

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN

February 23, 2012

WORKSHOP

6:00 PM

FY2013 Departmental Budget Presentations
Comprehensive Land Use Plan Information

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. February 9, 2012
 - B. February 15, 2012
- VI. Business Items**
 - A. Approval of a Supplement for Acquisition Services on Watt Road/Old Stage Road Project
 - B. Approval of the Comprehensive Land Use Plan Contract
- VII. Ordinances**
 - A. Public Notice and Second 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**

MINUTES
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**

BMA MEETING

The Farragut Board of Mayor and Aldermen met in regular session on Thursday, February 9, 2012 at 7:00 p.m.

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

Approval of Agenda

Motion was made to move item V.C., Consideration of possible agreement regarding the Farm at Willow Creek, to the Attorney's Report on the agenda. Motion was made by Alderman Markli, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; no nays; Alderman Honken was absent; motion passed.

Approval of Minutes

Motion was made to approve the minutes of January 26, 2012 as presented. Motion was made by Alderman Markli, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; no nays; Alderman Honken was absent; motion passed.

Business Items

Approval of FY2012 Mid-Year Committee Appointments to the Beautification Committee, Arts Council and Visual Resources Review Board

Motion was made to appoint Tyler Mallison to the Visual resources Review Board, Marianne McGill to the Beautification Board and Kimberly Pack to the Arts Council. Motion was made by Alderman Elliott, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; no nays; Alderman Honken was absent; motion passed.

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

Motion was made to approve Resolution R-2012-03 and Resolution R-2012-04, adopting the State of Tennessee 401(k) and 457 retirement plans for Town of Farragut Employees. Motion was made by Alderman Markli, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; no nays; Alderman Honken was absent; motion passed.

Discussion and Consideration of legal options regarding McBride v Town of Farragut

Tom Hale, Town Attorney, described that the matter regarding McBride v Town of Farragut was heard in the Knox County Chancery Court. The Tennessee Municipal League is defending the Town on this matter. After much discussion about the facts of the case a motion was made to support the recommendation from council to file an appeal on the case of McBride v Town of Farragut. Moved by Alderman Elliott, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; no nays; Alderman Honken was absent; motion passed.

Ordinances

First Reading

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

Motion was made to approve Ordinance 12-02, as amended, on first reading. Moved by Alderman Markli, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; no nays; Alderman Honken was absent; motion passed.

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

Motion was made to approve Ordinance 12-03 on first reading. Moved by Alderman Markli, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; no nays; Alderman Honken was absent; motion passed.

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

Motion was made to approve Ordinance 12-04 on first reading. Moved by Alderman LaMarche, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; no nays; Alderman Honken was absent; motion passed.

Town Administrator's Report

Ruth Hawk announced that the Parkside West Partnership, LLC is donating their monument clock to the Town of Farragut to be placed somewhere in Town.

Attorney's Report

The Board recessed for an executive session at 7:50 PM.

The Board reconvened at 8:25 PM.

Consideration of possible agreement regarding the Farm at Willow Creek

Following an Executive Session during which the Town Attorney provided information and advice to the Board concerning certain aspects of the very complex dispute over the cause of the failure of the storm drain system in The Farm at Willow Creek Subdivision, the Town Attorney requested authorization from the Board in the form of the following motion:

The Town Attorney is authorized to pursue a resolution of that portion of the issues in the litigation that involve Blount Excavating on any of the following bases:

1. Agree to a settlement of the claims against Blount Excavating for a payment to the Town of \$135,000 (or alternatively, no less than \$125,000), conditioned upon the agreement of the attorneys involved that no more than \$37,500 of the amount of the settlement would be subject to and used to satisfy the attorneys' liens for the unpaid fees of the attorneys representing The Farm at Willow Creek, LLC who

pursued the litigation on its behalf against Blount Excavating. The Town of Farragut and The Farm at Willow Creek, LLC would be required to release all claims as to Blount Excavating. A further condition on this alternative is the assignment to the Town of Farragut by The Farm at Willow Creek, LLC of its claim against Jordan, Jones and Goulding which has been asserted in the litigation. Any resulting recovery against Jordan, Jones and Goulding would be subject to an attorneys' lien for additional unpaid fees incurred by the attorneys for The Farm at Willow Creek, LLC in their work pursuing the claim against Jordan, Jones and Goulding, the amount of which will be determined if and when there is a recovery.

2. Agree to a settlement of the claims against Blount Excavating for a payment to the Town of \$135,000 (or alternatively, no less than \$125,000) with all parties providing releases to Blount Excavating, and The Farm at Willow Creek, LLC assigning its claim against Jordan, Jones and Goulding to the Town of Farragut. A portion of the settlement amount would be used to satisfy the attorneys' liens of the attorneys representing The Farm at Willow Creek, LLC in the litigation against Blount Excavating, in the amounts fixed by a final order of the Knox County Chancery Court based upon applicable legal principles governing liens for unpaid attorneys' fee and in the fixing of reasonable attorneys' fees as correctly applied to the facts related to the services rendered and the fees generated therefrom making up such claimed liens.
3. Agree to a settlement of all claims against Blount Excavating for a payment to the Town of \$100,000, which the Town would receive in return for its release of Blount Excavating. This alternate would not involve a release provided to Blount Excavating by The Farm at Willow Creek, LLC.

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

Meeting adjourned at 8:30 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

SPECIAL CALLED MEETING A G E N D A FARRAGUT BOARD OF MAYOR AND ALDERMEN

FEBRUARY 15, 2012

The Farragut Board of Mayor and Aldermen met in a special session on Wednesday, February 15, 2012 at 6:00 p.m.

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

Business Items

Review and Consideration of Town of Farragut Employee Retirement System

Motion A

To authorize the Town Administrator to take such steps as necessary to implement a qualified plan to pay a monthly benefit amount for each individual listed in the attached Exhibit. Such benefit would be payable with the later of the attainment of age 65 or the retirement of such individual from the Town of Farragut. After payment has commenced, such benefit amount may be adjusted annually by approval of the Board of Mayor and Aldermen in an amount equal to the smaller of 3% or the annual cost-of-living adjustment determined by the Social Security Administration. Further, upon the death of the participant, one half of such benefit amount shall only be payable to the individual's spouse. The spousal benefit shall also be eligible for annual adjustments as determined by the Board of Mayor and Aldermen. Upon the death of both the participant and the spouse, all benefits in this retirement program shall cease.

Motion B

To approve a lump sum payment to each participant as outlined in the attached Exhibit to be paid in the participants current defined contribution retirement account as permitted by federal law.

Bob Cross, USI Consulting, presented the retirement information to the board.

After some discussion a motion was made to adopt "Motion A." Moved by Mayor McGill, seconded by Alderman Elliott; voting yes, Mayor McGill and Elliott; voting no, Aldermen Honken and LaMarche. Motion failed due to a tie vote.

A motion was made to adopt "Motion A" and "Motion B" for the employees to chose which option is best for the individual. Moved by Alderman LaMarche, seconded by Alderman Elliott; voting yes, Aldermen Elliott and LaMarche; voting no, Mayor McGill and Alderman Honken. Motion failed due to a tie vote.

A motion was made to proceed with "Motion B". Moved by Alderman Honken. Motion dies for lack of a second.

A motion was made to adopt "Motion A" and "Motion B" for the employees to chose which option is best for the individual. Moved by Alderman LaMarche, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott and LaMarche; voting no, Alderman Honken motion passed.

Meeting adjourned at 6:55 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

AGENDA NUMBER

VI.A.

MEETING DATE February 23, 2012

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Darryl W. Smith, PE**SUBJECT:** Watt Road Extension/Old Stage Road Improvements
Approval of Request for Supplement for Additional Acquisition Services from RES, LLC**INTRODUCTION:** The purpose of this agenda item is to consider approval of a request from RES, LLC for additional work required to acquire necessary right of way and easements for the Watt Road Extension/Old Stage Road improvements project.**BACKGROUND:** The Board approved a contract with Real Estate Service Professionals, LLC (RES) in April, 2011 for services required to negotiate the acquisition of right of way and easements necessary for the Watt Road Extension/Old Stage Road project. The original contract price (\$70,800) was based upon the number of tracts (and thus, the number of property owners) on the project. One of the tracts (Tract 21) is located at the corner of Old Stage Road at Johnson's Corner Road. This tract contains an easement (in favor of the Homeowners' Association of the Reserve of Farragut) that enables the association to locate their subdivision entrance sign and landscaping on the resident's property. In order to properly compensate all owners, RES was required to negotiate with both the homeowner (owner of Tract 21) and the Homeowners' Association. Payment for the HOA's landscaping is being handled as personal property (requiring no recording of deeds, etc.), allowing RES to drop their \$2950 per tract fee to \$2200 for this particular action. RES, LLC is requesting that the Board approve a supplement of \$2200, increasing their contract from \$70,800 to \$73,000. Staff has reviewed these costs and finds them to be acceptable.**FINANCIAL SECTION:****Project:** Watt Road Extension/Old Stage Road
Improvements – Contract with RES, LLC

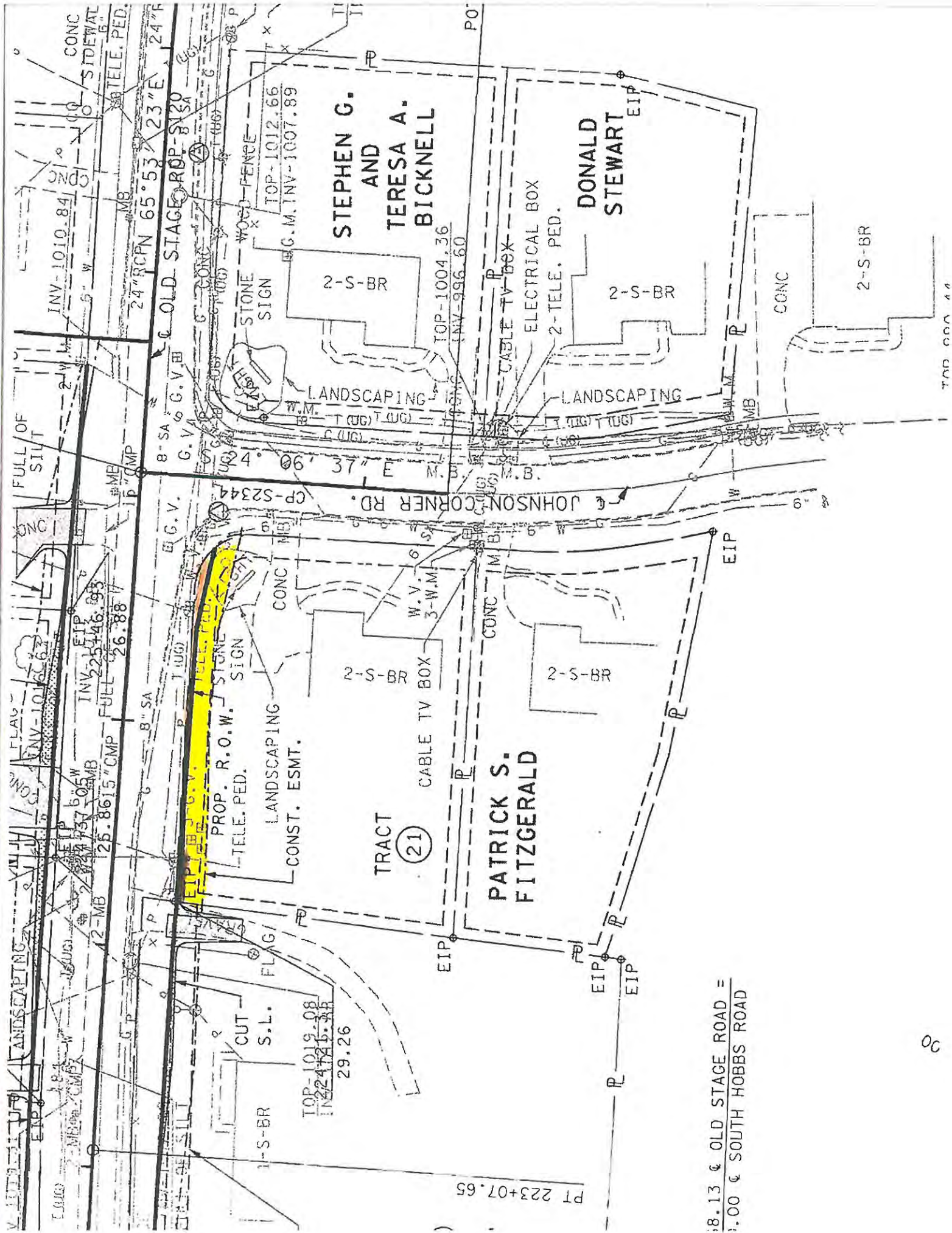
<u>Project Budget</u>	<u>Requested Amount</u>	<u>Contracted Amount</u>	<u>Remaining Amount</u>
\$400,000	\$2,200	\$70,800	\$327,000

Approved By: **RECOMMENDATION BY:** Darryl Smith, Town Engineer, for approval of Supplement Request.**PROPOSED MOTION:** Approval of Supplement Request from RES, LLC for \$2,200.**BOARD ACTION:****MOTION BY:** _____ **SECONDED BY:** _____VOTE/TOTALMCGILLLAMARCHEHONKENMARKLIELLIOTT

YES

NO

ABSTAIN



REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: G. Palmer, Assistant Town Administrator on Behalf of the Comprehensive Land Use Proposal Selection Team (Rita Holladay, Cindy Hollifield, Noah Myers, Robbi McKinney, Ruth Hawk, Mark Shipley, Gary Palmer)

SUBJECT: Comprehensive Land Use Plan: Consulting Firm Recommendation

Due to the physical volume of the attachments below please find the hyper-links to the digital documents. Please advise if you need a hardcopy of any of the backup documentation.

Attachments:

DRAFT Agreement for Services between the Town of Farragut and Winston Associates, Inc.
Winston Associates, Inc. reference verification

Hyper-Links (Digital Copy Only):

[Back-up Information](#)

[Town Strategic Plan](#)

[Winston Associates, Inc. Website](#)

[Winston Associates, Inc. Award Winning Comprehensive Plan for Grand Junction Colorado](#)

INTRODUCTION:

The Comprehensive Land Use Plan is listed as "High Priority" on our Town's Strategic Plan Policy Agenda 2011.

BACKGROUND:

In October 2011, the Town published a "Request for Qualifications" (RFQ) with the intent of soliciting private sector planning services. The intent of the solicitation is to receive proposals, evaluate qualifications, and consequently select the most qualified firm(s). Upon determination of the most qualified, a recommendation to the Board to initiate contract negotiations for comprehensive land use planning services will follow. Concurrent with the publication of the RFQ, my office, in collaboration with the FMPC Chairman, recruited a Selection Team consisting of seven members (Gary Palmer, Rita Holladay, Noah Myers, Cindy Hollifield, Robbi McKinney, Ruth Hawk, and Mark Shipley). This Team was tasked with reviewing all proposals, interviewing finalists, checking references, and making a recommendation to the Board.

Since the closing date of the RFQ the Selection Team has evaluated 10 complete proposals, determined the top three most qualified firms based on the RFQ criteria, and have scheduled in-person interviews with each of the three firms. These interviews took place during the month of January 2012 at Town Hall. Concurrently, references for the two most qualified firms were checked. Attached please find Winston Associates, Inc. references check results.

Process:

A large part of the selection process centered on the firm's analysis and response to the "public engagement" section of the RFQ. Cogent engagement of Town officials and public along with consistency with the Town Strategic Plan is essential for the integrity and implementation of the Comprehensive Land Use Plan. Thus, in order to ascertain the needs, desires, and direction of the community the firm will have to engage the Board, other officials, and most importantly the citizenry through public visioning sessions and focus group forums.

DISCUSSION:

Each of the three firms presented well and exuded a high level of competence. There were two main issues which separated Winston Associates, Inc. from the other two firms: public engagement/outreach and experience working with communities which hold pedestrian circulation, innovation, and recreation in high regard. Winston Associates will bring a varied and unique engagement process to Farragut which includes a mix of interpersonal contact through visioning sessions and dynamic technology for public outreach (See: www.farragut2025.com and www.placeways.com/communityviz). Moreover, Winston Associates, Inc. has worked with progressive communities; which has resulted in award winning Comprehensive Plans ([Grand Junction Colorado Comprehensive Plan](#)).

FINANCIAL SECTION: (If needed)

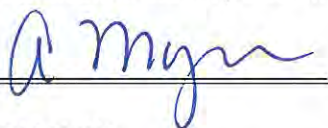
Project: Comprehensive Land Use Plan (Budget Name: Land Use Plan Update)

Line Item

<u>Total Budget</u>	<u>Contract Amount</u>	<u>Expend.to Date</u>	<u>Remaining Amount</u>
\$175,000	\$108,000	\$44,430.69	\$130,569.31*

ACCT# 110-41700-254 COMMUNITY DEVELOPMENT PROFESSIONAL SERVICES

*January 31, 2012 Revenue and Expense Report

Approved By: 

RECOMMENDATION BY:

Comprehensive Land Use Proposal Selection Team

PROPOSED MOTION:

Approve the execution of the Agreement between the Town of Farragut and Winston Associates, Inc. for planning services in accordance with the published Comprehensive Land Use Plan Request for Qualifications (RFQ), subsequent interview process, and recommendation from the Comprehensive Land Use Proposal Selection Team, in the amount not to exceed \$108,000.00.

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	_____	_____	_____	_____	_____

TOWN OF FARRAGUT

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made by and between **TOWN OF FARRAGUT, A TENNESSEE MUNICIPAL CORPORATION** ("CLIENT") and **WINSTON ASSOCIATES, A COLORADO CORPORATION** ("CONSULTANT") for lump-sum professional planning services.

PROJECT: Comprehensive Land Use Plan

LOCATION: Town of Farragut, TN

PROJECT DESCRIPTION: Planning Services for the Development of the Town's Comprehensive Land Use Plan

WHEREAS, the CLIENT requires professional consulting services to produce a comprehensive land use plan (hereinafter referred to as the "PROJECT"); and

WHEREAS, the CONSULTANT is qualified and has assembled a Sub-consultant team that has the requisite expertise and experience to perform as outlined in this agreement.

NOW, THEREFORE, for and in consideration of the promises contained in this AGREEMENT, CLIENT and CONSULTANT agree as follows:

1. **Professional Services.** CONSULTANT agrees to perform the following Scope of Work under this Agreement:

See **Attachment A** to this Agreement for the Scope of Work.

2. **Compensation.** CLIENT shall compensate CONSULTANT for the Scope of Work as follows: A lump sum fee of one hundred and eight thousand dollars (\$108,000), including reimbursable expenses. In addition, CLIENT shall pay CONSULTANT for additional services that may be requested by the CLIENT beyond the Scope of Work in accordance with the hourly rate schedule attached as **Attachment B** to this Agreement.

3. **Schedule.** CONSULTANT shall begin work upon notification of approval of this Agreement by the Board of Mayor and Aldermen and shall complete the work by submitting the final deliverables on or before January 01, 2013. The schedule for the various meetings and presentations as outlined in the Scope of Work shall be agreed upon by the CLIENT and CONSULTANT before beginning work.

4. **Invoicing and Payments.** Invoices or payment requests shall be submitted to the CLIENT no more than monthly and shall indicate the percentage of the PROJECT completed by major task (in bold text in the Scope of Work). Upon the CLIENT'S request, the CONSULTANT shall provide a detailed invoice to the CLIENT which may include the amount and breakdown of

the payment requested, the period covered by the request, and a detailed account of the work performed during the period covered by the payment request. After review, the CLIENT will indicate approval of the payment request by processing the payment request during the next available pay cycle, or shall explain to CONSULTANT by proper notice (see item six below), the reasons for not approving any portion or all of the request, and authorize payment of any amount approved. In the event the CLIENT does not approve any portion of a payment request, and has communicated the reasons to CONSULTANT, CONSULTANT will then take the necessary action to satisfy the reasons for non-approval and resubmit the payment request. CLIENT shall endeavor to remit payment of payment requests or portions thereof which are approved by the Town Administrator or his/her designee within thirty (30) days of receipt by CLIENT. From time to time approval of a payment request may require action by the Board of Mayor and Aldermen which meets on the second and fourth Thursday of most months.

5. **Time.** CONSULTANT will perform its services in a timely manner commensurate with the exercise of due professional care which it acknowledges can be done consistent with the schedule provided for in Paragraph 3. Time for performance shall be extended as necessary for delays or suspensions due to circumstances beyond CONSULTANT's control. If such delay or suspension extends more than six (6) months (cumulatively), CONSULTANT's compensation shall be equitably adjusted; provided, however, such adjustment and amendment to this Agreement must be approved by the Board of Mayor and Aldermen before CLIENT is bound.

6. **Contract Administration/Notice Delivered.**

- A. **PROJECT Manager; CONSULTANT.** The CONSULTANT shall assign Jeffrey T. Winston to manage the PROJECT. All services specified by this AGREEMENT shall be performed by the PROJECT Manager, or by the CONSULTANT's associates and employees under the personal supervision of the PROJECT manager. Should the PROJECT Manager or any key employee of CONSULTANT be unable to complete his or her responsibility for any reason, CONSULTANT will replace him or her with a qualified person pre-approved by the CLIENT.
- B. **PROJECT Manager; CLIENT.** The CLIENT shall assign Gary Palmer, Assistant Town Administrator to manage the CLIENT responsibilities of the PROJECT. Notice, invoices, disputes, and/or amendments arising from or related to this agreement shall be delivered to the assigned as outlined in item C below.
- C. **Notices to CONSULTANT.** All notices, correspondence, and payments to the CONSULTANT shall be digitally transmitted or mailed to:

Winston Associates
Attention: Jeff Winston
4696 Broadway

Boulder, Colorado 80304

Approved Email Address for all digital transmissions that shall serve as proper notice to the CONSULTANT:

jtwinston@winstonassociates.com with copy to:
paul@winstonassociates.com (Paul Glasgow)

D. Notices to CLIENT. All notices, correspondence, and invoices to the CLIENT by the CONSULTANT shall be digitally transmitted or mailed to:

Gary Palmer
Assistant Town Administrator
Town of Farragut
11408 Municipal Center Dr.
Farragut, Tennessee 37934

Approved Email Address for all digital transmissions that shall serve as proper notice to the CLIENT:

gpalmer@townoffarragut.org with copy to:
vmillsapps@townoffarragut.org (Valerie Millsapps)

7. **Periodic Reviews.** The services to be performed by the CONSULTANT under this AGREEMENT shall be subject to periodic review by the CLIENT. To prevent an unreasonable delay in the CONSULTANT's work, the CLIENT will endeavor to examine all reports, drawings, and other documents and will respond to the CONSULTANT in writing within ten (10) working days from receipt of such documents. It is understood that the CLIENT's review comments do not relieve the CONSULTANT from the responsibility for the professional and technical accuracy of all services delivered under this AGREEMENT

8. **Suspension of Services.** If CLIENT fails to pay any invoice when due or otherwise is in material breach of this Agreement, CONSULTANT may, at its sole discretion, suspend performance of services upon five (5) days' written notice to CLIENT. Written notice includes digital transmission. CONSULTANT shall have no liability to CLIENT and CLIENT agrees to make no claim for any delay or damage as a result of such suspension, unless (i) the Town Administrator or his/her representative has refused to approve payment, (ii) the reasons are justified pursuant to this Agreement, and (iii) CONSULTANT has failed to satisfy the reasons as required by Paragraph 4 hereof. Upon cure of the cause of a justified suspension, CONSULTANT shall resume services within a reasonable time, and there shall be equitable adjustments of the project schedule and fees to reflect the effects of such suspension, if such adjustments are deemed reasonable and appropriate by the parties.

9. **Standard of Care.** Notwithstanding any other provision of this Agreement or any other document describing the services produced by CLIENT, CONSULTANT shall perform its services in accordance with the standard of professional care ordinarily exercised under similar circumstances by reputable members of its profession in the same locality at the time the services are provided. Beyond the foregoing and unless otherwise provided herein or in other documents produced, generated or provided by CONSULTANT, no warranty, expressed or implied, is made or intended by CONSULTANT. The parties further agree that CONSULTANT is not a fiduciary of CLIENT.

10. **Termination.** The obligation to provide further services under this Agreement may be terminated with or without cause by either party upon ten (10) days' written notice to the other party. Written notice includes digital transmission. On termination by either CLIENT or CONSULTANT, CLIENT shall pay CONSULTANT all amounts due for any services performed to the date of written termination notice (plus all reimbursable expenses incurred) as CONSULTANT's sole and exclusive remedy, subject to any setoffs to which the CLIENT is entitled as a result of CONSULTANT's failure to perform as required by this Agreement.

11. **Reuse of Documents.** All documents regardless of format (hardcopy or digital), including drawings, specifications, and reports, prepared by CONSULTANT pursuant to this Agreement are instruments of professional service and shall become the property of the CLIENT. They are not intended or represented to be suitable for reuse by CLIENT or others for additions or modifications of the Project or on any other project. Any reuse without written consent, verification or adaption by CONSULTANT for the specific purposes intended shall be at CLIENT's sole risk and without liability or legal exposure to CONSULTANT. Any such verification and adaption will entitle CONSULTANT to further compensation at rates to be agreed upon by CLIENT and CONSULTANT.

12. **Access/Cooperation.** CLIENT agrees that its officers and employees will cooperate with the CONSULTANT in the performance of the services under this AGREEMENT and will be available for consultation with CONSULTANT at such reasonable times with advance notice as to not conflict with their other responsibilities. Unless otherwise stated, CONSULTANT will have access to Town Hall, or any other municipal facility for activities necessary for the performance of its services. The CONSULTANT will not be responsible for any cost incurred through hosting public meetings associated with this PROJECT.

- a. **CLIENT Data.** The CLIENT shall without charge, furnish or make available for examination or use by the CONSULTANT as it may request, any data which the CLIENT has available, including as example only and not a limitation: copies of reports, maps, plans, surveys, records, and other documents pertinent to streets, traffic, utilities, public properties, development and other physical features; copies of previously prepared reports, maps, plans, specifications, surveys, records, ordinances, codes, regulations; and other documents, and information related to the services specified by this AGREEMENT.

- b. **CLIENT Assistance.** To the best of its ability, the CLIENT shall assist the CONSULTANT in obtaining data and documents from officers or agencies and from private citizens and business firms related to the PROJECT.
- c. **Data Accuracy.** The CONSULTANT will not be responsible for the accuracy of information or data supplied by the CLIENT to the extent such information or data would be relied upon by a reasonably prudent professional planner or CONSULTANT.
- d. **Public Notice, Advertisements, Permits.** Unless otherwise agreed to in the Scope of Work attached to this agreement or approved addendum, the CLIENT will coordinate, obtain, arrange and pay for all advertisements; permits and licenses required by local state, or federal authorities. The CLIENT will be responsible for all public notices, announcements, advertisements and general information communicated to the public, and all costs associated with such notice.

13. **Changes in Conditions and Development.** The CLIENT will give prompt written notice to the CONSULTANT whenever the CLIENT observes or becomes aware of any development that affects the scope or timing of the CONSULTANT's services or any defect in the work of the CONSULTANT.

14. **Insurance.** Prior to any access to Town Hall or municipally-owned facility, CONSULTANT shall deliver to CLIENT a certificate of insurance evidencing general liability coverage with a limit of not less than \$1,000,000 each occurrence for bodily injury, personal injury and property damage. If such insurance contains a general aggregate limit, it shall apply separately to the work/location of the Project in this Agreement or be no less than \$2,000,000. In addition, CONSULTANT shall endeavor to secure and maintain insurance in such amounts as it deems necessary to protect itself from claims of professional negligence arising from the performance of services under this Agreement. Such insurance shall:

- a. Contain or be endorsed to contain a provision that includes CLIENT, its officials, officers, employees, and volunteers as additional insureds with respect to liability arising out of work performed by or on behalf of the CONSULTANT. The coverage shall contain no special limitations on the scope of its protection afforded to the above-listed insureds.
- b. For any claims related to this Project, the CONSULTANT's insurance coverage shall be primary insurance as respects the CLIENT, its officers, officials, employees, and volunteers. Any insurance or self-insurance programs covering the CLIENT, its officials, officers, employees, and volunteers shall be excess of the CONSULTANT's insurance and shall not contribute with it.

15. **Risk Allocation.** In recognition of the relative risks, rewards, and benefits of the Project to both CLIENT and CONSULTANT, to the fullest extent permitted by law, the parties

agree to allocate the risks such that CONSULTANT's total liability to CLIENT for any and all injuries, claims, losses, expenses, damages, and/or claim expenses arising out of CONSULTANT's services under this Agreement from any cause or causes shall not exceed the amount of CONSULTANT's fee, up to One Hundred and Fifty Thousand Dollars (\$150,000), covering the risk or claim that is the basis for the injury, claim, loss, expense or damages, recovery for which is sought, whichever is greater. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

16. **Dispute Resolution.** It is agreed that all claims, disputes, or other matters in question arising out of or related to this Agreement shall be submitted to nonbinding mediation before any legal proceeding is commenced. The parties shall equally bear the fees and expenses charged by the mediator.

17. **Indemnification.**

a. The CONSULTANT shall indemnify and hold harmless the CLIENT, its officers, employees and agents from any and all liabilities which may arise or be claimed against the CLIENT, its officers, employees and agents or any third party for any and all lawsuits, claims, demands, losses or damages arising from an act or omission of the CONSULTANT, its employees, or contractors in performance of this Agreement or from the CONSULTANT's failure to perform this Agreement using ordinary care and skill, except where such injury, damage, or loss was caused by the sole negligence of the CLIENT, its agents or employees.

b. The indemnification and hold harmless provisions of this Agreement shall survive termination of the Agreement.

18. **Corporate Protection.** It is intended by the parties to this Agreement that the CONSULTANT'S services in connection with the PROJECT shall not subject the CONSULTANT'S individual employees, officers or directors to any personal legal exposure for the risks associated with this PROJECT. Therefore, and notwithstanding anything to the contrary contained herein, the CLIENT agrees that as the CLIENT'S sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against the CONSULTANT, a Colorado corporation, and not against any of the CONSULTANT'S individual employees, officers or directors.

19. **Miscellaneous.**

a. The CONSULTANT will not assign or transfer any interest in this Agreement without obtaining the prior written approval of the CLIENT.

b. The CONSULTANT will not enter into a subcontract for any of the services performed under this Agreement without obtaining the prior written approval of the CLIENT. The pre-approved Sub-consultants working under the direction and agreement with the CONSULTANT are listed in **Attachment C** to this agreement.

c. The contract between the parties consists of this Agreement, its attachments, any written request for services issued by CLIENT and any response thereto made by CONSULTANT, including any addenda thereto. To the extent there is a conflict between the terms of any of the documents that constitute the contract between the parties, the terms that are most specific to the matter in dispute shall govern over the more general. In the event the conflicting terms cannot be characterized as specific vs. general, then the terms that provide the greater benefit to the CLIENT and/or impose the greater obligation on the CONSULTANT shall control.

d. This Agreement may be modified only by a written amendment or addendum that has been executed and approved by the appropriate officials shown on the signature page of this Agreement.

e. If any provision of this Agreement is determined to be unenforceable or invalid, such determination will not affect the validity of the other provisions contained in this Agreement. Failure to enforce any provision of this Agreement does not affect the rights of the parties to enforce such provision in another circumstance, nor does it affect the rights of the parties to enforce any other provision of this Agreement at any time.

f. In the event legal action is necessary to enforce the terms of the contract between the parties, the prevailing party shall be entitled to recovery of its attorney's fees, court costs, and other expenses of the legal action.

g. In the performance of this contract, CONSULTANT will comply with all applicable laws, ordinances, rules, regulations and orders of local, state and federal governments, including, but not limited to, the President's Executive Order No. 11246 and 11375, which prohibit discrimination in employment regarding race, color, religion, sex or national origin, Title VI of the Civil Rights Act of 1964, Copeland Anti-Kick Back Act, the Contact Work Hours and Safety Standards Act, Section 402 of the Vietnam Veterans Adjustment Act of 1974, Section 503 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, all of which are herein incorporated by reference.

h. This AGREEMENT will be governed and construed in accordance with the laws of the State of Tennessee. Any legal action arising from this AGREEMENT shall be under the jurisdiction of the appropriate State of Tennessee Court within Knox County, TN and/or the United States District Court, Eastern District of Tennessee Knoxville Divisional Office within Knox County, TN.

20. **Attachment D for Reference Purposes:**

- Published Request for Qualifications
- Winston Associates, Inc. Proposal
- Winston Associates, Inc. Follow-up Answers to Pre/Post Interview

CLIENT:

Town of Farragut

CONSULTANT:

By: _____

Printed
Name: _____

Title: _____

Date: _____

By: _____

Printed
Name: _____

Title: _____

Date: _____

DRAFT

ATTACHMENT A SCOPE OF WORK

Winston Associates, herein referred to as CONSULTANT, by execution of this entire agreement declares it will prepare a comprehensive land use plan for the Town of Farragut, TN, herein referred to as CLIENT.

The CLIENT recognizes the need to allow the CONSULTANT professional latitude in tailoring a detailed scope of work for the CLIENT; thus, for the purposes of this agreement the CONSULTANT shall provide in general, the services listed in capitalized/bold text below. Furthermore, the listed scope of work is accepted by both parties to this agreement with the understanding the planning process may be dynamic and require changes. Thus, any subsequent changes to the detailed scope of work and corresponding schedule shall be mutually agreed upon by executing an amendment to Attachment A. The subcategories enumerated under the general categories list the CONSULTANT'S offer and the CLIENT'S acceptance:

PROJECT ORGANIZATION AND ONGOING TASKS (Conference Call / WebEx)

1. Setup and update CONSULTANT-owned and operated website (www.farragut2025.com)
 - a. Town Coordination: In most projects there are unforeseen issues that require a greater amount of CLIENT-CONSULTANT coordination. The time dedicated to this step will be used for extended conversations with town staff, officials, and/or department heads on these issues. For example, this could include strategizing an upcoming public presentation, reviewing and refining master plan concepts, or interpreting public comments.
 - b. Online survey formulation
 - c. Media coordination: This task is working with the press to get out the word about the planning effort and/or upcoming meetings. While as of yet undefined, this budget could include one, or some combination, of the following: preparing press releases, meeting with the newspaper editorial board to help them focus their coverage, being interviewed on local TV, or preparing a video for the website. The CLIENT AND CONSULTANT will work closely together to define and schedule the most cost-effective outreach method.

BACKGROUND DATA REVIEW, PROJECT ORGANIZATION, REFINE SCOPE/ SCHEDULE MAY-JUNE 2012

1. Refine Schedule and finalize detailed scope of work (conference call / WebEx)
 - a. Establish CLIENT-CONSULTANT points of contact, roles and responsibilities, and commission the Steering Committee (charter and appointment to the Steering Committee will be handled solely by the CLIENT)
2. Collect and review relevant documents
3. Organize initial project kick-off meetings and focus group/community dialogue sessions
 - a. Location
 - b. Participants
 - c. Public notice coordination

KICK-OFF (SITE VISIT 1) MAY-JUNE 2012

1. The following CONSULTANT team members will travel to the Town of Farragut:
 - a. Jeff Winston and Paul Glasgow
2. Briefing with Town staff

3. Focus group interviews
4. Initial Municipal Planning Commission (PC) meeting
5. Initial Town Board meeting

EXISTING CONDITIONS, RESOURCES AND CONSTRAINTS, TRENDS AND PROJECTIONS JUNE-JULY 2012

1. Trend analysis, identify resources and constraints
2. Historic preservation and community character analysis
3. Debrief with the Town staff and Steering Committee (Conference Call/WebEx)
4. Prepare for Community Dialogue 1

COMMUNITY DIALOGUE 1 (SITE VISIT 2) JUNE-JULY 2012

1. The following CONSULTANT team members will travel to the Town of Farragut:
 - a. Jeff Winston, Paul Glasgow, Chase Mullen and Nore Winter
2. Facilitate the community dialogue 1 in collaboration with Town staff

DEVELOP LAND USE AND POLICY FRAMEWORK JULY-AUGUST 2012

1. Develop policy framework
 - a. Draft Existing Land Use Map
 - b. Draft Community Facilities Map
 - c. Draft Future Land Use Map
2. Review policy framework with Town staff and Steering Committee (Conference Call / WebEx)
3. Prepare for Community Dialogue 2

COMMUNITY DIALOGUE 2 AND PC PRESENTATION (SITE VISIT 3) JULY-AUGUST 2012

1. The following CONSULTANT team members will travel to the Town of Farragut for site visit 3:
 - a. Jeff Winston and Paul Glasgow
2. Facilitate Community Dialogue 2 in collaboration with Town staff

REFINE LAND USE AND POLICY FRAMEWORK AUGUST-SEPTEMBER 2012

1. Refine land use and policy framework and develop an implementation plan for inclusion into the Comprehensive Land Use Plan
2. Review with Staff and Steering Committee (Conference Call / WebEx)
3. Revise and refine for draft plan

DRAFT PLAN SEPTEMBER-NOVEMBER 2012

1. Mark-Up-Draft of draft Comprehensive Land Use Plan
2. Red flag review with Staff and Steering Committee (Conference Call / WebEx)
3. Revise and refine
4. Public outreach (CONSULTANT will provide materials for use by the CLIENT)

FINAL PLAN NOVEMBER-DECEMBER 2012

1. Draft final report
2. Red flag review with Town Staff and Steering Committee (Conference Call / WebEx)
3. Final edits to Comprehensive Land Use Plan
 - a. Final Existing Land Use Map Color 11 x 17
 - b. Final Community Facilities Map Color 11 x 17
 - c. Final Future Land Use Map Color 11 x 17
4. Transmit digital color final draft of the Comprehensive Land Use Plan and all exhibits to the CLIENT for presentation and adoption (See Tenn. Code Ann §13-4-202 (Municipal Plan Adoption Requirements))
 - a. Digital copy will be readily reproduce-able in an 8 ½ x 11 PDF OCR format
 - b. All maps and exhibits will be in a readily reproduce-able color 11 x 17 PDF format
 - c. All compiled analysis, and map documents will be digitally transmitted to the Town in their native format compatible with ArcGIS 10 software

**FINAL PRESENTATION (ADOPTION HEARING) TO PLANNING COMMISSION (SITE VISIT 4)
NOVEMBER-DECEMBER 2012**

1. Facilitate and present the final draft of the Comprehensive Land Use Plan
2. The following CONSULTANT team members will travel to the Town of Farragut for site visit 4:
 - a. Jeff Winston
3. Project closeout

Tenn. Code Ann. § 13-4-202

TENNESSEE CODE ANNOTATED
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*** CURRENT THROUGH THE 2011 REGULAR SESSION ***

Title 13 Public Planning And Housing
Chapter 4 Municipal Planning
Part 2 Municipal Plan

Tenn. Code Ann. § 13-4-202 (2011)

13-4-202. Adoption of plan -- Manner.

(a) The commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan. Prior to the adoption of the plan or any part or parts of the plan by the commission, the commission shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the meeting in which the adoption is to be first considered. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the chief legislative body.

(b) Once the commission has adopted the general plan or amendment of the general plan for the planning jurisdiction of the commission, the commission's transmittal of the certification to the legislative body may simultaneously include a resolution by the planning commission requesting the consideration and adoption of the general plan by the legislative body of the municipality and in the case of a municipal regional planning commission by the county legislative body for the area outside the municipal boundary limits but within the county. The municipal legislative body, by ordinance, may adopt the general plan as certified by the planning commission and the county legislative body by resolution may adopt the elements of the plan within the jurisdiction of the county legislative body as certified by the planning commission. Once adopted by the legislative body, the general regional plan may be amended by a vote as follows:

Attachment A(1)

(1) (A) Except as provided in subdivision (b)(1)(B), the planning commission may initiate an amendment to the general plan. If the planning commission votes to adopt an amendment to the general plan, the planning commission shall transmit its action to the legislative body and the legislative body must pass the amendment by a majority vote in order for the amendment to be operative.

(B) (i) If the planning commission initiates and votes to adopt an amendment to the general plan, the amendment shall be operative without further action of the legislative body. The planning commission shall transmit its action to the legislative body.

(ii) Subdivision (b)(1)(B)(i) shall only apply in any county having a population, according to the 2000 federal census or any subsequent federal census, of: [Click here to view image.](#)

(2) The general regional plan may be amended upon the initiative of the legislative body. The initiative must be transmitted, in writing, to the planning commission for its review, consideration and vote. The planning commission must take action on the amendment and transmit its action to the legislative body within sixty-one (61) days of the submittal of the amendment to the planning commission by the legislative body.

(A) Except as provided in subdivision (b)(2)(B), if the planning commission votes to approve or not approve the amendment or transmits the amendment back to the legislative body with no recommendation, the legislative body must then approve the amendment by a majority vote.

(B) (i) If the municipal planning commission created by a municipality votes to approve the amendment, the amendment shall be operative without further action of the legislative body. If the municipal planning commission votes to not approve the amendment or to make no recommendation on the amendment, the amendment shall not be operative. The municipal planning commission shall transmit its action back to the legislative body and provide a written explanation for its reasons in not approving the amendment or for not making a recommendation on the initiative transmitted to the commission by the legislative body.

(ii) Subdivision (b)(2)(B)(i) shall only apply to a municipality located in any county having a population, according to the 2000 federal census or any subsequent federal census, of: [Click here to view image.](#)

(iii) Prior to the adoption of the general plan or amendment of the general plan, a legislative body shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the legislative body's meeting in which the adoption or amendment is to be first considered. After the adoption of the general plan by a legislative body, any land use decisions thereafter made by that legislative body, the respective planning commission or board of zoning appeals when the board of zoning appeals is exercising its powers on matters other than variances, must be consistent with the plan. The general plan may be adopted as an element of the jurisdiction's growth plan through the process established in title 6, chapter 58, but if the general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of title 6, chapter 58.

HISTORY: Acts 1935, ch. 34, § 4; C. Supp. 1950, § 3493.4; T.C.A. (orig. ed.), § 13-504; Acts 2008, ch. 1150, §§ 7, 8; 2010, ch. 648, § 2.

RATE

Principal	\$150.00/hour	\$1,200/day
Senior Associate	\$100.00/hour	\$800/day
3D Visualization/Animation	\$100.00/hour	\$800/day
Administrative Assistant	\$45.00/hour	\$360/day
Clerical	\$30.00/hour	\$240/day

REIMBURSABLE EXPENSES

- Air travel, lodging, meals, car rentals and related travel and subsistence out-of-pocket expenses are billed at direct cost.
- Travel time is billed at half the hourly or daily rate above.
- Mileage is billed at \$0.555 per mile.
- In-house photocopies are billed at \$.15 per copy. Whenever possible, large runs are sent to outside sources at reduced cost.
- All other reimbursable expenses including printing, postage, supplies, film, photos, etc. are billed at direct cost.
- Report publications and special presentations (renderings, models, photo montages, etc.) are considered reimbursable expenses and must be negotiated with the client separately according to special requirements.

Subconsultant List

Winter and Company
1265 Yellow Pine Ave
Boulder, CO 80304

RRC Associates
940 Pearl East Circle, Suite 103
Boulder, Colorado 80301

Winston Associates Reference Verification:

Lisa Cox (Planning Manager, City of Grand Junction, CO) – contacted on 1/31/2012; Ms. Cox was very enthusiastic about Winston's role in their Comprehensive Plan development. She provided a very positive response. Ms. Cox commented on how their process was very long and involved more than 300 meetings. Jeff Winston was there in every phase and helped mediate and move the process forward.

Fred Jarman (Director of Building and Planning, Garfield County, CO) – contacted 1/31/2012; Winston was selected to update the comprehensive plan. Jeff and his team were great and very responsive. Their process was complex and controversial, but Jeff kept the room calm with his demeanor. The voting software was widely accepted and used.

Andrew McGregor (Community Development Director, City of Glenwood Springs, CO) – contacted on 2/1/2012; Mr. McGregor would give them "high marks". They utilized a variety of tools to really get the public engaged. They have a small town of 10,000 people, but were still able to get input from more than 10% of the population. Some of the methods were successful, some were not, but no one can say they didn't have the opportunity to provide input. In retrospect, he may have done some things differently, but he would not have chosen a different firm. They had 8 public meetings over a year and a half. The product was very good. They did re-write some portions to make it fit better, but overall they were happy. The firm was very flexible to the changing scope.

Bob Nicholson (Community Development Director, St. George, UT) – contacted 1/31/2012; Mr. Nicholson mentioned each member of the team by first name, so you could tell he remembered them well. Jeff gets in touch with the spirit of the community. He highly recommends them, and has used them on additional work since the initial contract.

Brock Jacobson (Town Administrator) for Rick Rosenburg (Mayor, Santa Clara, UT) – contacted 2/1/2012; Mr. Jacobson only worked with them in the final stages of the process, but personal experience with the team was very good, and the overall view of the firm is well accepted. He would consider working with them again, and would recommend them.

Winter and Company Reference Verification

Brett Roler/Andy Kitsinger (Downtown Memphis Commission) – contacted 1/31/2012; Winter is part of team developing design guidelines. The overall project is going OK, they are a little behind schedule, but it is not the fault of Winter. Winter and Company are very responsive, and were selected because of their depth of experience. They have performed to expectations.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

WINSTON ASSOCIATES, INC.

is a **Corporation** formed or registered on 07/06/1983 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871529314.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 02/02/2012 that have been posted, and by documents delivered to this office electronically through 02/06/2012 @ 13:57:32.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 02/06/2012 @ 13:57:32 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8159228.



A handwritten signature in blue ink, reading "Scott Gessler".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

Comprehensive Land Use Plan

Farragut, Tennessee

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Enclosure:
CD containing full Proposal Response

1. Cover Letter

Farragut is an evolving community. From its beginning primarily as a residential “bedroom” community, Farragut has attracted a significant variety of stores and businesses. Today, as many workers commute into town for employment as commute out to work elsewhere.

Farragut is an attractive and pleasant place to reside. It has convenient access to Knoxville and the region, it has a wooded, rural character, and attractive homes, subdivisions and commercial areas. The town also offers a high level of services to its residents—as evidenced by well-maintained parks and public areas, many activities, a family-friendly feeling, and a high level of participation by its residents.

And yet, Farragut faces challenges too.

- In a competitive environment, it will be increasingly important for Farragut to attract additional commercial development, and eventually redevelopment, to provide sales taxes that support the high level of amenities. (parks, recreation centers, etc.).
- The town is approaching build out. As the town considers infill development of the remaining vacant parcels, and eventually redevelopment, there is a need for clear guidance for developers as to how to achieve harmonious development.
- Related to the above are decisions about historic preservation and creating/maintaining a “Farragut” character.
- The town must decide whether, or how much, it wants to grow into the few remaining potential annexation areas.
- Public services are provided by a variety of individual agencies and their plans, and those of the Town, need to be carefully coordinated for efficiency in this era of new economic realities.
- Recent plans (e.g. Downtown Farragut, the Strategic Plan, community center plans, etc.) indicate a new direction for Farragut, one that moves beyond a bedroom community, diversifies the land use and creates a more robust community that offers a wider variety of housing, employment and retail options.

The comprehensive plan update is a key tool to address and coordinate all of these, and other issues. To effectively do so however, and not create another plan that “sits on the shelf,” we propose several unique approaches.

Effective Public Engagement. The fundamental objective of our public involvement is to generate understanding of, and support for, the plan that will endure over time. This support will

outweigh objections from vocal special interests and empower policy-makers to follow the plan (or update it) gives confidence to developers and land owners to follow the plan as well.

We utilize a wide variety of public engagement tools that will be effective in Farragut:

- | | | |
|--------------------|--------------------------------|----------------------|
| ✓ Workshops | ✓ Digital charrette | ✓ Signage / banners |
| ✓ Open house | ✓ Kitchen table conversations | ✓ Press releases |
| ✓ School exercises | ✓ Community newsletter inserts | ✓ Website |
| ✓ Online surveys | ✓ Social media | ✓ Podcasts & YouTube |

These techniques are described in greater detail in the proposal.

Action-oriented Implementation. To remedy the typical lack of follow through in comprehensive plans, we incorporate a variety of additional action items (that are described in the proposal):

- A Comp Plan Workbook
- Annual Report Card
- Annual Action Plan
- Comprehensive Plan Maintenance
- Consistency Policy

User-friendly documents (Easy to Use & Easy to Update), The user-friendliness of the document is key to its acceptance and use. Several principles guide our comprehensive plans:

- Write for the "person-in-the-street"
- The Comprehensive Plan is a marketing tool
- Organize the document in a logical way
- Keep it simple
- Understanding is greatly aided by the use of unique tools for visualizing

Over and above the need for a comprehensive plan map, we propose to use a variety of graphic techniques to make the plan more readable, and understandable, such as: overlaying plans on air photos and terrain models, birds-eye perspectives, 3D visualization of details, etc.

The planning process we propose will help Farragut step into future with its eye firmly fixed on the Farragut the community desires.

Finally, a few words about our team members. **Winston Associates** is a relatively small (9 employees) which allows us to provide personal service, yet large and experienced enough to handle any assignment.

We have completed over 30 comprehensive plans, but also have also completed regional plans, sub-area plans, neighborhood plans, and parks plans.

Our practice is national, with projects in North and South Carolina, Louisiana, Nebraska, Utah, Nevada, New Mexico, and of course Colorado, our home base.

We tend to specialize in working for smaller communities, including affluent communities (Vail, Sun Valley, Boulder, Glenwood Springs) and in communities that are adjacent to larger metropolitan areas.

We pride ourselves on our public facilitation skills. Our clients tell us we have a unique ability to instill confidence and cooperation a public setting, resolve conflicts, and forge consensus, even in trying conditions. We also are firmly committed to a collaborative process that integrates the town staff into the process and creates broad ownership of the result.

And our partner **Winter & Company** brings specific insights to Farragut that will incorporate historic preservation and the creation of timeless commercial centers.

While we have attempted to address all the desires and issues identified in the RFQ, we believe a custom approach tailored by conversations between our team and the town staff will help further refine our approach. We look forward to the opportunity to discuss in greater detail.

Certifications:

1. We have read the entire request for qualifications document and understand its contents;
2. This proposal represents our intent to offer services related to this request;
3. Our website, social media sites, and point of contact information (name, email address and phone number) are listed below.

Respectfully submitted,
WINSTON ASSOCIATES, INC

Jeffrey T. Winston, APA, ASLA, CNU
President

4696 Broadway, Boulder, CO 80304
303-440-9200

www.winstonassociates.com / jtwinston@winstonassociates.com

Facebook: Search 'Winston Associates'

2. Legal Ability to Work in Tennessee

Statement or proof indicating the firm's legal ability to work in Tennessee.

Winston Associates is legally able to work in Tennessee.

3. Firm Qualifications

Describe the firm's qualifications and professional accreditation (American Planning Association) with emphasis on work related to the preparation of comprehensive plans and public facilitation in the planning process.

WINSTON ASSOCIATES

WWW.WINSTONASSOCIATES.COM

Winston Associates' has extensive experience in all aspects of land use planning for communities, and their sub-areas. With over 40 years in combined planning experience, Winston Associates specializes in the following services:

- Comprehensive land planning at both medium-to-small scales and in urban and rural contexts
- Resource analysis, carrying capacity analysis, and the integration of environmental constraints into creative land planning
- Public facilitation—conducting large meetings and small focus groups
- Community Viz and the integration of GIS data with planning analysis to generate indicator-based measurements and solutions
- 3D simulation capabilities that allow quick-feedback visualization



The Winston Associates team prides itself in creating community-based, action-oriented, user-friendly planning documents (area plans, comprehensive plans, etc.) that are tailored for each community. From our experience working with communities throughout the U.S., each community's character, diversity and unique challenges must guide the development of their own plan. Our hands-on approach, with principle-level involvement, has yielded location-specific policies and actions that guide administrators, boards, commissions and staffs from the first stages of planning through implementation.

Winston Associates accreditations and licenses include 1) certification by the American Institute of Certified Planners, 2) membership in the American Planning Association and 3) certification by the American Society of Landscape Architects.



WINTER AND COMPANY

WWW.WINTERANDCOMPANY.NET

Urban Design • Historic Preservation • Design Review

Enhancing livability, protecting cultural resources and providing delight in the community experience — these are the focus of design, preservation and planning services at Winter & Company.

Winter & Company consults nationwide to public agencies, downtown improvement committees and private property owners. Collaboration with regional planning and design professionals is a specialty. Services include urban design plans, neighborhood conservation strategies, cultural facility feasibility studies and design guidelines. Projects span more than 150 communities in 48 states and Canada.



Concepts for new multifamily buildings draw upon the Lexington tradition of terrace apartments.

Streetscape planning takes into consideration the historic context of a downtown, urban design policies and economic development benefits. Issues commonly examined include pedestrian circulation, wayfinding, street furnishings and sidewalk design.

Winter & Company actively engages stakeholders, residents and property owners in creative ways of team-building and problem solving. Community workshops, open houses, and stakeholder interviews are planned to be lively, informative and constructive.

Winter & Company has completed several design and preservation-oriented projects in Tennessee and Kentucky, including historic design guidelines for Memphis. These projects included policy development as well as preservation and character management tools such as survey strategies, financial incentives, design review systems and neighborhood conservation districts.

RRC ASSOCIATES

WWW.RRCINFO.COM

RRC offers services in research, planning, and design to local governments, public agencies and private developers and corporations. The company is made up of a small group of professionals with extensive experience and qualifications in the problems and needs of communities. Our firm's small size permits RRC to offer a very personal level of services to our clients.

The firm's principals have experience as staff to municipalities and counties, and through extensive consulting work with a variety of communities, have learned the importance of seeking solutions to problems which are sensitive to local conditions and tailored to local needs. This understanding of the importance of local procedures and requirements, and experience in assisting and coordinating public policy makers and staff members at all levels of government, allows RRC to work effectively in communities representing both developers and public

agencies. The firm emphasizes management techniques which assist the community and its leaders in finding unique solutions to carefully defined problems.

4. Similar Experience

Describe the comprehensive plans, zoning codes, and other pertinent plans your firm has completed in the last three years.

4.1. WINSTON ASSOCIATES

WINSTON ASSOCIATES - COMPREHENSIVE PLANS

* indicates projects within the last three years

** indicates projects that are currently in-process

Other projects listed are within the last 4 years. **All** projects include public engagement

St. George, UT*	Rifle, CO*	Montrose, CO*	Logan, UT ¹
Snowmass Village, CO*	Grand Junction, CO* ²	Garfield County, CO*	Washington City, UT
Glenwood Springs, CO*	Sheridan, CO	Winter Park, CO	Vision Dixie (UT)
Santa Clara, UT**	Caliente, NV**	Livingston Parish, LA**	

WINSTON ASSOCIATES - AREA PLANS

Carson City, NV	Sun Valley, ID	Steamboat Springs, CO	Rifle, CO*
Vail, CO	Jackson, WY	Grand Junction, CO*	
Jervay Place, Wilmington, NC		Celia Saxon, Columbia, SC	

WINSTON ASSOCIATES - PARKS, OPEN SPACE, TRAILS, AND RECREATION PLANS

Durango, CO	Frederick, CO	Carson City, NV	Lincoln County, NV
Frisco, CO	Mammoth, CA	Frasier Valley RD, CO	Clear Creek RD, CO

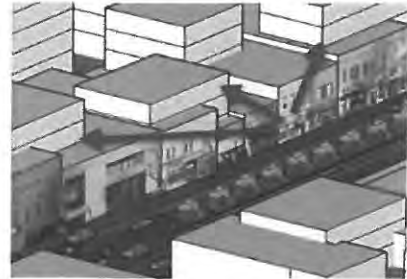
Other projects and plans can be viewed on our website: www.WinstonAssociates.com.

¹ The Logan General Plan received the Utah Governor's Quality Growth Award to "recognize the concrete steps you have taken to advance quality growth principles in our state and to improve the lives of residents."

² In 2011, the Grand Junction Comprehensive Plan received the Colorado American Planning Association's Outstanding Project Award

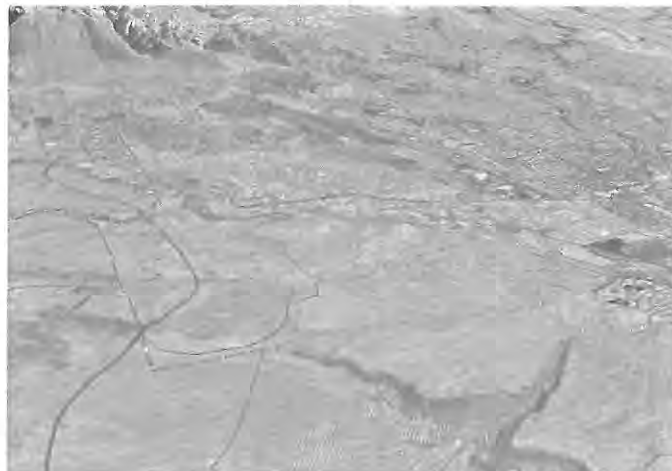
B. Glenwood Springs, CO – Comprehensive Plan 2011

Glenwood Springs is a regional center and tourism destination in central Colorado. Many of the issues confronting Glenwood Springs had been around, debated, and studied for years, some for decades. Some have been successfully addressed and resolved; others, like affordable housing, are being addressed with established programs adjusted periodically according to needs. Other issues – such as traffic congestion and downtown vitality remain, however, as better solutions are sought to find the balance between technical and financial feasibility, and community support. As a result, the latest Glenwood Springs Comprehensive Plan was truly an update that built on the foundation laid by previous plans: the vision, and many of the concepts proposed, can be found in previous plans while some aspects of this update are new and reflect issues and solutions that have not previously been identified or adopted. All of the components of the plan, both old and new, were given an extensive public airing, in a variety of ways, and have been confirmed (and re-confirmed) by the public and decision-makers.



C. Santa Clara, CO – General Plan 2011

Winston Associates joined with Winter and Company to update the Santa Clara General Plan. In many ways Santa Clara is similar to Farragut. Santa Clara is primarily a single-family home oriented (“bedroom”) community adjacent to a large metropolitan area with a wealth of historic resources struggling with the desire to increase retail options while maintaining its quality of life. The final plan includes the development of commercial guidelines, historic preservation and annexation policies. Integrating infrastructure with surrounding communities. The plan included three-dimensional visualizations of desired development patterns.



D. Vail, Co – Planning, design, guideline development review and on-going consulting

This project is relevant because of the average income of its residents, our role in helping create commercial centers, and our unique experience in working with this community over an extended period of time (being able to see our plans implemented over time). Winston Associates has worked with Vail for over 25 years. This on-going collaboration includes planning, design development review and on-going consultation. The Vail community recognizes the importance of design as an essential element of livability and commercial success.



Winston's coordinated design for the Town's major pedestrian areas to resolve pedestrian/vehicle conflicts, extend the pedestrian network, provide guidance to private development and enrich the aesthetic appearance of the town and encourage craftsmanship and creative design. Throughout the years, Winston has engaged extensive public involvement with property owners, merchants and concerned citizens. For over twenty-five years, the resulting guidelines have stood the test of time. Winston Associates continues to provide design review assistance and in educating citizen review boards and periodically updating and expanding the plans and guidelines.

4.2. WINTER & COMPANY

A. Memphis, TN – Downtown Design Guidelines & Sign Code Update 2012

Downtown Memphis is the economic, cultural and governmental heart of the city. With billions of dollars in redevelopment projects recently completed, underway or scheduled to begin, it is currently experiencing the most dramatic period of redevelopment in its history. Design guidelines and a sign code help shape downtown's look and feel, ensuring that development continues to promote a livable and economically vibrant environment.



The Downtown Memphis Commission is currently updating the guidelines and sign code for the Memphis Central Business Improvement District (CBID). Downtown residents, property owners, business owners, architects and developers will help shape the new regulations and ensure that new development and redevelopment continue to celebrate the unique character of Downtown Memphis.

Services:

- Interactive public process to determine the design vision and objectives for downtown
- Updated design guidelines for public projects and projects receiving development incentives from the Memphis Center City Commission
- An updated code addressing signage throughout downtown
- Evaluation of design review subareas and code districts



Before



After

B. *Memphis, TN – Urban Design Plan and Design Guidelines for the Bicentennial Neighborhood*

In celebration of two hundred years of statehood, the Tennessee legislature identified a select number of "Bicentennial Neighborhoods" across the state to be demonstrations of revitalization and conservation. In Memphis, the City selected an area southeast of downtown, which encompassed more than 100 city blocks. This Bicentennial Neighborhood contains a dozen subareas, each with distinct identities. Some are historic districts, while others simply convey the characteristics of well established, livable communities. Various commercial corridors and corner stores provide services throughout the area.

Winter & Company developed an Urban Design Framework Plan for the neighborhood that identifies key circulation routes and land use patterns and illustrates a series of special development "opportunity sites." These sites include a mix of commercial and residential uses and emphasize the existing assets of the community. The consulting team developed sketch plans for a



number of these opportunity sites; one of particular note is the old Stax recording studio site, which is currently a \$20 million redevelopment project.

Winter & Company also produced design guidelines that apply through a neighborhood conservation overlay system recently enacted by the City Council. The guidelines are used in conjunction with a variety of community reinvestment programs targeted for the area.

The guidelines for the Bicentennial Neighborhood were modeled after the design guideline system and format developed for the South Main Street Historic District by Winter & Company in an earlier project for the City. They include concepts for compatible new construction of both residential and commercial buildings as well as rehabilitation of and alteration to existing residential and commercial structures. The consulting team worked with community residents to apply these general principles to the varying contexts of the neighborhood by identifying twelve "character areas" within the neighborhood and describing the distinguishing features of each.

Public participation was a key feature of this project. Through a series of hands-on workshops, neighborhood representatives developed the fundamental policies for the Framework Plan and helped custom-tailor the design guidelines to the various character area settings. This included consideration of the historic resources and overall community design as well as economics.

Finally, Winter & Company produced a strategy for implementing the guidelines and the Framework Plan. Working with a variety of City agencies and other interest groups, the team created a matrix that identified each of the key actions that needed to be taken, the players responsible, and a time line for completion. This matrix helps coordinate a variety of departmental actions that contribute to the implementation of the Bicentennial Neighborhood initiative.

Services:

- Neighborhood character descriptions
- Urban design plan
- Design guidelines
- Implementation plan



Before



After

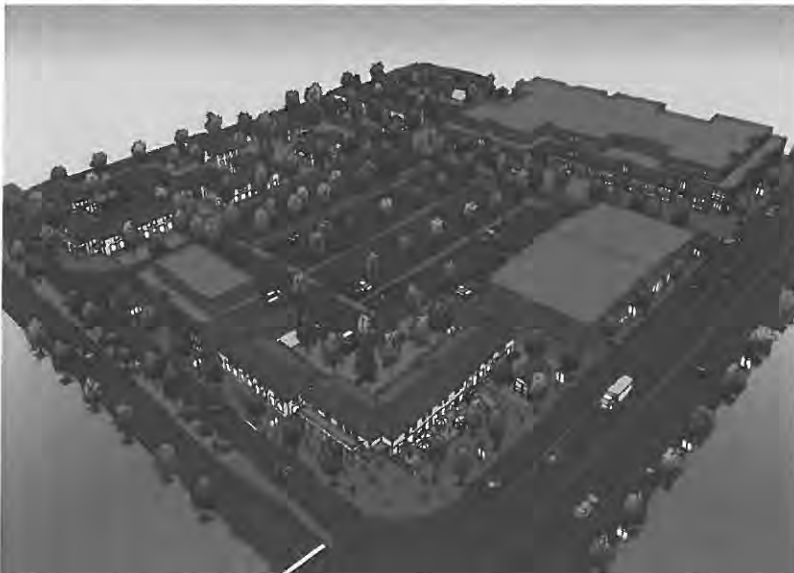
C. Lexington, Kentucky – Newtown Pike Extension Corridor Plan

The City of Lexington, in conjunction with the Kentucky Transportation Cabinet, plans to construct a parkway through a portion of the core area of town in order to facilitate automobile movement, expand transit opportunities and stimulate economic development in the region. As a part of the roadway design phase, Winter & Company developed a corridor plan that encompasses approximately 450 acres within eight subareas that flank the corridor.

The plan recommends land use revisions, streetscape enhancements, expansion of pedestrian and bicycle systems and construction of parks and open space. The plan also includes recommendations for identifying new industrial uses. Maintaining a good supply of industrial lands that can respond to changing markets is very important to the city.

A major issue in the commercial areas of the corridor is the degree of intensity in development that should occur. Short-term, low intensity development may preclude more intense, creative uses. Another issue is how to design sites such that the impact on surrounding residential neighborhoods is positive. Adaptive reuse of older warehouses is recommended along with development of mixed-use projects that include residential, commercial and, in some cases, live/work combinations with light manufacturing.

A special highlight of the plan is a concept for an urban village as a redevelopment strategy for one portion of the corridor. In other cases, existing historic districts are reinforced with plan policies, whereas in other locations new compatible infill development is recommended. The plan also highlights sites for potential new civic facilities that would serve as activity anchors.



Design principles for redevelopment at key intersections include commercial “liner” buildings at the street edge

5. Team Roles

If this is a joint venture with multiple firms, explain in detail the responsibilities of each firm.

Winston Associates will be the prime consultant and have overall responsibility for providing services to the Town of Farragut. Winter & Company and RRC Associates will be subconsultants to Winston Associates.

Winston Associates will serve as project manager, director of public input and plan facilitation. Winston Associates will also be in charge of updating the plan.

Winter and Company will assist with addressing historic preservation issues and creating the framework to ensure the future commercial development maintains the valued elements of Farragut's history.

RRC will provide supplemental public opinion. As an optional service, if opted they will conduct a statistically valid survey on how best to implement a comprehensive vision as well as the formulation of policy statements that guide the plan.



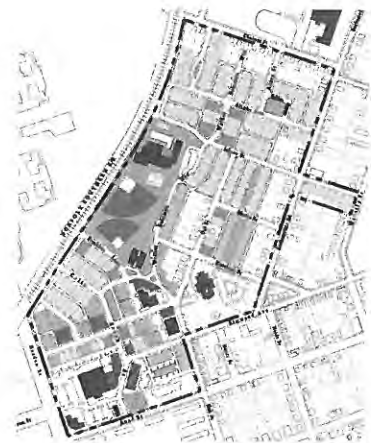
6. Team Members

Identify the principal staff who will be assigned to this project and describe their, certifications / licenses / affiliations (APA, AICP, PE, ASLA) and specific roles and responsibilities as it relates to this project. List recent projects (type of project and client community) which the proposed principal staff have worked and describe their responsibilities related to that project.

6.1. WINSTON ASSOCIATES

Jeffrey Winston, Principal, will be the principal-in-charge and provide overall direction for entire project team. He will facilitate public meetings (as desired by Town staff), will participate in key work sessions with the Town and stakeholders, and will edit presentations and report documents, and will provide detailed input into to the policy creation.

Jeff is a community planner with 35 years of practical experience. He has authored over 25 comprehensive plans that involved the incorporation of numerous functional plans (transportation, water, sewer, police, parks, etc.). Jeff has also directed large-scale

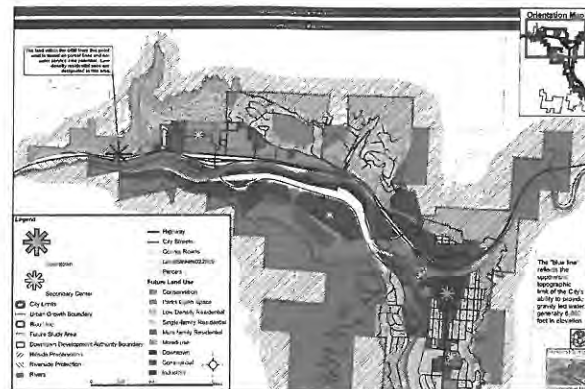


regional plans as well as neighborhood and sub-area plans, and provides on-going consultation to a variety of public clients.

Relevant projects: Glenwood Springs Comprehensive Plan, Glenwood Spring CO; Vail Master Plan and Design Guidelines, Vail CO; Garfield County Comprehensive Plan, Garfield County CO; Jervay Place Neighborhood Plan , Wilmington NC; Celia Saxon Neighborhood Plan, Columbia SC (Jeff served as Principal in Charge and facilitator for all projects.);

Paul Glasgow, Senior Planner, APA, AICP, GISci, will serve as project manager, assist in facilitating public outreach and prepare the document. Paul has over 9 years of planning experience including planning, graphic and facilitation skills. He has hands on experience managing a variety of community planning projects, including: comprehensive planning, community revitalization, urban design, land use development, parks and open space planning, restoration, and special roles in GIS education and departmental capacity building.

Projects: Santa Clara General Plan Update (project management and plan composition); Caliente, Nevada Master Plan Update (project management, land use planning); Lincoln County Community Lands Plan (project management and facilitation); Glenwood Springs Comprehensive Plan



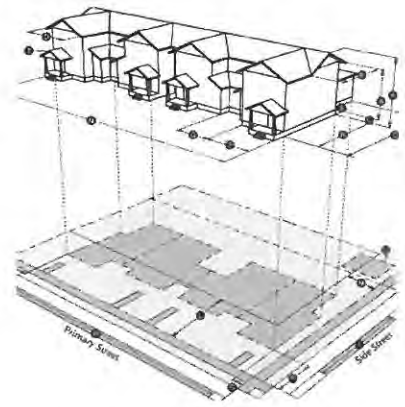
Chase Mullen, 3D Specialist will assist with production of the illustrative plan graphics, participate in the digital design charrette, and contribute 3D computer graphics and models for the alleys. Chase brings a unique understanding of both planning and urban design, and the technical tools to make them understandable to the public. Chase is an experienced user of Arc View and Community Viz. He has developed unique Web-based tools to streamline the public involvement process through on-line commenting and feedback. He has developed real-time 3D software, which more clearly demonstrates designs and concepts, increasing the effectiveness of community involvement and public participation in any design process.

Projects: Carson Public Library and Plaza visualization, Carson City NV; Carson Downtown revitalization plan Carson City NV; Louisville downtown expansion plan; Lakewood TOD planning and visualization, Louisville, CO; Boulder Transit Village visualization.



6.2. WINTER AND COMPANY

Noré Winter – Subconsulting Principal-in-Charge. Noré will oversee the work of Winter & Company and participate in a community worksession in Farragut. Nore is a planner and urban designer, with more than thirty years of experience consulting nationwide in historic preservation and urban design. He has managed projects addressing preservation plans, design review systems and neighborhood conservation programs in a wide variety of towns and cities. He specializes in services that engage community members in active, hands-on strategy sessions and in building consensus. He is a regular faculty member of the Preservation Leadership Program that is conducted by the National Trust for Historic Preservation, and recently authored a publication on sustainability and local historic district guidelines for the Trust. He also is former Chair of the National Alliance of Preservation Commissions.



Projects: downtown plans for Bellingham WA, Boulder CO, Flagstaff AZ, Georgetown TX, Fort Collins CO, Monroe WA, Monterey CA, and Walla Walla WA. A corridor plan that enhances the entryway experience and promotes connections to the downtown Lexington KY. He has also supervised the initial form-based code character analysis/visioning process in: Raleigh NC, Galveston TX, Arvada CO, Boulder CO, and Denver CO.

Abe Barge – Senior Planner. Mr. Barge is a senior planner at Winter & Company, where he is currently developing design guidelines for downtown Memphis as well as historic preservation plans for Galveston, Texas and Tacoma, Washington.

Projects: downtown design guidelines and sign code update for Memphis TN, development standards for Cherry Hills, CO; residential zoning standards for Fort Lauderdale and West Palm Beach FL, Historic Preservation Plan for Tacoma WA, and a historic survey strategy for Denver CO. He recently completed work on a citywide form based code for Denver CO, Colorado; single-family zoning regulations for Boulder CO,; urban design guidelines for downtown Ann Arbor MI,; and height and density development standards for Galveston TX.

6.3. RRC

Chris Cares, AICP. Chris possesses a diverse background in public and private planning. A founding partner of RRC Associates, he specializes in practical applications of research techniques including survey research, and statistical analysis for problem solving in city planning, administration, and a variety of business applications. His research and recommendations have helped to shape both the design and marketing strategies of major resorts and other developer clients, and he has coordinated the planning and public processing of numerous large resort and mixed-use projects. Market feasibility studies and housing needs

assessments are a particular area of specialization. Chris has also drafted comprehensive plans, zoning ordinances, growth management plans, capital improvements programs, affordable housing strategies, and related regulations for towns and cities of various sizes. Philosophically, Chris Cares and members of RRC Associates strive for collaborative solutions to community problems, using appropriate resources from both the public and private sectors. Chris will lead the community survey with any follow up community survey effort.

7. Approach

Describe in detail the approach you will use for each of the following: Overall approach to the project; Draft work program / scope of work (refer to Section III in general); Est. project schedule by month and year (milestones); Project management/staffing; Provide a detailed narrative indicating how you will engage the public in this process; Include a statement that the firm(s) has (have) sufficient staff resources and the capability to perform the work provided within the specified period

7.1. OVERALL APPROACH TO THE PROJECT

A. Creating a Community-based plan – Public Outreach and Input

Our approach to public involvement is focused on two objectives:

1. To obtain effective input (about concerns and issues, about potential opportunities and solutions, and about values that can help structure priorities)
2. To create a broad understanding of the plan that will build a cadre of advocates—supporters of the plan—that will create continuity in plan implementation over the life of multiple town councils and enable the plan to be a true guide for decision-making.

We have found that these two objectives are critical to the plan “not sitting on the shelf.”

In the end, an informed public opinion will outweigh objections from vocal special interests, hold public officials accountable, and give confidence to developers and land owners about the future direction of the community.

Below is a summary of the variety of public engagement tools that we use, with the techniques 'checked' that we are recommending for Farragut. At the beginning of the planning process, we will review this list with the Staff and determine an optimal strategy to involve the public effectively in the update.



- ✓ Workshops
- ✓ Information kiosk
- ✓ Newspaper Inserts
- ✓ Classroom exercises
- ✓ Website
- ✓ Podcasts & YouTube
- ✓ Digital charrette
- ✓ Television spots
- ✓ Blog
- ✓ Round Table Discussions
- ✓ Online surveys
- ✓ Traditional charrette
- ✓ Meeting in a box
- ✓ Press releases
- ✓ Community newsletters
- ✓ Social media

A number of these techniques are described in greater detail in Section 8: Detailed Narrative About Engaging the Public.

B. Action-oriented Implementation

There are several typical reasons comprehensive plans fail to be implemented:

1. There are so many actions they become overwhelming.
2. There isn't a built-in system for reviewing the actions, and with changing realities, over time the priorities change and the actions cease to be relevant.
3. The comprehensive plan itself is not kept current, and it soon ceases to be an effective guide for decisions, falls into disuse, and the actions become casualties of this cycle.

To remedy these problems and further ensure that this plan does not just “sit on a shelf,” we incorporate a variety of additional elements into the comprehensive plan:

- A Comp Plan Workbook—this is a checklist tool that can be used for individual decisions, that leads the staff and the Planning Commission to systematically determine the degree to which the decision is consistent with the comprehensive plan.
- Annual Report Card—a tool by which to evaluate, and report to the policymakers and public, how well the town is progressing on implementing the comprehensive plan.
- Annual Action Plan—rather than expect a set of actions to be valid for five years, we help the staff develop a One-year Action Plan (including beginning tasks that take multiple years to accomplish), and then we recommend that the staff annually review and update their Action Plan for the following year. We also recommend that the Action Plan not be included in the Comp Plan, so that it doesn't require a Plan Amendment to update it.
- Comprehensive Plan Maintenance—a policy and procedures that enable updates to the comp plan to

Washington City General Plan Worksheets
Protection of Natural Resources - Page 1 of 2

Applicable	Objective, Policy or Issue	Review Evaluation				Comments
		Emergency Action to High Priority	Medium Priority	Low Priority	Total Score	
						“Comp Plan Reference” Comments
Policy #1	Land use proposals that could have adverse impacts on critical plant habitat shall be modified to eliminate or adequately mitigate such adverse impacts.				0/1	Section 3.4
Policy #2	Land use proposals that could have adverse impacts on critical wildlife habitat shall be modified to eliminate or adequately mitigate such adverse impacts.				0/1	Section 3.5
Policy #3	The City will support regional efforts to prevent the destruction of critical habitat in order to avoid the listing of threatened species.				0/1	Section 3.6
Policy #4	If the proposal includes use of public lands as the proposed use is consistent with the land use designated in the General Plan?				0/1	Section 3.7
Policy #5	Review public lands within its jurisdiction consistent with the Land Use element of the General Plan.				0/1	Section 3.8
Policy #6	Land within the City under the jurisdiction of the United States and Institutional Trust Lands Administration (ITLTA) and the U.S. Bureau of Land Management (BLM) shall be a study review of for development impacts by the City when an exchange or sale of such land is considered.				0/1	Section 3.9
Other						

be made more easily and with a level of effort that is appropriate to the degree of change to the plan.

- Consistency Policy—a policy, adopted by the Council, that decisions must be consistent with the comprehensive plan.

C. User-friendly documents (*Easy to Use & Easy to Update*)

The initial acceptance, and subsequent use, of a comprehensive plan are often functions of the user-friendliness of the document. That is, if the document is clearly organized, easy to read (simple terms, background provided) and copiously illustrated, it is much more likely to be used. Several principles guide our comprehensive plans:

- Write for the “person-in-the-street”—we try to envision a hairdresser and shoe salesman reading the document (rather than someone familiar with planning jargon). This forces us to write simply and clearly.
- The Comprehensive Plan is a marketing tool—many people refer to the plan in order to make business decisions. The composition of the plan is an opportunity to portray community values, to document the reasons behind the policies, and to describe the ultimate vision of the community.
- Organize the document in a logical way—we try to lead the reader in a logical way from “why are we doing this?” (a plan), to “what needs to change and what needs to stay the same?” to a “where do we start” plan of action.
- Keep it simple. Policies are the workhorses of comprehensive plans. However, when there are a myriad of policies, often contradictory, they cease to be useful. We feel that it is important to help staff, elected and appointed officials and the public to understand the importance and use of policies (which we describe as “decisions made outside the heat of battle,” and then try to boil the policies down to the minimum necessary to guide decision-making.
- Understanding is greatly aided by visualizing. Over and above providing comprehensive plan maps, we use a variety of graphic techniques to make plans more readable and the impacts understandable, such as overlaying plans on air photos and terrain models, birds-eye perspectives, 3D visualization of details, etc.



From left to right: 3D visualization; interactive work session; new growth areas shown in yellow on aerial

7.2. DETAILED NARRATIVE ABOUT ENGAGING THE PUBLIC

We believe that public meetings should be interactive to get appropriate public input but also to keep people interested, willing to participate and having fun. In public meetings, we use interactive tools such as the chip game and key pad polling as well as involved dialogues (not just a one-way presentation) to make the time enjoyable for all while gathering the information we need for the plan.

A. Digital Design Charrette

At the first or second public meeting we propose to incorporate our unique “Digital Design Charrette.” This process builds on the traditional charrette process, except now it is done in SketchUp 3D, projected on a large screen. We anticipate using this process to allow the public to begin to visualize potential uses and character for the development of key commercial parcels to explore the importance of compatibility, historic preservation themes, etc. Using our own facilitation approach (everyone uses a laser pointer instead of a pencil) as people begin to verbalize their ideas for building heights, setbacks, streetscapes, and new or expanded roads, the ideas take shape before their eyes, as fast as they can talk. An amazing transformation takes place. Everyone understands and feels empowered to comment and decisions get made much more rapidly - all at CAD level accuracy that can be translated into detailed design.



Ultimately, digital charrette designs can be taken farther understood better and are more accurate - all in a shorter amount of time than a traditional charrette.

We not only harness the 3D tools, but also employ facilitation processes that help focus the discussion, put participants at ease and provide broad understanding that makes decisions easier.

B. Key Pad Polling

Public meetings have a unique challenge: some people are too shy to participate, and often the meetings can be dominated by a vocal minority. At all of our public meetings we use key pad technology to overcome this challenge, and to increase participation and improve the consensus building process. Participants use a key pad to respond to questions posed on a projection screen. The tabulated “votes” for each answer are shown immediately, before proceeding to the next question. Because the input is provided anonymously, this input system overcomes “reluctance to participate”. Dominant personalities do not coerce opinions, and everyone’s opinion can be heard. And because feedback is instantaneous, consensus and buy-in



for implementation are more likely. We find that key pad polling often reveals unexpected consensus—many times participants find that they are in the majority when they presumed otherwise.

From our extensive experience we have customized the use of key pad polling in several key ways:

- We specifically craft questions to present all sides of an issue—to be sure that those who may be for or against a topic feel they can make their feelings known.
- Rather than yes/no questions, we create questions that force participants to make the difficult trade-offs that are involved in planning decisions.
- When assessing the degree of support, we avoid giving a middle option, we ask the respondent to indicate at least slightly in favor or slightly against a proposition.

We have found key pad polling to be very effective in assessing the level of public acceptance for a number of key growth policies as well as providing direction on a variety of appearance and design regulation questions facing various communities and regions.

C. Focus Groups and Stakeholder Interviews

At the beginning of the process we will be convening one or more small groups for in-depth questioning. This is a very effective way to understand community needs and priorities and to probe specific community issues in greater depth than a public meeting would permit. We have found that much knowledge can be gained by interviewing segments of your community that have a common interest.

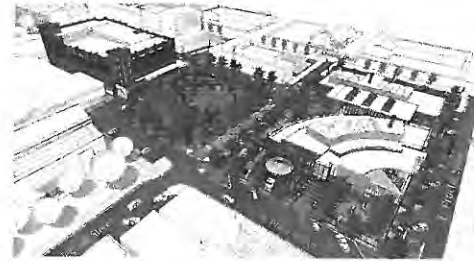


D. Visualization Techniques

Often, delays in reaching agreement are a function of uncertainty—people just don't feel that they understand what is being proposed. In many cases, when people do not understand, they tend to make up worst-case images in their own mind. We find that "seeing is understanding"—effective visual examples applied to local circumstances do much to increase understanding and acceptance as well as the implications of growth patterns. In our meetings, and in the resulting comprehensive plan report we will use a variety of graphic techniques to make plans more readable and the impacts understandable. We have developed in-house skills to produce computer simulations with a high degree of realism that allow a viewer to fly over, or walk through a proposed project. Both public and private clients tell us this technology helps them to react to plans much more



quickly and confidently. In the Farragut planning process, 3D visualizations can help participants see how design guidelines may provide harmony between adjacent commercial and residential developments. We are particularly excited about our use of 3D visualizations.



E. Web 2.0, Extending Public Participation

Throughout the project we propose to use a variety of online tools, some we've pioneered and others that we've adapted, to help engage interested parties and encourage participation beyond public meetings. Geospatial commenting encourages the viewers to view site-specific proposals (i.e. future land use) on a map and provide feedback. Collaborative online document review allows a group of reviewers (i.e. the municipal planning commission) to see each other's comments concerning policies, actions. We use also use other more mainline web tools like web surveys and social media. We plan to utilize the Town's existing social media resources. Together these tools encourage a greater level of participation in particular from those that cannot attend the public meeting due to scheduling conflicts. Plus once established, these tools are easily adapted to encourage feedback throughout the planning process, for example surveys can target selected groups (commissions, boards) to gauge evolving policies. For your exploration, we've created a mock website that displays some of these tools:

www.farragut2025.com

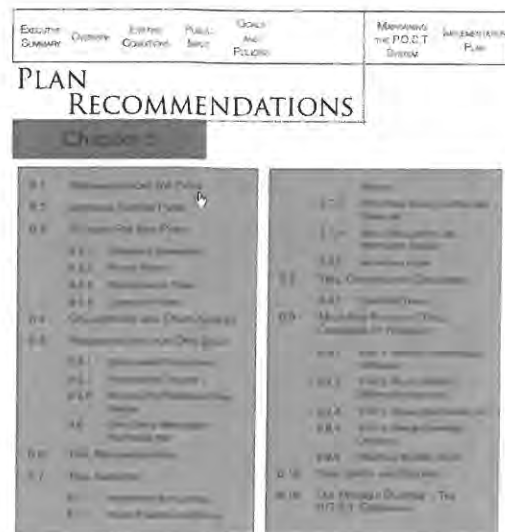


F. Other Media & Outreach

At key junctures (prior to the public workshops) Winston Associates will provide press releases to appropriate sources (the Farragut press and other media outlets). Winston will also provide information to local organizations (Kiwanis, Rotary, Chamber of Commerce, Farragut Business Alliance, etc.) and request inclusion in their newsletters.

G. Interactive / Online Comprehensive Plan

If desired, as part of the final product, we propose to provide the Town with an interactive PDF final document that can be posted online or distributed via CDs, as a much lower cost method of disseminating



the comprehensive plan versus a printed document. An interactive PDF differs from the current PDF format the Town uses in that it will be searchable and will provide links to sections in the written report allowing the user to easily navigate to areas of interest. We will work with your web developer to best integrate it into, or link to, your current webpage.

H. Classroom Exercises (Optional)

High school students are our next generation of leaders. Our decisions today affect the future in which they will operate. Engaging civic student groups (student councils, civic oriented classes, etc.) helps provide feedback into the process and encourages students to understand the trade-offs or of land use conflicts that arise in comprehensive land use planning. Engaging students early in the process may help get out the word to a wider audience, especially families with children who may not have the time to attend a public meeting.

I. Statistically Valid Survey (Optional)

There is an art to effective opinion surveys. Though we have a highly qualified survey firm (RRC) on our team, we do not just delegate out the survey creation. We have found over many years and many surveys that careful consideration of the questions greatly improves the usability of the responses. We have pioneered the use of incorporating graphics into mailback and electronic surveys to increase comprehension of difficult concepts. We try to ask key questions in more than one way so we can cross check the consistency of attitudes. We typically design surveys for extensive cross-tabulation so we can identify how sub-groups responded—families with children vs. retirees for example. Our surveys are intended to provide ongoing usefulness to the Town in demonstrating support for proposed actions.

7.3. DRAFT WORK PROGRAM

See Section 10, located at the end of this Proposal

7.4. PROJECT SCHEDULE

See Section 10, located at the end of this Proposal

7.5. PROJECT MANAGEMENT/STAFFING

Jeff Winston will serve as Principal in Charge; Paul Glasgow will serve as day to day project manager.

Winston Associates, Winter & Company, and RRC Associates have a past working relationship and will provide seamless management of the project.

7.6. CAPABILITY TO PERFORM THE WORK PROVIDED WITHIN THE SPECIFIED PERIOD

With a staff of 9, Winston Associates has sufficient staff resources and the capability to perform the work provided within the specified period.

8. References

Provide not less than three client-community references in which you list the project(s) completed for each community and provide the names, email addresses, and telephone numbers of primary points of contact for that community.

8.1. WINSTON REFERENCE:

Lisa Cox (Planning Manager) City of Grand Junction CO (970) 244-1448

Fred Jarman (Director of Building and Planning) Garfield County CO (970) 945-8212

Andrew McGregor (Community Development Director) City of Glenwood Springs CO (970) 3384-6429

Bob Nicholson (Community Development Director) St. George UT (435) 674-4205

Rick Rosenberg (Mayor) Santa Clara UT (435) 673-6712

8.2. WINTER REFERENCES:

Brett Roler, AICP (Development Project Manager) Downtown Memphis Commission (901) 575-0574

Andy Kitsinger, AIA, AICP (Sr. Vice President) Downtown Memphis Commission (901) 575-0592

9. Detailed Scope of Work

Separate from the statement of qualifications above; briefly describe how your firm will analyze the following main sections:

<i>Goals and Objectives</i>	<i>Regional Environment Analysis</i>
<i>Existing Conditions Analysis</i>	<i>Community Facilities Analysis & Map</i>
<i>Existing Land Use Categories & Map</i>	<i>Future Land Use Analysis & Map</i>
<i>Economic Environment Analysis</i>	<i>Transportation/Circulation Analysis</i>
<i>Housing Review and Analysis</i>	<i>Major Road Plan Map (revise per FLU)</i>
<i>Historic Pres. / Cultural Resources Analysis</i>	<i>Implementation Plan</i>

9.1. GOALS AND OBJECTIVES (EVALUATE EXISTING PLANS; SOLICIT PUBLIC INPUT)

We begin by using our Report Card (described in the Detailed Narrative about Engaging the Public above) to evaluate past goals, objectives and policies for their ongoing relevance and relative importance. We will also glean additional potential goals and objectives from other plans. Finally we will extract additional goals and objectives from the public input. We use a variety of methods to identify and affirm the public's desired directions for the community: surveys, focus groups, digital charrettes, the creation of a project website, etc. (See Detailed Narrative about Engaging the Public for more information.)

9.2. EXISTING CONDITIONS ANALYSIS (WORK WITH STAFF AND EVALUATE EXISTING DATA AND PLANS)

We will first review data from the previous plan with Town staff and ascertain what is still relevant and accurate. This will include land uses, zoning, and environmental constraints (steep slopes, habitats, unstable soils, sinkhole areas and floodplains).

We will then collect and incorporate into the existing conditions base recent developments, approved-but-unbuilt plans (future roads, future parks, developments). We will review and discuss with Town staff regional plans, including plans from the Transportation Planning Organization, East Tennessee's Regional Plan for Livable Communities, neighboring jurisdiction plans, etc.) and existing data (Census data, PlanET State of the Region Report, etc.) to understand trends in the region and identify their influence on future land use, policy decisions and actions. (For example, changing demographics often require different community and retail services.)

We will work with Town staff from each department to analyze fiscal sustainability and answer the question – "Are we keeping up?" to identify the degree to which existing level-of-services criteria will meet future needs. As the Town of Farragut does not have property tax, the Town's fiscal health (and its ability to provide services) is directly linked to sales tax, we will work with the Finance Department to identify trends in sales tax receipts.

All key aspect of the comprehensive plan will be to distinguish the areas of town that are stable and not likely to change, and to focus more specifically on the areas of town that are likely to change; Our simplified inventory of Areas Subject to Change typically includes vacant lands, and large underutilized parcels (with a land value greater than the structure value).

9.3. *EXISTING LAND USE CATEGORIES & MAP (REVIEW EXISTING DATA AND ADD RECENT TRENDS)*

We will work with staff to identify appropriate general land use categories that reflect the types of development existing and anticipated in the Town. We will then jointly apply the categories to existing development (guided by zoning). We will then update the existing land use map to reflect development that has occurred since the last land use plan was done.

9.4. *ECONOMIC ENVIRONMENT ANALYSIS (PROTECT AMENITIES; DIVERSIFY LAND USE; ENSURE FISCAL BALANCE; AND ENCOURAGE PREDICTABLE, WELL-DESIGNED COMMERCIAL, SUPPORT EXISTING BUSINESS)*

The Town's Economic Development Committee recently completed the town's Strategic Plan entitled Farragut 2025 a Distinctive Residential Community. The Plan lays out a number of principles and means that will help diversify land use and protect the high quality of life that the community enjoys. We will utilize the Strategic Plan and public input collected during the planning process to inform the Comprehensive Land Use Plan and help provide the base policies and procedures to protect and grow desired amenities and services.

We will work with members of key stakeholder groups (the Economic Development Committee, Chamber of Commerce, Rotary, Kiwanis, etc.) to understand existing economic conditions and to ascertain:

1. What's working and what's not?
2. Do existing regulations support desired development? Do they provide enough predictability for businesses to locate in the town?
3. How are existing businesses fairing?

We will also examine regional and national retail development trends to identify successful development characteristics (shopping centers vs. lifestyle centers vs. "main street" developments) and test those observations with local stakeholder groups to identify strategies and priorities that are appropriate for Farragut.

9.5. HOUSING REVIEW AND ANALYSIS (EVALUATE EXISTING CONDITIONS AND PROJECT NEEDS)

With a vacancy rate of approximately 4 percent Farragut is well below the national and state average, and an owner occupancy rate of close to 90 percent indicates the town's primarily single-family housing stock is strong. However, as the existing population ages and their needs change, as children grow-up and want to reside in town, the desire for other types of housing may increase. Through public meetings and possible survey results we will attempt to ascertain if there is an adequate range of housing types to meet the needs and desires of Farragut residents: aging in place, young families, local workers, affordable housing. We will use information from the existing conditions analysis, demographic trends, etc. to help inform the plan.

9.6. HISTORIC PRESERVATION / CULTURAL RESOURCES ANALYSIS (IDENTIFY; EVALUATE; PROTECT)

Winter & Company will evaluate the historic resources in Farragut and identified strategies (e.g. education and advocacy) to better integrate preservation with other city functions. Our team will explore opportunities for heritage tourism and identify the proper treatment of key historic resources.

9.7. REGIONAL ENVIRONMENT ANALYSIS (EVALUATE PROGRESS; IDENTIFY NEW ISSUES)

Many environmental issues were identified in the current plan. These include:

- Storm water management and lake water quality
- Drainage, flooding and sinkholes relative to onsite development requirements (Turkey Creek and Little Turkey Creek)
- Poorly drained soils and the need for sanitary sewer
- Air quality and potential non-attainment in the Knoxville region
- Topography and steep slopes, etc.

Winston will work with staff and gage the public to 1) see if these have been address and if they've been adequately resolved, 2) identify any new environmental issues and potential policies and actions required to address new or outstanding issues.

9.8. FUTURE LAND USE ANALYSIS & MAP (EVALUATE PROGRESS; IDENTIFY NEW ISSUES)

Winston will identify future land uses that help meet the community needs. Identify policies that promote harmonious development between existing and future development. We recognize that the town is mostly built out hence the future land use analysis will concentrate on areas subject to change. Our goal is to provide a function land use plan that provides sufficient predictability to create an efficient development review process that encourages well designed development.

It is anticipated that much of Farragut's future economic growth will occur through redevelopment of commercial corridors and other relatively underdeveloped areas within the city's current borders. Significant redevelopment opportunities exist along the Kingston Pike, Parts of Campbell Station Road, and the Interstate-40 corridor. Our digital charrette process will work with the public to carefully considering the desired character of any redevelopment.

The Plan will likely suggest strategies and tools to promote the community's design vision while addressing potential concerns. Our team's experience with implementation of regulatory systems to support plan vision will help us craft practical recommendations that relate directly to proven tools. Such tools may include recommended zoning standards that are sufficiently flexible to promote economic development and design guidelines for context-sensitive redevelopment. They may also include wayfinding systems and streetscape designs, as well as pedestrian, bicycle and automobile circulation systems.

If a more diverse mix of uses, an increased pedestrian orientation and enhanced compatibility with local design traditions is desire, our team can help visualize the relationship between redevelopment areas and nearby neighborhoods to help identify design criteria. Our team members, Winter & Company, have worked extensively around the country on strategies to promote pedestrian-oriented development and distinctive design traditions while also encouraging compatible transitions between commercial areas and established neighborhoods. Their understanding of these issues will help us develop a future land use plan that is not just policy-based, but is an action-oriented, design-focused plan that gives policy makers the tools for to achieve the community's vision.

The future land use will be expressed in both text descriptions and map designations.

9.9. COMMUNITY FACILITIES ANALYSIS & MAP (LEVEL-OF-SERVICE ANALYSIS)

Through interviews with Town staff and quasi-public service providers (fire, utilities, leisure services, etc.) we will identify the perceived adequacy of existing and planned facilities to meet service levels required at build out (per the future land use plan). We will compare those needs to readily available level-of-service standards. We will work with staff and public to identify whether existing standards will provide the desired level of service.

The community facilities will be expressed in the plan in both a map indicating potential future locations and a text description.

9.10. TRANSPORTATION/CIRCULATION ANALYSIS & MAJOR ROAD PLAN MAP (REVISE PER FLU) (LAND USE / TRANSPORTATION CONNECTION)

We will review the existing Roads Master Plan and work with Town staff (Public Works, Engineering) to identify where there are existing capacity problems, and where future land uses (once the future land use map is generated) will generate traffic in excess of capacities, and

potential solutions. We will also explore with them how to provide road service to vacant parcels in ways that will be consistent with existing road policies (e.g. maximum cul-de-sac length, etc.).

9.11. IMPLEMENTATION PLAN (WORKBOOK, ANNUAL ACTION PLAN, MAINTENANCE AND CONSISTENCY)

Our team will:

- Develop a Comp Plan Workbook—a checklist tool that can be used for individual decisions, that leads the staff and the Planning Commission to systematically determine the degree to which the decision is consistent with the comprehensive plan. Create an annual Report Card—a tool by which to evaluate, and report to the policymakers and public, how well the town is progressing on implementing the comprehensive plan.
- Annual Action Plan—rather than expect a set of actions to be valid for five years, we help the staff develop a One-year Action Plan (including beginning tasks that take multiple years to accomplish), and then we recommend that the staff annually review and update their Action Plan for the following year. We also recommend that the Action Plan not be included in the Comp Plan, so that it doesn't require a Plan Amendment to update it.
- Comprehensive Plan Maintenance—a policy and procedures that enable updates to the comp plan to be made more easily and with a level of effort that is appropriate to the degree of change to the plan.
- Consistency Policy—a policy, adopted by the Council, that decisions must be consistent with the comprehensive plan.

9.12. POSSIBLE ADD-ON: SUSTAINABILITY ANALYSIS AND ACTION PLAN

Sustainability definitions vary by location; depending on community values how a place conceptualizes sustainability differs. Often we start by defining sustainability as “the ability to live within our means.” Then we refine that definition, and its applications, through the public process and craft associated goals and policies to meet the evolving definition. After establishing sustainability goals and policies we can work with Farragut staff to outline short-, medium- and long-term sustainability actions, developing building efficiency standards for example, and identify the party responsible for implementing them (Town Board, the Municipal Planning Commission, etc.).

AGENDA NUMBER VII.A.1.

MEETING DATE February 23, 2012

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 12-02, ordinance on 2nd 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.

As discussed at the February 9th Board meeting, the phrase “such as landscape rock, railroad ties, topsoil or similar materials” has been added to clarify and further define other landscaping related materials.

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, such as landscape rock, railroad ties, topsoil, and similar 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:

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, such as landscape rock, railroad ties, topsoil, and similar 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

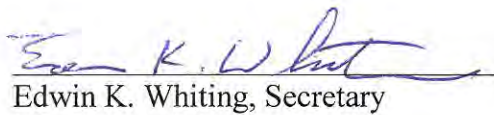
ORDINANCE 12-02

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Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this 19th day of January, 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 2nd 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

ORDINANCE 12-03

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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.

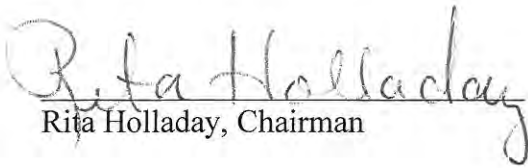
Dr. Ralph McGill, Mayor

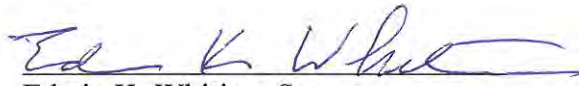
Allison Myers, Town Recorder

ORDINANCE 12-03

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Certified to the Farragut Board of Mayor and Aldermen this 19th day of January,
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 2nd 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
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;

- (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 forty (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