

FARRAGUT BOARD OF MAYOR AND ALDERMEN
MINUTES
July 23, 2015

BEER BOARD MEETING
6:45 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. June 25, 2015
- VI. Business Items**
 - A. Approval of Special Event Signage for the News Sentinel Open Golf Tournament
 - B. Approval to Elect Voting Delegate (1) and Alternate Voting Delegates (2) to the National League of Cities Conference
 - C. Approval of Change Order #1 to Contract 2015-11, Mayor Bob Leonard Park Playground Installation
 - D. Approval of the Town of Farragut Supplemental Retirement Plan Funding Policy
 - E. Approval of the sale and transfer of approximately 1,200 square feet of vacant Town property Parcel ID: 142-13716 located approximately 500' south of the southeast corner of Kingston Pike and Campbell Station Road, to, the adjacent northern property Parcel ID: 142-13711 Address 102 Campbell Station Road (Aubrey's Restaurant)
- VII. Town Administrator's Report**
- VIII. 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, July 23, 2015 at 7:00 p.m. Members present were Mayor McGill, Aldermen Honken, LaMarche and Pinchok; Alderman Markli was absent.

Approval of Agenda

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

Mayor's Report

Alderman LaMarche thanked the town for allowing her to attend the Small Cities Council in Laramie, WY.

Approval of Minutes

Motion was made to approve the minutes of June 25, 2015, with one minor date change. Moved by Alderman Honken, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; Alderman Markli was absent; no nays; motion passed.

Business Items

Approval of Special Event Signage for the News Sentinel Open Golf Tournament

Motion was made to approve the proposed placement of the directional signage within the Town of Farragut's right-of-way for the News Sentinel Open. Moved by Alderman Honken, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; Alderman Markli was absent; no nays; motion passed.

Approval to Elect Voting Delegate (1) and Alternate Voting Delegates (2) to the National League of Cities Conference

Alderman LaMarche made a motion to nominate Mayor McGill as the voting delegate, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; Alderman Markli was absent; no nays; motion passed.

Alderman Honken made a motion to nominate Aldermen LaMarche and Pinchok as the Alternate voting delegates, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; Alderman Markli was absent; no nays; motion passed.

Approval of Change Order #1 to Contract 2015-11, Mayor Bob Leonard Park Playground Installation

Motion was made to approve Change Order #1 for Game Time in the amount of \$3,100. Moved by Alderman LaMarche, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; Alderman Markli was absent; no nays; motion passed.

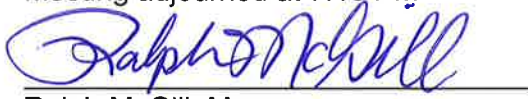
Approval of the Town of Farragut Supplemental Retirement Plan Funding Policy

Motion was made to approve the Town of Farragut Supplemental Retirement Plan Funding Policy. Moved by Alderman Honken, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; Alderman Markli was absent; no nays; motion passed.

Approval of the sale and transfer of approximately 1,200 square feet of vacant Town property Parcel ID: 142-13716 located approximately 500' south of the southeast corner of Kingston Pike and Campbell Station Road, to, the adjacent northern property Parcel ID: 142-13711 Address 102 Campbell Station Road (Aubrey's Restaurant)

Motion was made to authorize the Town Attorney to negotiate the fee simple transfer of property between the Town of Farragut and Aubrey's/its agents and that all fees arising from this action are paid by Aubrey's. Moved by Alderman Honken, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Pinchok; Alderman Markli was absent; no nays; motion passed.

Meeting adjourned at 7:15 PM



Ralph McGill, Mayor



Allison Myers, Town Recorder

FARRAGUT BOARD OF MAYOR AND ALDERMEN
AGENDA
July 23, 2015

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6:45 PM

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7:00 PM

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FARRAGUT BEER BOARD

July 23, 2015

6:45 PM

I. Approval of Minutes

A. June 25, 2015

II. Hearing to address Meksiko, 120 West End Ave., beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

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

June 25, 2015

Ron Honken, Chairman, called the beer board meeting to order at 6:00 PM. Elected officials present were Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent.

Approval of Minutes

Motion was made to approve the minutes of June 11, 2015 as presented. Moved by Alderman Markli, seconded by Alderman LaMarche; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Hearing to address Meksiko, 120 West End Ave., beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

A representative from Meksiko was unable to come. The hearing will be on the July 23 meeting.

Hearing to address La Cabana, 723 N. Campbell Station Road, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

Motion was made to suspend La Cabana's beer permit for fifteen (15) days, beginning June 26, 2015, due to pleading guilty for selling beer to a minor. Moved by Alderman LaMarche, seconded by Mayor McGill; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Hearing to address Taco Boy Sports Bar and Grill, 747 Campbell Station Road, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

A motion was made to fine the Taco Boy Bar and Grill \$500, due to pleading guilty to selling beer to a minor. Moved by Alderman Markli, seconded by Mayor McGill; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Hearing to address Little Joe's Pizza, 13100 Kingston Pike, beer permit violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

A motion was made to fine Little Joe's Pizza \$500, due to pleading guilty to selling beer to a minor. Moved by Alderman Markli, seconded by Alderman LaMarche; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Beer Board meeting adjourned at 6:26 PM.

Ron Honken, Chairman

Allison Myers, Town Recorder

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REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Hearing to address Meksiko violation(s) of Town of Farragut Code of Ordinances § 8-201 et seq

INTRODUCTION:

The purpose of this agenda item is to address Meksiko, 120 West End Ave., violation(s) of the Town of Farragut Code of Ordinance §8-201 et seq.

DISCUSSION:

The Knox County Sheriff's Department performed a beer sting on various businesses within the Town of Farragut on June 2, 2015. During the operation, an employee of Meksiko sold alcohol to a minor. A copy of the Knox County Citation is attached.

The Farragut Beer Board, per section 8-221, has the power to revoke or suspend Meksiko's beer permit or per section 8-223, can offer a civil penalty as an alternative to revocation or suspension. 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 \$2,500 for each offense of making or permitting to be made any sales to minors. The permit 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.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

1. Motion to find Meksiko guilty OR not guilty of the violation of selling beer to a minor.

If found guilty:

2. Motion to give a penalty of _____ for violation for selling beer to a minor at Meksiko.

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	_____	_____	_____	_____	_____

☒ STATE OF TENNESSEE T.C.A. CITATION

☐ KNOX COUNTY ORDINANCE CITATION

No. KCO-48694

COMPLAINT - AFFIDAVIT

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

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NAME (FIRST) <u>Rosa</u>	(MIDDLE) <u>Linda</u>	(LAST) <u>Morales</u>	DATE OF BIRTH MO. <u>11</u> DAY <u>22</u> YR. <u>1987</u>	RACE <u>H</u>	SEX <u>F</u>
ADDRESS <u>106 Coulter St.</u>			TN RESIDENT? ☒ YES ☐ NO		
CITY <u>London</u>	STATE <u>Tn</u>	ZIP CODE <u>37774</u>	SEAT BELT? ☐ YES ☐ NO		
DRIVER LICENSE NUMBER		CLASS/TYPE LICENSE <u>Class D</u>	STATE <u>Tn</u>		EXPIRATION DATE MO. <u>11</u> DAY <u>22</u> YR. <u>17</u>
PLACE OF EMPLOYMENT <u>Meksiko - 120 West End Ave. Farragut Tn. 37934</u>					

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☐ OWNED ☐ LEASED	NAME	ADDRESS
☐ CARRIER		
DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:		
MAKE	MODEL	YEAR
COLOR	LICENSE PLATE NUMBER	STATE
YEAR		

LOCALE

UPON STREET/HIGHWAY	S.R.#	TRAVEL DIR. ☐ N ☐ S ☐ E ☐ W	M.M.#	CITY/COUNTY	HIGHWAY TYPE ☐ 2-L ☐ 3-L ☐ 4-L ☐ DIV. ☐ I-RD	AREA ☐ BUSINESS ☐ SCHOOL ☐ RES. ☐ RURAL
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AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

☐ SPEEDING	MPH IN	SPEED LIMIT	☐ ZONE	☐ PACING	☐ RADAR	☐ TRAFFIC CONTROL DEVICE
☐ RECKLESS DRIVING	☐ IMPROPER PASSING	☐ FOLLOWING TOO CLOSELY	☐ PASSING SCHOOL BUS			
☐ EQUIPMENT VIOLATION-MOTORCYCLE	☐ EQUIPMENT VIOLATION-AUTOMOBILE	☐ CHILD RESTRAINT	☐ WINDOW TINT			
☐ HANDICAPPED PARKING	☐ VIOLATION OF NOISE ORDINANCE					
☒ OTHER: <u>Sale of Alcoholic Beverage to underage minor (under 21 years old)</u>						
T.C.A. <u>57-4-203</u>			ORDINANCE:			

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On 06-02-15, the defendant did sell a 22oz mug of Miller Lite beverage, beer (alcoholic beverage), to an underage minor, less than 21 years of age, at the Meksiko Restaurant, 120 West End Ave., Farragut Tn. 37934. Booking Date: Tuesday June 16, 2015 at 7:30am, at the City & County Bldg, 400 Main St. Knoxville Tn.

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THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO THE LAW.

THIS 2nd DAY OF June 2015 TIME 5:22 ☐ AM ☒ PM CAPT ALLEN MAY 1419
RANK OFFICER NAME (PRINT) BADGE/ID NO.

HAVING BEEN DULY SWORN, I DO HEREBY ATTEST THAT THE ABOVE IS A TRUE AND COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20____
[Signature]
SIGNATURE OF OFFICER JUDGE/CLERK

COURT

1 ☒ GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN
2 ☐ JUVENILE COURT

ON _____ THE _____ DAY OF _____ 20____ TIME _____

☐ KNOX COUNTY ORDINANCE CITATION
UNDERSTAND THE ABOVE CITATION, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

☒ STATE OF TENNESSEE T.C.A. CITATION
NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED TO THIS CITATION OR AT THE APPROPRIATE POLICE STATION FOR BOOKING AND PROCESSING WILL RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY A JAIL SENTENCE OF UP TO SIX (6) MONTHS AND/OR A \$50 FINE. I UNDERSTAND THE ABOVE NOTICE, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

VIOLATOR'S SIGNATURE Linda Morales 06-02-2015
DATE

Mario Navarro - manaw OFFICER'S COPY

☒ STATE OF TENNESSEE T.C.A. CITATION

☐ KNOX COUNTY ORDINANCE CITATION

No. KCO-48695

150602 0135

COMPLAINT - AFFIDAVIT

THE UNDERSIGNED BEING DULY SWORN UPON HIS OATH DEPOSES:

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NAME (FIRST) <u>Rosa</u>		(MIDDLE) <u>Linda</u>		(LAST) <u>Morales</u>		DATE OF BIRTH MO: <u>11</u> DAY: <u>22</u> YR: <u>1977</u>		RACE <u>H</u>	SEX <u>F</u>
ADDRESS <u>106 Cauter St.</u>						TN RESIDENT? ☒ YES ☐ NO		SEAT BELT? ☐ YES ☐ NO	
CITY <u>London</u>				STATE <u>TN</u>	ZIP CODE <u>37774</u>		SOCIAL SECURITY NUMBER		
DRIVER LICENSE NUMBER		CLASS/TYPE LICENSE <u>Class D</u>		STATE <u>TN</u>	EXPIRATION DATE MO: <u>11</u> DAY: <u>22</u> YR: <u>17</u>		TELEPHONE NUMBER		
PLACE OF EMPLOYMENT <u>Meksiko - 120 West End Ave. Farragut, TN. 37934</u>									

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☐ OWNED ☐ LEASED	NAME		ADDRESS	
☐ CARRIER				
DID UNLAWFULLY OPERATE/PARK A MOTOR VEHICLE:				
MAKE	MODEL	YEAR	COLOR	LICENSE PLATE NUMBER

LOCALE

UPON STREET/HIGHWAY	S.R.#	TRAVEL DIR. ☐ N ☐ S ☐ E ☐ W	M.M.#	CITY/COUNTY	HIGHWAY TYPE ☐ 2-L ☐ 3-L ☐ 4-L ☐ DIV. ☐ I-RO	AREA ☐ BUSINESS ☐ SCHOOL ☐ RES. ☐ RURAL
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AFORSAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:

☐ SPEEDING _____ MPH IN _____ SPEED LIMIT	☐ ZONE	☐ PACING	☐ RADAR	☐ TRAFFIC CONTROL DEVICE
☐ RECKLESS DRIVING	☐ IMPROPER PASSING	☐ FOLLOWING TOO CLOSELY	☐ PASSING SCHOOL BUS	
☐ EQUIPMENT VIOLATION-MOTORCYCLE	☐ EQUIPMENT VIOLATION-AUTOMOBILE	☐ CHILD RESTRAINT	☐ WINDOW TINT	
☐ HANDICAPPED PARKING	☐ VIOLATION OF NOISE ORDINANCE			
☒ OTHER: <u>Sale of alcoholic beverage to minor (under 21 years old)</u>				
T.C.A. <u>57-4-203</u>		ORDINANCE:		

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On 06-12-15, the defendant did sell a 16 oz glass of Bud Lite beer, alcoholic beverage, to an underage minor for \$2.75, at the Meksiko - 120 West End Ave, Farragut TN, 37934. Booking Date: June 16, 2015, 7:30 A.M. at the City & County Bldg, Knoxville, TN. 37902.

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THE UNDERSIGNED FURTHER STATES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO THE LAW.

THIS 2nd DAY OF June 20 15 TIME 5:22 ☐ AM ☒ PM CAPT ALVIN HART 1119
RANK OFFICER NAME (PRINT) BADGE/D NO.

HAVING BEEN DULY SWORN, I DO HEREBY ATTEST THAT THE ABOVE IS A TRUE AND COMPLETE COPY OF THE ORIGINAL CITATION, AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20____

SIGNATURE OF OFFICER

JUDGE/CLERK

1 ☒ GENERAL SESSIONS COURT OF KNOX COUNTY, KNOXVILLE, TN
2 ☐ JUVENILE COURT

COURT

ON _____ THE _____ DAY OF _____ 20____ TIME _____

☐ KNOX COUNTY ORDINANCE CITATION

I UNDERSTAND THE ABOVE CITATION, AND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

☒ STATE OF TENNESSEE T.C.A. CITATION

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VIOLATOR'S SIGNATURE

Rosa Linda Morales

DATE

Mario Navarro - manager

BEER BOARD HEARING PROCEDURES FOR VIOLATIONS

- 1) Chairman asks staff to introduce the Agenda item
 - a. Staff will explain charges and the basis for the hearing
- 2) Town Clerk swears in all witnesses
 - a. Anyone expected to give testimony will be sworn in
- 3) Opening Statements
 - a. Town's Opening Statement
 - b. Permit Holders Opening Statement
- 4) Permit Holder is asked to enter a Plea
 - a. If plea is guilty, hearing will move to step 10 below
- 5) Town presets its case
 - a. Town presents its proof
 - b. Permit holder's cross examination
 - c. Questions of witnesses by the Beer Board as to facts relative to the instant case
 - d. Town's proof closes
- 6) Permit Holder Presents Case
 - a. Permit Holder's Proof
 - b. Town's cross examination
 - c. Questions of witnesses by the Beer Board
 - d. Permit holder's proof closed
- 7) Town's Rebuttal (if any)
 - a. Town's rebuttal proof
 - b. Permit holders cross examination of rebuttal witnesses
 - c. Questions of witnesses by the Beer Board
 - d. Town's proof closed
- 8) Final Arguments of Parties
 - a. Town's closing statement
 - b. Permit Holder's closing statement
 - c. Town's rebuttal/final argument
- 9) Deliberations of the Beer Board as to Guilt or Innocence
 - a. Motion and vote on whether permit holder is found innocent or guilty of a violation
- 10) Punishment Phase (if found guilty)
 - a. Town staff restates circumstances and penalty provisions provided for the Beer Ordinance
 - b. Permit holder's mitigation
 - c. Board deliberates among themselves
 - d. Board motion and vote on penalty

ORDINANCE:	14-05
PREPARED BY:	Myers
REQUESTED BY:	Staff
PUBLIC HEARING:	<u>May 22, 2014</u>
PUBLISHED IN:	<u>Shopper News Farragut</u>
DATE:	<u>May 5, 2014</u>
1ST READING:	<u>May 8, 2014</u>
2ND READING:	<u>May 22, 2014</u>
PUBLISHED IN:	<u>Shopper News Farragut</u>
DATE:	<u>June 2, 2014</u>

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 Sherriff's Office for a records check prior to time of the beer board meeting at which the application will be considered.

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

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

1. The owner or owners of such premise.
2. Name of applicant's business and whether the applicant is a person, partnership, corporation, limited liability company or association.
3. Location of premise of the business by street address and tax map and parcel.
4. Telephone number at the location.
5. If beer will be sold at two (2) or more restaurants or other businesses, within the same building as provided by *Tennessee Code Annotated* § 57-5-103(a)(4), a description of all such businesses.
6. Any firm, corporation, joint stock company, syndicate, partnership, limited liability company or association having at least a five-percent ownership in the applicant must provide the names of all owners, stockholders, partners, and members, together with the addresses, telephone numbers, social security numbers and Federal Tax ID numbers of such individuals. If an owner, stockholder, partner or member of the

applicant is also a legal entity other than a person. The same information for its owners is required.

7. Identity and address, telephone number, and email address of a representative to receive annual tax notices and other communication from the town.
8. Whether any person, firm, corporation, joint stock companies, syndicate or associations having at least a five-percent ownership interest in the applicant or any person employed in the distribution or sale of beer has been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years.
9. Whether the applicant is seeking a permit which would allow the sale of beer for on-premise consumption of beer or for off-premise consumption or both types of consumption.
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

FARRAGUT BOARD OF MAYOR AND ALDERMEN
MINUTES
June 25, 2015

BEER BOARD MEETING
6:00 PM

BMA MEETING
7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
 - A. Mayoral Appointments to the Farragut Planning Commission
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. June 11, 2015
- VI. Business Items**
 - A. Approval of an Amendment to the Farragut/Knox County Schools Education Relations Committee Charter
 - B. Approval of Resolution R-2015-04, Declaring Certain Town Property to be Surplus Property
 - C. Appointment of a two-year term, expiring June 2017, to the Farragut Board of Zoning Appeals
 - D. Approval of Tennessee Department of Environment and Conservation, Clean Tennessee Energy Grant
 - E. Approval of agreement with TDOT for development of CMAQ Traffic Signal Improvement project
 - F. Approval of agreement with TDOT for development of Feasibility Study for Parkside Drive/Outlet Drive Connector
 - G. Approval of agreement with TDOT for development of Greenway Project between Old Stage Road and Kingston Pike
 - H. Approval of Town Attorney Contract and Rates
- VII. Ordinances**
 - A. Public Hearing & Second Reading
 - 1. Ordinance 15-07, to rezone a portion of Parcel 104, Tax Map 141, located at 421 Everett Road, 15.385 Acres, from R-1 to R-1/OSR (Homestead Land Holdings, LLC, Applicant)

B. First Reading

1. Ordinance 15-05, to rezone a portion of Parcel 69, Tax Map 142, located north of the Farragut Church of Christ, 19.66 acres, from R-2 (General Single-Family Residential) District to R-6 (Multi-Family Residential) District, (Continental 333 Fund, LLC, Applicant)

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 25, 2015 at 7:00 p.m. Members present were Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent.

Approval of Agenda

Motion was made to approve the agenda, with the withdrawal of item VII, B. Ordinance 15-05, as requested by the applicant. Moved by Aldermen Honken, seconded by Alderman LaMarche; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Mayor's Report

Mayoral Appointments to the Farragut Planning Commission

Mayor McGill announced that he reappointed Betty Dick, Louise Povlin, Noah Myers and Annette Brun to the Farragut Municipal Planning Commission.

Approval of Minutes

Motion was made to approve the minutes of June 11, 2015 as presented. Moved by Aldermen Markli, seconded by Mayor McGill; voting yes; Mayor McGill, Aldermen Honken and Markli; Alderman LaMarche abstained, Alderman Pinchok was absent; no nays; motion passed.

Business Items

Approval of an Amendment to the Farragut/Knox County Schools Education Relations Committee Charter

Motion was made to approve a change of the Farragut/Knox County Schools Education Relations Committee Charter to allow for a minimum of five (5) members to a maximum of seven (7) members. Moved by Aldermen Honken, seconded by Alderman Markli; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of Resolution R-2015-04, Declaring Certain Town Property to be Surplus Property

Motion was made to approve Resolution R-2015-04, Declaring Certain Town Property to be Surplus Property. Moved by Aldermen Honken, seconded by Alderman LaMarche; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Appointment of a two-year term, expiring June 2017, to the Farragut Board of Zoning Appeals

Motion was made to appoint Jesse Boiling to a two-year term, expiring June 2017, to the Farragut Board of Zoning Appeals. Moved by Aldermen LaMarche, seconded by Alderman Markli; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of Tennessee Department of Environment and Conservation, Clean Tennessee Energy Grant

Motion was made to approve the Clean Tennessee Energy Grant between the Tennessee Department of Environment and Conservation and the Town of Farragut in the

amount of \$30,466. Moved by Aldermen Honken, seconded by Alderman LaMarche; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of agreement with TDOT for development of CMAQ Traffic Signal Improvement project

Motion was made to approve the agreement with TDOT for development of CMAQ Traffic Signal Improvement project. Moved by Aldermen LaMarche, seconded by Alderman Markli; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of agreement with TDOT for development of Feasibility Study for Parkside Drive/Outlet Drive Connector

Motion was made to approve the agreement with TDOT for development of Feasibility Study for Parkside Drive/Outlet Drive Connector. Moved by Aldermen Honken, seconded by Alderman Markli; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of agreement with TDOT for development of Greenway Project between Old Stage Road and Kingston Pike

Motion was made to approve the agreement with TDOT for development of Greenway Project between Old Stage Road and Kingston Pike. Moved by Aldermen Markli, seconded by Alderman Honken; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of Town Attorney Contract and Rates

Motion was made to approve the hourly rates for the town attorney as follows, beginning July 1, 2015.

Partners-\$235

Senior associates-\$180

Junior associates-\$165

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

Ordinances

Public Hearing & Second Reading

Ordinance 15-07, to rezone a portion of Parcel 104, Tax Map 141, located at 421 Everett Road, 15.385 Acres, from R-1 to R-1/OSR (Homestead Land Holdings, LLC, Applicant)

Motion was made to approve Ordinance 15-07 on second and final reading. Moved by Aldermen Honken, seconded by Alderman LaMarche; voting yes; Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Although Ordinance 15-05 had been withdrawn by the applicant, many citizens were present and the board allotted time for them to speak. Michael Wilson, 333 Burney Circle; Mul Wyman, 528 Wyndham Hall Lane; Kristi Husley, 11724 Weathervane; John Nehls, 221 Smith Road; and Sarah Johnson with Continental Properties spoke at the meeting.

Meeting adjourned at 7:38 PM

Ralph McGill, Mayor

Allison Myers, Town Recorder

AGENDA NUMBER V.A.

MEETING DATE July 23, 2015

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of News Sentinel Open Golf Tournament Event Signage

INTRODUCTION:

The Knoxville News Sentinel Open has submitted a Special Events Permit application requesting permission to place directional signage in Farragut during the golf tournament.

BACKGROUND:

Over the past few years the Knoxville Golf Tournament has requested and been granted permission to place directional signs in the Town's right-of-ways.

DISCUSSION:

The requested placement of the directional signs is illustrated in the following attachment. The signs will be erected August 8-16, 2015 and removed by the close of business Monday, August 24, 2015. As requested, no directional sign will be closer than 200 feet to an intersection.

PROPOSED MOTION:

Approval of proposed placement of direction signage within the Town of Farragut's right-of-way for the News Sentinel Open.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

Special Events Permit Town of Farragut, Tennessee

Introduction

The News Sentinel Open presented by Pilot golf tournament is a large, multi-day event which attracts 156 professional golfers on the Web.com Tour, PGA TOUR officials, 300+ volunteers, youth, seniors, vendors, supporters, members of the media, community and business leaders and over 40,000 general public spectators to Knox County and Farragut over a seven day period.

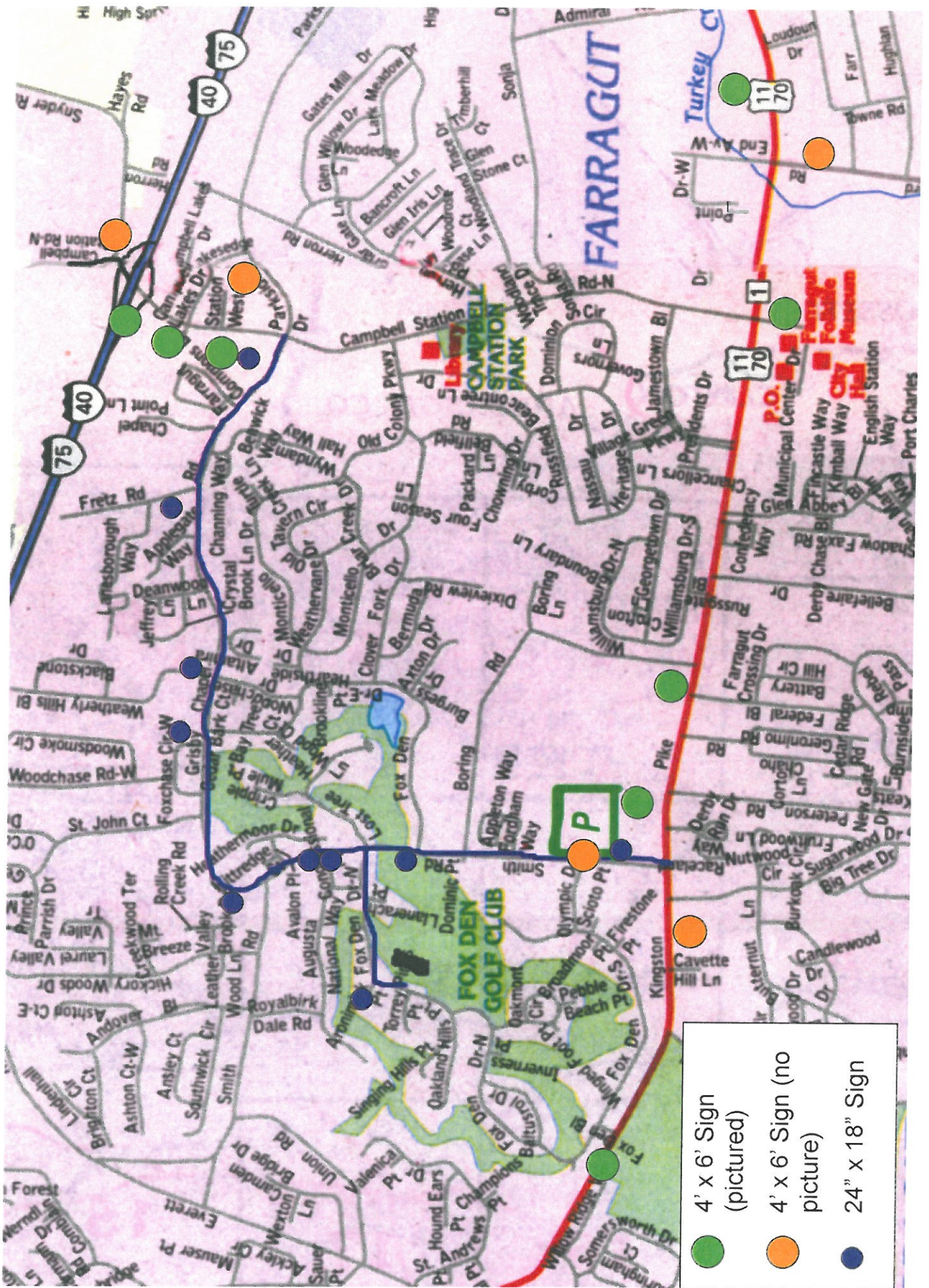
The News Sentinel Open presented by Pilot is pleased to hold the golf tournament at the prestigious Fox Den Country Club located in Farragut.

The influx of people to the golf tournament will require numerous, clear and highly visible signs to ensure there is smooth vehicular traffic flow with a minimum of congestion and confusion. Of special concern is keeping as much tournament related traffic as possible away from residential areas around the golf course and ensuring the golf tournament will not create a hazardous condition for traffic. The tournament will generate significant traffic over the seven days. We have enlisted the support of the Knox County Sheriff's department to help with traffic and pedestrian control. Good clear, visible signage is crucial to this event to insure minimum impact on the Farragut community.

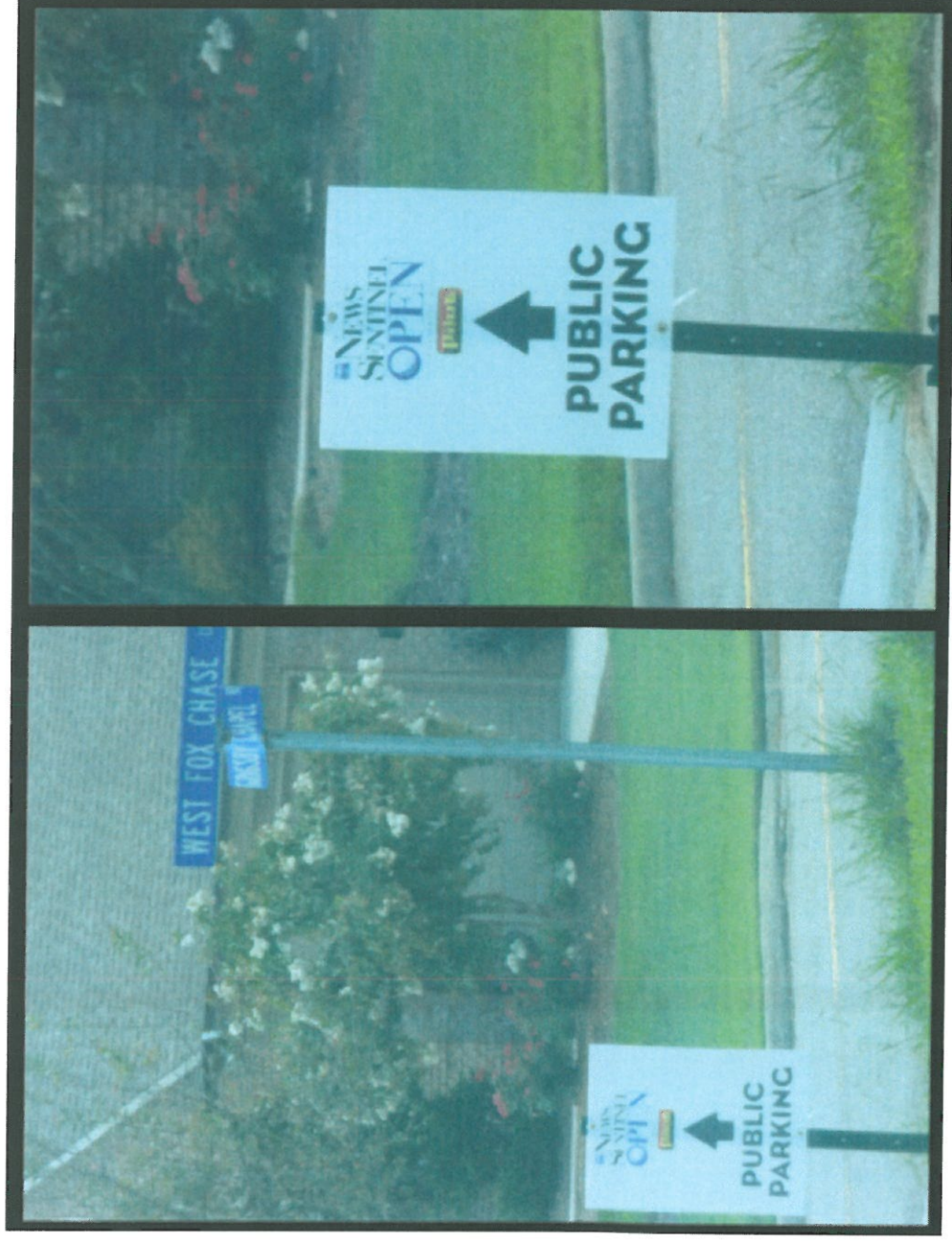
In accordance with the Sign Ordinance of the Town of Farragut, the News Sentinel Open presented by Pilot is submitting a Special Event Permit application to the Farragut Mayor and Board of Aldermen and requesting permission to place traffic directional signs on the highway right of way in the Town of Farragut.

Signs

The following illustrations are typical of the signs to be placed on the right of way. All signs will be professionally made, clean and attractive in appearance. The tournament staff will check the signs at the beginning of each day to ensure they are in good condition and properly positioned. All signs will be updated to reflect the new sponsor and new dates. All signs will be erected between August 8 and 16 and removed by the close of the business day, Monday, August 24. As per your request, no sign will be closer than 200 feet to an intersection.



Grigsby Chapel Rd at West Fox Chase Rd
24" X 18"



Campbell Station Rd at Grigsby Chapel 4' X 6'



Campbell Station Rd, South of Kingston Pk

4' X 6'



I-40 East exit



Campbell Station Rd, North of Grigsby Chapel Rd
4' X 6'



Kingston Pk at Smith Rd

4' X 6'



Kingston Pk, East of Concord Rd
4' X 6'



NEWS SENTINEL OPEN

Aug 23-Aug 26

PUBLIC PARKING

2 MILES AHEAD TO

SMITH RD

**NEWS
SENTINEL
OPEN**

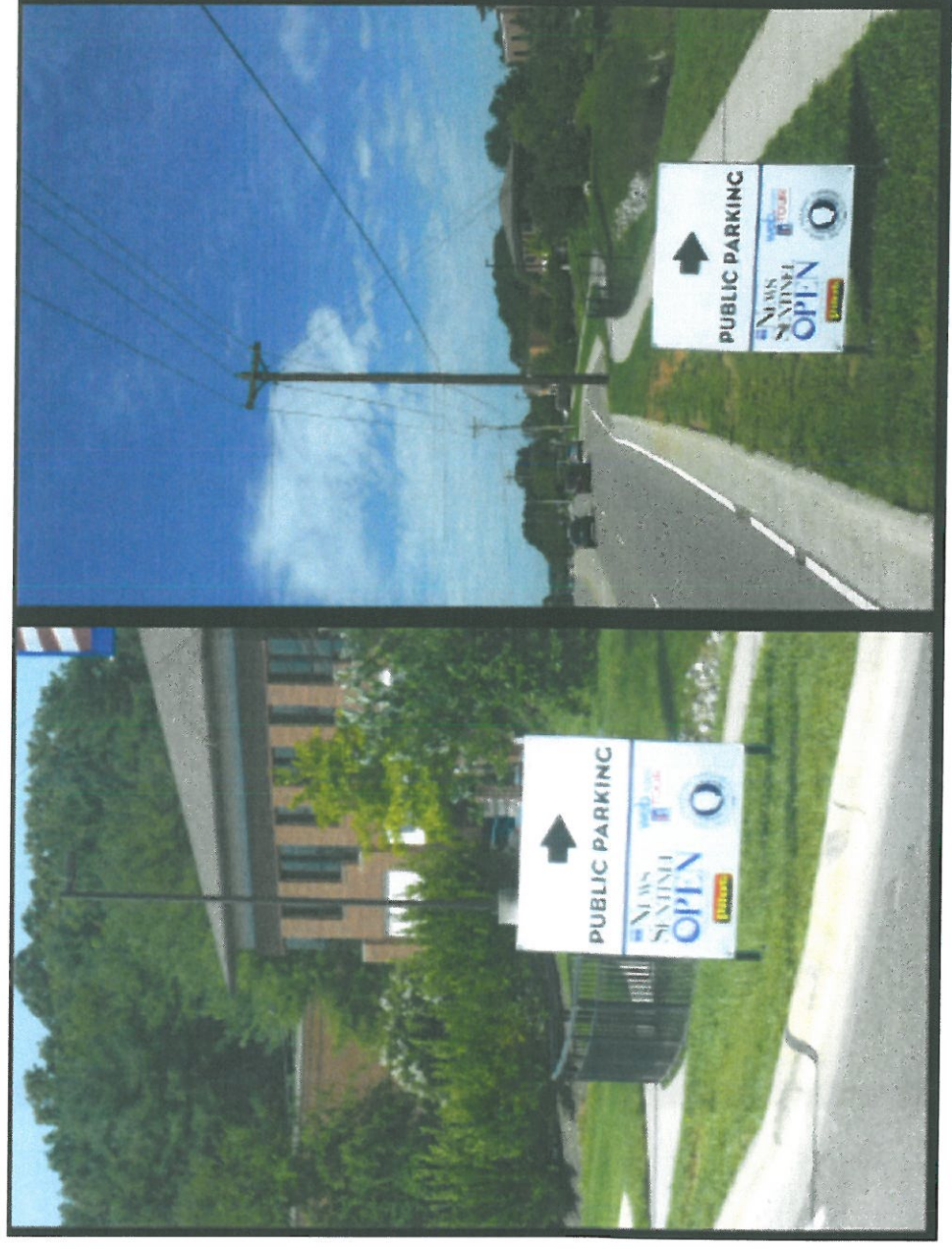
PRESENTED BY



**web.com
TOUR**



Kingston Pk, East of Smith Rd
4' X 6'



Kingston Pk, West of Willow Creek GC
4' X 6'



AGENDA NUMBER V. B.

MEETING DATE July 23, 2015

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval to Elect Voting Delegate (1) and Alternate Voting Delegates (2) to the National League of Cities Conference

INTRODUCTION:

This agenda item is to elect voting delegates for the National League of Cities Conference in November. Each year the Board of Mayor and Aldermen elect a voting delegate and two alternate voting delegates.

DISCUSSION:

At the Annual Business Meeting on Saturday, November 7, 2015 the Town of Farragut is entitled to cast one vote based on the 2010 population. The Board is to elect one voting delegate and two alternate delegates for the Annual National League of Cities Conference in November. At this time, all board members are planning to attend.

PROPOSED MOTION:

To nominate _____ as the voting delegate and _____ and _____ as alternate voting delegates.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Sue Stuhl, CPRP - Parks and Leisure Services Director

SUBJECT: Mayor Bob Leonard Park Playground Installation – Approval of Change Order to Contract 2015-11

INTRODUCTION: The purpose of this agenda item is to approve a change order in the amount of \$3100 for the installation of stone for additional drainage in the new MBLP playground site.

BACKGROUND: Earlier this fiscal year the Town was notified that we were awarded a 2014 Local Parks and Recreation Grant in the amount of \$86,000 for this project. Contract 2015-11 was approved by the Board on April 23, 2015 with GameTime for the amount of \$82,990.

DISCUSSION:

Until the public works department removed the old playground and surface, staff was unsure of the condition of the subsurface of the project site and the depth of the site. After removing a vast amount of concrete, it was apparent that the Town can add approximately 6" of stone to improve the drainage system of the site. Because the surface is going to be engineered wood fiber (ADA approved mulch), it is beneficial for us to add this stone so that water is not standing (and degrading) the bottom level of the mulch. The public works department will be hauling the stone, this change order is for the contractor to spread it in the site to allow for the appropriate depth of the mulch within the specified fall zones.

A budget amendment will be necessary for this project due to additional work required at the site. The amendment will be on the August 13 board agenda.

FINANCIAL SECTION: (if needed)

Account Number: 310-43939-902

<u>Total Budget</u>	<u>Requested Amount</u>	<u>Contracted Amount</u>	<u>Remaining Amount</u>
\$86,000	\$3,100	\$82,990	-\$90

Approved By: A. Meyer

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

PROPOSED MOTION: To approve Change Order #1 for Contract 2015-11, Mayor Bob Leonard Park Playground and Surface Installation, to GameTime in the amount of \$3,100.

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

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Janet Curry, Human Resources Manager

SUBJECT: Approval of the Town of Farragut Supplemental Retirement Plan Funding Policy

INTRODUCTION: The purpose of this agenda item is for the Board to consider approval of the Town of Farragut *Supplemental Retirement Plan Funding Policy*.

BACKGROUND: On March 14, 2013, the Board approved a lump sum for five identified employees in order to provide a monthly benefit amount based upon both longevity and age. USI Consulting Group, Bob Cross, President, was chosen as the professional to develop a trust fund for the benefit of these employees which will provide them with a monthly benefit upon retirement from the Town.

Subsequently, Mr. Cross performed the actuarial services necessary as well as developed the *Supplemental Retirement Trust Agreement*, the *Retirement Plan*, and the *Investment Policy Statement*. Additionally, the Town has deposited the designated/required money into the Plan. The Trust fund is now fully funded.

In 2014, the 108th General Assembly enacted the *Public Employee Defined Benefit Financial Security Act*. The new law requires any political subdivision that does not participate in the Tennessee Consolidated Retirement System (TCRS), but provides a defined benefit plan to its employees, to ensure that its defined benefit plan is paying 100% annually of their actuarially determined contributions. One of the obligations under this law is to adopt a funding policy, which is attached for your consideration.

DISCUSSION: The *Funding Policy* goal is to assure that future Town contributions and current Plan assets will be sufficient to provide the monthly amounts that are expected to be paid to the five Town employees who chose this option. The proposed *Funding Policy* establishes the principal policy elements, structures, and parameters of the Town's Supplemental Retirement Plan. Also, the *Funding Policy* defines the method of actuarially determining the amount of money needed annually, if any. Although the public sector is exempt from most ERISA regulations, public sector employers must apply the "prudent man standard" to their decisions and abide by the applicable regulations of the Chapter 990 provisions of Tennessee law which require a funding policy.

RECOMMENDATION BY: HR Manager Janet Curry and Town Administrator David Smoak for approval.

PROPOSED MOTION: To approve the Town of Farragut *Supplemental Retirement Plan Funding Policy* as attached.

BOARD ACTION:

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

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

The Town of Farragut Supplemental Retirement Plan

Funding Policy

Purpose and Scope

This document establishes the principal elements and parameters of an actuarial Funding Policy for the Town of Farragut Supplemental Retirement Plan (“Plan”). To accommodate that need for reasonable flexibility and yet also provide substantive guidance, the Funding Policy outlines various policy elements, structures, and parameters. The Town of Farragut (“Town”) shall utilize the Funding Policy for purposes of requesting the actuarial computation of the funding deposit to be made by the Town to the Plan.

While the selection of actuarial assumptions is an essential part of the actuarial process for the Plan, the selection of actuarial assumptions is outside the scope of the Funding Policy statement.

General Policy Objectives

1. The principal goal of the Funding Policy is to assure that future Town contributions and current Plan assets should be sufficient to provide for all benefits expected to be paid to current active, inactive and retired members, and their beneficiaries. Contributions should include the cost of current service plus a series of amortization payments or credits to fully fund or recognize any unfunded or overfunded past service costs.
2. The Town shall annually contribute at least the minimum actuarially determined contribution, calculated in accordance with the standards of practice established by the Actuarial Standards Board of the American Academy of Actuaries.
3. The Funding Policy seeks a reasonable allocation of the cost benefits and the required funding to the years of service. This includes the goal that annual contributions should, to the extent reasonably possible, maintain a close relationship to the expected and actual cost of each year of service.
4. The Funding Policy seeks to manage and control future contribution volatility to the extent reasonably possible, consistent with other goals.
5. The Funding Policy supports the general public policy objectives of accountability and transparency.
6. The actuarial methodology provides that projected revenues and current assets will finance the projected benefits calculated in accordance with standards of practice by the Actuarial Standards Board of the American Academy of Actuaries.

Principal Elements of the Funding Policy

1. An **actuarial cost method**, which allocates the total present value of future benefits to each year (Normal Cost) as well as determining the liability of all past years (Actuarial Accrued Liability “AAL”).
2. An **asset smoothing method**, which reduces the effect of short term market volatility while still tracking the overall movement of the market value of plan assets.
3. An **amortization policy**, which determines the length of time and the structure of the increase or decrease in County contributions required to systematically fund the Unfunded Actuarial Accrued Liability or (“UAAL”) and any gains or losses impacting the UAAL.

Actuarial Cost Method

1. Each participant’s benefits should be funded under a reasonable allocation method by the expected retirement date, assuming all assumptions are true.
2. Pay-related benefit costs should reflect anticipated pay at the anticipated decrement.
3. The expected cost of each year of service (generally known as the normal cost or service cost) for each active member should be reasonably related to the expected cost of that member’s benefit.
4. The normal cost should emerge as a level percentage of member compensation.
5. No gains or losses should occur if all assumptions are met, except for investment gains and losses deferred under an asset smoothing method.
6. The cost method should allow for a comparison between plan assets and the accumulated value of past normal costs for current participants, the AAL.

The actuarial cost method utilized for the Plan shall be Individual Entry Age Normal cost method.

Asset Smoothing Method

Valuation assets will be equal to the Market Value of Assets plus any receivable employer contributions. No asset smoothing methodology will be used.

Amortization Policy

1. Variations in contribution requirements will generally arise from gains or losses, method or assumptions changes, or benefit changes and will emerge as a UAAL.
2. The amortization policy should reflect explicit consideration of these different sources of change in the UAAL:
 - a. Experience gains and losses
 - b. Changes in assumptions and methods
 - c. Benefit or plan changes
3. The amortization policy should support the general policy of objectives of accountability and transparency. This leads to a preference for:

- a. Amortization policies that reflect a history of the sources and treatment of UAAL
- b. Amortization policies that provide for a full amortization date for UAAL

The amortization policy for the Plan shall be that the UAAL, as of July 1, 2014 and any changes thereafter under 2 (a), (b) and 2 (c) above, shall be amortized utilizing the level dollar amortization method over a closed period of 8 years beginning July 1, 2014. The UAAL cannot be less than zero.

Actuarial Assumptions

Actuarial assumptions adopted by the Town shall be based on past experience and future expectations and will be reviewed periodically.

Demographic assumptions to be established include, but are not limited to, the following:

1. Pre-retirement mortality
2. Patterns of retirement
3. Patterns of disability
4. Post-retirement mortality

The mortality assumption shall include a component reflecting an expected improvement in life expectancy for fiscal years beginning after June 15, 2024.

Economic assumptions to be established include, but are not limited to, the following:

1. Investment earnings (net of investment expenses) which shall not exceed the rate adopted by the Tennessee Consolidated Retirement System (the "TCRS") by more than 50 basis points.

Economic assumptions shall include an underlying assumption for inflation.

Effective Date

The Funding Policy shall be effective for the Plan Year and fiscal year beginning July 1, 2014.

Amendment

The Town shall have the sole responsibility for establishing and modifying the Funding Policy for the Plan.

Adopted this _____ day of _____, 2015.

The Town of Farragut

By: _____

Title: _____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: G. Palmer, Assistant Town Manager

SUBJECT: Consider the sale and transfer of approximately 1,200 square feet of vacant Town property Parcel ID: 142-13716 located approximately 500' south of the southeast corner of Kingston Pike and Campbell Station Road, to, the adjacent northern property Parcel ID: 142-13711 Address 102 Campbell Station Road (Aubrey's Restaurant)

INTRODUCTION: The Town was approached by Aubrey's (restaurant) agent, Chris Sharp of Urban Engineering, with a proposal for the Town to consider a fee simple transfer of a small piece of Town property to Aubrey's for the purpose of expanding their outside patio seating.

BACKGROUND: Aubrey's desires to add additional outdoor patio seating to the south side of their existing restaurant located at 102 Campbell Station Road approximately 200' south of Kingston Pike. As it is platted and where the primary building is located now they cannot meet the required side yard setback. Therefore, they could either petition the BZA for a variance (which would not meet the "hardship" standard), petition the FMPC and Board for a text amendment to reduce the required side yard setback (the Town staff would not support this action), or acquire additional property in order to meet the setback requirements. In order to meet the side-yard setback requirement for a patio Aubrey's would have to acquire approximately 6' of lateral property.

DISCUSSION: The Town owns a contiguous, irregular, vacant and unusable piece of property which extends from Kingston Pike and behind the Aubrey's parcel (SEE Exhibit A). Therefore Aubrey's is requesting the Town consider a fee simple transfer of approximately 1,200 square feet which would allow them to construct the patio and be in compliance with the setback standard.

The Town staff reviewed this request and find no obvious development or land use issues with this action and recommend the Board consider the transfer of property as proposed. With regard to cost, the Town staff recommends the Board authorize the Town Attorney to negotiate the transfer for *fair consideration* and Aubrey's paying for all costs arising from this action.

Preliminary discussions with the Town Attorney estimated a consideration/sale price of \$3/square foot (based on recent land appraisals in Town, zoning, and usability of the property).

RECOMMENDATION BY: G. Palmer, Assistant Town Manager

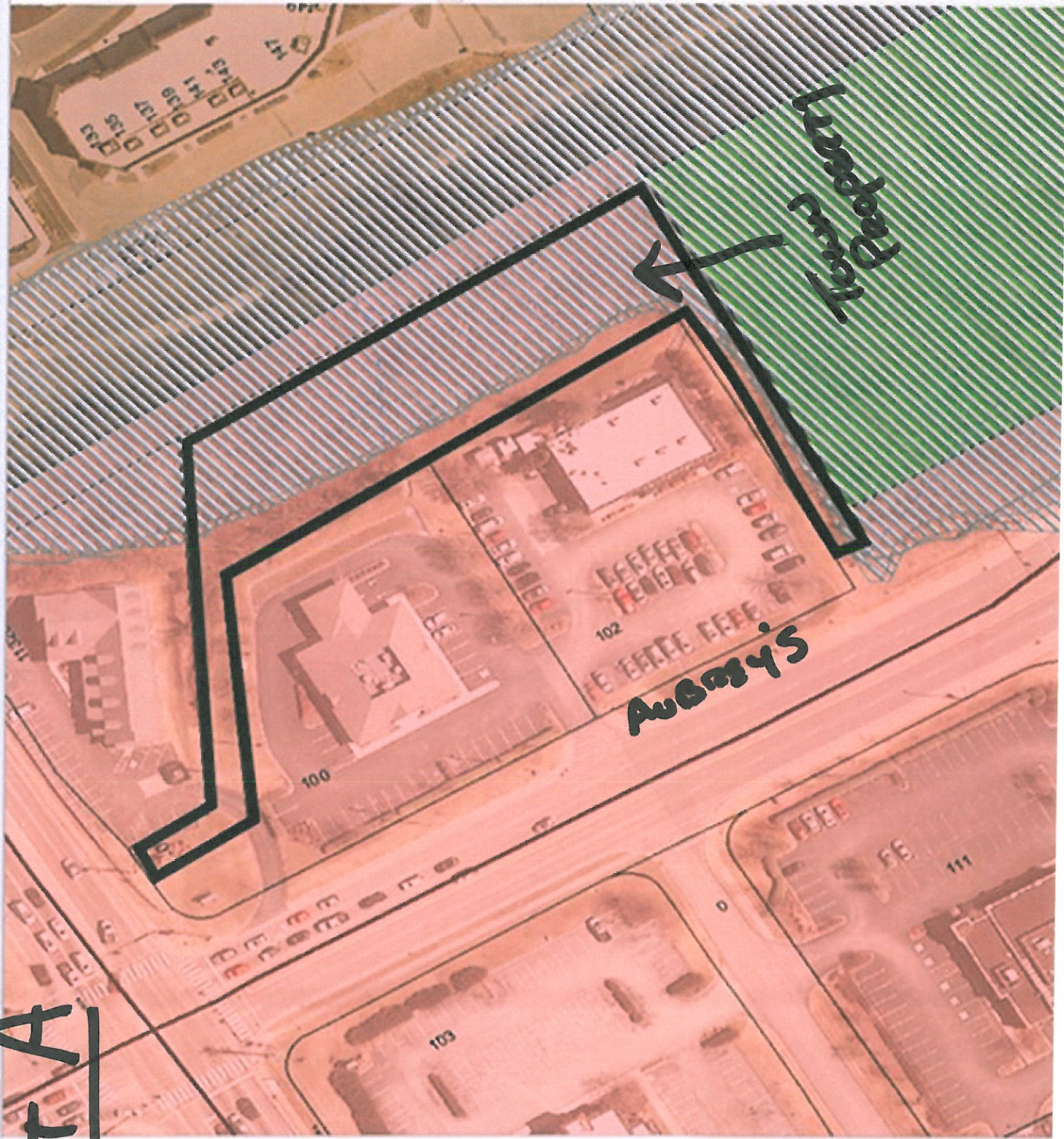
PROPOSED MOTION: Authorize the Town Attorney to negotiate the fee simple transfer of property between the Town and Aubrey's/its agents and that all fees arising from this action be paid by Aubrey's.

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	_____	_____	_____	_____	_____

Exhibit A



- ☐ Banks
- ☐ Building Permits
- ☐ Capital Projects
- ☐ Utilities
- ☐ Urban Growth Areas
- ☐ County High School Zones
- ☐ Buildings
- ☐ Parks
- ☐ Permits - < 1 Acre
- ☐ Building Permits
- ☐ Schools
- ☒ Town Limit
- ☐ Sinkholes
- ☐ Topography
- ☐ Golf
- ☒ FEMA
- ☐ Stormwater
- ☐ Parcels - Unused < 1 Ac
- ☐ Parcels - Unused
- ☐ Parcels - Land Use
- ☒ Parcels
- ☐ Subdivisions
- ☐ School Board Districts
- ☒ Zoning Classifications
- ☐ Knox Zoning
- ☒ Transportation
- ☐ Water
- ☐ Land Use Plan
- ☐ Soil
- ☐ Zip Codes
- ☐ Town Center Buffer
- ☐ Town Base Map
- ☒ Aerial
- ☒ Knox Boundary
- ☐ Basemap



URBAN ENGINEERING, INC.

CIVIL ENGINEERS • LAND PLANNERS • LAND SURVEYORS

June 25, 2015

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

Re: Aubrey's Restaurant (102 S. Campbell Station Road)

Dear Mr. Smoak:

In the near future, the restaurant owner hopes and plans to add outdoor seating along the south side of the restaurant. In our opinion, the outdoor seating is in line with the Town's long range plan (i.e. Downtown-type setting near the Town of Farragut). Currently, there is not enough distance between Aubrey's side lot line, which is common to property owned by the Town and the south side of the building to accommodate the seating area and meet the Town's setback requirements. The Town's property is an un-buildable lot, the majority of which is in FEMA flood plain. This letter is to request that the Town consider transferring a small strip of their property, which will allow the restaurant to permit the expansion.

Attached to this letter, you will find exhibits that illustrate the current conditions, the proposed expansion and details related to the property transfer. My client understands that in order for the transfer to happen, an administrative plat will have to be filed and recorded and that all expenses related to said plat will be paid by the restaurant owner. Please do not hesitate to contact me if you have questions about this letter or attachments.

We sincerely appreciate the Town's consideration of this matter.

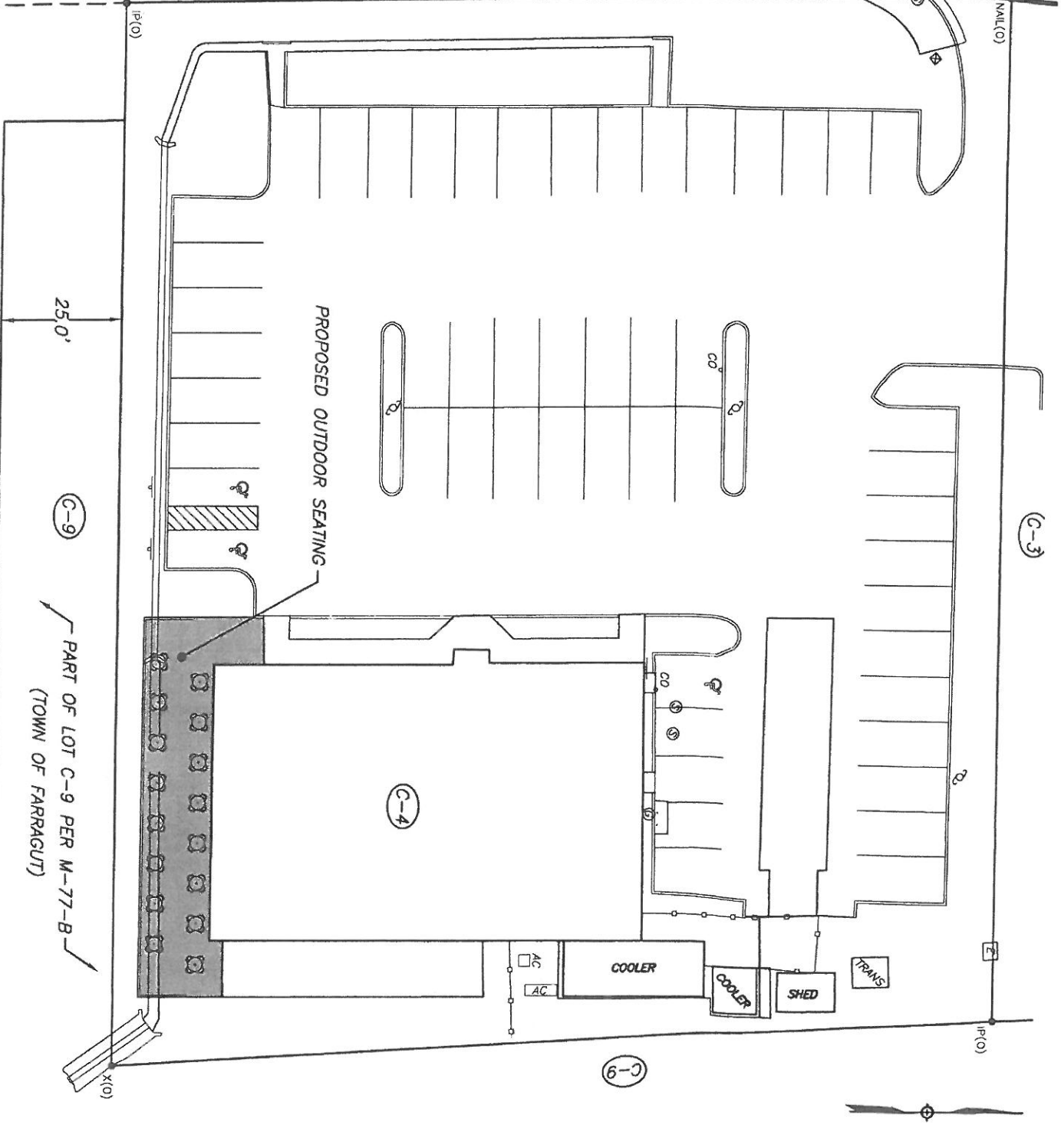
Urban Engineering, Inc.

Chris Sharp, P.E.

S. CAMPBELL STATION ROAD



SITE LOCATION MAP
1"=30'

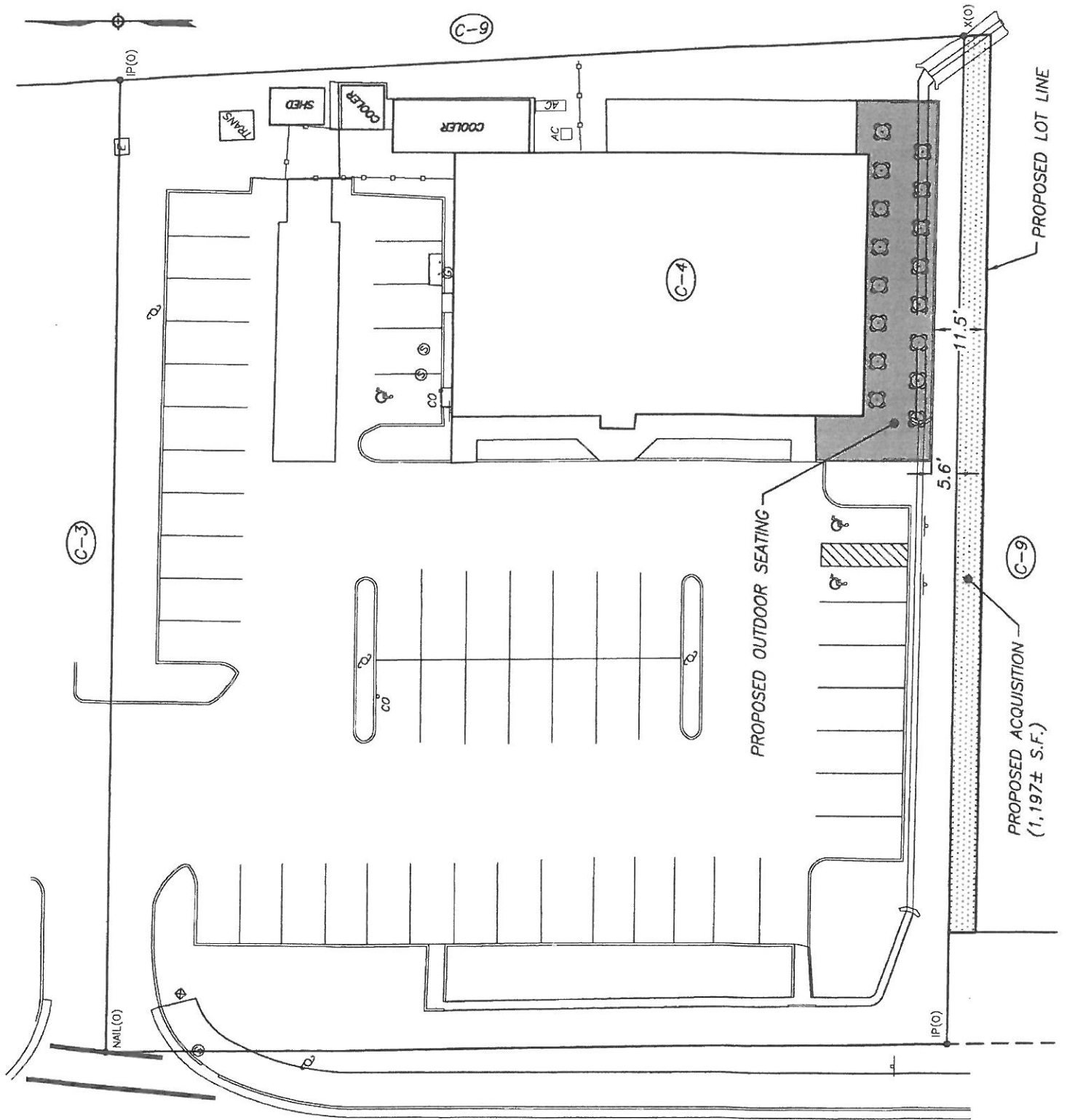


PART OF LOT C-9 PER M-77-B
(TOWN OF FARAGUT)

S. CAMPBELL STATION ROAD



ACQUISITION MAP
1" = 30'





Aubrey's Farragut

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

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