

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN

June 28, 2012

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. June 14, 2012
- VI. Resolution & Ordinances**
 - A. Resolution
 - 1. Resolution R-2012-08, Maintenance Agreement with TDOT for Improvements to Concord Road from Turkey Creek Road to Northshore Drive
 - B. Second Reading & Public Hearing
 - 1. Ordinance 12-09, Fiscal Year 2013 Budget for the General, State Street Aid, Capital Investment Program, Equipment, Insurance and Beautification Funds
 - C. First Reading
 - 1. Ordinance 12-06, an ordinance to amend Title 14. Land Use Controls, to create Chapter 6. Building Facade Ordinance, to add building facade requirements
 - 2. Ordinance 12-08, an ordinance to amend the text of the Zoning Ordinance of the Town of Farragut, Tennessee, Ordinance 86-16, as amended, by amending Chapter 4. General Provisions and Exceptions, Section xxiii. Outdoor Sales Permit, to modify potential users and the parameters of such permits, as authorized pursuant to section 13-4-201, Tennessee Code Annotated.
- VII. Business Items**
 - A. Approval of Utility Easement at the Public Works Facility on Fretz Road
- VIII. Town Administrator's Report**
- IX. Attorney's Report**

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN

June 14, 2012

BEER BOARD

6:55 PM

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
 - A. AmeriCorps Year-End Summary
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. May 24, 2012
- VI. Resolution & Ordinances**
 - A. Resolutions
 - 1. Resolution 2012-06, Fee Schedule
 - 2. Resolution 2012-07, LPRF Grant
 - B. Second Reading
 - 1. Ordinance 12-09, Fiscal Year 2013 Budget for the General, State Street Aid, Capital Investment Program, Equipment, Insurance and Beautification Funds
- VII. Business Items**
 - A. Approval of FY2013 Committee Appointments
 - B. Approval of Annual Maintenance Contracts
 - 1. Contract 2013-01, Annual Road Maintenance
 - 2. Contract 2013-02, Annual Pavement Marking Maintenance
 - 3. Contract 2013-03, Annual Guardrail Maintenance
 - 4. Contract 2013-04, Annual Signal Maintenance
 - C. Approval of Contract 2013-07, Voice Over Internet Protocol Phone System
- VIII. Town Administrator's Report**
- IX. Attorney's Report**

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, June 14, 2012 at 7:00 p.m.

Members present were Mayor McGill, Aldermen Elliott and Markli; Aldermen Honken and LaMarche were absent.

Approval of Agenda

Motion was made to approve the agenda as amended to postpone item VII.C., Approval of Contract 2013-07, Voice Over Internet Protocol Phone System until the June 28th meeting. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott and Markli; no nays; Aldermen Honken and LaMarche were absent; motion passed.

Mayor's Report

Jason Scott and Josh Cunningham gave a presentation about the AmeriCorps Year-End Summary.

Mayor McGill read a Proclamation proclaiming June 2012 Small Cities Month in the Town of Farragut. He also announced that Vice-Mayor LaMarche is on North Carolina at a Small Cities conference and that the Tennessee Municipal League held the annual conference in Knoxville.

Approval of Minutes

Motion was made to approve the minutes of May 24, 2012 as presented. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott and Markli; no nays; Aldermen Honken and LaMarche were absent; motion passed.

Resolution & Ordinances

Resolution 2012-06, Fee Schedule

Motion was made to approve Resolution 2012-06, Fee Schedule. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott and Markli; no nays; Aldermen Honken and LaMarche were absent; motion passed.

Resolution 2012-07, LPRF Grant

Motion was made to approve Resolution 2012-07, LPRF Grant. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott and Markli; no nays; Aldermen Honken and LaMarche were absent; motion passed.

Second Reading

Ordinance 12-09, Fiscal Year 2013 Budget for the General, State Street Aid, Capital Investment Program, Equipment, Insurance and Beautification Funds

Mark Calvert, 324 Farragut Crossing, requested that the Board restore the funding of \$40,000 to Knoxville Area Transit. Russ Barber, 12000 Butternut Lane, expressed his appreciation to the board for the increased funding to the schools.

Motion was made to preserve funding for KAT for \$35,000 and \$5,000 for the Town to promote the service. Moved by Alderman Markli. Motion dies for the lack of a second.

After some discussion the board decided to postpone the vote until June 28th to give staff time to follow up with KAT.

Business Items

Approval of FY2013 Committee Appointments

Motion was made to approve the FY2013 Committee Appointments as presented. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott and Markli; no nays; Aldermen Honken and LaMarche were absent; motion passed.

Approval of Annual Maintenance Contracts

Contract 2013-01, Annual Road Maintenance

Motion was made to award contract 2013-01 to JG Mullins in the amount of \$65,000. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott and Markli; no nays; Aldermen Honken and LaMarche were absent; motion passed.

Contract 2013-02, Annual Pavement Marking Maintenance

Motion was made to award contract 2013-02 to Volunteer Hiway Supply in the amount of \$30,000. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott and Markli; no nays; Aldermen Honken and LaMarche were absent; motion passed.

Contract 2013-03, Annual Guardrail Maintenance

Motion was made to award contract 2013-03 to Tennessee Guardrail in the amount of \$55,000. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott and Markli; no nays; Aldermen Honken and LaMarche were absent; motion passed.

Contract 2013-04, Annual Signal Maintenance

Motion was made to award contract 2013-04 to Progression Electric in the amount of \$28,000. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott and Markli; no nays; Aldermen Honken and LaMarche were absent; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, presented the 20th consecutive year CAFR award to Allison Myers, Town Recorder. He also announced that the land use public forum would be June 26th at 7:00PM.

Meeting adjourned at 8:30 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Resolution in Support of Maintenance Agreement with TDOT for Improvements to Concord Road (Turkey Creek Road to Northshore Drive)

INTRODUCTION: The purpose of this agenda item is to consider approval of a resolution and agreement to maintain planned improvements to Concord Road south of Turkey Creek Road.

BACKGROUND: TDOT is currently preparing plans for the reconstruction of Concord Road from Turkey Creek Road to Northshore Drive. This project is the last of three phases that will provide a minimum five lane roadway between Northshore Drive and Interstate 40/75. The project will consist of four through lanes, a center lane (with portions of raised median), bike lanes, sidewalk and greenway. As this is a state route (SR 332), TDOT has requested approval of the attached resolution in favor of the attached maintenance agreement, which outlines the Town's responsibility to maintain the proposed improvements outside the new roadway. This is a standard agreement that is used for projects on all state routes, and staff recommends approval.

RECOMMENDATION BY: Darryl Smith, Town Engineer, for approval.

PROPOSED MOTION: Approval of Resolution R- 2012-08 and maintenance agreement.

BOARD ACTION:

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

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

RESOLUTION R-2012-08

**ACCEPTANCE OF THE PROPOSAL OF THE TENNESSEE DEPARTMENT OF
TRANSPORTATION TO CONSTRUCT PROJECT STP-M-332(9),
STATE PROJECT NO. 47033-1223-54,
SR-332 (CONCORD ROAD), FROM TURKEY CREEK ROAD TO NORTHSHORE DRIVE**

WHEREAS, the Tennessee Department of Transportation has presented a Proposal to the Town of Farragut, Tennessee, concerning Federal Project No. STP-M-332(9), State Project No. 47033-1223-54, which involves the reconstruction of SR-332 (Concord Road) from Turkey Creek Road to Northshore Drive.; and

WHEREAS, the Farragut Board of Mayor and Aldermen has determined that the above referenced project will benefit the Town of Farragut, Tennessee and the citizens thereof; and

WHEREAS, the Farragut Board of Mayor and Aldermen wishes to cooperate with the State of Tennessee Department of Transportation in its road and bridge improvements in the Town of Farragut, Tennessee; and

WHEREAS, said Proposal is incorporated herein by reference, the same as if copied herein verbatim, with a copy of said Proposal attached hereto; and

WHEREAS, the terms and conditions of said proposal to the Town of Farragut as submitted by the State of Tennessee, Department of Transportation, are accepted and approved by the Farragut Board of Mayor and Aldermen, and the Town of Farragut shall fulfill all obligations concomitant thereto; now

THEREFORE, BE IT RESOLVED, by the Farragut Board of Mayor and Aldermen that this resolution is duly passed and approved this 28th day of June, 2012, and shall take effect from and after its passage.

Done this 28th day of June, 2012.

MAYOR

ATTEST:

RECORDER

APPROVED FOR ENTRY:

TOWN ATTORNEY

P R O P O S A L
OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE TOWN OF FARRAGUT, TENNESSEE

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project designated as No. STP-M-332(9); 47033-1223-54 that is described as S.R. 332 (Concord Rd.), From Turkey Creek Road to Northshore Drive in the TOWN of Farragut, hereinafter TOWN, provided the TOWN agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, if the TOWN will agree:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right of way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 404 James Robertson Parkway, Nashville, Tennessee 37243-0487, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of

defending such actions and paying any judgments which result therefrom at its own expense; and

2. To close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law; and

3. To transfer or cause to be transferred to the DEPARTMENT without cost to it, all land owned by the TOWN or by any of its instrumentalities as required for right of way or easement purposes, provided such land is being used or dedicated for road or other public way purposes; and

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right of way of any road or other public way owned by the TOWN, or any of its instrumentalities, the TOWN agrees that it will take action necessary to require the removal or adjustment of any of the above described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the TOWN since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the TOWN.

The foregoing does not apply to those utility facilities which are owned by the TOWN or one of its instrumentalities, it being understood that the TOWN has

the duty to relocate or adjust such facilities, if required, provided the TOWN is notified to do so by the DEPARTMENT with detailed advice as to this duty of the TOWN; and

5. To maintain any frontage road to be constructed as part of the project; and

6. That after the project is completed and open to traffic, to accept for jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map; and

7. That the TOWN will make no changes or alter any segment of a road on its road system that lies within the limits of the right of way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right of way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT; and

8. That no provision hereof shall be construed as changing the maintenance responsibility of the TOWN for such part of the project as may presently be on its highway, street, road or bridge system; and

9. That it is understood and agreed between the DEPARTMENT and the TOWN that all traffic control signs for the control of traffic on a street under the jurisdiction of the TOWN and located within the DEPARTMENT'S right of way shall be maintained and replaced by the TOWN; and

10. That when traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the TOWN.

11. If, as a result of acquisition and use of right of way for the project, any structures that become in violation of a TOWN setback/building line requirement, the TOWN agrees to waive enforcement of the TOWN setback/building line requirement and take other proper governmental action therefor.

12. To prohibit encroachments of any kind upon the right of way and easements for the project; and

13. To prohibit the servicing of motor vehicles within the right of way and easements for the project; and

14. To obtain the approval of the DEPARTMENT before authorizing parking on the right of way and easements for the project and before installing any device for the purpose of regulating the movement of traffic; and

15. The DEPARTMENT will maintain the completed project if it is classified as full access control (i.e. a project which has no intersecting streets at grade), and it will maintain the pavement from curb to curb where curbs exist or the full width of the roadway where no curbs exist on non-access control projects. The TOWN agrees to maintain other parts of non-access control projects.

16. That when said project is completed, it thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and

sidewalks, by any person, firm, corporation or governmental agency, without first obtaining the approval of the DEPARTMENT.

The acceptance of this proposal shall be evidenced by the passage of a ordinance, or by other proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto. Thereafter, the DEPARTMENT will acquire the right of way and easements, construct the project and defend any inverse condemnation or damage civil actions of which the Attorney General has received the notice and pleadings provided for herein.

The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the TOWN.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this _____ day of _____,

20 .

THE TOWN OF FARRAGUT

BY: _____ DATE: _____
MAYOR

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

BY: _____ DATE: _____
John Schroer
Commissioner

APPROVED AS TO FORM AND LEGALITY:

BY: _____ DATE: _____
John Reinbold
General Counsel

VI. B.1

ORDINANCE	12-09
PREPARED BY	Myers
1 ST READING	May 24, 2012
2 ND READING	June 28, 2012
PUBLISHED IN	
DATE	

AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013.

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of the source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds; and

WHEREAS, the governing body has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF FARRAGUT, TENNESSEE AS FOLLOWS:

SECTION 1: That the governing body estimated anticipated revenues of the municipality from all sources to be as follows:

General Fund	FY2010-11	FY2011-12	FY2012-13
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Local Sales Tax	3,898,286	3,719,180	3,925,000
State of Tennessee	2,742,314	2,716,991	2,671,703
Other Revenue	1,219,214	1,036,682	923,130
Transfer from Other Funds	931,960	0	11,305
Fund Balance			\$4,270,313

State Street Aid	FY2010-11	FY2011-12	FY2012-13
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
State Gasoline & Motor Fuel	537,377	540,000	551,000
Other Revenue	457	500	500
Transfer from General Fund	100,000	120,000	120,000
Fund Balance			\$167,310

Equipment Replacement Fund	FY2010-11	FY2011-12	FY2012-13
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Other Revenue	321	25,613	300
Transfer from General Fund	200,000	150,000	150,000
Fund Balance			\$509,959

Insurance Fund	FY2010-11	FY2011-12	FY2012-13
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Interest	885	800	800
Transfer from General Fund	0	0	330,000
Fund Balance			\$4,590

SECTION 2: That the governing body appropriates from these anticipated revenues and unexpended and unencumbered funds as follows:

General Fund	FY2010-11	FY2011-12	FY2012-13
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Personnel	3,067,810	3,384,062	3,701,525
Operating Expenditures	1,635,678	1,986,027	2,508,670
Operating Transfers	2,705,000	1,825,000	3,822,868
Total Appropriations	7,408,488	7,195,089	10,033,063

State Street Aid	FY2010-11	FY2011-12	FY2012-13
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Road Maintenance	590,085	700,000	700,000
Total Appropriations	590,085	700,000	700,000

Equipment Replacement Fund	FY2010-11	FY2011-12	FY2012-13
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Major Equipment	9,966	77,008	24,000
Total Appropriations	9,966	77,008	24,000

Insurance Fund	FY2010-11	FY2011-12	FY2012-13
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Retirement Benefit	0	524,859	328,451
Total Appropriations	0	524,859	328,451

SECTION 3: At the end of the current fiscal year the governing body estimates balances/ (deficits) as follows:

General Fund \$4,270,313
State Street Aid \$167,310
Equipment Fund \$509,959
Insurance Fund \$4,590

SECTION 4: During the coming fiscal year the governing body has planned capital investment projects and proposed funding as follows:

<u>Proposed Capital Projects</u>	Proposed Amount Financed by Appropriations
Old Stage/Watt Rd. Extension	3,647,400
Campbell Station Road-Parkside to Jamestown	50,000
Everett Road ROW-Entire Length	100,000
GCR Island Lighting/Landscaping	50,000
Outdoor Classroom	100,000
Turkey Creek Slope Improvement	75,000
Traffic Signal Enhancements	160,000
McFee Park Splash Pad	60,000
Campbell Station Park Signs (Historical)	50,000
MBLP Park Improvements	375,000
KP Greenway, Willow Creek	410,800
Greenway Connectors	100,000
Wentworth Greenway Connectors	100,000
Virtue Road Historical Site	63,750
Land Acquisition	900,000
Emergency Radio	30,000
Total Project Costs	\$6,271,950
<u>Funding Sources</u>	
STP Old Stage/Watt Road	2,917,920
Interest Earnings	9,000
STP KP Greenway, Willow Creek	328,640
Outdoor Classroom	10,000
Transfer from General Fund	2,500,000
Transfer from General Fund Land Acquisition	622,868
Total Funding Sources	\$6,388,428

SECTION 5: No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law of 1982 T.C.A. Section 6-56-208. In addition, no appropriation may be made in excess of the available funds except to provide for an actual emergency threatening the

health, property or lives of the inhabitants of the municipality and declared by a two-thirds (2/3) vote of at least a quorum of the governing body in accord with Section 6-56-205 of the *Tennessee Code Annotated*.

SECTION 6: Money may be transferred from one appropriation to another in the same fund only by appropriate ordinance by the governing body, subject to such limitations and procedures as it may describe as allowed by Sec. 6-56-209 of the *Tennessee Code Annotated*. Any resulting transfers shall be reported to the governing body at its regular meeting and entered into the minutes.

SECTION 7: A detailed financial plan will be attached to this budget and become part of this budget ordinance. In addition, the published operating budget and budgetary comparisons shown by fund with beginning and ending fund balances and the number of full time equivalent employees required by Section 6-56-206, *Tennessee Code Annotated* will be attached.

SECTION 8: If for any reason a budget ordinance is not adopted prior to the beginning of the next fiscal year, the appropriations in this budget ordinance shall become the appropriations for the next fiscal year until the adoption of the new budget ordinance in accordance with Section 6-56-210, *Tennessee Code Annotated* provided sufficient revenues are being collected to support the continuing appropriations. Approval of the Director of Local Finance in the Comptroller of the Treasury for a continuation budget will be requested if any indebtedness is outstanding.

SECTION 9: All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.

SECTION 10: This ordinance shall take effect July 1, 2012, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

AGENDA NUMBER V1.C.1

MEETING DATE June 28, 2012

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 12-06, ordinance on 1st reading to amend Title 14. Land Use Controls, of the Farragut Municipal Code, to create minimum building façade requirements

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

BACKGROUND: The Board of Mayor and Aldermen have expressed the need to prevent the construction of metal buildings in the town. To date we have very few metal buildings, but with the approval of the Costco building, concerns were raised.

DISCUSSION: I conducted two separate training sessions for you, the Board of Mayor and Aldermen, on architectural review. The first training session was on building design and the second was on the Town Center District. I have conducted these same training sessions for the planning commission.

Per those training sessions, the Board decided that rather than doing a full architectural design review ordinance at this time, it would be more appropriate to adopt a scaled down version. It is possible that a full architectural design review ordinance will be developed after the completion of the Land Use Plan.

Ordinance 12-06 was approved by the Board of Mayor and Aldermen on first reading on April 26, 2012. Just prior to the second reading, it was decided that some additional word-smithing was needed and it was sent back to the planning commission to revisit.

Ordinance 12-06 now states that "No exterior of any building shall exceed fifteen percent (15%) metal, metal composites, and/or aluminum. Metal roofs, doors, and window frames shall not be included in the total calculation." The term "doors" was added to the exemption list by the planning commission. If not metal framed glass, most doors, particularly non-public access doors, are of metal construction.

This is an objective ordinance in that either the fifteen percent (15%) is exceeded or it is not. There is no subjectivity to this ordinance in that there are no design requirements that accompany this requirement. When site plans are submitted, the architectural rendering that is included in the plans will be required to verify this ordinance requirement is met.

One additional change was that the explanation of how non-compliant existing buildings are to be treated was taken out of Section 14-603. Scope and put in Section 14-604. Building facades.

Attached please find a copy Ordinance 12-06.

PROFESSIONAL RECOMMENDATION: Community Development Director, Ruth Hawk, recommends approval of revised Ordinance 12-06.

PLANNING COMMISSION RECOMMENDATION: On May 17, 2012, in a unanimous vote, the Farragut Municipal Planning Commission recommended approval of revised Ordinance 12-06.

PROPOSED MOTION: To approve Ordinance 12-06 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:	12-06
PREPARED BY:	Hawk
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	May 17, 2012
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND TITLE 14. LAND USE CONTROLS, TO CREATE CHAPTER 6. BUILDING FACADE ORDINANCE, TO ADD BUILDING FACADE REQUIREMENTS

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Title 14. Land Use Controls, Chapter 6. Building Facade Ordinance, 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 14. Land Use Controls, is amended by adding the following:

CHAPTER 6. BUILDING FACADE ORDINANCE

Section 14-601.	Authority.
Section 14-602.	Purpose and intent.
Section 14-603.	Scope.
Section 14-604.	Building facades.
Section 14-605.	Appeals.

ORDINANCE 12-06

Page 2

Section 14-601. Authority.

This chapter shall be known as the “Building Facade 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 14-602. Purpose and intent.

The purpose of this chapter is to supplement the Site Plan Regulations in the zoning ordinance. These regulations are intended to assist in the maintenance of tasteful building construction design throughout the Town and which in turn will maintain property values and property investments.

Section 14-603. Scope

This chapter shall regulate all new buildings that require the submittal of a site plan and all existing buildings where exterior building walls are being modified and that require the submittal of a site plan.

Sec. 14-604. Building facades.

No exterior of any building shall exceed fifteen percent (15%) metal, metal composites, and/or aluminum. Metal roofs, doors, and window frames shall not be included in the total calculation.

All noncompliant existing buildings shall be brought toward compliance as exterior portions of its walls are modified. Where any part of any exterior building wall of an existing noncompliant building is being modified and the remaining undisturbed building walls make up more than fifteen percent (15%) metal, metal composites, and/or aluminum of the total surface area of the exterior of the building, then the modified portion of the building wall shall include no metal, metal composite, and/or aluminum. If fifty percent (50%) or more of the total surface area of the exterior of an existing noncompliant building is being modified, then the entire exterior must be modified so that it includes no more than fifteen percent (15%) of the surface area consisting of metal, metal composites and/or aluminum.

ORDINANCE 12-06

Page 3

Sec. 14-605. Appeals.

- (1) The Farragut Board of Zoning Appeals (BZA) shall serve as the appellate body for this ordinance and shall have the following responsibilities:
 - (a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the town administrator and the planning commission in the carrying out or enforcement of any provision of this chapter;
 - (b) To authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship. Variances shall not be granted to allow a higher percent of metal, metal composites, and/or aluminum provided for in this chapter.
- (2) Appeals procedure:
 - (a) After a written denial from the town administrator, a party may make an application for interpretation or variance using forms available at the town hall.
 - (b) The application and fee must be submitted to the town hall on or before the Monday, sixteen (16) days prior to the regular monthly Board of Zoning Appeals meeting. The required fee is per the schedule approved by the Farragut Board of Mayor and Aldermen. The Board of Zoning Appeals shall consider and decide all appeals within thirty (30) days of first hearing the appeal; and
 - (c) The minutes of the Board of Zoning Appeals shall fully set forth such circumstances or conditions warranting the granting of a variance.

SECTION 2.

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

Dr. Ralph McGill, Mayor

ORDINANCE 12-06
Page 4

Allison Myers, Town Recorder

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

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 12-08, ordinance on 1st reading to amend the Farragut Zoning Ordinance, Chapter 4. Section XXVIII. Outdoor Sales Permit, to modify potential users and the parameters of such permits

INTRODUCTION: This is a staff initiated ordinance. Section XXVIII. Outdoor Sales Permit was initially written to accommodate the old K-Mart Store for the seasonal sales of flowers, mulch, and other yard related merchandise. Due to other text amendments over the years, this section of the Zoning Ordinance is no longer being used. We do, however, need to accommodate for such events as the Farmers Market, which is held at Renaissance.

BACKGROUND: This ordinance amendment was discussed at the December 15, 2011, planning commission meeting. At that meeting, the following was decided:

- An annual permit would be required for each event. The permit would be based on the calendar year vs. fiscal year;
- Town staff would have the authority to approve/deny the permit based on the developed criteria and past practices of the applicant;
- Outdoor sales would be allowed. Off-premise and on-premise businesses would be permitted to participate;
- The event is intended to be an occasional or intermittent event;
- The purpose of such activities is to add to the sense of community, create a gathering purpose, and generate foot traffic; and
- Permits could not be issued for vacant or vacated properties.

DISCUSSION: The planning commission again workshopped this ordinance at their April 19, meeting. It was agreed that the term "periodic" should be added to further clarify our intent behind the events being occasional or intermittent. It was also agreed that there was no reason to define these terms because they were adequately defined in Webster's Dictionary.

It was also decided that each multi-tenant facility could have as many permits per year as they needed and that each "type" of event should receive a separate permit.

With the exception of eliminating the Shop Farragut logo requirement, the signage provided for in this section is the same as what is provided for with the Special Event Permit. The application process is also similar to the application process of the Special Event Permit.

Following is the introductory paragraph from Ordinance 12-08. It fully explains the intent and purpose of this proposed ordinance:

It is the intent of this section to establish the requirements and the permitting process for group based outdoor sales held within the Town of Farragut. The purpose of such group based outdoor sales events is to create a gathering purpose, to add to the sense of community, and to generate foot traffic for existing permanent businesses at the location of the event. Such events are intended to be occasional, intermittent, or periodic in duration. A group based outdoor sale is an event characterized by multiple participants gathering on common or parking areas of established retail shopping centers for the purpose of selling merchandise to the public. An example of a group based outdoor sales event would include a seasonal farmers market. 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.

Attached please find a copy Ordinance 12-08.

PROFESSIONAL RECOMMENDATION: Community Development Director, Ruth Hawk, recommends approval of Ordinance 12-08.

PLANNING COMMISSION RECOMMENDATION: On May 17, 2012, in a unanimous vote, the Farragut Municipal Planning Commission recommended approval of revised Ordinance 12-08.

PROPOSED MOTION: To approve Ordinance 12-08 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:	12-08
PREPARED BY:	Hawk
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	May 17, 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 4. GENERAL PROVISIONS AND EXCEPTIONS, SECTION XXIII. OUTDOOR SALES PERMIT, TO MODIFY POTENTIAL USERS AND THE PARAMETERS OF SUCH PERMITS, 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 4, Section XXIII. Outdoor Sales Permit, is deleted in its entirety and substituted in lieu thereof the following:

SECTION XXIII. GROUP BASED OUTDOOR SALES PERMIT

It is the intent of this section to establish the requirements and the permitting process for group based outdoor sales held within the Town of Farragut. The purpose of such group based outdoor sales events is to create a gathering purpose, to add to the sense of community, and to generate foot traffic for existing permanent businesses at the location of the event. Such events are intended to be occasional, intermittent, or periodic in duration. A group based outdoor sale is an event characterized by multiple participants gathering on common or parking areas of established retail shopping centers for the purpose of selling merchandise to the public. An example of a group based outdoor sales event would include a seasonal farmers market. 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.

ORDINANCE 12-08

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A. General Requirements

1. Each multi-tenant facility located within the General Commercial District (C-1), General Commercial District, Three Stories (C-1-3), Regional Commercial District (C-2), or the Planned Commercial Development District (PCD) shall be eligible for group based outdoor sales permits. Each event shall obtain a separate permit.
2. Participants of the group based outdoor sales event may be off-premise or on-premise businesses.
3. Each group based outdoor sales event shall be held on an intermittent, occasional, or periodic basis.
4. Each group based outdoor sales permit shall be valid from date of permit approval to December 31 of that same calendar year. Such permit may be revoked if the terms of the permit are violated. A permit may be denied if a previously issued permit was revoked.
5. Group based outdoor sales permits shall not be issued for vacant or vacated properties.
6. Sales from trucks with more than three axles are prohibited.
7. Activities of the group based outdoor sales event shall not materially affect the pedestrian or vehicular circulation within the immediate vicinity of the event. The traffic generation of the group based outdoor sales event shall not be allowed to create a hazardous condition for traffic in public rights-of-way.

B. Sign Requirements

1. There shall be a maximum of one (1) sign per group based outdoor sales event not to exceed twenty (20) square feet. For a two-sided sign, only the area of a single face shall be considered.
2. For ground mounted signs, the maximum sign height shall be six (6) feet.
3. Ground mounted signs shall be set back a minimum of twenty (20) feet from the street edge of pavement as measured from the farthest most protrusion of the sign to the nearest point of the street edge of pavement. Signs shall be set back a minimum of ten (10) feet from all entrance driveways.

ORDINANCE 12-08

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4. 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.
5. All signs shall have a white background.
6. Sign letters shall meet the Visual Resources Review Board's adopted legibility requirements.
7. No banners, streamers, balloons, flags-on-a-rope, other types of wind activated displays, or any sign prohibited in the Farragut Sign Ordinance is permitted.
8. All signs and any associated support posts shall be removed at the end of each stint of the group based outdoor sales event. For example, if an event occurs only on weekends, the sign shall only be permitted on weekends during the event. Signs may be posted twenty-four (24) hours before each stint of the group based outdoor sales event and shall be removed within twenty-four (24) hours at the end of each stint of the group based outdoor sales event.

C. Permitting Process

A group based outdoor sales permit application and filing fee shall be submitted to the Town Hall prior to the commencement of the event. The applicant must have an approved permit in hand prior to holding an event.

All group based outdoor sales permit applications shall include the following information:

1. Applicant's name, street address, telephone number, fax number, and e-mail address. The group outdoor sales permit can only be applied for and issued to the owner of record of the property upon which the group based outdoor sales event is to occur or his/her/its legal representative.
2. Name, street address, telephone number, fax number, e-mail address, and signature of individual identified who assumes the responsibility of meeting the conditions of the permit.
3. Location of group based outdoor sales event.
4. Nature/name of group based outdoor sales event.

ORDINANCE 12-08

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5. Date range of group based outdoor sales event. Include specific dates when actual outdoor sales event will be held.
6. Previous group based outdoor sales event permits approved in the past three calendar years.
7. If applicable, a drawing of the sign which includes dimensions that shows the length and width of the sign, the height and width of all letters and figures, and the overall height of the sign.
8. Include a site plan showing locations for the all outdoor sales. If having tent(s), a separate tent permit may be required per fire safety requirements.

SECTION 2.

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

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

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

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

AGENDA NUMBER VII. A MEETING DATE June 28, 2012

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Request for Utility Easement at Public Works Site on Fretz Road

INTRODUCTION: The purpose of this agenda item is to consider approval of a request from AT & T for an easement that will allow access to the cell tower on the Town's property at Fretz Road.

BACKGROUND: AT & T has requested an easement (see attached drawing) that will allow access to the cell tower near the Public Works facility on Fretz Road. AT & T wishes to install underground lines from Campbell Station Road (north of Interstate 40/75) south along Fretz Road and Hatmaker Road, under Interstate 40/75 to the cell tower on the Town's property at Fretz Road (south of Interstate 40/75). The alignment of the bored lines is intended to make the connection with as little impact to the Town's property as possible. Staff has reviewed this alignment, and recommends approval.

RECOMMENDATION BY: Darryl Smith, Town Engineer, for approval.

PROPOSED MOTION: Approval of request for utility easement on the Town's property at 731 Fretz Road.

BOARD ACTION:

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

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



HATMAKER LN

KNOX COUNTY

-R/W-

140/75

WEST BOUND

EAST BOUND

EOP

EOP

277' BORE UNDER TREES

CITY OF FARRAGUT PROPERTY

TREES

TDOT RIGHT-OF-WAY

PROPOSED 10' UTILITY EASEMENT

PINE

CELL SITE

FRETZ RD

FARRAGUT
PUBLIC
WORKS

AT&T PROPOSES A 10' UTILITY EASEMENT
FROM THE SOUTHERN TDOT RIGHT-OF-WAY
TO THE CELL SITE AS SHOWN

GRAVEL RD

ATTSE

PROPOSED TELEPHONE FACILITIES
ON RIGHT OF WAY OF
CITY OF FARRAGUT

FRETZ RD

Exchange:	865690
Designers:	SHERROD, BUTCH
Phone:	865-982-5556
Authorization:	28K44139N
Dwg.	4 of 4

