

FARRAGUT BOARD OF MAYOR AND ALDERMEN
AGENDA
March 12, 2015

WORKSHOP
General Fund Revenue/Expenditures Projections
Program Changes
6:00 PM

BEER BOARD MEETING
6:55 PM

BMA MEETING
7:00 PM

- I. **Silent Prayer, Pledge of Allegiance, Roll Call**
- II. **Approval of Agenda**
- III. **Mayor's Report**
- IV. **Citizens Forum**
- V. **Approval of Minutes**
 - A. February 26, 2015
- VI. **Ordinances**
 - A. Public Hearing & Second Reading
 1. Ordinance 15-03, to amend the Farragut Municipal Code by adding Title 14, Chapter 6., Farragut Architectural Design Standards, and authorizing the Farragut Municipal Planning Commission to be the Design Review Commission
 - B. First Reading
 1. Ordinance 15-02, an Ordinance to amend the text of the Farragut Zoning Ordinance, Ordinance 86-16, as amended, pursuant to authority granted by section 13-4-201, Tennessee Code Annotated, by amending Chapter 3. Specific District Regulations, Section XII. General Commercial District (C-1), F., Mixed Use Town Center, Subsection 2. B., by providing for a drive through under certain conditions
- VII. **Business Items**
 - A. Rejection of previously approved bids for a new Two-Wheel Drive Half-Ton Pick-up Truck
 - B. Approval of Bids for new Half-Ton Pick-up Truck

- C. Approval of Bids for Contract 2015-10, Installation of Underdrains on Grigsby Chapel Road
- D. Approval of Settlement Agreement with Cove Properties regarding road deficiencies in the Cove at Turkey Creek Subdivision

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

March 12, 2015

6:55 PM

I. Approval of Minutes

A. February 12, 2015

II. Beer Permit Approval:

A. Approval of Class 3, on-premises hotel/motel permit for the following:

i. Staybridge, 11319 Campbell Lakes Drive

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

February 12, 2015

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

Approval of Minutes

Motion was made to approve the minutes of January 8, 2015 as presented. Moved by Alderman Pinchok, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

Beer Permit Approval:

Approval of Class 1, On-Premise permit for the following:

Bad Daddy's Burger Bar, 11683 Parkside Drive

Motion was made to approve a Class 1, on-premise beer permit, subject to obtaining a certificate of occupancy, for Bad Daddy's Burger Bar. Moved by Alderman LaMarche, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

AC Band Restaurant & Lounge, 155 West End Ave

Motion was made to approve a Class 1, on-premise beer permit, subject to obtaining a certificate of occupancy, for Bad Daddy's Burger Bar. Moved by Alderman Markli, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

Beer Board meeting adjourned at 7:00 PM.

Ron Honken, Chairman

Allison Myers, Town Recorder

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of a Class 3, On-Premises Hotel/Motel Permit for Staybridge, 11319 Campbell Lakes Drive

DISCUSSION:

The purpose of this agenda item is the approval of a Class 3, On-Premises Hotel/Motel Permit for Staybridge, 11319 Campbell Lakes Drive. Details for the Class 3 permits are below.

- *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:

- The hotel/motel that holds the permit must have fifty (50) or more guest rooms;*
- 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;*
- 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*
- 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.*

The applications and information are in order.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

To approve a Class 3, On-Premises Hotel/Motel Permit for the Staybridge, 11319 Campbell Lakes Drive, subject to obtaining a certificate of occupancy.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

William B. Stokely, III

Signature of Applicant/Owner (or authorized Corporate Official)

Sworn to and subscribed before me this 4th day of February, 2015.

Nikki Stansell

Notary Public

My Commission Expires: MY COMMISSION EXPIRES:
July 8, 2017



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

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) William B. Stokeley, III
LILIT, LLC
BBB Staybridge - Knoxville-West
4. Type of applicant (check one):
Person _____ Firm _____ Corporation _____ Joint-Stock Company _____ Syndicate _____ Other ☒ LLC
5. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business:
William B. Stokeley, III
6. Applicant's present home address: _____
7. Date of Birth _____ Home Telephone Number _____
Business Telephone Number _____ Social Security Number _____
8. Representative Email Address: stokeley@tds.net
9. Under what name will the business operate? LILIT, LLC
10. Business address 11319 Campbell Lakes Drive, Knoxville, TN 37934
Business Telephone number 865-635-7829
11. Specify the identity, email and physical address of the person to receive annual privilege tax notices and any other communication from the Town:
Andrea A. White stokeley@tds.net
620 Campbell Station Rd, Ste 23, Knoxville TN 37934
12. Information of any manager, other than the applicant:
Name: Clayton E. Stokeley Birth Date: 3/27/76
Address: 2213 Henge Point Lane, Knoxville TN 37922

Phone Number: 865-405-5501

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.

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:

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

Christ Connection Church, 416 N. Campbell Station Rd, Knoxville

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

Farragut Primary School, 509 N Campbell Station Rd, Knoxville

18. Special Occasion Event Name: _____

Location of the special occasion event: _____

Event Date & Times: _____

Representative name & phone number: _____

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

19. Tennessee Sales Tax Number: _____

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.

FARRAGUT BOARD OF MAYOR AND ALDERMEN
MINUTES
February 26, 2015

WORKSHOP
Farragut Financial Overview Workshop
6:15 PM

BMA MEETING
7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. February 12, 2015
- VI. Ordinances**
 - A. Public Hearing & Second Reading
 - 1. Ordinance 15-01, to rezone Parcel 191.17, Tax Map 130, located at 11454 Parkside Drive, from O-1-3 and B-1 to C-1 and B-1, 2.2 Acres (Farragut Lands Partners, LLC, Applicant)
 - B. First Reading
 - 1. Ordinance 15-03, to amend the Farragut Municipal Code by adding Title 14, Chapter 6., Farragut Architectural Design Standards, and authorizing the Farragut Municipal Planning Commission to be the Design Review Commission
- VII. Business Items**
 - A. Approval of Salt Purchases from Morton Salt
 - B. Approval of Replacement of the Existing Old Stage Hills Entrance Sign
 - C. Appeal of access determination for the Hodges property, Parcels 1.00, 1.01 and 1.02, Tax Map 152-C, located at the southeast corner of Kingston Pike and Chaho Road, 1.37 Acres
- 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, February 12, 2015 at 7:00 p.m. Members present were Mayor McGill, Aldermen Honken, LaMarche and Pinchok. Alderman Markli arrived at 7:15 PM.

Approval of Agenda

Motion was made to approve the agenda as presented with the postponement of item VII.C. Moved by Alderman Honken, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; No Nays; Alderman Markli was absent; motion passed.

Mayor's Report

Mayor McGill expressed his gratitude to the Public Works Department for their hard work and dedication during the recent snow events.

Approval of Minutes

Motion was made to approve the minutes of February 12, 2015 as presented. Moved by Alderman Honken, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; no nays; Alderman Markli was absent; motion passed.

Alderman Markli arrived, 7:15 PM.

Ordinances

Public Hearing & Second Reading

Ordinance 15-01, to rezone Parcel 191.17, Tax Map 130, located at 11454 Parkside Drive, from O-1-3 and B-1 to C-1 and B-1, 2.2 Acres (Farragut Lands Partners, LLC, Applicant)

Michael Kelley spoke on behalf of the applicant. The following spoke on behalf of the homeowners in Sweetbriar subdivision.

Ken Chipley, 11602 Gates Mill; Deborah Raines, 11324 Gates Mill; Doug Werner; Anthony Mantis, 11302 Gates Mill; John Hoffman, 11341 Gates Mill; Bill Hostable, 11405 Gates Mill and Jim Hill.

After much discussion a motion was made to approve Ordinance 15-01 on second and final reading. Moved by Alderman Honken, seconded by Alderman Markli.

An alternate motion was made to approve Ordinance 15-01 on second and final reading and to deed restrict the property to not allow a drive through and that the fence must be completed behind Panda Express and the property at 11454 Parkside Drive. Moved by Alderman Markli, seconded by Alderman Pinchok; Roll call vote; Alderman Honken, no; Alderman LaMarche, yes; Alderman Markli, yes; Alderman Pinchok, yes; Mayor McGill, no; Motion passed 3-2.

First Reading

Ordinance 15-03, to amend the Farragut Municipal Code by adding Title 14, Chapter 6., Farragut Architectural Design Standards, and authorizing the Farragut Municipal Planning Commission to be the Design Review Commission

Motion was made to approve Ordinance 15-03 on first reading. Moved by Alderman Markli, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

Business Items

Approval of Salt Purchases from Morton Salt

Motion was made to approve the purchase of salt, from the State of Tennessee Contract, in the amount not to exceed \$25,371 from Morton Salt. Moved by Alderman Honken, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

Approval of Replacement of the Existing Old Stage Hills Entrance Sign

Motion was made to approve the replacement of the Old Stage Hills subdivision entrance sign subject to the approval from the Visual Resources Review Board (VRRB). Moved by Alderman LaMarche, seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that Elliott Sievers was named the Code Official of the Year by the East Tennessee Building Officials Association (ETBOA). He also announced the he, Mayor McGill, Aldermen LaMarche and Pinchok would be attending the Tennessee Municipal League conference in Nashville. Also the 10th Annual Shamrock Ball-Father Daughter Dance Saturday, March 7.

Meeting adjourned at 8:40 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 15-03, on second reading, to amend the *Farragut Municipal Code* by adding Title 14, Chapter 6., Farragut Architectural Design Standards, and authorizing the Farragut Municipal Planning Commission to be the design review commission

BACKGROUND AND DISCUSSION: Several months ago, the Town of Farragut contracted with Winter and Company out of Boulder, Colorado, to develop town-wide architectural design standards. This project was undertaken to help implement the Town's Comprehensive Land Use Plan (CLUP) and the Town's Strategic Plan by enhancing the community's image and appearance, protecting the community's economic base, and promoting consistent, high quality design in Farragut's commercial, mixed-use and multi-family districts.

Over the past year, the consultants and staff have hosted focus groups and public workshop sessions related to the development of the town-wide architectural design standards, with the latest public workshop being on February 12, 2015. Throughout this public process, the design guidelines have been modified to capture public input and are now reflected in the design standards provided for in Ordinance 15-03. Please find below some key dates related to the consultant's visits and draft release dates:

June 5 & 6, 2014	Winter & Company - Trip 1
July 28, 2014	Design Guidelines Strategy Report
October 15, 2014	Draft 1
October 28 & 29, 2014	Winter & Company - Trip 2
December 3, 2014	Draft 2
February 4, 2015	Draft 3 – proposed final draft
February 12, 2015	Winter & Company - Trip 3

As discussed at previous meetings, including first reading on February 26, the Planning Commission will have the primary review authority for compliance with the Architectural Design Standards. As part of Ordinance 15-03 and in accordance with the Tennessee Code Annotated (TCA), Section 6-54-133, a design review commission must be designated and, in the Town of Farragut this will be the Farragut Municipal Planning Commission. Also in accordance with the Tennessee Code Annotated (TCA), Section 6-54-133, should an appeal be made to a planning commission decision such appeal will come to the Farragut Board of Mayor and Alderman.

Please note however that, due to the size of the entire document, the latest Architectural Design Standards are not included in the packet. Rather they are available at www.townoffarragut.org/design. Please advise staff if you need a hardcopy of the document for the review. Once approved, a hard copy will be provided to all commissioners and board members.

RECOMMENDATION BY: Ordinance 15-03 is consistent with both the CLUP and the Strategic Plan. Specifically, in terms of the CLUP, Ordinance 15-03 advances Strategy 7 – Enhance Our Identity (natural and built) and Strategy 8 – Plan for the Remaining Vacant Parcels. In terms of the Strategic Plan, Ordinance 15-03 advances Goal 3, Objective 5, which provides for the development of architectural standards and lighting throughout the Town with a theme and Goal 4, Objectives 5 and 6, which encourage consistency with Town plans and more beautiful corridors and development. The implementation of Architectural Design Guidelines was also listed as a Top Priority Policy Agenda Item in the 2014 Strategic Plan.

Ordinance 15-03 was approved unanimously on first reading and the staff recommends approval on second reading.

PROPOSED MOTION: To approve Ordinance 15-03, on second reading, to amend the *Farragut Municipal Code* by adding Title 14, Chapter 6., Farragut Architectural Design Standards, and authorizing the Farragut Municipal Planning Commission to be the design review commission

BOARD ACTION:

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

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

ORDINANCE:	15-03
PREPARED BY:	Shipley
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	February 19, 2015
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE FARRAGUT MUNICIPAL CODE, PURSUANT TO AUTHORITY GRANTED BY SECTION 6-54-133, TENNESSEE CODE ANNOTATED, BY ADDING TITLE 14, CHAPTER 6., FARRAGUT ARCHITECTURAL DESIGN STANDARDS, AND AUTHORIZING THE FARRAGUT MUNICIPAL PLANNING COMMISSION TO BE THE DESIGN REVIEW COMMISSION

WHEREAS, the Tennessee Code Annotated, Section 6-54-133, provides that municipalities may create and adopt general guidelines for the exterior appearance of nonresidential property, multiple family residential property, and any entrance to a nonresidential development within the municipality; and

WHEREAS, pursuant to the authority in Tennessee Code Annotated, Section 6-54-133, the Town of Farragut, Tennessee, establishes a Design Review Commission charged with review authority of the Farragut Architectural Design Standards; and

WHEREAS, the Farragut Board of Mayor and Aldermen hereby designate the Farragut Municipal Planning Commission as the Design Review Commission;

WHEREAS, pursuant to the requirements of Tennessee Code Annotated, the Town of Farragut conducted a public hearing subject to at least fifteen (15) days notice prior to the final reading and adoption of the ordinance herein described;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

The Farragut Municipal Code, Title 14, Land Use Controls, is amended by adding Chapter 6., Farragut Architectural Design Standards, as reflected in the attached document referenced 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

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2015,
with approval recommended.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

RESOLUTION PC-15-03

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO RECOMMEND ADOPTION OF THE NEW FARRAGUT ARCHITECTURAL DESIGN STANDARDS IN THE TOWN OF FARRAGUT TENNESSEE AND AUTHORIZE THE FARRAGUT MUNICIPAL PLANNING COMMISSION AS THE DESIGN REVIEW COMMISSION PURSUANT TO AUTHORITY GRANTED BY SECTION 6-54-133, TENNESSEE CODE ANNOTATED

WHEREAS, the Tennessee Code Annotated, Section 6-54-133, provides that municipalities may create and adopt general guidelines for the exterior appearance of nonresidential property, multiple family residential property, and any entrance to a nonresidential development within the municipality; and

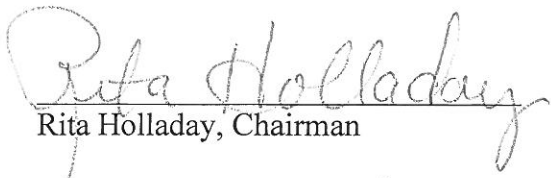
WHEREAS, the Farragut Municipal Planning Commission is designated as the design review commission; and

WHEREAS, the Town of Farragut has commissioned Winter and Company to develop an Architectural Design Standards document and has held several public forums over the course of the last year to collect information; and

WHEREAS, a public hearing was held on this request on February 19, 2015;

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, creating Title 14, Chapter 6., being the Farragut Architectural Design Standards, of the Farragut Municipal Code, by adding Ordinance 15-03.

ADOPTED this 19th day of February, 2015.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 15-02, on first reading, to amend the text of the Farragut Zoning Ordinance, Chapter 3. Section XII., General Commercial District (C-1), Subsection F., Mixed Use Town Center, as it relates to drive-throughs

BACKGROUND AND DISCUSSION: At the January 22, 2015 meeting, the Farragut Board of Mayor and Alderman approved four ordinances related to the Mixed Use Town Center (MUTC) in order to help implement Strategy 1 of the Comprehensive Land Use Plan – Bringing About a Downtown. Some of these ordinances were developed during multiple planning commission meetings and involved a significant amount of discussion and input. One aspect of the amendments that were made to the C-1 Zoning District for those properties within the MUTC that received a significant amount of discussion was whether a drive through should be permitted. The commission looked at some parameters that could apply if drive throughs were permitted but in the end felt that the simplest approach would be to not permit them in the MUTC at this time.

At the second reading of Ordinance 14-21, the ordinance that amended the C-1 wording as it relates to properties within the MUTC, some individuals interested in developing a couple of parcels within the MUTC expressed a desire to have the drive through item revisited. One of those interested in the old Silver Spoon property indicated that they could meet all of the requirements provided for in Ordinance 14-21 with the exception of the drive through exclusion. A sample site layout from their architect is included in the packet. Though Ordinance 14-21 was approved on second reading, the board asked the staff to create some language for the planning commission to consider as it would relate to permitting a drive through in the MUTC.

Ordinance 15-02 includes some language that would provide for a drive through for certain uses provided a number of parameters could be satisfied. The sample site layout in your packet would, with some minor adjustments, satisfy the parameters noted in Ordinance 15-02.

RECOMMENDATION BY: The staffs' position concerning drive throughs in the MUTC is that they are a vehicular oriented element of site design and not fully compatible with the character and intent of a pedestrian oriented mixed use town center.

The wording the staff has provided in Ordinance 15-02 provides a number of limitations on drive throughs in an effort to lessen adverse impacts to the character and intent of the MUTC. At their meeting on February 19, 2015, the planning commission unanimously approved Ordinance 15-02. The commission added a stipulation that in order to qualify for a drive through, the lot must be at least two (2) acres. This provision was included because the commission felt that the additional acreage would provide the space necessary to satisfy the other provisions of Ordinance 15-02, especially since restaurants have such high parking space demands.

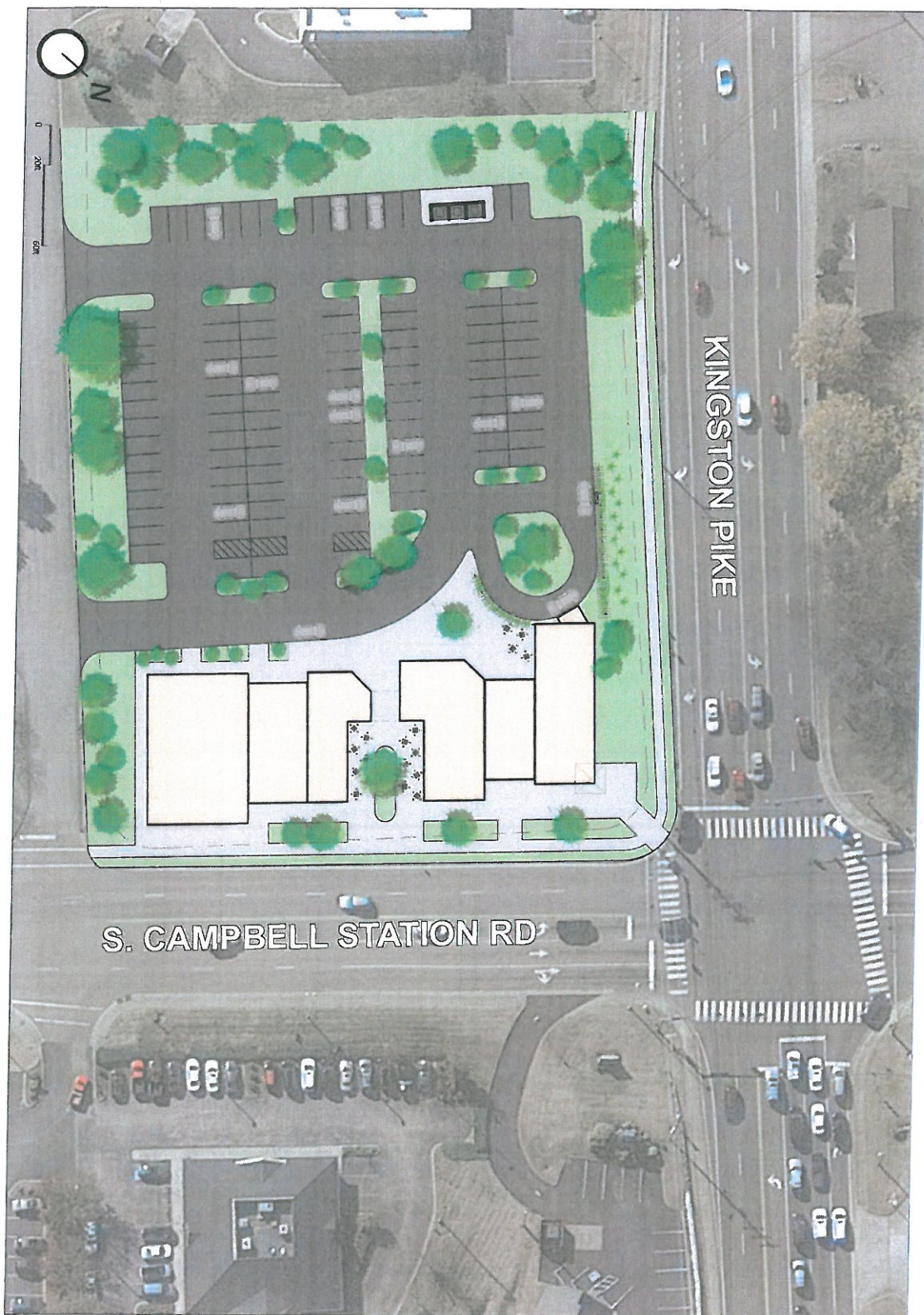
PROPOSED MOTION:

To approve Ordinance 15-02, on first reading, to amend the text of the Farragut Zoning Ordinance, Chapter 3. Section XII., General Commercial District (C-1), Subsection F., Mixed Use Town Center, as it relates to drive-throughs.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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



PSP-1 PRELIMINARY SITE PLAN	DATE: 10/1/03 BY: [Signature]	SHOPS AT TOWN CENTER Kingston Pike at S. Campbell Station Rd. Farragut, Tennessee Wolford Development, Inc.	ARCHITECTURAL SERVICES GROUP, INC. "A Tennessee Architectural Corporation" Franklin Square 9724 Kingston Pike, Suite 703 Knoxville, TN 37923 Phone: 865.470.9669 Fax: 865.470.9628	ASG
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ORDINANCE:	15-02
PREPARED BY:	Shipley
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	February 19, 2015
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 3. SPECIFIC DISTRICT REGULATIONS, SECTION XII. GENERAL COMMERCIAL DISTRICT (C-1), F., MIXED USE TOWN CENTER, SUBSECTION 2. b., BY PROVIDING FOR A DRIVE THROUGH UNDER CERTAIN CONDITIONS

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 3, Section XII. General Commercial District (C-1), of the Farragut Zoning Ordinance, Ordinance 86-16,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance is hereby amended as follows:

SECTION 1.

The Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, Section XII., General Commercial District (C-1), F., Mixed Use Town Center, Subsection 2. b., is amended by deleting it in its entirety and substituting in lieu thereof the following:

SECTION 2.

Chapter 3, Specific District Regulations, Section XII., General Commercial District (C-1), F., Mixed Use Town Center, Subsection 2. b., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- b. Restaurants, tea rooms, cafes, coffee houses, bistros, or other similar establishments serving food or beverage that is primarily consumed within the principal building or in designated outdoor seating areas associated with the principal building.

A drive-through lane may be permitted provided the following criteria are satisfied:

1. The property is a minimum of two (2) acres and is a lot of record that has existing frontage on a street classified as a major arterial on the Major Road Plan;
2. The drive-through is limited to one (1) lane;
3. The drive-through is located to the rear of the building or behind the building so that it is not visible from any abutting public rights of ways;
4. The drive-through is limited to one (1) menu board not to exceed fifteen (15) square feet in size and six (6) feet in height. The menu board shall be either mounted on the principal building or a screen wall that is architecturally compatible with the predominant building material on the principal building and/or is screened by Town approved evergreen plant material so that it is not visible from abutting public rights of ways;
5. The entrance and exit to the drive-through leads to a parking area or service drive. The drive-through lane shall not be directly connected to a public street; and
6. The design shall minimize vehicle/pedestrian conflicts. The drive-through lane shall not separate parking lots from rear building pedestrian access doors or other pedestrian access ways.

SECTION 3.

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

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2015, with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

AGENDA NUMBER: VII. A. MEETING DATE: March 12, 2015

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: William E. McKelvey, Public Works Director

SUBJECT: Rejection of bids for a new Two-Wheel Drive Half-Ton Pick-up Truck

DISCUSSION:

The bid for a Two-Wheel Drive Half-Ton Pick-up Truck was approved on August 14, 2014. In the past 6 months Ford has changed their body style manufacturing, from steel to aluminum. The change in manufacturing has caused a delayed delivery time. Due to the delay, the previous truck approval needs to be rejected in order to purchase a different truck.

RECOMMENDATION BY: Bud McKelvey, Public Works Director, for approval.

PROPOSED MOTION: To reject the two-wheel drive truck bid previously approved August 14, 2014.

BOARD ACTION:

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

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

AGENDA NUMBER: VII.B. MEETING DATE: March 12, 2015

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: William E. McKelvey, Public Works Director

SUBJECT: Approval of Bids for new Half-Ton Pick-up Truck

INTRODUCTION: The purpose of this agenda item is to approve the purchase of a new Half-Ton Pick-up Truck.

DISCUSSION: Attached are three bids which were received on March 3, 2015. The two vehicles that were bid consisted of a new 2014 F150 4-wheel drive and a new 2015 2-wheel drive. The third bidder did not follow bidding instructions, which disqualified them from the bid. The purchase of the 4-wheel drive truck would be more beneficial for the Town's purposes. Staff recommends award of the contract to the lowest bidder, Ted Russell Ford in the amount of \$24,190.00 for a new 2014 Ford F-150 4-Wheel Drive Pick-up.

FINANCIAL SECTION:

<u>Total Budget</u>	<u>Contract Amount</u>	<u>Remaining Amount</u>	
\$83,000	\$24,190	\$58,810	Remaining budget balance is for purchase of a used bucket truck out of this year's budget.
Approved By: <u>A. Myers</u>			

RECOMMENDATION BY: Bud McKelvey, Public Works Director, for approval.

PROPOSED MOTION: Approval of bids for the purchase of a 2014 Ford F-150 4-Wheel Drive Pick-up from Ted Russell Ford in the amount of \$24,190.00.

BOARD ACTION:

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

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

BID TABULATION FOR NEW HALF-TON PICK-UP TRUCK

The following bids were received on March 3, 2015 for the new **Half-Ton Pick-up Truck**:

Golden Circle Ford 1432 HWY 45 By-Pass Jackson, TN 38305	2013 Ford F-150 This bid was disqualified due to the vehicle not being in stock and not available for immediate delivery.	\$22,500.00
Ted Russell Ford 8551 Kingston Pike Knoxville, TN 37919	New 2014 Ford F150 4-Wheel Drive	\$24,190.00
Beaty Chevrolet 9615 Parkside Auto Drive Knoxville, TN 37922	2015 Chevrolet ½ Ton Pick-Up	\$25,400.00

The Town has purchased trucks from Ted Russell Ford in the past. Staff has been impressed with their performance in the past and, **recommends award to Ted Russell Ford for their bid of \$24,190.00.**

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Bids for Contract 2015-10, Installation of Underdrains on Grigsby Chapel Road

INTRODUCTION: The purpose of this item is the approval of bids and award of contract for installation of approximately 1500 linear feet of underdrain on Grigsby Chapel Road.

BACKGROUND: Each year the Town's Engineering Department prepares a priority listing of streets for our annual resurfacing project, taking care to identify any areas that might require specialized treatment prior to or during the resurfacing process. This year's contract will include Grigsby Chapel Road from East Fox Den Drive to Campbell Station Road. The Town last resurfaced a portion of this roadway in 2007, but only replaced the surface course (top 1-1/2"). At that time, we hoped to improve the structure of the roadway to achieve a longer life without having to replace the binder surface, but current cracks in the roadway (as well as "wet" spots in the worst areas) indicate the presence of a wet subgrade. Most likely, these areas are due to small springs that may be surfacing underneath the roadway.

This project includes the installation of approximately 1500 linear feet of underdrain in two locations (see photos). The underdrain system is a perforated, corrugated oval plastic pipe, 1-1/2" wide x 12 inches tall. The underdrain is installed by cutting and removing a 10" wide x 18" deep trench in the roadway, placing the underdrain and backfilling with stone and asphalt binder. The binder will serve to carry traffic until such time that the roadway is milled and resurfaced later this summer. This project is being funded thru State Street Aid Funds from our current resurfacing budget.

We received the following three bids for Contract 2015-10 on February 26:

J & D Excavating & Contracting, Inc.	\$59,702.00
HS Construction & Excavating, LLC	60,435.00
McKinnon Construction Co., LLC	87,027.50

A tabulation of the three bids is attached. J & D Excavating & Contracting has performed other work for the Town in the recent past (the Outdoor Classroom, as well as subcontract at the MBLP Artificial Turf project), and staff has been pleased with their performance.

FINANCIAL SECTION:

Project: 121-43100-269

<u>Project Budget</u>	<u>Requested Amount</u>	<u>Expenditures to Date</u>	<u>Remaining Amount</u>
\$976,402	\$59,072.00	\$480,267	\$436,963

Approved By: A. Myers

RECOMMENDATION BY: Darryl Smith, Town Engineer, for approval.

PROPOSED MOTION: Approval of bids and award of Contract 2015-10, Installation of Underdrains on Grigsby Chapel Road, to J & D Excavating & Contracting, Inc.

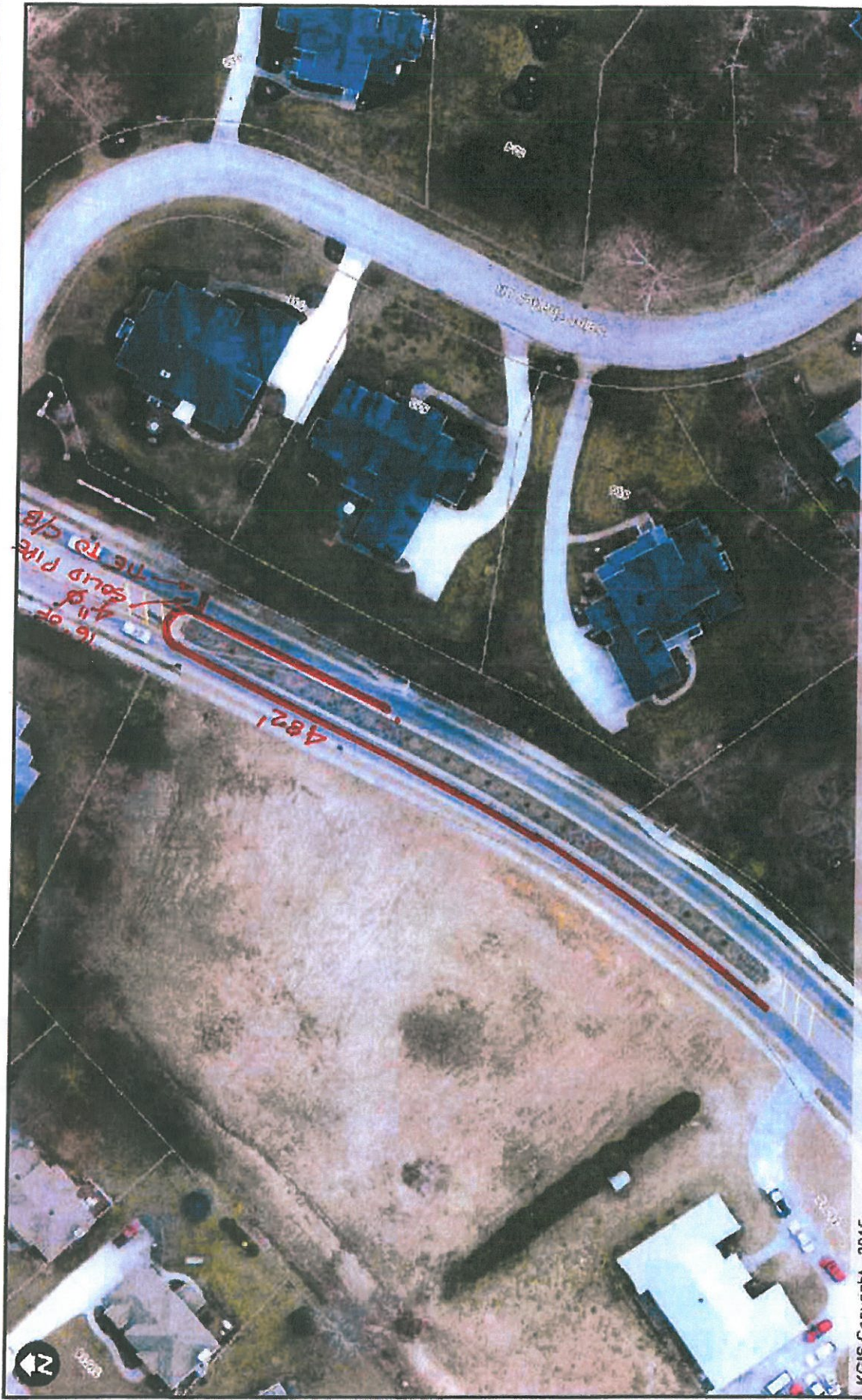
BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

BID TABULATION

Contract No. 2015-10 Grigsby Chapel Road Underdrains				J&D Excavating & Contracting, Inc.		HS Construction & Excavating, LLC		McKinnon Construction Co., LLC	
	Quote Description	Qty.	Unit	Unit Price	Price	Unit Price	Price	Unit Price	Price
105-01	CONSTRUCTION STAKES, LINES AND GRADES	1	LS	\$ 300.00	\$ 300.00	\$ 2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00
209-99.91	EROSION CONTROL	1	LS	400	\$ 400.00	\$ 1,500.00	\$ 1,500.00	\$ 500.00	\$ 500.00
303-01	MINERAL AGGREGATE, TYPE A BASE, GRADING D (TEMPORARY BACKFILL)	45	TN	32	\$ 1,440.00	\$ 24.00	\$ 1,080.00	\$ 42.00	\$ 1,890.00
307-01.08	ASPHALT CONCRETE MIX (PG64-22) (BPMB-HM) GRADING B-M2	55	TN	156	\$ 8,580.00	230	\$ 12,650.00	\$ 300.00	\$ 16,500.00
407-02.13	REMOVAL & OFF-SITE DISPOSAL	1	LS	2040	\$ 2,040.00	2000	\$ 2,000.00	\$ 5,000.00	\$ 5,000.00
407-20.05	SAW CUTTING ASPHALT PAVEMENT	2,500	LF	2.75	\$ 6,875.00	2.6	\$ 6,500.00	3	\$ 7,500.00
610-11	UNDERDRAIN, ADS 0493 AdvanEDGE with Typar Fabric, 12"	1,500	LF	16.45	\$ 24,675.00	14	\$ 21,000.00	22	\$ 33,000.00
610-11.01	LATERAL, 4" PLASTIC PIPE, N-12, ADS	60	LF	21	\$ 1,260.00	8	\$ 480.00	25	\$ 1,500.00
611-09	TIE TO EXISTING CATCH BASIN	2	EA	860	\$ 1,720.00	200	\$ 400.00	500	\$ 1,000.00
712-01	TRAFFIC CONTROL	1	LS	5658	\$ 5,658.00	2500	\$ 2,500.00	8500	\$ 8,500.00
712-04.01	FLEXIBLE DRUMS	75	EA	20	\$ 1,500.00	55	\$ 4,125.00	20.5	\$ 1,537.50
713-16.01	CHANGEABLE MESSAGE SIGN UNIT	2	EA	577	\$ 1,154.00	1600	\$ 3,200.00	1550	\$ 3,100.00
717-01	MOBILIZATION	1	LS	4100	\$ 4,100.00	3000	\$ 3,000.00	6000	\$ 6,000.00
				\$ 59,702.00		\$ 60,435.00		\$ 87,027.50	



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EST. QTY : 482 FEET

CONTRACT 2015-10

Grigsby Chapel Road Island near St. Charles Ln

NOT TO SCALE

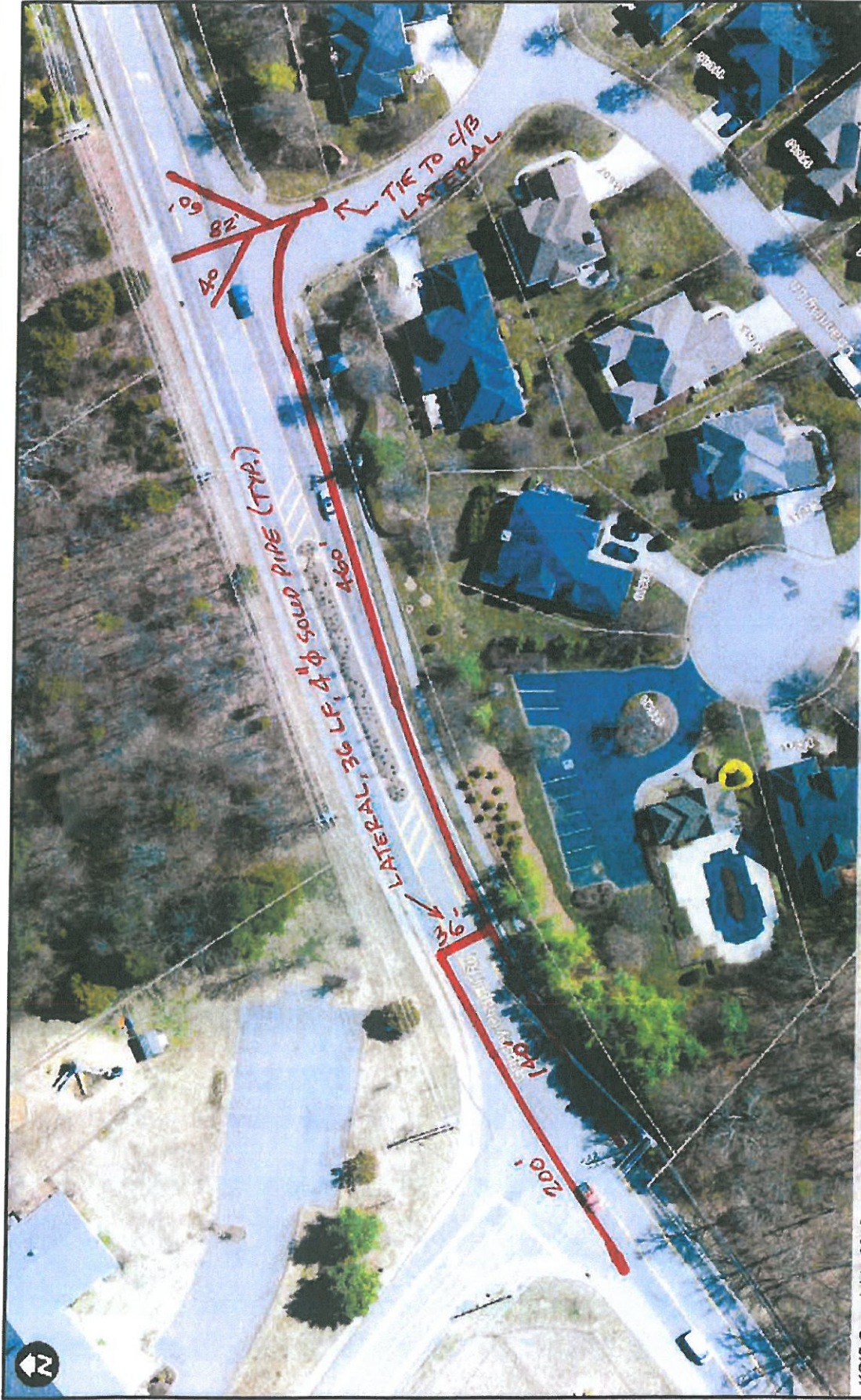
1" = APPROX. 80'

Underdrains

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37902 - www.kgis.org

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982

EST. QTY: ~~1000~~ FEET

CONTRACT 2015-10

Grigsby Chapel Road: Fritz Rd to Wyndham Hall UNDERDRAINS

NOT TO SCALE
1" = APPROX. 80'

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AGENDA NUMBER VII. D.

MEETING DATE MARCH 12, 2015

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator 

SUBJECT: Approval of Settlement Agreement and Release with Cove Properties regarding road deficiencies in the Cove at Turkey Creek Subdivision

INTRODUCTION: The purpose of this agenda item is to consider approval of a settlement agreement and release with Cove Properties, the original developers of the Cove at Turkey Creek subdivision, regarding road deficiencies in the Cove at Turkey Creek Subdivision.

BACKGROUND: The final plat for the Cove at Turkey Creek subdivision was recorded on May 26, 2006. Within the first year, there were noticeable cracks and depressions in the asphalt. In October 2008, Cove Properties repaired some of the areas, but elected not to mill and overlay at that time. By April 2010, milling and overlay of the deficient areas still had not been completed and the Town was prepared to call the developers letter of credit to complete the necessary work. Staff met with the developers at that time and agreed to reduce the letter of credit from \$70,000 to \$52,000 and give them one year to complete the necessary work. Unfortunately, FSG Bank refused to reissue the reduced letter of credit and it expired. In June 2010, Cove Properties assured the Town that they would complete the necessary repairs to the roads when they had available funding to do so. In November 2012, Cove Properties assigned all of its rights in the development to Knox Fi One, LLC, although Knox Fi One did not assume any of the liabilities with respect to the roads in the subdivision.

DISCUSSION: As of today, the milling and overlay of the roads in the Cove has still not been completed and the Town of Farragut has not accepted the roads to provide ongoing maintenance as a public street. Staff has been working with the prior developers, John Turley and Jim Nixon, for several months in formulating the proposed settlement agreement for the Board of Mayor and Aldermen's consideration. This agreement calls for the developers to pay the Town a lump sum payment of \$30,000 toward the needed repairs to the roads in the Cove at Turkey Creek and in return, the Town agrees to accept the streets and the ongoing maintenance associated with them. The Town would also be granting a release against future claims against the developer, for any further deficiencies which may arise regarding the roads in the subdivision.

RECOMMENDATION BY: Town Administrator David Smoak for approval.

PROPOSED MOTION: To approve the Settlement Agreement and Release between the Town of Farragut and Cove Properties, the developers of the Cove at Turkey Creek subdivision.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (hereafter referred to as the "Agreement") is voluntarily entered into between **John L. Turley**, a citizen and resident of Knox County, Tennessee and **James H. Nixon II**, a citizen and resident of Loudon County, Tennessee (hereinafter collectively referred to as the "**Developers**") and **the Town of Farragut, Tennessee**, a municipal corporation existing under the laws of the State of Tennessee and within Knox County, on behalf of itself, its affiliates, successors, and assigns, its current and former directors, officers, agents and employees, in their corporate as well as personal capacities (all hereafter collectively referred to as "**the Town.**") The Developers and the Town are collectively referred to as the "**Parties.**"

WHEREAS, the Developers were partners in Cove Properties, a Tennessee general partnership ("**Cove Properties**") at the time Cove Properties developed a subdivision in the Town known as the Cove at Turkey Creek (the "**Subdivision**") as shown on the Corrected Final Plat of The Cove at Turkey Creek of record as Instrument No. 200608230017577 in the Register's Office for Knox County, Tennessee (the "**Plat**"); and

WHEREAS, in 2010 issues arose between the Town and Cove Properties concerning whether the roads within the Subdivision were constructed in a workmanlike manner and to the standards of the Town; and

WHEREAS, as the parties negotiated the need for repair work on the roads in the Subdivision, the lender for Cove Properties, FSG Bank refused to reissue or extend a letter of credit in favor of the Town required by regulations of the Town in order to secure the Developers' obligations to install roads within the Subdivision to the Town's standards, and the letter of credit expired; and

WHEREAS, in spite of the lack of a letter of credit, on June 30, 2010, Cove Properties assured the Town of its intent to make the needed repairs to the roads in the Subdivision; and

WHEREAS, in November 2012, Cove Properties assigned all of its right, title and interest as the developer of the Subdivision to KnoxFi One, LLC, but KnoxFi One, LLC did not assume any liabilities, obligations or commitments of Cove Properties with respect to roads in the Subdivision; and

WHEREAS, the Parties have reached an agreement which they wish to memorialize in writing to resolve the disagreements among them concerning the party that is responsible for making needed repairs to the roads in the Subdivision, and who shall be responsible for the maintenance and upkeep of said roads in the future.

NOW THEREFORE, in consideration of the premises, covenants, promises and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the Parties set out the terms and conditions of this Agreement as follows:

1. **Payment.** Upon execution of this Agreement, the Developers will pay to the Town Thirty Thousand Dollars (\$30,000.00). The payment to the Town shall hereafter be referred to as the "**Total Consideration Payment.**" The Total Consideration Payment is being

made in complete compromise and settlement of any and all claims the Town asserted or could have asserted or could assert in the future, arising out of or in any way related to the installation, construction and maintenance of the roads in the Subdivision. The Town will use the Total Consideration Payment to undertake repairs and maintenance upon the roads within the Subdivision. Upon receipt by the Town of the Total Consideration Payment, the Town shall be deemed to have accepted and assumed responsibility for all roads within the Subdivision to the extent required by law that a Tennessee municipality undertakes for the ongoing maintenance of roads that are accepted as public streets.

2. **Waiver and Release of the Town.** In exchange for the Total Consideration Payment in Section 1 of this Release Agreement, the Town hereby knowingly, voluntarily and unconditionally releases, acquits and forever discharges the Developers, Cove Properties, KnoxFi One, LLC, FSG Bank and their affiliates, successors, or assigns, and any and all current or former directors, members, officers, agents and employees, in their representative and personal capacities (hereinafter collectively referred to as the “Releasees”), of and from any and all claims the Town has, or could have, now existing or which may hereafter arise, based upon the construction and installation of the roadbeds, curb and gutter to the extent of the condition of the roads heretofore installed and constructed in the Subdivision by or for the Developers, or any of them, or their affiliates, but not from damage to the roads resulting by reason of the failure of or defect in other component(s) of the infrastructure of the Subdivision that is (are) the responsibility of the Developer.

3. **No Reliance.** The parties acknowledge that they have received a copy of this Agreement; that they have had a reasonable time to review it; that they have read and understand all the terms, conditions and effect thereof; that they have consulted with an attorney prior to executing this Agreement; that they have executed this Agreement knowingly and voluntarily; that they do not rely upon any representations or statements made by the other parties, or any of their affiliates, successors, assigns, their current or former directors, agents or attorneys associated with them with regard to the subject matter, basis or effect of this Agreement, other than those made in this Agreement; and that the consideration it is receiving under this Agreement is in addition to anything of value to which they are already entitled.

4. **No Admission of Liability.** Neither this Agreement itself nor any payment, covenant or provision associated with the Agreement is to be construed as an admission of liability, or evidence of liability or guilt on the part of the Developers, by whom liability is expressly denied.

5. **Governing Law and Venue.** This Agreement is made and entered into in the State of Tennessee and shall in all respects be interpreted, enforced and governed under the laws of Tennessee. The language of all parts of this Agreement shall in all cases be construed as a whole, according to fair meaning and not strictly for or against either of the parties. Any action to enforce this Agreement shall be brought in the courts of Knox County, Tennessee.

6. **Severability.** In the event any one or more provisions of this Agreement should be held invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed by disregarding the invalid, illegal, or unenforceable provision or provisions.

7. **Entire Agreement.** This Agreement contains the entire understanding between the parties hereto and represents full and final resolution of any and all issues related to the tax revenue. This Agreement may not be modified or amended in any manner without a written agreement signed and dated by the Parties who have executed this Agreement.

8. **Binding Effect.** This Agreement shall be binding on the affiliates, successors and legal representatives of the Parties.

9. **Miscellaneous.** This Agreement shall include the following provisions:

(a) This Agreement shall be deemed to have been jointly prepared by the counsel for the parties.

(b) This Agreement may not be modified or amended in any manner without a written agreement signed and dated by all the parties, and such requirement shall not be subject to oral waiver.

IN WITNESS THERETO, the parties have signed this release effective as of the ____ day of _____, 2015.

TOWN:

Approved as to Form:

Town Of Farragut

Town Attorney

Ralph McGill, Mayor

DEVELOPERS:

John L. Turley, personally and as a partner in Cove Properties

James H. Nixon II, personally and as a partner in Cove Properties

