

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN

October 24, 2013

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
 - A. Proclamation
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. October 10, 2013
- VI. Business Items**
 - A. Approval Calhoun's New Year's Day 5K
 - B. Approval of Request for Supplement for Engineering Services, Everett Road Improvements
 - C. Approval of Agreement between the Town of Farragut and KALU, LLC to continue use of the Town of Farragut commuter parking lot on Campbell Station Road
- VII. Ordinance**
 - A. First Reading
 - 1. Ordinance 13-23, **AN ORDINANCE TO AMEND THE TEXT OF THE CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE, BY AMENDING TITLE 20, CHAPTER 1, SECTION 20-101(2), ALLOWING FIREARMS TO BE CARRIED IN MUNICIPAL PARKS AND RECREATIONAL FACILITIES BY THOSE PERSONS AUTHORIZED BY THE STATE OF TENNESSEE ACCORDING TO TENNESSEE CODE ANNOTATED SECTION 39-17-1311**
- VIII. Town Administrator's Report**
- IX. Attorney's Report**

MINUTES

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**

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, October 10, 2013 at 7:00 p.m. Members present were Mayor McGill, Aldermen Elliott, Honken and LaMarche; Alderman Markli was absent.

Approval of Agenda

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

Mayor's Report

Lori Saal provided the board with an update on the sustainability program.

Approval of Minutes

Motion was made to approve the minutes of September 26, 2013 as presented. Moved by Alderman Honken, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken and LaMarche; Alderman Markli was absent; no nays; motion passed.

Business Items

Approval of Resolution R-2013-07, TDOT Safety Grant

Motion was made to approve Resolution R-2013-07, TDOT Safety Grant. Moved by Alderman Honken, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, Honken and LaMarche; Alderman Markli was absent; no nays; motion passed.

Approval of Hot to Trot 5K/10K and Fun Run

Motion was made to approve the Hot to Trot 5K/10K and Fun Run road closures on Parkside Drive on November 28, 2013 from 6:00-10:00 AM. Moved by Alderman LaMarche, seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Elliott, Honken and LaMarche; Alderman Markli was absent; no nays; motion passed.

Approval of Resolution R-2013-06, Surplus Property

Motion was made to approve Resolution R-2013-04, Surplus Property. Moved by Alderman Honken, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken and LaMarche; Alderman Markli was absent; no nays; motion passed.

Ordinances

First Reading

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.

Motion was made to approve Ordinance 13-22 on first reading. Moved by Alderman Honken, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken and LaMarche; Alderman Markli was absent; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that the Knox County Fire Festival will be Saturday October 12 at Tennova and Freak Friday Fright Night will be October 25 from 5-7PM.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Calhouns New Years Day 5K

INTRODUCTION:

This item involves a request for approval of a special event application related to the Calhouns New Years Day 5K and Fun Run to be held along portions of Parkside Drive on New Years morning, January 1, 2014.

DISCUSSION:

Over the past few years the run has been held at the Calhoun's on Neyland Drive. The running event is sponsored by the Knoxville Track Club. As shown in the race information packet, the events will start and end at Calhoun's on Parkside Drive. The event will feature a loop 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 11:00 a.m.

As in previous request, the organizers of the event have been working with the affected entities to make them aware of this ahead of time. Event organizers have been careful to minimize any impact to vehicular traffic and access.

Calhoun's parking lot and facilities will be used for all staging facilities, including restrooms. Traffic control from parking areas and along the route itself will be addressed with Knox County and City of Knoxville police staff. 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 Calhoun's New Year's Day 5K road/lane closures on Parkside Drive on January 1, 2014 from 6:00 to 11:00 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: **Calhoun's New Years Day 5K**
Event Date(s): **1/1/14**

Sponsoring Organization: **Knoxville Track Club**

Tax ID **62-0731345**

(Attach Secretary of State Corporate Info)

Address: **P.O. Box 52266 Knoxville TN 37950**

Organization Type: Neighborhood ☐ Non-profit ☒ Govt. ☐ Corporation ☐
Other ☐ Explain Other:

Primary Contact: **Bobby Glenn - Executive Director**

Address:

Work Phone: **865-548-7664**

Cell Phone Number: **865-548-7664**

E-mail: **knoxvilletrackclub@gmail.com**

Event Information

1. Purpose of event: **5K Road Race for Runners and Walkers**
2. Give a brief description of the event:
5K Road Race
3. Is this a first time event? **No, but first in this location**
If no, prior dates
4. Hours of Operation:
Date: **1/1/14** Set Up Time: **6:00 AM** Close: **11:00 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: **1/1/14 11:00 AM**
Completion Time:
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:
Marketed and promoted via our website at ktc.org and our publications to our membership and the local running community

7. Will admission be charged? Yes ☐ No ☒
8. Will you be accepting donations? Yes ☐ No ☒
9. Estimated attendance each day: 1000
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? 1 - Calhoun's will prepare and distribute food
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:
 Loop course on Parkside drive starting and finishing at Calhoun's
17. List all streets you are proposing to close with the time periods that they will be closed:
 No street closures
18. Outline your plan for notifying the public of street closures and traffic control:
 Signage and traffic control officials (KCSD) on site
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? 1
21. Will any existing restrooms be provided for public use? If yes, how many and where will they be located?
 We will use the indoor restrooms at Calhoun's and the Brewery

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

If yes, please complete the following:

Number of portable restrooms: 6

Location (be specific):

Behind the Calhoun's restaurant and Brewery

When will they be placed and removed? Placed afternoon of 12/31/13

When will they be serviced?

How many ADA accessible units will be included? N/A. Calhoun's indoor suffice

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?

Traffic control will be provided by the Knox County Sheriff's department at selected intersections. KTC Volunteers present at all intersections.

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

We will have onsite EMS personnel

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

KTC will provide complete cleanup and will utilize the existing trash facilities at Calhoun's

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

Date

10/9/13

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)

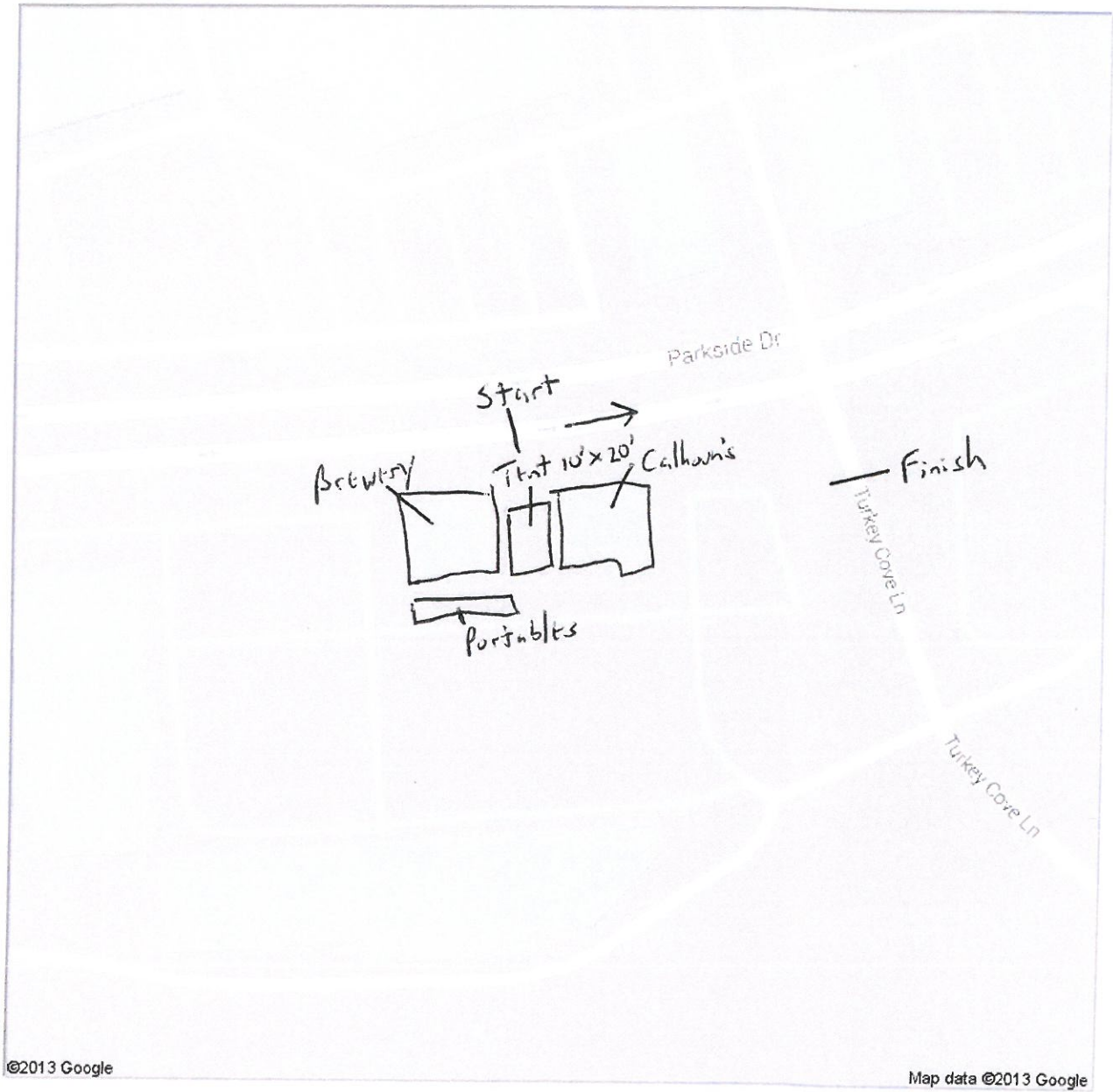
- Conditions of Approval: _____

Denied: _____

- Reasons for Denial: _____



Calhoun's New Years Day 5k Site Plan



AGENDA NUMBER Vl. B.

MEETING DATE October 24, 2013

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE, Town Engineer

SUBJECT: Approval of Request for Supplement for Engineering Services, Everett Road Improvements

INTRODUCTION: As reconstruction of Everett Road has moved forward as a priority in the FY2013-14 Capital Improvements Plan, staff has asked Robert G. Campbell & Associates to update and combine plans for Everett Road improvements, so that we may let the project to contract once all right of way and easements have been acquired.

BACKGROUND: In 2007, the developers of Everett Hills Subdivision (now Split Rail Farm) intended to rebuild Everett Road from Smith Road to their subdivision entrance, approximately 2600 feet north of Smith Road. This new portion of Everett Road would include two 12' travel lanes, with curb & gutter and an 8' wide paved trail along each side. As a complement to that project, the Town wished to reconstruct Everett Road from Smith Road to Union Road, where the current roadway already includes 12' travel lanes, with the end result being full width travel lanes, curb & gutter and pedestrian facilities from Kingston Pike to what will soon become Split Rail Farm, a distance of just over one mile. The Board of Mayor and Aldermen approved a contract with Robert G. Campbell & Associates (RGC&A) in February, 2007 for design of the portion of Everett Road between Union and Smith Roads. RGC&A was also designing the remaining portion of the improvements (Smith Road to Split Rail Farm) at that time, and was being paid by the developer.

DISCUSSION: Once development halted at Everett Hills, the roadway project became a lower priority. The Town has continued to acquire Right of Way and easements, with the understanding that the project would eventually be constructed. As we now wish to begin construction of the full length of improvements by the end of this fiscal year, we have asked Robert G. Campbell & Associates to provide a cost to update both sets of plans, and combine those sets into one project that we may let to bids in Summer 2014. We have attached Robert Campbell's request for supplement, which includes an increase in contract price of \$16,470. As this includes update and completion of both projects, staff agrees that this additional cost is quite fair.

FINANCIAL SECTION:

Account Number: 310-43710

Total Budget

\$3,500,000

Requested Amount

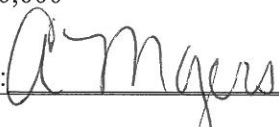
\$16,470

Contracted Amount

\$75,903 (FY07)

Remaining Amount

\$3,483,530

Approved By: 

RECOMMENDATION BY: Darryl Smith

PROPOSED MOTION: Approval of Request for Supplement, as submitted by Robert G. Campbell & Associates, L.P.



ROBERT G. CAMPBELL & ASSOCIATES, L.P.

July 9, 2013

7523 TAGGART LANE
KNOXVILLE, TN 37938
(865) 947-5996
FAX (865) 947-7556
e-mail: Robert.Campbell@rgc-a.com

Chris Jenkins, PE
Assistant Engineer
Engineering Department
11408 Municipal Center Dr.
Farragut, TN 37934

Re: Supplement Request – Widening of Everett Road from Union Road to Split Rail
Subdivision
RGC #07059

Mr. Jenkins,

You requested that we determine the amount of extra work needed to combine the Phase 1 and Phase 2 Everett Road widening projects into one construction project. Based on the proposed scope items listed below it appears that the contract ceiling will need to be raised from \$75,903.56 to \$92,373.66 an increase of \$16,470.00. We currently show that there is an outstanding balance of \$18,802.30 and that around \$4,000.00 of the balance has been expended but not invoiced throughout the past several years. We will expend remaining funds on the request before using supplemental funds.

The items that will need to be completed in order to combine the plans into one construction project are as follows:

- Update SWPPP and ARAP and update and incorporate any changes into the plans
- Combine plan sheets and other drafting items into one project set
- Combine quantities into one quantity sheet
- Update item numbers and review changes to standard drawings – incorporate into plans
- Prepare bid packet along with advertisement
- Pre-bid and pre-construction conferences as necessary.

If you deem it acceptable, please forward to the appropriate individuals or let me know that it is satisfactory and I will forward. Please let me know if you have questions.

Sincerely,

Robert G. Campbell, PE

Vice President

Robert G. Campbell and Associates, LP

BOARD OF MAYOR AND ALDERMEN MEETING

PREPARED BY: David Smoak, Town Administrator

SUBJECT: Approval of Agreement between the Town of Farragut and KALU, LLC to continue use of the Town of Farragut commuter parking lot on Campbell Station Road.

INTRODUCTION: The purpose of this agenda item is to approve the First Amendment to Amended and Restated Declaration of Covenants and Restrictions, Grant of Temporary and Permanent Easements and Agreement regarding the commuter parking lot on Campbell Station Road.

BACKGROUND: The Town of Farragut and KALU, LLC entered into an original agreement in November 2009 to allow for a park-n-ride location at the corner of Campbell Lakes Dr. and Campbell Station Road. This agreement allowed for ingress and egress between the Town owned parking area and the immediate parking area to the south owned by KALU, LLC. As part of that agreement the Town leased 27 parking spaces and agreed to mow both the Town parcel and the parcel owned by KALU, LLC for an annual lease of approximately \$17,000/year.

DISCUSSION: In February 2013, the Knoxville Area Transit express bus route stopped operating from the park-n-ride lot, leaving many parking spaces unfilled throughout the day. Staff has been monitoring the usage of the lot periodically since then and there are on average 25 cars/day that have been utilizing the park-n-ride location. Staff entered into negotiations with the owner of KALU, LLC to lower the number parking spaces that are part of this agreement going forward so that it is more reflective of the needs of the commuters that utilize the park-n-ride lot.

The attached amended agreement states that the Town will now lease 13 parking spaces from KALU, LLC, will continue to mow all areas at both the Town parcel and KALU, LLC parcel, will reconfigure and designate the new spaces that will now be a part of the commuter lot, and notify the users of the lot of the changes to occur. The lease agreement calls for a total yearly contract of \$3,000 paid quarterly to KALU, LLC.

By entering into this agreement this will give the Town 33 spaces designated for park-n-ride users, which should be adequate at this time given the use of the parking lot.

RECOMMENDATION BY: Town Administrator David Smoak for approval.

PROPOSED MOTION: To approve the First Amendment to Amended and Restated Declaration of Covenants and Restrictions, Grant of Temporary and Permanent Easements and Agreement with KALU, LLC regarding the commuter parking lot on Campbell Station Road.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

**FIRST AMENDMENT TO AMENDED
AND RESTATED DECLARATION OF COVENANTS
AND RESTRICTIONS, GRANT OF TEMPORARY AND
PERMANENT EASEMENTS AND AGREEMENT**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS, GRANT OF TEMPORARY AND PERMANENT EASEMENTS AND AGREEMENT is made and entered into this ____ day of _____, 2013, by and between the **TOWN OF FARRAGUT**, a Tennessee municipal corporation ("First Party") and **KALU LLC**, a limited liability company organized and existing under the laws of the state of Tennessee with its principal office in Farragut, Tennessee ("Second Party").

W I T N E S S E T H:

WHEREAS, the First Party and the Second Party entered into that certain Amended and Restated Declaration of Covenants and Restrictions, Grant of Temporary and Permanent Easements and Agreement dated the 6th day of November, 2009 (the "Agreement"); and

WHEREAS, the First Party and Second Party desire to amend the terms and conditions of the Agreement as provided for herein.

NOW, THEREFORE, in consideration of the foregoing premises, and the continued binding effect of the covenants, terms and agreements of the Agreement, as well as the covenants contained hereinafter, the parties do hereby agree to amend and modify the terms of the Agreement as follows:

1. The provisions of paragraph 1 of the Agreement are deleted in their entirety and replaced by the following:

In consideration of the rights granted by Second Party to First Party and to the public to use the Fowler Parcel, during the Term or any Renewal Term defined herein, the First Party (i) shall pay a total annual fee to Second Party of Three Thousand Dollars (\$3,000.00) payable in four quarterly installments of Seven Hundred and Fifty Dollars (\$750.00) payable on the first day of each quarter commencing on _____, (ii) hereby grants Second Party and its licensees and invitees the right of ingress and egress over, upon and across the Farragut Parcel as provided in paragraph 2, and (iii) hereby

agrees to the maintenance and repair obligations provided for herein with respect to the Fowler Parcel.

2. The provisions of paragraph 2 shall be deleted in their entirety and replaced by the following:

Second Party, with respect to the Fowler Parcel does hereby grant in favor of the present and/or future owners of the Farragut Parcel, and the public in general, and First Party with respect to the Farragut Parcel does hereby grant in favor of the present and future owners of the Fowler Parcel, and the public in general, joint, terminable and non-exclusive easements of ingress and egress together with temporary licenses for the parking on said Farragut Parcel and Fowler Parcel of automobiles, vans and pick-up trucks pursuant to such terms, conditions and reasonable fees as may be determined and collected by First Party; provided, however, tenants invitees, licensees and customers of Second Party having business on the Fowler Parcel shall be allowed to park in any available space on the Fowler Parcel and shall be excused from paying parking fees to First Party upon presentation to First Party or its representatives or designee of an appropriate form of identification. The form of identification shall be mutually agreed upon between the parties hereto and shall be dispensed by Second Party, its representatives or designees only to bona fide invitees, licensees, customers and tenants (or any tenant's bona fide invitees, licensees, and customers) of Second Party . Such identification shall be valid only on such dates and for such periods of time as such invitees, licensees, tenants or customers park while conducting business on the premises

on the Fowler Parcel. The spaces available to First Party for parking on the Fowler Parcel pursuant to this Agreement shall be those thirteen (13) spaces identified as spaces numbered 1 through 12 and 29 as shown on **Exhibit C-1** hereto and shall be identified on the ground by appropriate markings installed and maintained by First Party. The spaces numbered 13 through 28 and 30 through 33 on Exhibit C-1 are on the Farragut Parcel. First Party will take steps to advertise the change in which spaces are available on the Fowler Parcel that are available for commuter parking pursuant to this Agreement. Vehicles utilizing commuter facilities that park in one of the parking spaces reserved for general business parking for the commercial establishments located on the Fowler Parcel (i.e., all other spaces than the spaces numbered 1 – 33 as shown on Exhibit C-1)) may be towed by Second Party at the expense of the owner of the towed vehicle. The easements and licenses hereby granted shall run with the land over, upon and across said Fowler Parcel and the Farragut Parcel affording ingress and egress access to and from Campbell Lakes Drive to said Fowler Parcel and Farragut Parcel together with temporary parking on said parcel and ingress and egress to and from designated parking spaces all as shown and reflected on **Exhibit C-1** attached hereto. Nothing contained herein shall allow the First Party to alter the paving and parking areas on the Fowler Property without the prior written consent of the Second Party.

3. The provisions of paragraph 3 shall be deleted in their entirety and replaced by the following:

The easement and licenses granted pursuant to paragraph 2 hereof shall have a term of one (1) year from the date hereof (the “Term”), and will automatically renew for

additional one (1) year terms, or portions thereof (the “Renewal Term”), unless and until either party gives written notice of termination to the other within thirty (30) days of the end of the then current Term. Either party shall have the right to terminate the Term or a Renewal Term by giving thirty (30) days’ notice of termination to the other party. In the event of termination before the end of a quarter for which payment has been made, Second Party will refund a portion of the consideration paid so that the fee is prorated to the time the Agreement was actually in force. Both parties hereby agree and understand that the park and ride parking areas described on **Exhibit C-1** attached hereto within the bounds of the Fowler Parcel are to be used exclusively by the First Party for a park and ride lot under the terms and conditions set forth herein. This condition is to run and be enforceable against any persons who shall hereafter own all or any part of the within described property and no act or omission upon the part of any party shall be a waiver of the operation or enforcement of this condition.

4. The parties agree that the remaining terms and conditions of the Amended and Restated Declaration of Covenants and Restrictions, Grant of Temporary and Permanent Easements and Agreement, remain unchanged and are hereby ratified and affirmed.

WHEREFORE, the parties hereto have executed this instrument for the purposes therein contained as of the day and year first above written.

FIRST PARTY:

TOWN OF FARRAGUT

Dr. Ralph McGill, Mayor

SECOND PARTY:

KALU LLC

By: _____
Its: _____

STATE OF TENNESSEE)
)
COUNTY OF KNOX)

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared **Dr. Ralph McGill**, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the Mayor of the **TOWN OF FARRAGUT**, the within named bargainor, a corporation, and that he as such Mayor, being authorized to do so, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself as Mayor.

Witness my hand and seal at office this _____ day of _____, 2013.

Notary Public

My Commission Expires: _____

STATE OF TENNESSEE)
)
COUNTY OF KNOX)

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared _____, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the _____ of **KALU LLC**, the within named bargainor, a limited liability company, and that he as such _____, being authorized to do so, executed the foregoing instrument for the purpose therein contained, by signing the name of the limited liability company by himself as _____.

Witness my hand and seal at office this _____ day of _____, 2013.

Notary Public

My Commission Expires: _____

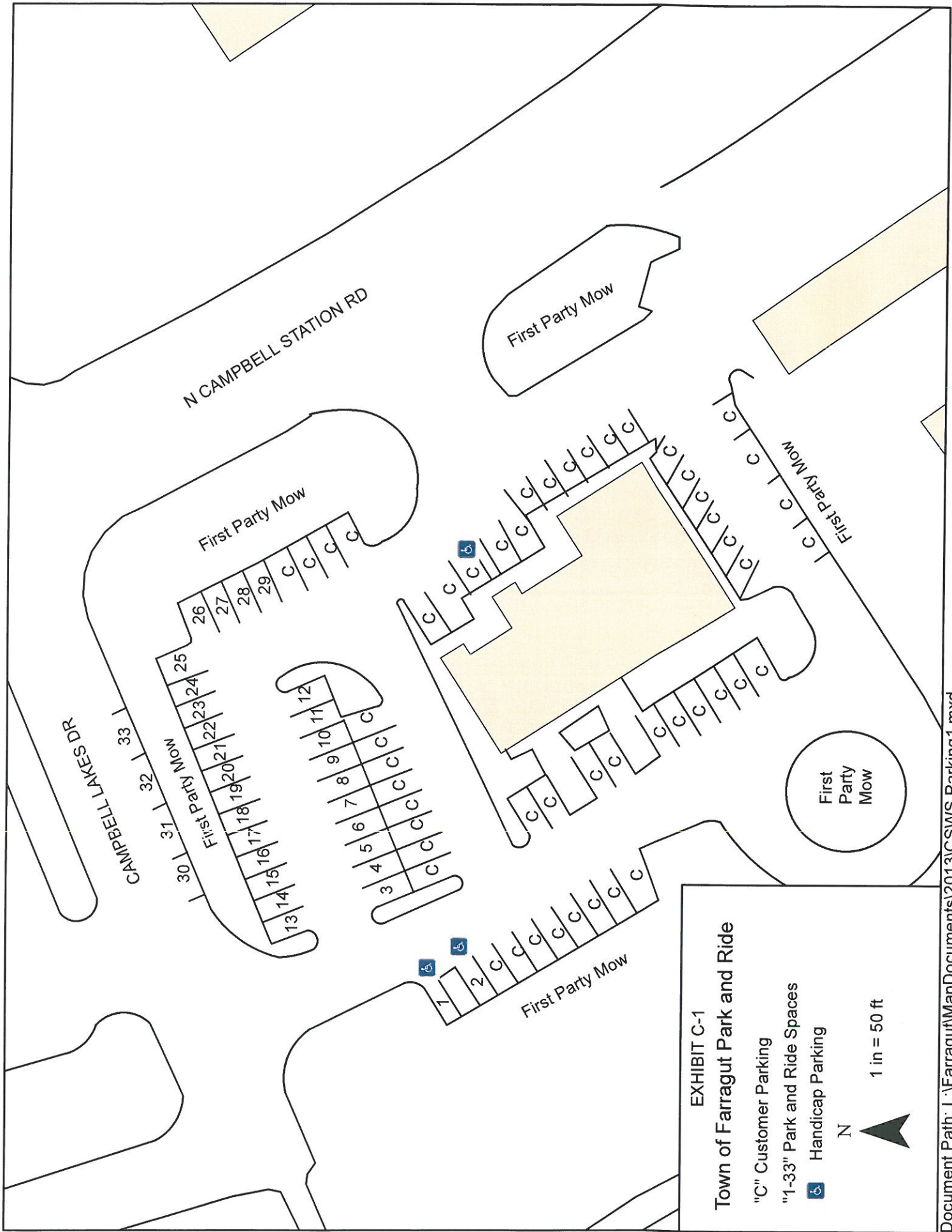


EXHIBIT C-1
Town of Farragut Park and Ride

"C" Customer Parking

"1-33" Park and Ride Spaces

 Handicap Parking

N

1 in = 50 ft



BOARD OF MAYOR AND ALDERMEN MEETING

PREPARED BY: David Smoak, Town Administrator

SUBJECT: Ordinance 13-23, an ordinance on First Reading, to amend the Code of Ordinances of the Town of Farragut by amending Title 20, Chapter 1, Section 20-101(2), allowing firearms to be carried in municipal parks and recreational facilities by those persons authorized by the State of Tennessee according to Tennessee Code Annotated Section 39-17-1311.

INTRODUCTION: The purpose of this agenda item is to discuss Ordinance 13-23, to amend the Code of Ordinances of the Town of Farragut by amending Title 20, Chapter 1, Section 20-101(2), allowing firearms to be carried in municipal parks and recreational facilities by those persons authorized by the State of Tennessee according to Tennessee Code Annotated Section 39-17-1311.

BACKGROUND: The current park regulations were originally adopted by the Board of Mayor and Aldermen in 1985. In Chapter 1, Sec. 20-101(2) of the Town Code it states that "Firearms and fireworks shall be prohibited at all times except by authorized personnel" (see **Attachment A**). In general terms, this means that firearms are not currently allowed in any of our four municipal parks or along the greenway trails located within the Town of Farragut. The only exception is for firearms carried by law enforcement.

In 2009, the Tennessee State Legislature amended state law with Public Chapter 428, which allowed those individuals that have a legal handgun carry permit to carry weapons in municipal parks. They also allowed those cities that wanted to opt out of the law an opportunity to do so, however if a city did not opt out they were then subject to the new state law requirements (see **Attachment B**). In Farragut, since the Town had already decided to regulate the carrying of firearms in the parks, the Town was grandfathered in and did not have to opt out, yet could continue to prohibit firearms in our parks system.

DISCUSSION: In the past few weeks, various individuals have requested the Town to review its current prohibition on firearms in the Farragut parks. Town staff conducted a short survey of park users' at all four Farragut parks to gain perspective from the community on where they stand on allowing persons with valid carry permits to carry firearms in the parks. Staff also asked a separate question regarding smoking in the parks, as well as some general demographic information. The results of the survey can be found in **Attachment C**.

In addition, crime data information was requested from the Knox County Sheriff's Office for each of our four parks. The data that was requested involved TIBRS Type A crimes, which tend to be more serious in nature. That information can be found under **Attachment D**.

Also included in this report is a list of several cities throughout Tennessee that either allow firearms in their parks systems or do not (see **Attachment E**).

The Board of Mayor and Aldermen held a workshop on this item on September 26, 2013 to review the attached information and give feedback on how to proceed forward on this issue. Based on that feedback, staff has prepared Ordinance 13-23, which would end the prohibition of not allowing weapons in Town of Farragut parks and greenways. The attached ordinance amendment would authorize any legal gun carry

permit holder and other authorized personnel (law enforcement) to carry a weapon in all four Town of Farragut parks, parking lots and greenways.

RECOMMENDATION BY: The Farragut Parks and Athletics Council met on October 1, 2013 and voted 9-0 to recommend denial of Ordinance 13-23.

PROPOSED MOTION: To approve Ordinance 13-23 on First Reading, to amend the Code of Ordinances of the Town of Farragut by amending Title 20, Chapter 1, Section 20-101(2), allowing firearms to be carried in municipal parks and recreational facilities by those persons authorized by the State of Tennessee according to Tennessee Code Annotated Section 39-17-1311.

BOARD ACTION:

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

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

ORDINANCE:	13-23
PREPARED BY:	Smoak
REQUESTED BY:	Markli
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	October 24, 2013
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, TENNESSEE, BY AMENDING TITLE 20, CHAPTER 1, SECTION 20-101(2), ALLOWING FIREARMS TO BE CARRIED IN MUNICIPAL PARKS AND RECREATIONAL FACILITIES BY THOSE PERSONS AUTHORIZED BY THE STATE OF TENNESSEE ACCORDING TO TENNESSEE CODE ANNOTATED SECTION 39-17-1311.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Town Code, Title 20, Chapter 1, Section 20-101(2), is hereby amended as follows:

SECTION 1.

Title 20, Chapter 1, Use of Park and Recreation Facilities, Section 20-101(2) is amended by deleting it in its entirety and substituting in lieu thereof the following:

(2) Firearms and fireworks shall be prohibited at all times except when possessed by authorized personnel pursuant to Tennessee Code Annotated Section 39-17-1311(b).

SECTION 2.

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

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

- CODE OF ORDINANCES
Title 20 - MISCELLANEOUS

CHAPTER 1. USE OF PARK AND RECREATION FACILITIES

CHAPTER 1. USE OF PARK AND RECREATION FACILITIES

[Sec. 20-101. Regulations for use.](#)

[Sec. 20-102. Fees.](#)

[Sec. 20-103. Hours of operation.](#)

[Sec. 20-104. Enforcement.](#)

Sec. 20-101. Regulations for use.

The following rules and regulations are established for all town parks and recreational facilities. It shall be unlawful for anyone to violate said rules and regulations.

- (1) No unauthorized person shall injure or damage the grounds or any structure, rock, tree, shrub, flower, waterway, trail, bird, or animal within any park nor shall any person gather limbs, brush, or trees therein for firewood.
- (2) Firearms and fireworks shall be prohibited at all times except when possessed by authorized personnel pursuant to Tennessee Code Annotated Section 39-17-1311(b).
- (3) Bows, slingshots, and other missile or projectile throwing devices are prohibited.
- (4) Dogs and other pets must be kept on a leash while in any park or recreational area and shall not be allowed in any building other than animals assisting the disabled. Any person having the custody or control of any dog or other animal shall have the responsibility for cleaning up any solid waste of the animal and to dispose of such waste in a sanitary manner.
- (5) No vending or advertising of merchandise shall be permitted without permission of the board of mayor and aldermen.
- (6) Motorist shall observe speed limits and other traffic regulations as posted and park only in designated areas.
- (7) All vehicles, including motorcycles and terrain vehicles must remain on paved or gravel roadway inside the parking area(s).
- (8) No alcoholic beverages of any kind or other illegal substances shall be permitted in any park area or recreational facility.
- (9) Any organization, group, civic club, individual, firm, or corporation using a park or recreational facility for any purpose, or sponsoring or promoting any activities therein, must repair any damage done to fields, fences, light poles, structures, landscaping, or any facility by said organization, group, civic club, individual, firm, or corporation. Violation of this section shall result in forfeiture of the right to further use of the park and related facilities.
- (10) Any organization, group, civic club, individual, firm, or corporation using a park or recreational facility for any purpose, or sponsoring or promoting any activities therein, shall clear the park of all rubbish, trash, or other debris immediately after said use. Violation of this section shall result in forfeiture of the right to further use of the park and related facilities.
- (11) Overnight camping is prohibited in town parks except with prior permission by the board of mayor and aldermen.
- (12) Fires are prohibited in town parks except as specifically authorized.

- CODE OF ORDINANCES
Title 20 - MISCELLANEOUS

CHAPTER 1. USE OF PARK AND RECREATION FACILITIES

- (13) No person shall use any park within the town except for recreation purposes or use to which such property is customarily devoted.
- (14) No unauthorized vehicle shall be parked at a town park outside of the authorized hours of operations. Any unauthorized vehicles which are found on park property after operational hours shall be towed away at owner's expense.
- (15) Fishing shall be permitted on the pond at Anchor Park, but swimming and the related activities are prohibited.
- (16) The emission of excessive noise from mechanical or electrical devices without express advance written permission from the Town of Farragut is prohibited.
- (17) The board of mayor and aldermen may from time to time establish other regulations or restrictions as policy to govern use of town parks and recreational facilities. Such policies shall be established by resolution.

(1985 Code, § 12-601; Ord. No. 02-03, Feb. 2002)

Sec. 20-102. Fees.

The board of mayor and aldermen may from time to time establish, at their discretion, a fee schedule for use of certain parks and specific recreational facilities. Said fees shall be established by resolution.

(1985 Code, § 12-602)

Sec. 20-103. Hours of operation.

To protect the residential areas of the town from undue disturbance and to also preserve the safety of users of town parks, the town administrator may establish hours of operation of town parks. Due to differing locations and types of use, hours of operation may vary from park to park. Certain facilities within the parks may be designated for different hours of operation than the park as a whole. No person or group shall use any park or its facilities outside hours established for their use. Any person or group found in violation of the established hours shall be instructed to leave. If a person or group fails to follow the established hours, it shall be considered trespassing and authorized personnel may have violators legally removed.

(1985 Code, § 12-603)

Sec. 20-104. Enforcement.

If any individual or group of individuals fails to follow any park regulation or any town policy related to use of town parks, said individual or group may be requested to cease use and to leave park property. When such violations are discovered, the town administrator or designees are authorized to instruct said individual or group to cease any violation and to vacate park property when deemed necessary. If an individual or group fails to respond to said instructions, then authorized officers may be called upon to remove said individual or group.

(1985 Code, § 12-604)

THE UNIVERSITY of
TENNESSEE
 MUNICIPAL TECHNICAL
 ADVISORY SERVICE

*...in cooperation with the
 Tennessee Municipal League*



June 23, 2009

LOCAL OPT-OUT PROHIBITING HANDGUNS IN MUNICIPAL PARKS

Josh Jones, Legal Consultant

The recently passed Public Chapter No. 428 authorizes handgun carry permit holders to lawfully possess handguns in federal, state and local parks. Cities may exclude their parks by passing a resolution and other compliance procedures. This publication details the requirements of the new law and the process cities must undertake to prohibit handguns in parks they own or operate. A sample resolution is attached.

Residents who meet certain requirements can obtain a handgun carry permit under the provisions of T.C.A. § 39-17-1351. Tennessee law authorizes handgun carry permit holders to lawfully carry concealed firearms in public, subject to statutory restrictions. One of those restrictions is found in T.C.A. § 39-17-1311(a), which makes it an offense to:

possess or carry, whether openly or concealed, with the intent to go armed, any weapon prohibited by § 39-17-1302(a), not used solely for instructional, display or sanctioned ceremonial purposes, in or on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated

by any municipal, county or state government, or instrumentality thereof, for recreational purposes.

Public Chapter No. 428 exempts lawful carry permit holders from this prohibition under certain circumstances, allowing them to possess a handgun:

while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof ...

The provisions allowing carry permit holders to possess handguns in municipal parks go into effect on September 1, 2009. Locally enacted prohibitions on possessing or carrying in nonrecreational municipal property, such as city hall, still apply.

Local governments have the ability to opt out of the new provisions and prohibit the possession of handguns while or within public parks owned or operated by the city. This can be accomplished through adoption of a resolution by the governing body. Adoption

June 23, 2009

LOCAL OPT-OUT PROHIBITING HANDGUNS IN MUNICIPAL PARKS

of the resolution requires a majority vote. In the case of parks jointly owned or operated by two or more municipalities or counties, every governing body must adopt a resolution to effect the prohibition.

In Section 2 of the new legislation, an adopting municipality may elect to prohibit carry permit holders from "possessing such handgun while or within or on a public park that is owned or operated by a county, a municipality or instrumentality thereof." This language mentions only public parks, leading a reader to believe that a local government may exempt only parks. However, the new legislation also amends T.C.A. § 39-17-1314, which covers the construction of these statutes. The new language explicitly states that an opt-out resolution allows municipalities to:

prohibit the possession of handguns while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by a county, a municipality or instrumentality thereof

This language suggests that the legislative intent of the bill is to authorize cities not only to prohibit handguns in public parks, but also to prohibit them in the aforementioned similar places if owned or operated by a municipality.

Seemingly, a municipality could amend the model resolution language and elect to prohibit handguns in specific parks, while allowing them in others. A city electing to prohibit handguns in specific parks should describe clearly and accurately the properties to be covered. According to the new legislation, when a legislative body elects to prohibit handguns in a park, the prohibition applies to the entire park. Hence, no park may be partitioned into handguns-allowed and handguns-prohibited sections.

Well before the passage of this new legislation, the provisions of T.C.A. § 39-17-1311(b)(1)(A)-(H) allowed for the possession of weapons by certain people under certain circumstances in recreational areas. They include law enforcement, reserve officers in training, private police, lands designated as open to hunting, persons conducting or attending gun or knife shows, persons delivering or picking up passengers who do not use the weapon in any manner. These exceptions will be unaffected by the new legislation, thus the activities will be allowed in municipal parks regardless of a resolution.

Upon the prohibition of handguns in a park, a municipality is charged with displaying prominent signage, in accordance with T.C.A. § 39-17-1311(c)(1), giving notice of the prohibition. The signage provision states:

June 23, 2009

LOCAL OPT-OUT PROHIBITING HANDGUNS IN MUNICIPAL PARKS

Each chief administrator of public recreational property shall display in prominent locations about the public recreational property a sign, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

To ensure compliance, cities should post signs with this language in prominent locations. According to the statute, prominent locations include but are not limited to all entrances to the property and any building or structure on the property.

Cities that want to enact a resolution prohibiting the possession of handguns in their parks would be wise to act quickly. The September 1, 2009, effective date is approaching rapidly, and on that date carry permit holders may possess handguns in a city's parks until that city passes a resolution and complies with the signage requirements. If you have any questions, please contact your UT MTAS municipal management consultant.

MUNICIPAL TECHNICAL ADVISORY SERVICE

Knoxville (Headquarters) . . . (865) 974-0411
Johnson City (423) 854-9882
(423) 282-0416

Jackson (731) 423-3710
Nashville (615) 532-6827
Martin (731) 881-7055

The Municipal Technical Advisory Service (MTAS) is a statewide agency of the University of Tennessee Institute for Public Service. MTAS operates in cooperation with the Tennessee Municipal League to provide technical assistance services to officials of Tennessee's incorporated municipalities. Assistance is offered in areas such as accounting, administration, finance, public works, ordinance codification, and water and wastewater management.

MTAS *Hot Topics* are information briefs that provide a timely review of current issues of interest to Tennessee municipal officials. *Hot Topics* are free to Tennessee local, state, and federal government officials and are available to others for \$2 each. Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (865) 974-0411.

www.mtas.tennessee.edu

Park Survey

The Parks and Leisure Services Department park assistants conducted a random sample survey of park patrons over a four week period. These surveys were conducted at various hours on weekday evenings and weekends. This short survey was comprised of two questions and basic demographics (please see survey below). We received input from 151 park visitors: 28 from Campbell Station Park, 26 from Anchor Park, 45 from Mayor Bob Leonard Park and 52 from McFee Park. Of those surveyed only 25 respondents live in the 37934 zip code. Other respondents are from Loudon, Lenoir City, LaFollette, Greenback, Powell, Halls, East Knoxville/Asheville Hwy., Hardin Valley, Karns, Choto/Northshore Drive to Rocky Hill, Cedar Bluff, Fountain City and Oak Ridge. This is indicative of the wider use of our public parks.

Park: _____

Town of Farragut Survey

1. If state law was changed, would you prefer that smoking be banned in Town parks? Yes _____
No _____
2. Are you in favor of allowing guns in Town parks for those with a valid carry permit? Yes _____
No _____

Demographics

Male: _____ Female: _____

Age:

18-24: _____

45-54: _____

25-34: _____

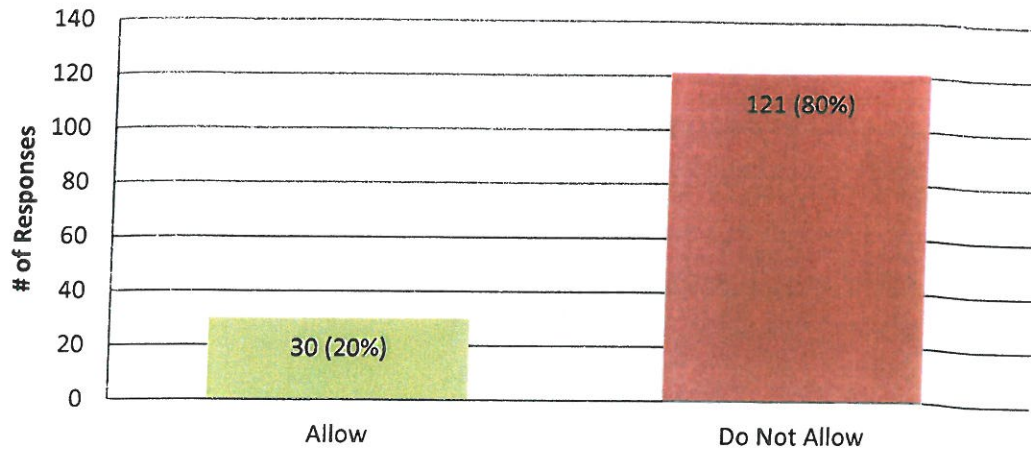
55-64: _____

35-44: _____

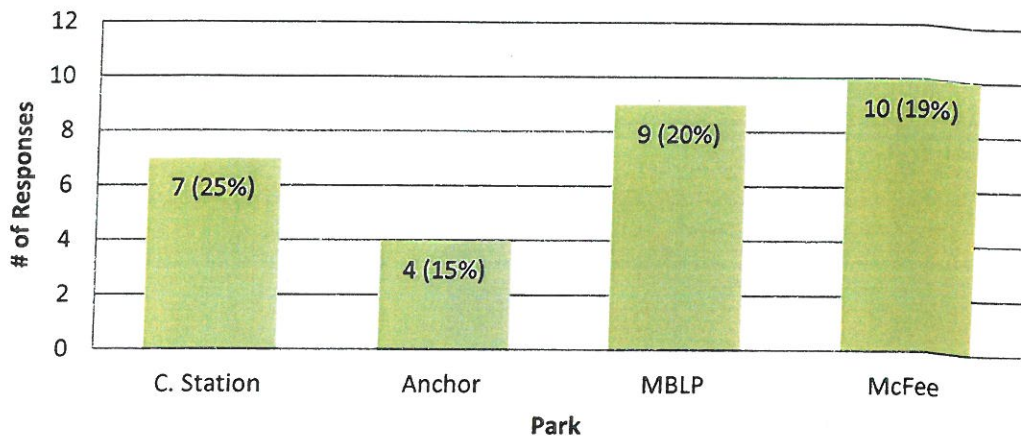
Over 64: _____

Zip Code: _____

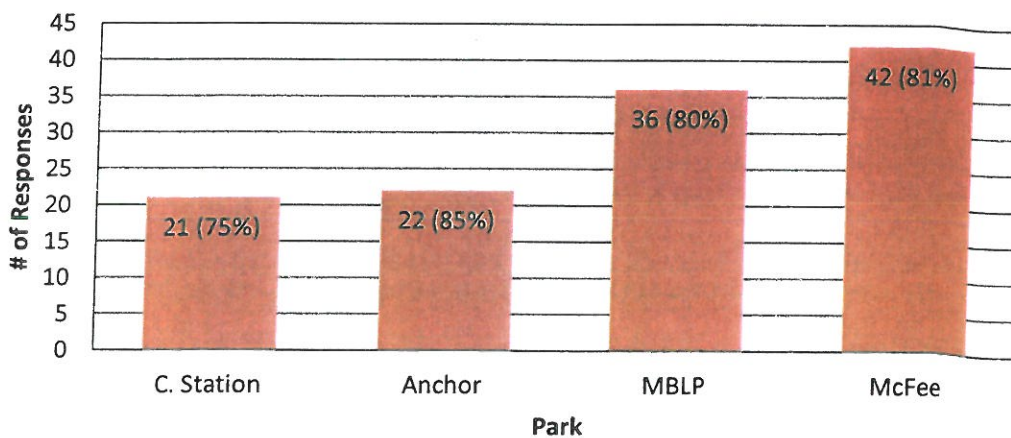
Smoking in Town Parks - Total



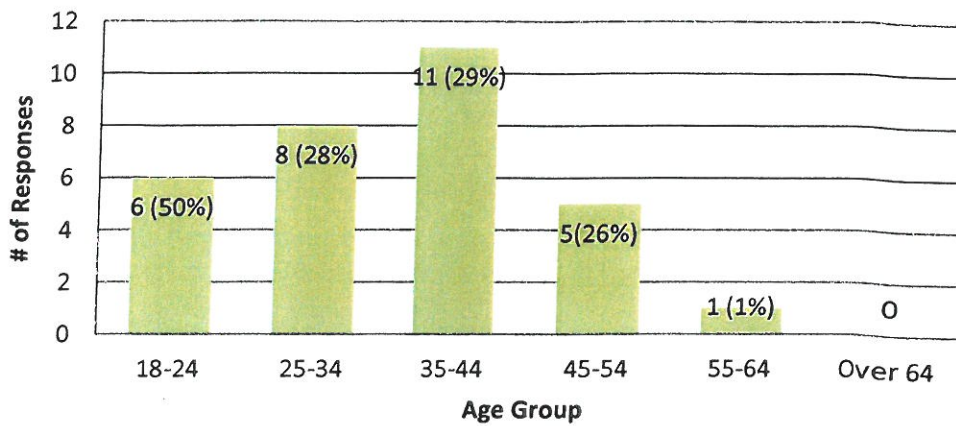
Allow Smoking - By Park



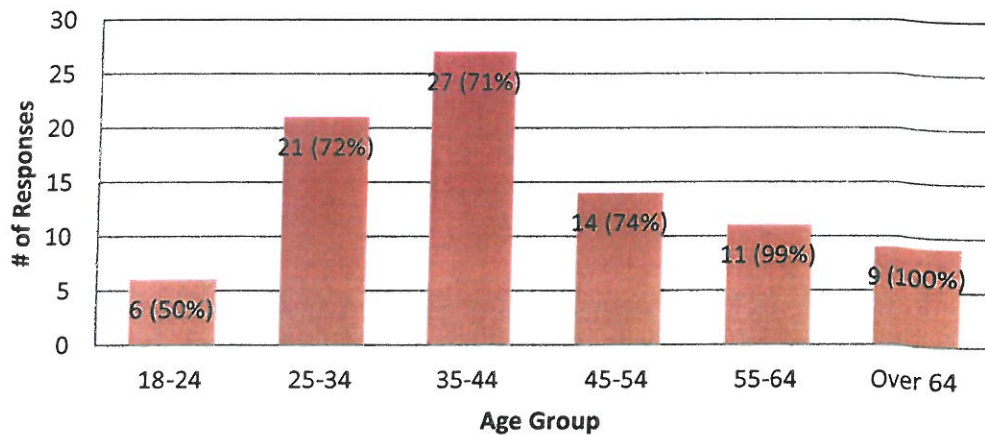
Ban Smoking - By Park



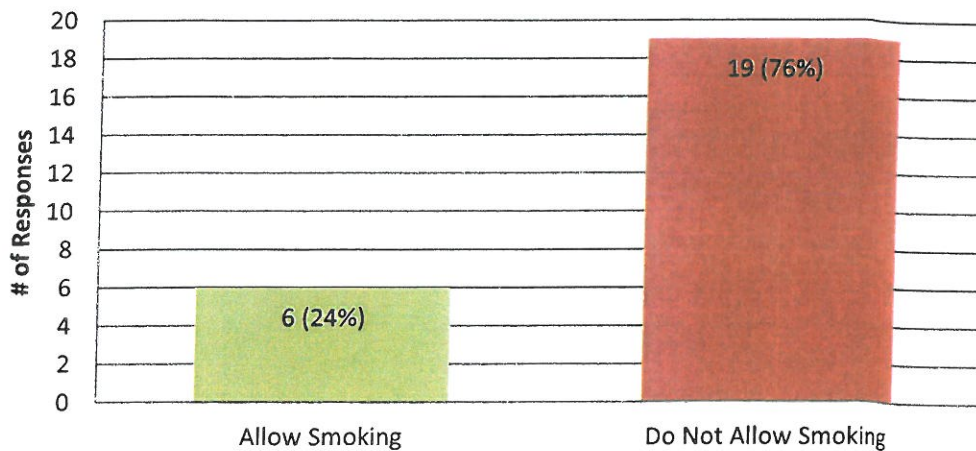
Allow Smoking - By Age Group



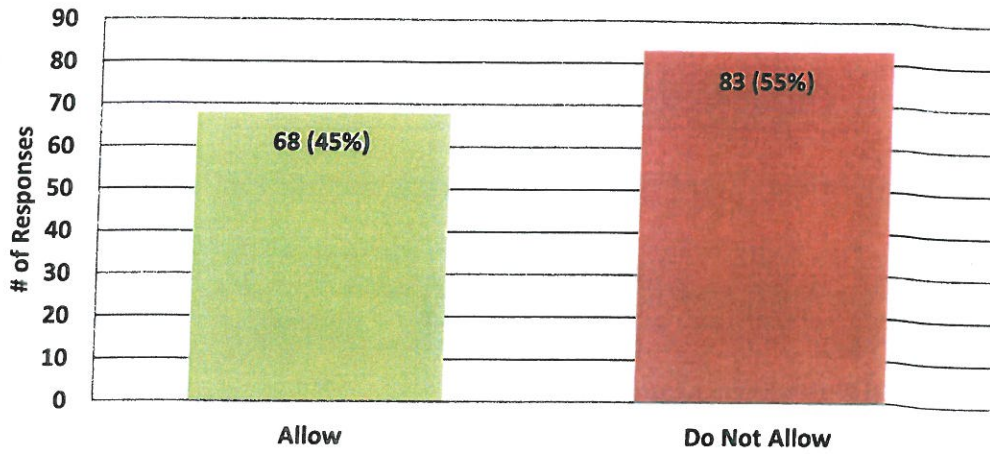
Ban Smoking - By Age Group



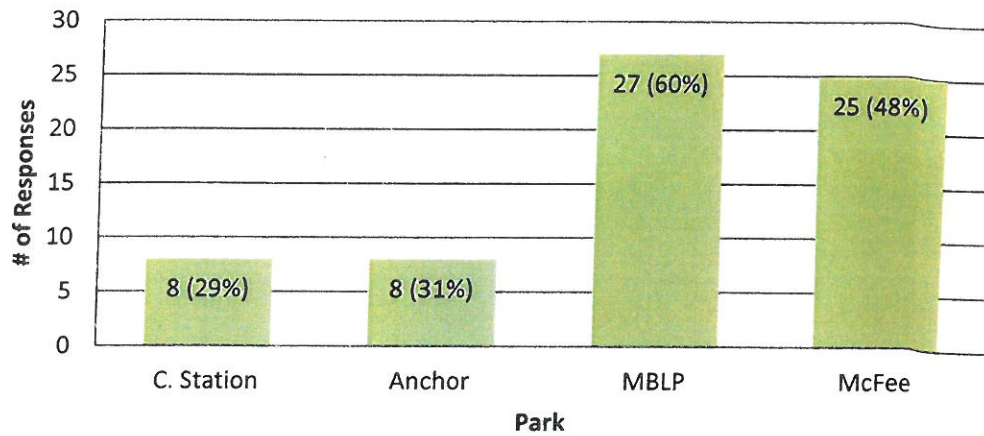
Smoking in Town Parks - Total 37934



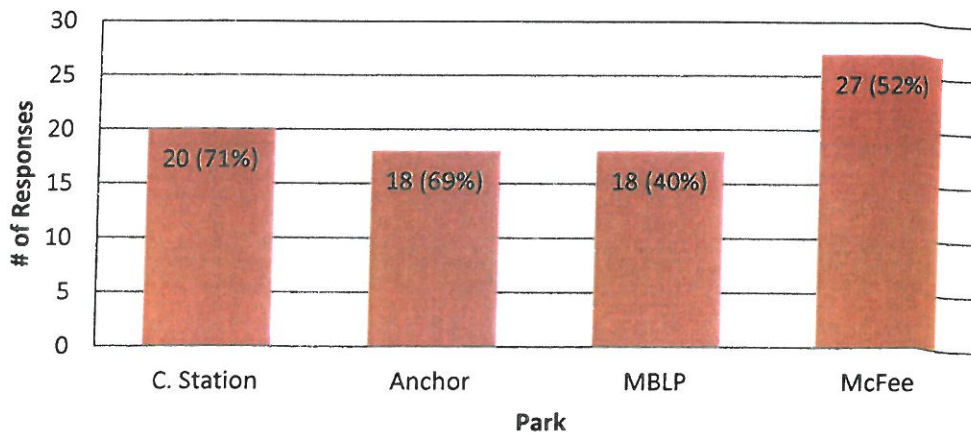
Guns In Parks - Total



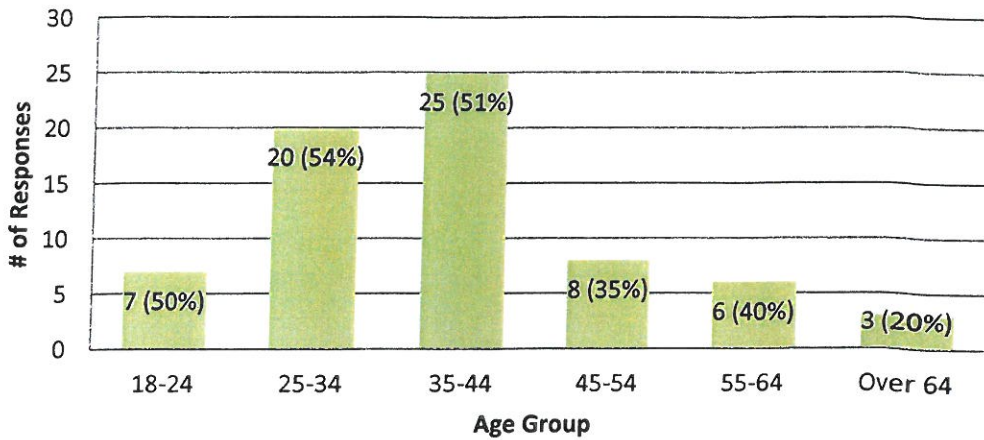
Allow Guns with Permit - By Park



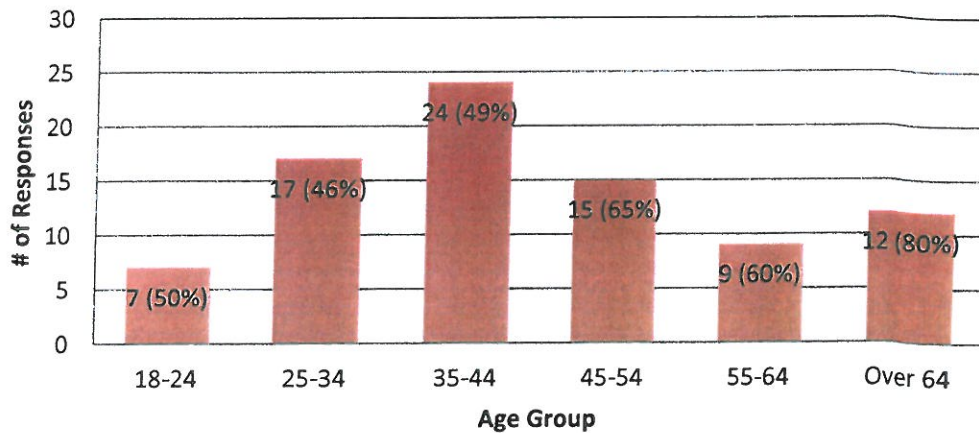
Ban Guns - By Park



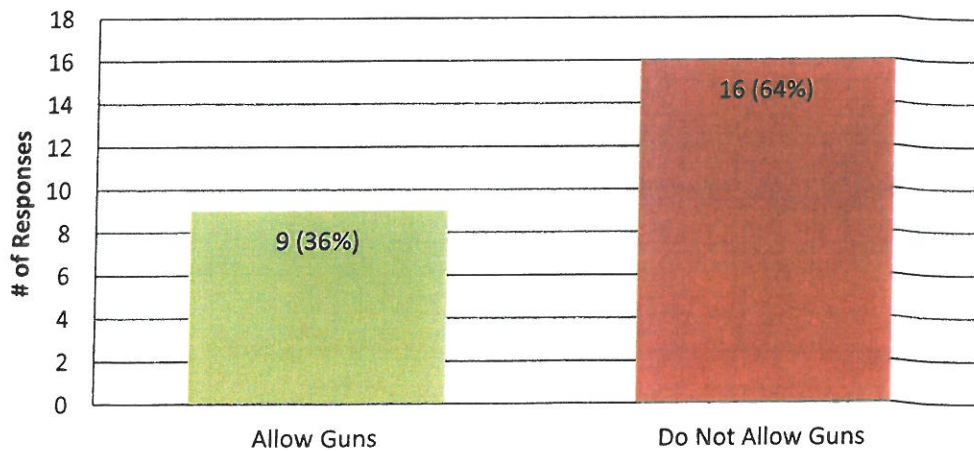
Allow Guns With Permit - By Age Group



Ban Guns - By Age Group



Guns in Parks - Total 37934



FARRAGUT PARKS INCIDENTS

Year	Mayor Bob Leonard Park	Anchor Park	Campbell Station Park	McFee Park
2006	5 vehicular burglaries, 1 natural death (diabetic), 1 simple assault			
2007	1 vehicular burglary, 1 public intoxication, 1 domestic disturbance			
2008	4 vehicular burglaries			
2009	3 vehicular burglaries			
2010	1 vehicular burglary, 1 theft, 1 DUI	1 domestic disturbance		
2011	2 vehicular burglaries, 1 theft	1 vehicular burglary, 1 open container		
2012	1 vehicular burglary, 1 vandalism	1 simple assault	2 vehicular burglaries	
2013	1 auto theft	1 Fatality (train)		
		1 vehicular burglary		1 aggravated assault

ATTACHMENT

D

Grandfathered & Did Not Change

- Town of Farragut
- City of Knoxville (voted anyway in Sept. to allow guns but vote failed 6 – 3)
- Chattanooga
- Fairview
- Nashville Metro
- Ripley
- Athens

Opted Out

- Maryville
- Oak Ridge
- Alcoa
- Brentwood
- Clarksville
- Cookeville
- Franklin
- Gatlinburg
- Germantown
- Goodlettsville
- Hamilton County
- Hendersonville
- Johnson City
- Jonesborough
- Kingston
- Pigeon Forge
- Williamson County

Did not opt out

- Knox County (vote)
- Lenoir City (no vote)
- Blount County (no vote)
- Cleveland (vote)
- Red Bank (vote)
- East Ridge (vote)
- Kingsport (no vote)