

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN

June 27, 2013

FEE SCHEDULE WORKSHOP

6:30 PM

BEER BOARD

6:50 PM

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
 - A. AmeriCorps Year-End Summary by Chris Woudstra
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. June 13, 2013
- VI. Business Items**
 - A. Approval of Resolution R-2013-04, FY2014 Fee Schedule
 - B. Appointment of Board of Mayor and Aldermen member to the Planning Commission
 - C. Appointment to the Personnel Committee for one-year term
 - D. Consideration of Letter of Intent to Purchase Property at 11401 Kingston Pike
- VII. Ordinances**
 - A. Second Reading and Public Hearing
 1. Ordinance 13-18, ordinance to amend 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**

MINUTES

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**

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, June 13, 2013 at 7:00 p.m. Members present were Mayor McGill, Aldermen Elliott, Honken and Markli; Alderman LaMarche was absent.

Approval of Agenda

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

Mayor's Report

Presentation of the Beautification Awards

Commercial/Office Building-Jefferson Federal Bank, 11916 Kingston Pike

Commercial/Retail Building-Ingles, 11817 Kingston Pike

Residential Entrance-Fox Den

Religious Institution-First Baptist Concord of Farragut, 11704 Kingston Pike

Retail Commercial Complex-Parkside Plaza, 11433 Parkside Drive

Multi-family Residential Complex-Clarity Point, 901 Concord Road

Hotel/Motel-Hampton Inn, 11340 Campbell Lakes Drive

Mayor McGill read a proclamation proclaiming June as National League of Cities Small Cities month in the Town of Farragut.

Citizens Forum

Lucy Gwozdz, 12252 Oakmont Circle, addressed the board in favor of the possible noise ordinance (see attachment).

Donald Sharp, 11184 Kingston Pike, addressed the board concerning flooding problems on his property. Darryl Smith, Town Engineer, explained that the property isn't own by the Town so he would need to contact the owner of the property.

Approval of Minutes

Motion was made to approve the minutes of May 23, 2013 as presented. Moved by Alderman Markli, seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Elliott, Honken and Markli; Alderman LaMarche was absent; no nays; motion passed.

Business Items

Approval of Committee Appointments for FY2014

Arts Council-Mary Agnes Schaefer, Sandra Dean and Mary Ellen Reda

Beautification Committee-Claire Ansink, Gerry Gennoe, Kathy Pierre, Mable Sumner, Marianne McGill

Board of Zoning Appeals-Merton "Corky" Ives

Economic Development Committee-Ginny McClain-Tate, R. Knick Myers, Phil Dangel, Naoko Blue, Jim Holladay

Museum Advisory Committee-Libbie Haynes, Steve Stow, Carolyn Sinclair, Louis LaMarche, Carolyn Coker

Parks & Athletics Council-Loretta Bradley, Ron Pinchok, Drew Carson, Tyler Mallison (all 2-year terms), Sharon Peters (one year term) and Michael Peters (one year term).

Personnel Committee-Gary Schmitz, John Underwood, Regina Foy, Joseph DiMauro

School Liaison Committee-Michael Singletary, Mark Littleton, Shyam Nair, Kristen Pennycuff-Trent

Stormwater-Ed Whiting (MPC appointment), Violet Freudenberg, Joe Wolfe

Visual Resources Review Board-Linda Johnson, Mary Layman, Cynthia Hollyfield, Jerry Benton (all 2-tyear terms), Brittany Moore (1-year term)

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

Mayor McGill re-appointed Betty Dick, Noah Myers, Annette Brun and appointed Louise Povlin, all to a two-year terms on the planning commission.

Approval of Contract 2013-12, Traffic Signal Enhancements

Motion was made to award contract 2013-12 to Progression Electric in the amount of \$112,700. Moved by Alderman Honken, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott and Honken; voting no, Alderman Markli; Alderman LaMarche was absent; motion passed.

Approval of Contract 2014-01, Road Maintenance

Motion was made to award contract 2014-01 to Pavement Restoration, Inc. (PRI). Moved by Alderman Honken, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott, Honken and Markli; Alderman LaMarche was absent; no nays; motion passed.

Approval of Contract 2014-02, Pavement Markings

Motion was made to award contract 2014-02 to Volunteer Highway Supply Company, Inc. Moved by Alderman Honken, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken and Markli; Alderman LaMarche was absent; no nays; motion passed.

Approval of Contract 2014-03, Guardrail Maintenance

Motion was made to award contract 2014-03 to Tennessee Guardrail, Inc.. Moved by Alderman Elliott, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott, Honken and Markli; Alderman LaMarche was absent; no nays; motion passed.

Approval of Contract 2014-04, Signal Maintenance

Motion was made to award contract 2014-04 to Progression Electric. Moved by Alderman Markli, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken and Markli; Alderman LaMarche was absent; no nays; motion passed.

Ordinances

First Reading

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

Motion was made to approve Ordinance 13-18 on first reading. Moved by Alderman Honken, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken and Markli; Alderman LaMarche was absent; no nays; motion passed.

Ordinance 13-19, Fiscal Year 2014 Budget

Motion was made to approve Ordinance 13-19 on first reading. Moved by Alderman Honken, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken and Markli; Alderman LaMarche was absent; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced the the final Intro to Farragut class would be held Tuesday, June 18, 2013.

Attorney's Report

The Board recessed for an executive session at 8:25 PM.

The Board reconvened at 9:00 PM.

A motion was made to settle the contract with Christopoulos & Kennedy (C&K) per the agreement described in the letter dated April 24, 2013 (see attachment). Moved by Alderman Markli, seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Elliott, Honken and Markli; Alderman LaMarche was absent; no nays; motion passed.

Meeting adjourned at 9:05 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Resolution R-2013-04, FY2014 Fee Schedule

INTRODUCTION:

Each fiscal year the Board of Mayor and Aldermen establish a general fee schedule for necessary fees for all Town services, including but not limited to application, filing, license and permit fees.

DISCUSSION:

Attached is the proposed schedule of fees. Changes to the current fee schedule are in red and descriptions of the changes are below:

Community Development

- Addition of the Grand Opening sign security deposit and application fee. The security deposit is refundable once the grand opening sign has been returned in good condition.

Parks & Leisure Services-Changes have been approved and recommended by the Parks and Athletics Council

- Community Room: This fee has never been raised since the community room was constructed in 2000.
Currently-\$10 per hour; \$15 with kitchen
Proposed-\$20 per hour; \$30 with kitchen
- Field Use: A new fee for the artificial turf field. This fee is double the regular field fee because users will have a superior product to play on and they will never have wet weather issues.
- Softball: Proposed fee is in line with surrounding communities and we had to increase officials' hourly rate to be competitive.
Currently-\$300 per team
Proposed-\$325 per team
- Volleyball: The leagues have been lengthened to include a double elimination tournament and we had to increase officials' hourly rate to be competitive.
Currently-\$135 per team
Proposed-\$165 per team

RECOMMENDATION BY: Town Recorder/Treasurer Allison Myers for approval

PROPOSED MOTION: To approve Resolution R-2013-04, FY2014 Fee Schedule

BOARD ACTION:

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

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

FY2014 Fee Schedule

		<u>Approved Fee</u>
<u>Administration</u>		
Beer Permit		\$250
Beer Permit Privilege Tax		\$100
Retail Liquor Store Application		\$300
Liquor Privilege Tax		
	Private Club	\$300
	Hotel & Motel	\$1,000
	<u>Restaurants, according to seating</u>	
	75-125 seats	\$600
	126-175 seats	\$750
	176-225 seats	\$800
	226-275 seats	\$900
	276 seats & over	\$1,000
Wine Privilege Tax	20% of fee of Liquor privilege tax, based on seating capacity	20%
<u>Engineering</u>		
Drainage Fee		
	Commercial/Office Development	\$0.02 per square foot of impervious surface
	Residential Development	\$30 per subdivision lot
Road Cut/Boring Fees	Paved Street	One dollar (\$1.00) per square foot of surface excavated, with a minimum fee of ten dollars (\$10.00) per permit.
	Paved areas within public rights-of-way, or other public places (driveways, parking lots, etc.)	Fifty cents (\$0.50) per square foot of surface excavated, with a minimum fee of ten dollars (\$10.00) per permit.
	Bores	Ten dollars (\$10.00) for each bore.

<u>Community Development</u>		<u>Approved Fee</u>
	Illegal Parking (in fire lanes)	\$25
	Special Events Permit	\$25
	Zoning Letter	\$25
	Trailblazer Signs	\$250
	Licensing Fee	\$100
	Grand Opening security deposit	\$300
	Grand Opening Permit	\$25
	Celebratory Events Permit	\$25
Building Permits	The permit fees are per the "Building Validation Data", which is provided by the International Code Council and the total valuation as follows:	
	Total Valuation:	
	\$1,000 and less	No fee, unless inspection required, in which case a \$25 fee for each inspection shall be charged
	\$1,001 to \$50,000	\$25.00 for the first \$1,000, plus \$6.50 for each additional thousand or fraction thereof, to and including \$50,000.
	\$50,001 to \$100,000	\$340 for the first \$50,000, plus \$5.25 for each additional thousand or fraction thereof, to and including \$100,000.
	\$100,001 to \$500,000	\$600 for the first \$100,000, plus \$4.00 for each additional thousand or fraction thereof, to and including \$500,000.
	\$500,001 and up	\$2,260 for the first \$500,000, plus \$2.60 for each additional thousand or fraction thereof.
Plumbing Permit		\$25, plus \$5.00 for each fixture
Gas Permit		\$25 for first tap, plus \$5.00 for each additional tap

Community Dev Continued		Approved Fee
Mechanical Permit		\$25 for first \$1,000, per total value of installation, plus \$5.00 for each additional thousand or fraction thereof.
	Boilers (any occupancy)	\$10.00 plus
	33,000 Btu (1BHp) to 165,000 (5BHp)	\$5.00
	165,001 Btu (5BHp) to 333,000 (BHp)	\$10.00
	333,001 (10BHp) to 1,165,000 (52BHp)	\$15.00
	1,165,001 (52BHp) to 3,300,000 (98BHp)	\$25.00
	over 3,300,000	\$35.00
Swimming Pool Permit		
	Public Pool	Per total value of construction as per building permit
	Private pool (one & two family)	Per total value of construction
	Pool fillings system, including backflow prevention	\$1.50 ea
	Gas piping system (separate gas permit)	See Gas Permit
	Backwash receptor	\$1.50 ea
Demolition Permit (for demolition of any building or structure)		
	0-100,000 cu. Ft.	\$100
	100,001 cu. Ft. and over	\$1.00/1,000 cu. Ft.
Moving Permit (for moving any building or structure)		\$100, plus any applicable bonds
Re-Inspection Fee		\$50 for 1st re-inspection and \$100 for each additional inspection
Plan Review Fee		Fee is one half of the calculated Building Permit Fee, which is to be paid at the time of plan submittal. One and two family dwellings are exempt.

Community Dev Continued		Approved Fee
Mechanical Permit		\$25 for first \$1,000, per total value of installation, plus \$5.00 for each additional thousand or fraction thereof.
	Boilers (any occupancy)	\$10.00 plus
	33,000 Btu (IBHp) to 165,000 (5BHp)	\$5.00
	165,001 Btu (5BHp) to 333,000 (BHp)	\$10.00
	333,001 (10BHp) to 1,165,000 (52BHp)	\$15.00
	1,165,001 (52BHp) to 3,300,000 (98BHp)	\$25.00
	over 3,300,000	\$35.00
Swimming Pool Permit		
	Public Pool	Per total value of construction as per building permit
	Private pool (one & two family)	Per total value of construction
	Pool fillings system, including backflow prevention	\$1.50 ea
	Gas piping system (separate gas permit)	See Gas Permit
	Backwash receptor	\$1.50 ea
Demolition Permit (for demolition of any building or structure)		
	0-100,000 cu. Ft.	\$100
	100,001 cu. Ft. and over	\$1.00/1,000 cu. Ft.
Moving Permit (for moving any building or structure)		\$100, plus any applicable bonds
Re-Inspection Fee		\$50 for 1st re-inspection and \$100 for each additional inspection
Plan Review Fee		Fee is one half of the calculated Building Permit Fee, which is to be paid at the time of plan submittal. One and two family dwellings are exempt.

<u>Parks & Leisure Services</u>		<u>Approved Fee</u>
<u>Facility</u>		
Community Room Rental		\$20 per hour; \$30 with kitchen
Picnic/Pavilions Rental	Essex (AP); Burnside (CSP)	\$25 half day/ \$40 full day
	Hartford & Saratoga (AP); Longstreet (CSP)	\$45 half day/\$80 full day
	McFee Small	\$60 half day/\$100 full day
	McFee Large	\$70 half day/\$120 full day
Athletic	Fields (Diamond & Rectangular)	\$15 per hour
	Fields (Artificial Turf)	\$30 per hour
	Softball Fees	\$325 per team
	Competitive, Recreational & Intermediate Volleyball Fees	\$165 per team
	Open Volleyball Fees	\$50 per team
	Kickball Fees	\$50 per team
Field Closed Non Compliant Fee**		\$100 per event
For-Profit/Park Usage Fee		\$25 per hour
Special Event Park Use Fee - Campbell Station Park Only		\$200 per 4 hours
		\$50 per hour for each additional hour

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Appointment of Board of Mayor and Aldermen member to the Planning Commission

INTRODUCTION:

As stated in Section 2-101 of the Farragut Municipal Code, the Board of Mayor and Aldermen is to elect a Board representative to serve on the Farragut Planning Commission. Currently Ron Honken is the Board's representative.

Sec. 2-101. - Creation and membership.

Pursuant to the provisions of *Tennessee Code Annotated*, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of nine (9) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other seven (7) members shall be appointed by the mayor.

PROPOSED MOTION: To approve _____ as the Board of Mayor and Aldermen representative to the Farragut Planning Commission

BOARD ACTION:

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

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

AGENDA NUMBER V1.C.

MEETING DATE June 27, 2013

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of FY2014 Committee Appointment to the Personnel Committee

INTRODUCTION: The purpose of this business item is to appoint a member to an unexpired one-year term on the Personnel Committee.

BACKGROUND: At the June 13th meeting the board approved a slate of applicants for the various town committees. There was a vacancy on the personnel committee for a one-year appointment. Drew Carson applied to the Parks and Athletics Council as well as the Personnel Committee. Mr. Carson has agreed to volunteer for both committees.

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer, for approval.

PROPOSED MOTION: To appoint Drew Carson to a one-year appointment on the Personnel Committee.

BOARD ACTION:

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

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

Pam Hall

From: noreply@civicplus.com
Sent: Friday, April 19, 2013 11:29 PM
To: Pam Hall; Allison Myers; Valerie Millsapps
Subject: Online Form Submittal: Board and Committee Application Form

If you are having problems viewing this HTML email, click to view a [Text version](#).

Board and Committee Application Form

Select the Board, Commission, or Committee applying for*

Personnel Committee

Personal Information

First Name* Drew
Last Name* Carson

Address1*
629 Glen Willow Dr

City* Farragut
State* TN
Zip* 37934

Home Phone Number*
919-273-0774

Business Phone Number*
919-273-0774

Occupation*
United States Air Force Leadership Instructor

Email Address*
drewcarsonsr@gmail.com

Education
Bachelors of Applied Science, Psychology/Associate's Degree, General Studies/Associates Degree, Aviation Maintenance Technology

Attach resume or additional information if desired

[]

Uploaded: Drew Carson Cover Letter fo Farragut Committees.docx

Please login to view the uploaded file.

Why would you like to serve on a Town of Farragut Committee*

I would like the opportunity to serve and be involved in the Town of Farragut. I am a firm believer in "giving back" to the community and being an active participant. I realize that a very small percentage of the people in a town do the majority of the work. I want to be a part of that small percentage of people doing the work.

Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees?*

☐ Yes

☒ No

Have you served on a Board, Commission, or Committee before?*

☒ Yes

☐ No

If yes, which

I have served on numerous Boards and Committees outside of the Town of Farragut

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

Name*

Drew Carson

Date*

19 April 2013

The following form was submitted via your website: Board and Committee Application Form

Select the Board, Commission, or Committee applying for: Personnel Committee

Personal Information:

First Name: Drew

Last Name: Carson

Address1: 629 Glen Willow Dr

City: Farragut

State: TN

Zip: 37934

Home Phone Number: 919-273-0774

Business Phone Number: 919-273-0774

Occupation: United States Air Force Leadership Instructor

Email Address: drewcarsonsr@gmail.com

Education: Bachelors of Applied Science, Psychology/Associate's Degree, General Studies/Associates Degree, Aviation Maintenance Technology

Attach resume or additional information if desired: Drew Carson Cover Letter fo Farragut Committees.docx

Why would you like to serve on a Town of Farragut Committee: I would like the opportunity to serve and be involved in the Town of Farragut. I am a firm believer in "giving back" to the community and being an active participant. I realize that a very small percentage of the people in a town do the majority of the work. I want to be a part of that small percentage of people doing the work.

Organization Membership Information:

AGENDA NUMBER VI. D.

MEETING DATE June 27, 2013

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Consideration of Letter of Intent to Purchase Property at 11401 Kingston Pike

INTRODUCTION: The purpose of this business item is to consider letter of intent to purchase property at 11401 Kingston Pike.

BACKGROUND: Letter of Intent is being prepared by Tom Hale, Town Attorney and will be forwarded upon completion.

BOARD ACTION:

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

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

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Ruth Viergutz Hawk, Community Development Director

SUBJECT: Ordinance 13-18, ordinance on 2nd 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:

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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;

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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.

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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.

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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.

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

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.

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

AGENDA NUMBER VII.A.2

MEETING DATE June 27, 2013

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Ordinance 13-19, Fiscal Year 2014 Budget

DISCUSSION:

Ordinance 13-19 was approved on first reading June 13, 2013. The changes that have been incorporated are detailed on Attachment A. The revised summary budget is reflected on Attachment B.

RECOMMENDATION BY:

Town Recorder Allison Myers for approval.

PROPOSED MOTION:

Motion to approve Ordinance 13-19 on second and final reading.

BOARD ACTION:

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

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

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			\$4,872,790

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

Beautification Fund	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Interest	15	20	20
Transfer from General Fund	0	0	0
Fund Balance			\$0

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	3,794,019
Operating Expenditures	1,836,112	2,168,707	2,404,783
Operating Transfers	1,770,000	3,857,868	3,470,000
Total Appropriations	6,979,858	9,699,908	9,668,802

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

Beautification Fund	FY2011-12	FY2012-13	FY2013-14
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Transfer to General Fund	0	11,305	910
Total Appropriations	0	11,305	910

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
Beautification Fund	\$910

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

Attachment A

Changes from 1st Reading to 2nd Reading

- **Administration**
 - Salary and Benefits \$1,581
- **Human Resources**
 - Wellness Program \$4,500
- **Information Technology Services**
 - Salary and Benefits \$740
- **Public Works**
 - Salary and Benefits \$6,462

Total \$13,283

Attachment B	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 Drii	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	680,165
Human Resources	147,343	122,885	153,918	158,068	165,721
Information Technology Ser	198,600	198,029	303,199	233,315	267,141
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	1,682,390
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	6,198,802
Revenue over (under) expenditures	3,156,327	3,111,058	1,255,859	2,517,166	1,926,745
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	4,513,720
ENDING BALANCE	6,427,474	7,768,532	5,177,828	6,439,135	4,896,790