

A G E N D A
FARRAGUT BOARD OF MAYOR AND ALDERMEN
FEBRUARY 9, 2012

RETIREMENT WORKSHOP
6:00 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. January 26, 2012
- VI. Business Items**
 - A. Approval of FY2012 Mid-Year Committee Appointments to the Beautification Committee, Arts Council and Visual Resources Review Board
 - B. Approval of Resolutions R-2012-03 and Resolution R-2012-04, adopting both a 401(k) and 457 employee retirement plan.
 - C. Consideration of possible agreement regarding the Farm at Willow Creek
 - D. Discussion and Consideration of legal options regarding McBride v Town of Farragut
- VII. Ordinances**
 - A. First Reading**
 - 1. **Ordinance 12-02**, ordinance to amend the Farragut Zoning Ordinance, Chapter 3. Section XII. General Commercial District (C-1) and Section XV. Regional Commercial District (C-2), to clarify similar uses established by the Board of Zoning Appeals
 - 2. **Ordinance 12-03**, ordinance to amend the Farragut Zoning Ordinance, Chapter 3. Specific District Regulations, to clarify entrance pillars are considered subdivision walls as established by the Board of Zoning Appeals
 - 3. **Ordinance 12-04**, ordinance to amend Title 20. Miscellaneous, Chapter 2. Celebratory Gatherings, Concerts, Parades, Races, Demonstrations, Public Assemblies, Block Parties and Picketing, of the Farragut Municipal Code, to add Community Events and to Clarify Sign Requirements, Review Time Line, Exemptions and Applicability
- VIII. Town Administrator's Report**
- IX. Attorney's Report**

VI. A.

FY2012 Mid-Year Committee Appointment

Arts Council Unlimited 2-year terms Kimberly Pack 1 _____ 2/3 of membership must be Town Residents Must attend 70% of scheduled meetings	Beautification Committee 5 Positions Available 2-year terms (10 members) Marianne McGill 1 _____ 2/3 of membership must be Town Residents Must attend 70% of scheduled meetings	Visual Resources Review Board 6 Positions Available 2-year terms (9 members) Tyler Mallison 1 _____ Must be a Town resident
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TOWN OF FARRAGUT CITIZEN BOARD/COMMITTEE APPLICATION

Name William Tyler Mallison

Address 11736 Weathervane Drive Zip 37934

Home Phone 865-806-1159 Business Phone 865-574-1273

Fax _____ E-mail wtymal@gmail.com

Occupation Engineer

Education BS – Civil Engineering and MS – Nuclear Engineering (finishing MS this December 2011)

Why would you like to serve on a Town of Farragut committee (attach resume or additional information if desired):

I recently served on a jury for a capital murder case. I served as jury foreman and truly felt that I helped lead the group through some difficult issues. The experience left me with a good feeling that I have not been able to obtain from my profession. I genuinely felt like I helped out the community, and I would like to get that feeling on a normal basis. I have a gift for working well within a team, no matter the differing backgrounds or personalities.

Indicate which Committee you are interested in serving:

- ☐ Arts Council
- ☐ Board of Plumbing & Gas/Mechanical Examiners
- ☒ 1st Board of Zoning Appeals (BZA)
- ☐ Beautification Committee
- ☐ Economic Development Committee
- ☐ Folklife Museum Committee
- ☐ Knox County Schools Education Relations Committee
- ☒ 3rd Parks & Athletics Council
- ☐ Personnel Committee
- ☐ Stormwater Advisory Committee
- ☒ 2nd Visual Resources Review Board (VRRB)

I give my permission to the Town of Farragut to use my likeness on the web and/or Town publications. I have read and understand the Code of Ethics Ordinance and the applicable committee charter, ordinance or and/or by-laws.

Signature [Signature] Date 09/20/11

Please sign, date and return to:

Farragut Town Hall, 11408 Municipal Center Drive, Farragut, TN 37934

Fax: 675-2096 or scan/e-mail to pam.hall@townoffarragut.org



TOWN OF FARRAGUT CITIZEN BOARD/COMMITTEE APPLICATION

Name MARIANNE MCGILL
Address 305 SUGARWOOD DR. Zip 37934
Home Phone 966-3512 ^{cell} Business Phone 919-5490
Fax 615-8266 E-mail maravon@charterh.net
Occupation HALLMARK CARD SPECIALIST (PART TIME)
Education B.A. SOCIOLOGY

Why would you like to serve on a Town of Farragut committee (attach resume or additional information if desired):

*I served on the beautification board for the Shelly Jwp (Mich.)
Women's Club + felt it was a great contribution to that
community + feel the same concerning Farragut,*

- Indicate which Committee you are interested in serving:
- ☐ Arts Council
 - ☐ Board of Plumbing & Gas/Mechanical Examiners
 - ☐ Board of Zoning Appeals (BZA)
 - ☒ Beautification Committee
 - ☐ Economic Development Committee
 - ☐ Folklife Museum Committee
 - ☐ Knox County Schools Education Relations Committee
 - ☐ Parks & Athletics Council
 - ☐ Personnel Committee
 - ☐ Stormwater Advisory Committee
 - ☐ Visual Resources Review Board (VRRB)

I give my permission to the Town of Farragut to use my likeness on the web and/or Town publications. I have read and understand the Code of Ethics Ordinance and the applicable committee charter, ordinance or and/or by-laws.

Signature Marianne R. McGill Date 11/8/11

Please sign, date and return to:
Farragut Town Hall, 11408 Municipal Center Drive, Farragut, TN 37934
Fax: 675-2096 or scan/e-mail to pam.hall@townoffarragut.org



RECEIVED

NOV 17 2011

TOWN OF FARRAGUT

TOWN OF FARRAGUT CITIZEN BOARD/COMMITTEE APPLICATION

Name KIMBERLY PACK

Address 529 EVERETT RD KNOX TN Zip 37934

Home Phone 675 3894 ^{CELL} Business Phone 405 4074

Fax _____ E-mail greenjellybean@tds.net

Occupation PHOTOGRAPHER / TEXTILE ARTIST

Education BA FROM UNIV OF TENNESSEE, KNOX TN

Why would you like to serve on a Town of Farragut committee (attach resume or additional information if desired):

VERY MUCH WANT TO KEEP THE ARTS ALIVE IN
OUR COMMUNITY BY CONTRIBUTING ART OF MY OWN

Indicate which Committee you are interested in serving:

☒

Arts Council

☐

Board of Plumbing & Gas/Mechanical Examiners

☐

Board of Zoning Appeals (BZA)

☐

Beautification Committee

☐

Economic Development Committee

☐

Folklife Museum Committee

☐

Knox County Schools Education Relations Committee

☐

Parks & Athletics Council

☐

Personnel Committee

☐

Stormwater Advisory Committee

☐

Visual Resources Review Board (VRRB)

AS WELL AS BRINGING IT
TO THOSE UP & COMING ARTISTS -
YOUNG & OLD!

I give my permission to the Town of Farragut to use my likeness on the web and/or Town publications. I have read and understand the Code of Ethics Ordinance and the applicable committee charter, ordinance or and/or by-laws.

Signature [Signature] Date 11/17/11

Please sign, date and return to:

Farragut Town Hall, 11408 Municipal Center Drive, Farragut, TN 37934

Fax: 675-2096 or scan/e-mail to pam.hall@townoffarragut.org

Kimberly Dobbins Pack



Photography Editor and Stylist

529 Everett Road • Farragut, Tennessee 37934

tel: 865-405-4074

lovenestmonster@gmail.com

Highlights of Qualifications

Photo professional with over 14 years of work experience in the field

Experience in photo selection, photo research, acquisition of rights and photo archiving

Passionate about photography, fine art, its history and technique

Detail-oriented, dependable, self-motivated, creative, industrious

iStock photographer

Etsy.com merchant

Employment History:

Kimberly Pack Photography *ongoing*

Corporate and agency clients in various fields including: Healthcare, Utilities, Retail, Packaging, Marketing for Cable Television, Portraiture, Print, Food and Food Styling

Scripps Networks Interactive

Photo Editor (contract: 2008-2009)

Photography (freelance: 2004-2009)

Charles Brooks Photography *1995-1997*

Photography Studio Manager and Stylist

Asset Management

Education:

University of Tennessee

Bachelor of Arts: Photography

(studied under Baldwin Lee)

Honors and Recognition:

American Advertising Federation: Awards, multiple "Addys" for Photography / Textiles

Public Relations Society of America (PRSA): Bronze Anvil (highest honor) - Shelton Group: Self Promotion

International Biscuit Festival 2010: Best in Category "Most Creative" / Best in Show

Computer Literacy

Mac OS X

Adobe PhotoShop

Adobe Bridge

Microsoft Word and Excel

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Janet Curry, Human Resources Manager

SUBJECT: Approval of Resolution R-2012-03 and Resolution R-2012-04, adopting both a 401(k) and 457 employee retirement plan.

INTRODUCTION: A Request for Proposals (RFP) was published on December 10, 2011. Four submittals were received. The State of Tennessee also presented the State employees 401(k) and 457 Deferred Compensation Plans which have recently become available to local government.

BACKGROUND: On April 28, 2011, the Board voted to implement a new retirement plan. The retirement plan includes joining Social Security and implementing a dollar-for-dollar match up to 4% of employee gross wages in a 401 type plan with an enhanced 401 plan matching option based upon service. The Social Security Divided Vote Referendum is February 21, 2012. The Town has offered a 401 (a) and a 457 retirement plan through the International City Manager's Association (ICMA) since 1984. Employees pay all fees associated with the 401(a) and 457 plans. In order to protect employee's interest and possibly improve employee education, the RFP was published.

DISCUSSION: A Committee of two staff members and a member of the Personnel Committee evaluated the four submittals. Recently, the State of Tennessee passed T.C. A. Section 8-25-111(a) which allows municipal governments to participate in the State sponsored 401(k) and 457 retirement plans. The State completed the necessary plan documents in January of this year. The State's plan document is written in such a manner that it addresses the special needs of the Town regarding the two 401(k) plans that will be needed following the Social Security vote (for those employees that opt in and out of Social Security). Therefore, the Committee included the State plan in their deliberations.

The Committee evaluated the submittals on the following evaluation factors: organization, plan sponsor services, employee services, investment management, conversion timeliness, and fees. The State's fees were found to be significantly less than the other submittals. The State representative, Ms. Kaci Lantz, assured the Town that employee education is readily available both on line and in person. Additionally, both plans can be implemented in March, 2012. The Committee recommended the State of Tennessee plan to the Town Administrator.

FINANCIAL SECTION: All fees, for both the 401(a) and 457 plans, are paid by the employees; therefore, there are no Town funds spent.

RECOMMENDATION BY: Based upon the RFP Committee's input, Town Administrator David Smoak and Human Resources Manager Janet Curry recommend approval of Resolutions R-2012-03 and R-2012-04, adopting the State of Tennessee's 401(k) and 457 Plans.

PROPOSED MOTION:

Approval of Resolution R-2012-03 and Resolution R-2012-04, adopting the State of Tennessee 401(k) and 457 Retirement Plans for employees of the Town of Farragut.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>ELLIOTT</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>HONKEN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

STATE OF TENNESSEE

DEFERRED COMPENSATION PLAN II

- 401(k) -

RESOLUTION AND

PARTICIPATING EMPLOYER AGREEMENT

Town of Farragut

[Participating Employer]

Administered by:
Treasurer, State of Tennessee
502 Deaderick Street, 10th Floor
Andrew Jackson State Office Building
Nashville, Tennessee 37243
Telephone: 615-741-7063

RESOLUTION

WHEREAS, the Town of Farragut of Farragut, Tennessee (hereinafter referred to as the "Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a 401(k) defined contribution plan, funded by employee deferrals and, if elected pursuant to Section N, Q, or HH of the Participating Employer Agreement, employer contributions;

WHEREAS, Tennessee Code Annotated, Section 8-25-111(a) allows a Tennessee local governmental entity to participate in the State of Tennessee's 401(k) defined contribution plan subject to the approval of the Chair of the Tennessee Consolidated Retirement System (hereinafter referred to as the "Chair");

WHEREAS, the liability for participation and the costs of administration shall be the sole responsibility of the Employer and/or its employees, and not the State of Tennessee;

WHEREAS, the Employer has also determined that it wishes to encourage employees' saving for retirement;

WHEREAS, the Employer has reviewed the State of Tennessee Deferred Compensation Plan II Adoption Agreement for a Section 401(k) Cash or Deferred Arrangement for Governmental Employers, as adopted by the State of Tennessee, as amended and restated effective January 1, 2010, as amended December 21, 2010, and as amended by Amendment Number Two dated January 4, 2012, as well as the Section 401(k) Cash or Deferred Arrangement for Governmental Employer Basic Plan Document (collectively known as the "Plan" or "Plan Document");

WHEREAS, the Employer wishes to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Employer is eligible to become a Participating Employer in the Plan, pursuant to Article XX of the Plan Document;

WHEREAS, the Employer is concurrently executing a Participating Employer Agreement for the Plan; and

WHEREAS, the Board of Mayor and Aldermen ("Governing Authority") of the Employer is authorized by law to adopt this resolution approving the Participating Employer Agreement on behalf of the Employer;

NOW, THEREFORE, the Governing Authority of the Employer hereby resolves:

1. The Employer adopts the Plan Document for its Employees; provided, however, that for the purpose of the Plan, the Employer shall be deemed to have designated irrevocably the Chair as its agent, except as otherwise specifically provided herein or in the Participating Employer Agreement.

2. The Employer acknowledges that the Plan does not cover, and the Trustees of the Plan ("Trustees") have no responsibility for, other employee benefit plans maintained by the Employer.
3. The Employer acknowledges that it may not provide employer contributions to the Plan on behalf of any of its employees that exceed three percent (3%) of the respective employees' salary if the employees are members of the Tennessee Consolidated Retirement System or of any other retirement program financed from public funds whereby such employees obtain or accrue pensions or retirement benefits based upon the same period of service to the Employer.
4. The Employer hereby adopts the terms of the Participating Employer Agreement, which is attached hereto and made a part of this resolution. The Participating Employer Agreement (a) permits all employees of the respective entity to make elective deferrals; (b) sets forth the Employees to be covered pursuant to Section N, Q, or HH of the Participating Employer Agreement for employer contributions, if any; (c) outlines the benefits to be provided by the Participating Employer under the Plan; and, (d) states any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participating Employer Agreement, so long as the amendment is not inconsistent with the Plan, the Internal Revenue Code ("hereinafter known as the 'Code' "), Tennessee law, or other applicable law and is approved by the Chair.
5. The Chair may amend the Plan on behalf of all Employers, including those Employers who have adopted the Plan prior to a restatement or amendment of the Plan, for changes in the Code, the regulations thereunder, Tennessee law, revenue rulings, other statements published by the Internal Revenue Service ("IRS"), including model, sample, or other required good faith amendments, and for other reasons that are deemed at the Chair's sole discretion to be in the interest of the Plan. These amendments shall be automatically applicable to all Employers.
6. The Chair will maintain, or will have maintained, a record of the Employers and will make reasonable and diligent efforts to ensure that Employers have received all Plan amendments.
7. The Employer shall abide by the terms of the Plan, including amendments to the Plan and Trust made by the Chair, all investment, administrative, and other service agreements of the Plan, and all applicable provisions of the Code, Tennessee law, and other applicable law.
8. The Employer accepts the administrative services to be provided by the Tennessee Treasury Department and any services provided by Plan vendors. The Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts and/or charged to the Employer.

9. Subject to the provisions of Section 20.06 of the Plan, the Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements pursuant to the Plan, if it takes the following actions:
 - a. A resolution must be adopted by the Governing Authority of the Employer terminating the Employer's participation in the Plan.
 - b. The resolution must specify the proposed date when the participation will end, which must be at least six calendar months after notice to the Chair and the Employer's employees.
 - c. The Chair shall (i) determine whether the resolution complies with the Plan, and all applicable federal and state laws, (ii) determine an appropriate effective date, and (iii) provide appropriate forms to terminate ongoing participation. Distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan Document.
 - d. Once the Chair determines the appropriate effective date, the Employer shall immediately notify all its Employees participating in the Plan of the termination and the effective date thereof.
 - e. The Chair can, in the Chair's sole discretion, reduce the six month notice and withdrawal period to a shorter period if the Employer so requests, but in no event shall the period be less than three months.
10. The Employer acknowledges that the Plan Document contains provisions for Plan termination by the Trustees, subject to applicable Tennessee law.
11. The Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan and subject to the vesting provisions of the Plan. All contributions to the Plan must be timely transferred by the Employer to the Trust Fund pursuant to and in the manner provided by the Chair. The Employer acknowledges that if the Employer fails to remit the requisite contributions in a timely manner, the Chair reserves the right, at the Chair's sole discretion, to terminate the Employer's participation in the Plan. In such event, the Chair shall notify the Employer of the effective termination date, and the

Employer shall immediately notify all its employees participating in the Plan of the termination and the effective date thereof. Notwithstanding the foregoing, the Employer acknowledges that it is the sole responsibility of the Employer to remit the requisite reports and contributions to the Plan and that neither the State, the Chair, the Trustees, its employees, or agents shall have any responsibility or liability for ensuring or otherwise monitoring that this is done. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

12. The Employer agrees to offer and enroll only those persons, whether appointed, elected, or under contract, wherein an employee-employer relationship is established, providing service to the Employer for which compensation is paid by the Employer.
13. The Employer understands that IRS rules and Tennessee law limit participation in the Plan to governmental entities and their respective employees. The Employer will notify the Chair in writing within ten (10) calendar days if it ceases to be a governmental entity under applicable federal or Tennessee law, and/or if it discovers that it is transferring or having transferred employee deferrals and/or employer contributions to the Plan on behalf of an individual who does not meet the requirements in Paragraph 12 above.
14. The Employer acknowledges that the Chair and other Trustees are the fiduciaries of the Plan and have sole and exclusive authority to interpret the Plan and decide all claims and appeals for Plan benefits. The Employer agrees to abide by the Chair's decisions on all matters involving the Plan.
15. This resolution and the Participating Employer Agreement shall be submitted to the Chair for approval. The Chair shall determine whether the resolution and the Agreement comply with the Plan, and, if they do, shall provide appropriate forms to the Employer to implement participation in the Plan. The Chair may refuse to approve a Participating Employer Agreement executed by an Employer that, in the Chair's sole discretion, does not qualify to participate in the Plan.
16. The Governing Authority hereby acknowledges that it is responsible to assure that this resolution and the Participating Employer Agreement are adopted and executed in accordance with the requirements of applicable law.

Adopted by the Governing Authority on February 9th, 2012, in accordance with applicable law.

By: _____
Signature

Printed Name

Title

Attest: _____

Date: _____

[Governing Authority must assure that applicable law is followed in the adoption and execution of this resolution.]

TENNESSEE STATE
EMPLOYEES DEFERRED COMPENSATION
PLAN AND TRUST
- 457(b)
RESOLUTION AND
PARTICIPATING EMPLOYER AGREEMENT

Town of Ferragut
[Participating Employer]

Administered by:
Treasurer, State of Tennessee
502 Deaderick Street, 9th Floor
Andrew Jackson State Office Building
Nashville, Tennessee 37243
Telephone: 615-532-2347

RESOLUTION

WHEREAS, the Town of Farragut of Farragut, Tennessee (hereinafter referred to as the "Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a governmental 457(b) deferred compensation plan, funded by employee deferrals and, if elected pursuant to Section I and/or K of the Participating Employer Agreement, employer contributions;

WHEREAS, Tennessee Code Annotated, Section 8-25-111(a) allows a Tennessee local governmental entity to participate in the State of Tennessee's 457(b) deferred compensation plan subject to the approval of the Chair of the Tennessee Consolidated Retirement System (hereinafter referred to as the "Chair");

WHEREAS, the liability for participation and the costs of administration shall be the sole responsibility of the Employer and/or its employees, and not the State of Tennessee;

WHEREAS, the Employer has also determined that it wishes to encourage employees' saving for retirement;

WHEREAS, the Employer has reviewed the Tennessee State Employees Deferred Compensation Plan and Trust Adoption Agreement for a Section 457(b) Eligible Deferred Compensation Plan for Governmental Employers, as adopted by the State of Tennessee, as amended and restated effective December 22, 2010, and as amended by Amendment Number One signed December 22, 2010, and Amendment Number Two signed _____, 2012, as well as the Section 457(b) Eligible Deferred Compensation Plan for Governmental Employer Basic Plan Document (collectively known as the "Plan" or "Plan Document");

WHEREAS, the Employer wishes to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Employer is eligible to become a Participating Employer in the Plan, pursuant to Article XVII of the Plan Document;

WHEREAS, the Employer is concurrently executing a Participating Employer Agreement for the Plan; and

WHEREAS, the Board of Mayor and Aldermen ("Governing Authority") of the Employer is authorized by law to adopt this resolution approving the Participating Employer Agreement on behalf of the Employer;

NOW, THEREFORE, the Governing Authority of the Employer hereby resolves:

1. The Employer adopts the Plan Document for its Employees; provided, however, that for the purpose of the Plan, the Employer shall be deemed to have designated irrevocably the Chair as its agent, except as otherwise specifically provided herein or in the Participating Employer Agreement.
2. The Employer acknowledges that the Plan does not cover, and the Trustees of the Plan ("Trustees") have no responsibility for, other employee benefit plans maintained by the Employer.
3. The Employer acknowledges that it may not provide employer contributions to the Plan on behalf of any of its employees that exceed three percent (3%) of the respective employees' salary if the employees are

members of the Tennessee Consolidated Retirement System or of any other retirement program financed from public funds whereby such employees obtain or accrue pensions or retirement benefits based upon the same period of service to the Employer.

4. The Employer hereby adopts the terms of the Participating Employer Agreement, which is attached hereto and made a part of this resolution. The Participating Employer Agreement (a) permits all employees of the respective entity to make elective deferrals; (b) sets forth the Employees to be covered pursuant to Section I and/or K of the Participating Employer Agreement for employer contributions, if any; (c) outlines the benefits to be provided by the Participating Employer under the Plan; and, (d) states any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participating Employer Agreement, so long as the amendment is not inconsistent with the Plan, the Internal Revenue Code ("hereinafter known as the 'Code' "), Tennessee law, or other applicable law and is approved by the Chair.
5. The Chair may amend the Plan on behalf of all Employers, including those Employers who have adopted the Plan prior to a restatement or amendment of the Plan, for changes in the Code, the regulations thereunder, Tennessee law, revenue rulings, other statements published by the Internal Revenue Service ("IRS"), including model, sample, or other required good faith amendments, and for other reasons that are deemed at the Chair's sole discretion to be in the interest of the Plan. These amendments shall be automatically applicable to all Employers.
6. The Chair will maintain, or will have maintained, a record of the Employers and will make reasonable and diligent efforts to ensure that Employers have received all Plan amendments.
7. The Employer shall abide by the terms of the Plan, including amendments to the Plan and Trust made by the Chair, all investment, administrative, and other service agreements of the Plan, and all applicable provisions of the Code, Tennessee law, and other applicable law.
8. The Employer accepts the administrative services to be provided by the Tennessee Treasury Department and any services provided by Plan vendors. The Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' Accounts and/or charged to the Employer.
9. Subject to the provisions of Section 17.06 of the Plan, the Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements pursuant to the Plan, if it takes the following actions:
 - a. A resolution must be adopted by the Governing Authority of the Employer terminating the Employer's participation in the Plan.
 - b. The resolution must specify the proposed date when the participation will end, which must be at least six calendar months after notice to the Chair and the Employer's employees.
 - c. The Chair shall (i) determine whether the resolution complies with the Plan, and all applicable federal and state laws, (ii) determine an appropriate effective date, and (iii)

provide appropriate forms to terminate ongoing participation. Distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan Document.

- d. Once the Chair determines the appropriate effective date, the Employer shall immediately notify all its Employees participating in the Plan of the termination and the effective date thereof.
 - e. The Chair can, in the Chair's sole discretion, reduce the six month notice and withdrawal period to a shorter period if the Employer so requests, but in no event shall the period be less than three months.
10. The Employer acknowledges that the Plan Document contains provisions for Plan termination by the Trustees, subject to applicable Tennessee law.
11. The Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be timely transferred by the Employer to the Trust Fund pursuant to and in the manner provided by the Chair. The Employer acknowledges that if the Employer fails to remit the requisite contributions in a timely manner, the Chair reserves the right, at the Chair's sole discretion, to terminate the Employer's participation in the Plan. In such event, the Chair shall notify the Employer of the effective termination date, and the Employer shall immediately notify all its employees participating in the Plan of the termination and the effective date thereof. Notwithstanding the foregoing, the Employer acknowledges that it is the sole responsibility of the Employer to remit the requisite reports and contributions to the Plan and that neither the State, the Chair, the Trustees, its employees, or agents shall have any responsibility or liability for ensuring or otherwise monitoring that this is done. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.
12. The Employer agrees to offer and enroll only those persons, whether appointed, elected, or under contract, wherein an employee-employer relationship is established, providing service to the Employer for which compensation is paid by the Employer.
13. The Employer understands that IRS rules and Tennessee law limit participation in the Plan to governmental entities and their respective employees. The Employer will notify the Chair in writing within ten (10) calendar days if it ceases to be a governmental entity under applicable federal or Tennessee law, and/or if it discovers that it is transferring or having transferred employee deferrals and/or employer contributions to the Plan on behalf of an individual who does not meet the requirements in Paragraph 12 above.

14. The Employer acknowledges that the Chair and other Trustees are the fiduciaries of the Plan and have sole and exclusive authority to interpret the Plan and decide all claims and appeals for Plan benefits. The Employer agrees to abide by the Chair's decisions on all matters involving the Plan.
15. This resolution and the Participating Employer Agreement shall be submitted to the Chair for approval. The Chair shall determine whether the resolution and the Agreement comply with the Plan, and, if they do, shall provide appropriate forms to the Employer to implement participation in the Plan. The Chair may refuse to approve a Participating Employer Agreement executed by an Employer that, in the Chair's sole discretion, does not qualify to participate in the Plan.
16. The Governing Authority hereby acknowledges that it is responsible to assure that this resolution and the Participating Employer Agreement are adopted and executed in accordance with the requirements of applicable law.

Adopted by the Governing Authority on _____, _____, in accordance with applicable law.

By: _____
Signature

Printed Name

Title

Attest: _____

Date: _____

[Governing Authority must assure that applicable law is followed in the adoption and execution of this resolution.]

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 12-02, ordinance on 1st reading to amend the Farragut Zoning Ordinance, Chapter 3. Section XII. General Commercial District (C-1) and Section XV. Regional Commercial District (C-2), to clarify similar uses established by the Board of Zoning Appeals

INTRODUCTION: This is a staff initiated amendment to the Zoning Ordinance.

Per Section XII. General Commercial District (C-1) and Section XV. Regional Commercial District (C-2), there are several uses specifically permitted that are generally defined with examples, but then clarified by stating "other similar uses as determined by the Board of Zoning Appeals".

DISCUSSION: Over the years the Board of Zoning Appeals (BZA) has made several "similar uses" determinations. The determinations were based on whether the use was similar to the other uses identified as being allowed.

The following are the use determinations that have been made by the BZA:

[current text]: Commercial greenhouses, nurseries, and other similar uses as determined by the Board of Zoning Appeals provided the following development criteria are met:

BZA determination: The outdoor storage and sale of mulch and other landscaping related materials is NOT similar to a greenhouse or a nursery

[current text]: Miniature golf courses, golf courses, driving ranges, batting cages, tennis courts, swimming pools, skating/skateboard facilities, and other similar non-motorized recreational facilities as determined by the Board of Zoning Appeals provided the following development criteria are met:

BZA determination: Inflatable playground structures are a similar use
Paintball facilities are a similar use

The planning commission agreed with the determinations regarding the outdoor storage and sale of mulch and other landscaping related materials and paintball facilities. It was decided that inflatable playground structures should not be permitted, which was contrary to the BZA ruling. Sir Goony's received approval for the inflatable structures and installed them last summer. Such structures are seasonal and they were removed for the season, but Mr. Stringfield, Sir Goony's owner, has no intent for the structures to be removed permanently. He will be re-installing them this spring. The inflatable playground structures at Sir Goony's, therefore, are grandfathered and this action does not affect them.

Attached please find a copy of Ordinance 12-02. It is written to expressly prohibit the outdoor storage and sale of mulch and other landscaping related materials and inflatable playground structures. It was written to expressly permit paintball facilities.

PROFESSIONAL RECOMMENDATION: Community Development Director, Ruth Hawk, recommends approval of Ordinance 12-02.

PLANNING COMMISSION RECOMMENDATION: On January 19, 2012, in a unanimous vote, the Farragut Municipal Planning Commission recommended approval of Ordinance 12-02.

PROPOSED MOTION: To approve Ordinance 12-02 as attached.

BOARD ACTION:

MOTION BY: _____ **SECONDED**

BY: _____

<u>VOTE/TOTAL</u>	<u>ELLIOTT</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>HONKEN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	12-02
PREPARED BY:	Hawk
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	January 19, 2012
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 XII. GENERAL COMMERCIAL DISTRICT (C-1) AND SECTION XV. REGIONAL COMMERCIAL DISTRICT (C-2), TO CLARIFY SIMILAR USES ESTABLISHED BY THE BOARD OF ZONING APPEALS, 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 XII. General Commercial District (C-1), B., 12., is amended by inserting the following and re-alphabetizing the remaining conditions in alphabetical order:

- d. The outdoor storage and/or sale of mulch and other landscaping related materials is permitted as accessory to commercial greenhouses and nurseries, but not permitted as stand alone businesses.

SECTION 2.

Chapter 3, Section XII. General Commercial District (C-1), B., 22., is amended by deleting the introductory paragraph in its entirety and substituting in lieu thereof the following:

ORDINANCE 12-02

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22. Outdoor recreational facilities such as miniature golf courses, golf courses, driving ranges, batting cages, tennis courts, swimming pools, skating/skateboard facilities, paintball facilities, and other similar non-motorized recreational facilities as determined by the Board of Zoning Appeals. Seasonal inflatable playground structures shall not be considered a similar non-motorized recreational facility. The following development criteria shall be met:

SECTION 3.

Chapter 3, Section XV. Regional Commercial District (C-2), B., 12., is amended by inserting the following and re-alphabetizing the remaining conditions in alphabetical order:

- d. The outdoor storage and/or sale of mulch and other landscaping related materials is permitted as accessory to commercial greenhouses and nurseries, but not permitted as stand alone businesses.

SECTION 4.

Chapter 3, Section XV. Regional Commercial District (C-2), B., 22., is amended by deleting the introductory paragraph in its entirety and substituting in lieu thereof the following:

22. Outdoor recreational facilities such as miniature golf courses, golf courses, driving ranges, batting cages, tennis courts, swimming pools, skating/skateboard facilities, paintball facilities, and other similar non-motorized recreational facilities as determined by the Board of Zoning Appeals. Seasonal inflatable playground structures shall not be considered a similar non-motorized recreational facility. The following development criteria shall be met:

SECTION 5.

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

Dr. Ralph McGill, Mayor

ORDINANCE 12-02

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Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____,
2012, with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 12-03, ordinance on 1st reading to amend the Farragut Zoning Ordinance, Chapter 3. Specific District Regulations, to clarify entrance pillars are considered subdivision walls as established by the Board of Zoning Appeals

INTRODUCTION: This is a staff initiated amendment to the Zoning Ordinance text.

Per Chapter 4., Section II. Administration and Enforcement of the Zoning Ordinance and per Tennessee Code Annotated 13-7-109, one of the responsibilities of the Board of Zoning Appeals (BZA) is to hear and decide appeals where it is alleged by the appellant that there is an error in any interpretation of the ordinance. These types of appeals do not come up often, but one of the decisions made by the BZA was that entrance pillars are considered a subdivision wall and must meet the same requirements established in the ordinance for subdivision walls.

DISCUSSION: In the various residential district regulations, front yard setbacks are established for subdivision walls. The BZA determined that pillars are to be considered subdivision walls, and therefore, are to meet the same setback requirements. The following zoning districts establish separate setback requirements for subdivision walls:

- Section III. Rural Single-Family Residential District (R-1)
- Section IV. Open Space Mixed Residential Overlay District (OSMR)
- Section V. Rural Single-Family Acre Residential District (R-1-S-A)
- Section VI. General Single-Family Residential District (R-2)
- Section VII. Open Space Residential Overlay District (OSR)
- Section VIII. Small Lot Single-Family Residential District (R-3)
- Section IX. Attached Single-Family Residential District (R-4)
- Section X. Two-Family Residential District (R-5)
- Section XI. Multi-Family Residential District (R-6)

Staff is proposing that each of these districts be amended to add "entrance pillars" and clarify their front yard setback requirement of ten (10) feet. The ten foot setback was established in the ordinance so as to keep structures out of the ten foot utility, drainage, and construction easements.

Following is a copy of Section III. Rural Single-Family Residential District (R-1), D. Area Regulations, 1. Front Yard. For the most part, this wording is identical in all the residential zoning districts. Staff is recommending that the Zoning Ordinance be amended to incorporate the words in "red" in each of the affected zoning districts.

Area regulations.

1.

Front yard. All structures, excluding fences, detention basin structures, subdivision walls, entrance pillars, landscaping structures, and certain utility structures, shall be set back from the nearest point of any right-of-way a minimum of thirty-five (35) feet, except as provided for elsewhere in this ordinance or the Municipal Code. Detention basin structures, subdivision walls, entrance pillars, and landscaping structures shall be set back from the nearest point of any right-of-way a minimum of ten (10) feet. Electrical substations, utility offices, or any other utility building shall meet the front yard setback requirements.

Attached please find a copy of Ordinance 12-03. Ordinance 12-03 incorporates the term “entrance pillars” in all the above referenced zoning districts as illustrated in the R-1 example above.

PROFESSIONAL RECOMMENDATION: Community Development Director, Ruth Hawk, recommends approval of Ordinance 12-03.

PLANNING COMMISSION RECOMMENDATION: On January 19, 2012, in a unanimous vote, the Farragut Municipal Planning Commission recommended approval of Ordinance 12-03.

PROPOSED MOTION: To approve Ordinance 12-03 as attached.

BOARD ACTION:

MOTION BY: _____ **SECONDED**

BY: _____

<u>VOTE/TOTAL</u>	<u>ELLIOTT</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>HONKEN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	12-03
PREPARED BY:	Hawk
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	January 19, 2012
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 III. RURAL SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1), SECTION IV. OPEN SPACE MIXED RESIDENTIAL OVERLAY DISTRICT (OSMR), SECTION V. RURAL SINGLE-FAMILY ACRE RESIDENTIAL DISTRICT (R-1-S-A), SECTION VI. GENERAL SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2), SECTION VII. OPEN SPACE RESIDENTIAL OVERLAY DISTRICT (OSR), SECTION VIII. SMALL LOT SINGLE-FAMILY RESIDENTIAL DISTRICT (R-3), SECTION IX. ATTACHED SINGLE-FAMILY RESIDENTIAL DISTRICT (R-4), SECTION XX. TWO-FAMILY RESIDENTIAL DISTRICT (R-5), AND SECTION XI. MULTI-FAMILY RESIDENTIAL DISTRICT (R-6), TO CLARIFY ENTRANCE PILLARS ARE CONSIDERED THE SAME AS SUBDIVISION WALLS FOR SETBACK PURPOSES, 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 III. Rural Single-Family Residential District (R-1), D. Area Regulations, 1. Front Yard, is amended by deleting it in its entirety and substituting in lieu thereof the following:

1. Front Yard

All structures, excluding fences, detention basin structures, subdivision walls, entrance pillars, landscaping structures, and certain utility structures, shall be set back from the nearest point of any right-of-way a minimum of thirty-five (35) feet, except as provided for elsewhere in this ordinance or the Municipal Code. Detention basin structures, subdivision walls, entrance pillars, and landscaping structures shall be set back from the nearest point of any right-of-way a minimum of ten (10) feet. Electrical substations, utility offices, or any other utility building shall meet the front yard setback requirements.

SECTION 2.

Chapter 3, Section IV. Open Space Mixed Residential Overlay District (OSMR), E. Area Regulations, 1. Front Yard Setbacks, e., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- e. All accessory structures, excluding fences, detention basin structures, subdivision walls, retaining walls, entrance pillars, and certain utility structures, shall be set back from the nearest point of any right-of-way a minimum of twenty (20) feet, except as provided for elsewhere in this ordinance or the Municipal Code. Detention basin structures, subdivision walls, retaining walls, and entrance pillars shall be set back from the nearest point of any right-of-way a minimum of ten (10) feet. Electrical substations or any other utility building or structure shall meet the front yard setback requirements.

SECTION 3.

Chapter 3, Section V. Rural Single-Family Acre residential District (R-1-S-A), D. Area Regulations, 1. Front Yard, is amended by deleting it in its entirety and substituting in lieu thereof the following:

- 1. Front Yard

All structures, excluding fences, detention basin structures, subdivision walls, entrance pillars, and certain utility structures, shall be set back from the nearest point of any right-of-way a minimum of thirty-five (35) feet, except as provided for elsewhere in this ordinance or the Municipal Code. Detention basin structures, subdivision walls, and entrance pillars shall be set back from the nearest point of any right-of-way a minimum of ten (10) feet. Electrical substations, utility offices, or any other utility building shall meet the front yard setback requirements.

SECTION 4.

Chapter 3, Section VI. General Single-Family Residential District (R-2), D. Area Regulations, 1. Front Yard, is amended by deleting it in its entirety and substituting in lieu thereof the following:

1. Front Yard

All structures, excluding fences, detention basin structures, subdivision walls, entrance pillars, landscaping structures, and certain utility structures, shall be set back from the nearest point of any right-of-way a minimum of thirty (30) feet, except as provided for elsewhere in this ordinance or the Municipal Code.

Detention basin structures, subdivision walls, entrance pillars, and landscaping structures shall be set back from the nearest point of any right-of-way a minimum of ten (10) feet. Electrical substations, utility offices, or any other utility building shall meet the front yard setback requirements.

SECTION 5.

Chapter 3, Section VII. Open Space Residential Overlay District (OSR), E. Area Regulations, 1. Front Yard Setbacks, e., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- e. All accessory structures, excluding fences, detention basin structures, subdivision walls, entrance pillars, and certain utility structures, shall be set back from the nearest point of any right-of-way a minimum of twenty (20) feet, except as provided for elsewhere in this ordinance or the Municipal Code. Detention basin structures, subdivision walls, and entrance pillars shall be set back from the nearest point of any right-of-way a minimum of ten (10) feet. Electrical substations, utility offices, or any other utility building shall meet the front yard setback requirements.

SECTION 6.

Chapter 3, Section VIII. Small Lot Single-Family Residential District (R-3), D. Area Regulations, 1. Front Yard, f., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- f. All accessory structures, excluding fences, detention basin structures, subdivision walls, entrance pillars, and certain utility structures, shall be set back from the nearest point of any right-of-way a minimum of twenty-five (25) feet, except as provided for elsewhere in this ordinance or the Municipal Code. Detention basin structures, subdivision walls, and entrance pillars shall be set back from the nearest point of any right-of-way a minimum of ten (10) feet. Electrical substations, utility offices, or any other utility building shall meet the front yard setback requirements.

SECTION 7.

Chapter 3, Section IX. Attached Single-Family Residential District (R-4), D. Area Regulations, 1. Setback Requirements, f., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- f. All accessory structures, excluding fences, subdivision walls, entrance pillars, and certain utility structures, shall be set back a minimum of twenty-five (25) feet, except as provided for elsewhere in this ordinance or the Municipal Code. Subdivision walls and entrance pillars shall be set back a minimum of ten (10) feet. Electrical substations, utility offices, or any other utility building shall meet the front yard setback requirements.

SECTION 8.

Chapter 3, Section X. Two-Family Residential District (R-5), D. Area Regulations, 1. Front Yard, f., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- f. All accessory structures, excluding fences, detention basin structures, subdivision walls, entrance pillars, and certain utility structures, shall be set back from the nearest point of any right-of-way a minimum of twenty-five (25) feet, except as provided for elsewhere in this ordinance or the Municipal Code. Detention basin structures, subdivision walls, and entrance pillars shall be set back from the nearest point of any right-of-way a minimum of ten (10) feet. Electrical substations, utility offices, or any other utility building shall meet the front yard setback requirements.

SECTION 9.

Chapter 3, Section XI. Multi-Family Residential District (R-6), D. Area Regulations, 1. Front Yard, c., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- c. All non-agricultural accessory structures, excluding fences, detention basin structures, subdivision walls, entrance pillars, and certain utility structures, shall be located outside any required buffer strips and shall be set back from the nearest point of any property line a minimum of twenty (20) feet, except as provided for elsewhere in this ordinance or the Municipal Code. Detention basin structures, subdivision walls, and entrance pillars shall be set back from the nearest point of any property line a minimum of ten (10) feet. Electrical substations, utility offices, or any other utility building shall meet the front yard setback requirements.

SECTION 10.

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

ORDINANCE 12-03

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Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____,
2012, with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 12-04, ordinance on 1st reading to amend Title 20. Miscellaneous, Chapter 2. Celebratory Gatherings, Concerts, Parades, Races, Demonstrations, Public Assemblies, Block Parties and Picketing, of the Farragut Municipal Code, to add community events and to clarify sign requirements, review time line, exemptions and applicability

INTRODUCTION: This is a staff initiated amendment to the Municipal Code text.

Recently the text of the Farragut Zoning Ordinance, Chapter 4. Section XXIV. Special Events Permit, was amended. Per that ordinance, any entity holding a special event activity on private property is to obtain a Special Events Permit and follow the regulations established in the ordinance. As we discussed at that time, an amendment to the "Celebratory Gatherings Ordinance" [Special Special Event Ordinance] was the next step in the process. The purpose of this amendment is to clarify that the "Celebratory Gatherings Ordinance" applies to applicants using public properties (parks, streets, sidewalks) and all town sponsored/co-sponsored events.

DISCUSSION: The first significant change to this ordinance is that "Community Event" is defined. We define it as "A town sponsored or co-sponsored event that benefits and/or promotes the community". Community events generally are larger scale events that bring large numbers of people to the area. Examples of community events are:

1. A Taste of Farragut
2. The Red, White & Blues Festival
3. Picnic on the Pike
4. The Annual Fall 5K Run

Each of these events are organized by either the Farragut Business Alliance or the Farragut/West Knox Chamber of Commerce and the Town of Farragut.

The second significant change to this ordinance is the addition/clarification of sign requirements. The amendment clarifies that all traffic control signs must comply with the Manual of Uniform Traffic Control Devices (MUTCD). This is necessary since public streets may be affected by the proposed event.

The amendment would also permit Community Events to have a forty (40) square foot sign. The forty (40) square feet is based on our Sign Ordinance requirements which prescribe that ground mounted signs be no larger than forty (40) square feet. This amendment also establishes that all other events

are permitted a twenty (20) square foot sign. The twenty (20) square feet is based on the recently adopted Special Events Permit regulations which provides for a twenty (20) square foot sign. These signs are to be a minimum ten millimeter (10 mm) corrugated plastic and if ground mounted, affixed to studded T-posts.

In addition to the above changes, I have added Authority, Purpose, and Scope sections to the ordinance (Sections 20-201, 20-202 and 20-203). These sections are common preambles to ordinances which clarify the legal establishment of the regulations.

The other changes to the ordinance are primarily formatting related. For example, I have removed all the bullets and assigned the appropriate number/letter address. This change will make it easier when referencing the ordinance in discussion.

Attached please find a marked up copy of the proposed ordinance and a copy of the existing Celebratory Gatherings, Concerts, Parades, Races, Demonstrations, Public Assemblies, Block Parties and Picketing ordinance. The marked up copy highlights the changes to the ordinance. I am including both copies so that you can compare the two ordinances.

Attached please find a copy of Ordinance 12-04.

PROFESSIONAL RECOMMENDATION: Community Development Director, Ruth Hawk, recommends approval of Ordinance 12-04.

PROPOSED MOTION: To approve Ordinance 12-04 as attached.

BOARD ACTION:

MOTION BY: _____ **SECONDED**
BY: _____

<u>VOTE/TOTAL</u>	<u>ELLIOTT</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>HONKEN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE 12-04 - Proposed changes from the existing “Celebratory Gatherings Ordinance” are highlighted

Title 20

Chapter 2. Celebratory Gatherings, Concerts, Parades, Races, Demonstrations, Public Assemblies, Block Parties and Picketing

Section 20-201.	Authority.
Section 20-202.	Purpose.
Section 20-203.	Scope.
Section 20-204.	Definitions.
Section 20-205.	Permit required.
Section 20-206.	Exceptions.
Section 20-207.	Application.
Section 20-208.	Sign requirements.
Section 20-209.	Standards for issuance.
Section 20-210.	Nondiscrimination.
Section 20-211.	Notice of denial of application.
Section 20-212.	Enforcement of other laws.
Section 20-213.	Revocation of permit.

Section 20-201. Authority.

New

This chapter shall be known as the “Celebratory Gatherings Ordinance of the Town of Farragut, Tennessee.” This chapter is adopted under the authority granted to the Town of Farragut through its charter of incorporation, the Mayor-Aldermanic Charter, Section 6-2-201.

Section 20-202. Purpose.

New

The purpose of this chapter is to provide a comprehensive framework for permitting private use of public properties which will promote and carry out the goals and objectives of the Town of Farragut. These regulations are intended to assist in the economic development of the town, but without lessening a quality of life which the citizens of Farragut strive to maintain and improve to the greatest extent possible.

Section 20-203. Scope.

New

This chapter shall regulate community events and the private use of public properties. Nothing contained in this chapter shall relieve a business or organization from the requirements

of obtaining a permit for activities covered under the Zoning Ordinance, Chapter 4, General Provisions and Exceptions, Section XXIV, Special Events Permit.

Sec. 20-204. Definitions.

New

(1) For the purpose of this chapter, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "may" is permissive. Any word or term not defined within the municipal code or in Chapter 2, Definitions, in the Zoning Ordinance, shall be construed to be used in this chapter as defined by the latest edition of Webster's Unabridged Dictionary. Any word or term not defined in the town's ordinance or the latest edition of Webster's Unabridged Dictionary shall have the meaning customarily assigned to them.

(2) The following words and terms are defined as follows:

Block party. A geographically defined outdoor gathering on a public street or portion of a public street which involves the closure or partial closure of a street.

Celebratory gathering. A gathering open to the public for the purpose of celebrating a person, place, holiday, event, and/or entity.

New

Community Event. A town sponsored or co-sponsored event that benefits and/or promotes the community.

Concert. An outdoor event centered around amplified music or speech.

Parade. Any march, procession, race, or motorcade consisting of persons, animals or vehicles, or a combination thereof, upon the streets within the Town that interferes with the normal flow or regulation of traffic upon the streets.

Permit. Permission to operate an event under this chapter which is issued by the Town of Farragut as required by this chapter.

Picketing and pickets. The carrying or displaying of picket signs by one (1) or more persons for the purpose of demonstrating.

Public assembly. Any meeting, demonstration, picket line, rally or gathering of more than twenty (20) persons for a common purpose, that interferes with the normal flow or regulation of pedestrian or vehicular traffic.

Race. Any organized event where participants are physically competing.

Sidewalk. Any public area or way set aside or open to the general public for purposes of

pedestrian traffic.

Street. Any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof, set aside for parking or for purposes of vehicular traffic. For purposes of this chapter, the term street shall include sidewalks.

Sec. 20-205. Permit required.

New

No person or persons shall engage in or conduct a community event unless a permit is issued by the Town Administrator. No person or persons shall engage in or conduct any block party, celebratory gathering, concert, demonstration, parade, picketing, public assembly, race, or any other similar event as determined by the Town Administrator involving the use or disruption of the public right-of-way or other public property within the corporate boundary of the Town of Farragut, unless a permit is issued by the Town Administrator.

Sec. 20-206. Exceptions.

This chapter shall not apply to the following:

- (1) Funeral processions;
- (2) A governmental agency acting within the scope and authority of its functions; and
- (3) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such event, provided that the organizer thereof gives written notice to the Town Administrator's Office at least twenty-four (24) hours prior to such event.

Sec. 20-207. Application.

- (1) A person seeking a permit for an event as defined under this chapter shall complete, sign, and file an application with the Town Administrator or his or her designee, using the application form provided by the Town Administrator's Office.
- (2) An application for a permit shall be filed with the Town Administrator at least thirty (30) calendar days and not more than three hundred sixty-five (365) days before the event is proposed to commence. The Town Administrator may waive the thirty-day filing period and accept an application filed within a shorter period if after due consideration of the date, time, place and nature of the event the anticipated number of participants, and the Town services required in connection with the event, the Town Administrator determines that the waiver will not present a hazard to public safety.

- (3) The application for a permit under this chapter shall include, but not be limited to, the following information:
- (a) General narrative describing and outlining the event;
 - (b) A sketch plan indicating all major elements of the event including:
 - (i) Area designated for the event;
 - (ii) All streets and sidewalks within five hundred (500) feet of the event;
 - (iii) Assembly area for emergency and/or security personnel;
 - (iv) Parking areas;
 - (v) All event signage;
 - (vi) Portable bathroom facilities including location, number, gender designation, and accessibility;
 - (vii) Power distribution location and method (generators, extension cords);
 - (viii) Tent locations (separate permit required by the Fire Marshal);
 - (ix) Barricade locations;
 - (x) Beer distribution area (separate permit required by the Beer Board);
 - (xi) Wine and/or liquor distribution area (check Tennessee Code Annotated: separate permit required);
 - (xii) Pedestrian and vehicular traffic circulation; and
 - (xiii) Any other information deemed necessary by the Town Administrator.
 - (c) The name, address, telephone number, emergency contact number, and e-mail of the person seeking to conduct such an event; who shall be deemed to be in charge of the event and responsible for compliance with the provisions of this chapter;
 - (d) The names, addresses telephone number, and email address/website of the headquarters of the organization for which the event is to be conducted, if any, and the authorized and responsible heads of the organization;
 - (e) The requested date of the event;

- (f) For parades and races, a map separate from the sketch plan, illustrating the route to be traveled, names of affected streets and cross streets, including the starting point and the termination point;
 - (g) The approximate number of persons, animals and vehicles, the type of animals, and a description of the vehicles that will constitute the respective event;
 - (h) The hours when the event will start and terminate to include setup and takedown;
 - (i) The time at which units of the event will begin to assemble at any such area;
 - (j) Statement indicating the method of ensuring the event's safety and security;
 - (k) A description of any recording equipment, sound amplification equipment, and the maximum decibel level of any such sound amplification equipment;
 - (l) The approximate number of participants (spectators are by definition not participants); and
 - (m) Any other information deemed necessary by the Town Administrator or his/her designee and/or public safety personnel.
- (4) At the time of application for permit, the applicant shall provide a certificate of liability insurance indicating the event as insured and naming "the Town of Farragut including its employees and agents" as additionally named insured. The Town of Farragut shall be the certificate holder. The certificate of liability insurance coverage shall be not less than one million dollars (\$1,000,000.00) coverage per event per occurrence. The Town Administrator or his/her designee may decrease the amount of coverage or waive this requirement at his/her discretion.
- (5) Prior to the event, the applicant shall obtain and provide to the Town an irrevocable letter of credit (LOC) from a Tennessee financial institution naming the "Town of Farragut, TN" as the LOC holder. The amount of the LOC will be determined by the Town Administrator or his/her designee, at the time of approval of the event permit, and shall be used to cover any Town related costs resulting from the event. The Town Administrator or his/her designee, shall conduct a post event inspection of the area with the applicant present. Within a time frame determined by the Town Administrator or his/her designee the applicant will be required to address any issues resulting from the event to the satisfaction of the Town. If the applicant fails to address the items listed upon inspection within the allotted time frame, the LOC may be drawn upon to remedy any issues related to the event. Upon approval of the inspection by the Town, the LOC will be released. The Town Administrator or his/her designee may decrease the amount of coverage or waive this requirement at his/her discretion.

Section 20-208. Sign requirements.

New



- (1) All traffic control signs shall comply with the Manual of Uniform Traffic Control Devices (MUTCD).
- (2) All other signs shall comply with the following regulations. Any sign that is not specifically permitted shall be prohibited.
 - (a) Community events
 - (i) There shall be a maximum of one (1) sign per community event not to exceed four (40) square feet. For a two-sided sign, only the area of a single face shall be considered.
 - (ii) For ground mounted signs, the maximum sign height shall be six (6) feet.
 - (iii) All signs shall be a minimum ten millimeter (10 mm) corrugated plastic. Ground mounted signs shall be affixed to studded T-posts. All signs shall be affixed in such a manner that they do not move in the wind.
 - (iv) All signs and any associated support posts shall be removed at the end of the community event.
 - (b) All other events
 - (i) There shall be a maximum of one (1) sign per event not to exceed twenty (20) square feet. For a two-sided sign, only the area of a single face shall be considered.
 - (ii) For ground mounted signs, the maximum sign height shall be six (6) feet.
 - (iii) All signs shall be a minimum ten millimeter (10mm) corrugated plastic. Ground mounted signs shall be affixed to studded T-posts. All signs shall be affixed in such a manner that they do not move in the wind.
 - (iv) All signs and any associated support posts shall be removed at the end of the event.



Sec. 20-209. Standards for issuance.

The Town Administrator or his/her designee may issue a permit when, from consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

- (1) The conduct of the event will not require the diversion of so great a number of Town employees or public safety personnel to properly police the line of movement, and the areas contiguous thereto, as to prevent normal police protection of the Town;
- (2) The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (3) There are sufficient parking places near the beginning/ending of the event to accommodate the number of vehicles reasonably expected;
- (4) No parade, public assembly, or block party permit application for the same time and location has already been granted or has been received and will be granted;
- (5) No event permit application for the same time but different location has already been granted, or has been received and will be granted that by combination thereof will disrupt Town services or unreasonably inhibit traffic circulation. In any case, the police resources required for that event would be so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and
- (6) The reasonable enjoyment of surrounding properties, businesses, and residences will not be disturbed in such a way as to cause an undue, constant nuisance as determined by the Town Administrator and/or public safety personnel.

Sec. 20-210. Nondiscrimination.

The Town Administrator shall uniformly consider each application based upon its merits, and shall not discriminate in granting or denying permits under this chapter based upon political, religious, ethnic, race, disability, sexual orientation or gender-related factors.

Sec. 20-211. Notice of approval/denial of application.

The Town Administrator or his or her designee, shall approve or deny the application within fifteen (15) working days of submittal. If the Town Administrator disapproves the application, he or she shall notify the applicant of the denial and shall state the reasons for that denial.

clarified

Sec. 20-212. Enforcement of other laws.

Was Section 20-105

Nothing contained in this chapter shall prohibit the authority of any officer to arrest a person engaged in any act or activity granted under this article if the conduct of such person violates the laws of the state, provisions of this Code, other ordinances of the Town, or

unreasonably obstructs the public streets and sidewalks of the Town, or if such person engages in acts that cause or would tend to cause a breach of the peace as determined by the Town and/or law enforcement agency of jurisdiction.

Sec. 20-213. Revocation of permit.

The Town Administrator and/or public safety personnel may revoke the permit and terminate all activities related to the event in the interest of public health and safety, or if an extreme public nuisance is generated by the event as determined by the Town Administrator and/or public safety personnel.

Existing Ordinance

MISCELLANEOUS

§ 20-106

CHAPTER 2. CELEBRATORY GATHERINGS, CONCERTS, PARADES, RACES, DEMONSTRATIONS, PUBLIC ASSEMBLIES, BLOCK PARTIES AND PICKETING

Sec. 20-105. Enforcement of other laws.

Nothing contained in this chapter shall prohibit the authority of any officer to arrest a person engaged in any act or activity granted under this article if the conduct of such person violates the laws of the state, provisions of this Code, other ordinances of the Town, or unreasonably obstructs the public streets and sidewalks of the Town, or if such person engages in acts that cause or would tend to cause a breach of the peace as determined by the Town and/or law enforcement agency of jurisdiction. Nothing contained in this chapter shall relieve a business or organization from the requirements of obtaining a permit for activities covered under the Zoning Ordinance, Chapter 4, General Provisions and Exceptions, Section XXIV, Special Events Permit.

(Ord. No. 10-09, § 1, 5-27-2010)

Sec. 20-106. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Block party. A geographically defined outdoor gathering on a public street or portion of a public street which involves the closure or partial closure of a street.

Celebratory gathering. A gathering open to the public for the purpose of celebrating a person, place, holiday, event, and/or entity.

Concert. An outdoor event centered around amplified music or speech.

Event. A celebratory gathering, concert, parade, race, demonstration, public assembly, block party, and picketing; held on private and/or public property, or similar function as determined by the Town Administrator or his/her designee.

Parade. Any march, procession, race, or motorcade consisting of persons, animals or vehicles, or a combination thereof, upon the streets within the Town that interferes with the normal flow or regulation of traffic upon the streets.

Permit. Permission to operate an event under this chapter which is issued by the Town of Farragut as required by this chapter.

Public assembly. Any meeting, demonstration, picket line, rally or gathering of more than twenty (20) persons for a common purpose, that interferes with the normal flow or regulation of pedestrian or vehicular traffic.

Picketing and pickets. The carrying or displaying of picket signs and/or banners by one (1) or more persons for the purpose of demonstrating.

Race. Any organized event where participants are physically competing.

Sidewalk. Any public area or way set aside or open to the general public for purposes of pedestrian traffic.

Street. Any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof, set aside for parking or for purposes of vehicular traffic. For purposes of this chapter, the term street shall include sidewalks.

(Ord. No. 10-09, § 1, 5-27-2010)

Sec. 20-107. Permit required.

No person or persons shall engage in or conduct any celebratory gathering, concert, parade, race, demonstration, public assembly, block party, picketing, or any other related event involving the use or disruption of the public right-of-way within the corporate boundary of the Town of Farragut, unless a permit is issued by the Town Administrator.

(Ord. No. 10-09, § 1, 5-27-2010)

Sec. 20-108. Exceptions.

This chapter shall not apply to the following:

- (1) Funeral processions;
- (2) A governmental agency acting within the scope and authority of its functions; and
- (3) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such event, provided that the organizer thereof gives written notice to the Town Administrator's Office at least twenty-four (24) hours prior to such event.
- (4) Businesses that have been approved for a grand opening or similar business oriented event which are governed under the Zoning Ordinance, Chapter 4, General Provisions and Exceptions, Section XXIV, Special Events Permit.

(Ord. No. 10-09, § 1, 5-27-2010)

Sec. 20-109. Application.

(a) A person seeking a permit for an event as defined under this chapter shall complete, sign, and file an application with the Town Administrator, or his or her designee, using the application form provided by the Town Administrator's Office.

(b) An application for a permit shall be filed with the Town Administrator at least thirty (30) calendar days and not more than three hundred sixty-five (365) days before the event is proposed to commence. The Town Administrator may waive the thirty-day filing period and accept an application filed within a shorter period if after due consideration of the date, time, place and nature of the event the anticipated number of participants, and the Town services required in connection with the event, the Town Administrator determines that the waiver will not present a hazard to public safety.

(c) The application for a permit under this chapter shall include, but not be limited to, the following information:

- General narrative describing and outlining the event;
- A sketch plan indicating all major elements of the event including:
 - Area designated for the event;
 - All streets and sidewalks within five hundred (500) feet of the event;
 - Assembly area for emergency and/or security personnel;
 - Parking areas;
 - All event signage;
 - Portable bathroom facilities:
 - Number, gender designation, and accessibility;
 - Power distribution location and method (generators, extension cords);
 - Tent locations (separate permit required by the Fire Marshal);
 - Barricade locations;
 - Beer distribution area (separate permit required by the Beer Board);
 - Wine and/or liquor distribution area (check TCA: separate permit required);
 - Pedestrian and vehicular traffic circulation;
 - Any other information deemed necessary by the Town Administrator;
- The name, address, telephone number, emergency contact number, and email of the person seeking to conduct such an event; who shall be deemed to be in charge of the event and responsible for compliance with the provisions of this chapter;
- The names, addresses telephone number, and email address/website of the headquarters of the organization for which the event is to be conducted, if any, and the authorized and responsible heads of the organization;
- The requested date of the event;
- For parades and races, a map separate from the sketch plan, illustrating the route to be traveled, names of affected streets and cross streets, including the starting point and the termination point;
- The approximate number of persons, animals and vehicles, the type of animals, and a description of the vehicles that will constitute the respective event;
- The hours when the event will start and terminate to include setup and takedown;
- The time at which units of the event will begin to assemble at any such area;
- Statement indicating the method of ensuring the event's safety and security;
- If the event is designed to be held by, on the property of, or on behalf of any person other

than the applicant, the applicant for such permit shall file an original signed letter from that person with the Town Administrator authorizing the applicant to hold the event and/or apply for the permit on his or her behalf;

- A description of any recording equipment, sound amplification equipment, and a physical description of banners, signs, or other attention-getting devices to be used in connection with the event, and the maximum decibel level of any such sound amplification equipment;
- The approximate number of participants (spectators are by definition not participants);
- Any other information deemed necessary by the Town Administrator or his/her designee and/or public safety personnel.

(d) At the time of application for permit the applicant shall provide a certificate of liability insurance indicating the event as insured and naming "the Town of Farragut including its employees and agents" as additionally named insured. If applicable, the certificate of liability shall include the property owner as additionally named insured. The Town of Farragut shall be the certificate holder. The certificate of liability insurance coverage shall be not less than one million dollars (\$1,000,000.00) coverage per event per occurrence. The Town Administrator or his/her designee may decrease the amount of coverage or waive this requirement at his/her discretion.

(e) Prior to the event, the applicant shall obtain and provide to the Town an irrevocable letter of credit (LOC) from a Tennessee financial institution naming the "Town of Farragut, TN" as the LOC holder. The amount of the LOC will be determined by the Town Administrator, or his/her designee, at the time of approval of the event permit, and shall be used to cover any Town related costs resulting from the event. The Town Administrator, or his/her designee, shall conduct a post event inspection of the area with the applicant present. Within a time frame determined by the Town Administrator or his/her designee the applicant will be required to address any issues resulting from the event to the satisfaction of the Town. If the applicant fails to address the items listed upon inspection within the allotted time frame, the LOC may be drawn upon to remedy any issues related to the event. Upon approval of the inspection by the Town, the LOC will be released. The Town Administrator or his/her designee may decrease the amount of coverage or waive this requirement at his/her discretion.

(Ord. No. 10-09, § 1, 5-27-2010)

Sec. 20-110. Standards for issuance.

(a) The Town Administrator or his/her designee may issue a permit when, from consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

- (1) The conduct of the event will not require the diversion of so great a number of Town employees or public safety personnel to properly police the line of movement, and the areas contiguous thereto, as to prevent normal police protection of the Town;

- (2) The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
 - (3) There are sufficient parking places near the beginning/ending of the event to accommodate the number of vehicles reasonably expected;
 - (4) No parade, public assembly, or block party permit application for the same time and location has already been granted or has been received and will be granted; and
 - (5) No event permit application for the same time but different location has already been granted, or has been received and will be granted that by combination thereof will disrupt Town services or unreasonably inhibit traffic circulation. In any case, the police resources required for that event would be so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property.
 - (6) The reasonable enjoyment of surrounding properties, businesses, and residences will not be disturbed in such a way as to cause an undue, constant nuisance as determined by the Town Administrator and/or public safety personnel.
- (Ord. No. 10-09, § 1, 5-27-2010)

Sec. 20-111. Nondiscrimination.

The Town Administrator shall uniformly consider each application based upon its merits, and shall not discriminate in granting or denying permits under this chapter based upon political, religious, ethnic, race, disability, sexual orientation or gender-related factors.

(Ord. No. 10-09, § 1, 5-27-2010)

Sec. 20-112. Notice of denial of application.

The Town Administrator, or his or her designee, shall act promptly upon an application for a permit filed in a timely manner, but in no event shall grant or deny a permit less than four (4) days prior to the event. If the Town Administrator disapproves the application, he or she shall notify the applicant of the denial prior to the event, and shall state the reasons for that denial.

(Ord. No. 10-09, § 1, 5-27-2010)

Sec. 20-113. Revocation of permit.

The Town Administrator and/or public safety personnel may revoke the permit and terminate all activities related to the event in the interest of public health and safety, or if an extreme public nuisance is generated by the event as determined by the Town Administrator and/or public safety personnel.

(Ord. No. 10-09, § 1, 5-27-2010)

ORDINANCE:	12-04
PREPARED BY:	Hawk
REQUESTED BY:	Staff
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND TITLE 20. MISCELLANEOUS, CHAPTER 2. CELEBRATORY GATHERINGS, CONCERTS, PARADES, RACES, DEMONSTRATIONS, PUBLIC ASSEMBLIES, BLOCK PARTIES AND PICKETING, OF THE FARRAGUT MUNICIPAL CODE, TO ADD COMMUNITY EVENTS AND TO CLARIFY SIGN REQUIREMENTS, REVIEW TIME LINE, EXEMPTIONS AND APPLICABILITY

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Title 20. Miscellaneous, Chapter 2. Celebratory Gatherings, Concerts, Parades, Races, Demonstrations, Public Assemblies, Block Parties and Picketing, of the Farragut Municipal Code,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

The Farragut Municipal Code, Title 20. Miscellaneous, Chapter 2. Celebratory Gatherings, Concerts, Parades, Races, Demonstrations, Public Assemblies, Block Parties and Picketing, is amended by deleting it in its entirety and substituting in lieu thereof the following:

Chapter 2. Celebratory Gatherings, Concerts, Parades, Races, Demonstrations, Public Assemblies, Block Parties and Picketing

Section 20-201.	Authority.
Section 20-202.	Purpose.
Section 20-203.	Scope.
Section 20-204.	Definitions.

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Section 20-205.	Permit required.
Section 20-206.	Exceptions.
Section 20-207.	Application.
Section 20-208.	Sign requirements.
Section 20-209.	Standards for issuance.
Section 20-210.	Nondiscrimination.
Section 20-211.	Notice of denial of application.
Section 20-212.	Enforcement of other laws.
Section 20-213.	Revocation of permit.

Section 20-201. Authority.

This chapter shall be known as the “Celebratory Gatherings Ordinance of the Town of Farragut, Tennessee.” This chapter is adopted under the authority granted to the Town of Farragut through its charter of incorporation, the Mayor-Aldermanic Charter, Section 6-2-201.

Section 20-202. Purpose.

The purpose of this chapter is to provide a comprehensive framework for permitting private use of public properties which will promote and carry out the goals and objectives of the Town of Farragut. These regulations are intended to assist in the economic development of the town, but without lessening a quality of life which the citizens of Farragut strive to maintain and improve to the greatest extent possible.

Section 20-203. Scope.

This chapter shall regulate community events and the private use of public properties. Nothing contained in this chapter shall relieve a business or organization from the requirements of obtaining a permit for activities covered under the Zoning Ordinance, Chapter 4, General Provisions and Exceptions, Section XXIV, Special Events Permit.

Sec. 20-204. Definitions.

- (1) For the purpose of this chapter, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word “shall” is mandatory and not directory; the word “may” is permissive. Any word or term not defined within

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the municipal code or in Chapter 2, Definitions, in the Zoning Ordinance, shall be construed to be used in this chapter as defined by the latest edition of Webster's Unabridged Dictionary. Any word or term not defined in the town's ordinance or the latest edition of Webster's Unabridged Dictionary shall have the meaning customarily assigned to them.

(2) The following words and terms are defined as follows:

Block party. A geographically defined outdoor gathering on a public street or portion of a public street which involves the closure or partial closure of a street.

Celebratory gathering. A gathering open to the public for the purpose of celebrating a person, place, holiday, event, and/or entity.

Community Event. A town sponsored or co-sponsored event that benefits and/or promotes the community.

Concert. An outdoor event centered around amplified music or speech.

Parade. Any march, procession, race, or motorcade consisting of persons, animals or vehicles, or a combination thereof, upon the streets within the Town that interferes with the normal flow or regulation of traffic upon the streets.

Permit. Permission to operate an event under this chapter which is issued by the Town of Farragut as required by this chapter.

Picketing and pickets. The carrying or displaying of picket signs by one (1) or more persons for the purpose of demonstrating.

Public assembly. Any meeting, demonstration, picket line, rally or gathering of more than twenty (20) persons for a common purpose, that interferes with the normal flow or regulation of pedestrian or vehicular traffic.

Race. Any organized event where participants are physically competing.

Sidewalk. Any public area or way set aside or open to the general public for purposes of pedestrian traffic.

Street. Any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof, set aside for parking or for purposes of vehicular traffic. For purposes of this chapter, the term street shall include sidewalks.

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Sec. 20-205. Permit required.

No person or persons shall engage in or conduct a community event unless a permit is issued by the Town Administrator. No person or persons shall engage in or conduct any block party, celebratory gathering, concert, demonstration, parade, picketing, public assembly, race, or any other similar event as determined by the Town Administrator involving the use or disruption of the public right-of-way or other public property within the corporate boundary of the Town of Farragut, unless a permit is issued by the Town Administrator.

Sec. 20-206. Exceptions.

This chapter shall not apply to the following:

- (1) Funeral processions;
- (2) A governmental agency acting within the scope and authority of its functions; and
- (3) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such event, provided that the organizer thereof gives written notice to the Town Administrator's Office at least twenty-four (24) hours prior to such event.

Sec. 20-207. Application.

- (1) A person seeking a permit for an event as defined under this chapter shall complete, sign, and file an application with the Town Administrator or his or her designee, using the application form provided by the Town Administrator's Office.
- (2) An application for a permit shall be filed with the Town Administrator at least thirty (30) calendar days and not more than three hundred sixty-five (365) days before the event is proposed to commence. The Town Administrator may waive the thirty-day filing period and accept an application filed within a shorter period if after due consideration of the date, time, place and nature of the event the anticipated number of participants, and the Town services required in connection with the event, the Town Administrator determines that the waiver will not present a hazard to public safety.
- (3) The application for a permit under this chapter shall include, but not be limited to, the following information:
 - (a) General narrative describing and outlining the event;

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- (b) A sketch plan indicating all major elements of the event including:
 - (i) Area designated for the event;
 - (ii) All streets and sidewalks within five hundred (500) feet of the event;
 - (iii) Assembly area for emergency and/or security personnel;
 - (iv) Parking areas;
 - (v) All event signage;
 - (vi) Portable bathroom facilities including location, number, gender designation, and accessibility;
 - (vii) Power distribution location and method (generators, extension cords);
 - (viii) Tent locations (separate permit required by the Fire Marshal);
 - (ix) Barricade locations;
 - (x) Beer distribution area (separate permit required by the Beer Board);
 - (xi) Wine and/or liquor distribution area (check Tennessee Code Annotated: separate permit required);
 - (xii) Pedestrian and vehicular traffic circulation; and
 - (xiii) Any other information deemed necessary by the Town Administrator.
- (c) The name, address, telephone number, emergency contact number, and e-mail of the person seeking to conduct such an event; who shall be deemed to be in charge of the event and responsible for compliance with the provisions of this chapter;
- (d) The names, addresses telephone number, and email address/website of the headquarters of the organization for which the event is to be conducted, if any, and the authorized and responsible heads of the organization;
- (e) The requested date of the event;

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- (f) For parades and races, a map separate from the sketch plan, illustrating the route to be traveled, names of affected streets and cross streets, including the starting point and the termination point;
 - (g) The approximate number of persons, animals and vehicles, the type of animals, and a description of the vehicles that will constitute the respective event;
 - (h) The hours when the event will start and terminate to include setup and takedown;
 - (i) The time at which units of the event will begin to assemble at any such area;
 - (j) Statement indicating the method of ensuring the event's safety and security;
 - (k) A description of any recording equipment, sound amplification equipment, and the maximum decibel level of any such sound amplification equipment;
 - (l) The approximate number of participants (spectators are by definition not participants); and
 - (m) Any other information deemed necessary by the Town Administrator or his/her designee and/or public safety personnel.
- (4) At the time of application for permit, the applicant shall provide a certificate of liability insurance indicating the event as insured and naming "the Town of Farragut including its employees and agents" as additionally named insured. The Town of Farragut shall be the certificate holder. The certificate of liability insurance coverage shall be not less than one million dollars (\$1,000,000.00) coverage per event per occurrence. The Town Administrator or his/her designee may decrease the amount of coverage or waive this requirement at his/her discretion.
- (5) Prior to the event, the applicant shall obtain and provide to the Town an irrevocable letter of credit (LOC) from a Tennessee financial institution naming the "Town of Farragut, TN" as the LOC holder. The amount of the LOC will be determined by the Town Administrator or his/her designee, at the time of approval of the event permit, and shall be used to cover any Town related costs resulting from the event. The Town Administrator or his/her designee, shall conduct a post event inspection of the area with the applicant present. Within a time frame determined by the Town Administrator or his/her designee the applicant will be required to address any issues resulting from the event to the satisfaction of the Town. If the applicant fails to address the items listed upon inspection within the allotted time frame, the LOC may be drawn upon to remedy any issues related to the event. Upon approval of the inspection by the Town, the LOC will be

released. The Town Administrator or his/her designee may decrease the amount of coverage or waive this requirement at his/her discretion.

Section 20-208. Sign requirements.

- (1) All traffic control signs shall comply with the Manual of Uniform Traffic Control Devices (MUTCD).
- (2) All other signs shall comply with the following regulations. Any sign that is not specifically permitted shall be prohibited.
 - (a) Community events
 - (i) There shall be a maximum of one (1) sign per community event not to exceed four (40) square feet. For a two-sided sign, only the area of a single face shall be considered.
 - (ii) For ground mounted signs, the maximum sign height shall be six (6) feet.
 - (iii) All signs shall be a minimum ten millimeter (10 mm) corrugated plastic. Ground mounted signs shall be affixed to studded T-posts. All signs shall be affixed in such a manner that they do not move in the wind.
 - (iv) All signs and any associated support posts shall be removed at the end of the community event.
 - (b) All other events
 - (i) There shall be a maximum of one (1) sign per event not to exceed twenty (20) square feet. For a two-sided sign, only the area of a single face shall be considered.
 - (ii) For ground mounted signs, the maximum sign height shall be six (6) feet.
 - (iii) All signs shall be a minimum ten millimeter (10mm) corrugated plastic. Ground mounted signs shall be affixed to studded T-posts. All signs shall be affixed in such a manner that they do not move in the wind.
 - (iv) All signs and any associated support posts shall be removed at the end of the event.

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Sec. 20-209. Standards for issuance.

The Town Administrator or his/her designee may issue a permit when, from consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

- (1) The conduct of the event will not require the diversion of so great a number of Town employees or public safety personnel to properly police the line of movement, and the areas contiguous thereto, as to prevent normal police protection of the Town;
- (2) The event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (3) There are sufficient parking places near the beginning/ending of the event to accommodate the number of vehicles reasonably expected;
- (4) No parade, public assembly, or block party permit application for the same time and location has already been granted or has been received and will be granted;
- (5) No event permit application for the same time but different location has already been granted, or has been received and will be granted that by combination thereof will disrupt Town services or unreasonably inhibit traffic circulation. In any case, the police resources required for that event would be so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and
- (6) The reasonable enjoyment of surrounding properties, businesses, and residences will not be disturbed in such a way as to cause an undue, constant nuisance as determined by the Town Administrator and/or public safety personnel.

Sec. 20-210. Nondiscrimination.

The Town Administrator shall uniformly consider each application based upon its merits, and shall not discriminate in granting or denying permits under this chapter based upon political, religious, ethnic, race, disability, sexual orientation or gender-related factors.

Sec. 20-211. Notice of approval/denial of application.

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The Town Administrator or his or her designee, shall approve or deny the application within fifteen (15) working days of submittal. If the Town Administrator disapproves the application, he or she shall notify the applicant of the denial and shall state the reasons for that denial.

Sec. 20-212. Enforcement of other laws.

Nothing contained in this chapter shall prohibit the authority of any officer to arrest a person engaged in any act or activity granted under this article if the conduct of such person violates the laws of the state, provisions of this Code, other ordinances of the Town, or unreasonably obstructs the public streets and sidewalks of the Town, or if such person engages in acts that cause or would tend to cause a breach of the peace as determined by the Town and/or law enforcement agency of jurisdiction.

Sec. 20-213. Revocation of permit.

The Town Administrator and/or public safety personnel may revoke the permit and terminate all activities related to the event in the interest of public health and safety, or if an extreme public nuisance is generated by the event as determined by the Town Administrator and/or public safety personnel.

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