



FARRAGUT BOARD OF MAYOR AND ALDERMEN AGENDA

February 9, 2017

**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. January 26, 2017
- VI. Business Items**
 - A. Approval of Mid-Year Appointments to the Economic Development Committee and the Board of Zoning Appeals
 - B. Approval of Communications Equipment License Agreement with Zayo Group, LLC
- VII. Ordinances**
 - A. Public Hearing and Second Reading
 - 1. Ordinance 17-01, an Ordinance to amend the text of the Municipal Code of the Town of Farragut, Tennessee, by amending Title 8, Alcoholic Beverages, Chapter 1, Intoxicating Liquors, Section 8-101, Definitions and 8-102, Alcoholic Beverage Regulations; Chapter 2, Beer, Section 8-206(5), Definitions and Section 8-218 (4)(a) & (e), to amend the maximum square footage for Class 4 on-premise tavern permit. (The Casual Pint, Applicant)
 - B. First Reading
 - 1. Ordinance 16-27, an ordinance to amend the Farragut Zoning Ordinance, Chapter 4., Section XX., Parking and Loading., to provide for new requirements

11408 MUNICIPAL CENTER DRIVE | FARRAGUT, TN 37934 | 865.966.7057
WWW.TOWNOFFARRAGUT.ORG

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.

- VIII. Town Administrator's Report**
- IX. Town Attorney's Report**



FARRAGUT BOARD OF MAYOR AND ALDERMEN MINUTES

January 26, 2017

**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. January 12, 2017
- VI. Business Items**
 - A. Approval of Town Supplemental Retirement Plan Amendment
- VII. Ordinances**
 - A. Public Hearing and Second Reading
 - 1. Ordinance 16-26, an Ordinance to amend the Farragut Zoning Ordinance by rezoning a portion of Parcel 116.01, Tax Map 130, north of Farragut Commons and Chapel Point, from R-2 and FPD to R-4 and FPD, 8.63 Acres (Diversified Holdings, Applicant)
 - B. First Reading
 - 1. Ordinance 17-01, an Ordinance to amend the text of the Farragut Municipal Code by amending Title 8, Alcoholic Beverages, Chapter 2, Beer, Section 8-218 (4)(a), to amend the maximum square footage for Class 4 on-premise tavern permit (The Casual Pint, Applicant)
- VIII. Town Administrator's Report**
- IX. Town Attorney's Report**

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Mayor McGill called the meeting to order at 7:00 PM. Members present were Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams.

Approval of Agenda

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

Mayor's Report

Herc Ligdis, President of the Farragut Business Alliance, presented a progress report of the FBA activities.

Approval of Minutes

Motion was made to approve the minutes of January 12, 2017 as presented. Moved by Alderman Markli, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Markli, Pinchok and Williams; no nays; Alderman Povlin abstained; motion passed.

Business Items

Approval of Town Supplemental Retirement Plan Amendment

Motion was made to approve the Town Supplemental Retirement Plan Amendment. Moved by Alderman Povlin, 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 16-26, an Ordinance to amend the Farragut Zoning Ordinance by rezoning a portion of Parcel 116.01, Tax Map 130, north of Farragut Commons and Chapel Point, from R-2 and FPD to R-4 and FPD, 8.63 Acres (Diversified Holdings, Applicant)

Motion was made to approve Ordinance 16-26 on second and final reading. Moved by Alderman Markli, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

First Reading

Ordinance 17-01, an Ordinance to amend the text of the Farragut Municipal Code by amending Title 8, Alcoholic Beverages, Chapter 2, Beer, Section 8-218 (4)(a), to amend the maximum square footage for Class 4 on-premise tavern permit (The Casual Pint, Applicant)

Motion was made to increase the square footage for a Class 4 permit from 3,000 sq. ft. to 3,500 sq. ft. and to add item e., New permits issued after February 16, 2017 are required to sell food. Moved by Alderman Markli, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen Markli, Pinchok and Povlin; voting nay, Alderman Williams; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that the new Annual Reports are complete and will be delivered to homes in Farragut over the next couple of weeks.

Meeting adjourned at 8:00 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

AGENDA NUMBER V1.A.

MEETING DATE February 9, 2017

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Mid-Year Appointments to the Economic Development Committee and the Board of Zoning Appeals

INTRODUCTION: The purpose of this business item is to fill an unexpired term on the Economic Development Committee and the Board of Zoning Appeals. The Economic Development term will expire in June 2019 and the Board of Zoning Appeals term will expire June 2017.

DISCUSSION: Samuel French and Scott Meyer have applied for the Economic Development position and Michael Wilson has applied for the Board of Zoning Appeals position. Applicants' applications are attached. Currently, Scott Meyer is on the Board of Zoning Appeals.

PROPOSED MOTION: To appoint _____ to the Economic Development position expiring June 2019 and Michael Wilson to the Board of Zoning Appeals position expiring June 2017.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



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TOWN OF FARRAGUT CITIZEN BOARD/COMMITTEE APPLICATION

Name Samuel H. French

Address 731 Battle Front Trail Zip 37934

Home Phone 865-210-2560 Business Phone 865-583-0091

Fax _____ E-mail Sfrench@rodefermoss.com

Occupation CPA

Education Accounting Degree UTK '04 Masters in Accty Georgia State '08

Why would you like to serve on a Town of Farragut committee (attach resume or additional information if desired):

Become more actively involved in the growth and redevelopment of the Town where I live. Bring my unique perspective in a way that will benefit the Town.

Intro to Farragut Graduate Yes _____ No _____

Indicate which Committee you are interested in serving:

☒ Board of Zoning Appeals (BZA)

☐ Economic Development Advisory Committee

I give my permission to the Town of Farragut to use my likeness on the web and/or Town publications. I have read and understand the Code of Ethics Ordinance and the applicable committee charter, ordinance or and/or by-laws.

Signature [Signature] Date 1/18/17

Please sign, date and return to:

Farragut Town Hall, 11408 Municipal Center Drive, Farragut, TN 37934

Fax: 675-2096 or scan/e-mail to pam.hall@townoffarragut.org

February 2, 2017

Samuel French
Town of Farragut
Economic Development Committee

To Whom It May Concern:

I would like to respectfully submit my biographical and professional information to be considered for the Economic Development Committee.

I grew up in Cleveland, TN and attended the University of Tennessee in Knoxville. I graduated in May 2004 with a Bachelor of Science in Accounting. After graduation, my wife, Robin, and I moved to Atlanta. I worked for the CPA firm Carr, Riggs & Ingram, LLC until the fall of 2009 in a variety of roles. During my time in Atlanta I earned my CPA designation and attended Georgia State University where I earned my Masters in Accountancy while working full time. I held leadership positions with the young CPA section of the Georgia Society of CPAs while I was there, and capped it off by serving as the chair of the section in 2007.

Ready to start a family, Robin and I moved back to Knoxville in September 2009, and I accepted a position of Audit Manager with Rodefer Moss & Co, PLLC. When Robin and I were planning our move, we considered various areas of Knox County, and the Town of Farragut seemed like a natural fit. The outstanding schools, beautiful landscape, friendly neighborhoods and access to shopping and restaurants sealed the deal for us. The French family is fully engaged in the Farragut community, whether it's my wife's involvement in the Farragut Primary School PTA, my kindergartner Ella's Girl Scout troop, or my 3-year-old son Connor's time at Mother's Day Out at Concord.

In January 2014, I accepted a partnership at Rodefer Moss and became one of the youngest partners ever, and currently the youngest active partner in the firm. During my time in Knoxville, I have worked to give back to the community through my involvement in the Young Professionals of Knoxville, the local UT alumni chapter board, Childhelp, Inc., and several other boards and professional associations. I just recently completed my service as Chair of the Greater Tennessee Chapter of the Associated Builders and Contractors, Inc. in December 2015. I am excited about finding new ways to engage within the community.

By applying for a position on the Town of Farragut Economic Development Committee, I hope to serve the community where I live, work and play. I have enjoyed what the Town has provided to me and my family from the time we purchased our home here in 2010. I hope to use my skillset as a CPA and problem solver to help the committee achieve its goals and objectives in the years to come.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Samuel French', with a stylized flourish at the end.

Samuel French, CPA





Samuel French

Partner

CPA

865.684.1956

sfrench@rodefermoss.com

[LinkedIn](#)



Executive Summary

Samuel “Sam” has twelve years of experience in public accounting, and conducts audits and reviews for a wide variety of industries, including retail, manufacturing and distribution, consumer products, construction, non-profit, and franchising entities. His clients range from start-ups to middle market companies with revenues in excess of \$300 million.

Prior to joining Rodefer Moss & Co, PLLC, Sam worked for Carr, Riggs & Ingram, LLC in their Atlanta office, providing assurance and small business solutions services to various start-up to middle market industry niches. His experience during a fast-paced growth period in Atlanta gave Sam exposure to the needs of growing small to medium sized businesses and the challenges they face on a daily basis.

Sam has written for various industry specialty groups, given presentations and spoken to associations on a variety of financial reporting and compliance matters. In addition, Sam manages the Knoxville, Tennessee assurance practice for Rodefer Moss & Co, PLLC.

Professional Affiliations

- American Institute of Certified Public Accountants
- Tennessee Society of Certified Public Accountants
- Associated Builders & Contractors of Greater TN

Community Involvement

- ChildHelp Tennessee
- Nucleus Knoxville
- First Tee of Greater Knoxville

Education

- B.S., Accounting, University of Tennessee
- MAcc; Georgia State University



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TOWN OF FARRAGUT CITIZEN BOARD/COMMITTEE APPLICATION

Name SCOTT MEYER
Address 12824 STAHL DRIVE Zip 37934
Home Phone 865-919-5123 Business Phone 865-919-5123
Fax _____ E-mail SCOTT@MEYERLLCPA@GMAIL.COM
Occupation HEALTHCARE EXECUTIVE + CPA
Education MASTER OF ACCOUNTANCY - UNIVERSITY OF TENNESSEE
MASTER OF HEALTH ADMINISTRATION - INDIANA UNIVERSITY

Why would you like to serve on a Town of Farragut committee (attach resume or additional information if desired):

SEE LETTER OF INTEREST

Intro to Farragut Graduate Yes ☒ No ☐

Indicate which Committee you are interested in serving:

☐

Board of Zoning Appeals (BZA)

☒

Economic Development Committee

I give my permission to the Town of Farragut to use my likeness on the web and/or Town publications. I have read and understand the Code of Ethics Ordinance and the applicable committee charter, ordinance or and/or by-laws.

Signature Scott J Meyer Date 01-31-2017

Please sign, date and return to:
Farragut Town Hall, 11408 Municipal Center Drive, Farragut, TN 37934
Fax: 675-2096 or scan/e-mail to pam.hall@townoffarragut.org

12824 Stahl Drive
Farragut, TN 37934

January 31, 2017

The Honorable Ralph McGill Mayor of Farragut, Tennessee,
and Alderman
11408 Municipal Center Drive
Farragut, Tennessee 37934

Dear Mayor McGill and Alderman:

Farragut is a unique Tennessee town, not because of its optimal location, exclusive shopping, excellent parks, and low taxes, but rather, because of the residents who call Farragut "Home." Because of its residents' imagination and dedication to neighbors, Farragut has overcome various challenges and evolved into a vibrant, growing community.

I want to use my financial and leadership skills to help Farragut overcome the next chapter of challenges and to achieve new successes that will make Farragut an even better hometown for the next generation.

I appreciate your consideration for appointment to the Economic Development Committee.

Warmest Regards,


Scott J. Meyer

Scott Joseph Meyer, CPA, MAcc, MHA

12824 Stahl Drive, Farragut, Tennessee 37934

Phone: (865) 919-5123

Email: scottjmeyercpa@gmail.com

EDUCATION: Certified Public Accountant; Tennessee license #18065
Master of Accountancy; University of Tennessee; August 2001
Master of Health Administration; Indiana University; December 1994
Bachelor of Arts: English and Speech Education; Ball State University; May 1991

WORK EXPERIENCE:

VICE PRESIDENT VALUE BASED CARE: Summit Medical Group; Knoxville, TN; November 2016 to Present.

Responsibilities: Responsible for provider achievement of clinical care quality measures, patient risk adjustment calculations, and care coordination for 80,000 medical group patients. Completes financial analysis of managed care programs and calculates their financial risk and return on investment. Negotiates thresholds for clinical quality measures and hospital utilization in order to optimize financial reimbursement in various managed care programs. Oversees 50+ nursing and medical coding staff members. Recommends accounting processes to record provider quality bonuses and care management fees for 200 physicians.

VICE PRESIDENT OPERATIONS: TeamHealth; Knoxville, TN; February 2014 to November 2016.

Responsibilities: Responsible for provider practice operations at 10 hospital Emergency Departments with \$5.5 million EBITDA.

Accomplishments:

- Implemented ED patient flow processes (patient split flow), ED Quality Teams, and provider patient experience training that significantly: reduced length of stay, reduced the number of patients leaving without treatment, and improved provider patient satisfaction scores. Advised Hospital Leadership and architects on design and patient flow for ED construction.
- Improved EBITDA, provider production, and ED quality measures by creating monthly and daily trended reports and using data to identify processes or situations that negatively impacted these statistics.

CORPORATE OPERATIONS CONSULTANT: Community Health Systems; Franklin, TN; September 2013 to February 2014.

Responsibilities: Completed operational, regulatory, and financial assessments of medical groups. Presented findings and improvement recommendations to Providers and Hospital and Corporate Executives. Educated Providers and staff on payor billing rules, CMS documentation regulations, compliance issues, and effective Accounts Receivable follow up methods. Determined methods for calculating provider compensation, cash reconciliation, and reporting AR reserves.

CORPORATE DIRECTOR OF PRACTICE OPERATIONS & FINANCE: Community Health Systems; Franklin, TN; February 2007 to June 2013.

Corporate Director Practice Operations: Responsible for continuous improvement of operations and financial performance of 800+ employed Providers located in 25 markets across the Midwest, including: increased revenue and production, expense control, standardized revenue cycle and operational workflows, accurate and timely billing, regulatory compliance (HIPPA, CLIA, CMS billing rules, etc.), and effective cash controls. Completed practice operational, regulatory, and financial assessments and presented findings and corrective actions to Providers and Hospital and Corporate Executives. Approved Provider compensation by comparing CFO calculations to employment contract terms. Approved EMR Meaningful Use Attestations to ensure Providers qualify for MU incentives. Approved Practice Strategic Plans and budgets and worked with Market CFOs to ensure accuracy. Approved re-design of clinical and operational workflows to accommodate EMR. Provided on-site support to Hospital and Practice Executives.

Accomplishments:

- Increased Net Revenue by 5% by developing and educating Providers, nursing staff, and Practice Administrators on standardized processes for Chronic Disease Management and Medicare Wellness Visits.
- Increased Point of Service Collections by 20% and reduced Bad Debt Expense by 15% by authoring and educating administrative staff on Best Practices for: scheduling, patient collections, charge capture, and cash internal controls.
- Reduced Provider compensation expense by \$5.1 million by designing and implementing a wRVU Reduction Report on which Markets manually adjust Provider wRVUs according to the CMS RBRVS file (i.e. bundling rules and fee-affecting modifiers). The report was later automated through Excel macros and implemented in all Divisions.

- Increased charge capture and Net Revenue for Providers in 3 markets by implementing Missed Revenue Audits in which Certified Coders review Provider documentation to identify documented charges that were not billed.
- Authored and completed all calculations for Action Plan to improve EBITDA by \$5 million for Q4, 2012. Presented Action Plan to CHS CFO and Executive Vice Presidents and ensured Markets accomplished items in the Action Plan.

Corporate Director Practice Finance: Directed all operations of a 150+ employee Centralized Physician Billing Office that completed billing functions for 900 Providers. Directly responsible all aspects of conversion to the Athena Practice Management System for 1,500+ Providers over an 18 month time period. Designed and educated CFOs, Controllers, Practice Administrators, and administrative staff on the following: 1) practice workflows that maximize use of the Athena PMS (i.e. eligibility verification, claim edit resolution, patient collections, scheduling, etc.), 2) Athena reports used to record monthly activity in the general ledger and cash clearing account reconciliation, and 3) Monthly Athena management reports used to trend payment denials, timeliness of charge entry, patient eligibility verification, POS collection efforts, and provider referral patterns. Oversaw monthly generation of EBITDA reports for 2,000+ Providers. Monthly identified negative variances in adjusted net revenue, operating expenses, and cash clearing accounts and ensured CFOs corrected causes of negative variances.

Accomplishments:

- Reduced Days in AR from 87 to 35 and increased Net Collections from 85% to 99%, through efforts described above.
- Redesigned all workflows at the Centralized Physician Billing Office, to maximize the Athena PMS, including: AR follow-up, cash posting, charge entry, unapplied cash resolution, Provider credentialing, and a patient call center.
- Completed a 7-month turn around assignment as Practice Administrator at a CHS Market that employed 20 Providers. At end of assignment, Same Store Provider EBITDA improved by 20%. Turnaround efforts included: Chronic Disease process, which increased Net Revenue by 28%; Re-training staff on use of the Athena PMS and Best Practices for revenue cycle and operational workflows, which decreased bad debt expense by 30%; Provider terminations and employment contract changes to a production model; and staff re-assignment based on skill-set.
- Mapped the Triad Hospital System clinic general ledger (Meditech) to the CHS clinic general ledger (HMS) including: balance sheet and income statement sub-accounts, direct and overhead departments, and statistical codes.
- Led the development of a Cost Allocation System that allocated expenses from overhead departments to Provider direct departments in the general ledger. Educated all CHS CFOs and Controllers on monthly utilization of the system.
- Authored CHS policies for: Cash Internal Controls, Self-Pay/ Prompt Pay/ Charity Care discounts, and Charge Entry.
- Completed and presented annual operating budgets for 3 corporate departments, totaling \$2 million EBITDA.
- Received the 2008 President's Award for Outstanding Achievement as a Corporate Director.

INTERIM HOSPITAL CEO/ REVENUE CYCLE DIRECTOR: Pacer Health: Miami, FL: May 2006 to February 2007.

Responsibilities: Served as Interim CEO of 20-bed hospital, in Lafayette, LA for 4 months. Also responsible for continuous improvement of revenue cycle for 5 hospitals, including: Registration, Business Office, Medical Records, Utilization Review, and Charge Master Updates. Completed month close journal entries for 3 hospitals.

Accomplishments:

- Increased hospital occupancy rates from 50% to 96% for 2 hospitals and decreased wages expenses by 15%.
- Identified \$5.5 million in missed charges through review of charge master and charge entry process.
- Increased cash by 20% through: charge master reviews, implementation of charge entry internal controls, implementation of pre-registration process, re-designed of claim submission, and follow-up methods.

REVENUE CYCLE CONSULTING MANAGER: Lattimore, Black, Morgan, and Cain: Knoxville, TN: May 2005 to May 2006.

Responsibilities: Completed hospital and physician practice financial assessments that included: revenue cycle workflows, operational workflows, Balance Sheet & Income Statement Reviews, and staffing analysis. Completed 10 hospital Sarbanes Oxley audits and 6 balance sheet reviews for Life Point Hospital System. Served as interim CBO Director and increased cash by 20% through redesigning business office workflows, assessing staff abilities, and identifying missed charges.

CONTROLLER: Doctors Management, PLLC: Knoxville, TN: June 2004 to May 2005.

Responsibilities: Supervised month close and reporting process for medical groups. Compiled monthly financial statements, reconciled banks statements, and posted journal entries. Presented monthly financial reports to Physicians. Completed payroll tax, partnership, and personal tax returns. Supervised 3 accounting staff members.



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TOWN OF FARRAGUT CITIZEN BOARD/COMMITTEE APPLICATION

Name Michael J Wilson
Address 333 Boney Circle Farragut, TN Zip 37934
Home Phone 865-671-6381 Business Phone 865-576-1875
Fax N/A E-mail cmic.ccc@gmail.com
Occupation Supervisory HR Development Specialist
Education MA in Career Counseling; MS in Human Resources
Why would you like to serve on a Town of Farragut committee (attach resume or additional information if desired):
See Attached

Intro to Farragut Graduate Yes ☒ No ☐

Indicate which Committee you are interested in serving:

- ☐ Arts Council
- ☐ Board of Plumbing & Gas/Mechanical Examiners
- ☒ Board of Zoning Appeals (BZA)
- ☐ Beautification Committee
- ☐ Museum Committee
- ☐ Knox County Schools Education Relations Committee
- ☐ Parks & Athletics Council
- ☐ Personnel Committee
- ☐ Stormwater Advisory Committee
- ☐ Visual Resources Review Board (VRRB)

I give my permission to the Town of Farragut to use my likeness on the web and/or Town publications. I have read and understand the Code of Ethics Ordinance and the applicable committee charter, ordinance or and/or by-laws.

Signature [Signature] Date 1/16/2017

Please sign, date and return to:
Farragut Town Hall, 11408 Municipal Center Drive, Farragut, TN 37934
Fax: 675-2096 or scan/e-mail to pam.hall@townoffarragut.org

January 16, 2017

Michael Wilson
333 Burney Circle
Farragut, TN 37934

Board of Mayor and Alderman
11408 Municipal Center Drive
Farragut, TN 37934

SUBJ: Board of Zoning Appeals Application

Dear Mayor and Alderman,

My application to fill the unexpired term on the Board of Zoning Appeals is attached for your consideration.

I have had a strong desire to volunteer to serve the residents of Farragut through one of the towns' boards or committees. Until recently, I was unable to do so as my work organization was undergoing a major reorganization requiring a great deal of time and travel. This reorganization is coming to a close allowing me the time to dedicate to this board.

My involvement with the Smith Road rezoning meetings and completion of the Intro to Farragut Program has spurred my interest in the area of zoning laws and regulations. I believe my attention to detail and previous work will assist me in stepping into the position ready to serve the people of our community. The experiences I have had with the Town of Farragut have shown me that citizen involvement is key to successful representative government. If selected, I hope to bring this citizen perspective to the position while assisting the town in its continued growth.

If selected, I will reapply for the 5-year term that begins in June 2017 to provide consistency on the board. I look forward to the opportunity to expand my knowledge while serving the Town of Farragut. I thank you for your time and consideration of my application.

Sincerely,



Michael Wilson
Farragut Resident and Neighbor

Attachments

Michael J. Wilson

333 Burney Circle, Farragut, Tennessee 37934 – 559-362-8462 – cnic.ccc@gmail.com

Objective To assist organizations and employees to maximize their potential through innovative learning and development strategies

Experience **Supervisor Human Resources Development Specialist**

U.S. Department of Energy, Oak Ridge, Tennessee

11/2015 – Present

Designed, managed, and implemented a broad training and development program area, assuring adequate resources to support 3000+ employees in 21 Office of Science and Nuclear Energy organizations during a transition to a shared service center model.

Developed a targeted transition plan resulting in the successful transition of 21 offices on. Recruited and hired two additional staff members and aligned training program workflows for a staff of four.

Managed a comprehensive training needs analysis assessment providing for the identification of performance gaps and skill gaps. Identified specific training to fill critical skill gaps for the newly form shared service center staff, resulting in over 200 individual learning events and multiple group training events over a three-month period of time.

Human Resources Development Specialist

U.S. Department of Energy, Oak Ridge, Tennessee

03/2013 – 10/2015

Provided program management expertise for the Office of Science Technical Qualification Program encompassing 150+ personnel. Ensure the program was in compliance with all laws, regulations, and guidance.

Consolidated four independent programs into a single program with centralized management. Established standard operating and reporting procedures saving both manpower and economic resources.

Implemented an electronic qualification process simplifying the qualification process.

Human Resources Development Specialist

U.S. Bureau of Reclamation, Sacramento, California

10/2008 – 02/2013

Plans, directs and implements a comprehensive program for training and developing supervisors, managers, and employees. Evaluates training accomplishments, initiates needs assessments and program improvements consistent with available resources, program priorities, and recognized benefits. Interprets and applies applicable laws, regulations, policies and precedents for all training related activities. Saved over \$400K in training and travel funds from year to year by coordinating training events within the Region.

Developed four leadership development programs based on a 360 degree assessment of 132 supervisors. Proposed and acquired \$170K in annual funding for said programs resulting in an employee success centered shift in leadership philosophy.

Human Resources Manager

Lowes HIW, Hanford, California

08/2008 – 09/2008

Conducted new store hiring for 120 positions. Screened 1800 applicants, coordinating 600 interviews, and 90 drug and background screenings resulting in 84 external applicants hired within a six-week time frame.

Kept positive drug tests and negative background screenings at mere 6% saving over \$11,500 in direct recruiting costs. Maintained an average 34% below the regional average for similar Lowe's hiring events.

Career Counselor

Commander Navy Installations Command, Washington, DC

5/1996 – 7/2008

Managed various U.S. Navy career development programs for organizations ranging from 300 to 21,000+ personnel. Supervised 11 regional and 98 organizational Human Resource Development Program Managers.

Collaborated with two navy wide working groups in establishing the 2016 strategic vision for the U.S. Navy Manpower, Personnel, Training and Education programs. Devised unique solutions for challenging personnel problems.

Completed a Functional Needs and Solutions Analysis and developed a Manpower, Personnel, Training and Education Concept of Operations being utilized by the Chief of Naval Personnel.

Education**Master of Arts, Career Counseling**

Chapman University, Orange, CA

12/2011

Master of Science, Human Resources

Chapman University, Orange, CA

01/2007

Bachelors' of Science, Business Management

University of Maryland, University Campus, Naples, Italy

05/2001

Magna cum Laude

References

Available Upon Request

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Approval of a Communications Equipment License Agreement (the "Agreement") between the Town of Farragut and the Zayo Group, LLC., for three small cell locations in the Parkside Drive area

INTRODUCTION AND BACKGROUND: At the Farragut Municipal Planning Commission meeting on August 18, 2016 three site plans were considered for small cell systems (basically small scale cellular towers located on light poles or other utility posts in areas of high activity) in the Parkside Drive area. Two small cells would be placed along Parkside Drive within the public right of way and would involve replacing two existing Town owned light poles. The replacement poles would be needed in order to accommodate the additional weight of the devices to be attached to the poles. One of the existing poles is situated in front of the Marshall's store and the other is situated to the west of the Publix store. A third pole would be added as a new pole within the right of way along Campbell Lakes Drive and would be situated on the east side of the access to the Elliott's Boots store. These locations are shown as Exhibit A, as part of the "Agreement" under consideration,

DISCUSSION: During the Planning Commission's review of the three site plans, other options for providing better concealment of the structures that would be attached to the poles were discussed. The staff recommended that the applicant place the structures underground with only the antenna being visible on the pole. After some discussion, the Commission did not require the structures to be underground but did recommend that the applicant make some revisions to the plans to lessen the size of the structures that would be attached to the poles and to conceal all wiring within the poles and around the antennas. These revisions were then to be forwarded to the Commissioners for their final review.

Though the applicant's engineers submitted revisions to the Planning Commissioner's and those revisions were subsequently recommended for approval, the staff indicated that their recommendation to the Board of Mayor and Aldermen would be to place all structures, with the exception of the antennas, underground. The staff expressed a concern that these structures will be requested by other carriers in nearby locations and could compromise the aesthetics of the streetscape, especially along streets, like Parkside Drive, where the utilities are underground.

As part of the "Agreement" that is being presented to you at this time, the applicant has now agreed to place all of their small cell structures underground, with the exception of an antenna. In addition to the "Agreement", included in your packet is also a set of drawings that illustrate the underground option for the requested small cell structures in front of the Marshall's store on Parkside Drive.

RECOMMENDATION: The staff recommends approval of the "Agreement" between the Town of Farragut and the Zayo Group, LLC., with the recommendation that more detailed and site specific plans be submitted for each proposed small cell location and that such set of plans will become the stamped approved plans that the contractor and the staff will be following. The staff will need to ensure that the underground vault will not create any conflicts with adjacent utilities or other improvements and that the vault material will not require maintenance and can be concealed with a surface treatment that blends in with the surroundings.

PROPOSED MOTION: To approve the Communications Equipment License Agreement between the Town of Farragut and the Zayo Group, LLC., for three small cell locations in the Parkside Drive area.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

COMMUNICATIONS EQUIPMENT LICENSE AGREEMENT

This Communications Equipment License Agreement made and effective this the 24th day of January, 2017 (the "Agreement Effective Date") between the **Town of Farragut, Tennessee**, a Tennessee municipal corporation (the "Town") and **Zayo Group, LLC**, a Delaware limited liability company authorized to do business in Tennessee (the "Licensee").

RECITALS:

WHEREAS, Licensee has represented that it is authorized by the State of Tennessee and the Federal Communications Commission ("FCC") to provide telecommunications services and that it intends to deploy a telecommunication network in the geographic area that includes the Town; and

WHEREAS, the Town owns or otherwise has a lawful possessory interest in three (3) streetlight poles (the "Poles"), two of which are located in the right-of-way of the Town that contains a roadway known as "Parkside Drive," and one of which is located in the right-of-way of the Town known as "Campbell Lakes Drive," the actual location of the Poles being shown on the diagram attached hereto as Exhibit A (the Poles and their place in the right-of-way are referred to collectively herein as the "Cell Sites"); and

WHEREAS, Licensee desires to install, operate and maintain Equipment within the right-of-way of Parkside Drive, some of which it seeks to mount on the Poles located at the Cell Sites and some on or under the ground adjacent to such poles; and

WHEREAS, the Poles are not of adequate strength to support Licensee's Equipment and Licensee having applied for and obtained the approval of the Town (i) to install, maintain and operate the Equipment it desires to place at the Cell Sites in the Town's right-of-way and (ii) to replace the Poles, the parties now desire to memorialize authorization of the Town to install such approved Equipment and replacement poles in accordance with the requirements of this Agreement, the conditions of the approvals and the Farragut Municipal Code ("FMC"); and

WHEREAS, the parties desire to enter into this Agreement establishing the terms and conditions governing the installation, maintenance and operation of Licensee's Equipment at the Cell Sites.

NOW, THEREFORE, in consideration of the covenants contained in this Agreement, the parties hereto agree as follows:

1. Definitions.

1.1. "Application" means the Application previously made by Licensee, and conditionally approved by the Town to place the Equipment within the right-of-way of Parkside Drive at the Cell Sites, and to replace the three (3) Poles.

1.2. “Equipment” means antennas, radios, cabinets, fiber optic cable, support mounts and structures, duct, conduit, manhole, hand hole, cable equipment, other wireline and all related accessories installed at the Cell Sites that are owned and/or used by Licensee and/or its customers in providing wireline or wireless telecommunications service.

1.3. “Licensee’s Service” means the wireline or wireless telecommunications services provided or intended to be provided by Licensee to its customers using the Equipment.

1.4. “Modification” means any change or alteration affecting the Equipment, including, without limitation, any change in the number, type, ownership or use of the Equipment, which causes the information provided by Licensee in the prior Applications(s) to be incorrect or incomplete in any respect.

1.5. “Notice” or “Written Notice” means official communication by designated email and/or physical address of either party to this Agreement. An official point of contact for both parties and related contact information is included hereinafter.

1.6. “Permit” means the document issued by the Town when the Application is granted, providing permission to Licensee for the placement, modification or removal on or from the Poles of the specific Equipment identified in the Application. The form of Permit shall be reasonably prescribed by the Town and may be by way of a formal letter of approval by the Town.

2. **Grant of License.** The Town hereby grants to Licensee a nonexclusive license over, upon and under the Cell Sites at the three (3) locations, and the Poles situated thereon, as shown on Exhibit A to this Agreement for the sole purposes of installation, operation, and maintenance of Licensee’s Equipment and of replacing the Poles, all as approved by the Town pursuant to the Application. The Town also grants to Licensee the license to use the Towns right-of-way adjacent to the Cell Sites for ingress and egress to the Cell Sites. The licenses granted hereby are personal in nature, and in no way appurtenant to the Cell Sites, nor appurtenant to any other property or lands owned by Licensee or the Town. Licensee acknowledges that it has no property interest in the Cell Sites of the Poles. The Licensee further acknowledges that the Town reserves the right to license other parties who are permitted by the Town to install Equipment on the Poles and under the Cell Sites as a co-locator (herein “Co-Locator”). Licensee agrees to cooperate with any Co-Locator in the sharing of information about its Equipment in order to ensure that the Equipment designed by the Co-Locator will not interfere with Licensee’s Equipment.

3. **Term.** This Agreement shall commence on its Effective Date and shall remain in effect for an initial period of five (5) years (the “Initial Term”), unless terminated sooner pursuant to this Agreement. The Agreement will automatically renew on the same terms and conditions, with the exception of the amount of the License Fee, for successive five (5) year renewal periods (each, a “Renewal Term”). The Agreement will be subject to termination by either party upon the giving by the party of written notice to the other party ninety (90) days prior to the end of the Initial Term or the then-current Renewal Term.

4. **License Fee for Initial and Renewal Terms.** The License Fee payable by Licensee to the Town for the license to use the Poles and the Cell Sites is Two Thousand Dollars (\$2,000.00) for each set of Equipment per year per site until December 31, 2021 (the "Licensee Fee"), thereafter the annual License Fee shall increase by Five Hundred Dollars (\$500.00) at the beginning of each Renewal Term.

5. **License Fee Payments.** The License Fee must be paid to the Town at: 11408 Municipal Center Drive, Farragut, Tennessee 37934, and shall be due upon the approval granted by the Town to install Equipment on a particular site and on each anniversary date thereafter. The Town and Licensee may agree to payments by electronic funds transfer using bank routing information provided by the Town. Throughout the Initial Term and Renewal Terms, Licensee must pay the License Fee for each Cell Site regardless of whether Licensee's Equipment is installed and regardless of whether the Equipment is operational, temporarily shut down for interference, or for any other reason not in service, except only as provided otherwise in this Agreement.

6. **Replacement of Existing Poles and Attachment of Equipment.** Prior to the installation of any Equipment upon a pole, Licensee shall cause the Town's existing Pole to be removed and replaced with the approved replacement Pole, and to reattach and make operational the streetlight. All costs for labor and materials incurred in replacing the Poles, as well as in installing, maintaining and operating the Poles and the Licensee's Equipment are to be borne exclusively by the Licensee. The replacement poles shall be sufficient to accommodate the installation of the Equipment of a Co-Locator in addition to the Equipment of Licensee. To the extent Licensee needs electricity or any other utilities at the Cell Site in order to operate its Equipment, it shall be responsible to arrange and pay for the metering required and the electricity used. All Equipment installed at a Cell Site shall be placed underground except the antenna and any cable or wire connecting it to the remainder of the Equipment installed underground, which cable and wire will be run inside the Pole.

7. **Authorized Use of Cell Sites; Maintenance of Licensee Equipment.** Licensee is permitted to use the Cell Sites only for the installation, operation, and maintenance of Licensee's Equipment to provide Licensee's Service and for no other purpose (the "Authorized Use"). Licensee must install its Equipment on each Cell Site in strict compliance with the Town approved plans and specifications submitted by Licensee for that Cell Site. Licensee must maintain each Cell Site in very good and operational condition at all times. In the event a Co-Locator enters into an agreement with the Town to co-locate on any of the Poles and Cell Sites, Licensee shall cooperate with such Co-Locator in the installation of its Equipment.

8. **Licensee Removal of Licensee's Equipment from Cell Sites.** Licensee may remove its Equipment from a Cell Site if (A) any governmental approval is canceled, expires, lapses, or is otherwise withdrawn or terminated by the approval authority or (B) Licensee determines the Cell Site is no longer necessary. Licensee must give the Town written notice not less than thirty (30) days prior to the proposed date of removal of the Equipment at a Cell Site. That notice must include a statement of the reason for the removal and the dates by which (a) all of elements of the Licensee's Equipment will be removed from the Cell Site and (b) restoration of the Cell Site will be completed. Licensee must pay full License Fees for the Cell Site until the

last day of the month during which restoration of the Cell Site is properly completed, as determined by the Town.

9. **Licensee Modification of Licensee's Approved Equipment.** Licensee may replace, repair, or modify Equipment and the frequencies over which the Equipment operates. If a modification will result in any increase of the size or number of antennas or cabinets at a Cell Site (a "Significant Modification"), then the written consent of the Town is required prior to installation of that Significant Modification. Such consent may be conditioned by the Town upon an increase in the License Fee. Licensee must file a written request with the Town for approval of a Significant Modification, including plans and specifications for the Significant Modification. The Town must make its decision on the Significant Modification within forty-five (45) days after receiving the detailed plans and specifications. The Town may not unreasonably deny a request for a Significant Modification, but Licensee acknowledges that a substantial change to the size or number of antennas or cabinets may be a basis for denial depending on all of the circumstances related to the particular Cell Site. Any modification of the Equipment at a Cell Site must comply with the standards of the FMC.

10. **Use of Town Rights-of-Way; Parking.** Licensee may use Town rights-of-way as necessary to maintain the Equipment and to replace the Poles. Licensee and its contractors will have reasonable use of Town streets to park vehicles when necessary for installation, replacement, or maintenance of a Licensee's Equipment, without a fee. No Town right-of-way, highway, or public place may be encumbered for a period longer than necessary to undertake and complete the work. All work within a Town right-of-way must comply with the provisions of the FMC and all other applicable State of Tennessee, Knox County, and Town laws, ordinances, rules and regulations (collectively "Applicable Laws"). Nothing in this Agreement grants or transfers any ownership of any Cell Site, Town right-of-way, or other property to Licensee.

11. **Damage to Cell Site.** If a Cell Site is damaged by fire, storm, or other occurrence that disrupts operation of Licensee's Equipment on that Cell Site for more than forty-five (45) days, then the License Fee attributable to that Cell Site will be abated for the time period beginning on the 46th day after the damage occurred and ending on the day the Cell Site is suitable for operation. If the damage disrupts operation for more than ninety (90) days, then Licensee may terminate the Agreement as to the affected Cell Site and the obligation to pay the License Fee for the affected Cell site will cease as of the 90th day. In the event of termination, Licensee must remove the Licensee's Equipment from the Site within thirty (30) days after the date of termination.

12. **Town Maintenance of Cell Sites.** From time to time the Town may repair, replace, or otherwise work on a Cell Site (collectively "Repair"). The Town will cooperate reasonably with Licensee on a Repair to minimize interference with an affected Cell Site, as follows:

(A) **Notice of Repair.** The Town will give Licensee a thirty (30) day written notice of a Repair if the nature of that repair may interfere in any way with the operation of the affected Equipment. Licensee must cooperate with the Town on the Repair by providing

adequate measures to cover or otherwise protect the Equipment from the consequences of the Repair.

(B) Removal of Licensee Facility; Emergency Repair. The Town may require Licensee to remove any Equipment from a Cell Site during a Repair and, if so, must give Licensee not less than sixty (60) days to complete that removal (except in the case of an emergency as stated in the next paragraph of this subsection). If the Equipment must be removed, then Licensee may maintain a temporary communications facility on Town property as near to the affected Cell Site as practical. If there is no Town property suitable for a temporary communications facility, then the License Fee related to the affected Cell Site will be abated for the entire time the affected Equipment is out of operation.

In the case of an emergency due to storm, fire, wind, crash, or other damage to a Cell Site, the Town may require immediate removal of the affected Equipment. The Town and Licensee will cooperate fully to cause the damage to be repaired and the Equipment to be re-installed on the Cell Site. The License Fee will not be abated because of an emergency.

(C) Modification of Repair. Licensee may request a modification of the Town's procedures for carrying out a Repair in order to reduce interference with the affected Equipment. If the Town agrees to the modification and the Repair as a result of the modification is more expensive, then Licensee will be responsible for all incremental cost of the Repair related to the modification.

13. Indemnification. Licensee must indemnify, defend and hold the Town and its elected officials, officers, employees, attorneys, and representatives harmless against any and every claim of liability, damage, or loss from personal injury or property damage resulting from, arising out of, or related to its use of the Cell Sites, the Equipment or the Poles, or the act or failure to act of Licensee or its employees, contractors, or agent (each a "Claim"), except to the extent that a Claim is due to, or caused by, the negligent or willful misconduct of the Town. Licensee must reimburse the Town for all costs and expenses incurred by the Town related to a Claim. Licensee must give prompt written notice to the Town of any Claim. The Town must give prompt written notice to Licensee of any Claim known to the Town. Any failure of the Town to give prompt written notice of a Claim, however, will not relieve Licensee from its indemnification obligations in respect of that Claim, except to the extent Licensee can establish actual prejudice and direct damages as a result of that failure. The Town will cooperate appropriately with Licensee in connection with Licensee's defense of a Claim. Licensee must defend the Town using an attorney or attorneys satisfactory to the Town in the reasonable exercise of the Town's judgment, and Licensee shall be responsible for and pay all costs, including reasonable attorney's fees and expenses. Licensee may not settle or compromise any Claim, or consent to the entry of any judgment, without the prior written consent of the Town and without an unconditional release of the Town from all Claims by each claimant or plaintiff.

14. Insurance. Licensee agrees to maintain the various types of insurance described on Exhibit B, upon the conditions stated therein. Prior to the commencement of installation of any replacement/new Poles on any Cell Site, Licensee must provide the Town with a proper

certification and endorsement establishing the Town as an additional insured on the commercial general liability insurance policy.

15. **No Assignment.** Neither this Agreement as a whole nor any provision of this Agreement may be sold, assigned, or transferred by Licensee without the prior, express, written approval of the Town, except only that Licensee may sell, assign, or transfer this Agreement to Licensee's principal, affiliates, and whole-owned subsidiaries of its principal or to any entity that acquires all or substantially all of Licensee's assets in the market defined by the FCC in which the Cell Sites are located through a merger, acquisition, or other business reorganization.

16. **Licensee Removal, Restoration.** At the expiration or termination of this Agreement, or removal of a Cell Site (and related Equipment), Licensee may promptly, and in any event within ninety (90) days remove the affected Equipment, including without limitation all equipment, conduits, fixtures, and personal property, and restore each Cell Site to its condition prior to the installation of the Equipment, except that the replacement Poles shall remain in place. Regardless of the date of expiration, termination, or removal, Licensee must pay the License Fee in full until the last day of the month during which restoration is completed and approved by the Town.

17. **Notices.** All notices hereunder must be in writing and are validly given if given personally or sent by certified mail, return receipt requested, or by guaranteed overnight or two-day delivery through a widely known commercial mail delivery service, addressed as follows:

If to the Town:

Town Administrator
Town of Farragut
11408 Municipal Center Drive
Farragut, Tennessee 37934

If to Licensee:

Zayo Group, LLC
1805 29th Street
Boulder, CO 80301
Attn: General Counsel

A copy of all notices should also be delivered to the primary contact for each party which shall be **Gary Palmer, Assistant Town Administrator**, 11408 Municipal Center Drive, Farragut, Tennessee 37934, for the Town and **Terry Davis, Sr. Project Manager**, 209 10th Avenue South, Nashville, TN 37203, for the Licensee. The Town or Licensee may change its delivery address by notice given in the manner provided in this section.

18. **Authorized Licensee Entities.** Licensee enters into this Agreement on its own behalf and for the benefit of any entity in which Licensee directly holds a controlling interest and any entity that directly holds a controlling interest in Licensee (each an "Authorized Entity"). No right or obligation under this Agreement applies to an Authorized Entity until that Authorized Entity executes a written assumption of obligations under the Agreement in a form satisfactory to the Town.

19. **Breach of Agreement.** If Licensee breaches this Agreement, then the Town may give Licensee written notice of that breach stating the nature of the breach. Licensee must cure the breach in its entirety within fifteen (15) days after receipt of the written notice. The fifteen (15) day period may be extended up to an additional fifteen (15) days for any breach other than nonpayment of the License Fee or electricity charges if Licensee cannot reasonably cure the breach within fifteen (15) days, so long as Licensee had commenced a cure within ten (10) days after receipt of the written notice and diligently and continuously pursues the cure to completion.

If the Town breaches this Agreement, then Licensee may give the Town written notice of that breach stating the nature of the breach. The Town must cure the breach in its entirety within thirty (30) days after receipt of the notice of breach, except that if the breach adversely affects the operation of a Cell site, then the Town must commence a cure within ten (10) working days and diligently and continuously pursue that cure to completion.

20. **Remedies.** In the event of a breach by Licensee or the Town that is not properly cured as required under this Agreement, the non-breaching party may pursue any remedy now or hereafter available to it under the law. In addition, if Licensee breaches its obligation to pay License Fees or electricity or other utility charges, or to maintain one or more Cell Sites in very good and operational condition, and Licensee does not cure that breach as required under this Agreement, then, in addition to all of its other rights and remedies, the Town may immediately terminate this Agreement and demand immediate powering down and thereafter removal of all affected Equipment at the affected Cell Site.

21. **Final Agreement; Binding Effect.** This Agreement is the final understanding and agreement of the Town and Licensee as to every matter stated in or implied by this Agreement. There are no oral agreements, promises, representations, or understandings pertinent to this Agreement or binding on the Town or Licensee. This Agreement binds the Town, Licensee and each Authorized Entity.

22. **Amendments.** This Agreement may not be amended in any way except in a writing signed by the Town and Licensee.

23. **No Implied Waivers.** The failure of the Town or Licensee at a particular time to insist on strict performance of a provision of this Agreement or to exercise any of its rights or remedies under particular circumstances is not a waiver of the right to later insist on strict performance or exercise any right or remedy.

24. **Tennessee Law Governs.** This Agreement is and will be governed, interpreted, construed, regulated by Tennessee law, without reference to or regard of Tennessee choice of law rules. Venue for any lawsuit related to this Agreement is in the courts of Knox County, Tennessee or in the United States District Court for the Eastern District of Tennessee.

TOWN:

Town of Farragut

Dr. Ralph McGill, Mayor

As to form:

Thomas M. Hale
Town Attorney

LICENSEE:

Zayo Group LLC

By:_____

Its:_____



EXHIBIT A

LINEAR FEET OF FIBER
5,401'

EXHIBIT B

INSURANCE REQUIREMENTS

(a) Required Coverage. Licensee shall provide and maintain, and shall require each subcontractor to provide and maintain, in effect so long as all or any portion of the Licensee's improvements shall remain on Pole Owner's property, minimum insurance coverage with carriers satisfactory to Pole Owner including:

1. Workers Compensation insurance with statutory limits, as required by the state in which the Work is to be performed, and employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00) per occurrence.
2. Commercial general liability (CGL) insurance (with coverage consistent with ISO Form CG 00 01 12 04) with a limit of not less than one million dollars (\$1,000,000.00) per occurrence and aggregate, covering liability for bodily injury and property damage, arising from premises, operations, independent Licensees, personal injury/advertising injury, blanket contractual liability, and products/completed operations for not less than three (3) years from the date of this Agreement.
3. Automobile liability insurance coverage for owned, non-owned, and hired autos with a limit of not less than one million dollars (\$1,000,000.00) per accident.
4. Excess or Umbrella liability insurance coverage with a limit of not less than four million dollars (\$4,000,000.00) per occurrence and aggregate. These limits apply in excess of each of the above-mentioned policies.

The liability limits under 1, 2, 3 and 4 may be met with any combination of primary and Excess or Umbrella Insurance policy limits totaling \$5 million dollars (\$5,000,000).

Insurance coverage provided by Licensee and subcontractor under this Exhibit B shall not include any of the following: any claims made insurance policies; any self-insured retention or deductible amount greater than two hundred fifty thousand dollars (\$250,000.00) unless approved in writing by Pole Owner; any endorsement limiting coverage available to Pole Owner which is otherwise required by this Exhibit B; and any policy or endorsement language that (1) negates coverage to Pole Owner for Pole Owner's own negligence, (2) limits the duty to defend Pole Owner under the policy, (3) permits the recovery of defense costs from any additional insured, or (4) limits the scope of coverage for liability assumed under a contract.

To the extent permitted by applicable Laws, all above-mentioned insurance policies shall provide the following:

1. Be primary and non-contributory to any other insurance carried by Pole Owner;
2. Contain cross-liability coverage as provided under standard ISO Forms' separation of insureds clause; and
3. Provide for a waiver of all rights of subrogation which Licensee's insurance carrier might exercise against Pole Owner.

Any policies of insurance maintained by Licensee, its contractors, or subcontractors, shall be primary without right of contribution or offset from any policy of insurance or program of self-insurance maintained

by Pole Owner. Licensee may, in lieu of obtaining insurance policies from third parties, furnish the insurance required of it hereunder through a commercially reasonable self-insurance program, subject to the approval of Pole Owner (which approval shall not be unreasonably withheld, conditioned or delayed so long as the demonstrated claims paying ability and financial resources of such program equal or exceed those of insurance companies having Best's Ratings equal to that described above).

Additional Insured Endorsement.

All liability insurance policies shall name Pole Owner, its officers, directors, employees, agents, representatives, Affiliates, subsidiaries, successors, and assigns, as additional insureds, shall be primary to any other insurance carried by Pole Owner, and shall provide coverage consistent with ISO Form CG 2026 (11/85), or the combination of ISO Form CG 20 10 10 01 and CG 20 37 10 01, and shall maintain the required coverages, naming Pole Owner as an additional insured, for a period of not less than three (3) years from the date of this Agreement.

Evidence of Insurance.

Licensee shall provide evidence of the required insurance coverage and file with Pole Owner a Certificate of Insurance acceptable to Pole Owner prior to commencement of the Work. The Insurance and the insurance policies required by this Exhibit B shall contain a provision that coverages afforded under the policies will not be canceled, allowed to expire or the limits in any manner reduced until at least thirty (30) days prior written notice (ten (10) days in the case of nonpayment of premium) has been given to Pole Owner.

Waiver of Subrogation.

Licensee shall waive all rights of subrogation against Pole Owner under those policies procured in accordance with this Agreement.

Ratings.

All insurance coverage shall be provided by insurance companies acceptable to Pole Owner and having ratings of A-/VII or better in the Best's Key Rating Insurance Guide (latest edition in effect at the date of this Agreement).

Upon Licensee's failure to provide and maintain the required insurance, Pole Owner shall have the right, but not the obligation, to purchase the insurance or any part thereof, either with or without including Licensee as insured, and the cost of the insurance shall become due and payable and shall be collectable by the Pole Owner in the same manner as herein provided for the collection of other charges not paid by Licensee Bond or Letter of Credit.

PROJECT SUMMARY

SITE NAME:	SMC_KNOX_TURKEY_CREEK3
CLOSEST ADDRESS TO SITE:	11455 PARKSIDE DRIVE FARRAGUT, TN 37934
JURISDICTION:	TOWN OF FARAGUT
COUNTY:	KNOX COUNTY

SITE COORDINATES:		
LATITUDE:	35° 53' 58.38" N	(NAD 83)
LONGITUDE:	-84° 9' 52.12" W	(NAD 83)
ELEVATION:	987.00'	(NAVD 88)

LATITUDE:	35° 53' 58.38" N	(NAD 83)
LONGITUDE:	-84° 9' 52.12" W	(NAD 83)
ELEVATION:	987.00'	(NAVD 88)

POWER COMPANY: LCUB
136 N CAMPBELL STATION ROAD
KNOXVILLE, TN 37934
PHONE: (865) 986-6591

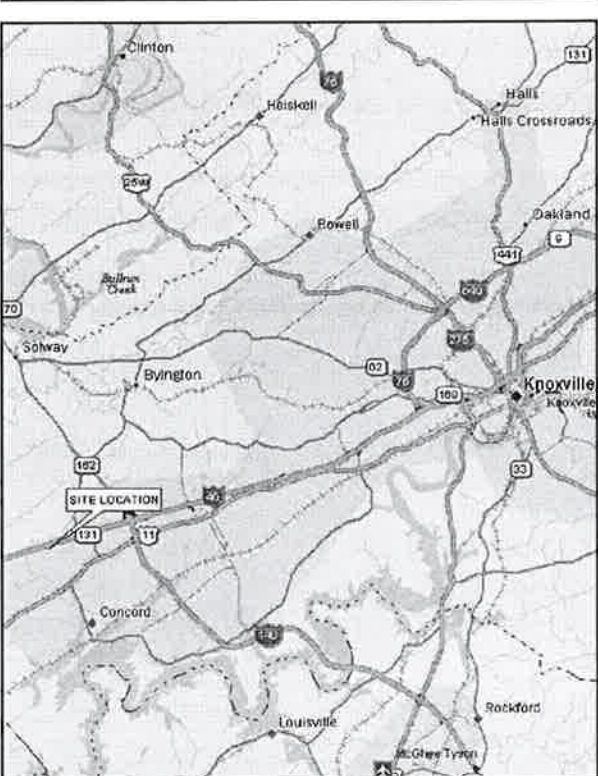
FIRE DEPARTMENT: RURAL/METRO FIRE STATION 10
9746 PARKSIDE DRIVE
KNOXVILLE, TN 37922
PHONE: (865) 546-9960

POLICE DEPARTMENT: KNOX COUNTY SHERIFF DEPARTMENT
11408 MUNICIPAL CENTER DRIVE
KNOXVILLE, TN 37934
PHONE: (865) 675-3210



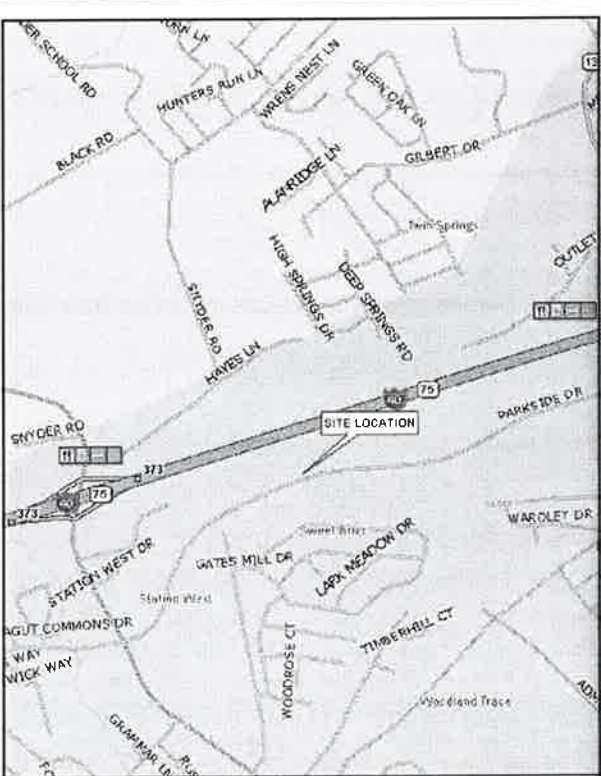
SITE NAME: SMC_KNOX_TURKEY_CREEK3

VICINITY MAP



NOT TO SCALE

LOCATION MAP



NOT TO SCALE

 1 (800) 351-1111

www.tnonecall.com
CONTRACTOR TO CALL TENNESSEE
ONE-CALL SYSTEMS AT LEAST (2) WORKING
DAYS PRIOR TO DIGGING.



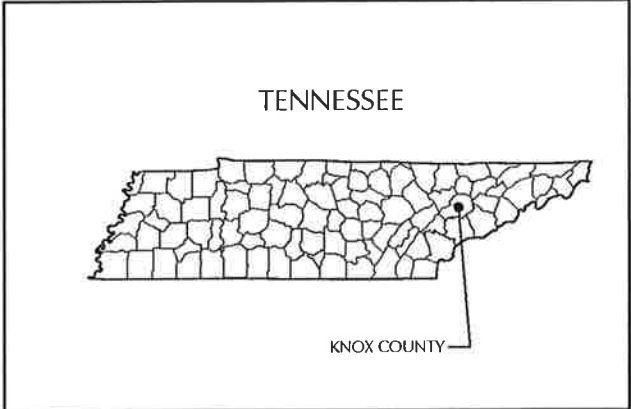
SHEET INDEX

[illegible]

SCOPE OF WORK

REMOVE EXISTING POLE.
PLACE NEW POLE.
INSTALL EQUIPMENT.
RUN CONDUITS.
PLACE EXISTING LIGHTING FIXTURE ON NEW POLE.

STATE COUNTY MAP



KNOX COUNTY —



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

THE INFORMATION CONTAINED IN THIS
SET OF DOCUMENTS IS PROPRIETARY
BY NATURE. ANY USE OR DISCLOSURE
OTHER THAN THAT WHICH RELATES
TO THE CLIENT IS STRICTLY PROHIBITED.

SMALL CELL NAME:	SMC_TURKEY_CREEK3
------------------	-------------------

DRAWN BY:	JDP
-----------	-----

CHECKED BY:	CTD
-------------	-----

REVISIONS		

[illegible]

RECEIVED

JAN 30 2017

TOWN OF FARMINGTON

SITE NAME:

SMC_KNOX_TURKEY_CREEK3

COUNTY: KNOX

CLOSEST ADDRESS TO SITE:
11455 PARKSIDE DRIVE
FARRAGUT, TN 37934

DESIGN TYPE:

RAWLAND

SHEET TITLE:

TITLE SHEET

DRAWING NO.	REVISION:
-------------	-----------

1 OF 10	0
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1 OF 10	0
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CONTRACTOR SHALL ATTAIN AND VERIFY STRUCTURAL EVALUATION REPORT OF EXISTING TOWER FOR EXACT PLACEMENT OF ANTENNAS AND COAX CABLES. CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF THE STRUCTURAL EVALUATION REPORT AND NOTIFY VERIZON'S CONSTRUCTION MANAGER IN THE CASE OF ANY DISCREPANCIES. ANY STRUCTURAL MODIFICATION, IF REQUIRED, SHALL BE DONE PRIOR TO THE INSTALLATION OF ANTENNAS.

GENERAL NOTES

1. THESE NOTES SHALL BE CONSIDERED A PART OF THE WRITTEN SPECIFICATIONS.
2. THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED IN THE CONTRACT DOCUMENTS.
3. PRIOR TO THE SUBMISSION OF BIDS, THE CONTRACTOR(S) SHALL VISIT THE JOB SITE(S) AND BE RESPONSIBLE FOR ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED PER THE CONTRACT DOCUMENTS. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE IMPLEMENTATION ENGINEER AND ARCHITECT/ENGINEER.
4. THE CONTRACTOR SHALL RECEIVE WRITTEN AUTHORIZATION TO PROCEED ON ANY WORK NOT CLEARLY DEFINED OR IDENTIFIED IN THE CONSTRUCTION DOCUMENTS BEFORE STARTING ANY WORK.
5. ALL WORK PERFORMED AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES INCLUDING APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS.
6. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER RECOMMENDATIONS. IF THESE RECOMMENDATIONS ARE IN CONFLICT WITH THE CONTRACT DOCUMENTS AND/OR APPLICABLE CODES OR REGULATIONS, REVIEW THE CONFLICT FOR DIRECTION WITH THE IMPLEMENTATION ENGINEER AND ARCHITECT/ENGINEER PRIOR TO PROCEEDING.
7. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES AND FOR COORDINATION OF ALL PORTIONS OF THE WORK UNDER THE CONTRACT INCLUDING CONTACT AND COORDINATION WITH THE IMPLEMENTATION ENGINEER AND WITH THE AUTHORIZED REPRESENTATIVE OF ANY OUTSIDE POLE OR PROPERTY OWNER.
8. THE CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, PAVING, CURBS, VEGETATION, GALVANIZED SURFACE OR OTHER EXISTING ELEMENTS AND UPON COMPLETION OF THE WORK, REPAIR ANY DAMAGE THAT OCCURRED DURING CONSTRUCTION TO THE SATISFACTION OF EXTENT.
9. KEEP THE GENERAL AREA CLEAN, HAZARD FREE AND DISPOSE OF ALL DIRT, DEBRIS, RUBBISH AND REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY. LEAVE PREMISES IN CLEAN CONDITION DAILY.
10. PLANS ARE INTENDED TO BE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED UNLESS OTHERWISE NOTED. RELY ONLY ON ANNOTATED DIMENSIONS AND REQUEST INFORMATION IF ADDITIONAL DIMENSIONS ARE REQUIRED.
11. THE EXISTENCE AND LOCATION OF UTILITIES AND OTHER AGENCY'S FACILITIES ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. OTHER FACILITIES MAY EXIST BEYOND WHAT IS NOTED. CONTRACTOR SHALL VERIFY LOCATIONS PRIOR TO START OF CONSTRUCTION AND USE EXTREME CARE AND PROTECTIVE MEASURES TO PREVENT DAMAGE TO THESE FACILITIES. CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF UTILITIES OR OTHER AGENCY'S FACILITIES WITHIN THE LIMITS OF THE WORK, WHETHER THEY ARE IDENTIFIED IN THE CONTRACT DOCUMENTS OR NOT.
12. ALL MOUNTING HARDWARE SUCH AS BOLTS, NUTS, LAG SCREWS, CLEVIS, CONDUIT STRAPS, STAPLES, (ANYTHING EXPOSED AND CONNECTING EQUIPMENT TO THE POLE SHALL BE HOT DIPPED GALVANIZED, UNLESS OTHERWISE STATED)

DEFINITIONS

1. "TYPICAL" OR "TYP." MEANS THAT THIS ITEM IS VIRTUALLY IDENTICAL ACROSS SIMILAR CONDITIONS. "TYP." SHALL BE UNDERSTOOD TO MEAN "TYPICAL WHERE OCCURS" AND SHALL NOT BE CONSIDERED AS WITHOUT EXCEPTION OR CONSIDERATION OF SPECIFIC CONDITIONS.
2. "SIMILAR" MEANS COMPARABLE TO CHARACTERISTICS FOR CONDITION NOTED. VERIFY DIMENSIONS AND ORIENTATION ON PLAN.
3. "AS REQUIRED" MEANS AS REQUIRED BY REGULATORY REQUIREMENTS BY REFERENCED STANDARDS, BY EXISTING CONDITIONS, BY GENERALLY ACCEPTED CONSTRUCTION PRACTICE OR BY THE CONTRACT DOCUMENTS.
4. "ALIGN" MEANS ACCURATELY LOCATE FINISH FACES OF MATERIALS IN THE SAME PLANE.
5. THE TERM "VERIFY" OR "V.I.F" SHALL BE UNDERSTOOD TO MEAN VERIFY IN FIELD WITH ARCHITECT AND REQUIRES THAT THE CONTRACTOR CONFIRM INTENTION REGARDING NOTED CONDITION AND PROCEED ONLY AFTER RECEIVING DIRECTION.
6. WHERE THE WORDS "OR EQUAL" OR WORDS OF SIMILAR INTENT FOLLOW A MATERIAL SPECIFICATION, THEY SHALL BE UNDERSTOOD TO REQUIRE SIGNED APPROVAL OF ANY DEVIATION TO SAID SPECIFICATION PRIOR TO CONTRACTOR'S ORDERING OR INSTALLATION OF SUCH PROPOSED EQUAL PRODUCT.
7. FURNISH: SUPPLY ONLY, OTHERS TO INSTALL. INSTALL: INSTALL ITEMS FURNISHED BY OTHERS. PROVIDE: FURNISH AND INSTALL.

PROJECT SPECIFIC NOTES

1. THIS SET IS PROVIDED TO ILLUSTRATE THE EXPECTED SCOPE OF DRAWINGS, QUALITY OF DRAWINGS AND EXTENT GRAPHIC STANDARDS. NOTES IN RED ARE FOR AIE CONTRACTOR REFERENCE TO HELP CLARIFY THE SCOPE. ADDITIONAL DRAWINGS MAY BE REQUIRED TO MEET THE REQUIREMENTS OF A GIVEN MUNICIPALITY. ALL EXAMPLES SHOWN ARE FOR REFERENCE ONLY AND ANY NOTES, DETAILS, CALCULATIONS OR OTHER WORK NEEDS TO BE COMPLETED OR CONFIRMED BY THE CONTRACTOR GENERATING THE DRAWINGS IN CONSTRUCTION DOCUMENTS.
2. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE AND ADDITIONAL DRAWINGS OR REQUIREMENTS FOR EACH MUNICIPALITY, INCLUDING ANY REQUIRED DESIGNATIONS IN THE TITLE BLOCK TO INDICATE THE SUBMITTAL OR PERMIT NUMBER.
3. THIS SET IS TO BE PRINTED AT 11" x 17". IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONFIRM THIS SIZE IS ACCEPTABLE BY THE MUNICIPALITY AND TO PROVIDE A LARGER STANDARD SIZE IF REQUIRED.
4. IT IS THE RESPONSIBILITY OF THE NE CONTRACTOR TO CONFIRM ALL WORK SHOWN IS IN COMPLIANCE WITH LOCAL, STATE, AND FEDERAL CODES, INCLUDING G095 STANDARDS. DRAWINGS SHOWN WITHIN THIS SET ARE SAMPLES AND MAY NOT REFLECT ALL OF THE REQUIRED ELEMENTS, CLEARANCES OR OTHER ITEMS OF ASSEMBLIES NEEDED TO BE CODE COMPLIANT IN THE PARTICULAR MUNICIPALITY THE NODE IS LOCATED WITHIN.



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HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

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SMALL CELL NAME:	SMC_TURKEY_CREEK3
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DRAWN BY:	JDP
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CHECKED BY:	CTD
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REVISIONS

	11/30/18	PRELIMINARY REVIEW
NO.	DATE	DESCRIPTION

SITE NAME:

SMC KNOX TURKEY_CREEK3

COUNTY: KNOX

CLOSEST ADDRESS TO SITE:
11455 PARKSIDE DRIVE
FARRAGUT, TN 37934

DESIGN TYPE:
RAWLAND

SHEET TITLE:

GENERAL NOTES

DRAWING NO.	REVISION:
2 OF 10	0

ROW GROUND CONSTRUCTION NOTES:

1. 120V POWER REQUIRED FOR 2-WIRE SERVICE.
2. GC TO REMOVE / CLEAN ALL DEBRIS, NAILS, STAPLES, OR NON-USED VERTICALS OFF THE POLE.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH MUNICIPAL, COUNTY, STATE AND FEDERAL STANDARDS AND REGULATIONS.
4. CALL TENNESSEE 811 72 HOURS PRIOR TO EXCAVATING AT (800) 351-1111.
5. ALL LANDSCAPING TO BE RESTORED TO ORIGINAL CONDITION OR BETTER.
6. ALL EQUIPMENT TO BE BONDED.
7. METERING CABINET (IF PLACED) REQUIRES 3' CLEARANCE AT DOOR OPENING.
8. CAULK CABINET BASE AT PAD.

STANDARD GROUNDING NOTES:

1. GROUND TESTED AT 25 OHMS OR LESS.
2. 5/8" x 8' ROD, CAD WELD OR UL LISTED DIRECT BURY CLAMP BELOW GRADE.
3. #6 GROUND AND BOND WIRE.
4. MOLDING, STAPLED EVERY 1' AND AT EACH END.
5. GROUND RODS 3' FROM POLE.

STANDARD CONDUIT NOTES:

1. FOR UNDERGROUND USE SCHEDULE 40.
2. FOR RISERS USE SCHEDULE 80.
3. PLACE 2" SDR-11 RED CONDUIT FOR UNDERGROUND POWER APPLICATIONS.
4. RISERS TO BE ATTACHED TO POLE WITH STANDARD U-CLAMPS AND LAG SCREWS.
5. RISER U-CLAMPS TO BE INSTALLED EVERY 5'.
6. CONDUIT UNDER 1" MAY BE ATTACHED WITH GROUND WIRE MOLDING STAPLES.
7. ALL CONDUIT WILL BE PROOFED WITH A MANDREL AND EQUIPED WITH PULL ROPE OR MULE TAPE.

STANDARD TRENCHING NOTES:

1. MAINTAIN 24" MINIMUM COVER FOR ELECTRICAL CONDUIT.
2. MAINTAIN 24" MINIMUM COVER FOR COMMUNICATION CONDUIT.
3. IN STREET SLURRY TO GRADE AND MILL DOWN 1-1/2" FOR AC CAP.
4. IN DIRT SLURRY 18" FROM GRADE AND FILL WITH 95% COMPACTION NATIVE SOIL FOR BALANCE.
5. PLACE WARNING TAPE IN TRENCH 12" ABOVE ALL CONDUITS AND #18 WARNING TAPE ABOVE GROUND RING.

ROW UTILITY POLE CONSTRUCTION NOTES:

1. NO BOLT THREADS TO PROTRUDE MORE THAN 1-1/2".
2. FILL ALL HOLES LEFT IN POLE FROM REARRANGEMENT OF CLIMBERS.
3. ALL CLIMB STEPS NEXT TO CONDUIT SHALL HAVE EXTENDED STEPS.
4. CABLE NOT TO IMPEDE 15" CLEAR SPACE OFF POLE FACE (12:00).
5. 90° SHORT SWEEP UNDER ANTENNA ARM. ALL CABLES MUST ONLY TRANSITION ON THE INSIDE OR BOTTOM OF ARMS (NO CABLE ON TOP OF ARMS).
6. USE CABLE CLAMPS TO SECURE CABLE TO ARMS; PLACE 2" CARRIER ID TAGS ON BOTH SIDE OF ARMS.
7. USE 90° CONNECTOR AT CABLE CONNECTION TO ANTENNAS.
8. USE 1/2" CABLE ON ANTENNAS UNLESS OTHERWISE SPECIFIED.
9. FILL VOID AROUND CABLES AT CONDUIT OPENING WITH FOAM SEALANT TO PREVENT WATER INTRUSION.

VERIZON WIRELESS CONSTRUCTION NOTES:

1. CONTRACTOR IS TO FOLLOW MOST CURRENT VZW NADV/STANDARDS DOCUMENTS PROVIDED TO COMPLETE THIS INSTALLATION.
2. CONTRACTOR TO REFER TO THE MOST CURRENT VZW VADV FOR APPROVED COAXIAL PROVIDERS AND LINE SWEEP TESTING PROCEDURES.
3. CONTRACTOR SHALL INCLUDE AT LEAST ONE "ANRITSU" CERTIFIED LINE SWEEP TECHNICIAN ON SITE DURING ANY VZW JOB RELATED TO INSTALLATION OR MAINTENANCE OF COAXIAL CABLE, ANTENNAS, TT-LNA RF CONNECTORS, JUMPERS OR DIPLEX FILTERS.
4. CONTRACTOR SHALL COMPLETE VZW PROVIDED "SMALL CELL SWEEP REPORT" WITH ALL INFORMATION FILLED IN ACCURATELY AND COMPLETELY.
5. CONTRACTOR TO REFER TO THE MOST CURRENT VZW NADV FOR APPROVED "PIM" TEST EQUIPMENT AND GUIDELINES.
6. CONTRACTOR IS TO USE BATTERY POWERED "PIM" EQUIPMENT TO VALIDATE THE FINAL LOCATION OF THE COAXIAL JUMPER AND ANTENNA ARE FREE OF INTERNAL AND EXTERNAL "PIM" SOURCES.
7. CONTRACTOR SHALL PROVIDE AT LEAST ONE TECHNICAL LEAD THAT IS CERTIFIED AND PROFICIENT IN EXECUTING, INTERPRETING AND RECORDING "PIM" MEASUREMENTS.



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

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SMALL CELL NAME:	SMC_TURKEY_CREEK3
DRAWN BY:	JDP
CHECKED BY:	CTD

REVISIONS		
	11/30/18	PRELIMINARY REVIEW
NO.	DATE	DESCRIPTION



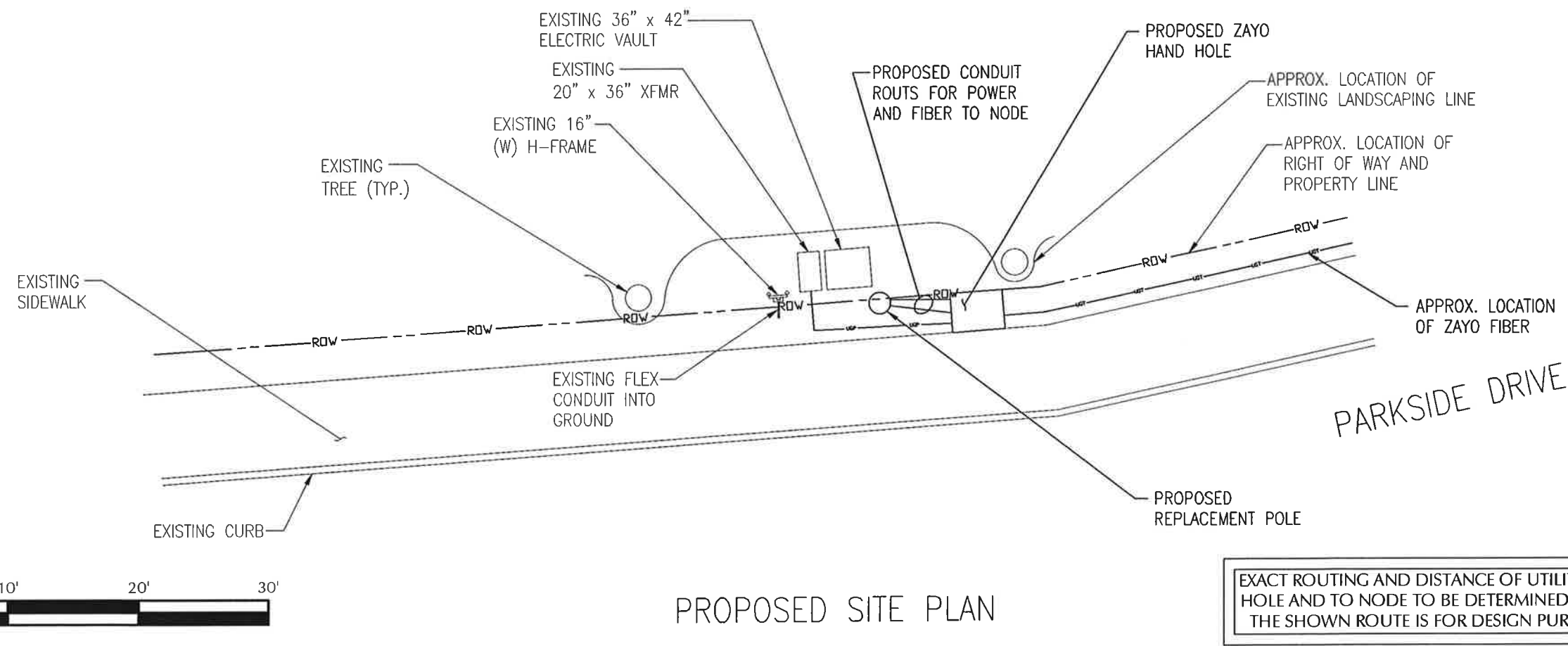
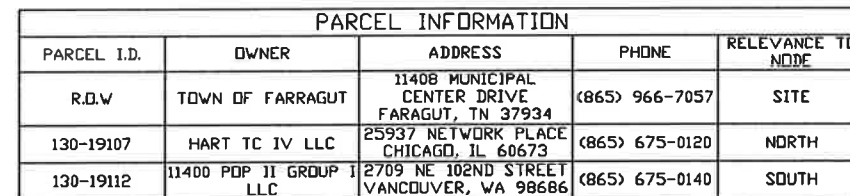
SITE NAME:	SMC_KNOX_TURKEY_CREEK3
COUNTY:	KNOX
CLOSEST ADDRESS TO SITE:	11455 PARKSIDE DRIVE FARRAGUT, TN 37934
DESIGN TYPE:	RAWLAND

SHEET TITLE:

CONSTRUCTION NOTES

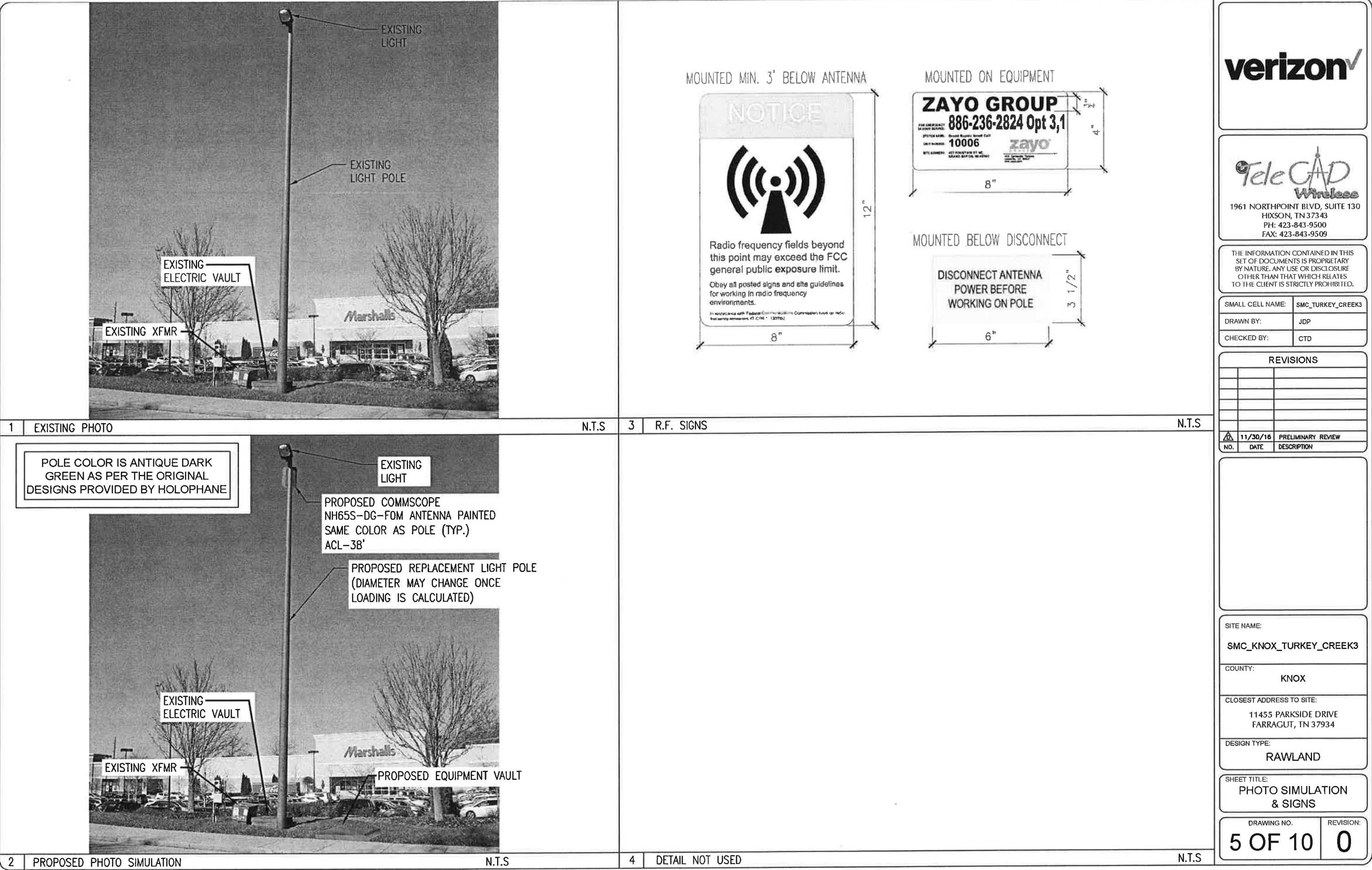
DRAWING NO.	REVISION:
3 OF 10	0

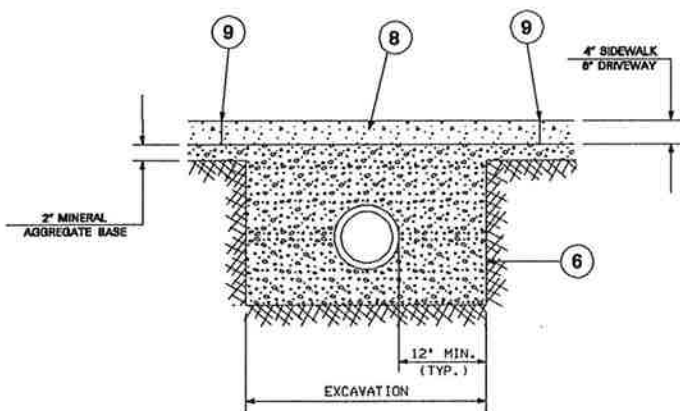
1. THIS DRAWING IS BASED ON A SITE VISIT BY TELECAD WIRELESS SITE DESIGN DATED 12/3/15. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. THE PROPOSED USE DOES NOT REQUIRE FULL OR PART TIME EMPLOYEES AT THE SITE.
3. FOR GENERAL SITE WORK NOTES, SEE SHEET GN1.
4. ALL NORTH ARROWS ON SITE PLANS ARE TRUE NORTH, UNLESS OTHERWISE SPECIFIED.



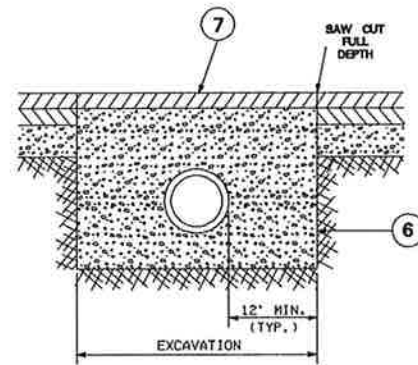
EXACT ROUTING AND DISTANCE OF UTILITIES TO HAND
HOLE AND TO NODE TO BE DETERMINED IN THE FIELD.
THE SHOWN ROUTE IS FOR DESIGN PURPOSES ONLY.



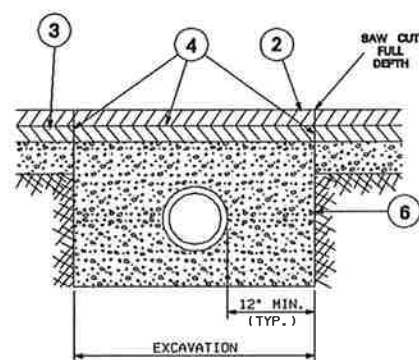




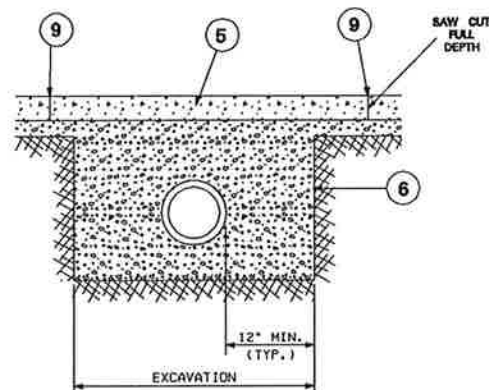
CONCRETE SIDEWALK /DRIVEWAY REPAIR



TEMPORARY ASPHALT STREET REPAIR



ASPHALT STREET REPAIR



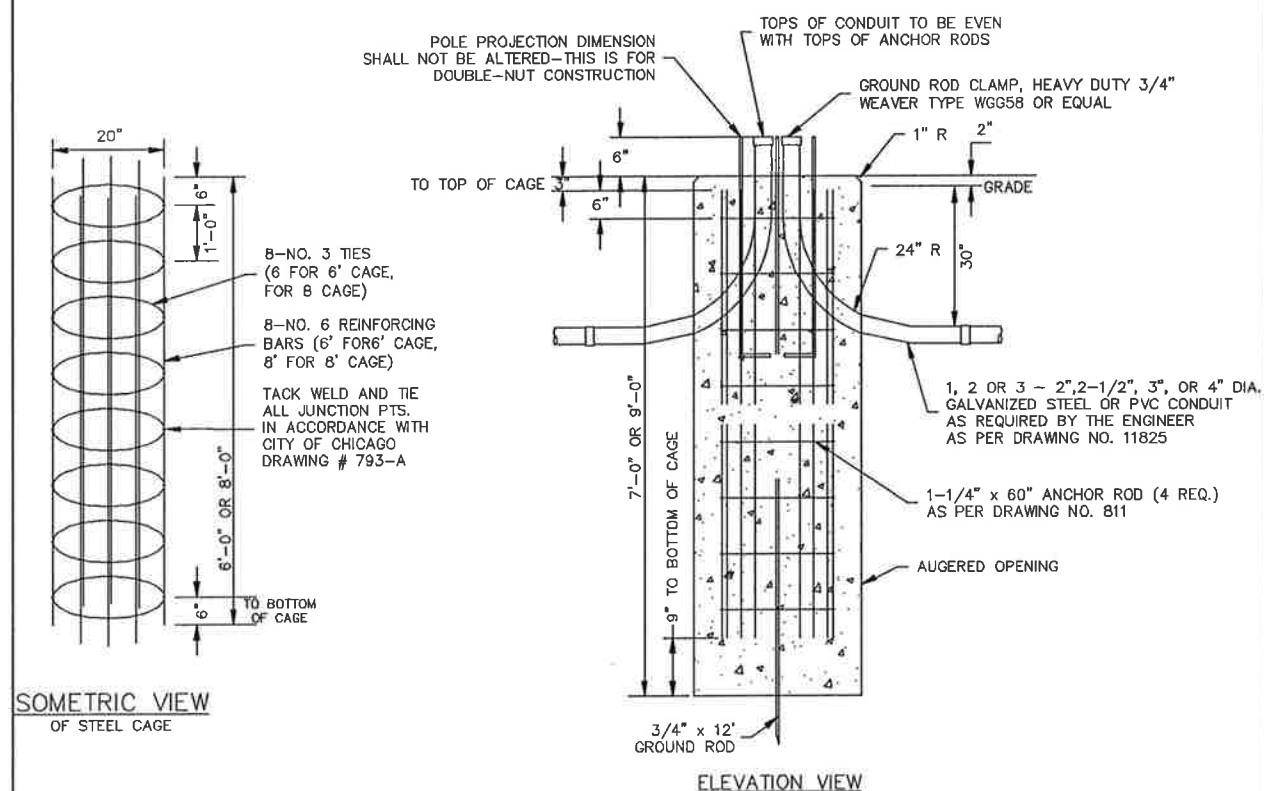
CONCRETE STREET REPAIR

- ALL CONDUIT IS TO BE INSTALLED BY MEANS OF HORIZONTAL DIRECTIONAL DRILLING WITHIN ALL PUBLIC RIGHTS-OF-WAY. THE TOWN OF FARRAGUT DOES NOT PERMIT OPEN CUT TRENCHING IN ANY STREET, SIDEWALK OR DRIVEWAY WITHOUT PRIOR WRITTEN APPROVAL FROM THE TOWN FROM THE TOWN ENGINEER. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT THE TOWN OF FARRAGUT ENGINEERING DEPARTMENT AT (865)-966-7057 FOR PREAPPROVED REPAIRS. ALL SECTIONS BELOW ARE FOR PRE-APPROVED REPAIRS ONLY.
- ASPHALTIC CONCRETE SURFACE, GRADING D, SECTION 10.0. MATCH EXISTING DEPTH OR MINIMUM THICKNESS OF ONE AND A HALF (1.5) INCHES.
- BITUMINOUS PLANT MIX BASE, GRADING B, B-M, OR C, SECTION 9.0. MATCH EXISTING DEPTH OR MINIMUM THICKNESS OF TWO AND A HALF (2.5) INCHES. THE ENTIRE FORE (4) INCH MINIMUM DEPTH MAY BE ASPHALTIC CONCRETE SURFACE GRADING D, BUT SHALL BE COMPACTED IN TWO LIFTS.
- TACK COAT, SECTION 7.0.
- PORTLAND CEMENT CONCRETE PAVEMENT, SECTION 11.0. JOINTS SHALL BE DOWELED AS DETAILED IN SECTION 11.0.
- MINERAL AGGREGATE BASE, CLASS A AGGREGATE GRADING D, SECTION 5.0, COMPACTED IN SIX (6) INCH LIFTS TO 100% OF THE STANDARD PROCTOR DENSITY AT 2% LESS THAN OPTIMUM MOISTURE CONTENT AS DETERMINED BY AASHTO T99, METHOD D, APPROXIMATELY 140 PCF FOR LIMESTONE..
- WHEN A TEMPORARY ASPHALT PATCH IS USED, IT SHALL BE PLACED IMMEDIATELY AFTER THE MINERAL AGGREGATE BACKFILL. ALL TEMPORARY REPAIRS MUST BE REPLACED PERMANENTLY WITHIN 90 DAYS.
- CONCRETE SIDEWALKS, DRIVEWAYS AND MEDIAN STRIP, SECTION 13.0.
- LIMITS OF REMOVAL SHALL BE FROM THE NEAREST EXPANSION OR CONTRACTION JOINT.
- EXISTING CONCRETE STREETS THAT HAVE BEEN OVERLAID WITH ASPHALT SHALL BE REPAIRED WITH ASPHALT. THE DEPTH OF THE ASPHALT REPLACING THE CONCRETE SHALL BE INCREASED 50% (PLUS ANY OVERLAY). THUS, THE TOTAL DEPTH SHALL BE 1.5 TIMES THE CONCRETE THICKNESS PLUS THE ASPHALT OVERLAY THICKNESS.

ALL UTILITY MAIN SEPARATION GUIDELINES AND UTILITY MAIN EASEMENTS MUST BE HONORED. THE HORIZONTAL SEPARATION PATH BETWEEN A NEW UTILITY AND EXISTING UTILITY SHOULD BE BOTH DESIGNED AND TARGETED AT A MINIMUM DISTANCE OF 8 FEET OR MORE WHEN DETERMINED PRACTICAL AND DOABLE. REDUCTIONS IN THIS GUIDELINE MAY BE CONSIDERED ON A CASE BY CASE BASIS. IF APPROVED, AT NO TIME WILL THE MINIMUM SEPARATION SHOW ON THE PLANS OR TARGETED IN THE FIELD, BE INSIDE THE ABSOLUTE MINIMUM OF 5 FEET HORIZONTAL SEPARATION BETWEEN ANY EXISTING UTILITY MAIN AND THE NEW UTILITY. THIS SEPARATION IS TO BE MEASURED FROM THE OUTSIDE DIAMETER OF THE KNOWN UTILITY TO THE OUTSIDE EDGE OF THE CONDUIT BUNDLE;

WHEN TRENCHING IN GRASS COVERED AREAS, RETURN THE FINAL OUTCOME TO ORIGINAL STATE WITH MATCHING SOD

ANY DAMAGE TO EXISTING SIDEWALK AND/OR ROADWAY WILL BE REPAIRED TO ORIGINAL STATE



verizon

TeleGAP
Wireless

1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
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SMALL CELL NAME:	SMC_TURKEY_CREEK3
DRAWN BY:	JDP
CHECKED BY:	CTD

REVISIONS

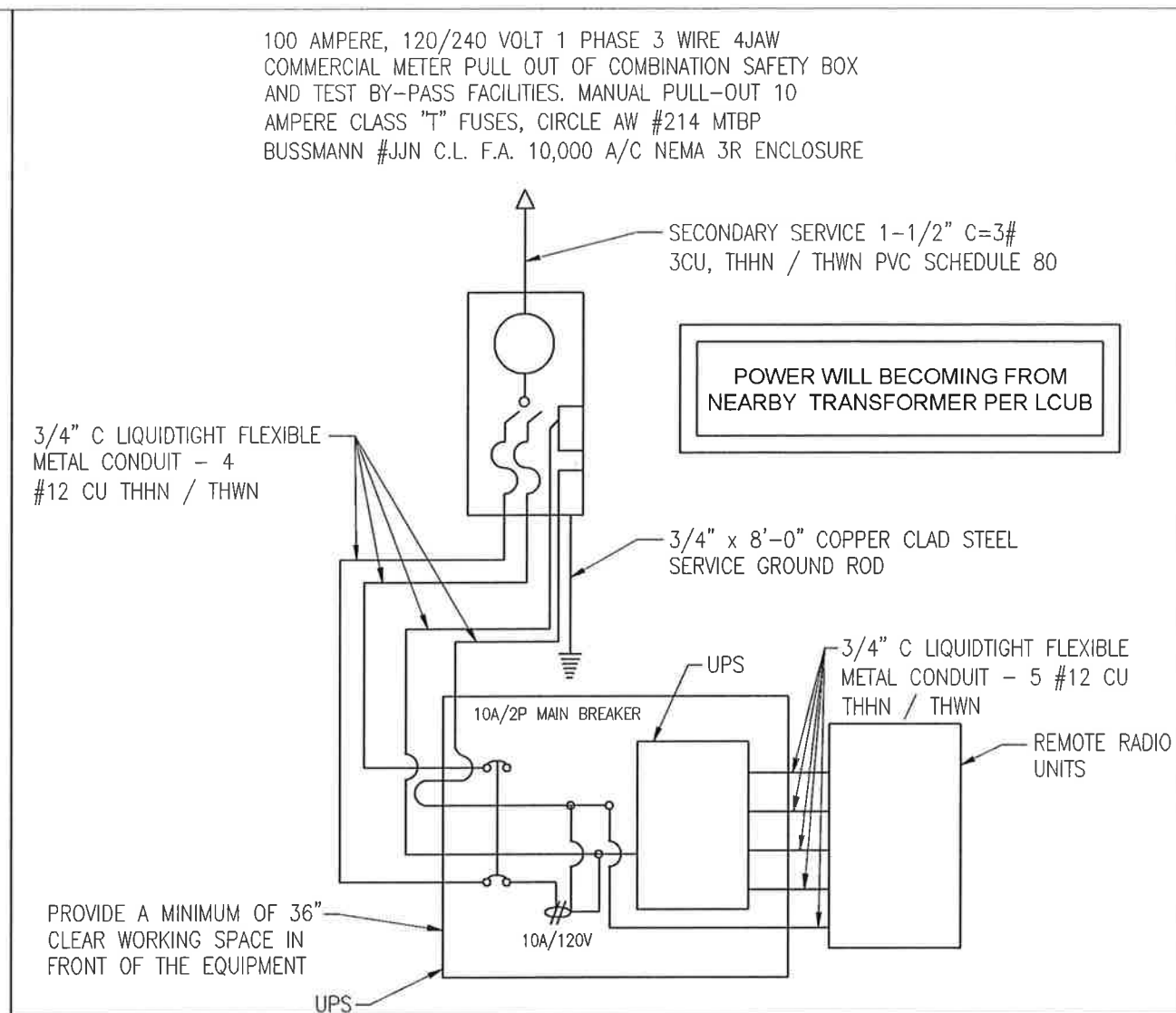
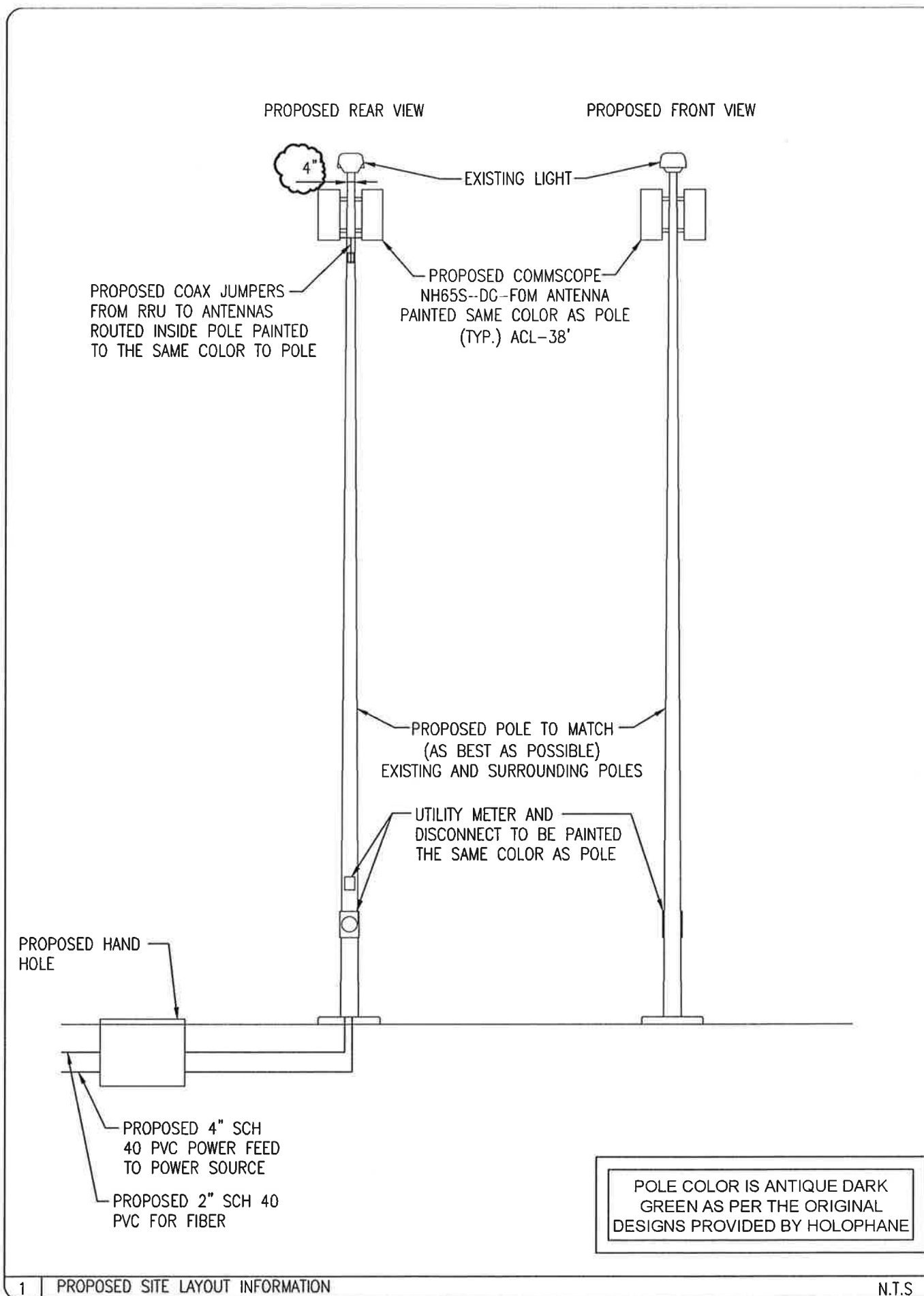
NO.	DATE	DESCRIPTION
1	11/30/18	PRELIMINARY REVIEW

SITE NAME:
SMC_KNOX_TURKEY_CREEK3
COUNTY:
KNOX
CLOSEST ADDRESS TO SITE:
11455 PARKSIDE DRIVE
FARRAGUT, TN 37934

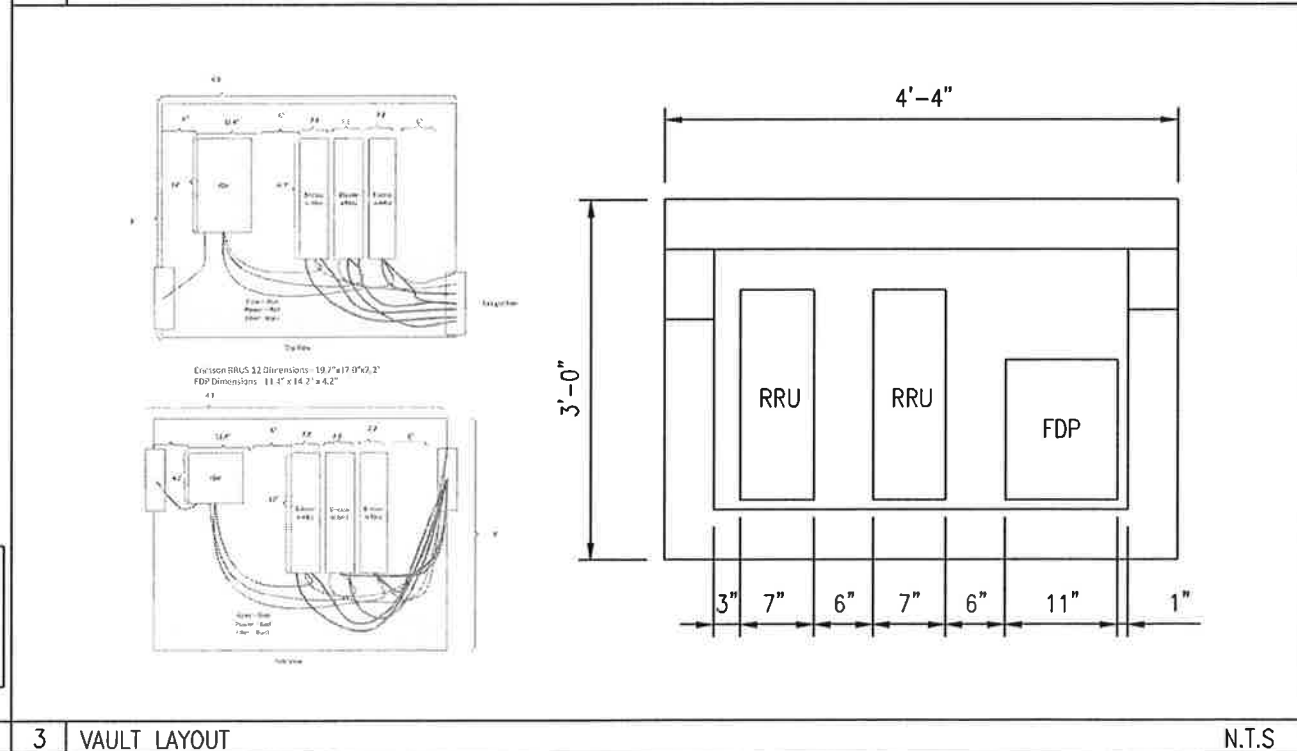
DESIGN TYPE:
RAWLAND

SHEET TITLE:
SITE DETAILS

DRAWING NO. 6 OF 9
REVISION: 0



2 ELECTRIC SERVICE DIAGRAM N.T.S



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REVISIONS		
NO.	DATE	DESCRIPTION
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SITE NAME:
SMC_KNOX_TURKEY_CREEK3

COUNTY:
KNOX

CLOSEST ADDRESS TO SITE:
11455 PARKSIDE DRIVE
FARRAGUT, TN 37934

DESIGN TYPE:
RAWLAND

SHEET TITLE:
SITE DETAILS

DRAWING NO.	REVISION:
7 OF 9	0



LINEAR FEET OF FIBER
5,401'

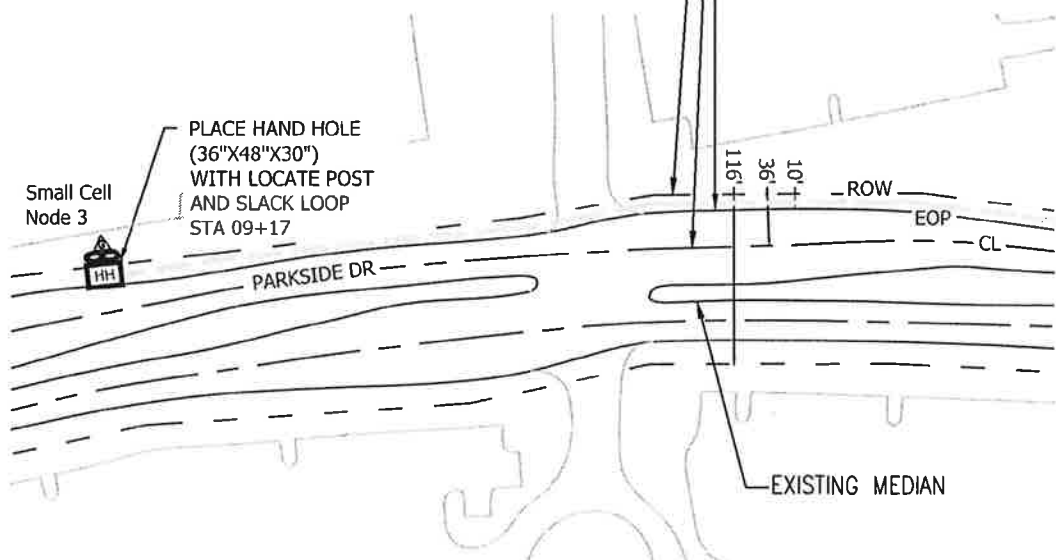
1 FIBER INFORMATION FOR ALL SITE

N.T.S

LEGEND

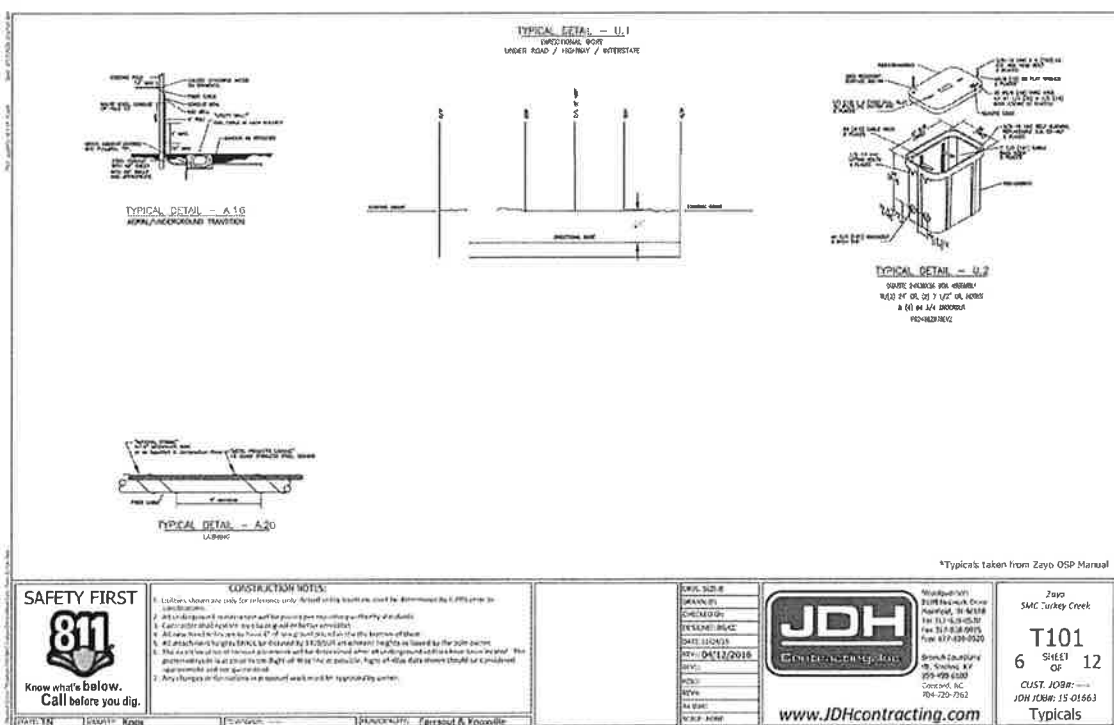
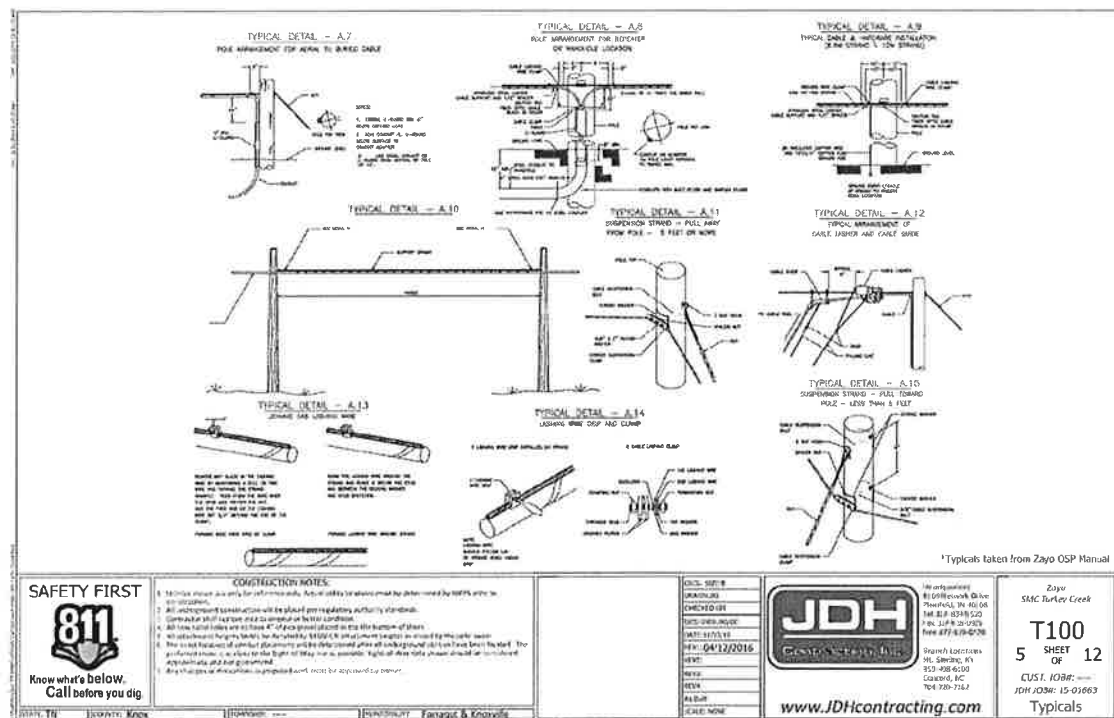
- STREAM/RIVER
 - CITY/TWP LINE
 - ROAD C/L
 - R/R TRACKS
 - R/W LINE
 - FENCE
 - NEW AERIAL CABLE
 - NEW BURIED CABLE
 - EXISTING DUCT
 - OVERLASH
 - EXISTING AERIAL
 - EXISTING UNDER GROUND
 - LEASED DUCT
- EXISTING RIGHT OF WAY
EXISTING CENTERLINE OF ROAD
EXISTING EDGE OF PAVEMENT

NODE 3



2 FIBER INFORMATION FOR INDIVIDUAL SITE

N.T.S



3 ADDITIONAL INFORMATION

N.T.S

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DRAWN BY: JDP
CHECKED BY: CTD

REVISIONS

11/30/18 PRELIMINARY REVIEW

REFERENCE ONLY

SITE NAME:
SMC_KNOX_TURKEY_CREEK3

COUNTY:
KNOX

CLOSEST ADDRESS TO SITE:
11455 PARKSIDE DRIVE
FARRAGUT, TN 37934

DESIGN TYPE:
RAWLAND

SHEET TITLE:
FIBER INFORMATION

DRAWING NO. 8 OF 9
REVISION: 0

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Public Hearing and Second Reading of Ordinance 17-01, an Ordinance to amend the text of the Municipal Code of the Town of Farragut, Tennessee, by amending Title 8, Alcoholic Beverages, Chapter 1, Intoxicating Liquors, Section 8-101, Definitions and 8-102, Alcoholic Beverage Regulations; Chapter 2, Beer, Section 8-206(5), Definitions and Section 8-218 (4)(a) & (e), to amend the maximum square footage for Class 4 on-premise tavern permit. (The Casual Pint, Applicant)

INTRODUCTION AND BACKGROUND: In May 2014 the Board of Mayor and Aldermen amended the beer ordinance within the Municipal Code. Included in the amendment was the addition of a Class 4 on-premise tavern permit, for establishments whose primary business is to sell beer to be consumed on the premises. The adopted details of the Class 4 are attached.

DISCUSSION: At the January 26, 2017 Board meeting, the board made a motion to change the maximum square footage from 3,000 to 3,500 sq. ft. The board also added item e., New permits issued after February 16, 2017 are required to sell food, in addition to meeting the other regulations and restrictions in this chapter.

The Ordinance also includes changes to the definition of "beer" as defined by the state, to change the percentage of weight from five (5%) percent to eight (8%) percent. Changes are highlighted in the attachment.

PROPOSED MOTION: To approve Ordinance 17-01 on second and final reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE: 17-01
PREPARED BY: Myers
REQUESTED BY: The Casual Pint of Farragut
1ST READING: January 26, 2017
2ND READING:
PUBLISHED IN:
DATE:

AN ORDINANCE TO AMEND THE TEXT OF THE MUNICIPAL CODE OF THE TOWN OF FARRAGUT, TENNESSEE, BY AMENDING TITLE 8, ALCOHOLIC BEVERAGES, CHAPTER 1, INTOXICATING LIQUORS, SECTION 8-101 AND 8-102; CHAPTER 2, BEER, SECTION 8-206(5), DEFINITIONS AND SECTION 8-218 (4)(a) & (E), TO AMEND THE MAXIMUM SQUARE FOOTAGE FOR CLASS 4 ON-PREMISE TAVERN PERMIT.

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.

Sec. 8-101. - Definitions.

For the purposes of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section.

"Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits and wine, and capable of being consumed by human beings, where the alcoholic content is greater than eight (8%) percent by weight.

Sec. 8-102. - Alcoholic beverage regulations generally.

- (1) The provisions of this chapter shall apply to all alcoholic beverages, but shall not apply to beer and other alcoholic beverages with an alcoholic content of eight (8%) percent by weight or less.

Sec. 8-206. - Definitions.

5. Beer means beer, ale or other malt beverages, or any other beverages having an alcoholic content of not more than eight (8%) 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.

Sec. 8-218. - Classes of consumption permits.

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 five hundred (3,500) 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.
 - e. New permits issued after February 16, 2017 are required to sell food, in addition to meeting the other regulations and restrictions in this chapter.

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

Title 8 - ALCOHOLIC BEVERAGES

FOOTNOTE(S):

--- (1) ---

State Law reference— Tennessee Code Annotated, title 57.

CHAPTER 1. - INTOXICATING LIQUORS

Sec. 8-101. - Definitions.

For the purposes of this chapter, the following words and phrases shall have meanings respectively ascribed to them by this section.

"Alcoholic beverage" or "beverage" means and includes alcohol, spirits, liquor, wine, and every liquid containing alcohol, spirits and wine, and capable of being consumed by human beings, where the alcoholic content is greater than ~~five (5)~~ **eight (8)** percent by weight.

"Board" means the board of mayor and aldermen of the town.

"Liquor license" means the license issued pursuant to title 57 of the Tennessee Code Annotated.

"Retail sale" or "sale at retail" means a sale to a customer or to any person for any purposes other than for resale.

"Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license is required by Tennessee Code Annotated §§ 57-1-101 et seq., 57-2-101 et seq., 57-3-101 et seq., and 57-4-101 et seq.

(1985 Code, § 2-101; Ord. No. 99-33, July 1999)

Sec. 8-102. - Alcoholic beverage regulations generally.

- (1) The provisions of this chapter shall apply to all alcoholic beverages, but shall not apply to beer and other alcoholic beverages with an alcoholic content of ~~five (5)~~ **eight (8)** percent by weight or less.
- (2) The manufacture, sale, receipt, possession, storage, transportation, distribution, or in any other manner of dealing in alcoholic beverages within the corporate limits of the town shall be regulated in accordance with Tennessee Code Annotated §§ 57-1-101 et seq., 57-2-101 et seq., 57-3-101 et seq., and 57-4-101 et seq.

(1985 Code, § 2-102; Ord. No. 99-33, July 1999)

Sec. 8-103. - License and privilege license required.

It shall be unlawful for any person, firm, or corporation to manufacture, sell, or barter, distribute, transport or in any manner deal in alcoholic beverages without having first obtained a license, where one (1) is required, for such privilege from the State of Tennessee.

(1985 Code, § 2-103; Ord. No. 99-33, July 1999)

Sec. 8-104. - Location and number of outlets.

- (1) Pursuant to, and with the intent of complying with, authority granted by Tennessee Code Annotated § 57-3-208, the Town herein limits the total number of off-premise consumption retail liquor stores and licenses for locations within the Town, and provides a general description of the type of location for such establishments. Off-premise consumption retail liquor stores (herein "off-premise liquor stores") may only be located without unduly impinging upon the overall health, safety and welfare of the Town and its citizens.
- (2) The number of off-premise liquor stores that may be issued for locations within the Town shall not exceed the greater of the following:
 - (a) Five (5); or
 - (b) Five (5) plus one (1) for each five thousand (5,000) Town residents that the total population in the Town in any State or federally-sponsored census exceeds twenty thousand (20,000);
- (3) All off-premise liquor stores must initially be located on property that is zoned a district within which such establishments are permitted uses; provided, however, that except for the two (2) off-premise liquor stores in existence on January 31, 2007, no off-premise liquor stores shall initially be allowed on property where the nearest most portion of the building housing the establishment is:
 - (a) Within three hundred and forty (340) feet of the nearest most portion of the premises, which premises are located within the boundaries of the Town, housing any church, public or private educational institution that is open for the provision of general education to persons between any one (1) or more of grades 1—12 and the instruction of which is recognized and accepted by the Department of Education of the State of Tennessee as meeting State educational requirements, mortuary, or the nearest point of the boundary of any Town owned park;
 - (b) Within three hundred and forty (340) feet of the nearest point of the boundary of a platted subdivision. For purposes of these regulations, a "platted subdivision" shall be defined as a community zoned solely residential within the boundaries of the Town having a recognized identity and containing five (5) or more contiguous lots that have been platted to contain dwellings; and
 - (c) Within one thousand five hundred (1,500) feet from the nearest most portion of the premises of another off-premise liquor store that is also within the boundaries of the Town, by measurement between the nearest most portion of premises housing the existing and proposed off-premise liquor store.
 - (d) For purposes of these regulations, "premises" shall mean either the building housing the off-premise liquor store or other establishment or, if the store or establishment is located within a building with multiple tenants, then the area within the building to which the off-premise liquor store or other establishment is confined.
- (4) If pursuant to the provisions of state law, the Tennessee Alcoholic Beverage Commission decrees that on-premise consumption licenses for the establishment of liquor by-the-drink retail sales outlets within the town shall be issued, then in such event, there shall be no limit upon the number of such licenses. However, no such license shall be issued permitting sales of liquor within three hundred forty (340) feet of any school or church measured from the nearest portion of the school or church building to the nearest portion of that portion of a building or structure actually occupied by the entity for which a permit is sought.

(1985 Code, § 2-104; Ord. No. 99-33, July 1999; Ord. No. 07-03, §§ 1, 2, 5-10-2007)

Sec. 8-105. - Application for license; certificate required.

- (1) Before any person or other legal entity (the "Applicant") shall receive a license for the establishment for an off-premise liquor store, the Applicant shall make application for a certificate of compliance for a specific location and be granted such certificate for such specific location by the Board as required by Tennessee Code Annotated § 57-3-208. When the Applicant which intends to obtain a liquor license

is a legal entity owned, directly or indirectly, by a combination of persons and/or entities, the group of persons owning an interest, directly or indirectly, in the Applicant is referred to herein as the "Applicant Group." The application for the certificate shall be in writing and shall be filed with the Town Recorder giving the following information:

- (a) The name, date of birth and street address of each person to have an interest, direct or indirect, in the off-premise liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an Applicant or member of an Applicant Group, each person with an interest therein must be disclosed and must provide the information herein required by the Town;
- (b) The name of the off-premise liquor store proposed;
- (c) The address of the off-premise liquor store proposed and its zoning designation;
- (d) Number of years Applicant and persons in Applicant Group resident in the state;
- (e) The name of the licensee and the address of other off-premise liquor stores in which an ownership interest is held by the Applicant or any member of the Applicant Group, identifying the Applicant or group member holding each interest;
- (f) Occupation or business and name and location of such business, of Applicant and persons in Applicant Group and length of time engaged in such occupation or business;
- (g) Whether or not the Applicant or any person in the Applicant Group has been convicted within the ten (10) year period immediately preceding the date of the application of any violation of any State or federal law or of any violation of any municipal ordinance (with the exception of minor traffic violations such as speeding or traffic signal violations, but not excepting alcohol related violations), and, if so, provide the details of such violation (i.e., charging entity, citation to and copy of law convicted of violating, copy of charge, etc.);
- (h) If employed, the name and address of the employer;
- (i) The name and address of the owner of the real property of the proposed location and the amount of rent to be paid, together with a letter from such owner affirming either (i) that the parties have reached a written agreement on the terms of a lease and setting forth the amount of the rent provided for in the agreement, or (ii) that the parties have reached a written agreement on the terms of a sale of the premises to the Applicant;
- (j) The amount of money invested or to be invested, and the source of funds to be used, and, if borrowed, the name of the person from whom borrowed, the name of the bank with which the Applicant does business, and the name of any person who is aiding the venture financially, either by a loan or guaranty;
- (k) The name of any person who will have any interest, direct or indirect, in the business of the Applicant or in the profits thereof, and the nature and character thereof, and whether the person holds a wholesale or retail liquor license;
- (l) The identity of the Applicant(s) who will be in actual charge of the day-to-day operation of the business, and a certification that that individual has not been convicted of a felony within a ten (10) year period immediately preceding the date of the application, and if the Applicant is a corporation the identity of the officer or employee who will be in actual charge of the day-to-day operations of the business and that such officer or employee has not been convicted of a felony within a ten (10) year period immediately preceding the date of the application;
- (m) A statement that the persons receiving the requested license to the best of their knowledge if awarded the certificate of compliance could comply with all the requirements for obtaining the required licenses under State law and the provisions of this chapter for the operation of off-premise liquor stores in the Town; and
- (n) The agreement of each Applicant or each member of an Applicant Group, as appropriate, to comply with all applicable laws and ordinances and with the Rules and Regulations of the

Tennessee Alcoholic Beverage Commission and the Town of Farragut with reference to the sale of alcoholic beverages, and the further agreement of each Applicant or each member of an Applicant Group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this title with reference to the sale of alcoholic beverages.

(2) Further documentation.

- (a) The application shall be accompanied by six (6) copies of a site plan drawn to a scale of not less than one (1) inch equals twenty (20) feet giving the following information:
 - (i) The shape, size and location of the lot which the off-premise liquor store is to be operated under the license;
 - (ii) The shape, size, height and location of all buildings whether they are to be erected, altered, moved or existing upon the lot; and
 - (iii) The off-street parking space and off-street loading and unloading space to be provided including the vehicular access to be provided from these areas to a public street.
 - (b) A written certification by the Applicant that the premises of the proposed off-premise liquor store are in full and complete compliance with the distance requirements of Farragut Municipal Code section 8-104; and, that the Applicant has taken steps to verify compliance with the distance requirements. To the extent that the Applicant has documentation of such verification, or the process of verification, then Applicant shall submit such documentation with the application.
 - (c) In the case where the Applicant is a partnership, the application shall be accompanied by a copy of the partnership agreement and an indication of who are general partners and who are limited partners, if any, and for each partner the profit sharing percentage in the partnership;
 - (d) In the case where the Applicant is a corporation or limited liability company, the application shall be accompanied by a copy of the corporate charter or the operating agreement and a list of shareholders/members with their ownership percentage, a list of officers/managers and a list of names and addresses of directors.
- (3) Signature. The application shall be signed and verified by each person to have any interest in the off-premise liquor store either as an owner, partner, stockholder or otherwise.
- (4) Misrepresentation-concealment of fact-duty to amend. If any Applicant, member of an Applicant Group, or licensee either intentionally or innocently misrepresents or conceals any material fact in any application form or as to any other information required to be disclosed by this chapter, such Applicant, member of an Applicant Group or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by the Board. In addition, if an application submitted does not contain the information required by the regulations of the Town, it will not be deemed filed until all information has been submitted in writing. It shall be the duty of the Applicant to determine and submit the information required.
- (5) As of January, 2007, two (2) off-premise liquor stores have been permitted and established within the Town. In issuing the required certificates of compliance for the licensing of additional off-premise liquor stores in the Town permitted by this Chapter, the Board will consider all applications filed before a closing date to be fixed by it and select from such applications the persons deemed by it in its sole discretion to have qualifications required by law and the most suitable circumstances and location in consideration of the health, safety and welfare of the citizens of the Town for the lawful operation of off-premise liquor stores without regard to the order of time in which the applications are filed. Such persons and only such persons so selected shall receive the additional certificates of compliance issued by the Town. If, thereafter with respect to any of the off-premise liquor stores allowed in the Town, (a) an additional license is, or becomes, available for any reason, or (b) a licensee of an existing off-premise liquor store desires to transfer the retail liquor license for the existing location to a different location for reasons voluntary in nature, and that do not constitute a relocation emergency, as defined hereinafter, the Board will consider all applications and select the Applicant or Applicant Group deemed by it to have the qualifications required by law and the most suitable circumstances and

location in consideration of the health, safety and welfare of the Town and its citizens for the lawful operation of a liquor store after a closing date to be fixed by it upon public notice of the availability of such license. If an additional license is, or becomes, available as contemplated by subsection (a) in the preceding sentence, the Town shall not fix a date for the receipt of applications with respect to the available license unless and until an interested party submits a written request asking that such date be so fixed. Such person or persons and only such person or persons so selected shall receive certificates of compliance issued by the Town sufficient to allow the operation of the off-premise liquor store contemplated by the chosen application and at the specific location selected by the Board. The applications shall be retained by the Town until such time as all outlets for such certificates of compliance that have been issued by the Town are open for business. At that time, all pending applications which did not result in the granting of certificates of compliance after consideration by the Board will expire and be disposed of by the Town. Applications can only be submitted to the Town during the time frame the Board has set forth for receipt of such applications. Applications in all matters submitted with or as a part of such applications become at the time they are submitted the sole and exclusive property of the Town and constitute public records open to public inspection.

- (6) In cases where an existing licensee requests to transfer a license to a new location because of a relocation emergency, the reopening of the process of requesting and considering other applications shall not occur. However in such cases, the current licensee must apply for and be granted a certificate of compliance by the Town and must obtain a license from the Alcoholic Beverage Commission for the proposed new location. For purposes of this ordinance, a "relocation emergency" means an occurrence that befalls the holder of a license with respect to the physical premises where the store is operated that makes it necessary for the store to be moved to a different location, such as (a) condemnation or eminent domain effecting a taking of the store location, (b) physical destruction of the premises not the fault of the licensee, or (c) similar involuntary occurrence that the Board determines in its sole discretion constitutes a relocation emergency.
- (7) In cases where an existing licensee seeks to pass the ownership of the assets of the off-premise liquor store to a third party for continued use at the location for which the licensee is licensed, and where the third party is either his or her heir or is a person or entity with whom the licensee has a binding, arms-length agreement for the sale of the assets used by the licensee in the operation of the off-premise liquor store, the reopening of the process of requesting and considering other applications shall not occur. However, in such cases the issuance of a certificate of compliance to the proposed licensee shall be subject to the Applicant applying for and ultimately being granted a license from the Alcoholic Beverage Commission.
- (8) Licenses for an off-premise liquor store issued by the Alcoholic Beverage Commission are good and valid for twelve (12) months after issuance pursuant to Tennessee Code Annotated § 57-3-212(a). However, pursuant to Tennessee Code Annotated § 57-3-213, a holder of a license must seek renewal of the license on an annual basis by proceeding in accordance with the statute. As part of the renewal process of the Alcoholic Beverage Commission, a holder of a license must obtain from the Town a certificate of compliance required by Tennessee Code Annotated § 57-3-208 and this section 8-105 hereof, but only once every other year.
- (9) The initial certificate of compliance issued by the Town to an Applicant shall expire twelve (12) months after the date of the certification by the Town unless the establishment has opened for business by the end of such twelve (12) month period, or unless the applicant has made application to the Board of Mayor and Alderman and been granted, for good cause shown, an extension of the certificate. The intent of this provision is to ensure that those Applicants who have been granted the limited number of locations for off-premise liquor stores permitted by the Town to serve the public, actually establish those stores within a reasonable time. Upon the issuance of a certificate of compliance, the Applicant shall have the duty to promptly and conspicuously post the proposed premises for the off-premise liquor store, and maintain such posting, with a clean, neat and legible sign, approximately twenty-four (24) inches by thirty-six (36) inches stating that the premises have been approved by the Town for an off-premise liquor store and stating the name of, and contact information for, the Applicant, said sign to be maintained by the Applicant in a conspicuous place on the premises until either the opening for

business of the store, or, if the store has not opened for business, until the expiration, revocation or termination of the certificate of compliance.

- (10) As required by the rules of the Alcoholic Beverage Commission (ABC rules § 0100-3.09(6)), whenever any licensee of the off-premise liquor store discontinues business for any reason, said licensee shall notify the Commission in writing and surrender the license. The Licensee shall also notify the Town Administrator of such discontinuance. For purposes of this section as it relates to stores operating within the town, a licensee whose retail outlet has not been open for business for twenty (20) consecutive business days shall be deemed to have "discontinued business."
- (11) If, between the time of issuance of the initial certificate of compliance to a location by the Town, and the application for a subsequent certificate of compliance for an existing, operating off-premise liquor store location (such as for a renewal, a transfer of assets permitted by subsection (7), or a relocation emergency permitted by subsection (6)), the location has become noncompliant with the Town's regulations governing location of off-premise liquor stores because a third party user of property establishes a property use (i.e., church, school, park, etc.) closer to the off-premise liquor store location than is allowed, then such noncompliant condition shall not be a reason for refusing to issue the certificate of compliance

(1985 Code, § 2-106; Ord. No. 99-33, July 1999; Ord. No. 07-03, § 3, 5-10-2007)

Sec. 8-106. - Applicant to appear in person.

An applicant for a certificate for a license for the establishment of an off-premise consumption retail liquor outlet within the town shall appear in person before the board for such examination as may be desired by the board. The applicant shall furnish such relevant information as may be required.

(1985 Code, § 2-107; Ord. No. 99-33, July 1999)

Sec. 8-107. - Persons ineligible for certificate.

A certificate shall not be issued to any person:

- (1) Who, within ten (10) years preceding the filing of the application has been convicted of a felony.
- (2) Who misrepresents a material fact or conceals a material fact required to be shown in the application for a certificate.

(1985 Code, § 2-109; Ord. No. 99-33, July 1999)

Sec. 8-108. - Advertising requirements.

Before any certificate for an off-premise consumption license shall be granted for any premises within the corporate limits of the town, whether the application be for the transfer of an existing license to a new location or for the issuance of a new license, the applicant must place at least one (1) advertisement, at his/her own expense, in a newspaper of general circulation in the town, no less than seven (7) days prior to his/her application being acted upon originally by the board, the advertisement to contain essentially the same information as required for the posting of the premises as hereinafter set out in section 8-109.

(Ord. No. 99-33, July 1999)

Sec. 8-109. - Additional requirements.

- (1) All applicants for a certificate for off-premise consumption shall pay an investigation and processing filing fee of three hundred dollars (\$300.00) to the town recorder.
- (2) Upon the filing of an application for a new license or for the transfer of an existing license to a new location, the town administrator shall:
 - (a) Promptly and conspicuously post the proposed premises with a clean, neat and legible sign, approximately twenty-four (24) inches by thirty-six (36) inches, stating the name and address of the applicant, the nature of the application, and the date that the application is to be originally considered by the board, said sign to be placed on the premises at least ten (10) days prior to the date on which the application is to be originally acted upon by the board.
 - (b) Review all applications and transmit them to the board for its consideration at the earliest possible meeting following compliance of advertising and posting requirements, and also transmit the applicant's application for a certificate to the board for its consideration or reconsideration, advising the board for any imperfections or irregularities in any documents.
- (3) It shall be a misdemeanor for any person to alter, deface, remove or damage any sign placed on any premises under authority of this section.

(1985 Code, § 2-111; Ord. No. 99-33, July 1999; Ord. No. 07-03, § 4, 5-10-2007)

Sec. 8-110. - Privilege tax payment; failure.

- (1) The amount of the privilege tax set forth herein shall be for a consecutive period of twelve (12) calendar months beginning with the date of issuance to the applicant of the applicable state liquor license. Such tax shall be payable yearly to the town recorder.
- (2) Failure to pay to the town the required privilege tax as set forth herein on or before the expiration date of the license (twelve (12) calendar months from the date of original issuance or renewal) shall result in a monthly penalty of five (5) percent of the fee due the town. The additional five (5) percent monthly penalty is due as of day of each month on and after the day that the fee first became delinquent.

(Ord. No. 96-12, May 1996; Ord. No. 99-33, July 1999)

Sec. 8-111. - Privilege tax upon persons selling at retail alcoholic beverages for consumption on the premises.

- (1) It is hereby declared the legislative intent that every person is exercising a taxable privilege who engages in the business of selling at retail in the town alcoholic beverages for consumption on the premises. For the exercise of such privilege, the following taxes are levied for town purposes to be paid annually, to wit:

Private club\$ 300.00

Hotel and motel1,000.00

Restaurants, according to seating capacity, on licensed premises:

75—125 seats600.00

126—175 seats750.00

176—225 seats800.00

226—275 seats900.00

276 seats and over1,000.00

(2) Privilege taxes are payable as provided in section 8-110 hereof.

(1985 Code, § 2-116; Ord. No. 99-33, July 1999)

Sec. 8-112. - Advertising restricted—Generally.

(1) Building-mounted sign. The holder of an off-premise consumption liquor license may install and maintain on his/her premises not more than one (1) exterior wall sign which shall be mounted upon the front wall surface of the building, which sign shall otherwise comply with all requirements of other ordinances of the town as from time to time amended, and which sign shall not exceed the maximum size of twenty-five (25) square feet. The lighting for such sign, whether external or internal to the sign, shall not be animated or pulsating. Further, no such licensee shall be permitted to erect or maintain or cause or allow to be erected or maintained any other type of advertising, electric or otherwise, on the exterior of his/her building, nor within any window thereof, or on any other premises located within the Town of Farragut.

(2) Ground-mounted sign. As regulated by Farragut Municipal Code, Title 14, Chapter 3, Sign Ordinance.

(Ord. No. 96-14, June 1996; Ord. No. 99-33, July 1999)

Sec. 8-113. - Same—Political advertising.

No political advertising of or for any candidate or party by poster, hand-out card, matches or other similar election campaign material shall be placed or dispensed on the premises of any licensee licensed under this chapter.

(1985 Code, § 2-118; Ord. No. 99-33, July 1999)

Sec. 8-114. - Time of operation of retail liquor stores (Class I Licenses).

No retail liquor store shall be open and no holder of an off-premise consumption license shall sell or give away any alcoholic beverage on New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, or on any Sunday. On other days, no retail liquor stores shall be open and no such licensee shall sell or give away any alcoholic beverage before 8:00 a.m. or after 11:00 p.m. In the event of any emergency, retail liquor stores shall be closed upon order of the town administrator.

(1985 Code, § 2-119; Ord. No. 99-33, July 1999)

Sec. 8-115. - Inspection fee-levied; collection; returns.

For the purpose of providing a means of regulating the sale of alcoholic beverages within the town and to provide means for enforcing the provisions of this chapter, there is hereby levied and imposed an inspection fee of five (5) percent on all alcoholic beverages sold to retailers in this town. The fee shall be measured by the wholesale price of the alcoholic beverage sold by each wholesaler and shall be five (5) percent of such wholesale price. The fee may be added by the wholesaler to invoices for alcoholic beverages sold to licensed retailers. The fees imposed under authority of this section shall be remitted by the wholesaler to the town recorder not later than the twentieth (20th) day of each month for the preceding month.

Collection of this inspection fee shall be made by the wholesaler or other source vending to the licensee at the time the sale is made to the licensee. However, nothing herein shall relieve the licensee of

the obligation for the payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee is made to the town recorder.

(1985 Code, § 2-124; Ord. No. 99-33, July 1999)

Sec. 8-116. - Sale, etc., to persons under twenty-one (21) years and certain other persons.

- (1) It shall be unlawful for any licensee, or for any agent or employee of any licensee, to sell, furnish or give away any alcoholic beverage to any person under twenty-one (21) years of age, unless otherwise permitted pursuant to applicable state law, or to a person visibly intoxicated.
- (2) It shall be unlawful for any person under twenty-one (21) years of age, unless otherwise permitted pursuant to applicable state law, to purchase or attempt to purchase alcoholic beverages as defined in this chapter; and, it is further declared to be unlawful for any person under the age of twenty-one (21) years to exhibit false or forged identification to a licensee or his agent for the purpose of purchasing or attempting to purchase alcoholic beverages under this chapter.

(1985 Code, § 2-125; Ord. No. 99-33, July 1999)

Sec. 8-117. - Penalties.

Any violation of the terms of this chapter may be punishable by a fine under the general penalty clause for this municipal code in addition to any other penalty herein provided and in addition to loss of license. Each separate occurrence shall constitute a separate violation.

(1985 Code, § 2-133; Ord. No. 99-33, July 1999)

Sec. 8-118. - Liquor license for wine only restaurant sales.

Notwithstanding any other provisions of this title 8, chapter 1 of the Farragut Municipal Code to the contrary, the sale of alcoholic beverages may be authorized and limited to wine only in certain restaurants as to which the Alcoholic Beverage Commission of the State of Tennessee has issued a "wine only" license provided the holder of the license and the restaurant to which it is applicable are in compliance with all of the terms and conditions of said license and the laws, rules and regulations of the State of Tennessee otherwise applicable. The following conditions are also applicable to "wine only" licenses:

- (1) A "wine only" license will allow a restaurant to sell wine by the drink. The restaurant may not sell or otherwise dispense any other alcoholic beverages.
- (2) The restaurant must otherwise qualify for a liquor by the drink by proceeding through the same steps and procedures as are otherwise applicable to unrestricted liquor by the drink licenses, must have a minimum of fifty (50) seats at tables, and the serving of meals must be the principal business conducted by the restaurant.
- (3) An applicant for a "wine only" license must complete and submit the same application modified to reflect the desired "wine only" license as is required for an unrestricted liquor by the drink license application.
- (4) The license fee for a "wine only" license is based upon the seating capacity of the restaurant. The license fee corresponds to one-fifth (twenty (20) percent) of the unrestricted liquor by the drink license fee which is also based upon seating capacity.

(1985 Code, § 2-136; Ord. No. 99-33, July 1999)

CHAPTER 2. - BEER

FOOTNOTE(S):

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Editor's note—Ord. No. 14-05, § 1, adopted May 22, 2014, amended the Code by repealing former Ch. 2, §§ 8-201—8-225, and enacting a new chapter as set out herein. Former Ch. 2 pertained to similar content, and derived from Ord. No. 11-24, adopted November 15, 2011.

Sec. 8-201. - Beer board established.

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

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

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)~~ eight (8) 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.

(Ord. No. 14-05, § 1, 5-22-2014)

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) years.

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.

(Ord. No. 14-05, § 1, 5-22-2014)

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 selling, 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.

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-210. - Police record check.

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

(Ord. No. 14-05, § 1, 5-22-2014)

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 (5) 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.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-212. - Reserved.

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

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.

(Ord. No. 14-05, § 1, 5-22-2014)

State law reference— Tennessee Code Annotated § 57-5-301(a) provides that neither beer permit holders nor persons employed by them may have been "convicted of any violation of the laws against possession, sale, manufacture and transportation of intoxicating liquor or any crime involving moral turpitude" within the previous ten years. Under Tennessee Code Annotated § 57-5-301(b), violations are punishable under state law as a Class A misdemeanor. Under Tennessee Code Annotated § 16-18-302, town courts may only enforce local ordinances that mirror, substantially duplicate or incorporate by reference Class C misdemeanors. Town courts are thus prohibited from enforcing ordinances making violations of Tennessee Code Annotated § 57-5-301(a) a local offense.

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.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-215. - Display of permit.

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

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

Sec. 8-218. - Classes of consumption permits.

Permits issued by the beer board shall consist of five (5) 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 (15) 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 **five hundred (3,500)** 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.
- e. New permits issued after February 16, 2017 are required to sell food, in addition to meeting the other regulations and restrictions in this chapter.

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:
 - 1. 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.

(Ord. No. 14-05, § 1, 5-22-2014)

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 subsection [(12)].
- (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.

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

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 section 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.

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

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.

(Ord. No. 14-05, § 1, 5-22-2014)

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 16-27, an ordinance to amend the Farragut Zoning Ordinance, Chapter 4., Section XX., Parking and Loading., to provide for new requirements

INTRODUCTION AND BACKGROUND: As part of a continuing effort to implement different components of the Town's adopted Architectural Design Standards (ADS), the staff has been working with the Planning Commission to address certain aspects of the standards that have presented some challenges.

One site related standard in the ADS that has received attention is how to soften the visual and functional impact of surface parking. The Commission and Board approved some recent amendments to the Zoning Ordinance related to building and parking lot placement, screening parking lots along street frontages, and increasing the width of interior parking lot islands. These all assist in promoting the ADS and a higher quality of development.

DISCUSSION: Related to this is the larger question of how surface parking is allocated and its land use and financial impact to the Town. The staff noted to the Planning Commission at their meeting in November and December that some flexibility in terms of parking space allocations and addressing sites that are over-parked is likely needed in the Zoning Ordinance. The staff presented some visual images of parking lots in the Town and the significant amount of space they consume that is mostly unused during a majority of the year. This excessive surface parking has a significant visual impact on the community and creates additional challenges in terms of stormwater management. Devoting a significant portion of valuable property to largely unused surface parking also represents a very inefficient use of real estate and detracts from the opportunity to make more productive and tax generating use of an area that otherwise creates little value. The Town is rapidly approaching build out in its commercial land and, from the staffs' perspective, it is critical to provide for regulations that promote greater land use efficiency.

Too often an applicant comes before the Planning Commission with a site plan with parking space allocations that are based on 1 or 2 days during the year that are very atypical in terms of parking space demand. Occasionally, an applicant will also come to the Commission and indicate that the Town's required amount of parking exceeds what they would need.

A key objective of Ordinance 16-27 is to address these situations and provide some flexibility in the allocation and configuration of required parking. Instead of simply providing parking to meet a Town requirement or a corporate number that may not be based on what is actually needed in the desired location, Ordinance 16-27 includes language that would give an applicant and the Commission more tools to thoughtfully consider how surface parking will be applied to a proposed development.

Ordinance 16-27 replaces the Town's existing Parking and Loading Section with many new provisions and removes some outdated provisions that do not reflect current practice. Some specific new provisions that are addressed in Ordinance 16-27 are the following:

- 1) Adding section headings to make information easier to find;

- 2) Providing for the flexibility to reduce required parking;
- 3) Providing for standards to justify excess parking;
- 4) Including visual and stormwater related enhancements that would apply when excess parking is approved;
- 5) Removing special exceptions that provide for unimproved surface parking (these provisions have not been used in many years and are unnecessary);
- 6) Providing for an opportunity for compact car parking;
- 7) Applying new parking space dimensions and travel lanes to standard spaces that encourage more efficient land use;
- 8) Applying compact car parking space and travel lane dimensions;
- 9) Providing for more opportunities to share parking;
- 10) Providing for on-street parking provisions; and
- 11) Establishing turning radius requirements that promote land use efficiency and pedestrian safety and reflect current practice.

RECOMMENDATION: At their meeting on January 19, 2017, the Planning Commission unanimously recommended approval of Ordinance 16-27. The staff recommends approval of Ordinance 16-27 on first reading.

PROPOSED MOTION: To approve Ordinance 16-27 on first reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	16-27
PREPARED BY:	Shipley
REQUESTED BY:	Town Staff
CERTIFIED BY FMPC:	January 19, 2017
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 4., GENERAL PROVISIONS AND EXCEPTIONS, SECTION XX., PARKING AND LOADING., TO PROVIDE FOR NEW REQUIREMENTS

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 4, General Provisions and Exceptions, of the Farragut Zoning Ordinance, Ordinance 86-16,

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

SECTION 1.

The Farragut Zoning Ordinance, Chapter 4, General Provisions and Exceptions, Section XX., Parking and Loading., is amended by deleting it in its entirety and substituting in lieu thereof the following:

XX. - Parking and loading.

A. Off-street parking requirements.

1. General requirements.

- a. Residential off-street parking space shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the lot it is intended to serve.
- b. Unless approved by the Planning Commission as provided for in this ordinance, any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- c. The placement of motor vehicles for sale or the repair of vehicles on required off-street parking facilities is prohibited. This provision does not apply to the placing of a "For Sale" sign on or in not more than one (1) licensed vehicle, boat, or other equipment at the same time located in a private residential driveway and which

licensed vehicle, boat, or other equipment is owned by an occupant of said private residence.

- d. Wherever parking is required by this ordinance, no building permit shall be issued prior to approval of entrance to affected city streets and/or state highways by the appropriate town and/or state official.

2. Location and setbacks.

- a. With the exception of shared parking, as provided for in this ordinance, all off-street parking shall be located on land owned by or under long-term lease to the owner or owners of the principal use it is intended to serve.
- b. Where the commercial parking lot abuts side lot lines of a residential district, the required buffer strip shall not be used for parking purposes.
- c. Where parking is to be provided in the front yard of a commercial, office, or multi-family development, the parking lot shall be set back a minimum of twenty (20) feet from the front property line.
- d. Where parking is to be provided in the rear or side yard of a commercial or office development, the parking lot shall be set back a minimum of ten (10) feet from the side or rear property line.
- e. Where parking is to be provided in the rear or side yard of a multi-family development, the parking lot shall be set back a minimum of fifty (50) feet from the side or rear property line, except as provided for elsewhere in this ordinance.

3. Number of parking spaces required.

Bicycle parking. The minimum number of bicycle spaces provided in all districts at such time any non-single-family or two-family residential building is constructed or modified, shall be one (1) bicycle space per five thousand (5,000) square feet of gross floor area. Such bicycle racks shall be provided in desirable locations and shall be conveniently located near the building entrance. The rack placement should not impede pedestrian movement and should not cause conflicts between bicycles and pedestrians.

Vehicular parking. Unless a modification, as authorized in this ordinance, is approved by the Planning Commission as part of the site plan review process, provisions for off-street parking in all districts at such time any building or structure is erected or enlarged or increased in capacity shall be based on the minimum number of off-street parking spaces provided below.

For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals.

- Assisted-care living facility: Three-fourth ($\frac{3}{4}$) parking spaces per each housing unit.
- Automobile and/or truck repair shop: One (1) parking space per two hundred fifty (250) square feet of gross floor area.
- Automobile sales, new and/or used: Five (5) plus one (1) per two hundred (200) square feet of gross floor area.

- Banks, business offices: One (1) per three hundred (300) square feet of gross floor area.
- Barber shop or beauty parlor: One (1) per two hundred (200) square feet of gross floor area.
- Boarding or rooming house: One (1) for each lodging unit.
- Bowling alleys: Five (5) per bowling lane.
- Business services: One (1) for every fifty (50) square feet of customer service area, plus two (2) per three (3) employees based on the design capacity of the largest shift.
- Carpet, rug, linoleum and floor covering sales: One (1) per four hundred (400) square feet of gross floor area.
- Churches: One (1) per thirty (30) square feet of gross floor area of auditorium.
- Coin operated laundry and/or dry cleaning establishments: One (1) per one hundred (100) square feet of gross floor area.
- Coin operated automatic automobile washing establishments: Three (3) stack-up spaces per washer bay. Such spaces must be designed so that the spaces will not limit ingress or egress to the site.
- Conveyor-type automatic automobile washing establishments: One (1) stack-up space per five (5) feet of conveyor tunnel. Such spaces must be designed so that the spaces will not limit ingress or egress to the site.
- Country club/private club: One (1) per four hundred (400) square feet of gross floor area. Plus one and one-half (1½) per hole for golf course, two (2) per tennis court, and one (1) per one hundred (100) square feet of surface for swimming pools.
- Day care center: One (1) per employee plus one (1) per twenty-five (25) children.
- Dry cleaning and laundry collection stations: One (1) per four hundred (400) square feet of gross floor area.
- Furniture and major appliance establishments: One (1) per four hundred (400) square feet of gross floor area.
- Gasoline/mini-mart station: Two (2) per one (1) gas pump island plus two (2) per each employee during the major work shift or two (2) per one (1) gas pump island plus one (1) per one hundred fifty (150) square feet of gross floor area, whichever is greater.
- Governmental office building: One (1) per three hundred (300) square feet of gross floor area.

- Handicapped/accessible parking spaces: Where parking is provided, the number of handicapped/accessible parking spaces shall be as specified by the current adopted edition of the International Building Code, as amended by the Town of Farragut.
- Hospital: Two (2) per bed.
- Hotel: One (1) per one (1) room or suite.
- Independent living and care: One (1) parking space per bedroom and one (1) guest space per ten (10) bedrooms.
- Indoor soccer, inline hockey, baseball, and softball fields: Forty-one (41) parking spaces per indoor play field.
- Kennel: One (1) per four hundred (400) square feet of gross floor area.
- Lawn and tractor sales and service establishments: One (1) parking space per six hundred ninety (690) square feet of gross floor area.
- Library: One (1) for each four hundred (400) square feet of floor area.
- Mortuary establishments: One (1) per one hundred (100) square feet of gross floor area.
- Motels and tourist courts: One (1) per guest bedroom.
- Nursing homes: One (1) per three (3) patient beds.
- Professional offices: One (1) per two hundred fifty (250) square feet of gross floor area.
- Residential:
 - Single and two-family dwellings: Two (2) spaces per dwelling unit.
 - Apartments/multi-family: One and three-fourth (1 $\frac{3}{4}$) spaces per dwelling unit.
- Residential recreational facilities:
 - Pavilion: One (1) per four hundred (400) square feet of gross floor area or a minimum of three (3) parking spaces, whichever is greater.
 - Arbor: No parking required.
 - Decorative fountain: No parking required.
- Restaurants, tea rooms, cafes, coffee houses, or other similar establishments serving food or beverage: One (1) per one hundred (100) square feet of gross floor space plus one (1) per two hundred (200) square feet of discernable outdoor dining area.
- Retail liquor store: One (1) per four hundred (400) square feet of gross floor area.

- Retail stores (except as otherwise specified herein): One (1) per two hundred fifty (250) square feet of gross floor area.
- Retail stores larger than fifty thousand (50,000) square feet: Three and one-half (3.5) per one thousand (1,000) square feet of gross floor area.
- Retail warehousing, building supplies, home improvement super centers/stores, and construction supplies establishments: One (1) parking space per four hundred (400) square feet of gross floor area.
- Schools shall be provided with parking spaces under the following schedules:
 - Elementary, junior high, and the equivalent private or parochial schools:
 - Two (2) per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) space for each one hundred fifty (150) square feet of seating area, including aisles, in any auditorium.
 - Senior high schools and the equivalent private or parochial schools:
 - Two (2) per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) space per five (5) students, or one (1) space for each one hundred fifty (150) square feet of seating area, including aisles, in any auditorium, gymnasium or cafeteria intended to be used as an auditorium, whichever is greater.
 - Kindergartens, day schools, and the equivalent private or parochial schools:
 - Two (2) parking spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) off-street loading space per eight (8) pupils.
- Shopping centers: For shopping centers and other multiple use buildings larger than seventy-five thousand (75,000) gross square feet, there shall be four (4) parking spaces for each one thousand (1,000) square feet of gross floor area.
- For shopping centers and other multiple use buildings between fifty thousand (50,000) and seventy-five thousands (75,000) gross square feet, there shall be four and one-half (4½) parking spaces for each one thousand (1,000) square feet of gross floor area.
- For shopping centers and other multiple use buildings with less than fifty thousand (50,000) gross square feet, there shall be five (5) parking spaces for each one thousand (1,000) square feet of gross floor area.
- Parking for detached facilities and buildings that are located on the same lot, parcel, or tract as the shopping center and/or multiple use building shall be in accordance with the regulations of parking required for such uses in these regulations.
- Skating rinks: One (1) parking space per one hundred thirty (130) square feet of skating surface area.

- Stadiums and sports arenas: One (1) per twelve (12) feet of benches.
- Swimming pools (nonresidential): One (1) per one hundred fifty (150) square feet of water area for swimming pools developed as part of a subdivision, or one (1) per one hundred (100) square feet of water area for public swimming pools.
- Theaters, auditoriums and places of assembly without fixed seats: One (1) per one hundred (100) square feet of gross area.

4. Increasing or reducing required parking.

Where an applicant requests to increase or reduce parking from the minimum number of required off-street parking spaces, such request shall be based on demonstrated parking demands that are typical for the proposed use(s) throughout a majority of the year. Allocations shall not be based on selected dates where parking demands are atypical in comparison to the remainder of the year. An applicant shall be responsible for providing such documentation and this documentation shall be current and part of the site plan submittal.

Where the Planning Commission is asked to consider an increase from the minimum number of required off-street parking spaces and the applicant can properly demonstrate a need based on the language provided in this ordinance, the Planning Commission shall not authorize additional parking spaces in excess of 10% above the minimum number required unless the following measures are provided and reflected on the approved site and landscape plans:

- a. An additional interior parking lot island is provided for every 5 parking spaces in excess of the minimum required; and
- b. The additional surface parking and travel lanes associated with the parking in excess of the minimum required shall be constructed in permeable pavers or a comparable and widely recognized low impact development surface parking application.

5. Off-street parking lot construction and maintenance.

Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be constructed and maintained in accordance with the following regulations:

- a. All areas devoted to permanent off-street parking shall be of a sealed-surface construction such as plant mix asphalt, penetrating asphalt or concrete, or permeable pavers and shall be properly maintained;
- b. The curbs surrounding parkways, terminal islands, and interior parking lot islands shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles. Where the area within a parkway or island is being used to accommodate stormwater an alternate means of preventing uncontrolled access of vehicles into such areas may be considered. In this manner, stormwater may be directed from the parking lot into the parkway or island without being inhibited by curbing.

6. Minimum site design.

To provide for orderly, safe, and systematic circulation within parking areas, off-street parking areas shall meet the following general requirements:

- a. **Backing Prohibited onto Public Street.** Except for parcels of land devoted to one (1) and two (2) family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

Turn-around areas. Back-up or turn-around areas located at the end of dead-end parking aisles shall be a minimum of ten (10) feet in depth.

- b. **Handicap Parking.** Each handicapped/accessible parking space shall be a minimum of eight (8) feet in width and nineteen (19) feet in length. Such spaces shall have an adjacent access aisle, which shall be a minimum of five (5) feet in width and extend the full length of the parking spaces they serve. For every six (6) handicapped/accessible parking spaces, at least one (1) shall be a van-accessible parking space. Such van-accessible parking space shall have an adjacent access aisle of eight (8) feet in width.

Handicapped/accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.

- c. **Compact Car Parking.** An applicant may design and construct up to twenty percent of their parking spaces for compact cars, as defined by the Environmental Protection Agency, in accordance with the dimensions listed below in this ordinance. Compact car spaces shall be grouped together to the greatest possible extent in areas clearly designated for compact cars. Parking lots shall have a system of regulatory compliant signs beginning at the entrance that clearly indicates the location of compact car spaces.
- d. **Parking Space and Travel Lane Dimensions.** For the purposes of this ordinance, the minimum parking space width shall be measured perpendicular to the center line of the parking space. For standard cars, the minimum parking space width shall be nine (9) feet and the minimum parking space depth shall be nineteen (19) feet. For compact cars, the minimum parking space width shall be eight (8) feet and the minimum parking space depth shall be seventeen (17) feet. Travel lanes shall conform to the following minimum standards:

Parking Angle	Travel Lane Width (one way)		Travel Lane Width (two way)	
	Standard Space	Compact Car	Standard Space	Compact Car
45°	14 feet	12 feet	24 feet	22 feet
60°	16 feet	14 feet	24 feet	22 feet
90°	22 feet	19 feet	24 feet	22 feet

- e. **Shared Off-Site Parking.** Shared off-site parking is encouraged, where applicable, as a means of more efficient land use. The development of a site should take into consideration any opportunities to share parking with an adjacent use. Shared off-site parking shall be considered as part of a site plan review and shall be subject to the following conditions:
 - 1. No more than 30% of an applicant's required amount of off-street parking may be shared with an adjacent use;
 - 2. Off-site parking shall be within five hundred (500) feet of the property for which it is being requested;
 - 3. Off-site parking may only be provided if the off-site lot has an excess number of spaces or if the applicant can demonstrate, using the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other comparable source acceptable to the Planning Commission, that the on-site and off-site uses have non-competing peak demands;
 - 4. The amount of off-site parking spaces shall not be less than the amount of reduced on-site parking spaces;
 - 5. Off-site parking spaces provided by a separate private property owner shall be subject to a shared parking easement agreement that is legally binding and runs with the land and that is graphically displayed on a recorded plat. Site plan approval where off-site parking is requested, shall be subject to the recorded agreement and plat; and
 - 6. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting that complies with the Town's Outdoor Site Lighting requirements.
- f. **Addressing Fractions in Parking Space Determination.** In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half ($\frac{1}{2}$) may be dropped and any fraction one-half ($\frac{1}{2}$) or more shall be counted as one (1) parking space.
- g. **Driveways and Other-Access Ways.** Driveways and other access ways shall meet the requirements of the Farragut Municipal Code.
- h. **Perimeter Parkways.** Perimeter parkways no less than twenty (20) feet in width shall be provided adjacent to the front property line. Perimeter parkways no less than ten (10) feet in width shall be provided adjacent to the side and rear property lines (Illustration 5 (see Chapter 1)). If an access easement exists on a front property line, a perimeter parkway no less than twenty (20) feet in width shall be provided adjacent to the edge of the access easement. If an access easement exists on a side or rear property line, a perimeter parkway no less than ten (10) feet in width shall be provided adjacent to the edge of the access easement.
- i. **Interior Parkways.** Interior parkways not less than ten (10) feet wide shall be provided for at least every other parking aisle. The curbs shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles.

- j. Terminal Islands. Terminal islands not less than five (5) feet wide from inside of curb to inside of curb shall be provided for at both ends of parking rows and interior parkways. The curbs shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles.
- k. Interior Islands. Interior islands not less than seven and one-half (7½) feet wide from inside of curb to inside of curb and extending the full length of the parking space shall be provided every fifteen ten (15) spaces within a row. As an alternative, an interior island not less than ten (10) feet wide from inside of curb to inside of curb and extending the full length of the parking space shall be provided every twenty (20) spaces within a row.
- l. Curbing Around Parkways or Islands. Curbing around parkways or islands shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles. Where the area within a parkway or island is being used to accommodate stormwater, an alternate means of preventing uncontrolled access of vehicles into such areas may be considered. In this manner, stormwater may be directed from the parking lot into the parkway or island area without being inhibited by curbing.

B. Off-street loading requirements.

For all commercial and institutional uses, a plan for parking lot and loading areas access shall be submitted as part of the site plan application. No service loading space shall be counted for a required parking space. A plan for delivery circulation through a site shall be included as part of the site plan.

C. On-street parking.

In relation to on-street parking, within the Town Center District (TCD), the Primary Street Cross Section included as Diagram TCD-1, as amended, shall be used.

In other areas where on-street parking spaces are proposed, such applications shall be considered only on joint access easements and streets classified as local on the Major Road Plan. Such on-street parking shall also be reviewed with the Town Engineer, emergency service providers, and other applicable entities to ensure that adequate space is available and no safety related issues will be created. A minimum parking space width of eight (8) feet and a minimum parking space depth of twenty-three (23) feet shall be provided.

D. Turning radius requirements.

When designing curb radii for a site, the default design vehicle should be the passenger vehicle. Therefore, the default corner radius should be 15 feet. Larger design vehicles should be used only where they are known to regularly make turns at the intersection, and corner radii should be designed based on the larger design vehicle traveling at crawl speed. In such case, the turning radius shall not exceed 25 feet. In all cases, consideration shall be given to minimize any pedestrian and vehicular conflicts.

SECTION 2.

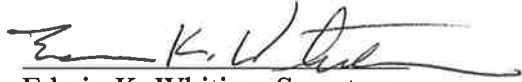
This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2017,
with approval recommended.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

RESOLUTION PC-16-20

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, TO RECOMMEND THE APPROVAL OF AN AMENDMENT TO CHAPTER 4, GENERAL PROVISIONS AND EXCEPTIONS, SECTION XX., PARKING AND LOADING., TO PROVIDE FOR NEW REQUIREMENTS

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

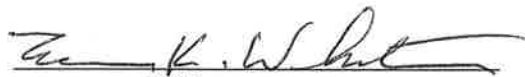
WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on January 19, 2017;

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 16-27.

ADOPTED this 19th day of January, 2017.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

XX. - Parking and loading. (new wording in red)

A. Off-street parking requirements.

1. General requirements.

- a. Residential off-street parking space shall consist of a parking lot, driveway, garage, or combination thereof and shall be located on the lot it is intended to serve.
- b. ~~Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.~~

Unless approved by the Planning Commission as provided for in this ordinance, any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

- ~~c. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.~~
- c. The placement of motor vehicles for sale or the repair of vehicles on required off-street parking facilities is prohibited. This provision does not apply to the placing of a "For Sale" sign on or in not more than one (1) licensed vehicle, boat, or other equipment at the same time located in a private residential driveway and which licensed vehicle, boat, or other equipment is owned by an occupant of said private residence.
- d. Wherever parking is required by this ordinance, no building permit shall be issued prior to approval of entrance to affected city streets and/or state highways by the appropriate town and/or state official.

2. Location and setbacks.

- a. ~~All off-street parking required by this ordinance shall be located on land owned by or, with the approval of the board, under long-term lease to the owner or owners of the principal use it is intended to serve.~~

With the exception of shared parking, as provided for in this ordinance, all off-street parking shall be located on land owned by or under long-term lease to the owner or owners of the principal use it is intended to serve.

- ~~b. Off-street parking for other than residential use shall be on the same lot, however, theaters and churches may establish joint parking facilities not to exceed fifty (50) percent of the required spaces, with commercial uses, public institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located not to exceed four hundred (400) feet from the theater or church sanctuary.~~
- b. Where the commercial parking lot abuts side lot lines of a residential district, the required buffer strip shall not be used for parking purposes.
- c. Where parking is to be provided in the front yard of a commercial, office, or multi-family development, the parking lot shall be set back a minimum of twenty (20) feet from the front property line.
- d. Where parking is to be provided in the rear or side yard of a commercial or office development, the parking lot shall be set back a minimum of ten (10) feet from the side or rear property line.
- e. Where parking is to be provided in the rear or side yard of a multi-family development, the parking lot shall be set back a minimum of fifty (50) feet from the side or rear property line, except as provided for elsewhere in this ordinance.

3. Number of parking spaces required.

Bicycle parking. The minimum number of bicycle spaces provided in all districts at such time any non single-family or two-family residential building is constructed or modified, shall be one (1) bicycle space per five thousand (5,000) square feet of gross floor area. Such bicycle racks shall be provided in desirable locations and shall be conveniently located near the building entrance. The rack placement should not impede pedestrian movement and should not cause conflicts between bicycles and pedestrians.

~~The minimum number of off-street parking spaces provided in all districts at such time any building or structure is erected or enlarged or increased in capacity, shall be determined in accordance with the specific uses as set forth below.~~

Vehicular parking. Unless a modification, as authorized in this ordinance, is approved by the Planning Commission as part of the site plan review process, provisions for off-street parking in all districts at such time any building or structure is erected or enlarged or increased in capacity shall be based on the minimum number of off-street parking spaces provided below.

For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals.

- Assisted-care living facility: Three-fourth ($\frac{3}{4}$) parking spaces per each housing unit.
- Automobile and/or truck repair shop: One (1) parking space per two hundred fifty (250) square feet of gross floor area.
- Automobile sales, new and/or used: Five (5) plus one (1) per two hundred (200) square feet of gross floor area.
- Banks, business offices: One (1) per three hundred (300) square feet of gross floor area.
- Barber shop or beauty parlor: One (1) per two hundred (200) square feet of gross floor area.
- Boarding or rooming house: One (1) for each lodging unit.
- Bowling alleys: Five (5) per bowling lane.
- Business services: One (1) for every fifty (50) square feet of customer service area, plus two (2) per three (3) employees based on the design capacity of the largest shift.
- Carpet, rug, linoleum and floor covering sales: One (1) per four hundred (400) square feet of gross floor area.
- Churches: One (1) per thirty (30) square feet of gross floor area of auditorium.
- Coin operated laundry and/or dry cleaning establishments: One (1) per one hundred (100) square feet of gross floor area.
- Coin operated automatic automobile washing establishments: Three (3) stack-up spaces per washer bay. Such spaces must be designed so that the spaces will not limit ingress or egress to the site.
- Conveyor-type automatic automobile washing establishments: One (1) stack-up space per five (5) feet of conveyor tunnel. Such spaces must be designed so that the spaces will not limit ingress or egress to the site.
- Country club/private club: One (1) per four hundred (400) square feet of gross floor area. Plus one and one-half ($1\frac{1}{2}$) per hole for golf course, two (2) per tennis court, and one (1) per one hundred (100) square feet of surface for swimming pools.

- Day care center: One (1) per employee plus one (1) per twenty-five (25) children.
- Dry cleaning and laundry collection stations: One (1) per four hundred (400) square feet of gross floor area.
- Furniture and major appliance establishments: One (1) per four hundred (400) square feet of gross floor area.
- Gasoline/mini-mart station: Two (2) per one (1) gas pump island plus two (2) per each employee during the major work shift or two (2) per one (1) gas pump island plus one (1) per one hundred fifty (150) square feet of gross floor area, whichever is greater.
- Governmental office building: One (1) per three hundred (300) square feet of gross floor area.
- Handicapped/accessible parking spaces: Where parking is provided, the number of handicapped/accessible parking spaces shall be as specified by the current adopted edition of the International Building Code, as amended by the Town of Farragut.
- Hospital: Two (2) per bed.
- Hotel: One (1) per one (1) room or suite.
- Independent living and care: One (1) parking space per bedroom and one (1) guest space per ten (10) bedrooms.
- Indoor soccer, inline hockey, baseball, and softball fields: Forty-one (41) parking spaces per indoor play field.
- Kennel: One (1) per four hundred (400) square feet of gross floor area.
- Lawn and tractor sales and service establishments: One (1) parking space per six hundred ninety (690) square feet of gross floor area.
- Library: One (1) for each four hundred (400) square feet of floor area.
- Mortuary establishments: One (1) per one hundred (100) square feet of gross floor area.
- Motels and tourist courts: One (1) per guest bedroom.
- Nursing homes: One (1) per three (3) patient beds.
- Professional offices: One (1) per two hundred fifty (250) square feet of gross floor area.
- Residential:
 - Single and two-family dwellings: Two (2) spaces per dwelling unit.
 - Apartments/multi-family: One and three-fourth (1 $\frac{3}{4}$) spaces per dwelling unit.
- Residential recreational facilities:
 - Pavilion: One (1) per four hundred (400) square feet of gross floor area or a minimum of three (3) parking spaces, whichever is greater.
 - Arbor: No parking required.
 - Decorative fountain: No parking required.

- Restaurants, tea rooms, cafes, coffee houses, or other similar establishments serving food or beverage: One (1) per one hundred (100) square feet of gross floor space plus one (1) per two hundred (200) square feet of discernable outdoor dining area.
- Retail liquor store: One (1) per four hundred (400) square feet of gross floor area.
- Retail stores (except as otherwise specified herein): One (1) per two hundred fifty (250) square feet of gross floor area.
- Retail stores larger than fifty thousand (50,000) square feet: Three and one-half (3.5) per one thousand (1,000) square feet of gross floor area.
- Retail warehousing, building supplies, home improvement super centers/stores, and construction supplies establishments: One (1) parking space per four hundred (400) square feet of gross floor area.
- Schools shall be provided with parking spaces under the following schedules:
 - Elementary, junior high, and the equivalent private or parochial schools:
 - Two (2) per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) space for each one hundred fifty (150) square feet of seating area, including aisles, in any auditorium.
 - Senior high schools and the equivalent private or parochial schools:
 - Two (2) per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) space per five (5) students, or one (1) space for each one hundred fifty (150) square feet of seating area, including aisles, in any auditorium, gymnasium or cafeteria intended to be used as an auditorium, whichever is greater.
 - Kindergartens, day schools, and the equivalent private or parochial schools:
 - Two (2) parking spaces per three (3) teachers and employees normally engaged in or about the building or grounds, plus one (1) off-street loading space per eight (8) pupils.
- Shopping centers: For shopping centers and other multiple use buildings larger than seventy-five thousand (75,000) gross square feet, there shall be four (4) parking spaces for each one thousand (1,000) square feet of gross floor area.
- For shopping centers and other multiple use buildings between fifty thousand (50,000) and seventy-five thousands (75,000) gross square feet, there shall be four and one-half (4½) parking spaces for each one thousand (1,000) square feet of gross floor area.
- For shopping centers and other multiple use buildings with less than fifty thousand (50,000) gross square feet, there shall be five (5) parking spaces for each one thousand (1,000) square feet of gross floor area.
- Parking for detached facilities and buildings that are located on the same lot, parcel, or tract as the shopping center and/or multiple use building shall be in accordance with the regulations of parking required for such uses in these regulations.
- Skating rinks: One (1) parking space per one hundred thirty (130) square feet of skating surface area.
- Stadiums and sports arenas: One (1) per twelve (12) feet of benches.

- Swimming pools (nonresidential): One (1) per one hundred fifty (150) square feet of water area for swimming pools developed as part of a subdivision, or one (1) per one hundred (100) square feet of water area for public swimming pools.
- Theaters, auditoriums and places of assembly without fixed seats: One (1) per one hundred (100) square feet of gross area.

4. Increasing or reducing required parking.

Where an applicant requests to increase or reduce parking from the minimum number of required off-street parking spaces, such request shall be based on demonstrated parking demands that are typical for the proposed use(s) throughout a majority of the year. Allocations shall not be based on selected dates where parking demands are atypical in comparison to the remainder of the year. An applicant shall be responsible for providing such documentation and this documentation shall be current and part of the site plan submittal.

Where the Planning Commission is asked to consider an increase from the minimum number of required off-street parking spaces and the applicant can properly demonstrate a need based on the language provided in this ordinance, the Planning Commission shall not authorize additional parking spaces in excess of 10% above the minimum number required unless the following measures are provided and reflected on the approved site and landscape plans:

- a. An additional interior parking lot island is provided for every 5 parking spaces in excess of the minimum required; and
- b. The additional surface parking and travel lanes associated with the parking in excess of the minimum required shall be constructed in permeable pavers or a comparable and widely recognized low impact development surface parking application.

5. Off-street parking lot construction and maintenance.

Whenever the required off-street parking requires the building of a parking lot, and wherever a parking lot is built, such parking lot shall be constructed and maintained in accordance with the following regulations:

- a. ~~All areas with fifty (50) or more parking spaces devoted to permanent off-street parking shall be of a sealed surface construction such as plant mix asphalt, penetrating asphalt or concrete, and shall be maintained in such a manner that no dust will result from continuous use. Surface drainage shall be collected so as to preclude uncontrolled drainage onto the paved portion of any public street.~~
- b. ~~Unless a request for a special exception is approved by the BZA, all commercial, office, and multi-family developments with less than fifty (50) parking spaces devoted to permanent off-street parking shall be of a sealed surface construction such as plant mix asphalt, penetrating asphalt or concrete, and shall be maintained in such a manner that no dust will result from continuous use. Surface drainage shall be collected so as to preclude uncontrolled drainage onto the paved portion of any public street.~~

~~The BZA may grant a special exception to the requirement for the paving of areas devoted to permanent off-street parking for those parking areas with less than fifty (50) parking spaces subject to the following conditions:~~

- ~~(1) The parking area does not serve a generally recognized retail business.~~
- ~~(2) The parking area is maintained in such a manner that no dust will result from continuous use.~~
- ~~(3) The parking area is maintained in such a way that mud and gravel are not displaced onto public streets.~~

- ~~(4) The access drive(s) from a public street(s) is paved to the standard of subsection XX, A., 4., of Chapter 4 for a distance of fifty (50) feet from the pavement of the public street(s).~~
- ~~(5) The special exception must be reconsidered by the BZA at the expiration of a two (2) year period.~~

~~c. The curbs surrounding interior parkways, terminal islands, and interior islands shall be constructed with six (6) inch high raised curbs.~~

- a. All areas devoted to permanent off-street parking shall be of a sealed-surface construction such as plant mix asphalt, penetrating asphalt or concrete, or permeable pavers and shall be properly maintained;
- b. The curbs surrounding parkways, terminal islands, and interior parking lot islands shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles. Where the area within a parkway or island is being used to accommodate stormwater an alternate means of preventing uncontrolled access of vehicles into such areas may be considered. In this manner, stormwater may be directed from the parking lot into the parkway or island without being inhibited by curbing.

6. Minimum site design.

To provide for orderly, safe, and systematic circulation within parking areas, off-street parking areas shall meet the following general requirements:

- ~~a. Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.~~
- ~~b. Parking spaces. Each parking space shall be a minimum of nine and one-half (9½) feet in width and nineteen (19) feet in length.~~

~~Each handicapped/accessible parking space shall be a minimum of eight (8) feet in width and nineteen (19) feet in length. Such spaces shall have an adjacent access aisle, which shall be a minimum of five (5) feet in width and extend the full length of the parking spaces they serve. For every six (6) handicapped/accessible parking spaces, at least one (1) shall be a van-accessible parking space. Such van-accessible parking space shall have an adjacent access aisle of eight (8) feet in width.~~

~~Handicapped/accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.~~

- ~~c. Minimum width of aisles and back-up areas. Minimum width of parking lot aisles shall be as follows:~~

- ~~(1) Ninety (90) degree parking—Twenty-five (25) feet.~~
- ~~(2) Sixty (60) degree parking—Eighteen (18) feet (twenty-five (25) feet for two-way aisle).~~
- ~~(3) Forty-five (45) degree parking—Thirteen (13) feet (twenty-five (25) feet for two-way aisle).~~
- ~~(4) Thirty (30) degree parking—Twelve (12) feet (twenty-five (25) feet for two-way aisle).~~
- ~~(5) Other—To be determined on basis of above by the Town Engineer.~~

~~Back-up or turn-around areas located at the end of dead-end parking aisles shall be a minimum of ten (10) feet in length.~~

- d. ~~In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half ($\frac{1}{2}$) may be dropped and any fraction one-half ($\frac{1}{2}$) or more shall be counted as one (1) parking space.~~
- e. ~~Driveways shall meet the requirements of the Farragut Municipal Code.~~
- f. ~~Perimeter parkways no less than twenty (20) feet in width shall be provided adjacent to the front property line. Perimeter parkways no less than ten (10) feet in width shall be provided adjacent to the side and rear property lines (Illustration 5 (see Chapter 1)). If an access easement exists on a front property line, a perimeter parkway no less than twenty (20) feet in width shall be provided adjacent to the edge of the access easement. If an access easement exists on a side or rear property line, a perimeter parkway no less than ten (10) feet in width shall be provided adjacent to the edge of the access easement.~~
- g. ~~Interior parkways not less than ten (10) feet wide shall be provided for at least every other parking aisle. The curbs shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles.~~
- h. ~~Terminal islands not less than five (5) feet wide from inside of curb to inside of curb shall be provided for at both ends of parking rows and interior parkways. The curbs shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles.~~
- i. ~~Interior islands not less than five (5) feet wide from inside of curb to inside of curb and extending the full length of the parking space shall be provided every fifteen (15) spaces within a row. As an alternative, an interior island not less than ten (10) feet wide from inside of curb to inside of curb and extending the full length of the parking space shall be provided every twenty (20) spaces within a row. The curbs shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles.~~

- a. **Backing Prohibited onto Public Street.** Except for parcels of land devoted to one (1) and two (2) family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

Turn-around areas. Back-up or turn-around areas located at the end of dead-end parking aisles shall be a minimum of ten (10) feet in **depth**.

- b. **Handicap Parking.** Each handicapped/accessible parking space shall be a minimum of eight (8) feet in width and nineteen (19) feet in length. Such spaces shall have an adjacent access aisle, which shall be a minimum of five (5) feet in width and extend the full length of the parking spaces they serve. For every six (6) handicapped/accessible parking spaces, at least one (1) shall be a van-accessible parking space. Such van-accessible parking space shall have an adjacent access aisle of eight (8) feet in width.

Handicapped/accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.

- c. **Compact Car Parking.** An applicant may design and construct up to twenty percent of their parking spaces for compact cars, as defined by the Environmental Protection Agency, in accordance with the dimensions listed below in this ordinance. Compact car spaces shall be grouped together to the greatest possible extent in areas clearly designated for compact cars. Parking lots shall have a system of regulatory compliant signs beginning at the entrance that clearly indicates the location of compact car spaces.
- d. **Parking Space and Travel Lane Dimensions.** For the purposes of this ordinance, the minimum parking space width shall be measured perpendicular to the center line of the parking space. For standard cars, the minimum parking space width shall be nine (9) feet and the minimum parking space depth shall be nineteen (19) feet. For compact cars, the

minimum parking space width shall be eight (8) feet and the minimum parking space depth shall be seventeen (17) feet. Travel lanes shall conform to the following minimum standards:

Parking Angle	Travel Lane Width (one way)		Travel Lane Width (two way)	
	Standard Space	Compact Car	Standard Space	Compact Car
45°	14 feet	12 feet	24 feet	22 feet
60°	16 feet	14 feet	24 feet	22 feet
90°	22 feet	19 feet	24 feet	22 feet

- e. **Shared Off-Site Parking.** Shared off-site parking is encouraged, where applicable, as a means of more efficient land use. The development of a site should take into consideration any opportunities to share parking with an adjacent use. Shared off-site parking shall be considered as part of a site plan review and shall be subject to the following conditions:
 1. No more than 30% of an applicant's required amount of off-street parking may be shared with an adjacent use;
 2. Off-site parking shall be within five hundred (500) feet of the property for which it is being requested;
 3. Off-site parking may only be provided if the off-site lot has an excess number of spaces or if the applicant can demonstrate, using the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other comparable source acceptable to the Planning Commission, that the on-site and off-site uses have non-competing peak demands;
 4. The amount of off-site parking spaces shall not be less than the amount of reduced on-site parking spaces;
 5. Off-site parking spaces provided by a separate private property owner shall be subject to a shared parking easement agreement that is legally binding and runs with the land and that is graphically displayed on a recorded plat. Site plan approval where off-site parking is requested, shall be subject to the recorded agreement and plat; and
 6. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting that complies with the Town's Outdoor Site Lighting requirements.
- f. **Addressing Fractions in Parking Space Determination.** In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half ($\frac{1}{2}$) may be dropped and any fraction one-half ($\frac{1}{2}$) or more shall be counted as one (1) parking space.
- g. **Driveways and Other-Access Ways.** Driveways and other access ways shall meet the requirements of the Farragut Municipal Code.
- h. **Perimeter Parkways.** Perimeter parkways no less than twenty (20) feet in width shall be provided adjacent to the front property line. Perimeter parkways no less than ten (10) feet in width shall be provided adjacent to the side and rear property lines (Illustration 5 (see Chapter 1)). If an access easement exists on a front property line, a perimeter parkway no less than twenty (20) feet in width shall be provided adjacent to the edge of the access easement. If an access easement exists on a side or rear property line, a perimeter parkway no less than ten (10) feet in width shall be provided adjacent to the edge of the access easement.

- i. Interior Parkways. Interior parkways not less than ten (10) feet wide shall be provided for at least every other parking aisle. The curbs shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles.
- j. Terminal Islands. Terminal islands not less than five (5) feet wide from inside of curb to inside of curb shall be provided for at both ends of parking rows and interior parkways. The curbs shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles.
- k. Interior Islands. Interior islands not less than seven and one-half (7½) feet wide from inside of curb to inside of curb and extending the full length of the parking space shall be provided every fifteen ten (15) spaces within a row. As an alternative, an interior island not less than ten (10) feet wide from inside of curb to inside of curb and extending the full length of the parking space shall be provided every twenty (20) spaces within a row.
- l. Curbing Around Parkways or Islands. Curbing around parkways or islands shall be constructed with six (6) inch high raised curbs to prevent uncontrolled access of vehicles. Where the area within a parkway or island is being used to accommodate stormwater, an alternate means of preventing uncontrolled access of vehicles into such areas may be considered. In this manner, stormwater may be directed from the parking lot into the parkway or island area without being inhibited by curbing.

B. Off-street loading requirements.

For all commercial and institutional uses, a plan for parking lot and loading areas access shall be submitted **as part of the site plan application**. ~~at a scale of one (1) inch equals fifty (50) feet. The town administrator or his designated representative shall insure that adequate service access for loading and unloading for each structure is available. In making the determination, the town administrator or his designated representative shall insure that all turning radii are adequate for a truck of a minimum of thirty (30) feet in length without encroaching on any parking spaces or other vehicular lanes or aisles. No service loading space shall be counted for required parking space.~~ **A plan for delivery circulation through a site shall be included as part of the site plan.**

C. On-street parking.

In relation to on-street parking, within the Town Center District (TCD), the Primary Street Cross Section included as Diagram TCD-1, as amended, shall be used.

In other areas where on-street parking spaces are proposed, such applications shall be considered only on joint access easements and streets classified as local on the Major Road Plan. Such on-street parking shall also be reviewed with the Town Engineer, emergency service providers, and other applicable entities to ensure that adequate space is available and no safety related issues will be created. A minimum parking space width of eight (8) feet and a minimum parking space depth of twenty-three (23) feet shall be provided.

D. Turning radius requirements.

When designing curb radii for a site the default design vehicle should be the passenger vehicle. Therefore, the default corner radius should be 15 feet. Larger design vehicles should be used only where they are known to regularly make turns at the intersection, and corner radii should be designed based on the larger design vehicle traveling at crawl speed. In such case, the turning radius shall not exceed 25 feet. In all cases, consideration shall be given to minimize any pedestrian and vehicular conflicts.

~~The town administrator or his designated representative shall require access from arterial streets to comply with Illustration 4 (see Chapter 1). Where a variance is requested from this requirement in accordance with all provisions of the section, the board shall utilize Illustration 3 (see Chapter 1) as a design alternative only if the variance is warranted.~~

(Ord. No. 86-16, adopted Apr. 1986; amended Feb. 2006; Ord. No. 06-23, § 1, 8-10-2006; Ord. No. 06-10, § 2, 5-25-2006; Ord. No. 06-09, §§ 1, 2, 5-11-2006; Ord. No. 07-39, § 3, 1-10-2008; Ord. No. 08-12, § 1, 7-24-2008; Ord. No. 09-01, §§ 1, 2, 2-26-2009; Ord. No. 10-19, § 1, 1-27-2011; Ord. No. 11-03, § 1, 4-28-2011; Ord. No. 11-27, §§ 1, 2, 1-26-2012; Ord. No. 14-13, §§ 1, 2, 19-9-2014)