

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN **May 22, 2014**

BMA MEETING
7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
 - A. Community Health Council Update
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. May 8, 2014
- VI. Ordinance**
 - A. Public Hearing & Second 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
 - B. First Reading
 - 1. Ordinance 14-06, FY2015 Annual Budget
- VII. Business Items**
 - A. Approval of Resolution R-2014-05, FY2015 Fee Schedule
- 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.

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.

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, May 8, 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 Markli; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

Mayor's Report

Mayor McGill presented the Building Safety Month Proclamation to Farragut Fire Marshall, Dan Johnson.

Approval of Minutes

Motion was made to approve the minutes of April 24, 2014 as presented. Moved by Alderman Honken, seconded by Alderman Elliott; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

Ordinance

First Reading

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

Motion was made to approve ordinance 14-04 on first reading. Moved by Alderman Honken, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

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

Motion was made to approve ordinance 14-05, with the amendment to Section 8-218, on first reading. Moved by Alderman LaMarche, seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

Business Items

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

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

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

Motion was made to close portions of Brooklawn Drive from 8:00 AM, Saturday, June 7 – 1:00 AM, Sunday, June 15 for the Go & Glow in the Dark event. Moved by Alderman

LaMarche, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Elliott, Honken, LaMarche and Markli; no nays; motion passed.

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

Motion was made to approve the Interlocal Agreement for the employment of a Public Management Fellow between the municipalities of Alcoa, Farragut, Maryville, Oak Ridge and the University of Tennessee. 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, announced that the Town would be hosting the Art & Flower Show May 16, 2014. He also reported that a team would be traveling to the ICSC Convention May 17-21, 2014.

Meeting adjourned at 7:30 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

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 second and final 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

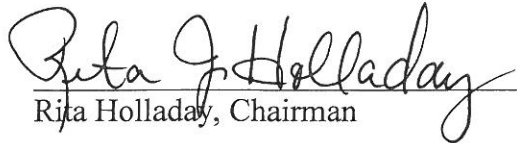
WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

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

ZONING MAP

FARRAGUT, TENNESSEE



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Schedulability

Map Prepared By
Department of Economic and Community Development
Local Planning and Action Office
Geographic Information Systems
Networks, Inc.
Map posted March 29, 2010
This is not an Engineering Map



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 second and final reading.

BOARD ACTION:

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

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

ORDINANCE:	14-05
PREPARED BY:	Myers
REQUESTED BY:	Staff
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE MUNICIPAL CODE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING TITLE 8, ALCOHOLIC BEVERAGES, CHAPTER 2, BEER.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code, Ordinance 86-16, as amended, is hereby amended as follows:

SECTION 1.

Title 8, Chapter 2, Beer, is deleted in its entirety and substituted in lieu thereof the following:

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.
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.
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, Other 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 Hotel/Motel, permits for operation as a hotel or motel
- d) Class 4 On-Premise-Tavern, 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 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).

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 Sheriff'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.
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.
- (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.

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. 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 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-Hotel/Motel 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-Tavern 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.

- d. Provide throughout with an approved, supervised automatic fire sprinkler system installed in accordance with NFPA 13.

5. Class 5 Off-Premises Permit.

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.

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.
- 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 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.

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.

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

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator 

SUBJECT: Ordinance 14-06, on first reading, to adopt the annual budget of the Town of Farragut, Tennessee for the fiscal year beginning July 1, 2014 and ending June 30, 2015

INTRODUCTION: The purpose of this agenda item is to approve Ordinance 14-06, on first reading, adopting the annual budget for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

BACKGROUND: The annual budget for the Town of Farragut must be approved prior to July 1, which is the start of the fiscal year for our community. The budget is also required to be balanced and remitted to the State of Tennessee Comptroller for review once it has been approved by the Board of Mayor and Aldermen (BMA). Planning for the upcoming FY2015 budget started in February 2014, with departments turning in their budget requests. The BMA also had a strategic planning session in February that prioritized a number of initiatives that have been included in the proposed budget. Since February, the Town has had several workshops to review each of the funds that will be approved as part of the FY2014 budget: General Fund, Capital Investment Fund, State Street Aid Fund, Equipment Replacement, and Insurance Fund.

DISCUSSION: The proposed FY2015 General Fund budget is balanced and maintains all of the Town's current service levels. Overall, revenues are projected at \$8,278,501 with expenditures of \$6,456,532. This conservative budget represents a projected increase in revenues of 1.9% over the FY14 budget and a 4.2% increase in expenditures. Some of the increases in the FY2015 General Fund budget include adding one additional equipment operator in the Public Works department (\$50,990), 3% merit package for employees (\$87,752), mixed drink tax payment to Knox County Schools of \$100,000, implementation of the Town's branding program (\$45,000), digital archiving of the Town's records (\$50,000) and retrofitting and upgrading the audio/visual system in the Board room (\$50,000).

The Capital Investment Plan (CIP) for FY2015 projects total expenditures of \$5,581,250, with the largest project being improvements to Everett Road from Union Road to Split Rail Farm estimated at \$3,500,000. This project was not started in FY2014 and will be carried over to FY2015. There will be a transfer from the General Fund to the CIP of \$3,000,000 and CIP reserves of \$2,206,000 will be utilized to balance the CIP budget.

The State Street Aid Fund has projected revenues of \$535,500 with \$120,000 additional dollars being transferred from the General Fund. These monies are used each year to resurface our streets, restripe, and maintain sidewalks and guardrails.

The Equipment Replacement Fund is used to plan for future equipment purchases once the useful life of each piece of equipment has run out. In FY2015 there is a projected \$83,000 to be used to replace a bucket truck and buy one additional pickup truck for the Public Works department. There is a planned transfer of \$150,000 from the General Fund to the Equipment Replacement Fund.

The Insurance Fund is used to pay future retirement benefits that were approved by the BMA in 2012. The estimated expenditures are \$100,000 in FY2015.

All of the assets in the Everett Road Fund (\$44,306) will be transferred to the Capital Investment Fund to be used for the construction of the Everett Road project.

Attached are the summary pages of each fund, the organizational chart, employee pay ranges, and Ordinance 14-06 for the Board's review.

RECOMMENDATION BY: Town Administrator David Smoak for approval.

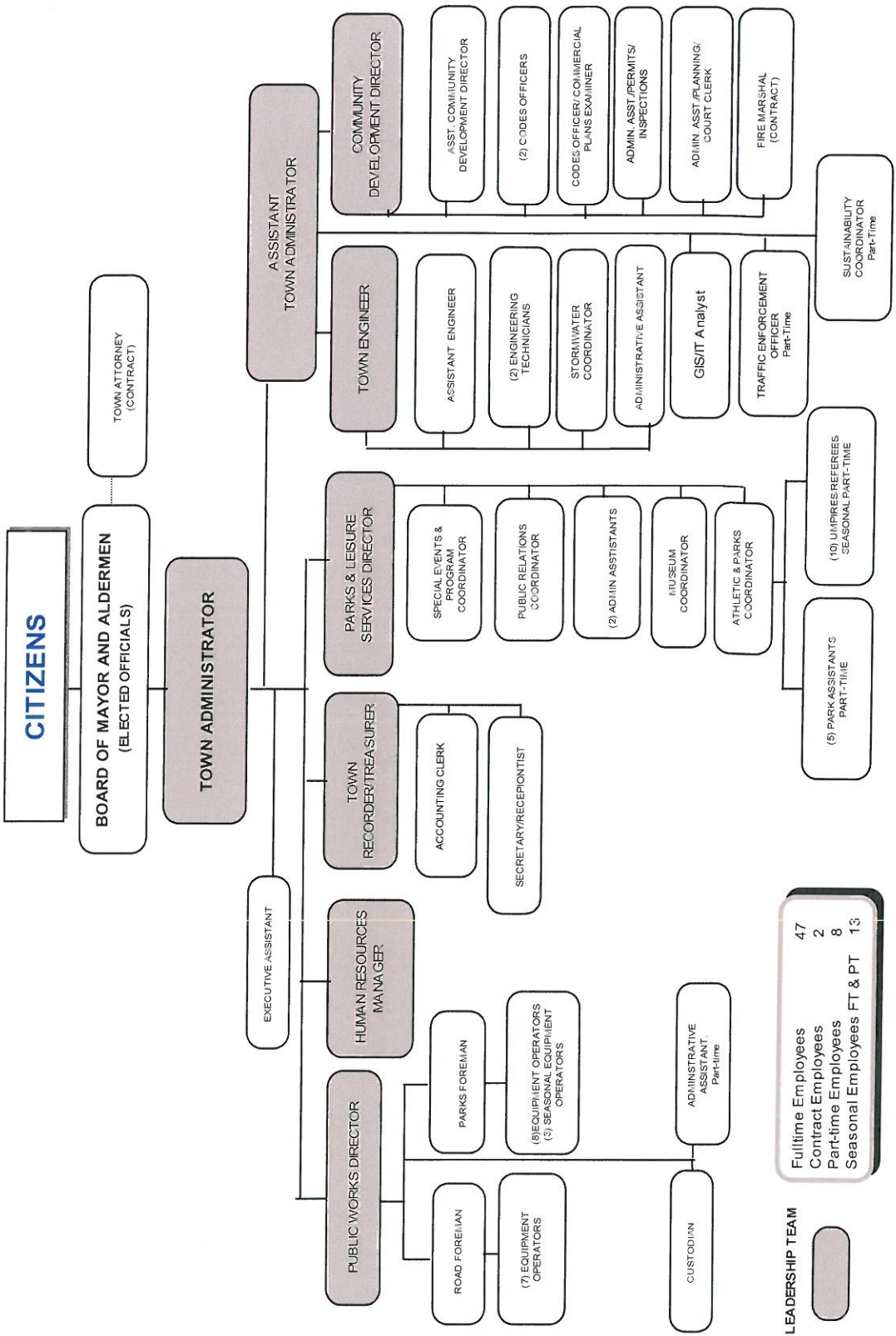
PROPOSED MOTION: To approve Ordinance 14-06, on first reading, to adopt the annual budget for the Town of Farragut, Tennessee for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

BOARD ACTION:

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

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

	FY2011-12	FY2012-13	FY2013-14	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Actual</u>	<u>Budget</u>	<u>Estimated</u>	<u>Proposed</u>
BEGINNING FUND BALANCE	6,427,474	7,768,532	7,679,100	6,136,756	5,988,674
	FY2011-12	FY2012-13	FY2013-14	FY2013-14	FY2014-15
REVENUE	<u>Actual</u>	<u>Actual</u>	<u>Budget</u>	<u>Estimated</u>	<u>Proposed</u>
Local Sales Tax	4,233,718	4,884,105	4,404,070	5,238,242	4,500,000
State Sales Tax	1,388,455	1,423,582	1,350,000	1,446,000	1,400,000
Hall Income Tax	387,587	528,368	329,515	414,759	350,000
Wholesale Beer, Liquor & Mixed I	1,093,367	1,163,201	1,050,000	1,151,160	1,025,000
Intergovernmental	559,221	563,983	532,400	536,658	531,200
Building Permits & Licenses	378,642	383,507	235,500	291,625	237,900
Recreation Fees	110,747	112,665	85,600	97,735	98,600
Traffic Enforcement Program & Fi	75,023	43,464	43,861	41,000	40,000
Rent	77,525	77,750	85,401	86,451	86,601
Miscellaneous	16,631	18,100	9,200	12,700	9,200
Total Revenue	8,320,916	9,198,725	8,125,547	9,316,330	8,278,501
	FY2011-12	FY2012-13	FY2013-14	FY2013-14	FY2014-15
EXPENDITURES	<u>Actual</u>	<u>Actual</u>	<u>Budget</u>	<u>Estimated</u>	<u>Proposed</u>
Legislative	42,136	54,404	62,150	62,150	66,150
Town Court	51,393	52,299	66,721	66,721	66,721
Administration	593,877	621,196	680,164	670,014	702,280
Human Resources	122,885	156,455	165,721	167,071	169,385
Information Technology	198,029	222,336	267,141	242,157	355,393
Engineering	564,900	598,607	706,961	653,151	701,044
Community Development	706,530	759,075	811,590	789,952	786,153
General Government	181,023	200,081	234,670	215,750	214,550
Parks & Leisure Services	740,123	786,646	914,393	903,393	968,328
Public Works	1,566,849	1,491,062	1,682,390	1,641,653	1,749,027
Non-Departmental	349,123	399,820	411,400	407,400	521,000
Economic Development	92,990	95,283	195,500	175,000	156,500
Total Expenditures	5,209,858	5,437,264	6,198,801	5,994,412	6,456,532
Revenue over (under) expenditur	3,111,058	3,761,462	1,926,746	3,321,918	1,821,969
Total Transfers In	0	11,305	910	0	0
Total transfers out	-1,770,000	-3,857,868	-3,470,000	-3,470,000	-3,270,000
Assigned Fund Balance	1,345,938	503,070	383,070	263,070	143,070
Unassigned Fund Balance	6,422,594	7,176,030	5,753,686	5,725,604	4,397,573
ENDING BALANCE	7,768,532	7,679,100	6,136,756	5,988,674	4,540,643
30% of Expenditure	1,562,957	1,631,179	1,859,640	1,798,324	1,936,960
AVAILABLE FUND BALANCE	4,859,637	5,544,851	3,894,046	3,927,280	2,460,614



Fulltime Employees	47
Contract Employees	2
Part-time Employees	8
Seasonal Employees FT & PT	13

LEADERSHIP TEAM





FY2014-15 Position Grade Assignments

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

ORDINANCE	14-06
PREPARED BY	Myers
1 ST READING	May 22, 2014
2 ND READING	June 12, 2014
PUBLISHED IN	
DATE	

AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE
ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2014
AND ENDING JUNE 30, 2015.

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of the source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds; and

WHEREAS, the governing body has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF FARRAGUT, TENNESSEE AS FOLLOWS:

SECTION 1: That the governing body estimated anticipated revenues of the municipality from all sources to be as follows:

General Fund	FY2012-13	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Local Sales Tax	4,884,105	5,238,242	4,500,000
State of Tennessee	1,423,582	1,446,000	1,400,000
Other Revenue	2,891,038	2,632,088	2,378,501
Transfer from Other Funds	0	0	0
Fund Balance			\$4,540,643

State Street Aid	FY2012-13	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
State Gasoline & Motor Fuel	531,143	536,000	535,000
Other Revenue	832	500	500
Transfer from General Fund	220,000	120,000	120,000
Fund Balance			\$892,801

Equipment Replacement Fund	FY2012-13	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Other Revenue	23,916	3,593	350
Transfer from General Fund	150,000	150,000	150,000
Fund Balance			\$628,415

Insurance Fund	FY2012-13	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Interest	163	78	80
Transfer from General Fund	365,000	200,000	0
Fund Balance			\$99,629

Everett Road Fund	FY2012-13	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Interest	54	40	0
Fund Balance			\$0

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

General Fund	FY2012-13	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Personnel	3,564,799	3,809,222	3,864,509
Operating Expenditures	1,872,465	2,185,190	2,592,023
Operating Transfers	3,857,868	3,470,000	3,270,000
Total Appropriations	5,437,264	5,994,412	6,456,532
Total Transfers	3,857,868	3,470,000	3,270,000

State Street Aid	FY2012-13	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Road Maintenance	99,865	742,640	700,000
Total Appropriations	99,865	742,640	700,000

Equipment Replacement Fund	FY2012-13	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Major Equipment	20,098	111,864	83,000
Total Appropriations	20,098	111,864	83,000

Insurance Fund	FY2012-13	FY2013-14	FY2014-15
	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>
Retirement Benefit	194,356	173,121	100,000
Total Appropriations	194,356	173,121	100,000

Everett Road Fund	FY2012-13 <u>Actual</u>	FY2013-14 <u>Estimated</u>	FY2014-15 <u>Projected</u>
Transfer to Capital Investment Program	0	0	44,306
Total Appropriations	0	0	44,306

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

General Fund	\$5,988,674
State Street Aid	\$937,301
Equipment Fund	\$561,065
Insurance Fund	\$199,549
Everett Road Fund	\$44,306

SECTION 4: That the governing body recognizes that the municipality has bonded and/or other indebtedness as follows:

Bonded and/or Indebtedness	Debt	Interest	Total Debt
Notes (3 years @ 1.5%)	\$750,000	22,500	\$772,500

SECTION 5: During the coming fiscal year the governing body has planned capital investment program and proposed funding as follows:

<u>Proposed Capital Projects</u>	Proposed Amount Financed by Appropriations
Old Stage/Watt Rd Extension	50,000
Campbell Station Road-Parkside to Jamestown	200,000
Watt Rd/Kingston Pike Intersection Improvements	250,000
Everett Rd Improvements Union Rd to Smith Rd	3,500,000
CSR North of I-40 Road Widening	50,000
KP Sidewalk, Willow Creek	140,000
Greenway Connectors	100,000
Land Acquisition	500,000
Russell House	261,250
Russell House Improvements	300,000
Public Works Equipment Shed	45,000
Parkside Feasibility	100,000
MBLP Playground Replacement	85,000
Total Project Costs	\$5,581,250
<u>Funding Sources</u>	
Interest Earnings	9,000
CSR N I-40	40,000
Parkside	80,000
Transfer from Everett Road Fund	44,306
Transfer from General Fund	3,000,000
Land Acquisition Reserves	261,250
CIP Reserves	2,206,000
Total Funding Sources	\$5,640,556

SECTION 6: No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law of 1982 T.C.A. Section 6-56-208. In addition, no appropriation may be made in excess of the available funds except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the municipality and declared by a two-thirds (2/3) vote of at least a quorum of the governing body in accord with Section 6-56-205 of the *Tennessee Code Annotated*.

- SECTION 7: Money may be transferred from one appropriation to another in the same fund only by appropriate ordinance by the governing body, subject to such limitations and procedures as it may describe as allowed by Sec. 6-56-209 of the *Tennessee Code Annotated*. Any resulting transfers shall be reported to the governing body at its regular meeting and entered into the minutes.
- SECTION 8: A detailed financial plan will be attached to this budget and become part of this budget ordinance. In addition, the published operating budget and budgetary comparisons shown by fund with beginning and ending fund balances and the number of full time equivalent employees required by Section 6-56-206, *Tennessee Code Annotated* will be attached.
- SECTION 9: If for any reason a budget ordinance is not adopted prior to the beginning of the next fiscal year, the appropriations in this budget ordinance shall become the appropriations for the next fiscal year until the adoption of the new budget ordinance in accordance with Section 6-56-210, Tennessee Code Annotated provided sufficient revenues are being collected to support the continuing appropriations. Approval of the Director of Local Finance in the Comptroller of the Treasury for a continuation budget will be requested if any indebtedness is outstanding.
- SECTION 10: All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.
- SECTION 11: This ordinance shall take effect July 1, 2014, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Resolution R-2014-05, FY2015 Fee Schedule

INTRODUCTION:

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

DISCUSSION:

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

Community Development

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

RECOMMENDATION BY: Town Recorder/Treasurer Allison Myers for approval

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

BOARD ACTION:

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

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

<u>FY2015 Fee Schedule</u>		
		<u>Approved Fee</u>
<u>Administration</u>		
Beer Permit		\$250
Beer Permit Privilege Tax		\$100
Retail Liquor Store Application		\$300
Liquor Privilege Tax		
	Private Club	\$300
	Hotel & Motel	\$1,000
	<u>Restaurants, according to seating</u>	
	75-125 seats	\$600
	126-175 seats	\$750
	176-225 seats	\$800
	226-275 seats	\$900
	276 seats & over	\$1,000
Wine Privilege Tax	20% of fee of Liquor privilege tax, based on seating capacity	20%
<u>Engineering</u>		
Drainage Fee		
	Commercial/Office Development	\$0.02 per square foot of impervious surface
	Residential Development	\$30 per subdivision lot

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

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

<u>Community Dev Continued</u>		<u>Approved Fee</u>
Re-submittal Plans Review Fee		Re-submittal fees are a minimum of \$100 or one half of the calculated building permit fee based on the difference between the original building value and the revised building value, whichever is greater.
Fire Prevention Fee		
	Fire Sprinkler System Permit	\$0.02 per sq. ft. or \$100 (whichever is greater)
	Fire Alarm System Permit	\$0.02 per sq. ft. or \$100 (whichever is greater)
	All other permits	\$50.00
Subdivision Fees		
	Concept Plan	\$100
	Preliminary Plat	\$100 plus \$25/lot
	Final Plat	\$100 plus \$25/lot
Site Plan Fees		\$100
Landscape Plan Fees		\$50
Zoning Ordinance & Subdivision Regulations Text Amendment Fees	Amend written text	\$250
Zoning Map Amendment Fees	Amend map	\$300
Municipal Code Text Amendment Fee		\$250
Sign Fees	Application to erect a sign.	\$100
	Replacement or installation of a sign erected prior to obtaining approval by the Town	\$200
Home Occupation Fee		\$50
Administrative Relief, Variance, and Special Exception		\$100

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