

MINUTES

FARRAGUT BOARD OF MAYOR AND ALDERMEN

October 27, 2011

RETIREMENT WORKSHOP

6:15 PM

BEER BOARD MEETING

(see Beer Board Agenda)

6:55 PM

BMA MEETING

7:00 PM

I. Silent Prayer, Pledge of Allegiance, Roll Call

II. Approval of Agenda

III. Mayor's Report

IV. Citizens Forum

V. Approval of Minutes

- A. October 13, 2011

VI. Ordinances

- A. Ordinance 11-21, requests to amend the text of the Farragut Zoning Ordinance, Chapter 2. Definitions, to define "medical spa", Chapter 3. Specific District Regulations, to permit medical spas in commercial and office zoning districts (Stacey M. Handel, Applicant)
- B. Ordinance 11-24, ordinance to amend the Farragut Municipal Code, Title 8, Alcoholic Beverages, Chapter 2, Beer

VII. Business Items

- A. Approval of Change Order #1, Contract 2011-12, Farm at Willow Creek
- B. Approval of Revised Stormwater Drainage Policy
- C. Approval of Resolution R-2011-09, Approval of suspending the issuance of special event permits during the "Shop Farragut" program
- D. Approval of Memorandum of Understanding between Town of Farragut and the Farragut Business Alliance
- E. Consideration of a request to reconstruct a retaining wall located at 11421 Turkey Creek Road that is located within the Town of Farragut's right of way

VIII. Town Administrator's Report

IX. Attorney's Report

The Farragut Board of Mayor and Aldermen met in regular session on Thursday, October 27, 2011 at 7:00 p.m.

Present were Aldermen Elliott, LaMarche and Markli, Mayor McGill and Alderman Honken were absent.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Alderman Markli, seconded by Alderman Elliott; voting yes, Aldermen Elliott, LaMarche and Markli; Mayor McGill and Alderman Honken were absent; no nays, motion passed.

Approval of Minutes

Motion was made to approve the minutes of October 13, 2011 as presented. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Aldermen Elliott, LaMarche and Markli; Mayor McGill and Alderman Honken were absent; no nays, motion passed.

Ordinances

Ordinance 11-21, request to amend the text of the Farragut Zoning Ordinance, Chapter 2.

Definitions, to define "medical spa", Chapter 3. Specific District Regulations, to permit medical spas in commercial and office zoning districts (Stacey M. Handel, Applicant)

Motion was made to approve Ordinance 11-21 on first reading. Moved by Alderman Markli, seconded by Alderman Elliott; voting yes, Aldermen Elliott, LaMarche and Markli; Mayor McGill and Alderman Honken were absent; no nays, motion passed.

Ordinance 11-24, ordinance to amend the Farragut Municipal Code, Title 8, Alcoholic Beverages, Chapter 2, Beer

Motion was made to approve Ordinance 11-24 on first reading. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Aldermen Elliott, LaMarche and Markli; Mayor McGill and Alderman Honken were absent; no nays, motion passed.

Business Items

Approval of Change Order #1, Contract 2011-12, Farm at Willow Creek

Motion was made to approve Change Order #1, Contract 2011-12, Farm at Willow Creek, in the amount of \$19,546.90. Moved by Alderman Elliott, seconded by Alderman LaMarche; voting yes, Aldermen Elliott, LaMarche and Markli; Mayor McGill and Alderman Honken were absent; no nays, motion passed.

Approval of Revised Stormwater Drainage Policy

Motion was made to approve the Revised Stormwater Drainage Policy as presented. Moved by Alderman Elliott, seconded by Alderman LaMarche; voting yes, Aldermen Elliott, LaMarche and Markli; Mayor McGill and Alderman Honken were absent; no nays, motion passed.

Approval of Resolution R-2011-09, Approval of suspending the issuance of special event permits during the "Shop Farragut" program

Motion was made to approve Resolution R-2011-09, Approval of suspending the issuance of special event permits during the "Shop Farragut" program from November 5 - January 14, 2012. Moved by Alderman LaMarche, seconded by Alderman Markli; voting yes, Aldermen Elliott, LaMarche and Markli; Mayor McGill and Alderman Honken were absent; no nays, motion passed.

Approval of Memorandum of Understanding between Town of Farragut and the Farragut Business Alliance

Motion was made to approve the Memorandum of Understanding between Town of Farragut and the Farragut Business Alliance. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Aldermen Elliott, LaMarche and Markli; Mayor McGill and Alderman Honken were absent; no nays, motion passed.

The agreement is for five years with a decreasing financial commitment from the Town over the term period of: \$44,000 in FY12 and FY13; \$37,000 in FY14; \$30,000 in FY15; and \$23,000 in FY16. The Town may also terminate this agreement at any time during the term.

Consideration of a request to reconstruct a retaining wall located at 11421 Turkey Creek Road that is located within the Town of Farragut's right of way

Motion was made to approve the conditional easement for the retaining wall located at 11421 Turkey Creek Road, based on the following conditions and authorizing the Mayor to execute such documents as approved by the Town Attorney.

- A. The property owner have a survey prepared that shows the edge of pavement of Turkey Creek Road, the Town's right-of-way, the location of the retaining wall as currently built, and the topographic elevations of the bank of the lake and the elevation below which all construction is controlled by the Tennessee Valley Authority. The survey should show the distances that are generally between each of the foregoing.
- B. If the northern edge of the top of the retaining wall encroaches into the Town's right-of-way is found to be equal to or less than eighteen inches along any portion of its entire length, then a conditional easement be granted provided that it contains the following provisions and the following characteristics:
 1. Be in recordable form so that it runs with the land such that it will be binding on future owners, as well as the current owner.
 2. Require the owner to install a guardrail between the curb and the top of the retaining wall based on specifications determined by the Town Engineer.
 3. Be subject to termination by the Town in the event that (1) the right-of-way needs to be widened or the Town has some other public need that the Town Engineer determines cannot reasonably be met without removal of the wall, or (2) the presence of the wall presents an obstacle to the extension, movement, expansion or installation of utilities by utility providers, and the Town Engineer, after consultation with the utility provider and property owner, cannot determine a reasonable way to accommodate the needs of the utility provider without removing the retaining wall.
 4. In the event of termination, or if some modification to the wall is required in order to avoid termination and removal of the wall, the property owner shall remove or modify, as the case may be, the retaining wall at it(s) or their own expense and, in the event of removal, either (1) restore the portion of the lot to the south of Turkey Creek Road to the slope required by the regulations of the Town, or (2) submit plans to reconstruct the retaining wall on the lot pursuant to and in accordance with the then existing regulations of the Town.
 5. Contain the agreement of the property owner to indemnify, defend and hold the Town harmless from any losses, claims, etc. by any person or entity that alleges that the cause of the loss, etc. was caused by or the result of the presence of the retaining wall or the guardrail in the location where it will be.
 6. Contain the agreement by the property owner to maintain in full force and effect

liability insurance in an amount of not less than one million dollars, to list the Town of Farragut as an additional insured on such policy and to always maintain on file with the Town evidence of such insurance and the fact that the Town is listed as an additional insured.

The form of the conditional easement with the foregoing terms shall be prepared to the satisfaction of the Town Attorney, who will consult in its preparation with the Town Administrator and the attorney for the property owner. The Mayor should be authorized to sign the document upon its form being satisfactory to the Town Attorney so long as it contains the foregoing provisions, and any others that the Board may require as a condition of its approval.

The Town of Farragut zoning ordinance provides for a ten (10) foot setback of a retaining wall from a right of way. Therefore the property owner must also return to the Board of Zoning Appeals to obtain a variance from the ten (10) foot setback requirement.

Moved by Alderman LaMarche, seconded by Alderman Markli; voting yes, Aldermen Elliott, LaMarche and Markli; Mayor McGill and Alderman Honken were absent; no nays, motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that the Freaky Friday event would be held at Mayor Bob Leonard Park from 5-7 PM October 28.

Meeting adjourned at 8:15 PM.

Mary Dorothy LaMarche, Vice-Mayor

Allison Myers, Town Recorder