

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN

October 10, 2013

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
 - A. Sustainability Update
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. September 26, 2013
- VI. Business Items**
 - A. Approval of Resolution R-2013-07, TDOT Safety Grant
 - B. Approval of Hot to Trot 5K/10K and Fun Run
 - C. Approval of Resolution R-2013-06, Surplus Property
- VII. Ordinances**
 - A. First Reading**
 - 1. **Ordinance 13-22**, ordinance to amend the text of the Zoning Ordinance of the Town of Farragut, Tennessee, Ordinance 86-16, as amended, by amending Chapter 4., Section IV. Measurement of setbacks, open space, visibility triangle, use of lots and access points, to clarify method of measuring setbacks, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.
- VIII. Town Administrator's Report**
- IX. Attorney's Report**

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN

September 26, 2013

WORKSHOP

6:00 PM

Discussion of Farragut Park Regulations
Update on Concord Road Improvements (TDOT Project)

BEER BOARD MEETING

6:55 PM

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
 - A. Walk to School Day Proclamation
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. September 12, 2013
- VI. Business Items**
 - A. Approval of Change Order #1 - Contract 2014-09 for Mayor Bob Leonard Park Renovation of Field #2 - Artificial Turf Installation
 - B. Approval of Contract between the Town of Farragut and Civic Plus
 - C. Approval of access to Evans Road, classified as a Major Collector (Gary Forrester, Applicant)
- VII. Town Administrator's Report**
- VIII. Attorney's Report**

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, August 22, 2013 at 7:00 p.m. Members present were Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli.

Approval of Agenda

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

Mayor's Report

Mayor McGill, read the Walk to School Day Proclamation for Farragut Primary School.

Citizens Forum

Ken Frasier, Village Green, inquired about the status of the accessory dwelling ordinance/request that is being discussed in the planning commission.

Approval of Minutes

Motion was made to approve the minutes of September 12, 2013 as presented. Moved by Alderman LaMarche, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, LaMarche and Markli; no nays; Alderman Honken abstained; motion passed.

Business Items

Approval of Change Order #1 - Contract 2014-09 for Mayor Bob Leonard Park Renovation of Field #2 - Artificial Turf Installation

Motion was made to approve change order #1, in the amount of \$5,220, to Contract 2014-09 for the renovation of field #2 at Mayor Bob Leonard Park-artificial turf installation. Moved by Alderman Honken, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

Approval of Contract between the Town of Farragut and Civic Plus

Motion was made to approve a one-year extension, in the amount of \$14,357, to the current contract between the Town of Farragut and Civic Plus. Moved by Alderman Honken, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

Approval of access to Evans Road, classified as a Major Collector (Gary Forrester, Applicant)

Motion was made to approve the proposed access that will line up with the access on the north side of Evans Road and a variance from the 200 foot distance requirement. Moved by Alderman Markli, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced the following:

- Taste of Farragut, September 27
- Picnic on the Pike, September 29
- Museum Committee Dinner, September 30
- Tennessee Real Estate Commission meeting, October 10-11

Meeting adjourned at 7:20 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Janet Curry, Human Resources Manager

SUBJECT: Resolution R-13-07 authorizing the town to participate in the TML Risk Management Pool "Safety Partners" Loss Control Matching Grant Program.

INTRODUCTION: The Town's worker's compensation carrier, the Pool, offers an annual matching grant in the amount of \$1,500 for employee safety equipment.

BACKGROUND: The Town currently has an excellent safety record that is due, in part, to the consistent use of safety equipment. In the last five years, there have been twelve (12) OSHA recordable accidents resulting in two days of lost work time. An excellent record! Much of our Public Works safety equipment is required by Tennessee Occupational Health and Safety (TOSHA) for employees performing their daily work tasks.

DISCUSSION: Proper safety equipment can prevent employee injuries. Employee injuries may result in lost time from work, reduced efficiency, and increasing the worker's compensation premium. Most importantly, employee injuries negatively impact the employee. This grant will help purchase needed employee safety devices and equipment that can mitigate the safety hazard.

The TML Pool will match up to a maximum of \$1,500 that the town spends on approved safety devices and equipment with the maximum reimbursement based on a Priority Classification matrix. Additionally, the grant requires that the attached Resolution be passed by the governing body to authorize the expenditure of funds for safety equipment. Expenditures for safety equipment are included in the Town's annual budget.

FINANCIAL SECTION: No funds requested.

PROPOSED MOTION: Approval of Resolution R-13-07.

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	_____	_____	_____	_____	_____



Town of Farragut, Tennessee

RESOLUTION: R-2013-07

A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT AUTHORIZING THE TOWN TO PARTICIPATE IN THE POOL'S "SAFETY PARTNERS" LOSS CONTROL MATCHING SAFETY GRANT PROGRAM

WHEREAS, the safety and well being of the employees of the Town of Farragut is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the Town of Farragut employees; and

WHEREAS, The Pool seeks to encourage the establishment of a safe workplace by offering a "Safety Partners" Loss Control Matching Safety Grant Program; and

WHEREAS, the Town of Farragut now seeks to participate in this important program.

NOW, THEREFORE, be it resolved by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee the following:

SECTION 1. That the Town of Farragut is hereby authorized to submit application for a "Safety Partners" Loss Control Matching Safety Grant through The Pool.

SECTION 2. That the Town of Farragut is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

Resolved this 10th day of October in the year 2013.

Dr. Ralph McGill, Mayor

ATTEST:

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Hot to Trot 5K/10K and Fun Run

INTRODUCTION:

This item involves a request for approval of a special event application related to the Hot to Trot 5K/10K and Fun Run to be held along portions of Parkside Drive on Thanksgiving morning, November 28, 2013.

DISCUSSION:

This will be the fifth year for the Hot to Trot running events that are sponsored by Fleet Feet Knoxville Running Club. Proceeds from the events will help raise money for A Hand Up for Women/Food for Sister Martha's Pantry. As shown in the race information packet, the events will start and end at the Fleet Feet store in the Parkside Station shopping center west of Lakesedge Drive. Each event will feature a loop (2 loops for the 10K) along portions of Parkside Drive. There will be some short term road/lane closures within the affected portion of Parkside Drive. Set up time will begin at 6:00 a.m. and all clean-up will be complete by 10:00 a.m.

As in previous years, the organizers of the event have been working with the affected entities to make them aware of this ahead of time. Major retailers (Wal-Mart and Target), Regal Cinema, nearby hotels, and Tennova Healthcare have already given their approval. Event organizers have been careful to minimize any impact to vehicular traffic and access.

The Parkside Station shopping center will be used for all staging facilities, including portable restrooms. Most of the parking will be provided on adjoining properties, including JCPenney and, if necessary, the primary school property on the west side of N. Campbell Station Road. The event is anticipated to have as many as 2,500 participants. Traffic control from parking areas and along the route itself will be addressed with Knox County and City of Knoxville police staff. The City of Knoxville will provide roughly 300-350 cones to mark off the course and barricade the staging area. EMS personnel from Rural Metro will also be on hand. Fleet Feet volunteers will provide clean up for the event.

RECOMMENDATION:

Staff recommends approval provided that representatives from the affected subdivision (the Cove at Turkey Creek) be notified of the event ahead of time. The staff would also recommend that the sponsors ensure that, upon the event's conclusion, the entire course is free of any litter.

PROPOSED MOTION:

Motion to approve the Hot to Trot 5K/10K and Fun Run road closures on Parkside Drive on November 28, 2013 from 6:00 to 10:00 AM.

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	_____	_____	_____	_____	_____



Special Event Application

Organization Information

Event Name and Type: Hot to Trot 5K/ 10K and Fun Run
Event Date(s): November 28, 2013

Sponsoring Organization: Fleet Feet Knoxville Running Club
Tax ID 26-1907253 (Attach Secretary of State Corporate Info)
Address: 11619 Parkside Dr Knoxville TN 37934
Organization Type: Neighborhood ☐ Non-profit ☒ Govt. ☐ Corporation ☐
Other ☐ Explain Other:

Primary Contact: Shahin Hadian
Address: 11619 Parkside Dr Knoxville TN 37934
Work Phone: 865-675-3338 Cell Phone Number:
E-mail: shahin@fleetfeetknoxville.com

Event Information

1. Purpose of event: Road Running race to raise money for A Hand Up for Womenhood/ food for Sister Martha's Pantry
2. Give a brief description of the event:
A road race (5K and 10K) and fun run (1 mile) along Parkside drive (1 loop is 5K) in Turkey Creek on Thanksgiving Day. Participants pay an entry fee for entering the race.
3. Is this a first time event?
If no, prior dates
4. Hours of Operation:
Date: 11/28/2013 Set Up Time: 6:00 am Close: 10:00 am
Date: Set Up Time: Close:
Date: Set Up Time: Close:
Date: Set Up Time: Close:
Date: Set Up Time: Close:
Tear Down Date and Time: 11/28/2013 10:00am
Completion Time: 10:00 am
5. Is this event open to the public? Yes ☒ No ☐
6. Outline your marketing/publishing plan for the event to include advertising and promotion schedule:
We are marketing via online (website/social media, email) methods and word of mouth. We have posted race information on our website, facebook page, newsletter and on the registration site, active.com. We also market the race in-store, via word of mouth and will be sending out a press release.

7. Will admission be charged? Yes ☒ No ☐
8. Will you be accepting donations? Yes ☒ No ☐
9. Estimated attendance each day:
10. Will food be served? Yes ☒ No ☐
11. Will food be prepared on site at your event? Yes ☒ No ☐
12. How many food vendors do you anticipate having? None Fruit cutting as prep
13. How will food be prepared?
 Gas ☐ Grill ☐ Propane ☐ Butane ☐
14. Will alcoholic beverages be available? Yes ☐ No ☒
- Have you received approval from the Beer Board (required)?
 If yes, will beverages be sold or served?
 What type of alcoholic beverages will be available?
 What are the days/hours that alcohol will be consumed at this event?

In what areas of your event will alcohol be consumed?

15. Will you have merchandise vendors booths at your event?
 Yes ☐ No ☒ If yes, how many?

Event Logistics

16. Requested event location:
 Parkside Station shopping area. Detailed information attached in Race Info Document.
17. List all streets you are proposing to close with the time periods that they will be closed:
 Both Westbound traffic on Parkside Dr will be closed for around 30 minutes or until last 5K runner passes, whichever is sooner. After last 5K runner, runner traffic is directed into inside lane, allowing westbound vehicular traffic on the outside lane. See attached course map for more info.
18. Outline your plan for notifying the public of street closures and traffic control:
 We have a team of volunteers who will be distributing informational flyers to each of the Turkey Creek area retailers. The major retailers (Wal-Mart, Target, Regal, Hotels have already been notified and we've been ok'ed by each). Included in the communication is a letter of support from Tennova Healthcare, course map with access plan and road closure plan and a save the date flyer.
19. Will there be live entertainment or music at your event? Yes ☐ No ☒
 If yes, please answer the following:
 Will stages be built? Yes ☐ No ☒ If yes, how many?
 Will you be using generators?
20. Will tents be erected for your event? Yes ☒ No ☐ If so, how many? Two pop up with side panels
21. Will any existing restrooms be provided for public use? If yes, how many and where will they be located?
 No

22. Will you be utilizing portable restroom facilities? Yes ☒ No ☐

If yes, please complete the following:

Number of portable restrooms: 20

Location (be specific):

At the northeast corner of the Parkside Station shopping area parking lot. Map is attached.

When will they be placed and removed? Dropped off Wed evening 11/21, removed after race 11/22

When will they be serviced? N/A

How many ADA accessible units will be included?

23. What arrangements have you made for traffic control and security at your event? Who will provide this service? What will the role of security personnel play at your event?

1. Town of Farragut – we will work closely with the town to ensure access to local residence and businesses.
2. Knox County Sherrif and KPD Departments – We are working closely with both departments (Randy Errington KCSO/Sgt Evans KPD) to ensure runner safety and providing access to the local establishments, as the course runs thru both the town and the city. 3. City of Knoxville: use of approximately 300-350 cones to mark off the course and barricades and signage for the staging area.

24. Outline your plan for Emergency Medical Service for this event including their location:

Rural Metro – Kim Sepesi (kim_sepesi@rmetro.com) Rural Metro to provide a standby ambulance at the race staging area for the duration of the event. From there, they can access any part of the course within minutes. Course coordinators will be in communication using cell phone/walkie talkies to make sure they are notified in case of any injuries on the course.

25. Outline your plans for trash removal including the date and hour that all trash will be removed from the event site:

Fleet Feet Sports volunteers will ensure that all trace from the course (cups, etc.) is removed promptly by the course closure at 10 am. The volunteers will then ensure that the staging area in Parkside Station parking lot is cleaned of all trash by 12 pm.

Hold Harmless

All authorized events occurring within the Town limits shall be individually and severally responsible to the Town for any loss, bodily or personal injury, deaths, and/or property damage that may occur as a result of the event representative/organizer's negligence or that of its agents and employees. All event organizers/representatives hereby agree to indemnify and save the Town, its officers, employees, and agents harmless from any loss, cost, damages and other expenses, including attorney's fees, suffered or incurred by the Town by reason of the event representative/organizers negligence or that of its agents and employees; provided that the event representative/organizer shall not be responsible nor required to indemnify the Town for negligence of the Town, its officers, employees, or agents. Furthermore, I fully understand and agree to comply with the terms and conditions as stated in this application. All information provided in this application is correct and accurate to the best of my knowledge.

Signature *Shahin Hadian*

Date 09/18/13

Return this application along with all required documentation to:

Office of the Town Manager
11408 Municipal Center Drive
Farragut, TN 37934

If you have any questions while completing this application, contact the Town Manager's Office at **865.966.7057**

OFFICE USE ONLY

FIRE MARSHAL REVIEW:

Approved: _____ (INITIALS)

- Conditions of Approval: _____

Denied: _____

- Reasons for Denial: _____

KCSO REVIEW:

Approved: _____ (INITIALS)

- Conditions of Approval: _____

Denied: _____

- Reasons for Denial: _____

TMLRMP REVIEW:

Approved: _____ (INITIALS)

- Conditions of Approval: _____

Denied: _____

- Reasons for Denial: _____

ADMINISTRATION OFFICE REVIEW:

Approved: _____ (INITIALS)

- Conditions of Approval: _____

Denied: _____

- Reasons for Denial: _____

Supplemental Information:

A sketch plan of your event must be included with this application. Please include: vehicular and pedestrian circulation, staging areas, locations of tents, entertainment stages, portable restrooms, dumpsters, fencing, food and beverage booths, and all sponsor or vendor booths. Also indicate where streets will be blocked and what will be used to block the streets. **This application will not be processed without a completed site map.**

Applicants must provide the Town with an original copy of their insurance certificate of general liability insurance naming the "*Town of Farragut, its employees, and agents*" as additionally insured. This policy must have a minimum coverage of one million dollars (\$1,000,000.00). If it is determined that security is required for your event, certified, uniformed Knox County Sheriff's Deputies must be hired to provide this service. Applicants hiring off duty Sheriff's Deputies must the Knox County Sheriff's Office as additionally insured.

Applicants must abide by all Rural Metro Fire & Rescue rules and regulations. This information can be obtained by contacting the Fire Marshall at Town Hall (865.966.7057).

Applicants requesting to serve alcohol at their event must submit an application to the Farragut Beer Board. This can be done by contacting the Town Manager's Office at **865.966.7057** not less than sixty (60) days prior to the proposed event.

A clean up deposit in the form of a check or money order in the amount determined by the Town Manager's Office must be submitted upon approval of this application. This check or money order will be returned upon inspection of your event site at the conclusion of your event.

Application Checklist

- _____ Completed Application
- _____ Complete Event Sketch Plan
- _____ Insurance Certificate
- _____ Clean Up Deposit
- _____ Copy of Beer Board permit (if applicable)







CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/1/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER STAR Insurance - Fort Wayne Office 2130 East DuPont Road Fort Wayne IN 46825		CONTACT NAME: Judy Weaver PHONE (A/C No. Ext): (260) 467-5697 FAX (A/C No): (260) 467-5651 E-MAIL ADDRESS: judy.weaver@starfinancial.com	
INSURED Road Runners Club of America/2013 & Its Member Clubs 1501 Lee Highway, Suite 140 Arlington VA 22209		INSURER(S) AFFORDING COVERAGE INSURER A: National Casualty Company INSURER B: Nationwide Life Insurance Co. INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 11991 66869	

COVERAGES

CERTIFICATE NUMBER: 2013 - \$2M A.I.

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	GENERAL LIABILITY			KRO 000000 3086700	12/31/2012	12/31/2013	EACH OCCURRENCE	\$ 2,000,000	
	☒ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,000	
	☐ CLAIMS-MADE ☒ OCCUR						MED EXP (Any one person)	\$ 5,000	
	☒ Legal Liability to Participant \$1,000,000						PERSONAL & ADV INJURY	\$ 2,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:			Abuse & Molestation			GENERAL AGGREGATE	\$ NONE	
	☒ POLICY ☐ PROJECT ☐ LOC			Aggregate \$5,000,000			PRODUCTS - COMP/OP AGG	\$ 2,000,000	
A	AUTOMOBILE LIABILITY			KRO 000000 3086700	12/31/2012	12/31/2013	ABUSE & MOLESTATION	\$ 500,000	
	☐ ANY AUTO						COMBINED SINGLE LIMIT (Ea accident)	\$ 2,000,000	
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS					BODILY INJURY (Per person)	\$	
	☒ HIRED AUTOS	☒ NON-OWNED AUTOS					BODILY INJURY (Per accident)	\$	
							PROPERTY DAMAGE (Per accident)	\$	
								\$	
	UMBRELLA LIAB						EACH OCCURRENCE	\$	
	EXCESS LIAB						AGGREGATE	\$	
	DED							\$	
	RETENTION \$								
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATU-TORY LIMITS		
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						OTH-ER		
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT	\$	
							E.L. DISEASE - EA EMPLOYEE	\$	
							E.L. DISEASE - POLICY LIMIT	\$	
B	EXCESS MEDICAL & ACCIDENT (\$250 DEDUCTIBLE/CLAIM)			SPX 00000 25699000	12/31/2012	12/31/2013	EXCESS MEDICAL	\$10,000	
					12:01 A.M.	12:01 A.M.	AD & SPECIFIC LOSS	\$2,500	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Town of Farragut, its employees and agents ARE NAMED AS AN ADDITIONAL INSURED AS RESPECTS THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT: 11/28/13 Hot to Trot 5K, 10K, Fun Run
INSURED CLUB/EVENT MEMBER: Run Fleet Feet Knoxville Running Club, Attn: Shahin Hadian, 11619 Parkside Drive, Knoxville, TN 37934

CERTIFICATE HOLDER**CANCELLATION**

11/28/13 Town of Farragut
11408 Municipal Center Drive
Farragut, TN 37934

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

John Lefever/CE

AGENDA NUMBER V1.C.

MEETING DATE October 10, 2013

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Resolution declaring certain town property to be surplus property.

INTRODUCTION:

The 2006 John Deere Gator and athletic field chain link fencing at Mayor Bob Leonard and Anchor Park is scheduled to be replaced this fiscal year

DISCUSSION:

The John Deere Gator and fencing is in good condition and has a market value greater than \$100. Therefore meet the criteria to be surplus items. The Town will be advertising the fencing on Govdeals.com, an online government surplus auction site.

This resolution approval will allow for the removal if the items from the fixed asset list and advertise the sale of the items on the govdeals website.

RECOMMENDATION BY:

Allison Myers, Town Recorder

PROPOSED MOTION:

To approve Resolution 13-06, a resolution declaring certain town property to be surplus property.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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



TOWN OF FARRAGUT

RESOLUTION R-2013-06

A Resolution Declaring Certain Town Property to be Surplus Property.

WHEREAS, it has been determined that the Town has no further use of certain item(s); and

WHEREAS, the Board of Mayor and Aldermen may determine that these items are surplus property; and

WHEREAS, the value, if any, is determined for the surplus property and its disposal will be for the common benefit; and

WHEREAS, at time of sale of surplus item(s), moneys, if any, will be allocated back to the appropriate department;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE, does hereby surplus the following items(s):

- 2006 John Deere Gator
- Athletic field chain link fencing

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 10th day of October 2013.

Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Interim Community Development Director

SUBJECT: Discussion and public hearing on an amendment to the text of the Farragut Zoning Ordinance, Chapter 4., Section IV. Measurement of Setbacks, Open Space, Visibility Triangle, Use of Lots and Access Points, to clarify method of measuring setbacks

INTRODUCTION: The amendment to the Farragut Zoning Ordinance that is reflected in Ordinance 13-22 came out of a recent lawsuit which involved the Town's board of zoning appeals and a variance request that was denied based on setback requirements as they would apply to an uncovered structure vs. a building. The judge that reviewed this matter in the Court of Appeals apparently had some concerns with the existing wording in this section of the zoning ordinance and, in particular, the reference to the term "appurtenance."

In response to the judge's ruling against the Town, the staff met with Tom Hale to discuss how this wording could be amended. The result is the wording included in Ordinance 13-22.

DISCUSSION: Attached please find Resolution 13-8 and Ordinance 13-22 which includes modified wording for Chapter 4., Section IV. Measurement of Setbacks, Open Space, Visibility Triangle, Use of Lots and Access Points, Subsection A., 2., of the Farragut Zoning Ordinance. Also attached is a copy of the existing wording in this section of the zoning ordinance. At their meeting on September 19, 2013, the planning commission unanimously approved Resolution 13-8 which recommends approval of Ordinance 13-22.

RECOMMENDATION BY: Staff recommends approval of Ordinance 13-22.

PROPOSED MOTION: To approve Ordinance 13-22 on first 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	_____	_____	_____	_____	_____

IV. MEASUREMENT OF SETBACKS, OPEN SPACE, VISIBILITY TRIANGLE, USE OF LOTS AND ACCESS POINTS

A. Measurement of Setbacks

1. Setbacks shall be measured from the foundation of a building to the nearest point of any property line, except when the overhanging roof, eaves, gutters, or other architectural feature protrudes more than two (2) feet from the foundation. In such case, the setback shall be measured from the furthestmost projection of the building;
2. Patios, decks, and other similar non-roofed and non-enclosed appurtenances of a principal building shall not be required to meet the side and rear setback requirements of the principal building. Such appurtenances shall be setback a minimum of ten (10) feet from side and rear property lines; and
3. Setbacks shall be measured from the furthestmost protrusion of any non-building structure to the nearest point of any property line.

Existing Wording →

B. Open Space

No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

C. Visibility Triangle

The following regulations provide for the maximum safety of persons using sidewalks and streets, and for the maximum enjoyment of the use of property.

1. On any corner lot, no wall, fence, sign, structure, plant growth, or any other object, whether movable or stationary, which obstructs the vision at elevations between two and one-half (2 1/2) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a visibility triangle, created by measuring 25 feet from the rights-of-way intersection along each right-of-way (ROW). (See Illustration 2.)
2. In any required front yard, except as provided in Section C1 above, no fence, wall, hedge or yard ornament shall be permitted which materially impedes vision across such yard above the height of three and one-half (3 1/2) feet.

D. Use of Lots and Access Points

The purpose of the following is to clarify certain conditions pertaining to the use of lots and access points:

RESOLUTION PC-13-08

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 4., SECTION IV. MEASUREMENT OF SETBACKS, OPEN SPACE, VISIBILITY TRIANGLE, USE OF LOTS AND ACCESS POINTS, TO CLARIFY METHOD OF MEASURING SETBACKS

WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on September 19, 2013;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of an ordinance, amending Ordinance 86-16, of the Farragut Zoning Ordinance, by adding Ordinance 13-22.

ADOPTED this 19th day of September, 2013.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

ORDINANCE:	13-22
PREPARED BY:	Shipley
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	September 19, 2013
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING CHAPTER 4., SECTION IV. MEASUREMENT OF SETBACKS, OPEN SPACE, VISIBILITY TRIANGLE, USE OF LOTS AND ACCESS POINTS, TO CLARIFY METHOD OF MEASURING SETBACKS, 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 IV. Measurement of Setbacks, Open Space, Visibility Triangle, Use of Lots and Access Points, A., 2., is amended by deleting it in its entirety and substituting in lieu thereof the following:

2. Patios, decks, pergolas, arbors, and other similar non-roofed and/or non-enclosed structures attached to and/or adjacent to a principal building shall not be required to meet the side and rear setback requirements of the principal building. Such non-roofed and non-enclosed structures shall be setback a minimum of ten (10) feet from side and rear property lines; and

SECTION 2.

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

ORDINANCE 13-22

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Dr. Ralph McGill, Mayor

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