
REQUESTED BY:	**David L. McFarland**
CERTIFIED BY FMPC:	**June 16, 2011**
PUBLIC HEARING:	____________________
PUBLISHED IN:	____________________
DATE:	____________________
1ST READING:	____________________
2ND READING:	____________________
PUBLISHED IN:	____________________
DATE:	____________________

AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING CHAPTER 3, SECTION XV. REGIONAL COMMERCIAL DISTRICT (C-2), B., TO ALLOW MOTORIZED WAKEBOARD CABLE SYSTEMS, AS AUTHORIZED PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended as follows:

SECTION 1.

Chapter 3, Section XV. Regional Commercial District (C-2), B., is amended by inserting numerically the following and re-numbering the remaining uses sequentially;

23. Motorized wakeboard cable system provided the following development criteria are met:

    a. The system is installed per the manufacturer's specifications and inspected by the Town;

    b. The motor is electric powered;

    c. The stanchions are fenced or barricaded so as to prevent open access;

    d. The stanchions and cables are removed during the off season; and

e. The stanchions are set back from all structures and property lines a minimum of one (1) foot for each one (1) foot of stanchion height.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

____
Dr. Ralph McGill, Mayor

____
Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of ___________, 2011, with approval recommended.

____
Rita Holladay, Chairman

____
Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

AGENDA NUMBER VI. B. 1 MEETING DATE July 28, 2011

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, CMFO AM

SUBJECT: Ordinance 11-11, ordinance to amend the Capital Investment Program funds for Fiscal Year 2011

INTRODUCTION:

Ordinance 11-11 is an Ordinance to amend the Fiscal Year 2011 Capital Investment Program (CIP) Budget.

BACKGROUND:

The Board approved the FY2011 Budget on June 10, 2010.

DISCUSSION:

Ordinance 11-11 will amend the budget to reflect the following:

CIP-increase of $1,266,727.

McFee Park Phase II – The construction contract for McFee Park Phase II was approved February 25, 2010 for $1,563,477. Since that time there have been 3 changes orders, approved by the board, totaling $13,726.17. Change order no. 1 ($2,367.47) approved June 10, 2010; change order no. 2 ($8,224.45) approved September 9, 2010; change order no. 3 ($3,134.25) approve October 14, 2010.

The remaining $1,253,000 requested are funds for McFee Park Phase II construction that were budgeted in FY2010 but not expended until FY2011, therefore must be appropriated in the FY2011 budget.

The fund balance CIP, after the additional expense, is $5,619,000.

All requests will be funded through the fund balance of the Capital Investment fund.

RECOMMENDATION BY:

Allison Myers, Town Recorder for approval.

PROPOSED MOTION:

To approve Ordinance 11-11 amending Fiscal Year 2011 Budget.

BOARD ACTION:

MOTION BY: ______________________ **SECONDED BY:** ______________________

VOTE/TOTAL	ELLIOTT	HONKEN	LAMARCHE	MARKLI	McGILL
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE	11-11
PREPARED BY	Myers
1ST READING	July 28, 2011
2nd READING	
PUBLISHED IN	
DATE	

AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE AMENDING THE FISCAL YEAR 2010-2011 BUDGET, PASSED BY ORDINANCE 10-10 AND AMENDED BY ORDINANCE 11-06

WHEREAS, the Town of Farragut adopted the fiscal year 2010-11 budget by passage of Ordinance Number 10-10 on June 10, 2010 and amended by Ordinance 11-06 on May 26, 2011; and

WHEREAS, pursuant to the Tennessee State Constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, expenses for the Capital Investment Program will be greater than budgeted; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2010-2011 BUDGET AS FOLLOWS:

SECTION 1. Ordinance Number 10-10 is hereby amended by increasing the appropriated expenditures for the Capital Investment Program by 1,266,727.

SECTION 2. The Board of Mayor and Aldermen authorizes the town recorder to make said changes in the accounting system.

SECTION 3. This ordinance shall take effect after its final passage and publication, the public welfare requiring it.

____

Dr. Ralph McGill, Mayor

____

Allison Myers, Town Recorder

AGENDA NUMBER VI. B. 2 MEETING DATE July 28, 2011

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, CMFO AM

SUBJECT: Ordinance 11-12, ordinance to amend the Capital Investment Program funds for Fiscal Year 2012

INTRODUCTION:

Ordinance 11-12 is an Ordinance to amend the Fiscal Year 2012 Capital Investment Program (CIP) Budget.

BACKGROUND:

The Board approved the FY2012 Budget on June 23, 2011.

DISCUSSION:

Ordinance 11-12 will amend the budget to reflect the following:

CIP-increase of $2,015,761.

McFee Park Phase I $13,959. The lawsuit with the DANCO Company was finalized in May 2011. Final payment to DANCO Company if $13,959 for McFee Park Phase I construction.

Old Stage/Watt Road $336,087. The funds requested were budgeted in FY11 but will be expended in the current fiscal year therefore must be appropriated in the FY12 budget.

Greenway Connectors $81,870. In FY11 $100,000 was budgeted for greenway connectors. Engineering cost of $18,130 was expended in FY11. The project was not completed in FY11 therefore the remaining $81,870 must be appropriated in the FY12 budget expenditures.

Outlet Drive Right-of-Way Acquisition $383,845. In FY11 $550,000 was budgeted for right-of-way on Outlets Drive. Right-of-way cost expended in FY11 was $166,155. The acquisition of property will continue in FY12 therefore the remaining $383,845 must be appropriated in the FY12 budget expenditures.

Farm at Willow Creek Drainage Project, $800,000. In FY11 $800,000 was budgeted for the drainage project at the Farm at Willow Creek. The contract will not be let until FY12 therefore the full amount must be appropriated for FY12.

Farm at Willow Creek Drainage Project $400,000. Due to higher construction cost than estimated an additional $400,000 will be budgeted for the drainage project in the FY12 budget.

The fund balance CIP, after the additional expense, is $4,521,000.

All requests will be funded through the fund balance of the Capital Investment Program Fund.

RECOMMENDATION BY:

Allison Myers, Town Recorder for approval.

PROPOSED MOTION:

To approve Ordinance 11-12 amending Fiscal Year 2012 Budget.

BOARD ACTION:

MOTION BY: ______________________________ **SECONDED BY:** ______________________________

VOTE/TOTAL	**ELLIOTT**	**HONKEN**	**LAMARCHE**	**MARKLI**	**McGILL**
YES	______	______	______	______	______
NO	______	______	______	______	______
ABSTAIN	______	______	______	______	______

ORDINANCE	11-12
PREPARED BY	Myers
1ST READING	July 28, 2011
2nd READING	
PUBLISHED IN	
DATE	

AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE AMENDING THE FISCAL YEAR 2011-2012 BUDGET, PASSED BY ORDINANCE 11-07

WHEREAS, the Town of Farragut adopted the fiscal year 2011-12 budget by passage of Ordinance Number 11-07 on June 23, 2011; and

WHEREAS, pursuant to the Tennessee State Constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, expenses for the Capital Investment Program will be greater than budgeted; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2011-2012 BUDGET AS FOLLOWS:

SECTION 1. Ordinance Number 11-07 is hereby amended by increasing the appropriated expenditures for the Capital Investment Program by 2,015,761.

SECTION 2. The Board of Mayor and Aldermen authorizes the town recorder to make said changes in the accounting system.

SECTION 3. This ordinance shall take effect after its final passage and publication, the public welfare requiring it.

____

Dr. Ralph McGill, Mayor

____

Allison Myers, Town Recorder

AGENDA NUMBER VII.A. MEETING DATE July 28, 2011

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: **Allison Myers, Town Recorder** AM

SUBJECT: Consider Approval of Amendment No. 1 to the TDS Cable Communications Franchise Agreement

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INTRODUCTION: The Town of Farragut signed a cable communications franchise agreement with TDS Telecom June 24, 2004.

DISCUSSION: In Section 13 of the original cable franchise agreement, TDS is to provide the Town with a character generator. A character generator is a hardware and software package used to broadcast Town meetings and display event and meeting information for the local government cable channel 3 within the Town.

After discussions with Jerry Parkerson, TDS Market Manager, it was determined that the best option for the town would be for TDS to issue a one-time payment in the amount of $16,000 to the Town to purchase and maintain a character generator.

The equipment chosen is a Carousel Solo 310, digital signage system. The cost of the unit is $3,950 with maintenance costs of $575 per year. The Town would also be responsible for the repair and/or replacement of the device in the future.

The original agreement and the amendment are attached. Tom Hale, Town Attorney, has reviewed the amendment to Section 13.

FINANCIAL SECTION:

Project: 110-41800-944

Total Budget	Requested Amount	Expenditures to Date	Remaining Amount
$29,550 (including $16,000 from TDS)	$3,950	$0	$25,600

Approved By: A. Myers

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer for approval.

PROPOSED MOTION: To approve Amendment No. 1 to the TDS Cable Communications Franchise Agreement

BOARD ACTION:

MOTION BY: ______________________ **SECONDED BY:** ______________________

VOTE/TOTAL	ELLIOTT	HONKEN	LAMARCHE	MARKLI	MCGILL
YES					
NO					
ABSTAIN					

AMENDMENT NO. 1

This Amendment is to the Cable Communications Franchise Agreement dated June 24, 2004 (the Agreement) between Concord Telephone Exchange, Inc., dba TDS Telecom ("TDS") and the Town of Farragut.

BE IT KNOWN, that for good consideration the parties make the following changes to the Agreement:

Section 13(b) is amended by deleting the first two sentences and inserting the following in lieu thereof:

> Upon execution of this Agreement, TDS shall issue a one-time payment to the Town of Farragut in the amount of $16,000 for its use in purchasing and maintaining for the Term of the Agreement a character generator.

Except as expressly modified herein, all other terms and provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties hereby accept and agree to be bound by the terms and conditions of this Amendment.

ATTEST:	TOWN OF FARRAGUT:
BY:______________________________	BY:______________________________
Town Recorder	Mayor

CONCORD TELEPHONE EXCHANGE, INC.

BY:______________________________

NAME: Jerry R. Parkerson

TITLE: Market Manager

EFFECTIVE DATE:____________________

ATTEST:

BY:______________________________

(b) The installation of trunk and distribution lines, including service drops to subscribers, shall be made underground in areas where both telephone and power lines are underground or are placed underground and the service poles are removed.

Section 12. SERVICE TO GOVERNMENT BUILDINGS. The Grantee shall, upon request therefore, provide and furnish without charge to all public educational institutions and governmental buildings within the Service Area and within 150 feet of Grantee's existing distribution cable, one (1) service outlet. The institutions shall be entitled to receive, free of charge, the Grantee's basic cable television service.

Section 13. GOVERNMENT CHANNEL.

(a) Subject to the provisions set forth in Section 13, the Grantee shall provide one (1) access channel within 180 days after the commencement of commercial operations for governmental access use by the Town. The Grantee may use and program the governmental access channel ("G Channel") for its own commercial or leased access purposes unless or until the Town provides Grantee with three (3) months advance written notice of its intent to commence programming on such G Channel, at which time Grantee shall retain the right to use and program the G Channel for its own commercial or leased access purposes to the extent that such G Channel is not being used by the Town. Thereafter, the Town must provide the Grantee with three (3) months advance written notice of each successive instance of the Town's intent to commence additional programming on such G Channel.

(b) The Grantee shall provide the Town with a character generator within thirty (30) days receipt of a written request for the use of such equipment. Grantee shall provide continuing maintenance for the equipment contemplated in this Section for the term of this Agreement. Subject to the provisions set forth in this Section 13, the Grantee shall provide the Town a means of insertion on the G-Channel of any taped or live-feed programming that the Town provides to Grantee.

Section 14. PARENTAL CONTROL DEVICES. The Grantee shall at all times have available parental control devices for the purpose of controlling premium television programming on individual subscriber television set. The Grantee shall have the right to charge reasonable fees for the use of such devices.

Section 15. CONSTRUCTION STANDARDS.

(a) Grantee shall construct, install, operate and maintain the Cable System in a manner consistent with all laws, ordinances, construction standards, governmental requirements and the construction and operational standards contained in this Agreement.

(b) All installation and maintenance of electronic equipment shall be of a permanent nature, durable and installed in accordance with the applicable sections of the National Electric Safety Code, the National Electrical Code of the National Bureau of Fire Underwriters and all state and local codes, where applicable.

AGENDA NUMBER VII. B. MEETING DATE July 28, 2011

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Consideration of Bids for Project 2011-12, Farm at Willow Creek Drainage Project

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INTRODUCTION: The purpose of this agenda item is consideration of bids received for Contract 2011-12, Farm at Willow Creek Drainage Project.

BACKGROUND: In August of 2010, the Board entered into an agreement with Freeman Webb that outlines participation in the costs of this project, with Freeman Webb agreeing to provide $300,000 to supplement the cashed letters of credit ($165,000), plus one half of any costs between $465,000 and $750,000. All other costs are to be borne by the Town. The intent of this project is the replacement of approximately 1100 linear feet of failed metal pipe in the Farm at Willow Creek Subdivision. Originally, our plans also included the installation of a synthetic liner in the pond (which serves only as a subdivision amenity). However, all qualified bids received on May 16 were higher than our budgeted $800,000, and were rejected. In order to lower the overall cost, it was decided that we should re-bid the project and remove the pond liner from the scope of work. Unfortunately, our lowest bid (from Blalock & Sons, Inc.) from the second round (held on July 6) was still well above our $800,000 budget. Blalock & Sons bid $1,125,000.00, and APAC Atlantic bid $1,339,450.00 (see attached bid forms).

FINANCIAL SECTION:

Project:

Total Budget	Contract Amount	Remaining Amount
$1,200,000.00	$1,125,000	$75,000

Approved By:____________________

RECOMMENDATION BY: Darryl Smith, Town Engineer, for award of Contract 2011-12 to Blalock and Sons, Inc. for their low bid of $1,125,000.

PROPOSED MOTION: Award of Contract 2011-12 to Blalock and Sons, Inc., for $1,125,000.00

BOARD ACTION:
MOTION BY:____________________ **SECONDED BY:**____________________

VOTE/TOTAL	MCGILL	LAMARCHE	HONKEN	MARKLI	ELLIOTT
YES					
NO					
ABSTAIN					

BID FORM (PAGE 1 of 2)

DESCRIPTION	QNTY	UNIT PRICE	TOTAL PRICE
Storm Drain Replacement (Per Scope of Work on page 19)	1 LS	$1,125,000.00	$1,125,000.00
TOTAL BASE BID	$1,125,000.00 (Lump Sum)		

Listed Below are items (not to be included in Total Lump Sum Bid) to be considered as "ADD ALTERNATES" in the event that sinkhole repairs become necessary during construction operations. If encountered, these unit prices will be the basis for additional work as directed by the Town Engineer.

Unit Prices (If Needed):		
Graded Solid Rock (Varying from 18" to 36")	TON	$50.00
No. 57 Stone	TON	$30.00
3000 psi Concrete	CY	$450.00
Type IV Geotextile (TDOT Item No. 740-10.01)	SY	$5.00
Flowable Fill	CY	$175.00

NOTE: If a sinkhole is encountered, the cost of excavating to the throat and disposing of spoil material shall be included in the above listed unit prices for "ADD ALTERNATES".

In submitting this Bid, the bidder recognizes that the right is reserved by the Town of Farragut to accept the Total Bid or any part, to negotiate with any Bidder, waive any formalities in the bidding, or to reject any or all bids.

Name and Address of Bidder: Charles Blalock & Sons, Inc.
P.O. Box 4750
Sevierville, TN 37864

Telephone 865-453-2808

BID FORM (PAGE 1 of 2)

DESCRIPTION	QNTY	UNIT PRICE	TOTAL PRICE
Storm Drain Replacement (Per Scope of Work on page 19)	1 LS	$ 1,339,450.00	$ 1,339,450.00
TOTAL BASE BID	$ ONE MILLION THREE HUNDRED THIRTY NINE THOUSAND FOUR HUNDRED FIFTY DOLLARS + NO CENTS (Lump Sum)		

Listed Below are items (not to be included in Total Lump Sum Bid) to be considered as "ADD ALTERNATES" in the event that sinkhole repairs become necessary during construction operations. If encountered, these unit prices will be the basis for additional work as directed by the Town Engineer.

Unit Prices (If Needed):		
Graded Solid Rock (Varying from 18" to 36")	TON	$ 60.00
No. 57 Stone	TON	$ 33.00
3000 psi Concrete	CY	$ 330.00
Type IV Geotextile (TDOT Item No. 740-10.01)	SY	$ 14.80
Flowable Fill	CY	$ 180.00

NOTE: If a sinkhole is encountered, the cost of excavating to the throat and disposing of spoil material shall be included in the above listed unit prices for "ADD ALTERNATES".

In submitting this Bid, the bidder recognizes that the right is reserved by the Town of Farragut to accept the Total Bid or any part, to negotiate with any Bidder, waive any formalities in the bidding, or to reject any or all bids.

Name and Address of Bidder: APAC ATLANTIC INC
4817 RUTLEDGE PIKE
KNOXVILLE, TN 37914

Telephone 865-546-3173

TOWN OF FARRAGUT

RESOLUTION 2011-08

A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, APPROVING AND ADOPTING THE MAJORITY VOTE REFERENDUM PROCESS FOR THE SECTION 218 AGREEMENT AND ELECTION INTO SOCIAL SECURITY COVERAGE

WHEREAS, Tennessee Code Annotated Section 8-38-101 *et seq.*, as amended, established procedures whereby members of retirement system(s) in political subdivisions of the State of Tennessee may obtain Social Security coverage; and

WHEREAS, The Town of Farragut desires to offer Social Security coverage to such eligible employees; and

WHEREAS, the Board of Mayor and Aldermen of The Town of Farragut at its meeting held on July 28, 2011, adopted the following resolutions, in accordance with Section 218 of the Social Security Act, as adopted by the State of Tennessee (the "Tennessee Section 218 Agreement"), and Tennessee Code Annotated § 8-38-101 *et seq.*;

NOW THEREFORE, be it resolved that Board of Mayor and Aldermen of The Town of Farragut does hereby adopt the following resolutions:

Section 1. It is hereby declared to be the policy and purpose of The Town of Farragut to extend the provisions of Tennessee Code Annotated Section 8-38-101 *et seq.* as set forth in the Tennessee Section 218 Agreement to its eligible employees and to give such eligible employees the opportunity to elect to be covered by and participate in Social Security coverage pursuant to a Majority Vote Social Security Referendum.

Section 2. In pursuance of such policy, the Board of Mayor and Aldermen of The Town of Farragut requests that the Tennessee State Agency, as defined in Tenn. Code Ann. § 8-38-101, conduct a Majority Vote Social Security Referendum, under Section 218(d) of the Social Security Act, for its eligible employees. The Majority Vote Social Security Referendum will be conducted pursuant to applicable State and Federal laws and regulations for the purpose of allowing eligible employees the option of paying the Social Security tax. The Town of Farragut will participate with the Tennessee State Agency in the conduct of the Majority Vote Social Security Referendum in accordance with the Tennessee Section 218 Agreement.

Section 3. If the majority vote is affirmative in the Majority Vote Social Security Referendum to participate in Social Security, The Town of Farragut shall enter into a Section

218 Agreement with the Tennessee State Agency to effectuate the results of the Majority Vote Social Security Referendum.

Section 4. If the majority vote is affirmative in the Majority Vote Social Security Referendum to participate in Social Security, the coverage of eligible employees shall be effective as of the earliest date permitted by the Tennessee Section 218 Agreement or other date agreed upon between the Board of Mayor and Aldermen of The Town of Farragut and the Tennessee State Agency in such Tennessee Section 218 Agreement.

Section 5. Withholdings from salaries or wages of eligible employees are hereby authorized to be made in the amounts and at such times as may be required by applicable State and Federal laws and regulations, and shall be paid to the Internal Revenue Service, in such amounts and at such times as are designated in IRS Code Sections 3121(b)(7)(E) and 3126.

Section 6. Employer contributions shall be paid from amounts appropriated for such purposes to the Internal Revenue Service in accordance with applicable Federal laws.

Section 7. The Town of Farragut shall take such other and further actions, enter into such agreements and documents, and maintain such records and submit such reports as may be required by applicable State and Federal laws or regulations and/or as may be required or necessary to effectuate this resolution and the results of the Majority Vote Social Security Referendum.

Section 8. This resolution shall take effect and be in full force from and after its passage.

Now, therefore, be it resolved this 28th day of July, 2011.

____

Dr. Ralph McGill, Mayor

ATTEST:

____

Allison Myers, Town Recorder

CERTIFICATION:

I, Dr. Ralph McGill, Mayor of The Town of Farragut, do hereby certify that the foregoing is a true and correct copy of the resolution passed by the Board of Mayor and Aldermen of the Town of Farragut on the 28th day of July, 2011.

____

Dr. Ralph McGill, Mayor

TOWN OF FARRAGUT

RESOLUTION 2011-08

A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, APPROVING AND ADOPTING THE DIVIDED VOTE REFERENDUM PROCESS FOR THE SECTION 218 AGREEMENT AND ELECTION INTO SOCIAL SECURITY COVERAGE

WHEREAS, Tennessee Code Annotated Section 8-38-101 *et seq.*, as amended, established procedures whereby members of retirement system(s) in political subdivisions of the State of Tennessee may obtain Social Security coverage; and

WHEREAS, The Town of Farragut desires to offer Social Security coverage to such eligible employees; and

WHEREAS, the Board of Mayor and Aldermen of The Town of Farragut at its meeting held on July 28, 2011, adopted the following resolutions, in accordance with Section 218 of the Social Security Act, as adopted by the State of Tennessee (the "Tennessee Section 218 Agreement"), and Tennessee Code Annotated § 8-38-101 *et seq.*;

NOW THEREFORE, be it resolved that Board of Mayor and Aldermen of The Town of Farragut does hereby adopt the following resolutions:

Section 1. It is hereby declared to be the policy and purpose of The Town of Farragut to extend the provisions of Tennessee Code Annotated Section 8-38-101 *et seq.* as set forth in the Tennessee Section 218 Agreement to its eligible employees and to give such eligible employees the opportunity to elect to be covered by and participate in Social Security coverage pursuant to a Divided Vote Social Security Referendum.

Section 2. In pursuance of such policy, the Board of Mayor and Aldermen of The Town of Farragut requests that the Tennessee State Agency, as defined in Tenn. Code Ann. § 8-38-101, conduct a Divided Vote Social Security Referendum, under Section 218(d)(6) of the Social Security Act, for its eligible employees. The Divided Vote Social Security Referendum will be conducted pursuant to applicable State and Federal laws and regulations for the purpose of allowing eligible employees the option of paying the Social Security tax. The Town of Farragut will participate with the Tennessee State Agency in the conduct of the Divided Vote Social Security Referendum in accordance with the Tennessee Section 218 Agreement.

Section 3. For those eligible employees who elect affirmatively in the Divided Vote Social Security Referendum to participate in Social Security, The Town of Farragut shall enter into a Section 218 Agreement with the Tennessee State Agency to effectuate the results of the Divided Vote Social Security Referendum.

Section 4. The coverage of eligible employees for the employees who elect affirmatively in the Divided Vote Social Security Referendum to participate in Social Security shall be effective as of the earliest date permitted by the Tennessee Section 218 Agreement or other date agreed upon between the Board of Mayor and Aldermen of The Town of Farragut and the Tennessee State Agency in such Tennessee Section 218 Agreement.

Section 5. Withholdings from salaries or wages of eligible employees who elected affirmatively in the Divided Vote Social Security Referendum to participate in Social Security are hereby authorized to be made in the amounts and at such times as may be required by applicable State and Federal laws and regulations, and shall be paid to the Internal Revenue Service, in such amounts and at such times as are designated in IRS Code Sections 3121(b)(7)(E) and 3126.

Section 6. Employer contributions shall be paid from amounts appropriated for such purposes to the Internal Revenue Service in accordance with applicable Federal laws.

Section 7. The Town of Farragut shall take such other and further actions, enter into such agreements and documents, and maintain such records and submit such reports as may be required by applicable State and Federal laws or regulations and/or as may be required or necessary to effectuate this resolution and the results of the Divided Vote Social Security Referendum.

Section 8. This resolution shall take effect and be in full force from and after its passage.

Now, therefore, be it resolved this 28th day of July, 2011.

Dr. Ralph McGill, Mayor

ATTEST:

Allison Myers, Town Recorder

CERTIFICATION:

I, Dr. Ralph McGill, Mayor of The Town of Farragut, do hereby certify that the foregoing is a true and correct copy of the resolution passed by the Board of Mayor and Aldermen of the Town of Farragut on the 28th day of July, 2011.

Dr. Ralph McGill, Mayor

AGENDA NUMBER VII.D. MEETING DATE July 28, 2011

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator DS

SUBJECT: Approval of Town of Farragut Entrance Signage

INTRODUCTION: The purpose of this agenda item is to approve the final wording for signage to be placed at several entrances into the Town of Farragut

DISCUSSION: The Board of Mayor and Aldermen have already approved a design concept for the physical look of the signs that will be placed at the various entrances into Farragut. As part of this agenda item, the Board is being asked to approve the final wording that will be placed on the signage so that staff can begin ordering the signs for production.

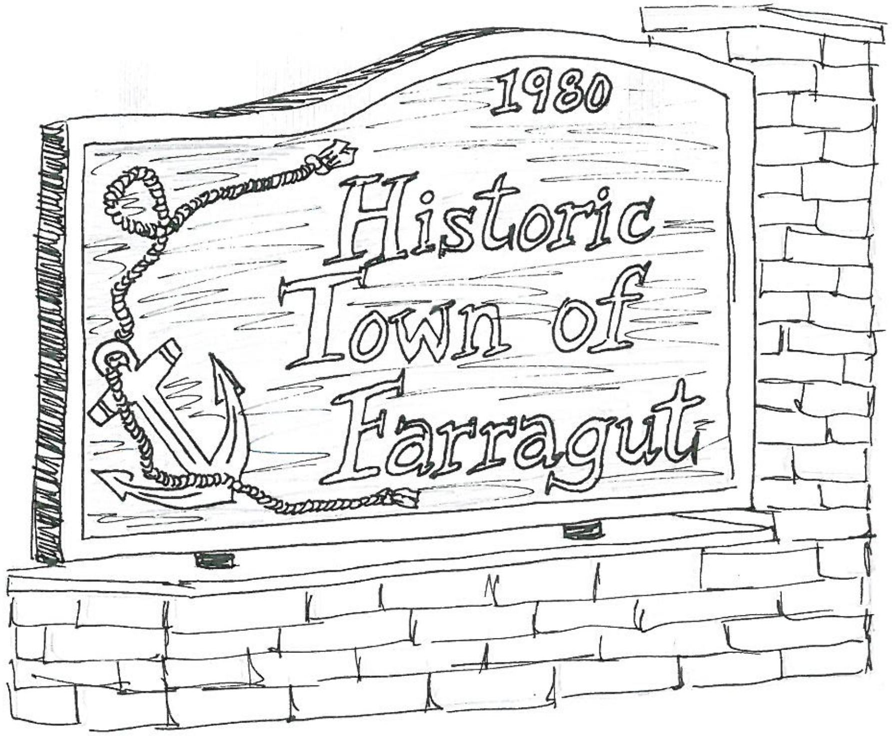
There are two concepts as discussed at the BMA workshop on June 23, 2011 attached to this report. These can be amended or changed depending on final approval by the Board.

PROPOSED MOTION: To approve the final wording for the Town of Farragut entrance signs.

BOARD ACTION:

MOTION BY: ______________________ **SECONDED BY:** ______________________

VOTE/TOTAL	ELLIOTT	LAMARCHE	MARKLI	HONKEN	MCGILL
YES					
NO					
ABSTAIN					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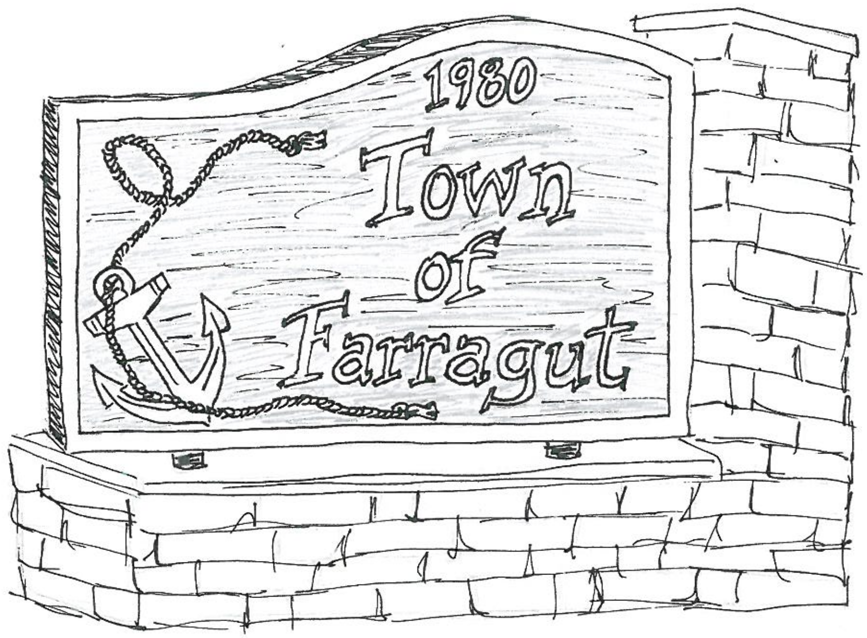
Historic
Town of
Farragut


1980
Town
of
Farragut