



FARRAGUT BOARD OF MAYOR AND ALDERMEN AGENDA

August 8, 2019

**MCFEE PARK WORKSHOP
6:15 PM**

**BMA MEETING
7:00 PM**

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Approval of Minutes**
 - A. July 25, 2019
- V. Business Items**
 - A. Approval of Resolution R-2019-06, Agreement with Tennessee Department of Transportation for Construction of SR-1 Kingston Pike/Watt Road Intersection Improvements
 - B. Approval of Appointment to the Farragut Museum Committee
- VI. Ordinances**
 - A. First Reading
 - 1. Ordinance 19-23, an ordinance to amend the C-1 Mixed-Use Town Center portion of the Farragut Zoning Ordinance as applied to drive-throughs and menu boards on existing developments with drive-throughs that pre-date the Mixed-Use Town Center land use designation
 - 2. Ordinance 19-24, an ordinance to amend Chapters 2, 3, and 4 of the Farragut Zoning Ordinance related to the creation of the Outlet Drive Regional Entertainment and Employment District (OD-RE/E) that will replace the C-2-R/W District (RealtyLink, Applicant)
 - 3. Ordinance 19-25, an ordinance to amend the Farragut Zoning Map for Parcels 154.06, 154.07, 154.08, 154.09, 154.10, 176.01, and

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 contact the ADA Coordinator at jcurry@townoffarragut.org or 865-966-7057 in advance of the meeting.

176.02, Tax Map 130 along the Outlet Drive corridor from C-2 and R-2 to OD-RE/E, Approximately 36 Acres

4. Ordinance 19-26, an Ordinance to amend Farragut Municipal Code Chapter 12., Municipal Court, By Amending Section 12-9., Service of Court Process, and Adding Section 12-12., Collection Agency Services to Collect Unpaid Fines and Court Costs

- VII. Citizens Forum**
- VIII. Town Administrator's Report**
- IX. Town Attorney's Report**

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 five (5) 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 five (5) minutes per individual, time may be extended at the discretion of the Mayor; time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy;
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 five (5) 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.



**FARRAGUT BOARD OF MAYOR AND ALDERMEN
MINUTES
July 25, 2019**

**BMA MEETING
7:00 PM**

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Approval of Minutes**
 - A. July 11, 2019
- V. Business Items**
 - A. Approval of Proposal from Crook & Company for Acquisition Services for Easements at Smith Road Sidewalk Project
 - B. Approval of Proposal from Crook & Company for Acquisition Services for Easements at Watt Road Sidewalk/Pedestrian Crossing
 - C. Approval of Contract for an Employee Classification and Compensation Study
 - D. Approval of Resolution R-2019-04, Surplus Equipment
 - E. Approval of Resolution R-2019-05, Public Entity Partners' Property Conservation Matching Safety Grant Program
 - F. Approval of proposed amendments to the Farragut Education Relations Committee, Parks and Athletics Council and the Visual Resources Review Board Charters
- VI. Citizens Forum**
- VII. Town Administrator's Report**
- VIII. Town Attorney's Report**

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Mayor Williams called the meeting to order at 7:00 PM. Members present were Mayor Williams, Aldermen Burnette, Meyer and Pinchok; Alderman Povlin was absent.

Approval of Agenda

Motion was made to approve the agenda with the deletion of item V.C., Classification and Compensation Study. Moved by Alderman Pinchok, seconded by Alderman Meyer, voting yes, Mayor Williams, Aldermen Burnette, Meyer and Pinchok; Alderman Povlin was absent, no nays, motion passed.

Approval of Minutes

Motion was made to approve the minutes of July 11, 2019 as presented. Moved by Alderman Meyer, seconded by Mayor Williams, voting yes, Mayor Williams and Alderman Meyer; Aldermen Burnette and Pinchok abstained; Alderman Povlin was absent, no nays, motion passed.

Business Items

Approval of Proposal from Crook & Company for Acquisition Services for Easements at Smith Road Sidewalk Project

Motion was made to approve the Proposal from Crook & Company for Acquisition Services for Easements at Smith Road Sidewalk Project. Moved by Alderman Pinchok, seconded by Alderman Meyer, voting yes, Mayor Williams, Aldermen Burnette, Meyer and Pinchok; Alderman Povlin was absent, no nays, motion passed.

Approval of Proposal from Crook & Company for Acquisition Services for Easements at Watt Road Sidewalk/Pedestrian Crossing

Motion was made to approve the Proposal from Crook & Company for Acquisition Services for Easements at Watt Road Sidewalk/Pedestrian Crossing. Moved by Alderman Pinchok, seconded by Alderman Meyer, voting yes, Mayor Williams, Aldermen Burnette, Meyer and Pinchok; Alderman Povlin was absent, no nays, motion passed.

Approval of Resolution R-2019-04, Surplus Equipment

Motion was made to approve Resolution R-2019-04, Surplus Equipment. Moved by Alderman Pinchok, seconded by Alderman Meyer, voting yes, Mayor Williams, Aldermen Burnette, Meyer and Pinchok; Alderman Povlin was absent, no nays, motion passed.

Approval of Resolution R-2019-05, Public Entity Partners' Property Conservation Matching Safety Grant Program

Motion was made to approve Resolution R-2019-05, Public Entity Partners' Property Conservation Matching Safety Grant Program. Moved by Alderman Pinchok, seconded by Alderman Meyer, voting yes, Mayor Williams, Aldermen Burnette, Meyer and Pinchok; Alderman Povlin was absent, no nays, motion passed.

Approval of proposed amendments to the Farragut Education Relations Committee, Parks and Athletics Council and the Visual Resources Review Board Charters

Motion was made to approve of proposed amendments to the Farragut Education Relations Committee, Parks and Athletics Council and the Visual Resources Review Board Charters. Moved by Alderman Meyer, seconded by Alderman Pinchok, voting yes, Mayor Williams, Aldermen Burnette, Meyer and Pinchok; Alderman Povlin was absent, no nays, motion passed.

Motion was made to appoint Alderman Burnette to the Parks and Athletics Council. Moved by Mayor Williams, seconded by Alderman Pinchok, voting yes, Mayor Williams, Aldermen Burnette, Meyer and Pinchok; Alderman Povlin was absent, no nays, motion passed.

Motion was made to appoint Alderman Pinchok to the Visual resources Review Board. Moved by Mayor Williams, seconded by Alderman Meyer, voting yes, Mayor Williams, Aldermen Burnette, Meyer and Pinchok; Alderman Povlin was absent, no nays, motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that the Intro to Farragut Class is open for applicants. The Board also discussed the Campbell Station Wall. The Board agreed on brick walls with stacked stone on the columns and top of the wall.

Meeting adjourned at 7:23PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

AGENDA NUMBER

V A.

MEETING DATE

August 8, 2019

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Resolution R-2019-06, Agreement with Tennessee Department of Transportation for Construction of SR-1 (Kingston Pike)/Watt Road Intersection Improvements

INTRODUCTION: The purpose of this item is the approval of Resolution R-2019-06, in agreement with a proposal from TDOT for construction of the planned improvements at the intersection of SR-1 (Kingston Pike) and Watt Road.

BACKGROUND: During design of the Old Stage Road/Watt Road Extension project in 2012, staff determined the need for improvements to the intersection of Kingston Pike at Watt Road. Specifically, lane assignments at this formerly "T" intersection do not properly align for what is now a "four-legged" intersection, resulting in the north-south through movements on Watt Road being made from the left-turn lanes of Watt Road (see aerial photo, attached). Additionally, pedestrian facilities that now lead to this intersection from the southwestern portion of Farragut necessitate improved pedestrian crossings of Kingston Pike, as many of our residents will use these facilities to access Mayor Bob Leonard Park, approximately 900 feet north of the intersection. This project will allow proper lane assignment so that the north-south through movements can be made from their own designated lanes, and pedestrian crossings will be extended across Kingston Pike. It should also be noted that proper lane assignment should greatly increase the efficiency of the intersection during peak hours.

The attached resolution (R-2019-06) is official agreement with the accompanying proposal for construction of the project. The proposal details the responsibilities of both the Town and the State of Tennessee (TDOT) for maintenance of the new facilities, right of way and easements.

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

PROPOSED MOTION: Approval of Resolution R-2019-06, in agreement with proposal from the Tennessee Department of Transportation for construction of improvements at the intersection of SR-1 (Kingston Pike) with Watt Road.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>POVLIN</u>	<u>PINCHOK</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



RESOLUTION R-2019-06

**ACCEPTANCE OF THE PROPOSAL OF THE
TENNESSEE DEPARTMENT OF TRANSPORTATION
TO CONSTRUCT A PROJECT DESIGNATED AS
FEDERAL PROJECT NO. STP-SIP-1(253),
STATE PROJECT NO. 47956-3227-94,
INTERSECTION OF SR-1 (US 11/70, KINGSTON PIKE) AT NORTH WATT ROAD AND
SOUTH WATT ROAD**

WHEREAS, the Tennessee Department of Transportation has presented a Proposal to the Town of Farragut, Tennessee, concerning Federal Project No. STP-SIP-1(253), State Project No. 47956-3227-94, which involves intersection improvements at SR-1 (US 11/70, Kingston Pike) and North Watt Road and South Watt Road; and

WHEREAS, the Farragut Tennessee Board of Mayor and Aldermen has determined that the above referenced project will benefit the Town of Farragut, Tennessee and the citizens thereof; and

WHEREAS, the Farragut Tennessee Board of Mayor and Aldermen wishes to cooperate with the State of Tennessee, Department of Transportation, in its roadway improvements in the Town of Farragut, Tennessee; and

WHEREAS, said Proposal is incorporated herein by referenced, the same as if copied herein verbatim, with a copy of said Proposal attached hereto; and

WHEREAS, the terms and conditions of said proposal to the Town of Farragut as submitted by the State of Tennessee, Department of Transportation, are accepted and approved by the Town of Farragut Board of Mayor and Aldermen, and the Town of Farragut shall fulfill all obligations concomitant thereto; now

THEREFORE, BE IT RESOLVED, by the Town of Farragut Board of Mayor and Aldermen that this resolution is duly passed and approved this 8th day of August 2019 and shall take effect from and after its passage.

Done this 8th day of August 2019.

ATTEST:

**MAYOR
TOWN OF FARRAGUT**

RECORDER

APPROVED FOR ENTRY:

TOWN ATTORNEY



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SR-1 (Kingston Pike) at Watt Road

Knoxville - Knox County - KUB Geographic Information System



Printed: 7/31/2019 at 11:30:06 AM



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STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

REGION 1 RIGHT OF WAY OFFICE

P. O. BOX 58
KNOXVILLE, TENNESSEE 37901
(865) 594-2496

CLAY BRIGHT
COMMISSIONER

BILL LEE
GOVERNOR

July 25, 2019

The Honorable Ron Williams
Mayor of Town of Farragut
11408 Municipal Center Drive
Farragut, TN 37934

RE: **PROPOSAL TO TOWN OF FARRAGUT**

Federal Project No.: STP-SIP-1(253)

State Project No.: 47956-3227-94

Town of Farragut

Pin No.: 122323.00

Intersection at North Watt Road and South Watt Road in Farragut

Dear Mayor Williams:

A TDOT Right of Way Agent is handing you one (1) set of plans and three (3) copies of the proposal on the above referenced project. The State representative handing you the proposal will be willing to answer any questions you may have or obtain the answers for you. **Following acceptance, three (3) copies of each proposal should be returned to me, each accompanied by a certified copy of the ordinance or resolution, whichever is applicable.** An example of a resolution with the necessary legal language is attached.

It is to be noted that we cannot begin buying the rights-of-way for this project until the county has accepted the proposal and same has been reviewed and approved by the Department attorney. Therefore, your earliest attention to this matter will be appreciated.

We appreciate your cooperation and if we can be of assistance in any way, please do not hesitate to give us a call.

Yours truly, ^

Gaylon Hill
ROW Manager 2
Project Development Teams
GH/bp
Attachment

PROPOSAL
OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE TOWN OF FARRAGUT, TENNESSEE:

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project in the Town of Farragut, Tennessee, hereinafter "TOWN", designated as Federal Project No. STP-SIP-1(253), State Project No. 47956-3227-94 , that is described as "Intersection at North Watt Road and South Watt Road in Farragut Route: SR-1", provided the TOWN agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, the parties agree as follows:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 425 Fifth Avenue North, Nashville, Tennessee, 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense.

2. The TOWN will close or otherwise modify any of its roads, or other public ways if indicated on the project plans, as provided by law.

3. The TOWN will transfer or cause to be transferred to the DEPARTMENT, without cost to the DEPARTMENT, all land owned by the TOWN or by any of its instrumentalities as

required for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes.

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right-of-way of any road or other public way owned by the TOWN or any of its instrumentalities, the TOWN agrees that it will take any action necessary to require the removal or adjustment of any of the above-described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the TOWN since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the TOWN.

The foregoing does not apply to those utility facilities which are owned by the TOWN or one of its instrumentalities, it being understood that the TOWN has the duty to relocate or adjust such facilities, if required, provided the TOWN is notified to do so by the DEPARTMENT with detailed advice as to this duty of the TOWN.

5. The TOWN will maintain any frontage road to be constructed as part of the project;

6. After the project is completed and open to traffic, the TOWN will accept jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map.

7. The TOWN will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of

Rev. 12-05-2016

the DEPARTMENT.

8. No provision hereof shall be construed as changing the maintenance responsibility of the TOWN for such part of the project as may presently be on its highway, street, road or bridge system.

9. It is understood and agreed between the DEPARTMENT and the TOWN that all traffic control signs for the control of traffic on a street under the jurisdiction of the TOWN and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the TOWN.

10. When traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the TOWN.

11. If, as a result of acquisition and use of right-of-way for the project, any building and/or structure improvements become in violation of a TOWN setback line or building and/or structure requirement, including, but not limited to, on-premise signs, the TOWN agrees to waive enforcement of the TOWN setback line or building and/or structure requirement and take other proper governmental action as necessary to accomplish such waiver.

12. If, as a result of acquisition and use of right-of-way for the project, any real property retained by any property owner shall become in violation of a TOWN zoning regulation or requirement, the TOWN agrees to waive enforcement of the TOWN zoning regulation or requirement and take other proper governmental action as necessary to accomplish such waiver.

13. The TOWN will not authorize encroachments of any kind upon the right-of-way, nor will the TOWN authorize use of the easements for the project in any manner which affects the DEPARTMENT's use thereof.

14. The TOWN will obtain the approval of the DEPARTMENT before authorizing

parking on the right-of-way and easements for the project.

15. The TOWN will not install or maintain any device for the purpose of regulating the movement of traffic on the roadway except as warranted and in conformity with the Manual on Uniform Traffic Control Devices.

16. If the project is classified as full access control (i.e. a project which has no intersecting streets at grade), then the DEPARTMENT will maintain the completed project. If the project is not classified as full access control, then the DEPARTMENT will maintain the pavement from curb to curb where curbs exist, or will maintain the full width of the roadway where no curbs exist. The TOWN agrees to maintain all other parts of non-access control projects; provided, however, that any retaining walls, box culverts, or other like structures constructed as part of the project that support the structural integrity or stability of the roadway surface shall be maintained by the DEPARTMENT.

17. If a sidewalk is constructed as a component of this project, the TOWN shall be responsible for maintenance of the sidewalk and shall assume all liability for third-party claims for damages arising from its use of the sidewalk or premises beyond the DEPARTMENT'S maintenance responsibilities as set forth in section 16 of this Proposal.

18. When said project is completed, the TOWN thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation, or governmental agency, without first obtaining the approval of the DEPARTMENT.

19. The DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation for damage or civil actions of which the Attorney General has received the notice and pleadings provided for herein; provided, however, that if the project is being constructed pursuant to a contract administered by the DEPARTMENT's Local Programs Development Office, the terms of that contract shall control in the event of a conflict

Rev. 12-05-2016

with this Proposal..

20. The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the TOWN.

21. The acceptance of this proposal shall be evidenced by the passage of a resolution or by other proper governmental action, which shall incorporate this proposal verbatim or make reference thereto.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this the ____ day of _____, 20____.

THE TOWN OF _____, TENNESSEE

BY: _____
MAYOR

DATE: _____

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
CLAY BRIGHT
COMMISSIONER

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
JOHN REINBOLD
GENERAL COUNSEL

DATE: _____

AGENDA NUMBER V.B.

MEETING DATE August 8, 2019

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Appointment to the Farragut Museum Committee

INTRODUCTION: The purpose of this business item is to appoint an applicant to the Museum Committee. The appointment will be for a one-year unexpired term, ending June 2020. William Rhodes, III has applied for this appointment.

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

PROPOSED MOTION: To appoint William Rhodes, III to the Farragut Museum Committee for a one-year unexpired term, ending June 2020.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



TOWN OF FARRAGUT CITIZEN BOARD/COMMITTEE APPLICATION

Name William B. Rhodes III
Address 1206 Wilkinson Rd. Knoxville TN zip 37923
Home Phone 865-806-6781 Business Phone NA
Fax NA E-mail billr9471@gmail.com
Occupation retired
Education BS Biology MS Marine Science

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

Asked by Museum Committee - Museum Volunteer
Interest in Civil War & Naval History

Intro to Farragut Program Graduate Yes ☒ No ☐

Indicate which Committee you are interested in serving:

- ☐ Arts and Beautification Committee
- ☐ Board of Plumbing & Gas/Mechanical Examiners
- ☐ Board of Zoning Appeals (BZA)
- ☒ Farragut Museum Committee
- ☐ Farragut Education Relations Committee
- ☐ Farragut Tourism / Visitor Advisory Committee *
- ☐ Parks & Athletics Council
- ☐ Stormwater Advisory Committee
- ☐ Visual Resources Review Board (VRRB)

* The Farragut Tourism / Visitor Advisory Committee will consist of representatives from different segments of the community including one lodging representative, one dining representative, one retail representative, one attraction representative, and four at large members. If you selected the Farragut Tourism / Advisory Committee above, please indicate the category you would represent: _____

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 William B. Rhodes III Date 26 Jul 19

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

AGENDA NUMBER V1.A.1

MEETING DATE

August 8, 2019

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 19-23, an ordinance on first reading for amendments to the C-1 Mixed-Use Town Center portion of the Farragut Zoning Ordinance as applied to drive-throughs and menu boards on existing developments with drive-throughs that pre-date the Mixed-Use Town Center land use designation

INTRODUCTION AND BACKGROUND: This item involves proposed changes to the C-1 Mixed-Use Town Center zoning district provisions. The proposed changes are related to the district's requirements for drive-thru lanes and menu board signage for preexisting restaurants and similar uses that are being remodeled/redeveloped without a change in use.

DISCUSSION: Providing for the redevelopment of small existing sites within the Mixed-Use Town Center planning area is a development challenge. The Town's Land Use Plan speaks to incremental change and improvements and there are preexisting sites that, in some cases, present redevelopment issues. This is particularly true with respect to some existing food establishments with drive-thru lanes. The current McDonald's remodeling and redevelopment project is a prime example and the impetus for the proposed zoning district amendments. McDonald's is situated on a small existing site and internal traffic circulation is a concern. The circulation issue is particularly troublesome during peak times and is related to the orientation of the drive-thru lane within the existing parking lot. They have proposed a split side-by-side ordering station to deal with the traffic issue. This configuration will move traffic through the drive-thru lane and parking lot more efficiently and improve lot safety. Unfortunately, it cannot be approved under the provisions of the current zoning ordinance.

With this in mind and after a workshop discussion with the Planning Commission, staff prepared a proposed amendment to the C-1 Mixed-Use Town Center zoning district to address the issue. The amendment would allow for greater drive-thru lane design flexibility where existing sites are being redeveloped.

At their meeting on July 18, 2019, the Planning Commission unanimously recommended approval of Ordinance 19-23. Community Development Director, Mark Shipley, recommends approval of Ordinance 19-23 on first reading.

PROPOSED MOTION: To approve Ordinance 19-23 on first reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

RESOLUTION PC-19-07

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 3., SPECIFIC DISTRICT REGULATIONS, SECTION XII., GENRAL COMMERCIAL DISTRICT (C-1), SUBSECTION F., MIXED-USE TOWN CENTER, PART 2., PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES, SUBPART B., “RESTRUANTS, TEA ROOMS, CAFES, COFFEE HOUSES, BISTROS, OR OTHER SIMILAR ESTABLISHMENTS ... “, TO ADD PROVISION NUMBER SEVEN (7) TO SUBPART B AND PROVIDE THE PLANNING COMMISSION WITH CONDITIONED AUTHORITY TO APPROVE ALTERNATIVE DRIVE-THRU LANE CONFIGURATIONS AND OTHER RELATED MODIFICATIONS FOR EXISTING ESTABLISHMENTS.

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 July 18th, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of Ordinance 19-23; an ordinance amending the Farragut Zoning Ordinance, Ordinance 86-16, to provide the Planning Commission with conditioned authority to approve alternative drive-thru lane configurations and other related modifications for existing establishments.

ADOPTED this 18th day of July, 2019.


Rita Holladay, Chairman


Rose Ann Kile, Secretary

ORDINANCE:	19-23
PREPARED BY:	Hose
REQUESTED BY:	McDonald's USA, LLC
CERTIFIED BY FMPC:	July 18, 2019
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 3., SPECIFIC DISTRICT REGULATIONS, SECTION XII., GENRAL COMMERCIAL DISTRICT (C-1), SUBSECTION F., MIXED-USE TOWN CENTER, PART 2., PERMITTED PRINCIPAL AND ACCESSORY USES AND STRUCTURES, SUBPART B., "RESTRUANTS, TEA ROOMS, CAFES, COFFEE HOUSES, BISTROS, OR OTHER SIMILAR ESTABLISHMENTS ... ", TO ADD PROVISION NUMBER SEVEN (7) TO SUBPART B AND PROVIDE THE PLANNING COMMISSION WITH CONDITIONED AUTHORITY TO APPROVE ALTERNATIVE DRIVE-THRU LANE CONFIGURATIONS AND OTHER RELATED MODIFICATIONS FOR EXISTING ESTABLISHMENTS.

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 3, Specific District Regulations, of the Farragut Zoning Ordinance, Ordinance 86-16,

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

SECTION 1.

The Farragut Zoning Ordinance, Chapter 3., Section XII., General Commercial District (C-1), Subsection F., Mixed-Use Town Center, Part 2., Permitted Principal and Accessory Uses and Structures, Subpart b., "Restaurants, tea rooms, cafes, coffee houses, bistros, or other similar establishments ... "is amended by the addition of provision number seven (7) as follows:

7. The Planning Commission may approve alternative drive-thru lane configurations and minor modifications to the requirements of parts 1 – 6 above where an existing permitted establishment is being remodeled/redeveloped without a change of use. This includes but is not limited to the addition of split ordering lanes; the use of more than one menu board provided, however, that the aggregate square footage (sign area) of all such boards per lane shall be restricted to 30 square-feet with no single board to exceed 20 square-feet; and a

relaxation of the menu board screening requirement. In granting such approvals, the planning commission shall consider and ensure that they are based on the following:

- a. The physical nature of the preexisting site;
- b. The extent of the redevelopment project;
- c. A finding that the proposed alternative design and/or modifications serve a related public purpose, such as improved traffic flow; and
- d. That the alternative design/modification is consistent with the general intent of these standards and represents the minimum modification necessary given the nature of the site and project.

SECTION 2.

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

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2019, with approval recommended by the Farragut Municipal Planning Commission (FMPC).


Rita Holladay, Chairman


Rose Ann Kile, Secretary



- ③ MATCH EXISTING PAVEMENT ELEVATIONS.
- ④ CONSTRUCT ACCESSIBLE PARKING AREA REFER TO C-4.3.
- ⑤ INSTALL ZERO DEPTH DELIVERY RAMP.
- ⑥ PAINT DIRECTIONS, ARROWS REFER TO D2-3.1.
- ⑦ PAINT 4" WIDE STRIPS, WHITE PER MCDONALD'S SPECIFICATIONS.
- ⑧ PAINT 4" WIDE STRIPS, WHITE @ 45° 2'-0" O.C. PER MCDONALD'S SPECIFICATIONS.
- ⑨ PAINT "TRANS-TRAFFIC" ARROWS, YELLOW REFER TO D2-3.1.
- ⑩ PAINT 6" WIDE YELLOW STRIPS ON ASPHALT FROM EDGE OF CONC. DRIVE-THRU LANE.
- ⑪ PAINT "THANK YOU" PER DETAIL ON SHEET S2-0.1.
- ⑫ INSTALL CONCRETE DOTS ACCESS TO ADJACENT PARKING.
- ⑬ INSTALL HAND RAIL, A MINIMUM OF 34" FROM THE DOOR EDGE.

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- ① OUTDOOR BENCH, W/IN-WHOLE SHEET, SEE 1-21. FLOORING AND ELECTRICAL BY GENERAL CONTRACTOR, SIGN INSTALLED BY SIGN CONTRACTOR. CONTRACTOR TO COORDINATE WITH MCDONALD'S CONSTRUCTION MANAGER.
- ② ONE 18" CIRCULAR PAVEMENT SLAB SPREAD/GRADEN/PAVEMENT (SHEET 1-21). FLOORING AND ELECTRICAL BY GENERAL CONTRACTOR, SIGN INSTALLED BY SIGN CONTRACTOR. CONTRACTOR TO COORDINATE WITH MCDONALD'S CONSTRUCTION MANAGER.
- ③ DRIVE-THRU ARROW PENDANT MARKING (225 MILS. THERMOPLASTIC) PER DETAIL SHEET 1-21.
- ④ SET THE CIRCULAR PAVEMENT SLAB/SLAB W/OUT EXISTING SIGN WITH "NEW" LINE AND "NEW" SIGN. DRIVE-THRU ARROW FLOORING BY GENERAL CONTRACTOR, SIGN INSTALLED BY SIGN CONTRACTOR TO COORDINATE WITH MCDONALD'S CONSTRUCTION MANAGER.
- ⑤ DISCONTINUED PAIR FORWARD AND REVERSE OUTSIDE PARKING SLAB TO BE PLANTED WITH "NEW" LINE AND "NEW" SIGN.
- ⑥ PAIR FORWARD SIGN FOR DISCONTINUED DRIVE-THRU OUTSIDE PARKING SLAB.
- ⑦ REVERSE DRIVE-THRU SIGN FOR DISCONTINUED REVERSE OUTSIDE PARKING SLAB.
- ⑧ CLEAN PARKING LOT, REPAIR CRACKS, SEAL/CAULK ASPHALT AND RE-SET/PAVE LOT. IF AN ALTERNATE PATCH CRACK SEAL AT CONCRETE JOINTS, OR ASPHALT PAVEMENT WITH 1" SURFACE ASPHALT AND STRENGTH ENHANCE PAVEMENT LOT.
- ⑨ STABILIZE ALL NON-PAVED DISTURBED AREAS WITH VEGETATION, RETAIN/SEAL ALL EXISTING LANDSCAPE AS NECESSARY CONTRACTOR MUST COORDINATE WITH THE CONTRACTOR.
- ⑩ RETAIL LOT TRUCK EXPOSURE EXPOSURE AND PAINT TRUCK EXPOSURE TO MATCH ASH BUILDING FINISHERS. REFER TO 1-21.
- ⑪ CONTRACTOR SHALL FIELD VERIFY EXISTENCE OF EXISTING UTILITY LATERAL AND COORDINATE WITH THE A/C IF THE PROPOSED FOUNDATIONS ARE IN CONFLICT.
- ⑫ REMOVE SIGNS FROM THE EXISTING FLOOR AND ALLEY.
- ⑬ INSTALL BRK BRK. USE W/ALUMINUM MAKE BRK (RKT 1) (W/1015) OR APPROVED ALTERNATE.
- ⑭ REFER TO 1-21 FOR DRIVE-THRU SIGNMOUNTS.
- ⑮ IF YELLOW PAINTED STRIPS FOR "DOCKE POINT"
- ⑯ OUTDOOR BENCH, ONE BENCH/ BENCH PER DETAIL SHEET 1-21. FLOORING AND ELECTRICAL BY GENERAL CONTRACTOR, SIGN INSTALLED BY SIGN CONTRACTOR. CONTRACTOR TO COORDINATE WITH MCDONALD'S CONSTRUCTION MANAGER.

WEST POINT PLAZA

WEST POINT DRIVE

PRIVATE DRIVE

PROPOSED SIDEWALK

PROPOSED CURB & GUTTER

PROPOSED PAVEMENT THICKNESS

TYPICAL SIDEWALK REPLACEMENT DETAIL

[illegible][illegible]

SITE ZONING: C-1 - GENERAL COMMERCIAL DISTRICT (MATS)	PAGE	NO.	LEFT	RIGHT
BUILDING SETBACK:	EXISTING EXISTING EXISTING EXISTING			
REQUIRED PARKING:				
1 SPACE/700 SF OF FPA + 1 SPACE/200 SF OF OUTDOOR SEATING AREA				
3,899 SF / 100 = 40 SPACES REQUIRED				
	60'	60'	45'	ADA
STALL SIZE:	8' x 16'	8' x 16'	8' x 16'	8' x 16'
KISLE DIMENSION:	24'	18'	18'	18'
SPACES SHOWN:	2	40	0	2
MIN. REQUIREMENT:	40 SPACES			
MAX. REQUIREMENT:	=			
TOTAL SPACES PROVIDED:	NO SPACES			

[illegible]

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Suite 601
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(864) 271-8669
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www.brightpolers.com
John A. Connolly, P.E.

McDonald's USA, LLC

DRUGAN 88 JPM	REVIEWED BY JAC	DATE ISSUED 11/15/2018
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SITE PLAN

[illegible]

C-30



REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 19-24, an ordinance on first reading to amend Chapters 2, 3, and 4 of the Farragut Zoning Ordinance related to the creation of the Outlet Drive Regional Entertainment and Employment District (OD-RE/E) that will replace the C-2-R/W District (RealtyLink, Applicant)

INTRODUCTION AND BACKGROUND: This item involves a request for approval of Ordinance 19-24 which would amend Chapters 2, 3, and 4 of the Zoning Ordinance in relation to development along the Outlet Drive corridor consistent with recent amendments to the CLUP future land use map. As you will recall, a workshop was conducted on June 6 in relation to a regional oriented recreational and entertainment facility envisioned along the Outlet Drive corridor. It was noted that, given the uniqueness of the use and the Outlet Drive corridor, a number of amendments to the Zoning Ordinance would likely be needed.

Originally, the thought was to amend the C-2-R/W, Regional Commercial, Retail/Warehousing Zoning District and add provisions for a regional entertainment venue and associated uses. Upon further review, staff proposed to approach the text amendment more broadly and create a new district that would replace the C-2-R/W. This district would account for the unique characteristics of the Outlet Drive corridor and establish provisions that would accommodate a regional recreational and entertainment facility and other regional and tourist-oriented uses.

The draft language for the new district was discussed at the July 2 staff/developer meeting. Comments made by the applicant were reviewed so that modifications to the ordinance language could be made before being presented to the Planning Commission for a vote. As part of the staffs' suggestion for the development of a new, corridor specific, zoning district, reference was made to some of the Critical Success Factors of the Town's Strategic Plan which encourage marketing tourism, exploring opportunities for development north of the Interstate, and attracting family entertainment venues. The development of the Outlet Drive Regional Entertainment and Employment District (OD-RE/E) would be consistent with the Strategic Plan and the amendments made recently to the future land use map for the Outlet Drive corridor.

DISCUSSION: Some of the key components in Ordinance 19-24 include the following:

- 1) A definition for a Regional Recreational and Entertainment Facility;
- 2) The creation of a new zoning district that will replace the C-2-R/W Zoning District;
- 3) Specific provisions to address the Regional Recreational and Entertainment Facility, including height of accessory structures, compliance with the ADS, provisions for wall signage, and modifications to outdoor site lighting;
- 4) A master sign for unified development;
- 5) Architectural materials for buildings within the OD-RE/E Zoning District; and
- 6) Vehicular parking requirements for Regional Recreational and Entertainment Facilities.

RECOMMENDATION: At their meeting on July 18, 2019, the Planning Commission unanimously recommended approval of Ordinance 19-24. Community Development Director, Mark Shipley, recommends approval of Ordinance 19-24 on first reading.

PROPOSED MOTION: To approve Ordinance 19-24 on first reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE: 19-24
PREPARED BY: Shipley
REQUESTED BY: Realty Link
CERTIFIED BY FMPC: July 18, 2019
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 2. DEFINITIONS, TO PROVIDE FOR A DEFINITION FOR REGIONAL RECREATIONAL AND ENTERTAINMENT FACILITY; AMENDING CHAPTER 3. SPECIFIC DISTRICT REGULATIONS, TO REPLACE THE C-2-R/W, REGIONAL COMMERCIAL, RETAIL/WAREHOUSING DISTRICT, WITH THE OUTLET DRIVE REGIONAL ENTERTAINMENT AND EMPLOYMENT DISTRICT (OD-RE/E); AND AMENDING CHAPTER 4. GENERAL PROVISIONS AND EXCEPTIONS, TO ADD VEHICULAR PARKING REQUIREMENTS FOR REGIONAL RECREATIONAL AND ENTERTAINMENT FACILITIES

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 2, Definitions, is amended by adding the following definition:

Regional Recreational and Entertainment Facility: A large multi-use recreational and entertainment facility with a regional market focus and which may include both indoor and outdoor functionality. Such a facility may include event space, restaurants with both indoor and outdoor seating, lodging, and various indoor/outdoor recreational and entertainment-based activities.

SECTION 2.

The Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, Section XXIV. Regional commercial district, retail/warehousing (C-2-R/W) is amended by deleting it in its entirety and replacing it with the following:

Sec. XXIV. – Outlet Drive Regional Entertainment and Employment District (OD-RE/E).

- A. *General description.* The Outlet Drive corridor is uniquely situated on the north side of Interstate 40 between the Lovell Road and Campbell Station Road Interchanges. Much of the area that surrounds the corridor is outside the Town limits. The Town's portion of the corridor includes excellent interstate visibility and proximity to two interchanges. These notable characteristics provide an opportunity to attract family entertainment venues that serve both a local and regional market. The corridor's location and existing development also supports local and regional employment and includes an architecture that differentiates itself from most of the Town.

The Outlet Drive Regional Entertainment and Employment District (OD-RE/E) is intended to capitalize on the corridor's characteristics by creating an opportunity to provide for uses, architectural flexibility, and signage that take into account the surrounding context.

- B. *Permitted principal and accessory uses and structures.* Property and structures located in the Outlet Drive Regional Entertainment and Employment District (OD-RE/E) shall be used only for the following purposes:

1. Generally recognized retail sales, subject to the following:
 - a) Any outdoor storage or sales shall be contained within areas specifically designed and approved for such storage or sales as part of a site plan review. Such areas shall be screened from public rights of ways with opaque materials that are architecturally compatible with the primary materials used on the building they are serving. Such screened areas shall meet the setback requirements for accessory structures; and
 - b) Warehousing and wholesaling associated with on-site retail establishments are permitted, provided the warehousing and wholesaling constitutes less than 80 percent of the gross square footage of the building(s).
2. Restaurants.
3. Hotels.
4. Offices.
5. Theaters, indoor only.
6. Indoor recreational facilities.
7. Regional Recreational and Entertainment Facility, as defined in Chapter 2, and subject to the following development criteria:
 - a) The tract shall be at least 5 acres;
 - b) The tract shall abut the Interstate 40 right of way;
 - c) The permissible height of accessory structures that are integral to the function of the regional entertainment venue shall be evaluated using the following criteria:
 - i. The structure's role in the operational function and inherent safety related requirements of the establishment;
 - ii. The structure(s) being non-illuminated and concealed to the greatest extent practicable;
 - iii. The structure(s) being a minimum of 100 feet from property developed as residential; and

- iv. The structure(s) being in compliance with any applicable State or Federal requirements.
 - d) For a building in excess of 40,000 square feet, compliance with the Town's Architectural Design Standards (ADS) shall be evaluated using the following criteria:
 - i. The building containing a minimum masonry percentage of 10% on the net façade area of the building;
 - ii. The building being comprised of at least three other materials with no single material exceeding 40% of the net façade area and that collectively contribute to an appearance that segments the building visually into smaller modules that soften the building's scale; and
 - iii. The building clearly demonstrating compliance with all other ADS provisions.
 - e) For a building in excess of 40,000 square feet and with at least one building elevation of more than 400 feet in length, wall signage shall be provided for as follows:
 - i. Up to 2 signs (with sign areas calculated separately) may be permitted on the building elevation that is in excess of 400 feet. The cumulative permitted sign area for the two signs combined shall be established with a 2:1 sign area to building width ratio; and
 - ii. One wall sign is permitted on two other building elevations with the sign area on each of these elevations being established with a 1:1 ratio of sign area to building width on which the sign is to be mounted.
 - f) Outdoor site lighting shall be in accordance with Chapter 4 of the Farragut Zoning Ordinance with the following exceptions:
 - i. Parking lot pole lights shall not exceed 35 feet in height, including the supporting base;
 - ii. Lighting that may be unique for this use and required for the operation shall be directed inward onto the facility property so as not to shine onto adjacent properties or rights of ways;
 - iii. The maximum number of footcandles at all property lines (including the Interstate right of way) shall not exceed .1 footcandles; and
 - iv. A lighting impact analysis shall be provided as part of the site plan review and approval process. The analysis shall specifically demonstrate how lighting specific to this venue will not create glare, as defined in the Town's Outdoor site lighting requirements. Once lighting has been installed per the approved lighting plan and prior to the issuance of a Certificate of Occupancy, a verification from a licensed electrical engineer shall be provided to demonstrate compliance with the approved lighting plan.
8. Master sign for a unified development (i.e. a development that includes a regional recreational and entertainment facility and at least two additional regional oriented businesses or tenants in the OD-RE/E Zoning District), is subject to the following development criteria:
- a) Existing off-premise advertising signs (billboards) along the Town's portion of the Outlet Drive corridor shall be removed;

- b) The minimum size of a development eligible for consideration as a unified development shall be 40,000 square feet of gross floor area and must contain three or more businesses or tenants;
- c) Only one sign is permitted between the Lovell Road and Campbell Station Road interchanges and such sign shall be situated a minimum of 3,000 feet from the nearest portion of both the Lovell Road and the Campbell Station Road interchange rights of ways;
- d) The sign face shall not exceed 800 square feet per side and shall be designed to include at least three businesses or tenants;
- e) The sign shall not exceed 50 feet in overall height;
- f) The sign shall be setback a minimum of 20 feet and a maximum of 50 feet from the interstate highway right of way. Otherwise, the sign shall meet the setbacks for an accessory structure;
- g) The sign shall have no digital or moving messages;
- h) The sign shall not be a monopole;
- i) The sign shall be assessed in terms of its visual and architectural compatibility with the buildings and tenant spaces which it advertises; and
- j) A recorded declaration provided to the Town for the use of the sign. Any modifications to the recorded declaration shall be approved by the Town.

9. Utility uses.

10. Signs, as regulated in the Farragut Municipal Code, or as provided for otherwise in this District.

- C. *Area regulations.* The purpose of these setback regulations is to create a flexible building envelope that will enable the creative possibilities for development of a parcel to be maximized and to allow consideration of the natural features of a parcel as it is being developed.

Setbacks shall be measured from the nearest point of any property line and all structures shall comply with the following setback requirements. For the purposes of this ordinance, the interstate highway right-of-way shall be considered a rear lot line.

1. *Front yards.*

- a. Where a parking lot is situated in the front yard between a building and an abutting street, all buildings shall be set back from the nearest point of any right-of-way a minimum of 75 feet;
- b. Where only a driveway aisle is situated in the front yard between a building and an abutting street, all buildings shall be set back from the nearest point of any right-of-way a minimum of 55 feet; or
- c. Where neither a parking lot nor a driveway aisle is situated in the front yard between a building and an abutting street, all buildings shall be set back from the nearest point of any right-of-way a minimum of 20 feet.
- d. All accessory structures, excluding detention basin structures (if associated with a low impact development measure), and/or non-roofed structures that provide for pedestrian engagement with the public street (such as outdoor patios, pedestrian facilities, sitting areas, public art), shall be set back from the nearest point of any right-of-way a minimum of 20 feet, except as provided for

elsewhere in the Farragut Municipal Code.

- e. With the exception of linear pedestrian facilities that connect to similar facilities in the right of way, no structures shall encroach into the public right of way and/or platted utility easements. Detention basin structures that are not associated with a low impact development measure shall be set back from the nearest point of any right-of-way a minimum of ten feet. Electrical substations, utility offices, or any other utility building shall meet the front yard building setback requirements.
 - f. Service areas and their associated structures (e.g., dumpsters, loading areas, utility building) shall be located to the side or rear of a building so as to minimize visual impacts from the street and foster a more pedestrian friendly streetscape.
- 2. *Side yards.* Buildings (non-accessory) within the OD-RE/E District shall be a minimum of 20 feet apart. Where the abutting property is not within the OD-RE/E District the side setback shall be a minimum of 35 feet.
 - 3. *Rear yards.* Buildings (non-accessory) shall be set back a minimum of 35 feet.
 - 4. *Side and rear yards.* All accessory structures shall be set back a minimum of 10 feet, except as provided for elsewhere in this ordinance or the [Farragut] Municipal Code.
 - 5. *Buffer strips.*
 - a. There shall be a buffer strip a minimum of 50 feet in width on all side and rear property lines when the abutting property is developed as residential;
 - b. Existing, mature vegetation shall be preserved and incorporated into the buffer strip; and
 - c. Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.
 - 6. *Maximum lot coverage.* Total lot coverage: 75 percent.
 - 7. *Land area.* Minimum lot size of one acre, unless provided for otherwise in this District.
- D. *Height regulations.* Buildings within the OD-RE/E District shall not exceed 4 stories or 60 feet in height. Buildings proposed within 100 feet of property developed as residential shall not exceed 3 stories or 45 feet in height. Unless provided for otherwise in this District, accessory structures shall not exceed 35 feet in height.
- E. *Parking.* As regulated in Chapter 4.
- In order to minimize the visual impact of surface parking, where parking is situated between a building and a street or is parallel with a building along a street, a berm shall be constructed or landscaping shall be planted so as to limit the viewability of the parking lot from the street. A minimum of 60 percent of the total parking lot length adjacent to the front property line shall be screened from view with a berm or landscaping.
- F. *Streetscape and outdoor open space.* As part of a site plan review, a context appropriate (i.e., appropriate in relation to the proposed development and its physical surroundings) active and interconnected streetscape with visually appealing and functional public spaces is encouraged.

Some specific design objectives would be as follows:

1. Locate and orient outdoor open space (e.g., plazas, courtyards, patios, outdoor seating and benches, small park spaces or landscaped features) to provide a focal point to be actively used.
 2. Provide landscape enhancements (e.g., bioswales, rain gardens, planters, flower gardens) to add visual interest, screen parking areas, and complement outdoor open spaces.
- G. *Connectivity*. Development shall provide for context appropriate (i.e., appropriate in relation to the proposed development and its physical surroundings) pedestrian and vehicular connectivity. This shall include providing connections within the property and to abutting properties, pedestrian connections into the development from the public street(s), and the construction of pedestrian facilities along the public street(s) frontages.
- H. *Low Impact Development*. Development shall incorporate a minimum of one of the following Low Impact Development (LID) practices into the design:
1. Twenty-five percent of the parking lot being constructed with permeable pavers;
 2. Stormwater runoff draining to rain gardens;
 3. A building(s) being constructed with a vegetated roof, commonly referred to as a green roof;
 4. Stormwater draining to bioswales/bioretenion facilities; or
 5. Rainwater being harvested for irrigation or gray water uses.
- I. *Architectural Materials*. Unless provided for otherwise in this District, buildings that are or exceed two stories and 25,000 square feet shall provide a minimum of 25% masonry on the net façade area of the building. All other buildings shall provide a minimum of 60% masonry on the net façade area of the building. All buildings, regardless of height and size, shall comply with all other provisions in the ADS.

SECTION 3.

The Farragut Zoning Ordinance, Chapter 4, General Provisions and Exceptions, Section XX., Parking and loading, by adding to Section 3. Number of parking spaces required, the following use under vehicle parking:

Regional Recreational and Entertainment Facility: One per 130 square feet of gross floor area.

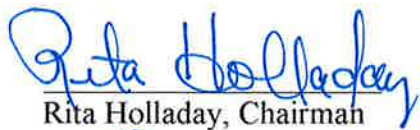
SECTION 4.

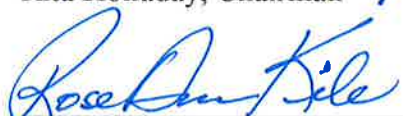
This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2019,
with approval recommended.


Rita Holladay, Chairman


Rose Ann Kile, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

RESOLUTION PC-19-09

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO 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 2. DEFINITIONS, TO PROVIDE FOR A DEFINITION FOR REGIONAL RECREATIONAL AND ENTERTAINMENT FACILITY; AMENDING CHAPTER 3. SPECIFIC DISTRICT REGULATIONS, TO REPLACE THE C-2-R/W, REGIONAL COMMERCIAL, RETAIL/WAREHOUSING DISTRICT, WITH THE OUTLET DRIVE REGIONAL ENTERTAINMENT AND EMPLOYMENT DISTRICT (OD-RE/E); AND AMENDING CHAPTER 4. GENERAL PROVISIONS AND EXCEPTIONS, TO ADD VEHICULAR PARKING REQUIREMENTS FOR REGIONAL RECREATIONAL AND ENTERTAINMENT FACILITIES .

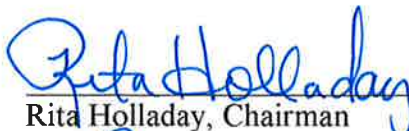
WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

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 July 18th, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of Ordinance 19-24; an ordinance amending the Farragut Zoning Ordinance, Ordinance 86-16, to provide for a definition for Regional Recreational and Entertainment Facility, create the OD-RE/E Zoning District, delete the C-2-R/W Zoning District, and establish vehicular parking requirements for a Regional Recreational and Entertainment Facility.

ADOPTED this 18th day of July, 2019.


Rita Holladay, Chairman


Rose Ann Kile, Secretary

AGENDA NUMBER V1.A.3 MEETING DATE August 8, 2019

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 19-25, an ordinance on first reading to amend the Farragut Zoning Map for Parcels 154.06, 154.07, 154.08, 154.09, 154.10, 176.01, and 176.02, Tax Map 130 along the Outlet Drive corridor from C-2 and R-2 to OD-RE/E, Approximately 36 Acres

INTRODUCTION AND BACKGROUND: This involves a request to rezone Parcels 154.06, 154.07, 154.08, 154.09, 154.10, 176.01, and 176.02, Tax Map 130 along the Outlet Drive corridor from C-2 and R-2 to OD-RE/E. The total acreage involved is roughly 36.

DISCUSSION: After receiving a recommendation from the CLUP Steering Committee, the Planning Commission approved amendments to the future land use map for the Outlet Drive corridor at their meeting on April 18, 2019. The most notable change involved parcels that abut along Interstate 40/75 on the south side of Outlet Drive where the office/light industrial land use was changed to regional commercial. This change was consistent with the Strategic Plan and would make the parcels generally consistent with the existing C-2, Regional Commercial, zoning designation. The only property in the corridor that is not currently zoned either Regional Commercial (C-2) or Regional Commercial, Retail/Warehousing (C-2-R/W) is the roughly 9-acre tract (Parcel 176.01, Tax Map 130) that is zoned R-2, General Single-Family Residential.

RECOMMENDATION: As staff noted at the Planning Commission meeting on July 18, 2019, though unlikely to develop as single-family residential, Parcel 176.01 would not appear to be appropriate for commercial zoning. Much of this tract and to a somewhat lesser extent the adjoining tract to the west, Parcel 176.02, are consumed by what are shown as sinkholes based on information available from KGIS. These sinkhole areas and the associated tree cover within and surrounding these areas help to filter stormwater and are an integral component of the general stormwater management system of the area. Consequently, most of this tract was shown both under the previous and the current future land use maps as Open Space. Consistent with the future land use map, staff would not support a rezoning of Parcel 176.01 that would potentially provide for a more intensive development of the property than permitted under the existing zoning. Should Parcel 176.01 be rezoned, the zoning district that would most closely match the future land use map is Open Space/Park (OS-P).

Included with this agenda item is the adopted future land use map for the Outlet Drive corridor. Also included are the existing zoning map for the corridor and a map showing depressions that appear based on topographic information from KGIS. Staff has noted two depressions that are detention basins. Those could be modified as part of development along the corridor and should not affect rezoning.

At their meeting on July 18, 2019 the Planning Commission unanimously approved Ordinance 19-25 as requested by the applicant. Commissioners noted that, although Parcel 176.01 appears to be consumed with sizable sinkholes, the act of rezoning the property would not nullify compliance with the Sinkhole Ordinance.

PROPOSED MOTION: To approve Ordinance 19-25 on first reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

RESOLUTION PC-19-10

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE FARRAGUT ZONING MAP, ORDINANCE 86-16, TO RECOMMEND THE APPROVAL OF THE REZONING OF PARCELS 154.06, 154.07, 154.08, 154.09, 154.10, 176.01, AND 176.02, TAX MAP 130 ALONG THE OUTLET DRIVE CORRIDOR FROM C-2 AND R-2 TO OD-RE/E

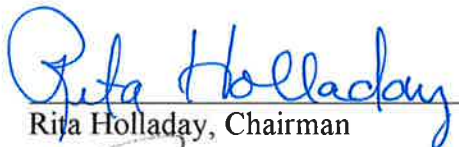
WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

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 July 18, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval of Ordinance 19-25 to the Farragut Board of Mayor and Aldermen, an ordinance amending the Farragut Zoning Ordinance and Map, Ordinance 86-16, by rezoning the above noted property.

ADOPTED this 18th day of July, 2019.


Rifa Holladay, Chairman


Rose Ann Kile, Secretary

ORDINANCE: 19-25
PREPARED BY: Shipley
REQUESTED BY: Town of Farragut
CERTIFIED BY FMPC: July 18, 2019
PUBLIC HEARING:
PUBLISHED IN: _____
DATE: _____
1ST READING: _____
2ND READING: _____
PUBLISHED IN: _____
DATE: _____

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

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

SECTION 1.

The Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended by rezoning Parcels 154.06, 154.07, 154.08, 154.09, 154.10, 176.01, and 176.02, Tax Map 130 along the Outlet Drive corridor from C-2 and R-2 to OD-RE/E (See Exhibit A).

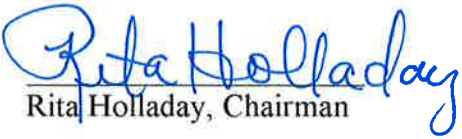
SECTION 2.

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

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2019,
with approval recommended by the Farragut Municipal Planning Commission (FMPC).


Rita Holladay, Chairman


Rose Ann Kile, Secretary



**Exhibit A
Ordinance 19-25**

**Rezone
Parcels**

**154.06, 154.07, 154.08
154.09, 154.10, 176.01, 176.02**

**Tax Map 130
Along Outlet Drive Corridor**

From
R-2 (General Single-Family Residential)
and C-2 (Regional Commercial)

to

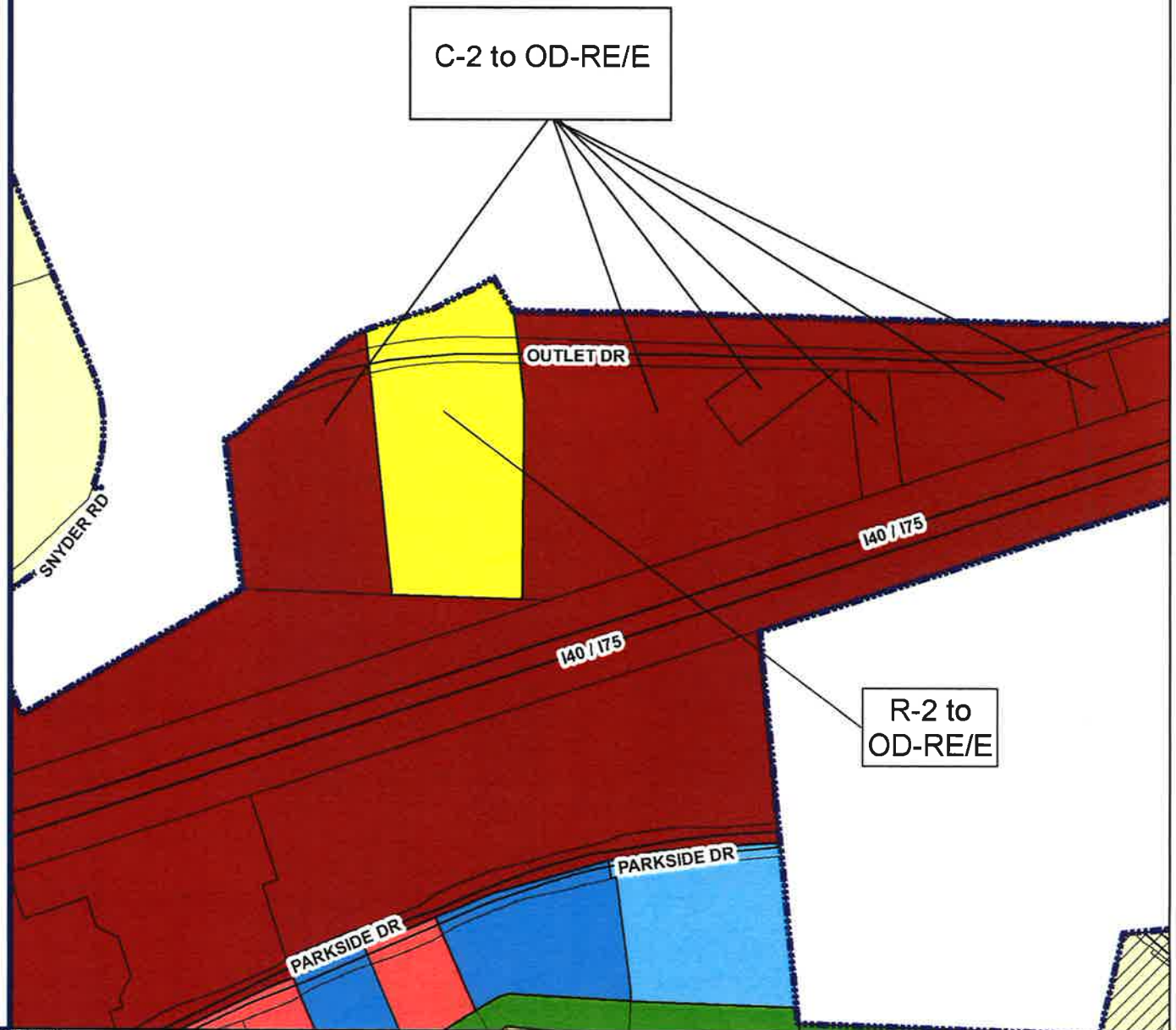
OD-RE/E (Outlet Drive Regional
Entertainment and Employment District)

Legend

- Streets
- Parcels
- B-1, Buffer
- R-1, Rural Single-Family Residential
- R-2, General Single-Family Residential
- ▨ OSR, Open Space Residential Overlay
- O-1-3, Office, Three Stories
- O-1-5, Office, Five Stories
- C-1, General Commercial
- C-2, Regional Commercial



1 in = 500 ft



Legend

- ★ Traffic Counts 2016
- B-1, Buffer
- OS-P, Open Space/Park
- R-1, Rural Single-Family Residential
- R-2, General Single-Family Residential
- R-3, Small Lot Single-Family Residential
- R-4, Attached Single-Family Residential
- R-6, Multi-Family Residential
- R-1/OSR, Open Space Residential Overlay
- R-6/OSMFR
- O-1, Office
- O-1-3, Office, Three Stories
- O-1-5, Office, Five Stories
- C-1, General Commercial
- C-1-3, General Commercial, Three Stories
- C-2, Regional Commercial
- C-2-R/W, Regional Commercial, Retail/Warehousing

Outlet Dr Zoning

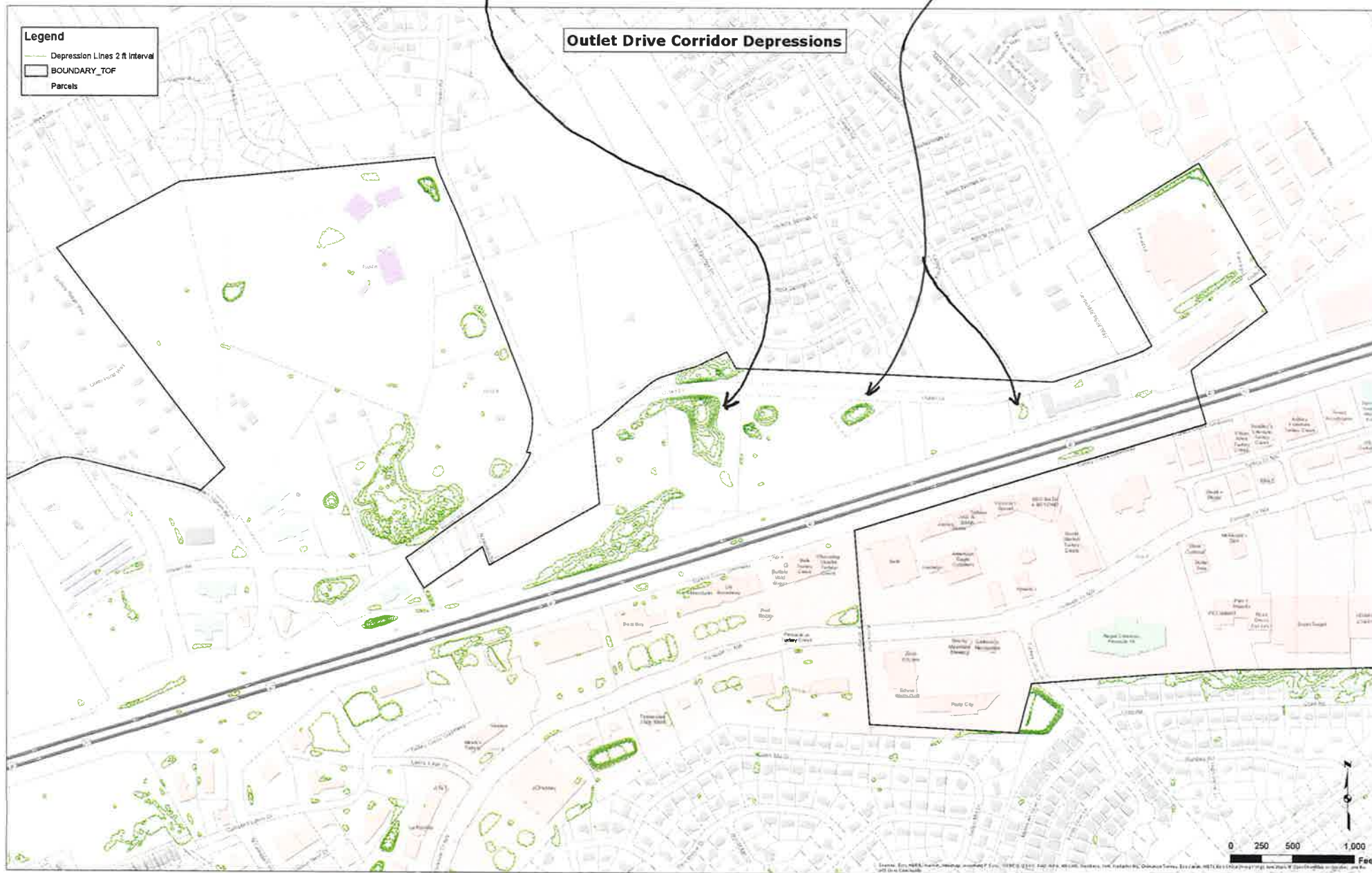


Parcel 176.01

detention basins

- Legend**
- Depression Lines 2 ft Interval
 - BOUNDARY_TOF
 - Parcels

Outlet Drive Corridor Depressions



AGENDA NUMBER VI. A. 4 MEETING DATE August 8, 2019

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: David Smoak, Town Administrator



SUBJECT: Ordinance 19-26, an ordinance to amend Farragut Municipal Code Chapter 12., Municipal Court, by amending Section 12-9., Service of court process, and adding Section 12-12., Collection agency services to collect unpaid fines and court costs.

INTRODUCTION: The Farragut Municipal Court has jurisdiction within the Town of Farragut over cases involving violations of Town ordinances and adopted codes.

DISCUSSION: Any property owner within the Town of Farragut in violation of a Town ordinance or adopted code may be cited by the Town to appear before the Farragut Municipal Court. If a citation is issued by the Town against a property owner, the property owner must receive proper service of the citation by an authorized person as outlined in Chapter 12, Section 12-9 of the Farragut Municipal Code. Each case presented before the court that has a judgement entered of liable or guilty is assessed court costs and fines by the Farragut Municipal Court Judge. Since 2010, court records show over 20 cases with an outstanding balance for failure to pay court costs and / or fines owed to the Town of Farragut Municipal Court.

This item involves amending Farragut Municipal Code Chapter 12., Municipal Court, as follows:

1. Amending Section 12-9., Service of court process as follows:

The Town Administrator or his/her designee, the Town Attorney or his/her designee, any codes enforcement officer employed by the Town and any court officer or bailiff are each hereby appointed and authorized to serve any process, documents, notices, warrants, writs, citations, and other official instruments of and from the municipal court.

2. Adding Section 12-12., Collection agency services to collect unpaid fines and court costs

RECOMMENDATION BY: Town Administrator David Smoak for approval.

PROPOSED MOTION: To approve Ordinance 19-26 on first reading, to amend Farragut Municipal Code Chapter 12-9 and adding 12-12.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>BURNETTE</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

Sec. 12-9. - Service of court process.

The town administrator, or his/her designee, the Town Attorney or his/her designee, any codes enforcement officer employed by the Town, and any court officer or bailiff are each hereby appointed and authorized to designated as officers of the municipal court for the purpose of serving any serve any process, documents, notices, warrant, writs, citations, and other official instruments of and from the municipal court.

Sec. 12-12 Collection agency services to collect unpaid fines and court costs.

The Town of Farragut is hereby authorized to solicit and use the services of a collection agency to collect unpaid fines and court costs which are more than 60 days overdue. The contract with such collection agency shall be in writing and conform to all provisions set forth in Tennessee Code Annotated, § 40-24-105(d).

UNPAID COURT COSTS / FINES

COURT DATE	CITATION #	VIOLATION	COURT COSTS	FINE	TOTAL
2/17/2010	3046TE	Red Light Camera	\$ 55.00	\$ 50.00	\$ 105.00
2/17/2010	3047TE	Red Light Camera	\$ 55.00	\$ 50.00	\$ 105.00
7/12/2010	3056	Zoning Ordinance (Appealed)	\$ 55.00	\$ 1,700.00	\$ 1,755.00
9/13/2010	3062	International Property Maintenance Code	\$ 55.00	\$ 50.00	\$ 105.00
10/11/2010	3069	International Property Maintenance Code	\$ 100.00	\$ 50.00	\$ 150.00
2/14/2011	3074	Zoning Ordinance	\$ 100.00	\$ 1,500.00	\$ 1,600.00
2/14/2011	3076	Shop Farragut	\$ 100.00	\$ 150.00	\$ 250.00
7/11/2011	3093	International Property Maintenance Code	\$ 100.00	\$ 50.00	\$ 150.00
10/10/2011	3105	Zoning Ordinance	\$ 100.00	\$ 250.00	\$ 350.00
10/10/2011	3106	Zoning Ordinance	\$ 100.00	\$ 50.00	\$ 150.00
10/10/2011	3107	International Property Maintenance Code	N/A	\$ 50.00	\$ 50.00
11/14/2011	3109	International Property Maintenance Code	\$ 100.00	\$ 50.00	\$ 150.00
3/12/2012	3114	International Property Maintenance Code	\$ 100.00	\$ 50.00	\$ 150.00
9/10/2012	3127	International Property Maintenance Code	\$ 100.00	\$ 50.00	\$ 150.00
1/14/2013	3133	Sign Ordinance	\$ 100.00	\$ 50.00	\$ 150.00
8/12/2013	3153	International Property Maintenance Code	\$ 100.00	\$ 50.00	\$ 150.00
8/12/2013	3154	International Property Maintenance Code	\$ 100.00	\$ 50.00	\$ 150.00
3/14/2016	3178	Prop. Maint. Code	\$ 100.00	\$ 250.00	\$ 350.00
4/10/2017	3193TE	Red Light Camera	\$ 100.00	\$ 50.00	\$ 150.00
5/14/2018	3146A	Red Light Camera	\$ 100.00	\$ 50.00	\$ 150.00
4/8/2019	3161A	Red Light Camera	\$100	\$ 50.00	\$ 150.00
6/10/2019	3200	International Property Maintenance Code	\$ 100.00	\$ 500.00	\$ 600.00
Total:			\$ 1,920	\$ 5,150	\$ 7,070

Red Light Camera Violation; automatic civil penalty of \$50

ORDINANCE: 19-26
PREPARED BY: Jennifer Hatmaker
PUBLISHED IN:
DATE:
1st READING:
2nd READING:

AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE TO AMEND FARRAGUT MUNICIPAL CODE CHAPTER 12., MUNICIPAL COURT, BY AMENDING SECTION 12-9., SERVICE OF COURT PROCESS, AND ADDING SECTION 12-12., COLLECTION AGENCY SERVICES TO COLLECT UNPAID FINES AND COURT COSTS.

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 12, Municipal Court, of the Farragut Municipal Code;

NOW, THEREFORE BE IT ORDAINED by the Board of Mayor and Alderman of the Town of Farragut, Tennessee as follows:

SECTION 1.

Farragut Municipal Code, Chapter 12., Municipal Court, Section 12-9., Service of court process, is amended to read as follows:

The Town Administrator or his/her designee, the Town Attorney or his/her designee, any codes enforcement officer employed by the Town and any court officer or bailiff are each hereby appointed and authorized to serve any process, documents, notices, warrants, writs, citations, and other official instruments of and from the municipal court.

SECTION 2.

Farragut Municipal Code, Chapter 12., Municipal Court, is amended by adding Section 12-12., Collection agency services to collect unpaid fines and court costs.

The Town of Farragut is hereby authorized to solicit and use the services of a collection agency to collect unpaid fines and court costs which are more than 60 days overdue. The contract with such collection agency shall be in writing and conform to all provisions set forth in *Tennessee Code Annotated*, § 40-24-105(d).

SECTION 3.

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

Ron Williams, Mayor

Allison Myers, Town Recorder