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FARRAGUT BOARD OF MAYOR AND ALDERMEN
MINUTES
August 25, 2016

RECEPTION FOR NEWLY ELECTED ALDERMEN
6:15 PM

BEER BOARD
See Beer Board agenda
6:55 PM

BMA MEETING
7:00 PM

I. **Silent Prayer, Pledge of Allegiance, Roll Call**

II. **Oath of Office, Keith Alley, Town of Farragut Municipal Judge**
- A. Alderman Louise Povlin
- B. Alderman Ronald Williams

III. **Organizational Business**
- A. Election of Vice-Mayor

IV. **Approval of Agenda**

V. **Mayor's Report**
- A. Planning Commission Appointments
- B. Appointment to the Knox County Community Health Council

VI. **Citizens Forum**

VII. **Approval of Minutes**
- A. August 11, 2016

VIII. **Business Items**
- A. Approval of Bids for a 2017 Dump Truck
- B. Approval of Bids for a 2017 2-Wheel Drive Mower

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.

C. Approval of Reimbursement for Road Repairs – Saddle Ridge Drive
D. Approval of Change Order No. 2, Everett Road Improvements
E. Approval of Supplement Request for Additional Engineering Services from Cannon & Cannon, Inc., for Kingston Pike Sidewalk Project
F. Approval of Re-Appointment to the Farragut Beautification Committee

IX. Ordinances

A. Public Hearing and Second Reading

1. Ordinance 16-12, an ordinance to rezone a portion of Parcel 69, Tax Map 142, north of the Farragut Church of Christ, 23.06 Acres, from R-2 to S-1, a portion of Parcel 69 and 69.01, Tax Map 142, east of the Farragut Church of Christ, from R-2, B-1, and C-1 to O-1, 3.44 Acres, and a portion of Parcel 69.01, Tax Map 142, from O-1 to C-1, 4.76 Acres (Goodworks Unlimited, LLC, Applicant)

X. Town Administrator's Report

XI. Town Attorney's Report

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, August 25, 2016 at 7:00 p.m. Members present were Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams.

Oath of Office, Keith Alley, Town of Farragut Municipal Judge

Keith Alley swore in Alderman Louise Povlin and Alderman Ronald Williams.

Organizational Business

Election of Vice-Mayor

Nomination was made to elect Alderman Pinchok as Vice-Mayor. Moved by Mayor McGill, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Agenda

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

Mayor's Report

Planning Commission Appointments

Mayor McGill reappointed Rita Holladay, Ed St. Clair, and Ed Whiting to the Planning Commission and appointed Drew Carson to a one-year unexpired term ending June 2017.

Appointment to the Knox County Community Health Council

Mayor McGill appointed Dot LaMarche to the Knox County Community Health Council.

Citizens Forum

Doug Kimzey, 11600 Lanesborough Way #105, addressed the board concerning noise issues within the Town.

Approval of Minutes

Motion was made to approve the minutes of August 11, 2016 as presented. Moved by Alderman Markli, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Markli, Pinchok and Povlin; Alderman Williams abstained; no nays; motion passed.

Business Items

Approval of Bids for a 2017 Dump Truck

Motion was made to award the bid for a 2017 dump truck to Landmark Trucks, LLC in the amount of $96,110. Moved by Alderman Pinchok, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Bids for a 2017 2-Wheel Drive Mower

Motion was made to award the bid for a 2017 2-Wheel Drive Mower to Farragut Lawn and Tractor in the amount of $15,800. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Reimbursement for Road Repairs – Saddle Ridge Drive

Motion was made to approve the settlement agreement and release of claims from First

Utility District. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Change Order No. 2, Everett Road Improvements

Motion was made to approve Change Order #2 in the amount of $39,885.45 bringing the entire contract to $3,396,728. Moved by Alderman Markli, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Supplement Request for Additional Engineering Services from Cannon & Cannon, Inc., for Kingston Pike Sidewalk Project

Motion was made to approve a request for supplement from Cannon & Cannon, Inc. in the amount of $7,117.50. Moved by Alderman Pinchok, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Re-Appointment to the Farragut Beautification Committee

Motion was made to reappoint Kathy Pierre to the Beautification Committee. Moved by Alderman Markli, seconded by Alderman Williams; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Ordinances

Public Hearing and Second Reading

Ordinance 16-12, an ordinance to rezone a portion of Parcel 69, Tax Map 142, north of the Farragut Church of Christ, 23.06 Acres, from R-2 to S-1, a portion of Parcel 69 and 69.01, Tax Map 142, east of the Farragut Church of Christ, from R-2, B-1, and C-1 to O-1, 3.44 Acres, and a portion of Parcel 69.01, Tax Map 142, from O-1 to C-1, 4.76 Acres (Goodworks Unlimited, LLC, Applicant)

Motion was made to approve Ordinance 16-12 on second and final reading. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that the Intro to Farragut Class began the previous week.

Meeting adjourned at 8:00 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

LIVE CLOSER • GO FURTHER farragut

FARRAGUT BOARD OF MAYOR AND ALDERMEN
AGENDA
August 25, 2016

RECEPTION FOR NEWLY ELECTED ALDERMEN
6:15 PM

BEER BOARD
See Beer Board agenda
6:55 PM

BMA MEETING
7:00 PM

I. Silent Prayer, Pledge of Allegiance, Roll Call

II. Oath of Office, Keith Alley, Town of Farragut Municipal Judge
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X. Town Administrator's Report

XI. Town Attorney's Report

LIVE CLOSER • GO FURTHER farragut

FARRAGUT BEER BOARD

August 25, 2016

6:55 PM

I. Approval of Minutes

A. August 11, 2016

II. Beer Permit Request

A. Approval of a Class 1, On-Premise Other Beer Permit for Chili's Grill & Bar, 11454 Parkside Drive

B. Consider Approval of a special occasion beer permit for the Farragut Business Alliance Annual Farragut Food & Wine Festival

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.

LIVE CLOSER • GO FURTHER farragut

FARRAGUT BEER BOARD

August 11, 2016

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

Motion was made to approve the minutes of June 9, 2016 as presented. Moved by Alderman LaMarche, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin.

Approval of a Class 1, On-Premise Other Beer Permit for Potrillos Taqueria y Neveria

Motion was made to approve the Class 1, On-Premise Other Beer Permit for Potrillos Taqueria y Neveria, subject to obtaining a certificate of occupancy. Moved by Alderman LaMarche, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin.

Beer Board meeting adjourned at 7:00 PM.

_____

Ron Pinchok, Chairman

_____

Allison Myers, Town Recorder

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AGENDA NUMBER 11. A. MEETING DATE August 25, 2016

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of a Class 1, On-Premise Beer Permit for Chili's Grill & Bar #1578, 11454 Parkside Drive

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DISCUSSION:
The purpose of this agenda item is the approval of a class 1, on-premise beer permit for Chili's Grill & Bar #1578, 11454 Parkside Drive.

The applications and information are in order.

RECOMMENDATION BY:
Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:
To approve a Class 1, On-Premise Beer Permit for Chili's Grill & Bar #1578, 11454 Parkside Drive, subject to obtaining a certificate of occupancy.

BOARD ACTION:

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

VOTE/TOTAL	MARKLI	PINCHOK	POVLIN	WILLIAMS	MCGILL
YES					
NO					
ABSTAIN					

BEER PERMIT APPLICATION

TOWN OF FARRAGUT, TENNESSEE

pd 250 8/9/16

APPLICANT

Name of Business: Chili's Inc, d/b/a Chili's Grill & Bar #1578

Address: 11454 Parkside Drive

City/State/Zip: Farragut, TN 37934 Phone No.: 865-pending

NAME OF MANAGER, OPERATOR AND/OR FRANCHISE OWNER

Name: Arthur Judson Palmer

Home Address: 1125 Harbor Shore Drive

City/State/Zip: Knoxville, Tennessee 37934 Phone No.: (865) 386-7362

Social Security No. : _____ Date of Birth : _____

Name of owner of the business premises: Chili's, Inc.

Beer Permit desired: Off Premise _____ On/Off Premise X

Has applicant ever had a beer permit or beer license revoked in any city or county?

Yes _____ No X

If answer to preceding question is " yes," state time and place of revocation.

n/a

Has applicant been convicted of any crime within the past ten years? Yes _____ No X

X Applicant has obtained or will obtain a state certificate of registration and has complied or will fully comply with state and federal laws requiring the payment of special fees and taxes (consult TCA '57-202). Yes X No _____

X Applicant has appraised or will appraise himself of all federal, state and local laws relating to the control and regulation of beer and will abide by those laws. Yes X No _____

X Applicant recognizes and agrees that the Farragut Beer Board may revoke or suspend his permit or place him on probation for a designated period of time if in the operation of his business he commits or is responsible for any violation of law.

Yes X No _____

X Applicant warrants that no owner or distributor of vending machines, pinball machines, jukeboxes and other amusement machines or devices, other than the applicant himself, has any interest, financial or otherwise, in the premises or in the business of the applicant.

Yes X No _____

X Applicant warrants that, at the time of the making of this application, he/she has no indebtedness or other financial obligation to any brewer, distiller or manufacturer of beer, and will not during the period this beer permit shall be in force, contract any financial obligation to any brewer, distiller or manufacturer of beer other than the purchase of such beer.

Yes X No _____

ALL OF THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Name (Print): Chili's, Inc.

Address: 6820 LBJ Freeway

City/State/Zip: Dallas, TX 75240

Signature: CHILI'S, INC. By: _____
Bryan D. McCrory, President

Michele Bibb
Notary Public
State of Texas
Expires
5-05-2019

Subscribed and sworn to before me, this 24 *day of* May, 20 16.

Notary Public _____

My Commission Expires: 5-5-19

Application approved this _____ *day of* _____, 20 _____.

_____
Chairman, Farragut Beer Board

02/06/06

N1001401 4512594160531

TENNESSEE DEPARTMENT OF REVENUE

CERTIFICATE OF REGISTRATION

CHILI'S GRILL & BAR #1578
6820 LYNDON B JOHNSON FWY
DALLAS TX 75240-6511

May 31, 2016

Account Type: SALES&USE
Account No.: 107048688
Filing Status: MONTHLY

We have received and processed your application for registration. Your valid certificate is attached below. This certificate must be publicly displayed at the location for which it is issued. The account number on this certificate is used by the department to identify your account and must be shown on all reports and correspondence. The reverse side of this certificate contains important information regarding change and/or cancellation instructions. This certificate is not assignable and is valid only for the person (entity) to whom it is issued.

T.C.A. 67-6-607 Unauthorized Use of Certificate
It is a class C misdemeanor for any person having a certificate of registration to:
(1) Use such certificate for the purpose of purchasing tangible personal property subject to the tax herein levied except for resale, unless authorized to do so by other provisions of this chapter and the rules and regulations adopted pursuant thereto; or
(2) Use or consume any tangible personal property purchased or otherwise acquired under the certificate of registration and subject to the privilege taxes herein levied without paying the privilege taxes.

Reporting
All sales and use tax returns must be filed and associated tax payments must be paid electronically. You are required to file your monthly, quarterly, or annual return, according to your filing frequency, even if no tax is due. If your business opens after the 20th of the month, do not file a separate return covering only the days remaining in the month. Rather, include those days on the return covering your first full filing period.

Penalty & Interest
In order to avoid the penalty and interest, all returns must be filed and all associated tax payments must be made on or before the due date for the reporting period.

DETACH HERE AND DISPLAY IN PUBLIC AREA

TENNESSEE DEPARTMENT OF REVENUE
CERTIFICATE OF REGISTRATION
SALES&USE

This certificate must be publicly displayed

CHILI'S GRILL & BAR #1578
11454 PARKSIDE DRIVE
FARRAGUT, TN 37934

Account Type: SALES&USE
Account No.: 107048688
Effective Date: August 1, 2016

Richard H. Roberts
COMMISSIONER OF REVENUE

BUSINESS PRIVILEGE LICENSE

No. **2784**

WHEREAS, the local governing body of the **Town of Farragut** has, upon application duly made, granted and authorized the issuance of a Business Privilege License to Chili's Grill & Bar #1578, as defined by law, pursuant to the Statutes of the State of Tennessee, and local ordinances;

AND WHEREAS, has complied with all the requirements necessary for obtaining such license;

LICENSE IS HEREBY ISSUED to said applicant at the following described address:

11454 Parkside Dr. Farragut, TN 37934

Given under my hand and the corporate seal of the Town of Farragut, this 31st day of March, 2016

Allison Myers

Allison Myers, Town Recorder

AGENDA NUMBER 11.B. MEETING DATE August 25, 2016

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Consider Approval of a special occasion beer permit for the Farragut Business Alliance Annual Farragut Food & Wine Festival

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DISCUSSION:

The Farragut Business Alliance is planning its Annual Farragut Food & Wine Festival event and is requesting a special event beer permit. The Town's Municipal Code governing special occasion beer permits is below.

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

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

(1) The beer board is authorized to issue a special occasion beer permit to bona fide charitable or nonprofit organizations for special events.

(2) The special occasion beer permit shall not be issued for longer than one (1) forty-eight-hour period, unless otherwise specified by the beer board, subject to the limitations on the hours, imposed by law.

(3) The application for the special occasion beer permit shall state whether the applicant is a charitable or nonprofit organization, include documents showing evidence of the type of organization, and state the location of the premise upon which alcoholic beverages shall be served and the purpose for the request of the license.

(4) For purposes of this section:

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

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

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

The Farragut Business Alliance is a nonprofit organization and is requesting the permit for Friday, October 21, 2016. They are also requesting the $100 application fee be waived as the Town is an event sponsor of the event.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

Motion to waive the $100 application fee and approve the special occasion beer permit for the Annual Farragut Food & Wine Festival event.

BOARD ACTION:

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

APPLICATION FOR BEER PERMIT

STATE OF TENNESSEE

TOWN OF FARRAGUT

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

1. Reason for application: New Business ____ New Ownership ____ Name Change ____ Other ✓
2. Type of permit requested, please circle all that apply:

Class 1 On-Premise	Class 2 On-Premise, Other
Class 3 On-Premise, Hotel/Motel	Class 4 On-Premise, Tavern
Class 5 Off-Premise	Class 6, Special Occasion ✓

3. Name of Applicant(s) (Owner(s) of Business) Farragut Business Alliance, Inc.
4. Type of applicant (check one):
   Person ____ Firm ____ Corporation ✓ Joint-Stock Company ____ Syndicate ____ Other ____
5. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business:
6. Applicant's present home address:
7. Date of Birth _____ Home Telephone Number _____
   Business Telephone Number _____ Social Security Number _____
8. Representative Email Address: allison@farragutbusiness.com
9. Under what name will the business operate? _____
10. Business address P.O. Box 23583, Farragut, TN 37933
    Business Telephone number 865-307-2486

11. Specify the identity, email and physical address of the person to receive annual privilege tax notices and any other communication from the Town:

    _____

    _____

12. Information of any manager, other than the applicant:
    Name: _____ Birth Date: _____
    Address: _____
    Phone Number: _____
13. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: ____Yes ____No. If yes, give particulars of each charge, court, and date convicted.

    _____

    _____

    _____

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:
    Myers Bros. Holdings, 12740 Kingston Pike, Farragut, TN 37934 (venue is the lawn at Renaissance)
16. What is the name and address of the Church (or other place of worship) nearest to your business?
    First Farragut United Methodist Church (will be utilized for parking)
17. What is the name and address of the school nearest to your business?

    _____

18. Special Occasion Event Name: Farragut Food & Wine Festival
    Location of the special occasion event: Lawn at Renaissance | Farragut
    Event Date & Times: Friday, Oct. 21, 2016; 6:30-9:30pm
    Representative name & phone number: Allison Sousa (w) 307-2486 (c) 816-2015
    Have you received a special event permit to hold the event in the Town of Farragut? In-process
19. Tennessee Sales Tax Number: _____
20. Town of Farragut Business License 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.

Allison Sousa August 5, 2016

Signature of Applicant/Owner (or authorized Corporate Official)

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

_____

Notary Public

My Commission Expires: _____

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

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

FOR OFFICE USE ONLY

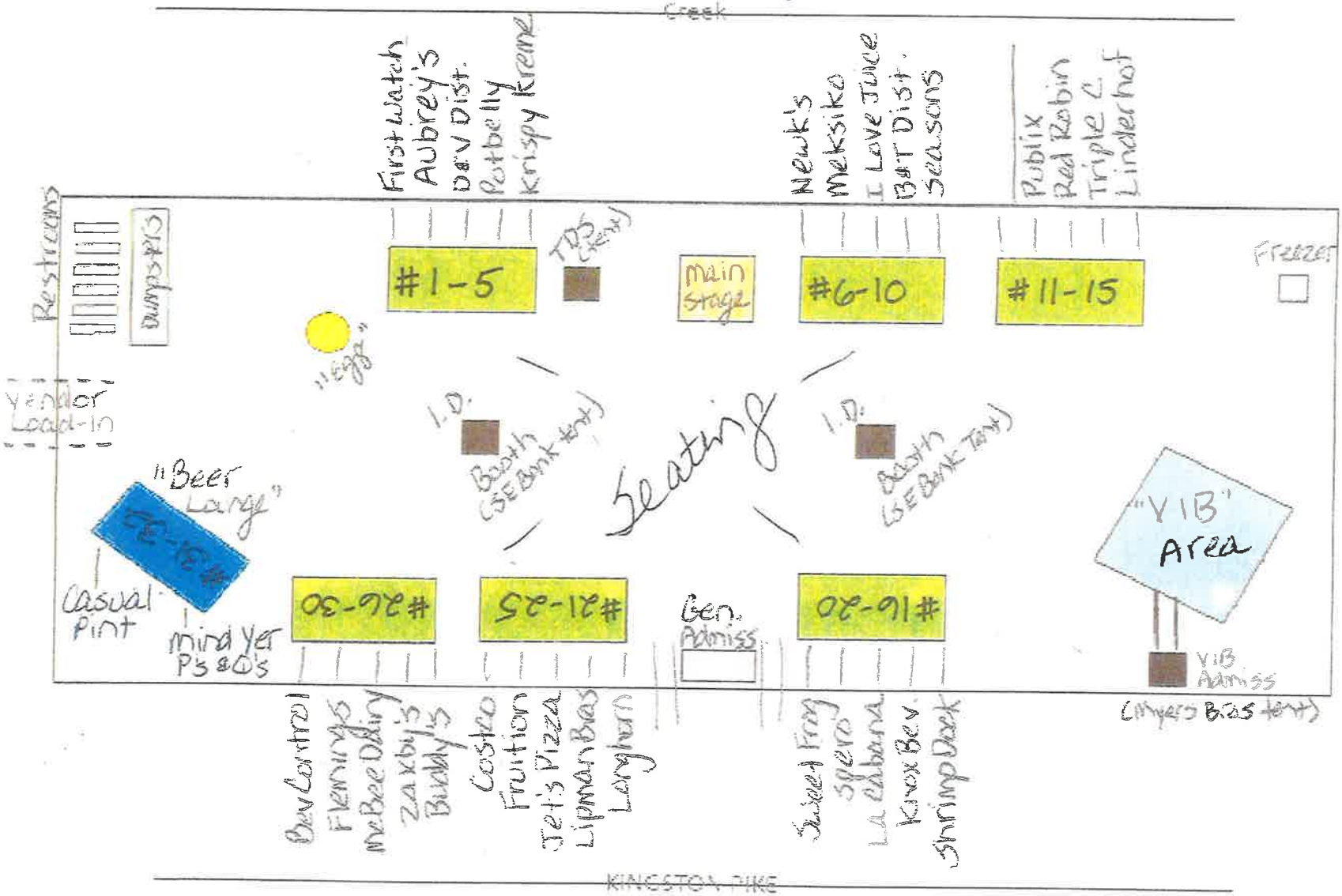
Application is hereby: Approved _____ Denied _____

On this date: _____, 20__

_____ _____

Beer Board Chairman Town Recorder

8th Annual Farragut Food & Wine Festival
Tentative Diagram
(Note: Reflects last year's vendors)



LIVE CLOSER • GO FURTHER farragut

FARRAGUT BOARD OF MAYOR AND ALDERMEN
MINUTES
August 11, 2016

RECEPTION FOR VICE-MAYOR DOT LAMARCHE
6:15 PM

BEER BOARD
See Beer Board agenda
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. July 28, 2016

VI. **Business Items**
   A. Approval of Reimbursement for Road Repairs - Saddle Ridge Drive
   B. Approval of the Education Relations Committee Charter Revision
   C. Request for a variance to Title 16, Chapter 4 – Driveways and Other Access Ways., Sections 16-406 (1)(a) and (b), Distance from intersections and Distance between driveways, associated with a site plan for Autumn Care III Assisted Living, 400 Herron Road (Autumn Care III, LLC/Peter Falk, Applicant)
   D. Request for a variance to Title 16, Chapter 4 – Driveways and Other Access Ways., Sections 16-406 (1)(a) and (b), Distance from intersections and Distance between driveways, associated with the Kingston Pike access proposed on a site plan for the Premier Eyecare at 11111 Kingston Pike (Urban Engineering, Inc., Applicant)

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E. Request for a variance to Title 16, Chapter 4 – Driveways and Other Access Ways., Sections 16-406 (1)(a) and (b), Distance from intersections and Distance between driveways, associated with the Admiral Road access proposed on a site plan for the Premier Eyecare at 11111 Kingston Pike (Urban Engineering, Inc., Applicant)
F. Approval of Bill of Sale, Conveyance and Deed of Gift of Monument

VII. Ordinances

A. Public Hearing and Second Reading

1. Ordinance 16-20, an ordinance to amend Chapter 3., Specific District Regulations, Section IX., Attached Single-Family Residential District (R-4)., Subsection D.1.b., to amend the front yard setback provisions when garages are rear loaded and do not face the street and when no additional parking spaces are provided in front of the dwelling unit (Benchmark Associates, Inc., Applicant)
2. Ordinance 16-21, Ordinance to amend Ordinance 16-11, Fiscal Year 2017 Budget, State Street Aid Fund

VIII. Town Administrator's Report

IX. Town Attorney's Report

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, August 11, 2016 at 7:00 p.m. Members present were Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin.

Approval of Agenda

Motion was made to postpone item VI.A. and to move item VI.F. to the beginning of the Business Items. Moved by Alderman LaMarche, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin; no nays; motion passed.

Mayor's Report

Mayor McGill announced that it was Vice-Mayor LaMarche's last meeting. He and other board members thanked her for her service to the Town.

Approval of Minutes

Motion was made to approve the minutes of July 28, 2016 with the correction of the voting record for the Appointment to the Board of Zoning Appeals agenda item. Moved by Alderman LaMarche, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin; no nays; motion passed.

Business Items

Approval of Bill of Sale, Conveyance and Deed of Gift of Monument

Motion was made to approve the Bill of Sale, Conveyance and Deed of Gift for acceptance of donation of a stone monument, honoring Admiral Farragut's birthplace, to the Town of Farragut. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin; no nays; motion passed.

Approval of the Education Relations Committee Charter Revision

Motion was made to approve the Education Relations Committee Charter to allow an every other month or as needed meeting schedule. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin; no nays; motion passed.

Request for a variance to Title 16, Chapter 4 – Driveways and Other Access Ways., Sections 16-406 (1)(a) and (b), Distance from intersections and Distance between driveways, associated with a site plan for Autumn Care III Assisted Living, 400 Herron Road (Autumn Care III, LLC/Peter Falk, Applicant)

Motion was made to approve the variance from Title 16, Chapter 4 – Driveways and Other Access Ways., Sections 16-406 (1)(a) and (b), Distance from intersections and Distance between driveways, associated with a site plan for Autumn Care III Assisted Living, 400 Herron Road, as approved by the Planning Commission on July 21, 2016. Moved by Alderman LaMarche, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin; no nays; motion passed.

Request for a variance to Title 16, Chapter 4 – Driveways and Other Access Ways., Sections 16-406 (1)(a) and (b), Distance from intersections and Distance between driveways, associated with the Kingston Pike access proposed on a site plan for the Premier Eyecare at 11111 Kingston Pike (Urban Engineering, Inc., Applicant)

Motion was made to approve the variance to Title 16, Chapter 4 – Driveways and Other Access Ways., Sections 16-406 (1)(a) and (b), Distance from intersections and Distance between driveways, associated with the Kingston Pike access proposed on a site plan for the Premier Eyecare at 11111 Kingston Pike that was approved by the Planning Commission on June 16, 2016. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin; no nays; motion passed.

Request for a variance to Title 16, Chapter 4 – Driveways and Other Access Ways., Sections 16-406 (1)(a) and (b), Distance from intersections and Distance between driveways, associated with the Admiral Road access proposed on a site plan for the Premier Eyecare at 11111 Kingston Pike (Urban Engineering, Inc., Applicant)

Motion was made to approve the variance to Title 16, Chapter 4 – Driveways and Other Access Ways., Sections 16-406 (1)(a) and (b), Distance from intersections and Distance between driveways, associated with the Admiral Road access proposed on a site plan for the Premier Eyecare at 11111 Kingston Pike that was approved by the Planning Commission on June 16, 2016. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin; no nays; motion passed.

Ordinances
Public Hearing and Second Reading

Ordinance 16-20, an ordinance to amend Chapter 3., Specific District Regulations, Section IX., Attached Single-Family Residential District (R-4)., Subsection D.1.b., to amend the front yard setback provisions when garages are rear loaded and do not face the street and when no additional parking spaces are provided in front of the dwelling unit (Benchmark Associates, Inc., Applicant)

Motion was made to approve Ordinance 16-20 on second and final reading. Moved by Alderman Markli, seconded by Alderman Povlin; voting yes, Aldermen LaMarche, Markli, Pinchok and Povlin; no nays; Mayor McGill recused himself from the vote; motion passed.

Ordinance 16-21, Ordinance to amend Ordinance 16-11, Fiscal Year 2017 Budget, State Street Aid Fund

Motion was made to approve Ordinance 16-11 on second and final reading. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen LaMarche, Markli, Pinchok and Povlin; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced the following events and on behalf of the staff, thanked Vice-Mayor Lamarche for her support and dedication to the Town and staff.

- Fun with Farragut's Fleet, Saturday from 9-11 at Mayor Bob Leonard Park
- Intro to Farragut class begins Wednesday, August 17 at 6:00 PM
- Lawn Chair Concert Series continues Friday, August 12 at 6:00 PM

Meeting adjourned at 7:40 PM.

_____
Ralph McGill, Mayor

_____
Allison Myers, Town Recorder

AGENDA NUMBER: VIII. A. **MEETING DATE:** August 25, 2016

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: William E. McKelvey, Public Works Director

SUBJECT: Approval of Bids for new 2017 Dump Truck

INTRODUCTION: The purpose of this agenda item is to approve the purchase of a new 2017 Dump Truck.

BACKGROUND: The truck will replace a 2006 Chevrolet C8500 Dump Truck that is due for replacement this year. The vehicle is also starting to have more maintenance issues, which is another decision to replace it.

DISCUSSION: Attached are five bids which were received on August 16, 2016. The vehicle bid was presented in two parts. The first was a 2017 model truck, the alternate was bid for a new 2016 model truck that met specs and that's on the dealer's lot. Out of the five bids, only one truck was in-stock. Staff recommends award of the contract to the lowest bidder for the 2017 model truck. The low bidder is Landmark Trucks, LLC in the amount of $96,110 for a 2017 International 7300SFA Dump Truck.

FINANCIAL SECTION:

Total Budget	Contract Amount	Remaining Amount
$119,000	$96,110	$22,890

Approved By: A Myers

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

PROPOSED MOTION: Approval of bids for the purchase of a 2017 International 7300SFA Dump Truck to **Landmark Trucks, LLC in the amount of $96,110.**

BOARD ACTION:

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

VOTE/TOTAL	WILLIAMS	MARKLI	PINCHOK	POVLIN	MCGILL
YES					
NO					
ABSTAIN					

BID TAB FOR 2017 DUMP TRUCK

Bidder	Bid Make and Year	Bid Price
Landmark Trucks, LLC	2017 International 7300 SFA	$96,110
Premier Truck Group	2017 Freightliner M2106	$96,442
MHC Kenworth of Knoxville	2017 Kenworth T370	$102,450
Worldwide Equipment	2017 Kenworth T370 *Alt. Bid (In-Stock)* 2016 Kenworth T370	$108,838 $114,128

AGENDA NUMBER: VIII. B. **MEETING DATE:** August 25, 2016

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: William E. McKelvey, Public Works Director

SUBJECT: Approval of Bids for new 2017 Two-Wheel Drive Mower

INTRODUCTION: The purpose of this agenda item is to approve the purchase of a new 2017 Two-Wheel Drive Mower.

BACKGROUND: The mower that will be replaced is a John Deere 997, two-wheel drive mower that was purchased in September 2011.

DISCUSSION: Attached are 2 bids which were received on August 16, 2016. Staff recommends award of the contract to the lowest bidder. The low bidder is Farragut Lawn and Tractor in the amount of $15,800.00 for a 2017 John Deere 997, two-wheel drive mower.

FINANCIAL SECTION:

Total Budget	Expenditures to date	Contract Amount	Remaining Amount
$119,000	$96,110	$15,800	$7,090

Approved By: A. Myers

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

PROPOSED MOTION: Approval of bids for the purchase of a 2017 John Deere 997, two-wheel drive mower to **Farragut Lawn and Tractor in the amount of $15,800.00.**

BOARD ACTION:

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

VOTE/TOTAL	WILLIAMS	MARKLI	PINCHOK	POVLIN	MCGILL
YES					
NO					
ABSTAIN					

BID TAB FOR NEW 2017 TWO-WHEEL DRIVE MOWER

Bidder	Bid Prices
Farragut Lawn and Tractor	$15,800.00 John Deere Z997R
Ritchie Tractor	$17,069.34 John Deere Z997R

AGENDA NUMBER VIII. C. MEETING DATE August 25, 2016

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Reimbursement for Roadway Repairs – Saddle Ridge Drive

---

INTRODUCTION: The purpose of this agenda item is to approve reimbursement for repairs to Saddle Ridge Drive (in Saddle Ridge Subdivision) by First Utility District.

BACKGROUND: The Board approved a reimbursement from First Utility District's insurance company in June for repairs to Long Ridge Road. In an unrelated event, another water main break on Saddle Ridge Drive occurred in early July. This latest break resulted in significant damage to approximately 150 feet of Saddle Ridge Drive, and we have instructed our contractor to make repairs. APAC Harrison was willing to complete repairs this week, and we conclude that all repairs have been made to the Town's standards. Upon execution of the attached settlement agreement and release of claims, First Utility District's insurance company (Berkley Southeast Insurance Group) will issue a check to the Town for the full cost of repairs. At this time, our estimated costs are roughly $52,000, and we should have an exact cost prior to the meeting on August 25. Staff recommends approval.

RECOMMENDATION BY: Darryl Smith, Town Engineer, for approval

PROPOSED MOTION: Approval of Settlement Agreement and Release of Claims from First Utility District.

BOARD ACTION:

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

VOTE/TOTAL	MCGILL	WILLIAMS	POVLIN	MARKLI	PINCHOK
YES					
NO					
ABSTAIN					

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS
READ CAREFULLY BEFORE SIGNING

This Settlement Agreement And Release of Claims ("Agreement") is made as of the 18th day of July 2016, by and among:

Town of Farrugut and all of his/her/their current and former agents, representatives, successors, assigns, heirs, and attorneys [hereinafter variously known as ["Claimant" or "Releasor(s)"] on the one hand; and

First Utility of Knox County, together with his/her/their agents, representatives, employees, servants, volunteers, predecessors, successors, assigns, heirs, executors, administrators, partners, personal representatives, attorneys, insurers and re-insurers including, but not limited to, Berkley Insurance Company, by its member Berkley Southeast Insurance Group, W.R. Berkley Corp., Union Insurance Company, and all of their parent, subsidiary, divisions and affiliate companies, together with their current and former officers, directors, shareholders, officials, stockholders, agents, representatives, employees, servants, volunteers, predecessors, successors, assigns, heirs, attorneys, underwriters, insurers and re-insurers, both jointly and severally [hereinafter all collectively known as "Releasees" or the "Released Party(ies)"] on the other.

Releasor(s) and the Released Party(ies) hereby jointly agree as follows: Releasor alleges that on or about 7/05/2016 , you suffered property damage described as a damaged paved roadway and sidewalk("Property") as a result of an Incident thatoccurred at or around roadway of 600 Saddle Ridge Dr. in the town of Farragut (hereinafter "Incident"). The Parties desire to enter into this Agreement to provide, among other things, for consideration in full settlement and discharge of property damage claims Releasor(s) may have, either individually or in a representative capacity, against the Released Party(ies) for damage to the Property identified that arose out of the Incident, on the terms and conditions in this Agreement.

PAYMENT AND CONSIDERATION- Upon execution of this Agreement as provided for below, Releasee shall pay to the Releasor payment in the amount of $52,417.50 to be delivered to Releasor at the following location: 11408 Municipal Center Dr. Farragut, TN 37934. This payment is based on the Releasor's claims for property damage to Releasor's Property.

RELEASE OF CLAIMS- Releasor(s) hereby forever release, discharge, and acquit the Released Party(ies) from all claims, suits, costs, debts, demands, actions, and causes of action, whether known or unknown, that Releasor(s) had, have, or might have in the future relating to the Property identified above arising out of, or in any way connected with, the Incident with the exception of the following: any additional or supplemental damages that are necessary and related to the Incident described above. The releasee reserves the right to review the additional damages and does not guarantee any particular sum. Releasor agrees to provide the documentation relative to any costs in a timely manner to the releasee for consideration and understands that any additional costs must also be reasonable and must be proven with specificity.

NO ADMISSION OF LIABILITY- This Agreement constitutes a settlement by compromise of disputed claims or potential claims arising out of, related to, or in some way connected with the Incident and is intended by the Parties to put an end to the matter and buy their peace. Neither this settlement and compromise nor the payment of the sums set forth herein shall be construed as an admission of liability or wrongdoing by Released Parties, all such liability and wrongdoing being expressly denied by them.

COVENANTS, REPRESENTATIONS, AND WARRANTIES- As an inducement for Released Parties to enter into this Agreement, Releasor(s) covenants, represents, and warrants that: (A) At the time of the Incident, Releasor was over the age of eighteen (18); (B) Releasor presently suffers from no legal disability that prevents her/him from having the capacity to enter into and execute this Agreement, and she/he does, in fact, have the legal capacity, power, and authority to enter into and execute this Agreement; (C) Neither Releasor nor anyone acting on Releasor's behalf has assigned, transferred, or sold, or purported to assign, transfer, or sell, to any person or entity any claim or potential claim, demand, action, cause

of action, or right released by this Agreement; (D) Releasor shall be and is solely responsible for payment of all of her/his attorney fees, expenses, court costs, and taxes (including penalties and interest) relating to the Incident and to this settlement; (E) There are no actual or potential liens of any kind on the actual and potential claims being released; (F) Neither the existence of this Agreement nor any of its provisions shall be offered in evidence by Releasor in any action or proceeding other than an action to enforce this Agreement; (G) Releasor has not been influenced to any extent by any representation or statement of Released Parties, and no statement, representation, promise, or agreement of any nature, other than those contained in this written Agreement, has been made to or with her/him; and (H) Releasor has relied solely upon her/his own judgment in entering into this Agreement and executes this Agreement with full knowledge of its contents and of her/his own free will and accord.

FUTURE COOPERATION AND DISMISSAL-Releasor agrees to cooperate fully, to execute any and all supplementary documents and to take all additional actions necessary or appropriate to give full force and effect to the terms and intent of this Agreement which are not inconsistent with its terms. If there is a Civil Suit, Releasor understands and agrees that the dismissal with prejudice of the Civil Suit is a material term and condition of this Agreement and that, should the Court refuse to dismiss the Civil Suit with prejudice, then the settlement and compromise shall be voidable at the sole election of Released Parties.

MISCELLANEOUS- This Agreement was arrived at after thorough bargaining and negotiations. This Agreement contains the entire agreement and understanding of the Parties with respect to the settlement of all current and potential property damage claims arising out of the Incident and related to the subject Property; supersedes all prior agreements, arrangements, and understandings relating to the subject matter of this Agreement; and is binding upon the Parties and their agents, representatives, successors, assigns, and heirs. This Agreement may not be modified, in whole or in part, except by written agreement signed by all of the Parties. The Parties hereby acknowledge and agree that they may hereafter discover facts different from or in addition to those which they now know or believe to be true with respect to the claims being released by this Agreement and that, in such event, this Agreement shall nevertheless be effective and remain in force in all respects. It is understood that the Releasor has the right and opportunity to consult fully with legal counsel or other advisor prior to signing this Agreement. The Releasor also acknowledges that, before signing this Agreement, the Releasor has read and fully understands each paragraph thereof and that the meaning of this Agreement. This Agreement shall be construed as if the Parties jointly prepared it, and any uncertainty or ambiguity shall not be construed or interpreted against the party actually preparing this Agreement. This Agreement shall be construed and interpreted in accordance with the laws of the State of Georgia and without giving effect to the principles of conflicts of laws. A waiver by any of the Parties of any breach of this Agreement or any provision of this Agreement shall not operate or be construed as a waiver of any other provision of this Agreement or any subsequent breach by any of the Parties. If a court of competent jurisdiction determines that any term, provision, or part of this Agreement is invalid, unenforceable, or void, then such term, provision, or part shall be severed from the remainder of this Agreement and shall not affect the validity or enforceability of the remainder of this Agreement. In the event of litigation relating to, arising out of, or connected with a breach of this Agreement, the prevailing party shall be entitled to recover all costs, expenses, and actual attorney fees incurred therein. This Agreement shall be binding upon the Releasor and the Releasor's heirs, executors, administrators, assigns, successors, beneficiaries, employees and agents, and shall inure to the benefit of the Releasees and their predecessors, successors and assigns.

Having carefully read this ***Settlement Agreement And Release of Claims*** and having fully informed herself/himself of and understanding its contents, Releasor indicates agreement and executes this Agreement of her/his own free will and accord by signature as of the date set forth below.

WITNESS MY HAND AND SEAL this _____ day of _____.

_____

Sworn to and subscribed before me,
this _____ day of _____.
My Commission Expires: _____

Town of Farrugut

AGENDA NUMBER VIII. D. MEETING DATE August 25, 2016

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Change Order No. 2, Everett Road Improvements

---

INTRODUCTION: The purpose of this agenda item is to approve a request for change order for the Everett Road project.

BACKGROUND: The Board of Mayor and Aldermen awarded the contract for completion of the Everett Road improvements on May 14, 2015, for the total amount of $3,331,705.51. During the course of this work, minor revisions have been required that were not part of the original plans, resulting in additional work for the contractor. Change order no. 1 was approved in September, 2015 in the amount of $25,137.50. That change order was for additional work required to relocate KUB's gas line, which is part of the contract (all costs are reimbursed by KUB). The attached change order request outlines all other items to date that have required additional work, along with unit prices. One of the major additions includes the extension of sidewalk from St. Andrews Drive to Union Road, completing a pedestrian tie from this project to the existing sidewalk on Kingston Pike. Total cost for all items reflected in the change order is $39,885.45. With approval of this change order, total contract amount is increased to $3,396,728.46. Staff has reviewed all items, and finds costs to be well within industry standards. Staff recommends approval.

RECOMMENDATION BY: Darryl Smith, Town Engineer, for approval

PROPOSED MOTION: Approval of Change Order No. 2, as presented.

BOARD ACTION:

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

VOTE/TOTAL	MCGILL	WILLIAMS	POVLIN	MARKLI	PINCHOK
YES					
NO					
ABSTAIN					

Supplemental Agreement and/or Request for Construction Change
Change Order Request No. 02

Project:	Everett Road Improvements Project		
Owner:	Town of Farragut	PIN:	N/A
Address:	11408 Municipal Center Drive	State Project No.:	N/A
	Farragut, TN 37934	Federal Project No.:	N/A
Date Prepared:	August 8, 2016	Contract No.:	2015-14
		County:	Knox

Whereas, we, McKinnon Construction Company, LLC with Travelers Casualty and Surety Company of America, as a Surety, entered into a contract with the Town of Farragut, on June 2, 2015, for the construction by said Contractor of the above designated contract; and

Whereas, certain items of construction encountered, are not covered by the original contract, we desire to submit the following additional items of construction to be performed by the Contractor and paid by the Owner at the price(s) scheduled therefore below:

Whereas, the purpose of this Change Order is a result of:

1. Additional engineering computations and construction layout (New Item No. 105-01.50) involving:
    a. The adjustment of a portion of the Everett Road finished grade to avoid the relocation of an unforeseen shallow AT&T transcontinental fiber optic line. Relocation by AT&T would delay the project a minimum of 60 days.
    b. The new Eisenhower Street connections to Everett Road.
    c. The layout of additional detour and construction signs for the additional construction phase due to the opening of a portion of Everett Road to through-traffic on 8/5/2016.
2. Removal/disposal of 160 feet of an obsolete storm drain pipe which was neither visible nor noted in the bid documents. (Item No. 202-02.01)
3. Structural steel safety pipe rail for added Endwall at Union Road. (New Item No. 611-07.03)
4. Addition of approximately 730 linear feet (3,650 S.F.) of concrete sidewalk from St. Andrew Drive to Union Road. This is a missing pedestrian link between St. Andrew Drive and this project. (Item No. 701-01.01)
5. Additional 35 feet wide (350 S.F.) concrete driveway apron between St. Andrew Drive to Union Road. (701-02)
6. Additional ADA compliant parallel-type concrete curb ramps: four (4) (80 S.F. each) Eisenhower Street, one (1) Everett/Union (50 S.F.) and one (1) Everett/ St. Andrew (50 S.F.). (New Item No. 701-02.03)
7. Remove and replace, in kind with new, a portion of the AT&T chain-link fence due to the project's side slopes. Existing gate will be reused. No consideration was made for impacting the fence in the contract documents. (New Item No. 707-08.01)
8. Additional Traffic Control for the additional construction phase due to the opening of a portion of Everett Road to through-traffic prior to completion. (flagging operations, temporary lane closures, etc.) (New Item No. 712-01.01)
9. Additional Mobilization for subcontractors (paving, signage and pavement markings) for the additional construction phase due to the opening of a portion of Everett Road to through-traffic. (Item No. 717-01)

As a result of this Change Order, contract time shall:

X Not Change, Increase by 0 days, Decrease by 0 days

Original contraction Completion Time: On or before October 31, 2016

Approved Change Orders: 0

Current Change Order: 0

Contract Completion Time with Change Orders: On or before October 31, 2016

Unit prices listed below include labor, materials, profit, overhead, and incidentals necessary to complete this work. A separate attached spreadsheet with the same information may be used in lieu of the table below.

Item No.	Description	Unit	Current Est. Qty	Rev. Est. Qty	QTY Over (+) Under (-)	Unit Price	Net Amount Change
105-01.50	CONSTRUCTION LAYOUT	L.S.	0	1	+1	$2,835.00	+$2,835.00
202-02.01	REMOVAL OF PIPE (18" CMP)	L.F.	0	160	+160	$13.91	+$2,225.60
611-07.03	STRUCTURAL STEEL (Pipe Endwall)	LB.	0	94.0	+94.0	$3.50	+$329.00
701-01.01	CONCRETE SIDEWALK (4")	S.F.	11,288	14,938	+3,650	$3.60	+$13,140.00
701-02	CONCRETE DRIVEWAY	S.F.	1,296	1,646	+350	$6.90	+$2,415.00
701-02.03	CONCRETE CURB RAMP	S.F.	0	420	+420	$18.00	+$7,560.00
707-08.01	FENCE (Remove/Replace for AT&T)	L.S.	0	1	+1	$2,863.35	+$2,863.35
712-01.01	TRAFFIC CONTROL (Additional Phase)	L.S.	0	1	+1	$5,000.00	+$5,000.00
717-01.01	MOBILIZATION (Additional Phase)	L.S.	0	1	+1	$3,517.50	+$3,517.50
						TOTAL	+$39,885.45

Original Contract Amount: $3,331,705.51

Previous Change Orders: $25,137.50

Previous Contract Amount: $3,356,843.01

Current Change Order Amount: $39,885.45

Current Contract Amount: $3,396,728.46

Supplemental Agreement and/or Request for Construction Change

Change Order Request No. 02

Project Title:	Everett Road Improvements Project		
Owner:	Town of Farragut	PIN:	N/A
Address:	11408 Municipal Center Drive	State Project No.:	N/A
	Farragut, TN 37934	Federal Project No.:	N/A
Date Prepared:	August 8, 2016	Contract No.:	2015-14
		County:	Knox

Now, Therefore, We, McKinnon Construction Company Inc., Contractors, and Travelers Casualty and Surety Company of America, Surety, hereby agree to the Supplemental Agreement consisting of the above mentioned items and prices, and agree that this Supplemental Agreement is hereby made a part of the original contract and will be performed by this Contractor in accordance with specifications thereof, and that the original contract remain in full force and effect, except insofar as specifically modified by this Supplemental Agreement.

Recommended for Approval:

_____

CE&I, Qk4 Date

Approved:

_____

Contractor, McKinnon Construction Company Inc. Date

_____

Surety, Travelers Casualty and Surety Company of America Date

_____

Owner, Town of Farragut Date

AGENDA NUMBER VIII. E. MEETING DATE August 25, 2016

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Supplement Request from Cannon & Cannon, Inc. for Additional Engineering Services for Kingston Pike Sidewalk Project (Old Stage Road to Virtue Road).

INTRODUCTION: The purpose of this item is the approval of a supplement request from Cannon & Cannon, Inc. for additional engineering services required during the early design phases of the Kingston Pike Sidewalk project between Old Stage Road and Virtue Road (adjacent to Willow Creek Golf Course.

BACKGROUND: The Board awarded a contract to Cannon & Cannon, Inc. for design of improvements to Kingston Pike between Old Stage Road and Virtue Road in October, 2014 for a fee of $114,700. While the project scope included time for several discussions with the adjacent property owners, numerous discussions and plans revisions (particularly with regard to a planned retaining wall) have been deemed necessary to the project's success. Cannon & Cannon has requested an additional fee of $7,177.50 to account for these additional services. Staff has reviewed the attached request, and finds it to be reasonable. Approval of this supplement will increase Cannon & Cannon's contracted fee to $121,877.50.

Please note that this project is being funded with federal Surface Transportation Program (STP) funds, with an 80/20 federal/local cost share. This phase of the project (as well as ROW acquisition) is fully funded by the Town, with reimbursement of 80% of eligible costs once the phase is completed.

FINANCIAL SECTION:

Project: 310-43941-900 (Kingston Pike Greenway)

Project Budget (PE and ROW)	Requested Amount	Contracted Amount	Remaining Amount
$465,000	$7,177.50	$142,800	$315,055.50

Approved By: A Myers

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

PROPOSED MOTION: Approval of request for supplement from Cannon & Cannon, Inc. for $7,177.50.

BOARD ACTION:

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

VOTE/TOTAL	MCGILL	WILLIAMS	POVLIN	MARKLI	PINCHOK
YES					
NO					
ABSTAIN					

CANNON & CANNON INC
CONSULTING ENGINEERS · FIELD SURVEYORS

August 18, 2016

Mr. Darryl Smith, P.E.
Farragut Engineering
11408 Municipal Center Drive
Farragut, Tennessee 37934

RE: Budget Supplement Agreement for Professional Engineering Services
for Improvements: State Route 1, Kingston Pike Sidewalk Phase II
Farragut, Knox County

Dear Mr. Smith:

Cannon & Cannon, Inc. (CCI) appreciates the opportunity to prepare this budget supplement agreement for the referenced project. The original agreement for this project was submitted to Farragut Engineering on October 15, 2014.

This project has undergone additional scope of service adjustments. The following provides a summary of the tasks that have been added or expanded, along with the associated requested budget:

- Retaining Wall Design:
  - Meeting with Golf Course manager, Town Officials and S&ME to discuss: retaining wall evaluations, retaining wall design, boring holes, drilling rig access and boring schedule, etc.

    President.....3.0 HR @ 180= $ 540.00
    Senior Project Manager.....12.5 HR @ 160= $ 2,000.00
    Project Manager.....8.0 HR @ 145= $ 1,160.00
    TOTAL.....$ 3,700.00

- Additional Tasks:
  - Pre-meeting with Farragut Engineering staff to discuss expected meeting with Willow Creek Golf Course Officials.

    Project Manager..... 1.0 HR @ 145= $ 145.00
    President.....1.0 HR @ 180= $ 180.00
    TOTAL.....$ 325.00

  - Virtue Road signal coordination

    Senior Project Manager.....1.0 HR @ 160= $ 160.00
    Project Technician.....2.5 HR @ 85= $ 212.50
    TOTAL.....$ 372.50

- Plans Development:
  - Completing final Right-of-Way plans for turn-in, addressing TDOT comments and Local Programs coordination.

Senior Project Manager.....2.0 @ 160= $ 320.00
Project Engineer.....20.5 @ 120=$ 2,460.00
TOTAL..... $ 2,780.00

Total $ 7,177.50

The total amount requested of this Budget Supplement Agreement $ 7,177.50. This brings the total budget for the project, including the originally approved fee not to exceed amount of $121,877.50. In accordance with the original agreement, CCI will continue to bill services, with invoices issued on a monthly basis. All other terms and conditions of the original agreement remain in effect.

We sincerely appreciate the opportunity to work with the Town of Farragut on this project. If the above outlined terms of this proposed budget supplement agreement are acceptable, please have this document signed in the space provided below and return one copy for our records.

Please do not hesitate to give me a call if you have questions or require additional information.

Sincerely,

Paul Thomas Beebe

Paul Beebe, P.E.
Director
Transportation and Public Works

AUTHORIZATION TO INCREASE PROJECT BUDGET FROM $ 114,700.00 TO $121,877.50:

By: _____ Date: _____
Town of Farragut Authorization

AGENDA NUMBER VIII.F. MEETING DATE August 25, 2016

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Re-Appointment to the Farragut Beautification Committee

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INTRODUCTION: The purpose of this business item is to consider the re-appointment to the Farragut Beautification Committee. The Charter states that "The term of any member shall expire on the third absence from committee meetings during the fiscal year. Members may seek reappointment by the Board of Mayor and Aldermen."

DISCUSSION: Kathy Pierre is seeking re-appointment. During this fiscal year Kathy Pierre has missed three meetings due to hip replacement.

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

PROPOSED MOTION: To re-appoint to the Farragut Museum Advisory Committee.

BOARD ACTION:

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

VOTE/TOTAL	MARKLI	PINCHOK	POVLIN	WILLIAMS	MCGILL
YES					
NO					
ABSTAIN					

August 2016

I have been on the Beautification Committee for several years, and recently due to surgery for a hip replacement have missed over 3 meetings. I am sufficiently recovered and would like to be reappointed to the committee.

Sincerely,
Kathy Pierre

AGENDA NUMBER IX.A.1. **MEETING DATE** August 25, 2016

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 16-12, an ordinance to rezone a portion of Parcel 69, Tax Map 142, north of the Farragut Church of Christ, 23.06 Acres, from R-2 to S-1, a portion of Parcel 69 and 69.01, Tax Map 142, east of the Farragut Church of Christ, from R-2, B-1, and C-1 to O-1, 3.44 Acres, and a portion of Parcel 69.01, Tax Map 142, from O-1 to C-1, 4.76 Acres (Goodworks Unlimited, LLC, Applicant)

INTRODUCTION AND BACKGROUND: This rezoning request originally involved roughly 23 acres of Parcel 69, Tax Map 142, from R-2 to S-1. As you may recall, the S-1 Zoning District was recently re-written in an effort to provide for more flexibility and a district that could serve as a transition between lower and higher intensity land uses. This 23 acre portion of Parcel 69 was viewed favorably by the Planning Commission and the public when this was discussed as a workshop item in May. The S-1 District was seen as an excellent transition district for the land area where this would be applied. The applicant is interested in developing a senior living community, known as the Villages of Farragut, on this 23 acre portion of Parcel 69. The concept plan for this development was approved by the Planning Commission at their meeting in May with one of the subject to's being the approval of the rezoning.

Also during the Planning Commission's meeting in May there was some discussion about other parcels that would be affected by the Villages of Farragut development. This question was first raised by the staff with the applicant at the Staff/Developer meeting on May 3. As part of the Villages of Farragut development, Peterson Road will be extended through and bisect properties that are currently zoned R-2, B-1, C-1, and O-1. This will result in new lots that, without some zoning modification, could be rendered undevelopable.

Consequently, in addition to rezoning the land area where the Villages of Farragut will be situated, Ordinance 16-12 would also rezone land that will be affected by the Peterson Road extension so as to provide for logical zoning designations that foster proper transition from Kingston Pike to the Villages of Farragut development. As shown on the rezoning exhibit included in your packet, and as was discussed with the Planning Commission, the southernmost portion of land affected by the Peterson Road extension would be rezoned from Office (O-1) to General Commercial (C-1). To the north and extending to the land area being rezoned to S-1 for the Villages of Farragut development, the land would be rezoned from R-2, B-1, and C-1 to O-1. In this manner, the higher intensity zoning district will be closer to Kingston Pike and transition to less intense zoning districts to the north.

On the future land use map, the majority of the areas proposed for the C-1 and O-1 Zoning Districts is shown as Mixed Use Neighborhood. This is a land use which currently does not have an associated zoning district. The proposed C-1 and O-1 districts would be the most comparable to such a land use, with the obvious exception of not providing for a mixture of residential and non-residential. Thus, an amendment to the future land use map was not needed in relation to the area shown with a Mixed Use Neighborhood land use.

However, in relation to the 23 acre portion of Parcel 69 that is proposed to be rezoned to S-1, the Planning Commission, at their meeting in June, voted unanimously to amend the future land use map for that area from Medium Density Residential to Civic Institutional. This amendment was subject to the rezoning of this portion of Parcel 69. The Planning Commission also unanimously recommended approval of Ordinance 16-12.

At the Board of Mayor and Aldermen meeting on July 28, Ordinance 16-12 was approved on first reading.

RECOMMENDATION: The staff recommends approval of Ordinance 16-12 on second reading.

PROPOSED MOTION: To approve Ordinance 16-12 on second reading.

BOARD ACTION:

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

VOTE/TOTAL	MARKLI	PINCHOK	POVLIN	WILLIAMS	MCGILL
YES					
NO					
ABSTAIN					

ORDINANCE:	**16-12**
PREPARED BY:	**Shipley**
REQUESTED BY:	**Goodworks Unlimited, LLC**
CERTIFIED BY FMPC:	**June 16, 2016**
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED.

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

SECTION 1.

The Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended by rezoning a portion of Parcel 69, Tax Map 142, north of the Farragut Church of Christ, 23.06 Acres, from R-2 to S-1, a portion of Parcel 69 and 69.01, Tax Map 142, east of the Farragut Church of Christ, from R-2, B-1, and C-1 to O-1, 3.44 Acres, and a portion of Parcel 69.01, Tax Map 142, from O-1 to C-1, 4.76 Acres (Exhibits A and B).

SECTION 2.

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

_____
Dr. Ralph McGill, Mayor

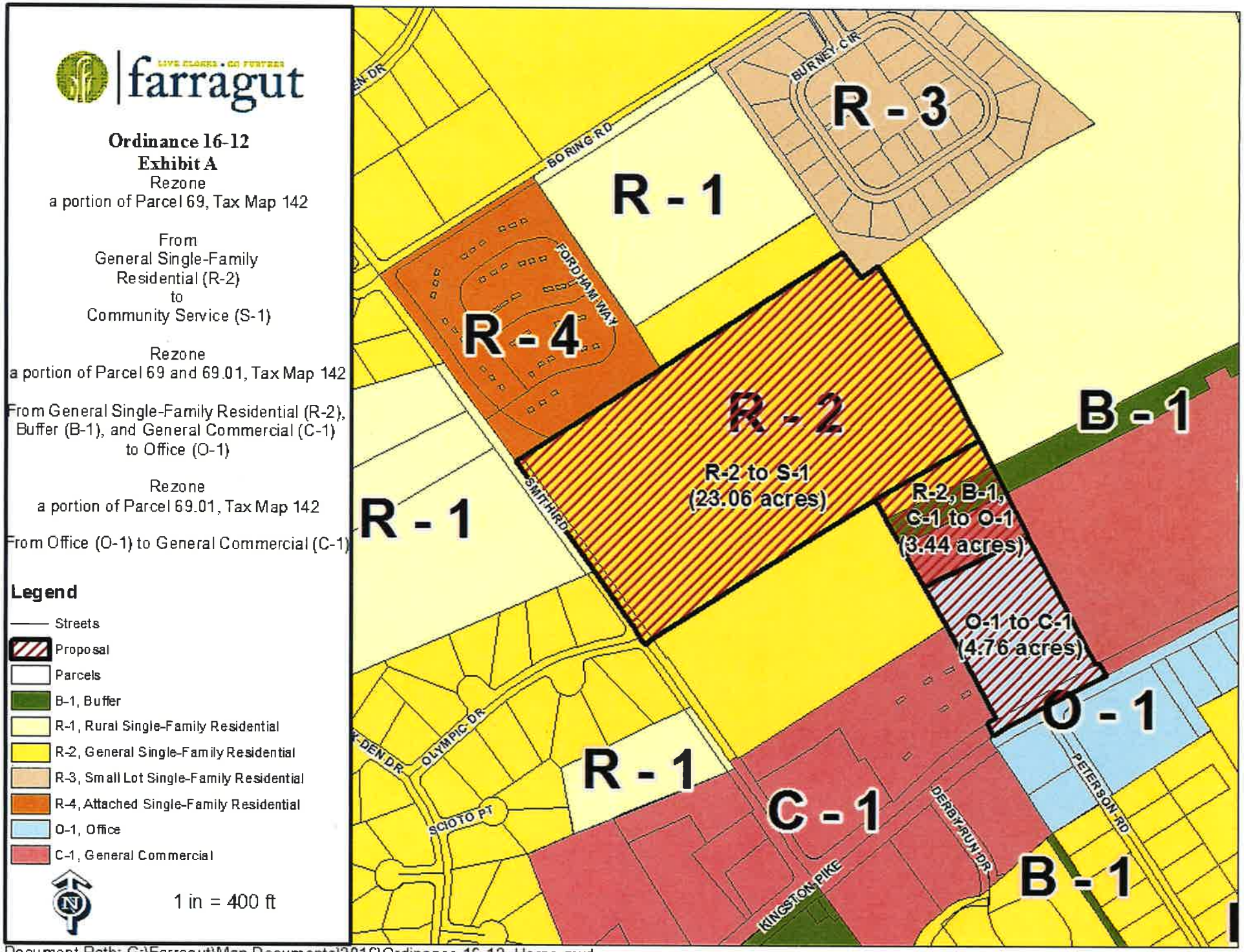
_____
Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2016, with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION



Document Path: G:\Farragut\Map Documents\2016\Ordinance 16-12_Horne.mxd

RESOLUTION PC-16-08

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE FARRAGUT ZONING MAP, ORDINANCE 86-16, TO RECOMMEND THE APPROVAL OF THE REZONING OF A PORTION OF PARCEL 69, TAX MAP 142, NORTH OF THE FARRAGUT CHURCH OF CHRIST, 23.06 ACRES, FROM R-2 TO S-1, A PORTION OF PARCEL 69 AND 69.01, TAX MAP 142, EAST OF THE FARRAGUT CHURCH OF CHRIST, FROM R-2, B-1, AND C-1 TO O-1, 3.44 ACRES, AND A PORTION OF PARCEL 69.01, TAX MAP 142, FROM O-1 TO C-1, 4.76 ACRES (GOODWORKS UNLIMITED, LLC, APPLICANT)

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

WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on June 16, 2016;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of an ordinance, amending Ordinance 86-16, of the Farragut Zoning Ordinance, by adding Ordinance 16-12.

ADOPTED this 16th day of June, 2016.

Rita Holladay

Rita Holladay, Chairman

Edwin K. Whiting

Edwin K. Whiting, Secretary