

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN **May 8, 2014**

BEER BOARD

6:40 PM

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. April 24, 2014
- VI. Ordinance**
 - A. First Reading
 1. Ordinance 14-04, ordinance to amend Ordinance 86-16, Zoning Ordinance of the Town of Farragut and amending Ordinance 03-10, updating the computer generated Zoning Map
 2. Ordinance 14-05, Ordinance to amend the text of the Farragut Municipal Code, Title 8 Alcoholic Beverages, Chapter 2 Beer
- VII. Business Items**
 - A. Approval of expenditures from the Farragut Folklife Museum account for the Purchase of Auction Items Related to Admiral Farragut or American History.
 - B. Approval to close portions of Brooklawn Drive for the Go & Glow in the Dark event to be held on June 7, 2014
 - C. Interlocal Agreement, for the Employment of a Public Management Fellow Between the State of Tennessee Municipalities: Alcoa, Farragut, Maryville, and Oak Ridge and The University of Tennessee
- VIII. Town Administrator's Report**
- IX. Town Attorney's Report**

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

FARRAGUT BEER BOARD

May 8, 2014

6:40 PM

I. Approval of Minutes

- a. April 10, 2014

II. Approval for an Special Event Beer Permit for:

- a. Farragut Business Alliance's Go & Glow in the Dark event

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

FARRAGUT BEER BOARD

April 10, 2014

6:55 PM

Ron Honken, Chairman, called the beer board meeting to order at 6:55 PM. Elected officials present were Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Elliott was absent.

Approval of Minutes

Motion was made to approve the minutes of January 23, 2014 as presented. Moved by Alderman LaMarche, seconded by Mayor McGill; voting yes, Mayor McGill, Aldermen Honken and LaMarche; Alderman Markli abstained; Alderman Elliott was absent; no nays; motion passed.

Approval for an On-Premise Beer Permit for:

Big Kahuna Wings (BKW), 12828 Kingston Pike

Motion was made to approve an on-premise beer permit for Big Kahuna Wings (BKW), 12828 Kingston Pike, subject to obtaining a certificate of occupancy. Moved by Mayor McGill, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Elliott was absent; no nays; motion passed.

Beer Board meeting adjourned at 6:58 PM

Ron Honken, Chairman

Allison Myers, Town Recorder

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Consider Approval of a special occasion beer permit for the Farragut Business Alliance "Go & Glow in the Dark" event

DISCUSSION:

The Farragut Business Alliance is planning a "Go & Glow in the Dark" event at Brooklawn Drive and is requesting a special event beer permit. The Town's Municipal Code governing special occasion beer permits is below.

Sec. 8-212. - Special occasion beer permit.

The special occasion beer permit request shall be made on such form as the board shall prescribe and/or furnish and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).

- (1) The beer board is authorized to issue a special occasion beer permit to bona fide charitable or nonprofit organizations for special events.
- (2) The special occasion beer permit shall not be issued for longer than one (1) forty-eight-hour period, unless otherwise specified by the beer board, subject to the limitations on the hours, imposed by law.
- (3) The application for the special occasion beer permit shall state whether the applicant is a charitable or nonprofit organization, include documents showing evidence of the type of organization, and state the location of the premise upon which alcoholic beverages shall be served and the purpose for the request of the license.
- (4) For purposes of this section:

Bona fide charitable or nonprofit organization means any corporation or other legal entity which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.
- (5) No charitable or nonprofit organization possessing a special occasion beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.
- (6) Failure of the special occasion permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Farragut will result in a denial of a special occasion beer permit for the sale of beer for a period of two (2) years.

The Farragut Business Alliance is a nonprofit organization and is requesting the permit for Saturday, June 7, 2014. The organization is also requesting that the \$100 permit fee be waived since the Town a sponsor.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

Motion to approve the special occasion beer permit for the Farragut Business Alliance "Go & Glow in the Dark" event at Brooklawn Drive Saturday, June 7, 2014 and to waive all application fees.

BOARD ACTION:

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

APPLICATION FOR BEER PERMIT

STATE OF TENNESSEE

TOWN OF FARRAGUT

I hereby make application for a permit to sell, store, manufacture, or distribute Beer under the provisions of Tennessee Code Annotated Section 57-5-101 et seq. and base my application upon the answers to the following questions:

1. Reason for application: New Business ☐ New Ownership ☐ Name Change ☐ Other ☒
2. Type of permit requested: Off-Premise ☐ On-Premise ☐ On/Off-Premise ☒ Special Occasion ☐
3. Name of Applicant(s) (Owner(s) of Business) Farragut Business Alliance /
by Allison Sousa, Executive Director
4. Type of applicant (check one):
Person ☐ Firm ☐ Corporation ☐ Joint-Stock Company ☐ Syndicate ☐ Other ☒ (Non-profit)
5. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business:
N/A
6. Applicant's present home address:
1130 Hirst Circle, Lenoir City, TN 37772
7. Date of Birth 01-20-1966 Home Telephone Number 865-986-7908
Business Telephone Number 865-307-2486 Social Security Number N/A
8. Representative Email Address: allison@farragutbusiness.com
9. Under what name will the business operate? N/A
10. Business address N/A mailing: P.O. Box 23583, Farragut, TN
Business Telephone number 37938
11. Specify the identity, email and physical address of the person to receive annual privilege tax notices and any other communication from the Town:
N/A
12. Information of any manager, other than the applicant: N/A
Name: _____ Birth Date: _____
Address: _____

Phone Number: _____

13. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: ____ Yes ____ No. If yes, give particulars of each charge, court, and date convicted.

N/A

14. Have you or your organization ever had a Beer Permit revoked, suspended, or denied in the State of Tennessee? NO If so, specify, where, when, and why:

15. Name and address of property owner, if other than the business owner:

Brooklawn Dr., Farragut (road)

16. What is the name and address of the Church (or other place of worship) nearest to your business?

N/A

17. What is the name and address of the school nearest to your business?

- ★ 18. Special Occasion Event Name: GO & GLOW in the Dark

Location of the special occasion event: Brooklawn Dr. & S. Campbell Station Dr.

Event Date & Times: Sat., 6/7/14; 8-10:30 PM from Municipal Park Dr. to Concord Rd.

Representative name & phone number: Allison Sousa, 307-2486

Have you received a special event permit to hold the event in the Town of Farragut? _____

19. Tennessee Sales Tax Number: N/A

I certify that I am knowledgeable of the laws prohibiting the sale of beer to minors and that this application contains true information to the best of my knowledge and belief.

I understand that this application is subject to the Tennessee Public Records Act and shall be open for inspection and reproduction by any citizen. Tennessee Code Annotated 10-7-503.

I understand that by submitting this application, a background investigation shall be conducted and any and any and all documents related to my request shall become public records.

I understand that the applicant or representative must be present at the beer board meeting in which the permit will be discussed.



Signature of Applicant/Owner (or authorized Corporate Official)

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary Public

My Commission Expires: _____

Notice: A non-refundable \$250 fee must accompany this application. Any applicant making false statement in this application shall forfeit his/her permit and shall not be eligible to receive any permit for a period of ten years.

A privilege tax of \$100 is imposed on the business of selling, distributing, storing or manufacturing beer in this state effective January 1, 1994 and each successive January 1. Any holder of a beer permit issued after January 1, 1994 shall pay a pro rata portion of this annual tax when the permit is issued.

FOR OFFICE USE ONLY

Application is hereby: Approved _____ Denied _____

On this date: _____, 20__

Beer Board Chairman

Town Recorder

★ Special event application submitted to Mark Shipley 4/28/14. This is a joint FBA/Town event, so we are asking that all fees be waived.

MINUTES

FARRAGUT BOARD OF MAYOR AND ALDERMEN

April 24, 2014

WORKSHOP

FARRAGUT BUSINESS ALLIANCE

5:30 PM

GRANT WORKSHOP

6:00 PM

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call
- II. Approval of Agenda
- III. Mayor's Report
- IV. Citizens Forum
- V. Approval of Minutes
 - A. April 10, 2014
- VI. Ordinance
 - A. Public Hearing & Second Reading
 1. Ordinance 14-03, to amend Ordinance 13-19, Fiscal Year 2014 Capital Improvement Program Budget
 - B. First Reading
 1. Ordinance 14-01, ordinance to amend the text of the Farragut Zoning Ordinance, Chapters 2 and 3, to consider providing for accessory dwelling units (ADU's) within single-family residentially zoned neighborhoods
- VII. Business Items
 - A. Approval of Change Order #1 for Contract 2014-12, Outdoor Classroom
- VIII. Town Administrator's Report
- IX. Attorney's Report

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, April 24, 2014 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 Honken, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

Approval of Minutes

Motion was made to approve the minutes of April 10, 2014 as presented. Moved by Alderman Honken, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Elliott abstained; no nays; motion passed.

Ordinance

Public Hearing & Second Reading

Ordinance 14-03, to amend Ordinance 13-19, Fiscal Year 2014 Capital Improvement Program Budget

Motion was made to approve Ordinance 14-03 on second and final reading. Moved by Alderman Honken, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

First Reading

Ordinance 14-01, ordinance to amend the text of the Farragut Zoning Ordinance, Chapters 2 and 3, to consider providing for accessory dwelling units (ADU's) within single-family residentially zoned neighborhoods

Ken Frazer, 217 Village Green Parkway, addressed the board of reasons not to approve this ordinance.

After much discussion a motion was made to approve Ordinance 14-01 on first reading. Moved by Alderman Markli, seconded by Alderman Honken; roll call vote, Alderman Elliott, no; Alderman Honken, no; Alderman LaMarche, yes; Alderman Markli, yes; Mayor McGill, no. Motion failed by a vote of 2-3.

Business Items

Approval of Change Order #1 for Contract 2014-12, Outdoor Classroom

Motion was made to approve change order #1 for Contract 2014-12 in the amount of \$1,518.36, increasing the total contract amount to \$395,642. Moved by Alderman Honken, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, reported that the Art in the Park will be Saturday, April 26 and Sunday, April 27 as Founders Park and other areas in town.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 14-04, ordinance to amend Ordinance 86-16, Zoning Ordinance of the Town of Farragut and amending Ordinance 03-10, updating the computer generated Zoning Map

INTRODUCTION:

This item involves a request to adopt the updated zoning map shown as Exhibit A as part of Ordinance 14-04.

BACKGROUND:

In June of 2003, the planning commission recommended approval to delete the hand drawn zoning map that had been used up to that point and substitute it with a new computer generated zoning map. This was reflected in Ordinance 03-10 and was approved by the board of mayor and alderman on second reading on June 26, 2003.

Since that time the zoning map has been updated electronically as properties have been rezoned. The last comprehensive update of the zoning map occurred in 2010. The staff has been waiting until the new Flood Insurance Rate Maps (FIRM) were finalized and issued before initiating another comprehensive zoning map update. Now that the FIRM maps have been approved and issued, the purpose of Ordinance 14-04 is to amend the zoning map of the Town of Farragut to reflect the following:

- 1) Rezoning that have occurred since January 14, 2010;
- 2) That the Town's park property off McFee Road be rezoned from Agriculture (A) to Open Space/Park (OS-P) so as to be consistent with other Town park properties; and
- 3) That the map reflects the most recently updated Flood Insurance Rate Maps (FIRM) that was issued on August 5, 2013.

Included in your packet is a copy of the current zoning map and the proposed updated zoning map referenced as Exhibit A.

RECOMMENDATION BY:

At their meeting on April 17, 2014, the planning commission recommended 9-0 to approve Resolution PC-14-02 which recommends to the board of mayor and alderman approval of Ordinance 14-04.

PROPOSED MOTION:

To approve Ordinance 14-04, updating of the computer generated Zoning Map as shown in Exhibit A, on first reading.

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:	14-04
PREPARED BY:	Shipley
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	April 17, 2014
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY 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.

The Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended by updating the computer generated zoning map adopted under Ordinance 03-10 and last amended on January 14, 2010 with the computer generated map included as Exhibit A.

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

RESOLUTION PC-14-02

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE FARRAGUT ZONING ORDINANCE, BY UPDATING THE COMPUTER GENERATED ZONING MAP

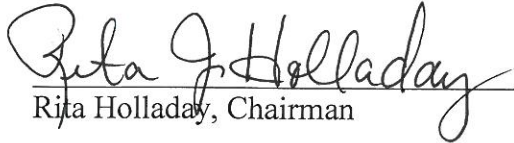
WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

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 April 17, 2014;

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 14-04.

ADOPTED this 17th day of April, 2014.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Ordinance 14-05, Ordinance to amend the text of the Farragut Municipal Code, Title 8 Alcoholic Beverages, Chapter 2 Beer

INTRODUCTION:

Over the past year the Town staff has received numerous inquiries about the expansion of the current beer permit. The Board of Mayor and Aldermen have conducted two workshop sessions, since November 2013, to discuss possible changes.

At this time the Town offers an on-premise permit, off-premise permit and a special occasion permit. Businesses that currently qualify are restaurants, hotels and convenient/grocery stores.

DISCUSSION:

After much discussion and research the following changes are presented in the revised ordinance.

- To add two additional classes of beer permits.
 - Class 2 On-Premises Permit. Other establishments making application for a permit to sell beer for consumption on the premises, which do not qualify, or do not wish to apply for, a Class 1 On-Premises Permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a Class 2 On-Premises Permit.
 - Class 4 On-premise where beer is sold for consumption at a tavern. Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a total of three (3) taverns located within the corporate limits of the Town of Farragut.
- Revision of adult entertainment definitions and prohibited conduct or activities

The changes to the current ordinance are highlighted in green.

RECOMMENDATION BY: Town Recorder/Treasurer Allison Myers for approval

PROPOSED MOTION: To approve Ordinance 14-05 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	_____	_____	_____	_____	_____

CHAPTER 2. BEER

CHAPTER 2. BEER

Sec. 8-201. Beer board established.

There is hereby established a beer board to be composed of the board of mayor and aldermen.

Sec. 8-202. Meetings of the beer board.

All meetings of the beer board shall be open to the public. The beer board shall hold regular meetings upon the second and fourth Thursday of each month when there is business to come before the beer board. A special meeting may be called by the chairman, provided reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place.

Sec. 8-203. Record of beer board proceedings to be kept.

The recorder shall make a record of the proceedings of all meetings of the beer board. The record shall be a public record and shall contain at least the following: The date of each meeting; the names of the board members present and absent; the names of the members introducing and seconding motions and resolutions, etc., before the board; a copy of each such motion or resolution presented; the vote of each member thereon; and the provisions of each beer permit issued by the board.

Sec. 8-204. Requirements for beer board quorum and action.

The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote.

Sec. 8-205. Powers and duties of the beer board.

The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within this municipality in accordance with the provisions of this chapter.

Sec. 8-206. Definitions.

1. *Applicant* shall mean the person on whose behalf an application for beer permit is filed.
2. *Adequate public notice* shall consist of publication, where possible, of notice of a meeting or hearing scheduled by the beer board, either regular or special, in a newspaper of general circulation within the corporate limits of the Town of Farragut.

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

3. Adult Entertainment consists of businesses which either directly or indirectly provide sex-related products and services
4. Adult Materials shall consist of any media material with explicit sexual content available to the public
5. *Beer* means beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than five (5) percent by weight, except wine as defined in *Tennessee Code Annotated* § 57-3-101; provided, however, that no more than forty-nine (49) percent of the overall alcoholic content of such beverage may be derived from the addition of flavors and other nonbeverage ingredients containing alcohol. *Tennessee Code Annotated* § 57-5-101.
6. *Beer board* or *board* means that administrative body organized and empowered under the authority of *Tennessee Code Annotated* § 57-5-106.
7. *Church* means a building or property where a congregation regularly meets at least one (1) day per week for religious worship.
8. *Certified clerk* shall mean a clerk who has successfully satisfied the training requirements contained in this part, or who has received certification from a responsible vendor training program.
9. *Clerk* shall mean any person working in a capability to sell beer directly to consumers for off-premise consumption.
10. *Commission* shall mean the Tennessee Alcoholic Beverage Commission.
11. *Responsible vendor* means a person, corporation or other entity that has been issued a permit to sell beer for off-premise consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the "Tennessee Responsible Vendor Act of 2006," *Tennessee Code Annotated* § 57-5-601 et seq.
12. *Responsible Vendor Training Program* shall mean a training program related to the responsible sale of beer for off-premise consumption which has met all the statutory and regulatory requirements set forth in *Tennessee Code Annotated* § 57-5-601 et seq.
13. *Permit* means any permit issued pursuant to this article.
14. *Permittee* means any person to whom any permit has been issued pursuant to this article.
15. *Person* shall mean any private individual, partnership, joint venture, corporation, and any other business entity or association.
16. *Premise* shall mean the property owned, leased, or controlled by the permittee and so connected with the beer business in which the permittee is engaged as to form a component or integral part of it, including, but not limited to, the building and the parking areas surrounding it. *Premise* includes all decks, patios and other well-defined outdoor serving and consuming areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business identified in the permit. A permit shall be valid for all decks, patios and other well-defined outdoor serving areas that are contiguous to the exterior of the building in which the business is located, that are operated by the business and only for a business operating under the name identified in the permit.

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

17. *Restaurant* shall mean a business establishment whose primary business is the sale of prepared food to be consumed on the premise.
18. *Storage* shall mean the storing or possessing of beer or other alcoholic beverages for the purpose of resale by the permit holder.
19. The pronouns *he*, *him* and *his* shall refer to persons of the female as well as the male gender, as applicable.
20. *TABC* shall mean the Tennessee Alcoholic Beverage Commission.

Sec. 8-207. Permit required for engaging in beer business.

- (1) *Permit required.* It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer without first making application to and obtaining a permit from the beer board. Each applicant must be a person of good moral character and must certify that he has read and is familiar with the provisions of this chapter. Five (5) types of permits may be issued by the beer board.

- a) Class 1 On-Premises Permit shall be issued for the consumption of beer only on the premises of a restaurant.
- b) Class 2 On-Premises Permit. Other establishments making application for a permit to sell beer for consumption on the premises, which do not qualify, or do not wish to apply for, a Class 1 On-Premises Permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a Class 2 On-Premises Permit.
- c) Class 3 On-premises permits for operation as a hotel or motel
- d) Class 4 On-premise where beer is sold for consumption at a tavern. Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a total of three (3) taverns located within the corporate limits of the Town of Farragut.
- e) Class 5 Off-Premises Permit
- f) Class 6, Special Occasion Beer Permit

The special occasion beer permit request shall be made on such form as the board shall prescribe and/or furnish and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).

- (1) The beer board is authorized to issue a special occasion beer permit to bona fide charitable or nonprofit organizations for special events.
- (2) The special occasion beer permit shall not be issued for longer than one (1) forty-eight-hour period, unless otherwise specified by the beer board, subject to the limitations on the hours, imposed by law.
- (3) The application for the special occasion beer permit shall state whether the applicant is a charitable or nonprofit organization, include documents showing

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

evidence of the type of organization, and state the location of the premise upon which alcoholic beverages shall be served and the purpose for the request of the license.

(4) For purposes of this section:

Bona fide charitable or nonprofit organization means any corporation or other legal entity which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.

(5) No charitable or nonprofit organization possessing a special occasion beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.

(6) Failure of the special occasion permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Farragut will result in a denial of a special occasion beer permit for the sale of beer for a period of two (2) year

Permits shall at all times be subject to all of the limitations and restrictions provided under this code and the laws of the State of Tennessee.

(2) Permits shall be issued to the owner of the business, whether a person, firm, corporation, joint stock company, syndicate, or association.

(3) The applicant or a representative must appear in person before the board and subject himself to examination upon any and all questions appertaining to his qualifications under this chapter and amendments thereto. If the applicant fails to appear before the board the permit request will be postponed until the next regularly scheduled beer board meeting.

Sec. 8-208. Application fees and privilege tax.

(1) *Application fee.* The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to *Tennessee Code Annotated* § 57-5-104(a), shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00), or such larger amount as may be authorized by the laws of the State of Tennessee.

(2) *Privilege tax.* There is hereby imposed on the business of ²selling, distributing, storing or manufacturing beer a privilege tax of one hundred dollars (\$100.00), or such larger amount as may be authorized by the laws of the State of Tennessee. Any person, firm, corporation, joint stock company, syndicate or association engaged in the sale, distribution, storage or manufacture of beer shall remit the tax each successive January 1 to the Town of Farragut, Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date.

State law reference— *Tennessee Code Annotated* § 57-5-104(b).

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

Sec. 8-209. Public consumption of alcoholic beverages prohibited.

None of the beverages regulated by this chapter shall be consumed upon any public street, public market not governed by an on-premise permit, alley, boulevard, bridge, nor upon the grounds of any cemetery or public school.

Sec. 8-210. Police record check.

The town recorder shall submit all applications to the Knox County Sherriff's Office for a records check prior to time of the beer board meeting at which the application will be considered.

Sec. 8-211. Application—Requirements and conditions.

Each applicant for a beer permit shall be required to complete a formal, written application in a form approved by the beer board. Each applicant must explicitly and affirmatively state all of the following:

1. The owner or owners of such premise.
2. Name of applicant's business and whether the applicant is a person, partnership, corporation, limited liability company or association.
3. Location of premise of the business by street address and tax map and parcel.
4. Telephone number at the location.
5. If beer will be sold at two (2) or more restaurants or other businesses, within the same building as provided by *Tennessee Code Annotated* § 57-5-103(a)(4), a description of all such businesses.
6. Any firm, corporation, joint stock company, syndicate, partnership, limited liability company or association having at least a five-percent ownership in the applicant must provide the names of all owners, stockholders, partners, and members, together with the addresses, telephone numbers, social security numbers and Federal Tax ID numbers of such individuals. If an owner, stockholder, partner or member of the applicant is also a legal entity other than a person. The same information for its owners is required.
7. Identity and address, telephone number, and email address of a representative to receive annual tax notices and other communication from the town.
8. Whether any person, firm, corporation, joint stock companies, syndicate or associations having at least a five-percent ownership interest in the applicant or any person employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.
9. Whether the applicant is seeking a permit which would allow the sale of beer for on-premise consumption of beer or for off-premise consumption or both types of consumption.

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

10. The name, address, and telephone number of the owner of the property where the applicant's business will be located and a copy of the lease governing the applicant's possession of the premises.
11. The application shall authorize a police records check and shall waive any right the applicant may have to privacy concerning arrests reflecting on the moral character of the applicant.
12. That the applicant will not engage in the sale of such beverages except at the place or places for which the beer board has issued a permit or permits to such applicant.
13. That no sales of such beverages will be made except in accordance with the permit granted.
14. The application shall be submitted to the town recorder at least fifteen (15) days prior to the beer board meeting at which it is to be considered.
15. Applications shall at all times be kept on file by the town recorder and shall be open to inspection of the general public within the limits of federal, state and local law, and any person, firm, corporation or association knowingly making any false statement in the application shall forfeit his permit or right to a permit and shall not be eligible to receive any permit for a period of one (1) year thereafter.
16. No applicant for a beer permit for On-premise consumption shall be issued a permit unless the town recorder has obtained approval of the premise from the building inspector and fire marshal, and a background report from the Knox County Sheriff's Office recommending approval.
17. Any other information as may be deemed material and requested by the beer board and/or Town staff.

Sec. 8-213. Beer permits shall be restrictive.³

All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. Beer permits for retail sale of beer may be further restricted so as to authorize sales only for either off-premise or on-premise consumption. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for holder of a permit not to comply with any and all express restrictions or conditions in the permit.

Where an owner operates two (2) or more restaurants or other businesses within the same building, the owner may, in the owner's discretion, operate some or all such businesses pursuant to the same permit.

Sec. 8-214. Permits not transferable; permitted locations for consumption.

- (1) The beer permit is only for the owner to whom the permit is issued and cannot be transferred to another owner. If the owner is a corporation, a change in ownership shall occur when control of at least fifty (50) percent of the stock of the corporation is transferred to a new owner.

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

- (2) The beer permit is only for a single location, except as provided in [section 8-213](#), and cannot be transferred to another location. A permit shall be valid for all decks, patios and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business.
- (3) Notwithstanding any provision of this part to the contrary, when a permittee applies for a new permit based solely upon a change of the name under which the business operates with no change whatsoever in the ownership of the business or the location of its operation, upon completion of the appropriate application form and payment of any required fees, the town recorder shall be authorized to issue the new permit without further review by the beer board.

Sec. 8-215. Display of permit.

The permit required by this chapter shall be posted in a conspicuous place on the premise.

Sec. 8-216. Interference with public health, safety, and morals prohibited.

No permit authorizing the sale of beer will be issued when, as determined in the discretion of the board, such business would cause congestion of traffic or would interfere with schools, residences, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, and morals.

In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred forty (340) feet of any school or church. The distances shall be measured in a straight line from the nearest point on the building from which the beer will be manufactured, stored or sold to the nearest point on the building of the school or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school or church if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period.

In no event will a permit of any type required by this chapter be issued for use in conjunction with an establishment in which there is permitted:

- (1) Any female to appear or remain on the premise so costumed or dressed that one (1) or both breasts are wholly or substantially exposed to public view. "Wholly or substantially exposed to public view," as it pertains to such exposure shall mean the showing of the female breast with less than a fully opaque covering of any portion of the breast below the top of the nipple.
- (2) Any person to appear or remain upon the premise so costumed or dressed that the pubic hair, anus, or genitals are exposed to public view.

Sec. 8-217. Issuance of permits to persons convicted of certain crimes prohibited.

No beer permit shall be issued to any person who has been convicted of a crime related to the possession, sale, manufacture, or transportation of intoxicating liquor or illegal drugs, or any crime involving moral turpitude within the past ten (10) years.

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

Sec. 8-218. Classes of consumption permits.

Permits issued by the beer board shall consist of five classes:

1. Class 1 On-Premises Permit.

A Class 1 On-Premises Permit shall be issued for the consumption of beer only on the premises. To qualify for a Class 1 On-Premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- a. Be a restaurant or an eating place regulated, monitored and rated by the State of Tennessee; and
- b. Provide adequate and sanitary kitchen and dining room equipment on the premise; and
- c. The establishment for which a permit for On-premise consumption is sought must sell food prepared for On-premise consumption as a normal, regular and integral part of its everyday activities and such food is available for purchase during the same hours that beer is sold for On-Premise consumption; and
- d. be able to seat a minimum of fifteen people, including children, in booths and at tables, in addition to any other seating it may have; and
- e. have all required seating in the interior of the building under a permanent roof; and
- f. To satisfy the requirement that it sell food for On-premise consumption as a normal, regular and integral part of its business, the On-premise permit holder must generate a minimum of sixty (60) percent of the gross revenues of the establishment from food sales. Reporting procedures for establishments holding an On-premise permit are herewith established. Reporting forms shall be provided to establishments holding an On-premise permit and shall detail food sale and alcoholic beverage sale percentages on an annual basis and shall be due on or before June 30. The permit holder will submit copies of all sales tax returns and liquor by the drink returns, with appropriate documentation. These returns shall be subject to audit by the town. Reporting year shall be January 1 through December 31 of the previous year. The town recorder shall keep a record of such compliance and notify the beer board of an establishment which fails to meet the sixty (60) percent ratio

2. Class 2 On-Premises Permit. Other establishments making application for a permit to sell beer for consumption on the premises, which do not qualify, or do not wish to apply for, a Class 1 On-Premises Permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a Class 2 On-Premises Permit. To qualify for a Class 2 On-Premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- a. On-premise permit holder must generate a minimum of ninety-five (95) percent of the gross revenues of the establishment from sales other than alcoholic beverages. Reporting procedures for establishments holding an On-premise permit are herewith established. Reporting forms shall be provided to establishments holding an On-premise permit and shall detail sales and alcoholic beverage sale percentages on an annual

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

basis and shall be due on or before June 30. The permit holder will submit copies of all sales tax returns with appropriate documentation. These returns shall be subject to audit by the town. Reporting year shall be January 1 through December 31 of the previous year. The town recorder shall keep a record of such compliance and notify the beer board of an establishment which fails to meet the ninety-five (95) percent ratio

3. Class 3 On-premises permits for operation as a hotel or motel

If a hotel or motel otherwise meets the requirements of this code and the laws of the State of Tennessee for either On-premise consumption permit or for an off-premise consumption permit, it is eligible to hold two (2) separate permits. All On-premise consumption permits for hotels/motels are subject to the following additional conditions:

- a. The hotel/motel that holds the permit must have fifty (50) or more guest rooms;
- b. The permit holder may only sell beer to guests of the hotel/motel, but only for consumption within the guest room assigned to the guest;
- c. The permit holder may only sell beer at the front desk for the establishment, or through a retail convenience shop that is within the hotel/motel building and that is regularly maintained as such by the motel/motel; and
- d. The total receipts of the hotel/motel resulting from the sale of beer and other alcoholic beverages may not exceed forty (40) percent of the total revenues received by the permit holder hotel/motel.

4. Class 4 On-premise where beer is sold for consumption at a tavern. Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a total of three (3) taverns located within the corporate limits of the Town of Farragut. To qualify for a Class 4 On-Premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- a. Be housed in building space and/or tenant space that does not exceed three thousand (3,000) gross square feet.
- b. Not make or allow the sale of beer between the hours of 12:00 a.m. and 12:00 p.m. on Sundays, and between 12:00 a.m. and 10:00 a.m. on all other days of the week.
- c. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred forty (340) feet of any school or church. The distances shall be measured in a straight line from the nearest point on the building from which the beer will be manufactured, stored or sold to the nearest point on the building of the school or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school or church if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period.

5. Class 5 Off-Premises Permit.

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

A retailer's "off-premise permit" shall be issued to any person engaged in the sale of beer where the beer is not to be consumed by the purchaser or his guest upon or near the premise of the seller.

6. Class 6 Special occasion beer permit.

The special occasion beer permit request shall be made on such form as the board shall prescribe and/or furnish and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).

- a. The beer board is authorized to issue a special occasion beer permit to bona fide charitable or nonprofit organizations for special events.
- b. The special occasion beer permit shall not be issued for longer than one (1) forty-eight-hour period, unless otherwise specified by the beer board, subject to the limitations on the hours, imposed by law.
- c. The application for the special occasion beer permit shall state whether the applicant is a charitable or nonprofit organization, include documents showing evidence of the type of organization, and state the location of the premise upon which alcoholic beverages shall be served and the purpose for the request of the license.
- d. For purposes of this section:
 - a. Bona fide charitable or nonprofit organization means any corporation or other legal entity which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.
- e. No charitable or nonprofit organization possessing a special occasion beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.
- f. Failure of the special occasion permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Farragut will result in a denial of a special occasion beer permit for the sale of beer for a period of two (2) years.

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

Sec. 8-219. Prohibited conduct or activities by beer permit holders, employees and persons engaged in the sale of beer.

The following acts or conduct on licensed premises are deemed contrary to public policy, safety, health and morals and it shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

- 1) Employ any person convicted of a crime related to the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years.
- 2) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.
- 3) Make or allow the sale of beer between the hours of 3:00 a.m. and 10:00 a.m. on Sundays, and between 3:00 a.m. and 5:00 a.m. on all other days of the week.
- 4) Allow any loud, unusual, or obnoxious noises to emanate from the premise of the beer permit holder.
- 5) Allow any person under twenty-one (21) years of age to loiter in or about the place of business of the beer permit holder.
- 6) Make or allow the sale of beer to a minor under twenty-one (21) years of age
- 7) Operate or permit any employee or any other person to operate any gambling device or game of chance whatsoever.
- 8) Bring, cause or allow to be brought onto the premises of any permittee any prohibited drugs under the provisions and within the meaning of the Tennessee Code Annotated.
- 9) Fail to provide and maintain separate sanitary toilet facilities for men and women or fail to comply with any state, county or local health laws and regulation.
- 10) Exhibit any motion pictures for which a fee for entrance to the theater is charged.
- 11) Allow the sale of beer in any establishment where adult entertainment occurs or adult materials, novelty or other adult items are sold or stored.
- 12) Employ, use or allow any person in the sale or service of alcoholic beverages or malt beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
- 13) Employ, use or allow the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subdivision (b)(1).
- 14) Encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

- 15) Permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
- 16) Allow any person on the licensed premises under the guise of entertainment to perform acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts prohibited by law; engage in the actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus or genitals; engage in the actual or simulated displaying of the pubic hair, anus, buttocks, vulva, genitals, or breasts below the top of the areola of any person; wear or use any device or covering exposed to public view which simulates the human breasts, genitals, anus, pubic hair, or any portion thereof.

Sec. 8-220. Issuance.

After all inspections have been made and the applicant for a beer permit has met all requirements of this article, after all necessary fees and charges have been paid by the applicant, and after the beer board has determined the applicant has complied with all other requirements contained in this article, the board shall approve the application. Within a reasonable time following final approval of the application, a beer permit shall be issued to the applicant. The permittee shall retain such beer permit for as long as he shall wish to do business at the premise for which it was issued; provided that such permit is not revoked or suspended by the board.

Sec. 8-221. Revocation or suspension of beer permits.

The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application for failing to take actions required by this chapter or of violating any of the provisions of this chapter, including, but not limited to, the provisions of § 8-220. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties in interest. Revocation or suspension proceedings may be initiated by the town administrator or member of the beer board.

Pursuant to *Tennessee Code Annotated* § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of *Tennessee Code Annotated* § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premise consumption. Under *Tennessee Code Annotated* § 57-5-608, the alcoholic beverage commission shall revoke a vendor's status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

the second time in a consecutive twelve-month period. The revocation shall be for three (3) years.

Sec. 8-222. Fire and building inspection.

No beer permit of any type shall be issued unless and until the premise to which such permit is applicable have been inspected and have passed the minimum fire and building codes adopted by the town.

The beer board shall have the power to revoke any beer permit issued under the provisions of this chapter when the premise are found to be in violation of the minimum fire and life safety codes and building codes. No beer permit shall be revoked until a public hearing is held by the beer board after reasonable notice to all the known parties in interest. Revocation proceedings may be initiated by the town administrator, or a member of the beer board.

Sec. 8-223. Civil penalty in lieu of revocation or suspension.

- A. *Responsible vendor.* The beer board shall not, pursuant to *Tennessee Code Annotated* § 57-5-608, revoke or suspend the permit of a responsible vendor for a clerk's illegal sale of beer to a minor, if the vendor and the clerk making the sale have complied with the requirements of *Tennessee Code Annotated* § 57-5-606 as a responsible vendor under that part, but may impose upon the responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any violation of this article or state law. Permanent revocation of beer permits issued to responsible vendors may only be applied when a responsible vendor permittee commits at least two (2) violations within a twelve-month period and then only after the state alcoholic beverage commission revokes the permittee's status as a responsible vendor.
- B. *Non-responsible vendor.* The prohibition of subsection (A) concerning the revocation or suspension of the vendor's permit shall not apply to any vendor who is not a responsible vendor under the Responsible Vendor Act, *Tennessee Code Annotated* § 57-5-601 et seq., or to a participating vendor, if the vendor or clerk making a sale to a minor fails to comply with the requirements of *Tennessee Code Annotated* § 57-5-606. With respect to such permittee, the beer board may, at the time it imposes a revocation or suspension, offer the permittee the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.
- C. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is not received within seven (7) days the revocation or suspension shall begin eight (8) days after the beer board hearing. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

- CODE OF ORDINANCES
Title 8 - ALCOHOLIC BEVERAGES

CHAPTER 2. BEER

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the town may impose.

Sec. 8-224. Violations.

Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

DRAFT

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Sue Stuhl, Parks and Leisure Services Director

SUBJECT: Approval of expenditures from the Farragut Folklife Museum account for the Purchase of Auction Items Related to Admiral Farragut or American History.

INTRODUCTION: The purpose of this agenda item is to approve the expenditure of funds up to \$40,000 from the Farragut Folklife Museum account for the purchase of artifacts related to Admiral Farragut or other areas pertinent to the mission of the Museum.

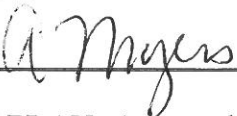
BACKGROUND: The Farragut Folklife Museum Committee is always on the lookout for artifacts that are related to the mission of the Museum and especially for artifacts related to Admiral David Glasgow Farragut. A collector from Michigan, Paul DeHaan, is selling his collection as part of an "American History" auction.

DISCUSSION: Many pieces of the Paul DeHaan collection of Admiral Farragut and U.S.S. Hartford have been borrowed on temporary loan and have been displayed in the Museum during special exhibits. Mr. DeHaan, a Michigan resident, has been collecting Farragut related artifacts for many years and has been a great friend to the Museum and committee. He is selling his collection through Cowan's Auction House in Cincinnati on Friday, June 13. His collection is impressive and has several artifacts that are of interest to the Museum Committee. A sub-committee has assembled a list of items that they are interested in purchasing at the auction and will prioritize the list when the auction catalog and lot order are made public approximately two weeks before the auction. Staff will bid on the pieces selected by the committee using either the online auction or telephone option. Funds for the possible purchase of any artifacts are from the Folklife Museum Committee account which is comprised of monies donated to the Museum through memberships, honorariums, memorials, gift shop proceeds or general donations. None of the funds in this account are from the Town's general fund but they are part of the Town's accounting system and therefore the expenditure of these funds must follow Town purchasing regulations. The approval from the Board of Mayor and Aldermen prior to the auction is necessary in the event that the cost of one or more of the items exceeds the \$10,000 limit.

FINANCIAL SECTION: (if needed)

Account Number #110-21915

<u>Museum Account Balance</u>	<u>Requested Amount</u>	<u>Remaining Amount</u>
\$57,549	Up to \$40,000	\$19,549

Approved By: 

STRATEGIC PLAN: Approval would be consistent with the Board of Mayor and Aldermen's Strategic Plan - Goal 3: Develop the Town's Historic Assets.

RECOMMENDATION BY: Sue Stuhl, Parks & Leisure Services Director.

PROPOSED MOTION: To approve the expenditure of funds up to \$40,000 from the Farragut Folklife Museum account for the purchase of artifacts related to Admiral Farragut or other areas pertinent to the mission of the Museum.

BOARD ACTION:

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

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval to close portions of Brooklawn Drive for the Go & Glow in the Dark event to be held on June 7, 2014

INTRODUCTION:

The Farragut Business Alliance is partnering with the national Get Outdoors initiative, combined with celebrating outdoor assets in our own backyard. The purpose is to get outdoors and celebrate the synchronous fireflies of East Tennessee. Activities, food trucks and events will "glow in the dark". The event is anticipated to have as many as 2,000 participants.

The Business Alliance is requesting that portions of Brooklawn Drive be closed for the event, as shown in exhibit A. The road closure will be from 8:00 AM - 10:30 PM. Brooklawn Drive closures and portions of the parking lot will be used for vendor and event tents as well as portable restrooms. Patrons will be able to access all businesses in the Brooklawn shopping center during the road closure. Traffic control will be provided by the Knox County Sheriff's office as well Rural Metro for any medical emergency services.

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

PROPOSED MOTION: To approve closing portions of Brooklawn Drive from 8:00 AM-10:30 PM for the Go & Glow in the Dark event to be held on June 7, 2014.

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	_____	_____	_____	_____	_____



Special Event Application

Organization Information

Event Name and Type: GO & GLOW in the Dark

Event Date(s): Saturday, June 7, 2014

Sponsoring Organization: Farragut Business Alliance

Tax ID 01-0963106

(Attach Secretary of State Corporate Info)

Address: 11238 Kingston Pike, Farragut, TN 37934

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

Other ☐ Explain Other:

Primary Contact: Allison Sousa

Address: P.O. Box 23583, Farragut, TN 37933

Work Phone: 865-307-2486

Cell Phone Number: 865-816-2015

E-mail: allison@farragutbusiness.com

Event Information

1. Purpose of event: To "get outdoors" and celebrate the synchronous fireflies of East Tennessee
2. Give a brief description of the event:
Partnership with national Get Outdoors initiative, combined with celebrating outdoor assets in our own back yard. Activities & events will "glow in the dark." Food trucks and adult beverages will also be available.
3. Is this a first time event? Yes
If no, prior dates
4. Hours of Operation:
Date: June 7, 2014 Set Up Time: 8:00am Close: 10:30pm
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: June 8, 2014
Completion Time: 1am
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:

National "Get Outdoors" website (<http://www.nationalgetoutdoorsday.org/about/partners/>) - one of only 2 events in the state of Tennessee) Regal Cinemas' movie screens, social media, online calendars, traditional media, flyers (to schools before end of school year), e-blasts, supplemental sponsor marketing, etc.

7. Will admission be charged? Yes ☒ No ☐
8. Will you be accepting donations? Yes ☒ No ☐
9. Estimated attendance each day: 1500-2000
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? 3-4
13. How will food be prepared? **FOOD TRUCKS**
 Gas ☐ Grill ☐ Propane ☐ Butane ☐
14. Will alcoholic beverages be available? Yes ☒ No ☐
- Have you received approval from the Beer Board (required)? In process
- If yes, will beverages be sold or served? Sold
- What type of alcoholic beverages will be available? Wine and beer
- What are the days/hours that alcohol will be consumed at this event? 6/7/14, 8:00-10:30pm

In what areas of your event will alcohol be consumed?

Fenced area at Brooklawn Dr.

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

Event Logistics

16. Requested event location:
 Brooklawn Dr. and S. Campbell Station Rd. (Permission has been granted by Kroger for use of field & parking.) *& Pinnacle Bank*
17. List all streets you are proposing to close with the time periods that they will be closed:
 Brooklawn Dr. and S. Campbell Station Rd. (from Municipal Park Dr. to Concord Rd.)
18. Outline your plan for notifying the public of street closures and traffic control:
 FBA website & social media (partner with Town PR staff for same). Newspaper.
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? 1-2
 Will you be using generators? **Yes (2-3)**
20. Will tents be erected for your event? Yes ☒ No ☐ If so, how many? 8-10, 10'x10's and 3-4, 10'x20's
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: 4-8 (depending on ticket sales)

Location (be specific):

S. Campbell Station Rd., between Municipal Park Dr. and Brooklawn Dr. (~~see preliminary diagram~~)

*We are walking the site this Wednesday;
will draft & submit diagram after walk-through*

When will they be placed and removed? Morning of 6/7/14

When will they be serviced? Morning of 6/9/14

How many ADA accessible units will be included? 2

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?

2 Knox County Sheriff's Deputies will be on-site for traffic control and general security.

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

Rural Metro (ambulance and fire) will be on site participating in the event, so they can be immediately accessed, should an emergency arise.

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

Temporary trash bins and dumpsters are being provided. Dumpsters will be removed from site by 6/9/14.

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

M. J. [Signature]

Date 4-28-14

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 *in process*
- ☐ Insurance Certificate *in process*
- ☐ Clean Up Deposit *
- ☐ Copy of Beer Board permit (if applicable) *(in process)*

** fees waived, as TDF is event partner*

Attached: Sponsor packet (which outlines some of the activities & events).

Glo and Go Event Layout Proposal

- Road Blocks
- Possible Event Fencing
-  Trash
-  Bathroom
- XXX Event Activities
- Rural Metro EMT
- Rural Metro Fire Truck



Exhibit A

GO AND GLOW IN THE DARK

DATE: Saturday, June 7th

TIME: 8:00-10:30PM

ANTICIPATED ATTENDANCE: 1000+

EVENT DESCRIPTION: The Farragut Business Alliance presents the newest take on both a nationally recognized event entitled GO (Get Outdoors) combined with the cherished East Tennessee synchronized dance of the fireflies, so we intend to GLOW (in the dark.) Every year in June, the East Tennessee fireflies descend to the Smokies to put on an amazing show of a patterned, synchronized dance. The location for viewing the fireflies is remote and limited, so the FBA would like to take this evening to Get Outdoors and GLOW to celebrate this special event right in our own backyard. It will offer a wide variety of activities for both adults and children:

1. Fabulous local food trucks
2. Interactive activities for families
3. S'mores station
4. Pup Parade and Pretty Pup Contest
5. Virtual graffiti wall
6. "Glow Wash" for kids

Live entertainment will take place throughout the event, including both local performers and headlining acts, including:

- Flash mob
- Glow in the dark competitive events
- DJ and a dance floor
- ...and more

We will provide four ways for businesses to gain visibility at this event:

1. **SPONSORSHIPS** – These packages are for businesses that seek to gain product and logo placement and community involvement through branding. The cash sponsorships are designated to cover anticipated expenses for the event.
2. **ACTIVITIES AND AREAS SPONSORS** – These packages are designed for businesses that have a desire to showcase their services. They are "hands on" sponsorships with a committee chosen "activity" designed to cross-promote the services the businesses provide and to provide event draws. These sponsorships will be indicative to the approximate cost of the related activity and support infrastructure (custom designed for each individual business).
3. **VENDOR BOOTHS** - vendors must feature family-friendly activities and/or "glowing" give-aways, provide demonstrations, educational materials, or other "GO" and/or "GLOW" related interactions.
4. **VOLUNTEER AND IN-KIND SPONSORSHIPS** –These sponsorships are designed for non-profit organizations seeking to provide an educational or outreach opportunity that enhance the event through an act of service or by providing an event draw and for traded products/services.

SPONSORSHIP PACKAGES

PRESENTING SPONSOR \$2,500

- Titled sponsorship (i.e, GO & GLOW in the Dark by <Company Name>)
- Logo on all print ads and specific signage
- Rolling ad on projector throughout event
- Predominant product placement
- 3 FBA e-blasts with logo (800+ reach)
- 10 complimentary event tickets
- Highlighted placement in press releases
- Stage recognition and one minute live commercial during event

CORPORATE SPONSOR \$1,500

Logo on all print ads and specific signage

- Rolling ad on projector throughout event
- Predominant product placement
- 2 FBA e-blasts with logo (800+ reach)
- 6 complimentary event tickets
- Inclusion in press releases
- Stage recognition

ROCK CLIMBING WALL SPONSOR \$1250

Titled sponsorship (i.e., The <Company Name> Rock Climbing Wall)

- Signage at wall
- 1 FBA e-blast (800+ reach)
- Rolling ad on projector throughout event
- Vendor space
- 6 complimentary event tickets

DANCE STAGE SPONSOR \$1250

Titled sponsorship (i.e., The <Company Name> Dance Stage)

- Signage at dance floor
- 1 FBA e-blast (800+ reach)
- Rolling ad on projector throughout event
- 6 complimentary event tickets
- Stage recognition and one minute live commercial during event

KIDS' ZONE SPONSOR \$1000

- Titled sponsorship (i.e., The <Company Name> Kids' Zone)
- Exclusive signage in the Kids' Zone
- Rolling ad on projector throughout event
- Booth located in Kids' Zone
- 4 complimentary event tickets
- 30-page event photo book (post-event)

SIGNATURE ACTIVITY SPONSOR \$750-\$1000

- Titled sponsorship (i.e., The <Company Name> Pup Parade and Pretty Pup Contest)
- Input into activity design & logistics to best highlight your business
- Highlighted vendor space
- Rolling ad on projector throughout event
- 3 complimentary event tickets

LIGHT IT UP SPONSOR \$500

- Rolling ad on projector throughout event
- Vendor table
- 3 complimentary event tickets

GLOW STICK SPONSOR \$250

- Signage at ticket booths
- 2 complimentary event tickets

VOLUNTEER SPONSOR (In-Kind)

- Rolling ad on projector throughout event
- 30-page event photo book (Post event)

MEDIA SPONSOR (In-Kind)

- Logo/mention in traditional media placements
- Rolling ad on projector throughout event

Another idea for a sponsorship? Customized sponsorship opportunities may be created. Contact Stephanie Erb, NeighborMaker Events, at 817-658-8613 or stephanie@neighbormakerevents.com for additional info.

VENDOR BOOTHS

OVERVIEW

The Farragut Business Alliance is offering the opportunity for businesses to offer vendor booths featuring family-friendly activities and/or “glowing” giveaways. ***Applications will be accepted and reviewed on a first-come, first-served basis. Farragut businesses will be given the first right of refusal until April 18th, at which time open booths will be offered to businesses surrounding – yet serving – Farragut.***

DETAILS OF PARTICIPATION

The purpose of ***GO and GLOW in the Dark*** is to give our community a chance to celebrate the national Get Outdoors (GO) Day, followed by celebrating the awe-inspiring, exclusive dance of the East Tennessee synchronous fireflies in our own back yard. This fun and festive community gathering will provide attendees from throughout the region an opportunity to learn more about this interesting phenomenon that makes East Tennessee unique. We will offer multiple activities, family friendly games, music and other entertainment.

One 6’ clothed table and 2 chairs will be provided per participating vendor. (Additional tables & chairs can be provided, but must be requested in advance. Cost for additional infrastructure is incurred by the vendor). There will be limited availability of electricity to those who require it.

VENDORS WILL NOT DECORATE THEIR BOOTHS. Instead, organizers will be promoting a “GO & GLOW” theme and will provide signage and uniform decoration throughout in support of this theme.

Admission ticket prices are \$5 per person, with children 5 and under free. Activities throughout the event will be ticketed as well. Proceeds will be to cover event costs benefit the Farragut Business Alliance’s “Shop Farragut” program. Organizers will be working with media partners and social media to heavily advertise the event and its participants.

Vendor booth fees are \$250 per booth for general business participation. The booth fee may be waived for actively working or significantly contributing Activity Sponsors, Community Sponsors or Corporate Sponsors, as determined by the event company. There will be no direct sales from any booths. This event collects tickets only.

- Vendor provides family-friendly activity, educational element and/or “glowing” give-away.
- Organizers will provide fun interactive event themed “draws” designed to bring the community to your table and to showcase your business.
- “Stacking” time slots (partnering with another business for shifts in one booth) is allowed.
- Organizers provide signage, tables, chairs, décor, and tablecloths.

Space is limited, so please plan to submit your application as soon as possible.

Contact Stephanie Erb, NeighborMaker Events, at 817-658-8613 or stephanie@neighbormakerevents.com for additional info.

GO & GLOW IN THE DARK
Participation Form
Submission Deadline: May 16, 2014

COMPANY/ORGANIZATION NAME _____

ADDRESS _____

CONTACT PERSON _____ OWNER/MGR NAME _____

CONTACT PHONE _____ CONTACT EMAIL _____

TYPE OF INVOLVEMENT (check all that apply)

Sponsorship

- ☐ Presenting
- ☐ Corporate
- ☐ Rock Climbing Wall
- ☐ Dance Stage
- ☐ Kids' Zone
- ☐ Signature Activity

- ☐ Light It Up
- ☐ Glow Stick

Other

- ☐ Vendor Booth
- ☐ In-Kind Product/Service
- ☐ Volunteer
- ☐ Media

ELECTRICTRICAL REQUIREMENTS _____

ADDITIONAL INFRASTRUCTURE REQUESTS (AT YOUR EXPENSE):

PROPOSED ACTIVITIES/GIVE-AWAYS

ADDITIONAL OR SPECIAL NEEDS

I understand that I am required to bring the appropriate fire extinguisher required if heat source is used and that I will be asked to sign a Hold Harmless agreement prior to the event.

Signature/Date

Please attach copy of Business License, Proof of Insurance and a hi-res copy of your logo. Checks should be made payable to "Farragut Business Alliance."

To submit this application electronically, e-mail: Stephanie@neighbormakerevents.com; or application and attachments can be faxed to 986-5117.

INTERLOCAL AGREEMENT
For the Employment of a Public Management Fellow
Between the State of Tennessee Municipalities: Alcoa, Farragut, Maryville, and Oak Ridge.
AND
The University of Tennessee

The following parties: The University of Tennessee through its Municipal Technical Advisory Service (MTAS) (hereafter University) and the following State of Tennessee Municipalities: Alcoa, Farragut, Maryville; and Oak Ridge enter into the below Interlocal Agreement with consideration of the mutual covenants herein. All parties of this Agreement are authorized by Tennessee Code Annotated, §§ 12-9-101, *et. seq.*, to enter into interlocal agreements.

Purpose

The purpose of this agreement is for the parties to collectively employ a public management fellow. Said fellow will provide valuable service during period of employment. The parties collectively will provide the fellow a broad exposure to differing functional areas of municipal government. They will also give the fellow exposure to several different management styles.

Agreement Term

The agreement duration shall be two years. The specific month allocation per jurisdiction may change per fiscal year. However, if during the two-year period the public management fellow secures other employment, this agreement shall be terminated.

Services

Hiring Process - MTAS will manage the recruitment process in accordance with established University personnel policies and procedures. The University and the parties in this agreement will collectively interview and determine who will be offered the public management fellow position. Once the determination is made, the University will extend an offer of employment and upon acceptance, will employ the applicant as a public management fellow for MTAS.

Evaluation - The parties to this agreement will collectively evaluate the public management fellow on a semi-annual basis and will make a consensus determination on the fellow's performance.

Disciplinary Action - All disciplinary action will be in accordance with the personnel policies and procedures of the University. Any necessary disciplinary actions will be managed and administered by MTAS.

Salary and Benefits - The salary for the public management fellow position shall be determined by the University's Human Resources Department and be based upon the fellow position's position data questionnaire. Benefits for the public management fellow position shall be in accordance with the personnel policies of the University. (SEE ATTACHMENT A)

Work Plan Timeline

Coordinator I (Public Management Fellow) - Revisions may be made to this work plan during the duration of this contract if needed to adjust to the withdrawal of one or more jurisdictions, unexpected absence of the fellow due to illness or other reasons, the need to hire a new fellow, or other events. This work plan may be revised by mutual unanimous consent if approved in writing by the MTAS Executive Director and each jurisdiction's Chief Administrative Officer. Such revisions are not a formal amendment to this contract and will not alter any other terms and conditions of this contract.

Each jurisdiction will be billed for their commitment over the course of two fiscal years, 2014-2015 and 2015-2016. The specific schedule for service by the fellow in each jurisdiction will be decided upon by mutual agreement of all parties.

City of Alcoa -	6 month commitment
Town of Farragut -	6 month commitment
City of Maryville -	6 month commitment
City of Oak Ridge -	6 month commitment

Insurance and Liability - The University shall provide worker's compensation insurance for the public management fellow regardless of work location. Subject to the limitations of the Tennessee Governmental Tort Liability Act and other applicable law, each of the respective parties shall hold the University harmless for all actions of the public management fellow when said fellow is working under their guidance and direction. Each of the parties shall also obtain liability insurance for all liability exposure pertaining to the public management fellow. The University is self-insured and all parties agree that the University's self-insurance satisfies the previous sentence.

Method of Payment

The parties will be responsible for the repayment to MTAS for the salary and benefits of the public management fellow. MTAS will originate a monthly invoice with detailed backup to the appropriate jurisdiction, based on Attachment A. Payment should be received at MTAS thirty days from date of invoice. MTAS will keep all related agreement document(s) three years, or in accordance with the University of Tennessee's policy.

Termination

The interlocal agreement shall be terminated when the public management fellow ceases to be an employee of the University of Tennessee MTAS. The agreement may also be terminated by the mutual consent of all parties involved.

Terms and Conditions

The University of Tennessee's Standard Terms and Conditions will apply. (SEE ATTACHMENT B)

For University/MTAS

Authorized Official

Date: _____

For Cities:

City of Alcoa

Date: _____

Town of Farragut

Date: _____

City of Maryville

Date: _____

City of Oak Ridge

Date: _____

INTERLOCAL AGREEMENT
For the Employment of a Public Management Fellow
Between the State of Tennessee Municipalities: Alcoa, Farragut, Maryville, and Oak Ridge.
AND
The University of Tennessee

ATTACHMENT A

Cost Information for Coordinator I (Public Management Fellow)

Within the University of Tennessee's Human Resource Department, the Public Management Fellow's position is labeled as a Coordinator I with a pay grade of 38. This determination is based upon the position's position data questionnaire. The pay grade of 38 equates to an annual minimum salary of \$ \$28,392.00. The benefits package of this position is calculated at 39% of annual minimum salary, or \$11,072.88, plus the cost of vacation payout as required under University policy. The annual minimum salary, including full benefits, would be \$45,275.28. This is equal to a maximum of \$3,772.94 per month. Included in this monthly amount are travel and registration costs to participate in MTAS MAP classes, two TCMA conferences, the TML Annual Conference, and/or TML Legislative Conference up to a total of \$2,400.00 per year. In the event of a University of Tennessee across the board raise and/or benefits increase, the Public Management Fellow's total package (salary and benefits) would be increased at an annual maximum not to exceed 5%.

First Full Twelve Month Period:

\$46,081.21 Annually OR \$3,840.10 Monthly

Second Full Twelve Month Period (if a maximum increase of 5% occurs):

\$48,385.27 Annually OR \$4,032.10

TERMS AND CONDITIONS
ATTACHMENT B

1. The University is not bound by this Contract until it is approved by the appropriate University official(s) indicated on the signature page of this Contract.
2. This Contract may be modified only by a written amendment which has been executed and approved by the appropriate parties as indicated on the signature page of this Contract.
3. The University shall not assign this Contract or enter into a subcontract for any of the services performed under this Contract without obtaining the prior written approval of the Other Party.
4. No person on the grounds of disability, age, race, color, religion, sex, national origin, veteran status or any other classification protected by Federal and/or Tennessee State constitutional and/or statutory law shall be excluded from participation in, or be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract. All parties shall, upon request, show proof of such non-discrimination, and shall post in conspicuous places, available to all employees and applicants, notice of non-discrimination.
5. The University shall have no liability except as specifically provided in this Contract.
6. Both Parties shall comply with all applicable Federal and State laws and regulations in the performance of this Contract.
7. This Contract shall be governed by the laws of the State of Tennessee, which provide that the University has liability coverage solely under the terms and limits of the Tennessee Claims Commission Act.