



FARRAGUT BOARD OF MAYOR AND ALDERMEN AGENDA

November 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. October 26, 2017
- VI. Ordinances**
 - A. Second Reading
 - 1. Ordinance 17-15, Ordinance to replace the existing Town of Farragut Sinkhole Ordinance with new requirements
 - B. First Reading
 - 1. Ordinance 17-17, Ordinance amending the Capital Investment Program budget of the Fiscal Year 2017-2018 budget, passed by Ordinance 17-09
- VII. Business Items**
 - A. Approval of Americans with Disabilities Act Transition Plan Letter to Tennessee Department of Transportation
 - B. Approval of Bids and Award of Contract 2018-06, Campbell Station Inn, Phase II
 - C. Approval of Resolution R-2017-04, Supplemental Development Oversight and Inspection Service Policy
 - D. Approval of HGACBuy/Forever Lawn Proposal and Interlocal Contract for Cooperative Purchasing
 - E. Approval of Special Event Signage for the Farragut Business Alliance, Shop Farragut Holiday Campaign
 - F. Approval of Board of Mayor and Aldermen Meeting Public Speaking Protocol
- VIII. Town Administrator's Report**
- IX. Town Attorney's Report**

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**FARRAGUT BOARD OF MAYOR AND ALDERMEN
MINUTES**

October 26, 2017

**WORKSHOP
6:00 PM**

**McFee Park Design
ADA Assessment Plan
Tourism Program Update
Meeting Protocol Review**

**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. October 12, 2017
- VI. Ordinances**
 - A. Second Reading
 - 1. Ordinance 17-14, Ordinance amending the General Fund budget of the Fiscal Year 2017-2018 budget, passed by Ordinance 17-09, Tourism Program
 - 2. Ordinance 17-16, Ordinance amending the General Fund budget of the Fiscal Year 2017-2018 budget, passed by Ordinance 17-09, Human Resources-Professional Services

VII. Business Items

- A. Approval of Contract for ADA Self-Evaluation and Transition Plan
- B. Approval of Proposal for Engineering Services from Urban Engineering, Inc. for Preliminary Plans for Smith Road Greenway/Sidewalk.
- C. Approval of Proposals for Right of Way Acquisition Services for Watt Road Intersection at Kingston Pike
- D. Approval of Proposal for Engineering Services from Cannon & Cannon, Inc. for Advanced Traffic Management System Phase 1 Project
- E. Approval of Contract for McFee Park Phase III Design Services Contract

VIII. Town Administrator's Report

IX. Town Attorney's Report

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

Alderman Povlin thanked Gary Palmer for his service to Farragut.

Approval of Minutes

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

Ordinances

Second Reading

Ordinance 17-14, Ordinance amending the General Fund budget of the Fiscal Year 2017-2018 budget, passed by Ordinance 17-09, Tourism Program

Motion was made to approve Ordinance 17-14 on second and final reading. Moved by Alderman Pinchok, seconded by Alderman Povlin; voting yes; Mayor McGill, Aldermen Pinchok, Povlin and Williams; voting no, Alderman Markli; motion passed.

Ordinance 17-16, Ordinance amending the General Fund budget of the Fiscal Year 2017-2018 budget, passed by Ordinance 17-09, Human Resources-Professional Services

Motion was made to approve Ordinance 17-16 on second and final reading. Moved by Alderman Pinchok, seconded by Alderman Povlin; voting yes; Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Business Items

Approval of Contract for ADA Self-Evaluation and Transition Plan

Motion was made to approve the contract with Kimley Horn and Associates as the consultant to complete and deliver the ADA Self-Evaluation and Transition Plan in the amount of \$148,700. Moved by Alderman Pinchok, seconded by Alderman Williams; voting yes; Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Proposal for Engineering Services from Urban Engineering, Inc. for Preliminary Plans for Smith Road Greenway/Sidewalk.

Motion was made to approve the proposal from Urban Engineering, Inc. for preliminary design of the pedestrian facilities at Smith Road in the amount of \$30,900. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes; Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Proposals for Right of Way Acquisition Services for Watt Road Intersection at Kingston Pike

Motion was made to approve the following for Right of Way Acquisition Services for Watt Road Intersection at Kingston Pike.

- Appraisals: Butler Appraisal Group, LLC (fee of \$10,600)
- Appraisal Review: Dunn & Metz Appraisal Group (fee of \$5,800)
- Acquisition: Crook & Company (fee \$22,500)

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

Approval of Proposal for Engineering Services from Cannon & Cannon, Inc. for Advanced Traffic Management System Phase 1 Project

Motion was made to approve the proposal from Cannon & Cannon, Inc. with the total fee of \$417,480. Moved by Alderman Povlin, seconded by Alderman Williams; voting yes; Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Contract for McFee Park Phase III Design Services Contract

Motion was made to approve the McFee Park Phase III Design Service Contract with Ross/Fowler, P.C. at a cost of 7.25% of the construction bids plus up to \$10,000 in reimbursable expenses. Moved by Alderman Pinchok, seconded by Alderman Williams; voting yes; Mayor McGill, Aldermen Markli, Pinchok and Williams; voting no, Alderman Povlin; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, thanked the board for allowing him to attend the ICMA conference in San Antonio. He also announced the following events:

- Freaky Friday, Friday October 27 from 5-7 PM
- Intro to Farragut class graduation, November 8 from 6-8 at Fox Den
- Farragut Half-marathon is Saturday, October 28
- Farragut/West Knox Chamber 5k is November 11

Meeting adjourned at 8:00 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Bart Hose, Assistant Community Development Director

SUBJECT: Ordinance 17-15, Second reading and public hearing of an ordinance to replace the existing Town of Farragut Sinkhole Ordinance with new requirements.

INTRODUCTION AND BACKGROUND: The Town's Sinkhole Ordinance was originally adopted in 2005. An applicant representing the Dollar General Store recently requested a variance from the ordinance to fill a portion of an identified sinkhole area to support the construction of a required inter-parcel connection drive and a walking trail extension along Kingston Pike. The Town's planning and engineering staff were not opposed to granting the variance because; in their view; it was in line with the Town's connectivity goals and requirements; supported the future expansion of walking trails along Kingston Pike; and did not appear to significantly increase preexisting impacts to the sinkhole, most of which was located on the opposite side of Kingston Pike. The Board of Zoning Appeals denied the requested variance noting the ordinance's specific language prohibiting the filling of sinkholes for the "construction of local streets, driveways, and walking trails". They contrasted this language with language in the same section that referenced mitigation measures and filling in situations where sinkhole avoidance was not possible. The BZA determined that the issue should be addressed legislatively, if necessary.

DISCUSSION: The Dollar General's variance request indicated the potential for additional conflicts between the Town's Sinkhole Ordinance and its adopted connectivity goals and requirements. Staff has been working to address this conflict, along with several other minor issues or clarifications that were identified while evaluating the ordinance. The proposed amendments are intended to clarify the sinkhole ordinance where necessary, provide for flexibility in situations where the ordinance may conflict with other important public plans or policies, and to address (in a limited fashion) situations where a sinkhole is discovered after site construction has started. Maintaining the integrity of the sinkhole ordinance and its emphasis on avoiding sinkholes during development was a critical staff concern. The amendments have been reviewed by the Town's Engineering Department, and were submitted to Dr. Peter Lemiszki, Chief Geologist, Tennessee Department of Environment and Conservation for comment.

RECOMMENDATION: At the Planning Commission meeting on September 21, 2017, the Commission unanimously recommended in favor of Ordinance 17-15 subject to some minor modifications being made based on the comments of Dr. Lemiszki from TDEC. Those modifications were made and included in Ordinance 17-15 that was considered on first reading at the October 12, 2017 Board of Mayor and Aldermen meeting. During the discussion on first reading, a request was made to have the Stormwater Advisory Committee (SAC) formally review the ordinance and provide input. The Board approved Ordinance 17-15 subject to a review and recommendation from the SAC.

On October 30, 2017, a special meeting of the SAC was held to review, in detail, the provisions in Ordinance 17-15. The SAC offered some recommendations that were very minor and that are shown in red in the revised Ordinance 17-15 that is included in your packet. The SAC recommendations will be formally voted on at their November 9 meeting and the staff will report on their action at the Board meeting. Given the very minor nature of the changes recommended by the SAC, it is anticipated that Ordinance 17-15, as included in your packet, will be approved.

PROPOSED MOTION: To approve Ordinance 17-15 on second 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:	17-15
PREPARED BY:	Shipley & Hose
REQUESTED BY:	Town of Farragut
CERTIFIED BY FMPC:	September 21, 2017
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF FARRAGUT TENNESSEE, PURSUANT TO AUTHORITY GRANTED BY SECTION 6-2-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 107, ARTICLE 3, SINKHOLES AND THE FARRAGUT SINKHOLE ORDINANCE, TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY REGULATING CERTAIN ACTIVITIES IN AND AROUND SINKHOLES.

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 107, Article 3, Sinkholes, of the Farragut Code, Ordinance 05-13 "Sinkhole Ordinance".

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

SECTION 1.

The Farragut Code; Chapter 107, Article 3, Sinkholes, Sinkhole Ordinance is amended by deleting it in its entirety and substituting in lieu thereof the following:

Sec. 107-60. - Short title.

This article will be known as the "sinkhole ordinance".

Sec. 107-61. - Definitions.

- (1) For the purpose of this article, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "may" is permissive. Any word or term not defined within the municipal code or in chapter 2, Definitions, in the Farragut Zoning Ordinance, shall be construed to be used in this article as defined by the latest edition of Webster's Unabridged Dictionary. Any word or term not defined in the Town's ordinances or the latest edition of Webster's Unabridged Dictionary shall have the meaning customarily assigned to it.

(2) The following words and terms are defined as follows:

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

Karst. A region made up of porous limestone or other carbonate rock containing deep fissures and characterized by sinkholes, underground caves, and streams.

Sinkhole. A naturally occurring depression characterized by closed contours on a topographic map, with or without a visible throat. Also included are manmade depressional areas having no visible outlet, which do not retain water for any significant length of time during rainy periods and areas determined to be sinkholes by a qualified professional in accordance with subsection 107-67 (3) below.

Sinkhole Area. The area including the sinkhole and fifty (50) feet from the sinkhole lip elevation.

Sinkhole Drainage Area. The land area around a sinkhole that contributes surface drainage to it.

Sinkhole Elevation. The lowest elevation point in the sinkhole.

Sinkhole Floodplain Elevation. The elevation at the sinkhole lip.

Sinkhole Lip Elevation. The highest closed contour elevation of a sinkhole.

Sinkhole Throat. The passageway between the sinkhole and the subsurface groundwater system.

Sec. 107-62. - Statutory authorization.

The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-201, delegated the authority to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Sec. 107-63. - Need.

Certain areas of the Town and surrounding areas drain exclusively or predominantly to sinkhole systems. As such, these sinkhole systems must remain available for the temporary storage and drainage of surface runoff in a manner similar to established riparian floodways and floodplains. Sinkhole areas are also known to be unstable for construction and drainage. Structures placed on soil foundations in sinkhole areas may be subject to flooding, settling, or collapse.

It is not possible to determine a generalized rule for sinkhole capacity. Each sinkhole behaves differently from all other sinkholes, and the discharge from each is a function of unknown subterranean stream configurations. Sinkholes must not be used as an integral part of the drainage system unless no other outlet is feasible, as shown in a study by a licensed engineer with expertise in hydrology and approved by the Town Engineer.

Sinkholes are known to be part of fragile drainage systems which discharge directly to the subsurface aquifer. Any substance or object, including construction siltation, placed within a sinkhole has the potential of clogging the throat of the sinkhole and/or polluting groundwater. Any permitted disturbance in or around a sinkhole shall be in accordance with this ordinance.

Sec. 107-64. - Purpose.

The purpose of this ordinance is to protect existing and future development from flooding due to sinkhole overflow and backup; to protect underground drainage systems from clogging due to sediment and debris; to protect the structural integrity of buildings, roads, pedestrian facilities, and utilities built near sinkholes; and to work with the State of Tennessee to protect groundwater resources from contamination due to pollutant runoff into sinkholes.

Sec. 107-65. - Appeals.

- (1) Once a sinkhole determination has been made and the sinkhole(s) have been identified on a plat, site plan, or any other construction document, the Board of Zoning Appeals (BZA) shall serve as the appellate body for this ordinance.
- (2) The applicant shall submit a written request for a variance to the Town of Farragut. The application shall include specific reasons justifying the variance and any other information necessary to evaluate the proposed variance request. The applicant shall have the burden of proof for justifying any variance from the provisions of this ordinance.
- (3) Whenever the Town's staff and/or Planning Commission determines that an appeal from any part of this ordinance involves potential drainage concerns or related impacts to water quality, it shall first be submitted to the Town's Stormwater Advisory Committee for review and recommendations to the Board of Zoning Appeals.
- (4) When the Board of Zoning Appeals is considering a request for a variance, they may require additional information such as, but not limited to, site design modifications, to more fully evaluate the request.
- (5) Standards for variances. In granting a variance, the Board of Zoning Appeals shall ascertain that the following criteria are met:
 - a. The granting of any variance is in harmony with the purposes and intent of this ordinance and will not be injurious to the surrounding area, detrimental to the public welfare, or in conflict with the Town's plans or policies for development.
 - b. Variances shall be granted only where special circumstances or conditions exist (such as topography, or siting) fully described in the findings of the BZA, that do not apply in the surrounding area.
 - c. For reasons fully set forth in the findings of the BZA, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of reasonable use of his/her land. Mere loss in value shall not justify a variance.
 - d. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.
 - e. If a property's size or shape is found to be the grounds for the variance, the property must be a "lot of record" and have totally separate ownership from the adjoining parcels.
- (6) In the exercise of its approval of a variance, the BZA may impose any such conditions as it may deem advisable in the furtherance of the general purposes of this ordinance.

Sec. 107-66. - Appeals of decisions.

Any person aggrieved by a decision of the Town may appeal any order, requirement, decision, or determination of the Town to a court of competent jurisdiction in the manner provided by the laws of the State of Tennessee.

Sec. 107-67. - Developmental requirements.

- (1) *General site controls and restraints.* The developer is responsible for consulting with any unit of government that would have requirements applicable to the development of the subject tract and the area surrounding it. The developer shall become acquainted with the zoning ordinance, subdivision regulations, driveways and other access ways ordinance, stormwater ordinance, tree protection ordinance, this article, and other ordinances, regulations and codes which regulate the development of land in the Town. Further, the developer shall consult with the Town regarding all applicable review policies and procedures precedent to the submission of any site plan, subdivision plat, or land disturbance permit application.
- (2) *Sinkhole and related feature identification.* All identifiable closed contour depressions, sinkhole related features, and springs or cave openings shall be located and shown on site plans, subdivision plats, and other development related plans. The developer shall, at a minimum, utilize available and required topographic survey information, United States Geological Survey (USGS) information, and a field (on the ground) site inspection of the subject property to locate the above noted features.
- (3) *Dispute of sinkhole—Determination.* Where a developer disputes that an area contains a sinkhole(s), a detailed site reconnaissance and evaluation shall be conducted by a State licensed professional geologist or geotechnical engineer having experience and expertise with sinkholes. This professional shall be recognized and approved by the Town. The professional shall perform whatever evaluations deemed necessary to establish whether a sinkhole(s) exists on the site. The findings of the professional shall be presented to the developer, the Town, and the Tennessee Department of Environment and Conservation for final disposition. The burden of proof is on the developer to disprove the existence of sinkholes. Once a sinkhole determination has been made, the sinkhole(s) shall be indicated on all preliminary plats, final plats, site plans, or any other construction document.

Sec. 107-68. - General requirements.

- (1) *Placing substances and objects in sinkholes.* No person shall place or cause to be placed any substances or objects, other than stormwater runoff, in any sinkhole or sinkhole drainage area in such a way so as to allow such substances or objects to be washed into a sinkhole or sinkhole throat during storm events.
- (2) *Filling or obstructing sinkhole drainage outlets and springs.* No person shall fill or obstruct the drainage outlet from a sinkhole or system of sinkholes; or fill over a sinkhole outlet, spring, or cave opening without approval from the State of Tennessee Department of Environment and Conservation Division of Water Supply and Division of Water Pollution and the Town of Farragut.

- (3) *Filling Sinkholes.* Except as provided below, no fill shall be placed, and no construction shall occur below a sinkhole's lip elevation. Identified sinkholes should be avoided by design and separated from construction activities, except as provided for in this article (Sinkhole Ordinance).

The limited filling of sinkholes may be permitted by the Town upon a finding that:

- a) The avoidance of a sinkhole is clearly not possible given existing conditions, for example when widening an existing collector or arterial street. The Town's staff may seek additional review and approval from the Planning Commission and the Stormwater Advisory Committee whenever they determine that the circumstances warrant.
- b) A sinkhole is identified during or after approved site construction activities, the Town determines that it was not reasonably identifiable prior to construction using standard practices, and development activities have progressed to the point that redesigning to avoid filling the sinkhole is shown to be impracticable and fully documented by the developer. The Town's staff may seek additional review and approval from the Planning Commission and the Stormwater Advisory Committee whenever they determine that the circumstances warrant.
- c) The Planning Commission has determined that such fill and construction is appropriate to advance a competing and adopted public policy, plan, or ordinance; is related and proportional to the public interests involved; and avoidance of the sinkhole is not reasonable given the specifics of the site and surrounding area. For example, the planning commission may permit the limited filling of a sinkhole area to facilitate the construction of a critical walkway extension to further the Town's adopted connectivity goals.

In all cases where fill or construction is permitted below the sinkhole lip elevation the following shall apply:

- a) Any permitted fill and construction shall be limited to the minimum necessary to carry out the project.
- b) The Town may require a developer to prepare alternative designs that avoid the sinkhole and evaluate their feasibility.
- c) A study and sinkhole management plan shall be prepared by a State licensed geotechnical engineer to ensure the structural stability of the proposed fill and/or construction area. The plan and study shall identify all tests that will be completed to determine subsurface conditions. It shall also include recommended mitigation actions that shall be implemented.
- d) All sinkhole related plans and activities shall be coordinated with the Tennessee Department of Environment and Conservation. All required State or other permits shall be obtained prior to approval by the Town.
- e) All related plans, studies, and permits shall be reviewed by the Town's Engineer and other applicable staff prior to any filling or construction within a sinkhole. The Town may further impose appropriate additional conditions and restrictions intended to mitigate impacts related to any such permitted fill or construction.

- (4) *Stormwater runoff into sinkholes.* All persons draining stormwater runoff into sinkholes shall coordinate with the State of Tennessee Department of Environment and Conservation Division of Water Supply and Division of Water Pollution to ensure appropriate compliance with applicable provisions. Every effort shall be made to prevent changes in the volume and rate of runoff into sinkholes from preconstruction levels to post construction levels. Copies of approved permits and any pertinent site-specific provisions shall be submitted to the Town prior to the issuance of a grading permit.
- (5) *Disturbance in sinkhole drainage areas.* The immediate area around a sinkhole shall be disturbed as little as possible. Adequate sediment and erosion control measures shall be put in place prior to any disturbance. The use of mechanized grading equipment near the sinkhole throat shall be avoided. All use of explosives shall be in compliance with the state fire marshal's office, and shall be avoided whenever possible. The underground system of caves and streams is dynamic and explosions in the vicinity can alter or block underground drainage passage ways.
- (6) *Building construction in sinkhole areas and sinkhole drainage areas.* Sinkhole areas are known to be unstable for construction. Structures placed on soil foundations in sinkhole areas may be subject to both settling and collapse of the sinkhole. Uncontrolled fill placement may present additional settlement hazards. Mitigation of these possible undesirable consequences shall, at a minimum, be addressed as follows:

All buildings shall be set back a minimum of fifty (50) feet from the sinkhole lip elevation unless at the time of sinkhole identification and determination during the platting or site planning process the Farragut Municipal Planning Commission finds:

- (a) That the applicant provides sufficient and proper evidence for the Farragut Municipal Planning Commission to determine that there is no danger other than that which would normally be encountered in the construction of a similar building in other areas;
- (b) That the drainage function of the sinkhole will not be compromised by the construction within said fifty (50) foot line;
- (c) That there will be no hazard to groundwater; and
- (d) That the applicant has obtained all necessary permits necessary from the Tennessee Department of Environment and Conservation.

As part of the evaluation involving (a) thru (d) above, the Planning Commission may require the submittal of all necessary engineering and scientific studies to document any findings or determinations made under this subsection. Including but not limited to geotechnical analysis, structural engineering reports, and drainage or flood studies.

A structural engineer must approve all building foundations constructed within sinkhole areas; except where the Planning Commission has reduced the required building setback in accordance with this subsection (subsection 6).

The sinkhole elevation, the sinkhole lip elevation, and the minimum building setback from the sinkhole lip elevation shall be indicated on all preliminary plats, final plats and site plans.

The finished floor elevation (FFE) of any habitable structure located within a sinkhole drainage area or a sinkhole area, as defined by this ordinance, shall be at least one (1) foot above the sinkhole floodplain (lip) elevation; except within any portion of a sinkhole area that does not

also fall within the drainage area (i.e. where a building site is located downslope and below the sinkhole). In such areas, the FFE shall be at least one (1) foot above the highest adjacent grade. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall also be located in accordance with this elevation standard. The sinkhole floodplain elevation and corresponding FFE (minimum floor elevation MFE) shall be indicated on all preliminary plats, final plats, and site plans; along with a corresponding explanatory note. Verification of this elevation must be submitted to the Town.

- (7) *Easements.* When appropriate, sinkholes shall be designated as drainage easements on all preliminary and final plats. All sinkholes, whether designated as a drainage easement or not, shall be identified on preliminary and final plats. If feasible, sinkholes shall be placed on community open space land.

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

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Ordinance 17-17, first reading to amend Ordinance 17-09, FY2018 Budget, Capital Investment Program

INTRODUCTION:

The purpose of this agenda item is to amend the Fiscal Year 2018 Capital Investment Program (CIP) Fund Budget.

DISCUSSION:

The CIP will be amended by increasing the appropriated expenditures from \$8,094,301 to \$8,594,301 an increase of \$500,000. The increase is due to the cost of the contract for the Campbell Station Inn Project, Phase II. The current Campbell Station Inn budget is \$1,350,000. More information concerning the project is included in agenda item VII.B., Approval of Bids and Award of Contract 2018-06, Campbell Station Inn, Phase II.

FINANCIAL SECTION: Campbell Station Inn, Phase II

Account Number: 310-46230-920

FY2018 Budget

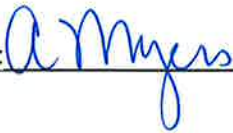
\$1,350,000

Requested Amendment

\$500,000

FY2018 Amended Budget

\$1,850,000

Approved By: 

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

PROPOSED MOTION: Motion to approve Ordinance 17-17 on first reading.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

ORDINANCE	17-17
PREPARED BY	Myers
1 ST READING	November 9, 2017
2 nd READING	December 14, 2017
PUBLISHED IN	Shopper News Farragut
DATE	

**AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE
AMENDING THE FISCAL YEAR 2017-2018 BUDGET, PASSED BY ORDINANCE 17-09**

WHEREAS, the Town of Farragut adopted the fiscal year 2017-18 budget by passage of Ordinance Number 17-09 on June 22, 2017; and

WHEREAS, pursuant to the Tennessee State Constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, expenses for the General Fund will be greater than budgeted; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2017-2018 BUDGET AS FOLLOWS:

SECTION 1. Ordinance 17-09 is hereby amended by:

- Increasing the appropriated expenditures in the Capital Investment Program Budget by \$500,000. Expenditures for the Capital Investment Program will total \$8,594,301.

SECTION 2. The Board of Mayor and Aldermen authorizes the Town Recorder to make said changes in the accounting system.

SECTION 3. This ordinance shall take effect after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Janet Wedekind, Human Resources Manager/ADA Coordinator

SUBJECT: Approval of the Town of Farragut ADA progress report letter to TDOT Commissioner Paul Degges

INTRODUCTION: An ADA progress report letter signed by Mayor McGill, that is approved by the Board of Mayor and Aldermen, is a Tennessee Department of Transportation ADA compliance milestone for 2017.

BACKGROUND: In response to the Department of Justice's "Project Access" and the Federal Highway Administration's (FHWA) ADA compliance requirements, the TN Department of Transportation (TDOT) and TN Department of Environment Conservation (TDEC) grant applications now must include American with Disabilities Act (ADA) compliance documentation of an ADA Self-Evaluation and a Transition Plan. Mayor McGill received a letter from TDOT dated November 14, 2016 with ADA required annual compliance milestones. To comply with the TDOT 2016 compliance milestones, the Town Administrator appointed an ADA Coordinator. The ADA Coordinator, Janet Wedekind, wrote ADA compliant policies, including a Grievance Procedure. The Policies are posted on the Town website as well as in Town Hall. The required compliance form that documented these actions was sent to TDOT in December 2016.

The TDOT letter to the Mayor included milestones through 2019. The September 2018 TDOT milestone requires communities to provide documentation of the Self Evaluation completion and that significant progress is made on the Transition Plans. TDOT funded projects may not be advanced within the Town without the Self Evaluation certification form. The Federal Highway Administration requires all Transition Plans to be completed prior to the Town re-signing the Transportation Improvement Plan (TIP) certification by December 2019. Currently, the Town has \$7.8M in grants from TDOT and TDEC.

DISCUSSION: To comply with the 2017 TDOT milestone, staff researched the compliance requirements, published an RFQ, and identified Kimley Horn as the best qualified engineering firm. At the October 26th Board of Mayor and Aldermen meeting, the Board approved the contract with Kimley Horn to complete the required Self Evaluation and Transition Plan. The attached required letter to TDOT Deputy Commissioner Paul Degges details the 2017 progress.

RECOMMENDATION BY: Janet Wedekind, ADA Coordinator/Human Resources Manager, for approval.

PROPOSED MOTION: Approve the ADA progress report letter from the Town of Farragut to the Tennessee Department of Transportation's Deputy Commissioner Paul Degges.

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	_____	_____	_____	_____	_____



November 10, 2017

Paul D. Degges, P.E.
Deputy Commissioner/Chief Engineer
State of Tennessee Department of Transportation
Bureau of Engineering
Suite 700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243

Dear Commissioner Degges:

The Town of Farragut's record includes implementing best practices in building of the Town infrastructure and requiring developers to comply with updates of the American with Disabilities Act. In-line with our ADA commitment, the Town has made good and substantial progress toward development of our Transition Plan. Beginning in January 2017, Town leadership attended several professional ADA compliance workshops, including the TDOT Workshop. Town staff realized we would need outside experts to help assist the Town in completing the Self Evaluation and Transition Plan to comply with the September 2018 deadline.

The FY 17-18 budget included funding for an engineering consultant with ADA compliance experience and additional funding in the Capital Investment Program (CIP) to complete needed ADA improvements.

Following the approval of the FY18 budget starting July 1, 2017, a Request of Qualifications was published, and the Board of Mayor and Aldermen approved a contract with Kimley-Horn on October 26, 2017 to complete the Self-Evaluation by February 15, 2018 and the Transition Plan by August 15, 2018.

This letter updating the Town of Farragut's ADA progress to date was approved by the Board of Mayor and Aldermen on November 9, 2017.

Sincerely,

Town of Farragut Mayor

CC: Deborah Fleming, Senior Regional Planner
Margaret Mahler, ADA Coordinator

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY: Darryl W. Smith, PE****SUBJECT: Approval of Bids for Contract 2018-06, Campbell Station Inn Phase II**

INTRODUCTION: The purpose of this agenda item is to consider bids and award a contract for stabilization of the Campbell Station Inn (formerly known as the Russell House). The project includes removal of the additions to the original home, as well as demolition of the dairy barn and limited site work.

BACKGROUND: With purchase of the Russell House (built ca. 1835) and property at the corner of Kingston Pike and Campbell Station Road in 2013, the Town took a major step in realizing one of the goals outlined in our Strategic Plan: Development of the Town's Historic Assets. Since that time, the Town has concluded the first phase of stabilizing the property, which included asbestos abatement and roof repairs. This next phase requires removal of the two wings at the ends of the house and installing custom brick (manufactured to match the historic brick's dimensions and color) where those rooms connect, in order to more accurately depict the home's original layout. All of the original brick masonry will be re-pointed, and structural improvements will be installed to stabilize the building for future use. Due to seasonal requirements and staging of the project, the Town intends to issue Notice to Proceed in early January, with completion 310 calendar days after notice (mid-November, 2018).

The Town received two bids for this project on October 19, and tabulation is below:

- **Merit Construction, Inc.** **Base Bid: \$1,395,000.00**
Alternative Unit Prices: Borrow: \$16.50/CY
Undercut: \$22.00/CY
Geotextile: \$2.00/SY

- **Hickory Construction, Inc.** **Base Bid: \$1,464,930.00**
Alternative Unit Prices: Borrow: \$38.50/CY
Undercut: \$27.50/CY
Geotextile: \$2.30/SY

Please note that "Alternative Unit Prices" are included with the bids in order to obtain competitive bids for those items, and the items will be used only if necessary for project completion.

Staff recommends award of Project 2018-06 to Merit Construction, Inc., for their low bid of \$1,395,000. Due to the nature of this project, staff recommends the Board also authorize staff to approve a cumulative amount of change orders up to \$50,000 before obtaining Board approval. Staff proposes that any change orders up to \$50,000 could be approved by the Town Administrator, but would ultimately require Board of Mayor and Aldermen approval before any additional change orders, if needed, could be approved. Staff also proposes that once a change order was approved by the Board, the authority of the Town Administrator to approve additional change orders would automatically be reinstated to the \$50,000 level. As there is a more than normal possibility that some aspects of the project may not be apparent until uncovered, staff believes the project could require change orders, the normal approval of which could result in substantial, unnecessary, and costly delays pending Board approval. Staff will be working closely with our consultant (Brewer Ingram Fuller Architects, Inc.) as the work progresses, in order to monitor the work and minimize change orders.

FINANCIAL SECTION: 310-46230-920

Project: Contract 2018-06, Campbell Station Inn Phase II

Project Budget

\$1,850,000

Requested Amount

\$1,395,000

**Expenditures
to Date**

\$158,511

Available Amount

\$296,489

Approved By:

A. Myers

RECOMMENDATION BY: Darryl Smith, Town Engineer

PROPOSED MOTION: Approval of bids and award of Contract 2018-06 to Merit Construction, Inc. for their low bid of \$1,395,000.00, and authorization for staff approval of change orders up to \$50,000.

BOARD ACTION:

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

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

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Resolution R-2017-04, a resolution to adopt a Supplemental Development Oversight and Inspection Service Policy

INTRODUCTION AND BACKGROUND: Recently, the developer of what will likely become the Overlook at Campbell Station Apartment project north of the Holiday Inn Express on N. Campbell Station Road, asked Town staff if there might be an avenue for the developer to pay for a third party entity to conduct inspections and other code related enforcement as applied to their project. The developer indicated that this process has been used on some of their other projects in different areas in order to facilitate the timing of their projects.

In response to this question, the staff and the Town Attorney felt that this may be a desirable option since a very large project may consume significant Town staff time at the expense of other customers that are dependent on timely plans review and inspections. Resolution R-2017-04 reflects the Town staff and Town Attorney's proposal to provide a regulatory framework for the Town to permit supplemental development oversight and inspection services through third parties who are experts in these matters.

DISCUSSION: As provided for in Resolution R-2017-04, the process for supplemental development oversight and inspections would be initiated at the request of an applicant and would only be permitted for projects in excess of five-million dollars. The Town would contract supplemental services with a publicly solicited and vetted firm that has been selected by the Town through its normal RFQ process.

The selected firm would be paid by the Town through an escrow account that would be established for such services. This account would be managed by the Town. The applicant would be responsible for providing an initial cash deposit prior to any site work commencing that would be no less than twenty-thousand dollars or 5% of the total project cost, whichever is greater. The applicant would be responsible for ensuring at all times that at least five thousand dollars was maintained in the account. The applicant would be responsible for tracking this and failure to maintain the minimum balance would result in a stop work order on the entire project.

Prior to applying for supplemental development oversight, a pre-application meeting would be required along with a completed application (please see application included in your packet). Once a supplemental service provider has been selected by the Town, a post-application meeting would be required to discuss matters including, but not necessarily limited to, scheduling, logistics, and invoicing. The supplemental service provider would be responsible for all applicable plans reviews, building inspections, schedule coordination, project oversight, and Town reports and inspection results. All activities of the supplemental service provider would be under the supervision and direction of the Town. This process could greatly relieve staff demands for certain very large projects which, in turn, could help provide greater overall customer service.

RECOMMENDATION: Community Development Director Mark Shipley recommends approval.

PROPOSED MOTION: To approve Resolution R-2017-04.

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	_____	_____	_____	_____	_____



TOWN OF FARRAGUT

RESOLUTION R-2017-04

Town of Farragut Community Development Department Supplemental Development Oversight and Inspection Service Policy

WHEREAS, in accordance with the Tennessee Code Annotated and all adopted development codes, the Town is obligated to provide plans review and building inspection services to applicants petitioning the Town for said services; *and*

WHEREAS, the Town has seen an unprecedented increase in requests for such services in the last fiscal year; and

WHEREAS, The Town has a limited number of qualified staff to provide plans review and inspection services; and

WHEREAS, the Town desires to provide an alternative means to provide for supplemental services for large projects, without hiring additional staff, to ensure timely responsiveness to the needs of all projects.

NOW, THEREFORE, The Board of Mayor and Aldermen adopts the following policy:

SECTION I. PURPOSE and APPLICABILITY

Purpose: The purpose of this policy is to provide a regulatory framework through which the Town can provide supplemental development oversight and/or inspection services through third parties who are experts in such matters. By making provisions for essential development and inspection services through such third parties, the Farragut Board of Mayor and Aldermen is employing the creative use of third party experts as a means to ensure both that the progress of substantial projects that require an inordinate amount of such services is not unduly delayed, and that the vast majority of projects which are developed in the Town that do not require supplemental services are not unduly delayed.

Applicability: This policy shall only be available to applicants petitioning for such services on large development projects in excess of \$5,000,000.00 or on other projects where, in the discretion of the Community Development Director, it is deemed appropriate.

SECTION II. SUPPLEMENTAL SERVICES and ESCROW ACCOUNT

This policy is not intended to replace the existing permitting process but rather to supplement the routine services provided by the Town through a contract with private entity(ies) qualified to conduct a full menu of development services (the “Supplemental Service Provider”).

Supplemental Service as used herein means: development services typically required by a city planning and inspection department provided by the Town to an approved applicant *through a private contract between the Town and selected firm(s)*.

General Application for Supplemental Service: The firm(s) will be publicly solicited and vetted by the Town through its normal RFQ process. The firm will contract with the Town to provide select development related services solely at the direction of the Town. Payment of all applicable rates, fees, charges will be the responsibility of the applicant throughout the duration of the project. At no time will the applicant have any interest or influence in, or control over the process of selecting the Supplemental Services Provider for the applicant’s project.

Escrow Accounts will be established for each project approved for supplemental services. The escrow account will be a non-interest-bearing account managed solely by the Town for the purpose of compensating the Supplemental Service Providers. Disbursements from the escrow accounts in payment for services rendered shall be at the discretion of the Town. Upon approval of a project, but prior to any site work commencing, the applicant shall provide to the Town an *initial* cash deposit for deposit into the escrow account for applicant’s project in an amount not less than \$20,000 or 5% of the total project cost; whichever is greater. Escrow accounts shall not carry a balance less than \$5,000 at any time. It shall be the responsibility of the applicant to track and be aware of the actual balance in the account and to maintain the minimum required escrow balance. A stop work order will be issued immediately for a project upon finding the balance in the escrow account for the project has fallen below the \$5,000 minimum amount and shall remain in effect until the account has been replenished and any outstanding balances due Supplemental Services Providers are paid or otherwise satisfied.

SECTION III. APPLICATION AND SERVICE PROCESS

As a condition of applying for supplemental development oversight pursuant to this Policy, a pre-application meeting between the Town and the prospective applicant shall be required. Subsequently, a fully completed application, signed by the project owner or its designee, is required to be submitted to the Community Development Department not less than 30 (thirty) calendar days prior to the first anticipated service date.

A post-application meeting between the applicant requesting the supplemental services, the Town and the Supplemental Service Provider shall be required to discuss scheduling, logistics, and invoicing. This meeting may coincide with any preconstruction meeting at the discretion of the Community Development Director. The actual plans review, building inspections and other tasks are primarily within and coordinated by the Community Development Director, and Supplemental Service Providers must report to the Community Development Director, its

designee in addition to interacting with the public, design and construction professionals and other department and staff.

In general, and under the sole direction of the Town, the Supplemental Service Provider will act as an agent of the Town by:

- Having the same authority as the Town to recommend to the Community Development Director to start and stop all work on the subject site
- Working with the site project manager on a daily-basis to coordinate schedules and make sure the Town is represented on-site during major construction milestones
- Maintaining a consistent and reliable presence at the project site
- Overseeing the physical development of the project site in coordination with the project manager (developer's agent)
- Conducting the necessary building inspections as assigned by the Town Building Official
- Filing the necessary Town reports and inspection results

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 9th day of November 2017.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

TOWN OF FARRAGUT
Supplemental Development Oversight and Inspection Application

11408 MUNICIPAL CENTER DRIVE
FARRAGUT, TN 37934 (865) 966-7057 FAX (865) 671-7652



Project Name: _____
Project Address: _____
Tax Map and Parcel Number: _____

OWNER INFORMATION	OWNER DESIGNEE (IF APPLICABLE)
Name: _____ Address: _____ City, State, Zip: _____ Telephone No.: _____ Email Address: _____	Name: _____ Address: _____ City, State, Zip: _____ Telephone No.: _____ Email Address: _____
Type of Construction: ☐ Multi-Family ☐ Commercial ☐ Other _____	Total Floor Area Sq. Ft: _____ Number of Buildings _____ Max. Number of Stories/Height _____ Est. Cost of Construction \$ _____
Description of Project _____ _____ _____	
Description of Supplemental Services Requested _____ _____ _____ _____	

Date of Required Pre-Application Meeting with Town Staff _____

I hereby certify that I have obtained, read, and will abide by the Town of Farragut's Supplemental Development Oversight and Inspection Service Policy; along with any other conditions imposed by the Town for its approved use on this project. I have reviewed this completed application and found it to be true and correct. I understand that all provisions of laws and ordinances governing this type of project and work must be compiled with whether specified herein or not. I further understand that the approval of this application does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the activity proposed.

(Owner or Authorized Designee)

Date

(Approved By – Community Development Director)

Date

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Sue Stuhl, Parks & Leisure Services Director

SUBJECT: Approval of Contract for McFee Park Playground Surface

ATTACHMENTS: HGACBuy/Forever Lawn Proposal and Interlocal Contract for Cooperative Purchasing

BACKGROUND: The playground at McFee Park has two different surfaces – rubber mulch over gravel and rubber tile over concrete. The rubber tile needs to be replaced due to serious degradation and separation that could be a liability issue. Because the base below the tile playground surface is concrete, replacement surface is limited to new tile, pour-in-place solid surfacing or synthetic grass. Due to the height of the current concrete, the needed padding for appropriate fall zones per playground safety rules, cost effectiveness and ongoing maintenance, staff determined that synthetic playground grass would be the best replacement option.

DISCUSSION: Staff is recommending the purchase of the ForeverLawn Grass Extreme product because it has been widely used by other parks and recreation agencies in the area with good results. These agencies include Pigeon Forge and Sevierville. The playground grass is shorter in length than the synthetic turf that we have on our playing fields and will not require any infill (sand or rubber.) The playground grass will lay on top of a three-inch pad which will exceed all the requirements for playground safety for the height of the current playground elements. Because there is a large open area in this portion of the playground, we have added a colorful hopscotch insert to be woven into the grass (carpet) to allow another play element.

Removal and disposal of the current surface (tiles) will be done by our public works department. Due to the length of time needed to make the grass (carpet) and the desire to have the playground available during the holiday period, we are proposing to wait until January to do the removal and installation. The playground will be shut down during the removal of tiles and the installation of the grass – an approximate three-week period dependent on weather. Because the installation is being done during cold weather, ForeverLawn installers will return in late spring when the weather has been in the low 80's for a week to re-stretch the grass. This will be done at no expense and will take less than two days. Standard warranty for the playground grass is 10 years.

Ben Brown, from Recreational Concepts, who represents Forever Lawn products, will be at the meeting to address any questions. Staff recommends that the Town enter into this agreement through a group purchasing organization that offers governments and non-profit organizations access to an aggressively priced contract portfolio with world class vendors. HGAC Buy (Houston-Galveston Area Council) is member-based organization that is free and voluntary; there is no cost to join and no obligation to participate. Purchase through HGAC Buy simplifies purchasing while complying with the Town's procurement requirements because the suppliers have already gone through the bidding procedure. The Town has used a group purchasing organization for several projects and equipment in the last several years, including the McFee Park splash pad.

FINANCIAL SECTION:

Account Number: 310-43931-902

Total Budget

\$75,000

Requested Amount

\$55,882

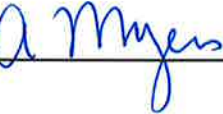
Expenditures to Date

\$0

Remaining Amount

\$19,118

Approved By:

**RECOMMENDATION BY:** Parks & Leisure Service Director Sue Stuhl for approval.**PROPOSED MOTION:** Approval of contract with ForeverLawn Southwest as part of the HGACBuy program in the amount of \$55,882.00 for the installation of playground grass at McFee Park playground.**MOTION BY:** _____ **SECONDED BY:** _____

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



INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING

ILC

No.: _____

Permanent Number assigned by H-GAC

THIS INTERLOCAL CONTRACT ("Contract"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the Houston-Galveston Area Council, hereinafter referred to as "H-GAC," having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027, and * The Town of Farragut, a local government, a state agency, or a non-profit corporation created and operated to provide one or more governmental functions and services, hereinafter referred to as "End User," having its principal place of business at * Farragut, TN

W I T N E S S E T H

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on * 11/9/2017 (Date), and that it desires to contract with H-GAC on the terms set forth below;

NOW, THEREFORE, H-GAC and the End User do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY

The End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and (2) it possesses adequate legal authority to enter into this Contract.

ARTICLE 2: APPLICABLE LAWS

H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

ARTICLE 3: WHOLE AGREEMENT

This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD

The period of this Contract shall be for the balance of the fiscal year of the End User, which began * 7/1/2017 and ends * 6/30/2018. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H-GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

ARTICLE 5: SCOPE OF SERVICES

The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through HGACBuy.com and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

(over)

ARTICLE 6: PAYMENTS

H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC's contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H-GAC contractor.

ARTICLE 7: CHANGES AND AMENDMENTS

This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8: TERMINATION PROCEDURES

H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

ARTICLE 9: SEVERABILITY

All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

ARTICLE 10: FORCE MAJEURE

To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11: VENUE

Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

THIS INSTRUMENT HAS BEEN EXECUTED BY THE PARTIES HERETO AS FOLLOWS:

*** Town of Farragut**

Name of End User (*local government, agency, or non-profit corporation*)

*** 11408 Municipal Center Drive**

Mailing Address

* Farragut TN 37934
City State ZIP Code

***By:**

Signature of chief elected or appointed official

*** Ralph McGill, Mayor**

11/9/2017

Typed Name & Title of Signatory

Date

Houston-Galveston Area Council

3555 Timmons Lane, Suite 120, Houston, TX 77027

By: _____
Executive Director

Attest: _____
Manager

Date: _____

**Denotes required fields*

***Request for Information**

Please sign and return the Interlocal Contract, along with this completed form, to H-GAC by emailing it to cpcontractfax@h-gac.com or by faxing it to **713-993-2424**. The contract may also be mailed to:

H-GAC Cooperative Purchasing Program
P.O. Box 22777, Houston, TX 77227-2777

Name of End User Agency: Town of Farragut County Name: Knox
(Municipality/County/District/etc.)

Mailing Address: 11408 Municipal Center Drive Farragut, TN 37934
(Street Address/P.O. Box) (City) (State) (ZIP Code)

Main Telephone Number: (865) 966-7057 FAX Number: (865) 675-2096

Physical Address: _____
(Street Address, if different from mailing address) (City) (State) (ZIP Code)

Web Site Address: www.townoffarragut.org

Official Contact: Sue Stuhl
(Point of Contact for HGACBuy Interlocal Contract)

Mailing Address: 11408 Municipal Center Drive
(Street Address/P.O. Box)
Farragut TN 37934
(City) (State) (ZIP Code)

Title: Parks & Leisure Services Director
Ph No.: (865) 966-7057 -
Fx No.: () -
E-Mail Address: sstuhl@townoffarragut.org

Authorized Official: David Smoak
(Mayor/City Manager/Executive Director/etc.)

Mailing Address: same as above
(Street Address/O.O. Box)
(City) (State) (ZIP Code)

Title: Town Administrator
Ph No.: (same as above) -
Fx No.: () -
E-Mail Address: dsmoak@townoffarragut.org

Official Contact: Allison Myers
(Purchasing Agent/Auditor etc.)

Mailing Address: same as above
(Street Address/O.O. Box)
(City) (State) (ZIP Code)

Title: Town Recorder/Treasurer
Ph No.: () -
Fx No.: () -
E-Mail Address: amyers@townoffarragut.org

Official Contact: _____
(Public Works Director/Police Chief etc.)

Mailing Address: _____
(Street Address/O.O. Box)
(City) (State) (ZIP Code)

Title: _____
Ph No.: () -
Fx No.: () -
E-Mail Address: _____

Official Contact: _____
(EMS Director/Fire Chief etc.)

Mailing Address: _____
(Street Address/O.O. Box)
(City) (State) (ZIP Code)

Title: _____
Ph No.: () -
Fx No.: () -
E-Mail Address: _____

* denotes required fields



ALL PURCHASE ORDERS, CONTRACTS, AND
CHECKS TO BE MADE OUT TO:

ForeverLawn Southwest
5801 Mayfair Rd., Suite 4
North Canton, OH 44720
Phone: 866-992-7876



"grass without limits"

CONTACT: Sue Stuhl
PHONE: 865-966-7057
EMAIL: ssstuhl@townoffarragut.org

Date: 10/11/2017

Destination

F.O.B.

FREIGHT ☒ Prepaid ☐ Collect

SHIP TO: McFee Park
917 McFee Road
Farragut, TN 37934

50% down , 25% due at delivery; balance on completion.

Special Terms:

1.5% finance charge applied per day beyond Net 30

SHIPPING TIME

BILL TO: Town of Farragut
11408 Municipal Center Drive
Farragut, TN 37934

Surface pricing good for 90 days.

All other pricing good for 30 days from the date of Proposal.

We are pleased to submit this proposal to supply the following items:

QTY	ITEM NO.	DESCRIPTION	UNIT WT	UNIT PRICE	WEIGHT	EXTENDED AMT
McFee Park						
1		ForeverLawn Playground Grass Extreme Including Hopscotch Funsert		55,882.00	-	\$ 55,882.00
		Notes:				
		***Pricing includes all Materials, shipping, and installation for indicated square footage. Price to be adjusted per final site plans.			-	\$ -
		***All site prep of the removal of the existing tiles shall be completed prior to the installation of the playgorund grass and fall attenuation padding.			-	\$ -
		***Dumpster disposal by others.			-	\$ -
		***Security provided by others if required.			-	\$ -
		***All permits and/or fees are the sole responsibility of the owner or general contractor.			-	\$ -
Total Weight						\$ -

Signature below accepting this proposal will constitute a Purchase Order only upon
Approval by Recreational Concepts, LLC. Customer receipt of an order acknowledgement
constitutes such approval.

Net Equipment Amount	\$55,882.00
INSTALLATION	Included
OTHER EQUIPMENT	See Above
SURFACING	See Above
Estimated FREIGHT	Included
TN SALES TAX	\$ -
TOTAL	\$55,882.00

ACCEPTED BY CUSTOMER _____ DATE _____
PRINT NAME _____
PROPOSED BY RECREATIONAL CONCEPTS _____ DATE 2/22/2017
Shelia Stewart
PRINT NAME _____

Taxable: _____ Freight _____ Installation _____

Notes:	1. Change orders will be quoted separately and added to the scope of this project as agreed to by customer and ForeverLawn of Tennessee.
	ROCK CLAUSE: If rock is encountered while drilling, and no rock has been reserved in advance of the installation, and it becomes necessary to bring in special equipment to drill holes, a rock charge will be applied.





REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Allison Myers, Town Recorder**SUBJECT:** Approval of Special Event Signage for the Farragut Business Alliance, Shop Farragut Holiday Campaign**INTRODUCTION:**

The Farragut Business Alliance has requested special event signage to be place in Farragut during the Shop Farragut Holiday Campaign.

DISCUSSION:

There will be six signs placed in strategic locations throughout the town. The requested placement of the signs is illustrated in the following attachment.

PROPOSED MOTION:

Approval of proposed placement of signage within the Town of Farragut's right-of-way from November 18 – December 31, 2017 for the Farragut Business Alliance, Shop Farragut Holiday Campaign.

BOARD ACTION:**MOTION BY:** _____ **SECONDED BY:** _____

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



FARRAGUT BUSINESS ALLIANCE

PO BOX 23583

FARRAGUT, TN 37933

November 1, 2017

TO: David Smoak, Town Administrator
Town of Farragut

FROM: Steve Krempasky, Executive Director
Farragut Business Alliance

RE: Temporary signage/SHOP FARRAGUT FOR THE HOLIDAYS

MESSAGE:

David,

The FBA desires to create special branding signage for this year's *SHOP FARRAGUT FOR THE HOLIDAYS* Campaign. We would like the Board of Mayor and Alderman consider our request to place these identical signs at 6 strategic locations to help brand the "SHOP FARRAGUT" effort and keep the new logo top of mind.

The locations have been identified to be placed on private property with permission or Town of Farragut right of way. The purpose of this signage is first; give businesses located in Turkey Creek some additional exposure due to their inability to take advantage of temporary signage on the property, and secondly; add awareness for our retail and service providers along the East - West Kingston Pike corridor. (See map).

The signs will be compliant with the Town's Temporary Sign Ordinance and will adhere to the SHOP FARRAGUT FOR THE HOLIDAYS program guidelines, as all other participating businesses.

Thank you for your attention to this request.

A handwritten signature in blue ink, appearing to read "Steve", with a long horizontal flourish extending to the right.

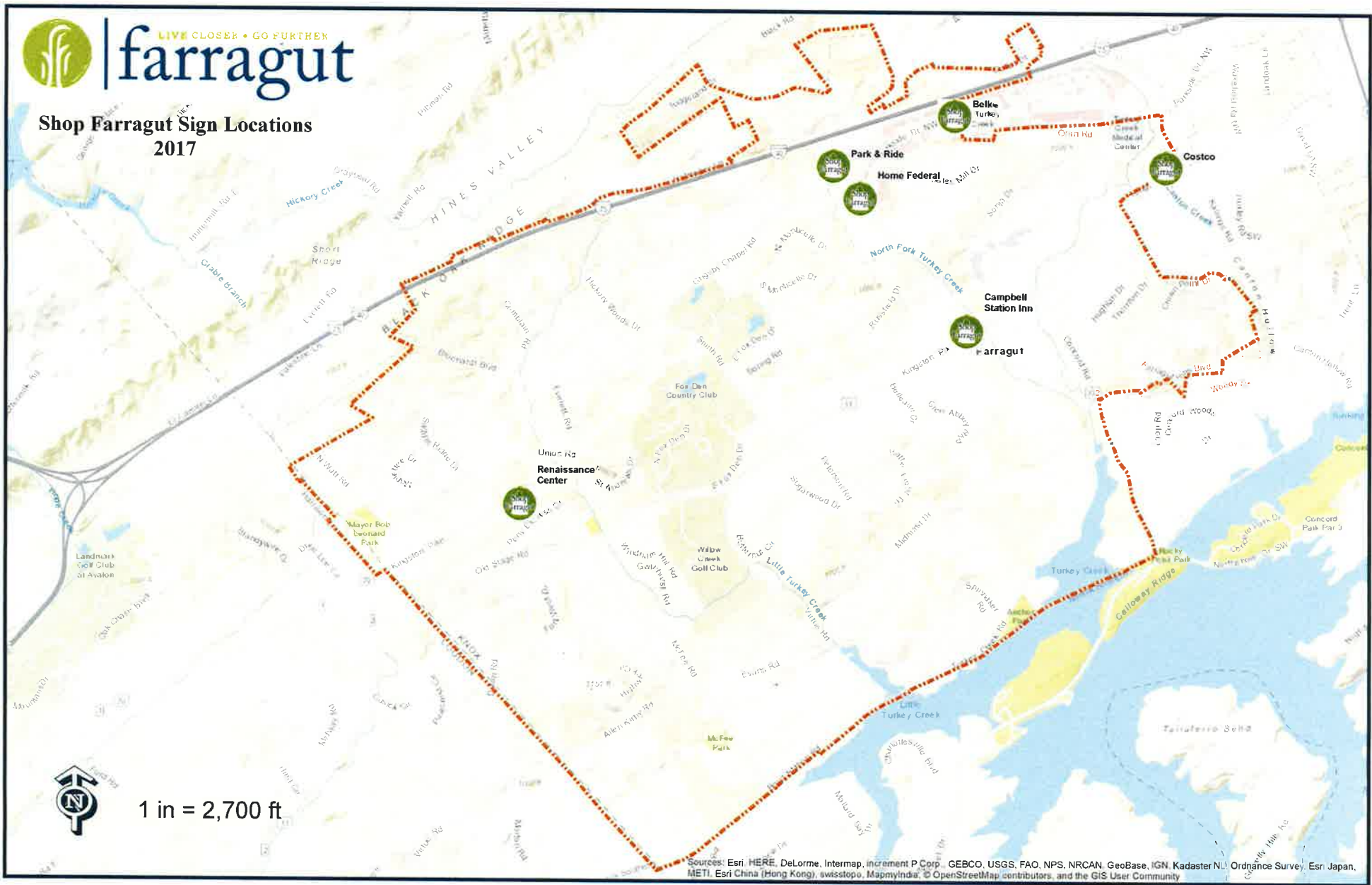
WWW.FARRAGUTBUSINESS.COM

865-307-2486



LIVE CLOSER • GO FURTHER
farragut

Shop Farragut Sign Locations 2017



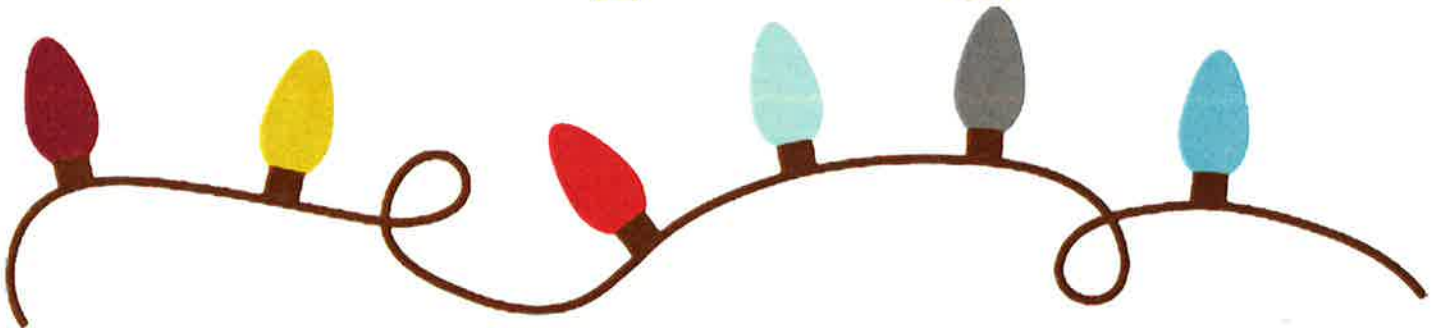
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



**Shop Farragut
For The Holidays**



#shopfarragut



AGENDA NUMBER VII. F.

MEETING DATE November 9, 2017

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator



SUBJECT: Approval of Board of Mayor and Aldermen Meeting Public Comment Protocol

INTRODUCTION: The purpose of this agenda item is to approve general guidelines for public comment at Board of Mayor and Aldermen meetings.

DISCUSSION: At the Board of Mayor and Aldermen strategic planning session earlier this spring the board discussed setting up guidelines for those individuals that would like to speak at public meetings. These guidelines will be attached to the agenda for each meeting so that those interested in speaking would have a clear understanding of the public comment process. These guidelines address how to request to speak on specific agenda items, how much time each speaker will be given to make comments and proper discourse when addressing the Board of Mayor and Aldermen or other members of the public that may be present.

RECOMMENDATION BY: Town Administrator David Smoak for approval.

PROPOSED MOTION: To approve the attached public comment protocol for Town of Farragut Board of Mayor and Aldermen meetings.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

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

Board of Mayor and Aldermen Meeting Public Comment Protocol

The Board of Mayor and Aldermen welcomes and invites citizens to participate in public meetings.

At the beginning of each meeting, there will be time reserved for public comment under the Citizen Forum agenda item. If you are interested in speaking, please fill out a blue comment card and turn it in to the Town Clerk or staff member. This time is set aside specifically for comments on items that are not on the Board of Mayor and Aldermen regular agenda for the meeting. Each speaker will be given three (3) minutes to speak on his/her topic.

During the regular agenda portion of the meeting there may be an allowance for public comment for each agenda item. The Mayor may recognize individuals for public comment based on the following guidelines:

1. The Mayor shall maintain and control the meeting to provide a professional and objective environment conducive to presentation and discussion of the agenda items;
2. Anyone interested in speaking should fill out a blue comment card stating which agenda item they would like to comment on and turn in to the Town Clerk or a staff member;
3. Speakers shall come to the podium and identify themselves by name and address;
4. Public comment shall be limited to three (3) minutes per individual, which time is not transferable to other speakers;
5. Speakers should present new comments that have not been addressed by prior speakers;
6. Comments shall address issues, not individuals or personalities;
7. Comments may support or oppose particular issues or measures, but the motives of those with differing views shall not be questioned or attacked;
8. Personal attacks and malicious comments shall not be tolerated;
9. An applicant, and/or their representative(s), for an item on the regular agenda shall be afforded the time necessary to present their request and respond to questions. The three (3) minute limitation shall not apply. However, the Mayor may ask an applicant to stay on point in order to facilitate the efficiency of the meeting.