

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN

June 13, 2013

BMA WORKSHOP
NOISE ORD. WORKSHOP
5:45 PM
COMMITTEE WORKSHOP
6:15 PM

BMA MEETING
7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
 - A. Presentation of the Beautification Awards
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. May 23, 2013
- VI. Business Items**
 - A. Approval of Committee Appointments for FY2014
 - B. Approval of Contract 2013-12, Traffic Signal Enhancements
 - C. Approval of Contract 2014-01, Road Maintenance
 - D. Approval of Contract 2014-02, Pavement Markings
 - E. Approval of Contract 2014-03, Guardrail Maintenance
 - F. Approval of Contract 2014-04, Signal Maintenance
- VII. Ordinances**
 - A. First Reading
 - 1. Ordinance 13-18, ordinance on 1st reading on an amendment to the Farragut Zoning Ordinance, Chapter 4., Section VIII. Farragut Municipal Flood Damage Prevention Regulations, to adopt the latest flood study of Turkey Creek and North Fork Turkey Creek and to update regulations accordingly
 - 2. Ordinance 13-19, Fiscal Year 2014 Budget
- VIII. Town Administrator's Report**
- IX. Attorney's Report**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: G. Palmer, Assistant Town Administrator

SUBJECT: Noise Ordinance Workshop

Attachments: DRAFT Town of Farragut Noise Ordinance
Knox County Noise Ordinance

BACKGROUND:

Currently, the Town does not have an ordinance regulating noise. Knox County has a noise ordinance; which is enforceable at the discretion of Knox County Sheriff's Office or other county official (see attached).

Previous Boards have discussed a Town Noise Ordinance in the past but have not moved past the discussion phase.

Over the past 12 months the Town has received two "citizen requests" regarding noise. One was an alleged rooster in a neighborhood, and the second was alleged noise emitted from a fan on the Fox Den golf course.

DISCUSSION/IMPLICATIONS:

The draft Town Noise Ordinance is much more regulatory than the Knox County Ordinance and will be applicable to all uses in all zoning districts. The enforcement of a Town Noise Ordinance will be the duty of Town staff which may pose a problem for violations occurring after normal business hours since a violation must be witnessed by the enforcing official; however, that does not preclude a complainant from contacting Knox County Sheriff's Office for service in accordance with their procedures. In my opinion, the previous Board did not move forward due to the Town's limited ability to adequately enforce a noise ordinance. Knox County will not enforce Town Ordinances.

Regardless of a governmental agencies' involvement, as stated in the draft ordinance, the injured party can always seek relief civilly through the court system.

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:
PREPARED BY: PALMER
1ST READING:
2ND READING:
PUBLISHED IN:
DATE:

DESCRIPTION:

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Title 20, Miscellaneous, by adding Chapter 4: Noise, to 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 4, Noise:

Sec. 20-401. – Purpose and Authority.

The Board of Mayor and Aldermen finds that excessive noise is detrimental to the physical, mental and social well-being of the citizens of the Town as well as to their comfort, living conditions, general welfare and safety and hereby declares it necessary to provide for more effective regulation of excessive noise. It is the intent of this chapter pursuant to the authority of Tenn. Code Ann. § 6-2-201 to provide a comprehensive framework for regulating noise by the adoption of standards that will eliminate or reduce unnecessary and excessive noise which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

Sec. 20-402. - Scope.

This chapter shall regulate all noise generated by any means within the Town of Farragut.

Sec. 20-403. - Definitions.

As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

"Commercial use" means activity within or upon a premise where uses permitted within commercial zoning districts of the Town exist and none of the gross floor area meets the definition of residential use, as set forth below.

"Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from any imminent exposure to danger.

"May" is permissive in action.

"Municipal Court" shall mean the Town of Farragut Municipal Court.

"Noise" shall mean the sound or combination of sounds, audible by the human ear, associated with a given environment or mechanical operation.

"Person" means any individual, association, partnership, joint venture, corporation or any other type of legal entity, public or private in nature.

"Public premise[s]" means all real property, including appurtenances thereon, which is owned or controlled by any public governmental entity and shall include streets, alleys, parks and navigable waterways, but shall not include any real property leased to any nongovernmental entities.

"Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one person or entity from that owned by another person or entity, but not including intra-building real property divisions.

"Residential/office use" means any premises lawfully used for activity permitted under the office zoning districts of the Town's zoning ordinance, or for human habitation under the ordinances of the Town and the laws of the state and shall include schools, churches, hospitals, nursing homes and similar institutional facilities. For purposes of this chapter only, premises adjoining, adjacent to or opposite hospitals or nursing homes shall also be deemed residential/office use.

"Shall" is mandatory in action.

"Sound amplification device" means any apparatus for the amplification of sound from any radio, phonograph, band, orchestra or other sound-making or sound-producing device, including any apparatus for the amplification of the human voice.

"Town" shall mean the Town of Farragut

"Town Administrator" is the Town Administrator for the Town of Farragut or his/her designee.

Sec. 20-404 - Disturbing the peace.

No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or other conduct that by its nature causes a reasonable person of normal sensitivity to be unduly distracted from the normal activities of life, and no person shall knowingly permit such conduct upon any premises owned or possessed by him/her or under his/her control.

Sec. 20-405 – Unnecessary noise standard.

(1) *Residential/office use.* No person engaged in a residential /office use shall cause, suffer, allow or permit sound from any source which is plainly audible beyond the property line of the property creating the noise between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 10:00 p.m. and 7:00 a.m. Friday and Saturday.

(2) *Commercial use.* No person engaged in a commercial use shall cause, suffer, allow or permit amplified sound which is plainly audible not more than 100 feet from the real property boundary of the source of the sound between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday.

(3) Amplification of sound located in or within 100 feet of a residential property line which is plainly audible is prohibited between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 10:00 p.m. and 7:00 a.m. Friday and Saturday except for special events where a special permit has been obtained from the Town of Farragut authorizing such event. In the event that a special event permit has been obtained from the Town of Farragut, no other amplification of sound will be permitted within the area of the special event except that which has been applied for and authorized by the Town pursuant to the permit application.

Sec. 20-406 - Loud, unusual or unnecessary noises prohibited; criteria; other prohibited noises

(1) Unless otherwise permitted, and notwithstanding the limits of Sec. 20-405 and in addition thereto, it shall be unlawful for any person within the limits of the Town to make, produce, cause, suffer, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud,

unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

(2) The factors which shall be considered in determining whether a violation of this section exists shall include, but shall not be limited to, the following:

- a. The volume of the noise.
- b. The intensity of the noise.
- c. Whether the nature of the noise is usual or unusual.
- d. Whether the origin of the noise is natural or unnatural.
- e. The volume and intensity of the background noise, if any.
- f. The proximity of the noise to residential facilities.
- g. The nature and land use of the area within which the noise emanates.
- h. The density of inhabitation of the area within which the noise emanates.
- i. The time of the day or night the noise occurs.
- j. The duration of the noise.
- k. Whether the noise is recurrent, intermittent or constant.
- l. Whether the noise is produced by a commercial or non-commercial activity.

(3) The following acts, among others, are declared to be loud, unusual and unnecessary noises which disturb the peace and quiet of the neighborhood in violation of this section, even if the noises referred to do not violate the noise standards set forth above in Sec. 20-405:

- a. *Horns, signaling devices, etc.* The unnecessary and unreasonable sounding of any horn or signaling device on any automobile, motorcycle, truck or other vehicle anywhere with the Town.
- b. *Loudspeakers, amplifiers for advertising.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is broadcast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- c. *Yelling, shouting etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, or in the parking lots of commercial business open to the public, so as to annoy or disturb the quiet, comfort, or repose of persons in any office,

or in any dwelling hotel or other type of residence, or of any persons in the vicinity.

d. *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

e. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or other vehicle engine except through a muffler or other device which will effectively prevent loud or explosive noises there from.

f. *Defect in vehicle or noisy load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

g. *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or dumpster or the opening and destruction of bales, boxes, crates and containers, between 9:00pm and 7:00am.

h. *Construction or repairing of buildings.* The erection (including excavation), construction, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and from 7:00 a.m. to 10:00 p.m. on weekends and Town holidays.

i. *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital provided conspicuous signs are displayed in such street, indicating the same is a school hospital or court street.

j. *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

k. *Drums and Other Instruments.* The use of any drum or other noise creating instrument or device for the purpose of attracting attention to any performance, show, location, sale, or activity.

l. *Metal rails, pillars and columns, transportation thereof.* The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any manner so loaded as to cause loud noises or as to disturb the peace.

m. *Pile drivers, hammers, etc.* The operation between the hours of 8:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

n. *Blowers.* The operation of any blower or fan, unless the noises from such blower or fan is reasonably muffled to deaden such noise.

o. *Noise from motor vehicle audio equipment.* No person shall use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on the public streets of the Town, property owned or leased by the Town, within a public park, within a public parking lot or on any other public premise with the Town, which is audible to a person of normal hearing sensitivity more than 50 feet from such vehicle, nor shall any person use or operate any radio, tape player, record player, compact disc player or any similar device in or on a motor vehicle located on private property which is audible to a person of normal hearing sensitivity more than 50 feet outside the real property boundary of said property. Words and phrases need not be discernible for said sound to be "audible."

p. *Engine braking device.* Any noise created from the operation of any motor vehicle with an engine brake engaged such as a "Jake Brake"¹

Sec. 20-407 - Exemptions.

The following uses and activities shall be exempt from noise level regulations:

1. Noises of safety signals, warning devices, and emergency pressure relief valves.
2. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.

¹ "Jake Brake" is a registered trademark of Jacobs Vehicle Systems, Inc. The term is often used to refer to engine compression release brakes, but actually refers to all of Jacobs' retarding products. A brake retarder is a supplemental brake used on large motor vehicles that slows the vehicle but is not designed to stop it completely. Such devices are common on long haul trucks and buses.

3. Noises resulting from emergency work as defined herein.
4. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of chapter. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under the federal air regulations shall also be exempt from the provisions of this chapter.
5. Any vehicle or equipment of the Town or a public utility while engaged in necessary public business.
6. Excavations or repairs of bridges, streets, or highways by or on behalf of the Town, the county, or the state during the night, when the public welfare and convenience renders it impossible to perform such work during the day.
7. Emergency activities of the Town, the county or the state and emergency activities of public utilities when they are seeking to provide electricity, water or other public utility services and the public health, safety or welfare is involved.
8. Use of domestic power equipment (including, but not limited to lawn mowers, leaf blowers, trimmers, snow-blowers, tillers, saws, sanders, drills or similar devices) between 7:00 a.m. and 9:00 p.m.
9. Attendant on-site noise and the playing of instruments connected with the actual performance or practice of organized sporting events or school events held on school campuses and in publicly owned parks or facilities.
10. Human sounds emanating from children including, but not limited to, speech and utterances of laughter, cries and sounds associated with play.
11. Sounds lasting no more than five minutes in any one hour created by bells, chimes, carillons or by electronic or mechanical devices that reproduce such sounds, while used in connection with a religious institution, school, or clock or bell tower.
12. Noise associated with the operation of the federal railway system including intersection signal warnings emitted from the train in operation.

13. Noise generated from a Town-approved special event or similar function which received the appropriate governmental approvals.

Sec. 20-408 – Petition for Relief.

(1) Prior to any noise-generating activity a person may petition the Town Administrator for relief from the requirements of this Ordinance. Any authorization granted by the Town Administrator shall be in writing, contain all conditions upon which said authorization has been granted and shall specify a reasonable time that the activity will be allowed. The Town Administrator may grant the relief if he/she finds:

- a. The activity petitioned for is not a safety hazard; and
- b. The activity petitioned for will not cause unreasonable hardship to the occupants of adjacent properties; and
- c. The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this Ordinance; and
- d. No other reasonable alternative is available to the petitioner

(2) Noise generated by celebratory gatherings, concerts, parades, races, demonstrations, public assemblies, block parties and picketing shall be evaluated and regulated by the Special Event permit process found in §§20-201 et seq.

Sec. 20-409 - Penalty for violation.

Any person violating any of the provisions of this section may be summoned to appear before the Municipal Court and if found guilty may be fined in the amount of \$50.00. Each day such violation is committed or permitted to continue is a separate offense.

Sec. 20-410 – Enforcement.

It shall be the duty of the Town Administrator, Building Official, or other qualified Town Official to reasonably enforce this Ordinance in accordance with the sections codified herein; or, at the discretion of the enforcing official, advise the complainant to seek a civil remedy as outlined in Sec. 20-411 of this Ordinance.

Sec. 20-411- Remedial action available; injunction.

To the extent prescribed by the laws of the state of Tennessee governing nuisances, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area

may be deemed a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction at the request of any party who can establish standing.

Sec. 20-412 - Severability.

It is the intention of the Town that each separate provision of this section shall be deemed independent of all other provisions herein, and it is further the intention of the Board of Mayor and Aldermen that if any provisions thereof shall remain valid and enforceable.

SECTION 2.

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

Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2013

Knox County, Tennessee, Code of Ordinances >> PART II - CODE >> **Chapter 26 - ENVIRONMENT** >>
ARTICLE III. - NOISE >>

ARTICLE III. - NOISE

Sec. 26-66. - Excessive noise prohibited.

Sec. 26-67. - Prohibited acts enumerated.

Sec. 26-68. - Exemptions.

Sec. 26-69. - Penalty for violation.

Secs. 26-70—26-95. - Reserved.

Sec. 26-66. - Excessive noise prohibited.

No person owning, employing, or having the care, custody, or possession of any instrument, amplifier, animal or other generator of regularly recurring sound shall permit or cause to be permitted the generation or transmission of such sound in such a manner as to cause injury, detriment or nuisance to any person of ordinary sensitivities; provided, however, that excessive noise shall not include and is not intended to prohibit single day special events limited in duration to any single 12-hour period, including, by way of example, but without limitation, events which are held for the purpose of public or private auction, events sponsored or supported by any public body, agency, or official or celebratory events commemorating any national, state, or local holiday. The generation or transmission of sound in such a manner as to be plainly audible on any adjacent or adjoining property shall be prima facie evidence of a violation of this section unless otherwise specifically permitted by ordinance or law or by an agency or department of the county.

(Ord. No. O-90-10-103, § 1, 11-19-90)

Sec. 26-67. - Prohibited acts enumerated.

The following acts, among others, are declared to be excessive noises in violation of this article, but this enumeration shall not be deemed to be exclusive:

- (1) *Horns or signal devices on vehicles.* The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or while in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) *Musical instruments.* The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any hospital or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- (3) *Dogs.* The keeping of any dog, in a residential area, which by causing frequent or long continued noise disturbs the comfort and repose of any person in the vicinity.
- (4)

Operation of vehicles. The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise or the extended operation of refrigerated trucks or trailers between the hours of 10:00 p.m. and 7:00 a.m. the following day or any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across the residential real property boundary, except by a variance approved by the board of zoning appeals.

- (5) *Exhausts without mufflers.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) *Drums or other instruments.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise.
- (7) *Loudspeakers and amplifiers.* The use of mechanical loudspeakers or amplifiers for advertising or other purposes.
- (8) *Loading and unloading.* Loading, unloading, closing or other handling of boxes, crates, containers, building materials, garbage cans or dumpsters, motor vehicles or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day or anytime on weekends or holidays, such that the sound therefrom creates a noise disturbance across a residential real property boundary, except by a variance approved by the board of zoning appeals.

(Ord. No. O-90-10-103, § 2, 11-19-90; Ord. No. O-93-11-103, § 1, 12-20-93; Ord. No. O-96-10-102, §§ 1, 2, 11-25-96)

Sec. 26-68. - Exemptions.

The provisions of this article shall not apply to any county vehicle while engaged upon necessary public business or to the reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(Ord. No. O-90-10-103, § 3, 11-19-90)

Sec. 26-69. - Penalty for violation.

Any person found in violation of this article shall be subject to a maximum monetary penalty and forfeiture of \$25.00.

(Ord. No. O-90-10-103, § 4, 11-19-90; Ord. No. O-92-11-102, § 6, 1-25-93)

Secs. 26-70—26-95. - Reserved.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

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

SUBJECT: 2013 Beautification Awards

INTRODUCTION: The purpose of this agenda item is to present the 2013 Beautification Awards.

DISCUSSION: The Farragut Beautification Committee made up the judging team which included members that have done the judging in past years. This makes the 30th year the awards have been given – the award was first part of the Visual Resources Review Board's responsibility but was later transferred to the Beautification Committee. The following criteria were used in evaluating the various developments located within the Town of Farragut:

LANDSCAPE DESIGN - (Functional & Aesthetic Aspects) - 30%

SELECTION OF PLANT MATERIAL - (Construction Features & Plant Materials) - 30%

MAINTENANCE - 30%

FIRST IMPRESSIONS - 5%

LAST IMPRESSIONS - 5%

(The last two criteria are subjective impressions)

Beautification Committee Chair Marty Rogers will attend the June 13, 2013 meeting to explain the awards process and announce the award winners. Winners have been notified and have been asked to have a representative at the meeting to accept the award. The following are the winners:

COMMERCIAL/OFFICE BUILDING

Winner – **Jefferson Federal Bank**, 11916 Kingston Pike

COMMERCIAL/RETAIL BUILDING

Winner – **Ingles**, 11817 Kingston Pike

RESIDENTIAL ENTRANCE

Winner – **Fox Den**

RELIGIOUS INSTITUTION

Winner – **First Baptist Concord of Farragut**, 11704 Kingston Pike

RETAIL COMMERCIAL COMPLEX

Winner – **Parkside Plaza**, 11433 Parkside Drive

MULTI-FAMILY RESIDENTIAL COMPLEX

Winner – **Clarity Point**, 901 Concord Road

HOTEL/MOTEL

Winner – **Hampton Inn**, 11340 Campbell Lakes Drive

The Beautification Committee added a new category this year, Hotel/Motel. Also, same as last year, an attractive sign will be placed at the winning locations and will stay in place through early November. Town staff will work with the winners to determine the best sign location the last week of June.

MINUTES

FARRAGUT BOARD OF MAYOR AND ALDERMEN

May 23, 2013

BMA WORKSHOP
OUTDOOR CLASSROOM
5:45 PM

GREENWAY/SIDEWALK CONNECTORS
6:15 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. May 9, 2013
- VI. Ordinances
 - A. Public Hearing & Second Reading
 - 1. Ordinance 13-15, to amend the text of the Farragut Zoning Ordinance, Chapter 4., Section XIII. Outdoor Site Lighting, A., 5., to add back decorative wall light requirements
 - 2. Ordinance 13-16, to rezone a portion of Parcel 14, Tax Map 151EA, 109 Way Station Trail, Old Stage Hills subdivision, from R-2 to B-1 (Stephen Prince, Applicant)
- VII. Town Administrator's Report
- VIII. Attorney's Report

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, May 23, 2013 at 7:00 p.m. Members present were Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli.

Approval of Agenda

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

Mayor's Report

Mayor McGill announced that he, David Smoak and Gary Palmer just returned from a productive shopping center conference in Nevada.

Vice-Mayor LaMarche announced that she returned from Women in Municipal Government conference.

Approval of Minutes

Motion was made to approve the minutes of May 9, 2013 as presented. Moved by Alderman Markli, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; Alderman Honken abstained; no nays; motion passed.

Ordinances

Public Hearing & Second Reading

Ordinance 13-15, to amend the text of the Farragut Zoning Ordinance, Chapter 4., Section XIII. Outdoor Site Lighting, A., 5., to add back decorative wall light requirements

Motion was made to approve Ordinance 13-15 on second and final reading. Moved by Alderman Honken, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

Ordinance 13-16, to rezone a portion of Parcel 14, Tax Map 151EA, 109 Way Station Trail, Old Stage Hills subdivision, from R-2 to B-1 (Stephen Prince, Applicant)

Motion was made to approve Ordinance 13-16 on second and final reading. Moved by Alderman Honken, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; voting no, Alderman Elliott; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that the 29th annual Bob Watt Fishing Rodeo will be Saturday, June 8 at 9:30 AM at Anchor Park.

Meeting adjourned at 7:12 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 Bids for Contract 2013-12, Traffic Signal Enhancement

INTRODUCTION: The purpose of this agenda item is to consider bids and award a contract for installation of new “count-down” pedestrian signals at most of our intersections, along with pre-emption devices for emergency vehicles at four intersections.

BACKGROUND: The 2009 Manual on Uniform Traffic Control Devices (MUTCD, which was recently adopted by TDOT) requires that all pedestrian signals provide a visual “count-down” display that will enable pedestrians to better judge the amount of time they have to completely cross the intersection. In order to comply with this new requirement, this project provides those signal heads and associated components. Pedestrian crossings are being added at some locations, as well as pre-emption equipment for emergency vehicles, as required by Rural Metro.

We received one bid for Contract 2013-12 on May 30, 2013. Please see attached bid tabulation, with Progression’s bid of \$112,700. Staff has worked with Progression Electric for several years, and we have been pleased with their performance. As our budget for this project is \$160,000, this \$112,700 bid will allow Engineering and Public Works to provide incidental features (i.e., pavement markings and sidewalk modifications necessary for handicap accessibility) that will also be charged to this budget amount.

FINANCIAL SECTION:

Project:		
<u>Total Budget</u>	<u>Contract Amount</u>	<u>Remaining Amount</u>
\$160,000	\$112,700	\$47,300
Approved By: <u>[Signature]</u>		

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

PROPOSED MOTION: Approval of bids and award of Contract 2013-12 to Progression Electric, LLC for their bid of \$112,700.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

Town of Farragut Contract 2013-12

Traffic Signal Enhancement

BID TABULATION

ITEM #	DESCRIPTION	QNTY	UNIT PRICE	TOTAL PRICE
1	Traffic Control	1 LS	\$5,000.00	\$5,000.00
2	Pedestal Pole	1 EA	\$1,890.00	\$1,890.00
3	Replace Exist. Pedestrian Signal Head w/ New Countdown Pedestrian Signal Head (Includes replacement of accompanying sign with a new R10-3E sign)	70 EA	\$500.00	\$35,000.00
4	New Countdown Pedestrian Signal Head (Including Push Button and R10-3E signs)	18 EA	\$895.00	\$16,110.00
5	New Countdown Pedestrian Signal Head installed on New Pedestrian Post (Includes Pedestrian Post, Push Button, and R10-3E signs)	10 EA	\$2,400.00	\$24,000.00
6	Pre-Emption (Includes all necessary components for functional operation)	4 Intersections	\$6,100.00	\$24,400.00
7	Replace Exist. Signal Head with New Signal Head Assembly (150 A2H w/ Backplate) (BLACK IN COLOR)	3 EA	\$2,100.00	\$6,300.00
	TOTAL BID			\$112,700.00

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Bids for Contract 2014-01, Annual Road Maintenance

INTRODUCTION: The purpose of this agenda item is to consider bids and award our Annual Road Maintenance contract to the chosen contractor.

BACKGROUND: Each year we advertise for bid proposals for the maintenance of our streets. Proposals are obtained for the various line items we typically see during the given year, and we recommend awarding to a contractor based upon their unit prices, as well as their responsiveness (if they've completed this contract in the past) and their ability to perform the required work. We received bids from two contractors on June 4, and I've attached a tabulation of the unit prices provided by J.G. Mullins Construction Company, Inc. and Pavement Restoration, Inc. (PRI). On all items, PRI's unit prices are slightly lower than that of J.G. Mullins. With this in mind, staff recommends award of the contract to Pavement Restoration, Incorporated.

FINANCIAL SECTION:

Project:

<u>Total Budget</u>	<u>Contract Amount</u>	<u>Remaining Amount</u>
\$65,000	\$65,000	\$0

Approved

By: A. Myers

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

PROPOSED MOTION: Approval of bids and award of Contract 2014-01 to Pavement Restoration, Incorporated.

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	_____	_____	_____	_____	_____

BID TABS FOR 2014-01 ANNUAL ROAD MAINTENANCE

Item No.	Description	Unit	J. G. Mullins 2014	PRI Pavement 2014
1-A	Hot-Mix Patch (maximum single patch of 500 Sq. Ft.)	Sq. Ft.	\$3.50	\$3.20
1-B	Hot-Mix Patch (single patch greater than 500 Sq. Ft.)	Sq. Ft.	\$3.15	\$2.95
1-C	Hot-Mix Patch (maximum single patch of 500 Sq. Ft. applied with a burn truck)	Sq. Ft.	\$4.50	\$4.30
1-D	Pavement Removal & Hot-Mix Patch	Sq. Ft.	\$7.95	\$7.85
1-E	Asphalt Trail (8' Width)	Lin. Ft.	\$28.25	\$26.25
1-F	Cold Patch Mix	Sq. Ft.	\$22.50	\$21.00
1-G	Saw Cut (Asphalt /Concrete)	Lin. Ft.	\$3.75	\$3.65
1-H	Grader	Per Hr	\$77.50	\$70.00
1-I	Backhoe	Per Hr	\$72.50	\$70.00
1-J	Roller (Bomag-120 AD or Equal)	Per Hr	\$72.50	\$70.00
1-K	Single-Axle Truck	Per Hr	\$58.00	\$55.00
1-L	Tri-Axle Truck	Per Hr	\$72.50	\$70.00
1-M	Bobcat-Including Attachment Needed	Per Hr	\$72.50	\$70.00
1-N	Labor	Per Hr	\$36.00	\$35.00
1-O	Minimum Cost Per Location	EA	\$325.00	\$300.00

AGENDA NUMBER VI. D. MEETING DATE June 13, 2013

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Bids for Contract 2014-02, Installation of Pavement Markings

INTRODUCTION: The purpose of this agenda item is to consider bids and award this contract for installation of pavement markings to the chosen contractor.

BACKGROUND: Each year we advertise for bid proposals for the installation of pavement markings for our streets. Proposals are obtained for the various line items we typically see during the given year, and we recommend award of this contract to a contractor based upon their unit prices, as well as their responsiveness (if they've completed this contract in the past) and their ability to perform the required work. We received bids from two contractors on June 4, and I've attached a tabulation of their unit prices. Volunteer Highway Supply Company's unit prices are, for the most part, lower than unit prices shown from Highway Markings, Inc., particularly among the items we use most often. Volunteer has had this contract for the last several years, and we've always been pleased with their performance.

FINANCIAL SECTION:

Project:		
<u>Total Budget</u>	<u>Contract Amount</u>	<u>Remaining Amount</u>
\$30,000	\$30,000	\$0
Approved By: 		

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

PROPOSED MOTION: Approval of bid and award of Contract 2014-02 to Volunteer Highway Supply Company, Inc.

BOARD ACTION:

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

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

BID TAB FOR 2014-02 INSTALLATION OF PAVEMENT MARKINGS

ITEM NO.	DESCRIPTION	EST QTY	VOLUNTEER HIGHWAY 2014	HIGHWAY MARKINGS 2014
716.01.10	Snow Plowable Reflective Marker	Each	\$30.00	\$26.50
716-02.01	Plastic Pavement Marking (4" Line)	Lin. Mile	\$3,225.00	\$2,275.00
716-02.02	Plastic Pavement Marking (8" Barrier Line)	Lin. Ft.	\$1.10	\$1.25
716-02.03	Plastic Pavement Marking (Crosswalk 2 ft. Bar – 2ft Gap)	Lin. Ft.	\$18.00	\$21.95
216-02.04	Plastic Pavement Marking (Channelization Striping)	Lin. Ft.	\$2.00	\$4.95
716-02.05	Plastic Pavement (Stop Line)	Lin. Ft.	\$9.00	\$9.85
716-02.06	Plastic Pavement Marking (Turn Lane Arrow)	Each	\$100.00	\$110.00
716-02.08	Plastic Pavement (8" Dotting Line)	Lin. Ft.	\$1.25	\$1.65
716-03.01	Plastic Word Pavement Marking (Only)	Each	\$125.00	\$175.00
716-03.04	Plastic Word Pavement Marking (School)	Each	\$325.00	\$325.00
716-04.03	Plastic Pavement (4" Dotted Line)	Lin. Ft.	\$1.00	\$1.45
716-04.10	Plastic Pavement Marking Symbol (Handicap)	Each	\$175.00	\$135.00
716-04.11	Plastic Pavement Marking (Bicycle Symbol w/Rider)	Each	\$300.00	\$185.00
716-04.13	Plastic Pavement Marking (Bike Lane Arrow)	Each	\$125.00	\$82.50
716-03.05	Plastic Word Pavement Marking (Bike Lane)	Each	\$400.00	\$125.00
716-05.01	Painted Pavement Marking (4" Line)	Lin. Mile	\$500.00	\$495.00
716-05.03	Painted Pavement Marking (4" Line) (Crosswalk and/or parking lot)	Lin. Ft.	\$1.00	\$0.55
-----	Painted Pavement Marking (8" Line) (Crosswalk)	Lin Ft.	\$2.00	\$0.95
-----	Painted Pavement Marking (12" Line) (Crosswalk)	Lin. Ft.	\$3.50	\$1.95
716-05.05	Painted Pavement Marking (Stop Line)	Lin. Ft.	\$6.00	\$4.95
716-05.06	Painted Pavement Marking (Turn Lane Arrow)	Each	\$45.00	\$75.00
716-05.08	Painted Pavement Marking (4" Parking Line)	Lin. Ft.	\$0.35	\$0.55
-----	Painted Pavement Word (Only)	Each	\$55.00	\$110.00
-----	Painted Pavement Word (School)	Each	\$100.00	\$245.00

716-06.01	Painted Pavement Word Marking (Handicapped Symbol)	Each	\$60.00	\$85.00
-----	Removal of Painted Line	Lin. Ft.	\$0.75	\$0.52
-----	8" Raised Ceramic Markers/Refl	Each	\$65.00	\$14.75

AGENDA NUMBER V.I.E. MEETING DATE June 13, 2013

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Bids for Contract 2014-03, Annual Guardrail Maintenance

INTRODUCTION: The purpose of this agenda item is to consider bids and award our Annual Guardrail Maintenance contract to the chosen contractor.

BACKGROUND: Each year we advertise for bid proposals for maintenance of guardrail. Proposals are obtained for the various line items we typically see during the given year, and we recommend awarding to a contractor based upon their unit prices, as well as their responsiveness (if they've completed this contract in the past) and their ability to perform the required work. We received bids from two contractors on June 4, and I've attached a tabulation of unit prices. Tennessee Guardrail's unit prices are, for the most part, lower than those submitted by LU, Inc., and are actually somewhat lower than their unit prices from FY2012 and FY2013. We've had an excellent working relationship with Tennessee Guardrail for the past several years.

FINANCIAL SECTION:

Project:		
<u>Total Budget</u>	<u>Contract Amount</u>	<u>Remaining Amount</u>
\$55,000	\$55,000	\$0
Approved By: <u>A. Myer</u>		

RECOMMENDATION BY: Darryl Smith, Town Engineer, for approval

PROPOSED MOTION: Approval of bids and award of Contract 2014-03 to Tennessee Guardrail, Inc.

BOARD ACTION:

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

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

BID TAB FOR 2014-03 ANNUAL GUARDRAIL MAINTENANCE

ITEM NO.	DESCRIPTION	Unit	Tennessee Guardrail, Inc 2014	Highway Markings, Inc. 2014
705-01.01	Guardrail at Bridge Ends	LF	\$25.00	\$68.25
705-01.02	Guardrail at Bridge Piers	LF	\$20.00	\$72.00
705-02.02	Single Guardrail (type 2)	LF	\$18.00	\$18.95
705-02.20	Single Guardrail (type 2) Long Post (6' – 9')	LF	\$21.00	\$24.75
705-02.25	Single Guardrail (type 2) Long Post (9' – 12')	LF	\$24.00	\$32.50
705-04.03	Guardrail Terminal (type 13)	LF	\$250.00	\$675.00
705-04.07	Tan Energy Absg Term (NCHRP 350, TL3)	EA	\$2,400.00	\$2,375.00
705-04.08	Flared Energy Absorbing Terminal	EA	\$2,100.00	\$2,150.00
706-02.21	Reset Single Guardrail (type 2)	LF	\$3.00	\$4.75
705-02.02R	Radius Rail	LF	\$27.00	\$31.50
705-02.03R	Radius Rail on Long Post	LF	\$31.50	\$38.75
706.10.26	Rounded End Element	EA	\$50.00	\$58.75
706-10.53	Lane Closure	EA	\$400.00	\$400.00
706-10.73	Removal of Guardrail & Post for Reuse	LF	\$3.00	\$2.75
706-10.80	Michigan and Modified Michigan End Shoe	EA	\$50.00	\$65.00

AGENDA NUMBER V1. F. MEETING DATE June 13, 2013

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Bids for Contract 2014-04, Annual Signal Maintenance Contract

INTRODUCTION: The purpose of this agenda item is to consider bids and award our Annual Signal Maintenance contract to the chosen contractor.

BACKGROUND: Each year we advertise for bid proposals for maintenance of our 23 traffic signals. Proposals are obtained for the various line items we typically see during the given year, and we recommend awarding to a contractor based upon their unit prices, as well as their responsiveness (if they've completed this contract in the past) and their ability to perform the required work. We received bids from only one contractor on June 4, (Progression Electric, LLC, our current contractor), and I've attached a tabulation of Progression Electric's unit prices compared with their unit prices from FY2012 and FY2013. The tabulation shows that Progression's unit prices have remained unchanged from FY2013, and are almost identical to the FY2012 prices. We've had an excellent working relationship with Progression Electric for the past several years.

FINANCIAL SECTION:

Project:

<u>Total Budget</u>	<u>Contract Amount</u>	<u>Remaining Amount</u>
\$35,000	\$35,000	\$0

Approved

By: A. Meyer

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

PROPOSED MOTION: Approval of bids and award of Contract 2014-04 to Progression Electric, LLC.

BOARD ACTION:

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

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

BID TAB FOR 2013-04 ANNUAL SIGNAL MAINTENANCE

Item No.	Description	Unit	Estimated Quantity	PROG. ELEC. 2012 UNIT PRICE	PROG. ELEC. 2013 UNIT PRICE	PROG. ELEC. 2014 UNIT PRICE
1-A	Signal Preventive Maintenance per intersection (Appendix A)	EA	22	\$660.00	\$660.00	\$660.00
2-A	Bucket Truck	HR	20	\$47.25	\$50.00	\$50.00
2-B	Loop Saw	LF	500	\$6.25	\$6.50	\$6.50
3-A	Laborer	HR	24	\$32.00	\$32.00	\$32.00
3-B	Licensed Electrician	HR	24	\$55.00	\$55.00	\$55.00
3-C	IMSA Certified I	HR	24	\$55.00	\$55.00	\$55.00
3-D	IMSA Certified II	HR	24	\$55.00	\$55.00	\$55.00
3-E	IMSA Certified III	HR	8	\$55.00	\$55.00	\$55.00

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 13-18, ordinance on 1st reading on an amendment to the Farragut Zoning Ordinance, Chapter 4., Section VIII. Farragut Municipal Flood Damage Prevention Regulations, to adopt the latest flood study of Turkey Creek and North Fork Turkey Creek and to update regulations accordingly

INTRODUCTION: This amendment is needed in order to adopt the latest flood study of Turkey Creek and North Fork Turkey Creek, to update our floodplain management ordinance, and so that the town will remain compliant with the National Flood Insurance program.

DISCUSSION: The National Flood Insurance Program (NFIP) in Tennessee works closely with private insurance companies to offer flood insurance to property owners and renters. In order to qualify for flood insurance, a community must join the NFIP and agree to enforce sound floodplain management standards.

The National Flood Insurance Program (NFIP) is a federal program created in 1968 that allows citizens in participating communities to purchase insurance coverage for potential property damage as a result of flooding. This voluntary program for local communities is administered by the Mitigation Division of the Federal Emergency Management Agency (FEMA). The three components of the NFIP are:

- Flood Insurance
- Floodplain Management
- Flood Hazard Mapping

In return for a local community adopting and enforcing local floodplain management regulations, flood insurance is available in the community. Of all natural disasters, flooding is historically responsible for the most loss of life and the greatest damage to property in the state. This loss of life and property damage, however, is also the most preventable.

As part of the floodplain management aspect of the regulations, the NFIP requires that buildings be constructed a minimum of one (1) foot above the Base Flood Elevation (BFE). Currently the town requires the Minimum Floor Elevation (MFE) to be a minimum of three (3) feet above the BFE. The difference between the BFE and the MFE is called "freeboard". Freeboard means a factor of safety. It compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as blockage of bridge or culvert openings, the hydrological effect of urbanization of the watershed, or a greater flood size.

Staff is recommending that the minimum freeboard be increased from three (3) feet to four (4) feet. In the restudy of Turkey Creek and North Fork Turkey Creek, the BFE increase ranged from two (2) to four (4) feet. This means that properties that were constructed in compliance with the town's regulations and per the previous flood study may now be considered at risk for flooding. The city of Nashville, for example, adopted a minimum four (4) foot freeboard prior to the flood of 2010.

The Biggert Waters Flood Insurance Reform Act of 2012 requires the Federal Emergency Management Agency (FEMA) and other agencies to make a number of changes to the way the NFIP is run. Key provisions of the legislation will require the NFIP to raise rates to reflect true flood risk. This means that insurance subsidies for at risk properties are being eliminated. This change not only affects properties that were knowingly constructed below the BFE, but also properties that are newly identified as being at risk because of newly completed flood studies.

An example in Farragut is the Pinnacle Bank located on the northeast corner of Brooklawn Street and S. Campbell Station Road. The bank was constructed three (3) feet above the BFE. Staff met with the FEMA consultant in January 2011 to review the new flood study. At that time we were informed of the increased BFE for North Fork Turkey Creek and Turkey Creek. To say the least, we were surprised. During the storm of February 2011, however, the water rose just shy of the lowest floor elevation of the bank.

The recommended increase from a three (3) foot to a four (4) foot freeboard is the most significant change in the proposed new ordinance. The majority of the changes to the ordinance are fairly minor, but these changes keep us compliant with the NFIP. An example of such a change is the elimination of the word "permanent" from the definition of "DEVELOPMENT". Currently "DEVELOPMENT" is defined as:

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

Attached please find a copy of Ordinance 13-18. Also attached please find a copy of the legend, the cover, and a map section of one of the panel maps.

PROFESSIONAL RECOMMENDATION: Community Development Director, Ruth Hawk, recommends approval of Ordinance 13-18.

PLANNING COMMISSION RECOMMENDATION: On May 16, 2013, in a unanimous vote, the Farragut Municipal Planning Commission recommended approval of Ordinance 13-18.

PROPOSED MOTION: To approve Ordinance 13-18 as attached.

BOARD ACTION:

MOTION BY: _____

ORDINANCE:	13-18
PREPARED BY:	Hawk
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	May 16, 2013
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT AND MAP OF THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING CHAPTER 4, SECTION VIII. FARRAGUT MUNICIPAL FLOOD DAMAGE PREVENTION REGULATIONS, TO UPDATE THE REGULATIONS PER MODIFICATIONS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, 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 VIII. Farragut Municipal Flood Damage Prevention Regulations, is amended by deleting it in its entirety and substituting in lieu thereof the following:

VIII. FARRAGUT MUNICIPAL FLOOD DAMAGE PREVENTION REGULATIONS

A. Statutory authorization, findings of fact, purpose and objectives

1. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Farragut, Tennessee, Board of Mayor and Aldermen, do ordain as follows:

ORDINANCE 13-18

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2. Findings of Fact

- a. The Town of Farragut, Tennessee, and the Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
- b. Areas of the Town of Farragut, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- c. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

3. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

- a. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- b. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- d. Control filling, grading, dredging and other development which may increase flood damage or erosion;

ORDINANCE 13-18

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- e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. Objectives

The objectives of this ordinance are:

- a. To protect human life, health, safety and property;
- b. To minimize expenditure of public funds for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
- f. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
- g. To ensure that potential home buyers are notified that property is in a floodprone area;
- h. To maintain eligibility for participation in the NFIP.

B. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

ACCESSORY STRUCTURE means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.

ORDINANCE 13-18

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2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

ADDITION (TO AN EXISTING BUILDING) means any walled and roofed expansion to the perimeter or height of a building.

APPEAL means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

AREA OF SHALLOW FLOODING means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD-RELATED EROSION HAZARD is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

AREA OF SPECIAL FLOOD HAZARD see SPECIAL FLOOD HAZARD AREA.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

BASEMENT means any portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING see STRUCTURE.

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DEVELOPMENT means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

ELEVATED BUILDING means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

EMERGENCY FLOOD INSURANCE PROGRAM or EMERGENCY PROGRAM means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

EROSION means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

EXCEPTION means a waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

EXISTING CONSTRUCTION means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

EXISTING STRUCTURES see EXISTING CONSTRUCTION.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION DETERMINATION means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

FLOODPLAIN OR FLOODPRONE AREA means any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOOD PROTECTION SYSTEM means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs,

levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

FLOOD-RELATED EROSION means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD-RELATED EROSION AREA OR FLOOD-RELATED EROSION PRONE AREA means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

FLOOD-RELATED EROSION AREA MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FREEBOARD means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Town of Farragut, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

LEVEE means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

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MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

MEAN SEA LEVEL means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

NORTH AMERICAN VERTICAL DATUM (NAVD) means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

100-YEAR FLOOD see BASE FLOOD.

PERSON includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

REASONABLE SAFE FROM FLOODING means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

RECREATIONAL VEHICLE means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

SPECIAL HAZARD AREA means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as

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clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY, the Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

STRUCTURE for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

VARIANCE is a grant of relief from the requirements of this ordinance.

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VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

C. General Provisions

1. Application

This ordinance shall apply to all areas within the incorporated area of the Town of Farragut, Tennessee.

2. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Town of Farragut, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47093C - 0238F, 0239F, 0352F, 0356F, and 0360F dated, May 2, 2007, and Community Panel Number(s) 47093C - 0241G, 0242G, 0243G, 0244G, and 0357G, Dated August 5, 2013, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

3. Requirement for Development Permit

A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

4. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

5. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

6. Interpretation

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

7. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Farragut, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

8. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Farragut, Tennessee from taking such other lawful actions to prevent or remedy any violation.

D. Administration

1. Designation of Ordinance Administrator

The Town Administrator or his/her designee is hereby appointed as the administrator to implement the provisions of this ordinance.

2. Permit Procedures

Application for a development permit shall be made to the administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

a. Application stage

- (1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.
- (2) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.
- (3) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in this ordinance.
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to

make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Duties and Responsibilities of the Administrator

Duties of the administrator shall include, but not be limited to, the following:

- a. Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- c. Notify adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- d. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- e. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- f. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with this ordinance.
- g. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with this ordinance.
- h. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with this ordinance.
- i. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.
- j. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood

Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Farragut, Tennessee FIRM meet the requirements of this ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated or flood proofed to a level of at least four (4) feet above the highest adjacent grade. All applicable data including elevations or flood proofing certifications shall be recorded as set forth in this ordinance.

- k. Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

E. Provisions for Flood Hazard Reduction

1. General Standards

In all areas of special flood hazard, the following provisions are required:

- a. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- b. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- d. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- e. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;
- j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
- k. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
- l. All subdivision proposals and other proposed new development proposals shall meet the standards of this ordinance;
- m. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- n. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

2. Specific Standards

In all Areas of Special Flood Hazard and Other Flood Areas (Zone X), in addition to those set forth above, the following provisions are required:

a. Residential Structures

Where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than four (4) feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least four (4) feet above the highest adjacent grade (as defined in this ordinance). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

b. Non-Residential Structures

Where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than four (4) feet above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than four (4) feet above the highest adjacent grade (as defined in this ordinance). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in this ordinance.

c. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- (1) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - (a) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (2) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
 - (3) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of this ordinance.
- d. Standards for Manufactured Homes and Recreational Vehicles
- (1) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
 - (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - (a) Where Base Flood Elevation data is available, the lowest floor of the manufactured home shall be elevated on a permanent foundation to no lower than four (4) feet above the level of the Base Flood Elevation or
 - (b) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least four (4) feet in height above the highest adjacent grade (as defined in this ordinance).
 - (3) Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of this ordinance.

- (4) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (5) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - (c) The recreational vehicle must meet all the requirements for new construction.
- e. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

 - (1) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
 - (2) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - (3) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development (including manufactured home parks and subdivisions).
 - (5) The floodway, the special flood hazard areas, and other flood areas shall be shown on all subdivision proposals and other proposed developments (including manufactured home parks and subdivisions).
- f. Requirements for Flood Fringe Fill

Construction fill that alters the conveyance and storage capacity of the natural floodplain is prohibited in the flood fringe one-half the linear

distance between the exterior line of the floodway line and the exterior line of the 500-year floodplain line. This no fill line shall be shown on all development plans and plats.

The administrator may authorize an exception to this requirement if a grading plan prepared for the site shows that alteration in the storage capacity of the natural floodplain is mitigated by removal of an equal or greater volume of soil elsewhere in the floodplain located on the site. If this option is used, the administrator may also require the preparation of a drainage study by a registered professional engineer in the State of Tennessee to determine if the cut and fill activities will cause a rise in flood elevations greater than 0.01 feet within 0.5 miles (upstream and downstream) of the proposed development. In no case, however, shall the aquatic buffer be encroached with this option.

3. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in this ordinance, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of flood waters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- a. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted upon approval by the planning commission and that it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Farragut, Tennessee and certification, thereof.
- b. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of this ordinance.

4. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in this ordinance, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- a. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless approved by the planning commission and certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles. In no case, however, shall the aquatic buffer be encroached with this option.
 - b. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of this ordinance.
5. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in this ordinance where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- a. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see b. below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of this ordinance.
- b. Base flood elevation data shall be provided for subdivision proposals and all other proposed development (including manufactured home parks and subdivisions).
- c. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least four (4) feet above the highest adjacent grade. All applicable data including elevations or floodproofing certifications shall be recorded as set forth in this ordinance. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of this ordinance.
- d. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet (25), whichever

is greater, measured from the top of each stream bank, unless approved by the planning commission and certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the Town of Farragut, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles. In no case, however, shall the aquatic buffer be encroached with this option.

- e. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of this ordinance. Within approximate A Zones, require that those subsections dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

6. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in this ordinance are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in this ordinance, apply:

- a. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least four (4) feet above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least four (4) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of this ordinance.
- b. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least four (4) feet above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least four (4) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such

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certification to the administrator as set forth above and as required in accordance with this ordinance.

- c. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

7. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in this ordinance are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of this ordinance shall apply.

8. Standards for Unmapped Streams

Located within the Town of Farragut, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

- a. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, or twenty-five (25) feet, whichever is greater, measured from the top of each stream bank, unless approved by the planning commission and certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the locality. In no case, however, shall the aquatic buffer be encroached with this option.
- b. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with this ordinance.

F. Variance Procedures

1. Farragut Board of Zoning Appeals

a. Authority

The Farragut Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b. Procedure

Meetings of the Farragut Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Farragut Board of Zoning Appeals shall be open to the public. The Farragut Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record.

Compensation of the members of the Farragut Board of Zoning Appeals shall be set by the Farragut Board of Mayor and Aldermen.

c. Appeals: How Taken

An appeal to the Farragut Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Farragut Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee per the general fee schedule resolution adopted by the Farragut Board of Mayor and Aldermen for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the Farragut Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Farragut Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than ninety (90) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

d. Powers

The Farragut Board of Zoning Appeals shall have the following powers:

(1) Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance.

(2) Variance Procedures

In the case of a request for a variance the following shall apply:

(a) The Farragut Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

- (c) In passing upon such applications, the Farragut Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - 1) The danger that materials may be swept onto other property to the injury of others;
 - 2) The danger to life and property due to flooding or erosion;
 - 3) The susceptibility of the proposed facility and its contents to flood damage;
 - 4) The importance of the services provided by the proposed facility to the community;
 - 5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - 6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - 10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- (d) Upon consideration of the factors listed above, and the purposes of this ordinance, the Farragut Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.
- (e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Conditions for Variances

- a. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in this ordinance.
- b. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- d. The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

G. Legal Status Provisions

1. Conflict with Other Ordinances

In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Farragut, Tennessee, the most restrictive shall in all cases apply.

2. Validity

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

SECTION 2.

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

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Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____,
2013, with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** David Smoak, Town Administrator**SUBJECT:** Ordinance 13-19, on first reading, to adopt the annual budget of the Town of Farragut, Tennessee for the fiscal year beginning July 1, 2013 and ending June 30, 2014

INTRODUCTION: The purpose of this agenda item is to approve Ordinance 13-19, on first reading, adopting the annual budget for the fiscal year beginning July 1, 2013 and ending June 30, 2014.**BACKGROUND:** The annual budget for the Town of Farragut must be approved prior to July 1, which is the start of the fiscal year for our community. The budget is also required to be balanced and remitted to the State of Tennessee Comptroller for review once it has been approved by the Board of Mayor and Aldermen (BMA). Planning for the upcoming FY2014 budget started in February 2013, with departments turning in their budget requests. The BMA also had a strategic planning session in February that prioritized a number of initiatives that have been included in the proposed budget. Since February, the Town has had several workshops to review each of the funds that will be approved as part of the FY2014 budget: General Fund, Capital Investment Fund, State Street Aid Fund, Equipment Replacement, and Insurance Fund.**DISCUSSION:** The proposed FY2014 General Fund budget is balanced and maintains all of the Town's current service levels. Overall, revenues are projected at \$8,125,547 with expenditures of \$6,185,519. This represents a projected increase in revenues of 8.1% over the FY13 budget and a 1.3% decrease in expenditures.

The Capital Investment Plan (CIP) for FY2014 projects total expenditures of \$5,207,500, with the largest project being improvements to Everett Road from Union Road to Split Rail Farm estimated at \$3,500,000. There will be a transfer from the General Fund to the CIP of \$3,000,000 and CIP reserves of \$1,568,500 will be utilized to balance the CIP budget.

The State Street Aid Fund has projected revenues of \$537,500 with \$120,000 additional dollars being transferred from the General Fund. These monies are used each year to resurface our streets, restripe, and maintain sidewalks and guardrails.

The Equipment Replacement Fund is used to plan for future equipment purchases once the useful life of each piece of equipment has run out. In FY2014 there is a projected \$107,000 to be used to replace the right of way tractor and mowing attachments, as well as a John Deere Gator. There is a planned transfer of \$150,000 from the General Fund to the Equipment Replacement Fund.

The Insurance Fund is used to pay future retirement benefits that were approved by the BMA in 2012. There is a planned transfer of \$200,000 from the General Fund with estimated expenditures of \$173,500 in FY2014.

Attached are the summary pages of each fund, the organizational chart, employee pay ranges, and Ordinance 13-19 for the Board's review.

RECOMMENDATION BY: Town Administrator David Smoak for approval.

PROPOSED MOTION: To approve Ordinance 13-19, on first reading, to adopt the annual budget for the Town of Farragut, Tennessee for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

BOARD ACTION:

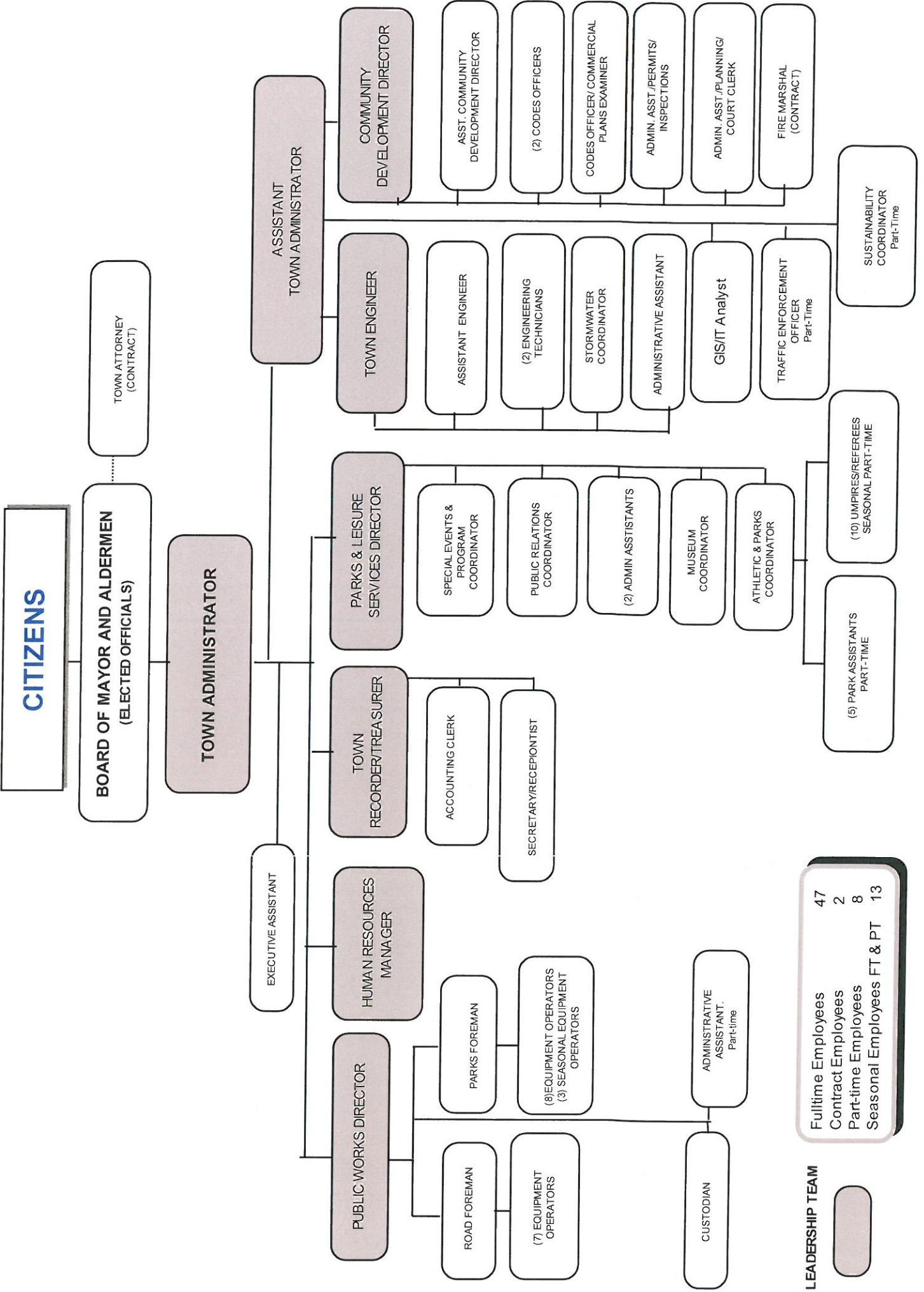
MOTION BY: _____ **SECONDED BY:** _____

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

	FY2010-11	FY2011-12	FY2012-13	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Actual</u>	<u>Budget</u>	<u>Estimated</u>	<u>Proposed</u>
BEGINNING FUND BALANCE	5,044,188	6,427,474	7,768,532	7,768,532	6,439,135
REVENUE					
Local Sales Tax	3,898,286	4,233,718	3,925,000	4,360,466	4,404,070
State Sales Tax	1,312,517	1,388,455	1,336,703	1,396,302	1,350,000
Hall Income Tax	428,740	387,587	380,000	411,894	329,515
Wholesale Beer, Liquor & Mixed Dri	1,001,057	1,093,367	955,000	1,129,261	1,050,000
Intergovernmental	537,063	559,221	532,740	546,286	532,400
Building Permits & Licenses	233,656	378,642	165,500	285,285	235,500
Recreation Fees	93,340	110,747	85,950	85,500	85,600
Traffic Enforcement Program & Fine	171,847	75,023	45,351	43,861	43,861
Rent	82,638	77,525	85,389	85,401	85,401
Miscellaneous	100,670	16,631	8,200	14,950	9,200
Total Revenue	7,859,814	8,320,916	7,519,833	8,359,206	8,125,547
EXPENDITURES					
Legislative	50,716	42,136	61,750	57,377	62,150
Town Court	59,841	51,393	66,721	62,218	66,721
Administration	543,171	593,877	671,112	645,489	678,584
Human Resources	147,343	122,885	153,918	158,068	161,221
Information Technology Services	198,600	198,029	303,199	233,315	266,401
Engineering	534,491	564,900	648,478	625,188	706,961
Community Development	613,398	706,530	860,598	767,898	811,590
General Government	165,822	181,023	293,920	246,545	234,670
Parks & Leisure Services	678,635	740,123	929,633	894,243	914,393
Public Works	1,343,725	1,566,849	1,688,055	1,610,220	1,675,928
Non-Departmental	367,746	349,123	467,590	422,479	411,400
Economic Development	0	92,990	119,000	119,000	195,500
Total Expenditures	4,703,488	5,209,858	6,263,974	5,842,040	6,185,519
Revenue over (under) expenditures	3,156,327	3,111,058	1,255,859	2,517,166	1,940,028
Total Transfers In	931,960	0	11,305	11,305	910
Total transfers out	-2,705,000	-1,770,000	-3,857,868	-3,857,868	-3,470,000
Assigned Fund Balance	1,640,937	1,345,938	503,070	503,070	383,070
Unassigned Fund Balance	4,786,537	6,422,594	4,674,758	5,936,065	4,527,003
ENDING BALANCE	6,427,474	7,768,532	5,177,828	6,439,135	4,910,073

TOWN OF FARRAGUT

FY 2013-14



PROPOSED

FY2013-14 Position Grade Assignments

POSITION	Grade	Salary Ranges		
		Minimum	Mid Point	Maximum
Assistant Town Administrator	24	\$78,211.09	\$99,719.14	\$121,227.18
Town Engineer	22	\$68,955.53	\$87,918.31	\$106,881.08
Community Development Director	21	\$64,746.98	\$82,552.40	\$100,357.81
Leisure Services Director	21	\$64,746.98	\$82,552.40	\$100,357.81
Town Recorder/Treasurer	21	\$64,746.98	\$82,552.40	\$100,357.81
Public Works Director	21	\$64,746.98	\$82,552.40	\$100,357.81
Human Resources Manager	20	\$60,795.28	\$77,513.99	\$94,232.69
Assistant Engineer	17	\$50,329.32	\$64,169.89	\$78,010.44
Asst. Community Development Director	16	\$47,257.58	\$60,253.41	\$73,249.25
Stormwater Coordinator	14	\$41,665.08	\$53,122.98	\$64,580.88
Codes Officer/Commercial Plans Examiner	14	\$41,665.08	\$53,122.98	\$64,580.88
Codes Officer	13	\$39,122.14	\$49,880.73	\$60,639.33
Public Works Foremen	13	\$39,122.14	\$49,880.73	\$60,639.33
Athletic & Parks Coordinator	13	\$39,122.14	\$49,880.73	\$60,639.33
Public Relations Coordinator	13	\$39,122.14	\$49,880.73	\$60,639.33
Traffic Enforcement Officer - PT	12	\$36,734.41	\$46,836.37	\$56,938.33
Museum Coordinator	12	\$36,734.41	\$46,836.37	\$56,938.33
Special Events & Program Coordinator	12	\$36,734.41	\$46,836.37	\$56,992.56
Executive Assistant	11	\$34,492.41	\$43,977.81	\$53,463.22
Engineering Technician	11	\$34,492.41	\$43,977.81	\$53,463.22
Planner	11	\$34,492.41	\$43,977.81	\$53,463.22
GIS/IT	11	\$34,492.41	\$43,977.81	\$53,463.22
Sustainability Coordinator - PT	11	\$34,492.41	\$43,977.81	\$53,463.22
Sr. Admin. Assistant – Permits/Inspections	10	\$32,387.23	\$41,293.72	\$50,200.21
Sr. Admin. Assistant – Planning/Court Clerk	10	\$32,387.23	\$41,293.72	\$50,200.21
Admin. Asst. – Parks & Leisure Services	9	\$30,410.54	\$38,773.44	\$47,136.35
Administrative Assistant-Engineering	9	\$30,410.54	\$38,773.44	\$47,136.35
Admin. Assistant – Public Works-PT	9	\$30,410.54	\$38,773.44	\$47,136.35
Accounting Clerk	9	\$30,410.54	\$38,773.44	\$47,136.35
Public Works Maintenance Worker	8	\$28,554.50	\$36,406.99	\$44,259.48
Office Assistant -Receptionist	6	\$25,175.35	\$32,098.56	\$39,021.78
Custodian	3	\$20,841.39	\$26,572.77	\$32,304.14

ORDINANCE	13-19
PREPARED BY	Myers
1 ST READING	June 13, 2013
2 nd READING	June 27, 2013
PUBLISHED IN	Farragut Shopper News
DATE	July , 2013

AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE
ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2013
AND ENDING JUNE 30, 2014.

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	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Local Sales Tax	4,233,718	4,360,466	4,404,070
State of Tennessee	2,335,263	2,354,482	2,211,915
Other Revenue	1,751,935	1,644,258	1,509,562
Transfer from Other Funds	0	11,305	910
Fund Balance			\$4,910,073

State Street Aid	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
State Gasoline & Motor Fuel	533,521	537,333	537,000
Other Revenue	296	500	500
Transfer from General Fund	120,000	220,000	120,000
Fund Balance			\$511,614

Equipment Replacement Fund	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Other Revenue	23,916	5,400	300
Transfer from General Fund	150,000	150,000	150,000
Fund Balance			\$558,418

Insurance Fund	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Interest	1,032	300	200
Transfer from General Fund	0	365,000	200,000
Fund Balance			\$234,430

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

General Fund	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Personnel	3,373,746	3,673,333	3,785,236
Operating Expenditures	1,836,112	2,168,707	2,400,283
Operating Transfers	1,770,000	3,857,868	3,470,000
Total Appropriations	6,979,858	9,699,908	9,655,519

State Street Aid	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Road Maintenance	517,846	575,000	700,000
Total Appropriations	517,846	575,000	700,000

Equipment Replacement Fund	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Major Equipment	75,252	24,000	107,000
Total Appropriations	75,252	24,000	107,000

Insurance Fund	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Retirement Benefit	524,857	159,356	173,500
Total Appropriations	524,857	159,356	173,500

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

General Fund	\$6,439,135
State Street Aid	\$554,114
Equipment Fund	\$515,118
Insurance Fund	\$207,730

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
Campbell Station Road-Parkside to Jamestown	200,000
Watt Rd/Kingston Pike Intersection Improvements	35,000
Everett Rd Improvements Union Rd to Smith Rd	3,500,000
Outdoor Classroom	135,000
Traffic Signal Enhancements	160,000
KP Greenway, Willow Creek	462,500
Greenway Connectors	100,000
Land Acquisition	500,000
I-40/Campbell Station Interchange	40,000
MBLP & Anchor Park Softball Fence Replacement	75,000
Total Project Costs	\$5,207,500
<u>Funding Sources</u>	
Interest Earnings	9,000
STP Funding	370,000
TDEC Reimbursement	250,000
Outdoor Classroom	10,000
Transfer from General Fund	3,000,000
CIP Reserves	1,568,500
Total Funding Sources	\$5,207,500

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, 2013, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder