

Board of Mayor and Aldermen August 27, 2020 Minutes

The Farragut Board of Mayor & Aldermen met on August 13, 2020 for a workshop to gather information about the proposed amendments to the beer ordinance.

The Farragut Board of Mayor & Aldermen met on August 27, 2020 for a workshop to gather information about the traffic calming policy.

Mayor Williams called the meeting to order at 7:00 PM. Roll Call for attendance: Aldermen Burnette, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; Alderman Meyer was absent; in addition to staff and members of the press. The meeting was held via WebEx Governor Lee's orders and the Knox County Health Department's orders regarding the COVID-19 pandemic.

Approval of Agenda

Motion was made to approve the agenda with the addition of Item F. Approval of Public Hearing Protocol. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Aldermen Burnette, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Approval of Minutes

Motion was made to approve the minutes of August 13, 2020 as presented. Moved by Alderman Povlin, seconded by Alderman Burnette; roll call vote, Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Mayor's Report

Mayor Williams congratulated Margie Hagen on her retirement!

Ordinances

Public Hearing & Second Reading

Ordinance 20-04, an ordinance to amend the Farragut Municipal Code, Chapter 109 – Signs, by replacing it in its entirety (Town of Farragut, Applicant)

Motion was made to approve Ordinance 20-04 on second and final reading. Moved by Alderman Pinchok, seconded by Alderman Burnette; roll call vote, Aldermen Burnette, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Ordinance 20-11, Ordinance to Amend the Equipment Fund for the Fiscal Year 2020-2021 budget, passed by Ordinance 20-07

Motion was made to approve Ordinance 20-11 on second and final reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; roll call vote, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

First Reading

Ordinance 20-09, An ordinance to amend Chapter 4, Alcoholic Beverages, Article 2, Beer, to amend the Class 4 Tavern Permit and to create the Class 7, Brewpub Permit.

Motion was made to approve Ordinance 20-09 with the amendment to allow one brewpub on first reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; roll call vote, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Ordinance 20-16, an ordinance to amend the Town of Farragut Zoning Ordinance to permit for Brewpubs in commercial zoning districts

Motion was made to approve Ordinance 20-16 on first reading. Moved by Alderman Povlin, seconded by Alderman Burnette; roll call vote, Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Business Items

Approval of Resolution R-2020-09, A Resolution Declaring Certain Town Property to be Surplus Property

Motion was made to approve Resolution R-2020-09. Moved by Alderman Povlin, seconded by Alderman Burnette; roll call vote, Aldermen Burnette, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Approval of Resolution R-2020-10, Sourcewell Cooperative Purchasing

Motion was made to approve Resolution R-2020-10. Moved by Alderman Povlin, seconded by Alderman Pinchok; roll call vote, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Approval of Purchase from CDW-Government for the Purchase of Ten (10) Laptop Computers

Motion was made to approve the purchase from CDW-Government for the Purchase of Ten (10) Laptop Computers. Moved by Alderman Povlin, seconded by Alderman Burnette; roll call vote, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Approval of Purchase from TN Mask Supply

Motion was made to approve the purchase from TN Mask Supply. Moved by Alderman Povlin, seconded by Alderman Pinchok; roll call vote, Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Approval of 2021 BlueCross Healthy Places Grant

Motion was made to approve the 2021 BlueCross Healthy Places Grant application. Moved by Alderman Burnette, seconded by Alderman Povlin; roll call vote, Aldermen Burnette, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Approval of the Citizen Comments Protocol

Motion was made to approve the Citizen Comment Protocol. Moved by Alderman Povlin, seconded by Alderman Burnette; roll call vote, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; no nays; Alderman Meyer was absent; motion passed.

Town Administrator's Report

The following names need to be added to the safety deposit boxes at Region Bank:

Mayor Williams

Allison Myers

Jennifer Hatmaker

Pam Hall

David Smoak

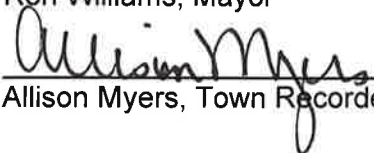
Citizens Forum

Joann Creekmore, 12301 Butternut Circle, submitted a comment concerning the apartment complex at the old Kroger site.

Meeting adjourned at 8:00 PM.



Ron Williams, Mayor



Allison Myers, Town Recorder



**FARRAGUT BOARD OF MAYOR AND ALDERMEN
AGENDA
AUGUST 27, 2020**

WORKSHOP

6:00 PM

**Short-Term Rentals
Traffic Calming Policy**

BEER BOARD

See Beer Board Agenda

6:50 PM

BMA MEETING

7:00 PM

- I. Roll Call**
- II. Approval of Agenda**
- III. Approval of Minutes**
 - A. August 13, 2020
- IV. Mayor's Report**
- V. Ordinances**
 - A. Public Hearing & Second Reading
 - 1. Ordinance 20-04, an ordinance on first reading to amend the Farragut Municipal Code, Chapter 109 – Signs, by replacing it in its entirety (Town of Farragut, Applicant)
 - 2. Ordinance 20-11, Ordinance to Amend the Equipment Fund for the Fiscal Year 2020-2021 budget, passed by Ordinance 20-07
 - B. First Reading
 - 1. Ordinance 20-09, An ordinance to amend Chapter 4, Alcoholic Beverages, Article 2, Beer, to amend the Class 4 Tavern Permit and to create the Class 7, Brewpub Permit.

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2. Ordinance 20-16, an ordinance to amend the Town of Farragut Zoning Ordinance to permit for Brewpubs in commercial zoning districts

VI. Business Items

- A. Approval of Resolution R-2020-09, A Resolution Declaring Certain Town Property to be Surplus Property
- B. Approval of Resolution R-2020-10, Sourcewell Cooperative Purchasing
- C. Approval of Purchase from CDW-Government for the Purchase of Ten (10) Laptop Computers
- D. Approval of Purchase from TN Mask Supply
- E. Approval of 2021 BlueCross Healthy Places Grant

VII. Town Administrator's Report

VIII. Town Attorney's Report

IX. Citizens Forum

This meeting can be viewed live on Charter channel 193 and TDS channel 3. The meeting will be held virtually, authorized by Governor Lee's executive orders regarding the COVID-19 pandemic. Meeting comments, including your name and address, may be emailed to comments@townoffarragut.org and must be received by 12:00pm on August 27 to be included in the record of the meeting.

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 end of each business 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 Recorder 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;
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 Recorder or a staff member;
3. Speakers shall come to the podium and identify themselves by name and street 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; each speaker should have their own thought;
6. Comments shall address issues, not individuals or personalities;
7. Comments may support or oppose 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.

Each speaker will be asked if they can agree to abide by the Comment Protocol. If so, please be prepared to speak when your name is called.

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Trevor Hobbs, Assistant to the Town Administrator

SUBJECT: Short-term Rental Units

INTRODUCTION: The Town of Farragut passed an ordinance prohibiting Short-term Rental Units in all zoning districts on June 27, 2019. In order for a short-term rental unit in Farragut to qualify for grandfathered status, it would need to have been legally operating as of June 27, 2019.

BACKGROUND: The Town of Farragut has always considered Short-term Rental Units to be prohibited in all zoning districts. However, amendments to State Law (T.C.A 13-7-603) in May 2018 provided existing rental units the ability to continue operating under the existing regulations prior to the passage of an ordinance which prohibits them.

At the time of adopting the Ordinance 19-20 (now Appendix A, Zoning, Chapter 4, General Provisions and exceptions, Sec. X, Short-term Rental Units) in June 2019, the Town considered short-term rental units to already be prohibited by virtue of not being listed as a permitted use in any zoning district. When board members voiced concerns that the Town's regulations needed to be strengthened, the purpose of the ordinance was to make it clear that short-term rental units were not permitted to operate in the Town of Farragut.

According to the grandfathering provisions of T.C.A 13-7-603, the ordinance, resolution, regulation, rule, or other requirement in effect at the time the property began being used as a short-term rental unit is the law that governs the use of the property as a short-term rental unit until it loses its grandfathered status.

Prior to the passage of the Short-term Rental ordinance, though the Town did not require a Short-term Rental Unit permit, the town did require businesses operating within the Town to obtain a Business Privilege License (FMC Part I, Chapter 8, Sec. 8-20(a)).

Therefore, in order for a short-term rental unit in Farragut to qualify for grandfathered status under T.C.A 13-7-603, it would need to have been operating as a short-term rental unit and hold a Farragut Business Privilege License prior to June 2019.

Prior to the passage of the Short-term Rental Unit ordinance, the Town had no existing business licenses for Short-term Rental Units, nor did it issue any after the passage. As such, the Town does not have any grandfathered short-term rental units.

DISCUSSION: If it is still the intention of the Town to prohibit short-term rental units from operating in Farragut, the existing Short-term Rental Unit ordinance adequately represents the Town's intentions.

If this is no longer the intention of the Town, staff seek feedback in order to prepare appropriate amendments.

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

MEETING DATE August 27, 2020

BMA WORKSHOP

PREPARED BY: David Smoak, Town Administrator

SUBJECT: Discussion of Town of Farragut Traffic Calming Policy

INTRODUCTION: The purpose of this agenda item is to discuss the current Farragut Traffic Calming Policy and review potential amendments.

DISCUSSION: The Town of Farragut last updated the Traffic Calming Policy in 2018 (see attached). The current policy was adopted as a way to help promote safety in residential neighborhoods when vehicular speeding is a widespread issue. There are several procedures and studies that are undertaken when a formal request is made. If traffic calming is deemed to be warranted a vote of the residents impacted is taken to determine if there is support for traffic calming measures to be implemented.

Vice Mayor Povlin requested this item be included at the workshop for the Board of Mayor and Aldermen to discuss possible amendments to the current policy.

This item is for discussion purposes only.



TRAFFIC CALMING POLICY

ADOPTED by the Farragut Board of Mayor and Alderman on November 8, 2018

PURPOSE STATEMENT: It is the purpose of this policy to establish a uniform procedure for identifying and resolving problems related only to speeding motorists and other moving traffic related issues in residential areas. This policy is not intended to make streets play areas for children or adults. Implementation of this policy should generally improve safety for motorists, pedestrians, and recreational cyclists. Only interior residential streets and local collector streets (as defined in the Town's Major Road Plan) that are primarily residential shall be eligible for traffic calming. Primarily residential is defined as a local collector with a minimum of 50% of the parcels adjacent to the roadway containing residential frontage with a driveway access. Upon adoption of this policy, all former policies and procedures will be repealed.

RELATED DOCUMENTATION / REFERENCE MATERIALS:

- A. Residential Traffic Calming Application
- B. Town of Farragut Municipal Code: Title 15: Motor Vehicles, Traffic, and Parking.
- C. Town of Farragut Municipal Code: Title 16: Streets, Sidewalks, Etc.

BUDGETARY RESOURCES

During the annual budget process, the Town of Farragut may resolve to allocate funds to implement Town-wide, residential-traffic-calming measures.

POLICY PROCEDURE IN SEQUENTIAL ORDER

1. Application Submission:

- a. Traffic complaints shall be initially reviewed through the appropriate Homeowner's Association (HOA) Board.
 - i. Upon hearing the complaint, the HOA Board, by majority vote, shall resolve to submit a formal **Traffic Calming Application (TCA)** to the Town Engineer (865.966.7057 for application). A copy of the meeting minutes signed by the HOA Secretary shall be submitted with the application to the Town.

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- b. If the subject complaint involves a residential street either not in a subdivision or one not governed by an active HOA, a group of residents (minimum of two households) in the area of concern may submit a TCA to the Town Engineer for consideration.
 - i. Area of Concern is determined by the complainant(s) with concurrence by the Town Engineer.

2. Application Review:

- a. Upon receipt of a TCA, the Town Engineer or their designee shall review the application for completeness of information.
- b. The specific traffic issue, identified in the completed application, shall be reviewed by the Town Engineer or their designee for eligibility for the Traffic Calming.
 - i. Valid, eligible, TCA's shall be logged into the Town Engineering Office's Traffic Calming Log and proceed to the next step according to:
 - 1. Severity of the traffic issue;
 - 2. Town budgetary resources; and
 - 3. Date of the TCA submission (applications are also considered in order of submission).
 - ii. Incomplete applications shall be returned to the originating HOA/group with instructions for completion. When completed, these applications may be resubmitted.
 - iii. Ineligible applications (major collectors, arterials, and local collectors with less than 50% residential frontage) as designated by the adopted Major Road Plan) shall be returned to the originating HOA/group with a letter from the Town Engineer describing the reason(s) for ineligibility and any alternate recommendations for improving/resolving the traffic issue.

3. TCA Data Collection/Staff Analysis:

- a. Eligible TCAs, when determined ready for action by the Town Engineer, will be analyzed by:
 - i. Physical inspection of the subject area;
 - ii. Uniform Traffic/Speed Studies in accordance with the Town Engineering Department standards.



- b. A formal written analysis of the affected area listed in the TCA will be completed by the Engineering Dept.
 - i. The analysis shall include:
 - 1. Other road and/or safety issues (as identified by the applicant) in the subject area;
 - 2. Traffic/Speed Study results;
 - 3. Determination for eligibility for Traffic Calming measures
 - ii. The written analysis shall be attached to the TCA, logged into the file, distributed to the originating HOA/individual with the Town Engineer or his/her designee's determination of eligibility.
- c. If the affected area is deemed eligible for traffic calming measures, the TCA will proceed to the next step. If the affected area is deemed ineligible for traffic calming measures (low speed/traffic count, no special or unusual road or safety issues), a letter will be sent to the HOA/individual outlining the reason(s) for ineligibility and any alternate recommendations for improving/resolving traffic issues.
 - i. Unless the characteristics of the development/area of concern have substantially changed, the application cannot be reconsidered for 2 years from the date of denial of the original application.

4. Traffic Team/Traffic Calming Evaluation:

- a. If the TCA is eligible for traffic calming measures, the Town Engineering Department will contact the HOA/Group in writing requesting that the HOA/Group designate representatives of their association/subject area to serve on the Traffic Team to further evaluate traffic calming measures.
 - i. The Traffic Team will consist of 2-5 members of the associated/affected area and member(s) of the Town Engineering Dept. The Traffic Team will be commissioned to carry out the remainder of the Traffic Calming recommendation process.
 - 1. Once the representatives are assigned, the HOA/individual will contact the Engineering Dept. to set up a kick-off Traffic Team meeting.
- b. The Traffic Team will be charged with:
 - i. Discussing, in-depth, the traffic issues associated with the areas of concern, reviewing the Staff Analysis/Traffic Study
 - ii. Evaluating constraints



- iii. Soliciting comments, as appropriate, from utility companies, Fire Dept., Police Dept.
- iv. Formulating a recommendation on a proposed solution
- c. The Traffic Team shall submit their recommendation to the Town Administrator, through the Town Engineer, for evaluation and determination.
 - i. The Town Engineer and Town Administrator shall evaluate the recommendation of the Traffic Team
 - 1. If the Town Engineer and Town Administrator concur with the recommendation of the Traffic Team, their signatures shall be affixed to the TCA which will then proceed to the next step.
 - 2. If the Town Engineer and Town Administrator do not concur with the Traffic Team recommendation, the TCA will be sent back to the Traffic Team for an alternate recommendation or denied and closed

5. Public Notification/Impact Area Determination

- a. The Traffic Team will present the TCA and their recommendation(s) to the HOA Board
 - i. The Traffic Team and HOA Board will determine the date, time, and location of a subsequent HOA meeting at which the TCA and recommendation will be presented to the residents governed by the Subject HOA along with the next steps
 - 1. This meeting will be posted by the HOA Board for the residents via the usual notification method at least two weeks prior to the meeting
 - 2. This meeting will be publicly posted by the Town (not less than two weeks prior) in a newspaper of general circulation
 - ii. If the initiating group is not represented by a HOA, the Traffic Team will contact all residents (by 1st class mail to the address listed on the county Tax Roll) in the affected area
 - iii. The letter to the residents shall indicate the subject matter, date, time, and location in which to discuss the TCA and recommendations of the Traffic Team
 - iv. This meeting will be publicly posted by the Town (not less than two weeks prior) in a newspaper of general circulation

6. Traffic Calming Recommendation/Area of Concern Vote:

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- a. The Traffic Team (through the Town Engineering Dept.) will send out voting cards to each resident within HOA/designated area of concern (non HOA applications)
 - i. A form letter with instructions and one (1) 1st class stamped Town Addressed voting card (typical card stock) will be sent by the Town to each address (as listed on the County Tax Roll)
 - ii. Voting cards will be sent by 1st class mail; all on the same day
 - iii. The notification list and date of notification will be logged into the TCA file

7. Vote Tabulation/Determination

- a. The voters will have thirty (30) calendar days to return the vote cards to the Traffic Team through the Town Engineering Dept. Cards received after the deadline will not be considered.
- b. The Traffic Team will tabulate the votes, log their findings into the TCA file, and report their findings to the Town Engineer
 - i. If at least 65% of the returned vote cards in favor of the Traffic Calming measures as proposed by the Traffic Team, then the TCA will proceed to the next step.
 - ii. If the required 65% affirmative vote is not met, the Traffic Calming measures as proposed by the Traffic Team will be considered ineligible for further consideration
 - 1. The TCA case will be closed
 - 2. Future TCA's will not be considered for the same traffic issue for at least two calendar years from the date of denial
- c. If the proposed TCA is affirmed by vote, the Traffic Team, in coordination with the Town Engineer will develop plans for engineering, design, and construction of the Traffic Calming Measures. This will include cost estimates and schedule for completion.
- d. Once the design plans and cost estimates are complete, the Traffic Team in coordination with the Town Engineer, will be scheduled to propose the TCA and Traffic Calming solution to the Farragut Municipal Planning Commission (FMPC)

8. FMPC Consideration/Recommendation

- a. The FMPC shall review the Traffic Team recommendation, TCA, Staff Analysis, and Public Comments at their regularly scheduled meeting
- b. The FMPC shall make a recommendation to the Board of Mayor and Aldermen for final determination



9. Board of Mayor and Aldermen Determination

- a. The board shall review the FMPC recommendation, TCA, Staff Analysis, Traffic Team findings, and Public Comments at their regularly scheduled meeting
- b. The Board shall make the final determination on the TCA and proposed solution. The Board shall either:
 - i. Approve the TCA and installation of Traffic Calming Measures as proposed
 - ii. Approve the TCA and installation of Traffic Calming Measures with conditions and/or modifications
 - iii. Remand the TCA and proposed Traffic Calming Measures back to the FMPC for further review and consideration
 - 1. The Traffic Team in coordination with the Town Engineer may return to step 7d to continue
 - iv. Deny the TCA
- c. The subject Board meeting minutes will be attached to the TCA and logged into the file

10. TCM Installation/Follow-up Study:

- a. Upon approval of the TCA by the Board of Mayor and Alderman, the Town Engineer or his/her designee shall coordinate the purchase/construction and installation of any Traffic Calming Measures in accordance with the approved design and adopted Town Purchasing guidelines
 - i. All expenditures shall be charged to the Traffic Management line item as designated by the Town Administrator in the Annual Town Budget
- b. Within six (6) months of completion of the installation of the Traffic Calming Measures, the Town Engineer or his/her designee shall conduct a follow up analysis of the subject area. The follow up analysis shall be documented and logged into the TCA file. Upon completion, a copy of the analysis shall be forwarded to the subject HOA Board or designated group. The follow up analysis shall include:
 - i. Physical inspection of the subject site
 - ii. Traffic Counts/Speed Study
 - iii. Public (affected residents) comment if solicited
 - iv. Overall opinion of the review engineer



- c. The Town Engineer shall review the analysis and make a final determination of the effectiveness of the Traffic Calming Measures with notification to the applicant and recommendation to the Board of Mayor and Alderman

11. Traffic Calming Measures Review/Modification/Removal:

- a. After two years from the date of installation, the HOA Board/group of residents within the original area of concern may request to have the traffic calming measures evaluated for effectiveness/feasibility. A report in accordance with 10b shall be generated and sent to the HOA Board/group of residents within the original area of concern
- b. Independent of the option in 11a; after two years the HOA Board/Group of residents within the original area of concern may submit a written request to have the traffic calming measures removed. The following actions must occur and be submitted together, to the Town, for consideration for removal:
 - i. Written request to the Town Engineer describing the issues and concerns with regard to the traffic calming measures
 - ii. HOA Board/Group of residents within the original area of concern shall conduct a vote of the HOA membership/residents within the original area of concern and prove at least 65% of the respondents voted to have the traffic calming measures removed. HOA meeting minutes indicating the vote, results of the vote, and resolution by the HOA Board requesting the removal of the traffic calming measures shall be submitted to the Town. All vote documentation from the Group of residents within the original area of concern shall be submitted to the Town.
 - iii. The Board of Mayor and Aldermen shall make the final determination on removal of the traffic calming measures

The Town of Farragut may remove the Traffic Calming Measures at any time should they be determined, by the Board of Mayor and Aldermen, to be ineffective or to not further promote the health, safety, and welfare of the citizens of the Town.



FARRAGUT BEER BOARD

August 27, 2020

6:50 PM

I. Approval of Minutes

A. July 23, 2020

II. Beer Permit Request

A. Approval of Class 1, On-Premise Beer Permit for Dos Agaves, 11639 Parkside Drive

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FARRAGUT BEER BOARD

July 23, 2020-Minutes

Alderman Pinchok, Chairman, called the beer board meeting to order at 6:50 PM. Members present were Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin.

Approval of Minutes

Motion was made to approve the minutes of March 12, 2020 as presented. Moved by Mayor Williams, seconded by Alderman Povlin; voting yes, Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Povlin, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; motion passed.

Beer Permit Request

Approval of Class 6, special occasion beer permit for Dog Daze IV

Motion was made to approve the Class 6 permit for Dog Daze IV. Moved by Alderman Povlin, seconded by Mayor Williams; voting yes, Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Povlin, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Class 6, special occasion beer permit for Taste of Farragut

Motion was made to approve the Class 6 permit for Taste of Farragut. Moved by, Alderman Povlin, seconded by Mayor Williams; voting yes, Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Povlin, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Class 5, Off-premise beer permit for Evolve Smoke Shop, 715 N. Campbell Station Road

Motion was made to approve the Class 5 permit for Evolve Smoke Shop. Moved by, Alderman Povlin, seconded by Alderman Meyer; voting yes, Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Povlin, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; motion passed.

Ron Pinchok, Chairman

Allison Myers, Town Recorder

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AGENDA NUMBER II.A.

MEETING DATE August 27, 2020

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Class 1, On-Premise Beer Permit for Dos Agaves, 11639 Parkside Drive

DISCUSSION:

The purpose of this agenda item is the approval of a Class 1, On-Premise Beer Permit for Dos Agaves, 11639 Parkside Drive.

The applications and information are in order.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

To approve a Class 1, On-Premise Beer Permit for Dos Agaves, 11639 Parkside Drive.

BOARD ACTION:

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

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

fd #250
8/4/2020
bn

APPLICATION FOR BEER PERMIT

STATE OF TENNESSEE

TOWN OF FARRAGUT

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

1. Reason for application: New Business ☒ New Ownership ☐ Name Change ☐ Other ☐
2. Type of permit requested: Off-Premise ☐ On-Premise ☒ On/Off-Premise ☐ Special Occasion ☐
3. Name of Applicant(s) (Owner(s) of Business) Carlos Cobian
Juvenal Ayala
Jose Juan Ayala
Maria Ramos Cobian
4. Type of applicant (check one):
Person ☐ Firm ☐ Corporation ☐ Joint-Stock Company ☒ Syndicate ☐ Other ☐
5. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business:
Carlos Cobian - 40% Maria Ramos Cobian - 20%
Juvenal Ayala - 20%
Jose Juan Ayala - 20%
6. Applicant's present home address: 11109 Hughlan Dr Knoxville, TN 37934
7. Date of Birth 12-4-1985 Home Telephone Number 934
Business Telephone Number 934 Social Security Number 934
8. Representative Email Address: cobian-carlos@hotmail.com
9. Under what name will the business operate? Pos Agaves
10. Business address 11639 Parkside Dr Knoxville, TN 37934
Business Telephone number 934
11. Specify the identity, email and physical address of the person to receive annual privilege tax notices and any other communication from the Town:
Carlos Cobian, owner, cobian-carlos@hotmail.com
11109 Hughlan Dr Knoxville, TN 37934
12. Information of any manager, other than the applicant:
Name: Carlos Cobian Birth Date: 12-4-1985
Address: 11109 Hughlan Dr Knoxville, TN 37934

Phone Number: 865-200-1383

13. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: Yes ☒ No. If yes, give particulars of each charge, court, and date convicted.

N/A

14. Have you or your organization ever had a Beer Permit revoked, suspended, or denied in the State of Tennessee? NO If so, specify, where, when, and why:

N/A

15. Name and address of property owner, if other than the business owner:

Hatcher Hill Properties HHB Parkside, LLC STE 101 3115. Weisgarber

16. What is the name and address of the Church (or other place of worship) nearest to your business?

Holy Cross Anglican Church 515 Herron Rd, Knoxville, TN (1 mile)

17. What is the name and address of the school nearest to your business?

Farragut Primary School 509 N Campbell Station Rd Knoxville, TN

18. Special Occasion Event Name: N/A

Location of the special occasion event: N/A

Event Date & Times: N/A

Representative name & phone number: N/A

Have you received a special event permit to hold the event in the Town of Farragut? N/A

19. Tennessee Sales Tax Number: Applied for -

I certify that I am knowledgeable of the laws prohibiting the sale of beer to minors and that this application contains true information to the best of my knowledge and belief.

I understand that this application is subject to the Tennessee Public Records Act and shall be open for inspection and reproduction by any citizen. Tennessee Code Annotated 10-7-503.

I understand that by submitting this application, a background investigation shall be conducted and any and any and all documents related to my request shall become public records.

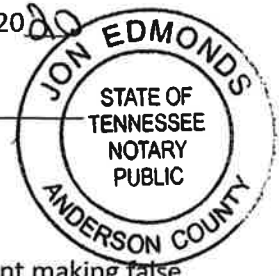
I understand that the applicant or representative must be present at the beer board meeting in which the permit will be discussed.

Carl S. Cobian Jr.
Signature of Applicant/Owner (or authorized Corporate Official)

Sworn to and subscribed before me this 4th day of August, 2020

[Signature]
Notary Public

My Commission Expires: Dec 29 2020



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

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

FOR OFFICE USE ONLY	
Application is hereby: Approved _____	Denied _____
On this date: _____, 20__	
_____ Beer Board Chairman	_____ Town Recorder

Board of Mayor and Aldermen August 13, 2020 Minutes

Mayor Williams called the meeting to order at 7:00 PM. Roll Call for attendance: Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; in addition to staff and members of the press. The meeting was held via WebEx Governor Lee's orders and the Knox County Health Department's orders regarding the COVID-19 pandemic.

Approval of Agenda

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

Approval of Minutes

Motion was made to approve the minutes of July 23, 2020 as presented. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Meyer, yes; Mayor Williams, yes; no nays; motion passed.

Mayor's Report

Alderman Meyer congratulated Alderman Burnette and Alderman Povlin on their re-election as Aldermen.

Ordinances

Public Hearing & Second Reading

Ordinance 20-08, an ordinance to define a drug treatment facility/clinic, medical, dental, or veterinary facility/clinic, and pain management facility/clinic and to provide for drug treatment and pain management facilities/clinics and associated development criteria in the Regional Commercial (C-2) District.

Motion was made to approve Ordinance 20-08 on second and final reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; motion passed.

First Reading

Ordinance 20-04, an ordinance on first reading to amend the Farragut Municipal Code, Chapter 109 – Signs, by replacing it in its entirety (Town of Farragut, Applicant)

Motion was made to approve Ordinance 20-04 on first reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Aldermen Burnette, yes; Alderman Meyer,

yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

Ordinance 20-11, Ordinance to Amend the Equipment Fund for the Fiscal Year 2020-2021 budget, passed by Ordinance 20-07

Motion was made to approve Ordinance 20-07 on first reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; no nays; motion passed.

Business Items

Approval of request for a variance from the number of access points permitted on a local street as provided for in the Driveways and Other Accessways Ordinance in relation to the property at 11740 Weathervane Drive (Jon-David and Allison Deeson, Applicant)

Motion was made to approve the variance request for 11740 Weathervane Drive. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Meyer, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Bid for one (1) 2019 Case Skid Steer Compact Loader TV450

Motion was made to approve the purchase of 2019 Case Skid Steer Compact Loader TV450 from Contractors Machinery in the amount of \$72,500. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Farragut Museum Committee Charter revisions

Motion was made to approve the proposed amendments to the Farragut Committee Charter and to appoint the following:

1-year appointment

- Carolyn Coker
- Dot LaMarche
- Ron Williams
- Joyce Moran
- Bill Rhodes, III

2-year appointment

- Annie Judkins
- Todd Klepper
- Barbara Murphy
- Steve Stow

Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

Resolution R-2020-07 authorizing the town to participate in the Public Entity Partners “Safety Partners” Matching Grant Program.

Motion was made to approve Resolution R-2020-07. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; no nays; motion passed.

Resolution R-2020-08, a resolution in opposition to the proposed rezoning in the Town of Farragut Urban Growth Boundary

Motion was made to approve Resolution R-2020-08. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Meyer, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Change Order #1 Contract 2020-05, Resurfacing of Streets

Motion was made to approve Change Order #1, additional work to make repairs to McFee Road near Bridgemoor Blvd. in the amount of \$99,810. Moved by Alderman Povlin, seconded by Alderman Burnette; voting yes, Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Change Order #2 Contract 2020-08, Campbell Station Inn, Phase III

Motion was made to approve Change Order #2 for \$12,705 and a 37-day extension. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Legacy Parks Foundation Charitable Assistance Agreement

Motion was made to approve the Legacy Parks Foundation Charitable Assistance Agreement. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Pinchok, yes; Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Meyer, yes; Mayor Williams, yes; no nays; motion passed.

Approval of Acceptance of Property at 623 Concord Road

Motion was made to approve the acceptance of property at 623 Concord Road. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Alderman Povlin, yes; Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Mayor Williams, yes; no nays; motion passed.

Town Administrator’s Report

David Smoak, Town Administrator, thanked Tom Hale for his work on the gift of property and announced that the Town would be purchasing Farragut mask for the teachers and students.

Citizens Forum

The following citizens submitted comments to be read into the record:

- Mike Mitchell, 716 Brixworth Blvd
- Andrew Lupini, 12805 Pecos Road

Meeting adjourned at 8:55 PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Mark Shipley, Community Development Director**SUBJECT:** Ordinance 20-04, an ordinance on second and final reading to amend the Farragut Municipal Code, Chapter 109 – Signs, by replacing it in its entirety (Town of Farragut, Applicant)

INTRODUCTION AND BACKGROUND: This was reviewed last month with the Board as a workshop item. At that time, staff provided an overview of the objectives related to updating the sign ordinance and the general process that has been followed. Staff reviewed the notable changes and explained the rationale behind the changes. It was noted that a steering committee was created to assist staff in the development of the updated provisions. This committee met eight times with the first draft produced in December 2019.

Since that time, staff conducted a workshop in February 2020 with the Planning Commission to go through each section of the draft ordinance and explain what changes were made and why. The ordinance was presented to the Planning Commission on May 21, 2020 with some minor changes and then to the Visual Resources Review Board (VRRB) on May 26, 2020. The VRRB recommended approval with a couple of clarifications that were subsequently addressed in Ordinance 20-04.

RECOMMENDATION: At their meeting on June 18, the Planning Commission unanimously recommended approval of Ordinance 20-04. Community Development Director, Mark Shipley, recommends approval of Ordinance 20-04 on second and final reading.

PROPOSED MOTION: To approve Ordinance 20-04 on second and final 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:	20-04
PREPARED BY:	Shipley
REQUESTED BY:	Town of Farragut
CERTIFIED BY FMPC:	June 18, 2020
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 109 – SIGNS, TO REPLACE THE EXISTING SIGN ORDINANCE WITH A NEW ORDINANCE

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 109 - Signs, of the Code of Ordinances of the Town of Farragut, to replace the existing Sign Ordinance with a new Sign Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that Chapter 109 – Signs, of the Code of Ordinances of the Town of Farragut, is hereby amended as follows:

SECTION 1.

The Code of Ordinances of the Town of Farragut, Chapter 109 – Signs, is amended by deleting it in its entirety and substituting in lieu thereof the following:

Chapter 109 – Signs.

Section 109-1. Authority.

This chapter shall be known as the "Sign Ordinance of the Town of Farragut, Tennessee." This chapter is adopted under the authority granted by T.C.A. § 6-2-201.

Section 109-2. Purpose, Intent, and General Scope.

(a) The purpose and intent of this chapter is the following:

- (1) Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the Town in order to promote the public health, safety and welfare.
 - (2) Maintain, enhance, and improve the aesthetic environment of the Town by preventing visual clutter.
 - (3) Improve the visual appearance of the Town while providing for effective means of communication, consistent with constitutional guarantees.
 - (4) Avoid signage that is a threat to safety due to its placement and other physical characteristics.
 - (5) Ensure the safe construction and maintenance of signs, and
 - (6) Support businesses in the Town by providing for fair and consistent sign allocations and enforcement of the sign regulations set forth herein.
- (b) This ordinance is not intended to regulate the message on any sign, any building design, any display not defined as a sign, or any sign which cannot be viewed from outside a building.

Section 109-3. Provisions declared to be minimum requirements.

The provisions of this chapter are considered to be minimum requirements. Wherever there is a discrepancy between the minimum standards noted in this chapter and those contained in any other lawfully adopted regulation or ordinance of the town, the strictest standard shall apply.

Section 109-4. Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 109-5. Substitution.

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

Section 109-6. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign, including its supporting structure, erected in conjunction with a particular use, for which the use has been discontinued for a period

of 90 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Architectural compatibility means visual harmony and consistency with regard to color, building/sign materials, style, mounting, and illumination.

Athletic field means a piece of land designed, approved, and dedicated for playing a game.

Banner sign means any sign of flexible lightweight material that allows movement caused by wind. A flag, as defined herein, shall not be considered a banner sign.

Changeable copy sign means any sign where letters or numbers displayed on the sign are designed to be changed frequently to display different messages.

Dilapidated sign means a sign that is in a bad, unsafe, or unsightly condition due to neglect or misuse.

Flag means a fabric sign of a non-commercial nature with a distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent freestanding flagpole or mounted with a pole attached to a building.

Freestanding sign means a sign that is either anchored in the ground or secured so that it is not subject to being moved by wind and that is independent of any building.

Freestanding building frontage sign means a non-illuminated sign of a solid material with copy that is meant to be readable only to a pedestrian and that is placed near the front of a building.

Gas pump signs means permanent signs, including Federally required safety information, adhered to a gas pump island and reviewed through a sign permit process.

Ground-mounted sign means a sign erected on a freestanding frame and not attached to any building. Such signs may be two-sided, provided that both sides cannot be seen simultaneously from any point. Such signs have a solid base with no exposed poles.

Interior accessory freestanding sign means a sign permitted interior to a development and not meant to be readable from a public street, public access easement, or adjacent property.

Interstate/interchange pole sign means a sign permitted near the interstate interchange as stipulated in this ordinance.

Legibility means how easy a sign is to read. This is based on the characteristics of letters, numbers, and characters that make it possible to differentiate one from another.

Manual on Uniform Traffic Control Devices (MUTCD) means the manual produced by the Federal Highway Administration that addresses three specific types

of signs: guide, warning, and directional. The manual includes minimum size, height, and placement standards to achieve readability and prevent traffic accidents.

Non-commercial means not naming, advertising, or calling attention to a business or commercial product, service, or activity.

Normal maintenance means replacing lights, painting, staining, repairing a damaged element of a sign, or replacing a sign face that has faded over time with exposure to the elements with an identical sign face. Normal maintenance shall not include any other modifications to a sign.

Peripheral accessory freestanding sign means a sign permitted near the entrance and exit points to a development.

Permanent ground mounted subdivision sign means a permanent sign permitted near the entrance to a subdivision.

Permanent parcel sign means a wall mounted sign permitted on a principal dwelling unit.

Portable sign means a sign not permanently attached to the ground or a building and is easily removable using ordinary hand tools.

Primary permanent ground mounted sign means the primary sign permitted for a single-use or multiple use non-residential development.

Primary permanent wall mounted sign means the primary wall sign for a development or tenant.

Prohibited sign means any sign not specifically permitted in this ordinance or that is not compliant with the applicable provisions of this ordinance.

Projecting sign means a sign, other than a wall mounted sign, which is affixed to and projects from a building, wall, or support structure such as a column, forming an angle between said building or wall and the face of the sign.

Public access easement means a recorded access easement that runs with the land and that provides direct two-way public access to at least two parcels.

Roof sign means any sign attached to a building which projects in part or in whole above the top edge of a building wall.

Sandwich board sign means a freestanding temporary sign, with no moving parts or lights, displayed outside a business during business hours. It is not intended as permanent business signage.

Sign means any letter, number, figure, symbol, trademark, graphic, logo, design, or device mounted or otherwise placed and intended to be visible from outside of a building, used to attract attention in order to advertise, identify, announce, notify, direct, or communicate. Sculptures, artwork, and architectural accents shall not generally be considered a sign unless they would otherwise be used as outlined in this definition.

Sign area means the entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Snipe sign means a sign affixed to trees, utility poles, light poles, fences, or other objects.

Temporary means related to an event or activity that has a limited amount of time.

Temporary freestanding subdivision entrance sign means a sign permitted on a temporary basis near the entrance to a subdivision.

Temporary parcel sign means a sign permitted on a parcel for a temporary event or activity.

Temporary freestanding subdivision sign means a sign permitted on a temporary basis for a subdivision.

Under-canopy sign means a sign that is hung perpendicular to a building under a canopy which projects over the public entrances into a building.

Visibility obstruction means a sign that by virtue of its placement has created a visibility obstruction harmful to the public safety.

Wall sign means a sign attached parallel to and projecting not more than 12 inches from the wall of a building and does not project in part or in whole above the top edge of a building wall.

Window sign means a sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of the door.

Section 109.7. Administration.

- (a) *Sign administrator to enforce chapter.* The Town administrator or his/her designee shall act as the sign administrator and shall enforce and carry out all provisions of this chapter. In the event there is a question concerning the general intent or meaning of any provision of this chapter, the sign administrator shall have the authority to make such administrative decisions and interpretations. Administrative interpretation shall in no way be construed as permitting or granting an exception to the provisions of this chapter. When the definition of a sign or an issue concerning architectural compatibility, illumination, or some unique physical characteristic of a sign are questioned by the sign administrator, the sign administrator may consult with the Visual Resources Review Board about such question.
- (b) *Application and permit process.* Unless otherwise provided by this chapter, permits are required for all types of signs. It shall be unlawful for any person, agency, firm, or corporation to erect, structurally repair (other than normal maintenance), replace, alter, relocate, change the panels of, change the

establishment being advertised on a sign, as defined in this chapter, without first obtaining a permit to do so from the Town.

- (1) *General application requirements and fees.* Applicants shall submit a completed sign application and the required fee to the Town prior to commencing any work on installation of a new or replacement sign. The required fee is per the schedule approved by the Town Board of Mayor and Aldermen. Per the approved fee schedule, an additional penalty fee shall be paid if work is commenced prior to receiving a permit from the Town. Government or government sponsored entities are waived from the fee requirement.
- (2) *Application required for each sign.* A separate application must be completed and submitted for each new or replacement sign.
- (3) *Wall mounted sign application reviews.* Wall sign applications shall be reviewed by the sign administrator for conformance with the requirements. The sign administrator shall approve or deny the application within 15 working days of submittal. When architectural compatibility, illumination, or some unique physical characteristic of a sign are questioned by the sign administrator, the sign administrator may consult with the Visual Resources Review Board about such matter.
- (4) *Wall mounted sign application submittal requirements.* All wall sign applications shall include the following:
 - a. A dimensioned schematic drawing of the building showing the proposed sign location.
 - b. A photograph of the businesses located on either side which demonstrates the color, material, and illumination of these adjacent signs.
 - c. The width of the building wall or lease space upon which the sign is to be mounted.
 - d. A dimensioned colored drawing (or simulated photograph) of the sign showing the copy on the sign face, and
 - e. An indication of how the sign is to be mounted and illuminated.
- (5) *Ground-mounted sign application reviews.* Ground-mounted sign applications shall be reviewed by the Visual Resources Review Board for conformance with the requirements of this chapter and any overlapping regulations, including the Architectural Design Standards, as amended, prior to the issuance of a sign permit.
- (6) *Ground-mounted sign submittal deadlines.* Ground-mounted sign applications shall be submitted in accordance with the deadlines established by the Town for the meeting at which the ground mounted sign is to be considered by the Visual Resources Review Board.

- (7) *Ground-mounted sign coordination with site and landscape plans.* As part of a site plan and landscape plan review process with the Planning Commission and Visual Resources Review Board, applicants for new developments or redevelopments shall take into account anticipated locations for ground mounted signs. These should be shown on both the site and landscape plans in order to help lessen conflicts with landscaping, utilities, and other site development components.
- (8) *Ground-mounted sign application submittal requirements.* All ground-mounted sign applications shall be accompanied by complete sets of plans which include the following:
- a. A dimensioned site plan of the parcel showing the proposed sign location in relation to property lines and platted easements.
 - b. A proposed landscaping plan for the area around the sign base.
 - c. A detail of the sign lighting, including lighting placement, type, and lumens.
 - d. A detail of the materials and colors used for the sign structure.
 - e. A dimensioned colored drawing of the sign showing the copy on the sign face, height and length of the sign face and sign structure, overall height of the sign, and size of the address numbers required at the top of the sign.
 - f. Information that may be requested by the sign administrator to help verify compliance with the Architectural Design Standards, and
 - g. An acknowledgment that an as-built survey may be required by the sign administrator to verify compliance with applicable provisions associated with ground-mounted signs.
- (9) *Expiration of sign permits.* A sign permit shall become null and void if installation of the sign has not been initiated within 180 days of issuance. If work authorized by such permit is suspended or abandoned for 180 days any time after the work has been initiated, the sign permit shall be void and a new permit shall be first obtained to resume work. After a permit expires, a partially completed sign structure must be removed within 30 days if no new permit is issued.
- (10) *Changes to an approved sign permit.* A new permit may be required, as determined by the sign administrator, where changes have been made to an approved sign that would alter the physical characteristics of the sign.
- (11) *Temporary parcel sign application reviews.* Temporary parcel signs provided for in Section 109-12 (c)(2) and 109-12 (d)(2) and that are restricted to a total of 40 calendar days per year shall be permitted through a Town of Farragut Temporary Sign Permit Application. The application shall cover a ten-day period and an applicant is permitted to apply for four applications per

calendar year. Each application shall be reviewed and approved by the sign administrator and shall include the following:

- a. Verification that the entity has a valid Certificate of Occupancy.
 - b. An indication of the dates when the sign will be installed and removed.
 - c. A dimensioned drawing showing the height and length of the sign face and the overall height of the sign.
 - d. A verification that the material used is a minimum of ten millimeters (.39 inches) in thickness and will be supported by metal t-posts.
 - e. A verification that the sign will be set back at least 20 feet from the back of the public street curb or edge of street where curbing is not provided.
 - f. An acknowledgment that banners, pennants, streamers, and similar flexible or wind activated signs shall not be used.
- (c) *Text amendment process.* Amendments to the text of this chapter shall first be reviewed by the Visual Resources Review Board and the Town Municipal Planning Commission with recommendations regarding the proposed change forwarded to the Town Board of Mayor and Aldermen.

Section 109-8. Enforcement.

- (a) *Sign enforcement process.* Noncompliance with this chapter shall be deemed a violation. When the sign administrator finds violations of the provisions of this chapter, the administrator shall document such findings and take the appropriate action to correct said violations. A citation to municipal court may be issued to the owner, agent, or employee for violations of this chapter.
- (b) *Separate offense.* Each day a violation continues shall be considered a separate offense. The owner or tenant of any building, sign, premises, or sign thereon, and any architect, builder, contractor, agent, or other person who commits, or participates in, assists in, or maintains any violation hereunder may be found responsible for a separate offense. Nothing herein contained shall prevent the town from taking such lawful action as is necessary to prevent or remedy any violation of this article.

Section 109-9. Appeals.

- (a) The Town Board of Zoning Appeals shall have the following responsibilities:
- (1) *Interpretations/General Appeals.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the sign administrator and/or the Visual Resources Review Board in the carrying out or enforcement of any provision of this chapter, and

- (2) *Variances.* To authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship. Variances shall not be granted to allow a larger sign or a sign which is otherwise not permitted in this chapter. Variances shall be granted only whereby special physical characteristics of the lot, parcel, or tract exist, that the strict application of the provisions of this chapter would deprive the applicant of an otherwise permitted sign.
- (b) Appeals procedure.
- (1) *Denial required.* After a written denial of a sign permit from the sign administrator, a party may make an application for an interpretation or a variance.
 - (2) *General application requirements and fees.* The application shall be submitted to the Town in accordance with the deadlines established by the Town for the meeting at which the application is to be considered by the Board of Zoning Appeals. The required fee associated with the application is per the schedule approved by the Town Board of Mayor and Aldermen. The Board of Zoning Appeals shall consider and decide all appeals within 30 days of first hearing the appeal, and
 - (3) *Minutes.* The minutes of the Board of Zoning Appeals shall fully set forth such circumstances or conditions warranting the granting of a variance.

Section 109-10. Legal nonconforming signs.

- (a) *Definition.* Existing signs which were legally in existence prior to the adoption of the ordinance from which this chapter is derived which do not conform to the specific provisions of this article are declared legal nonconforming signs.
- (b) *Continuance.* Any legal nonconforming sign may be continued in operation and maintenance after the effective date of the ordinance from which this chapter is derived, provided:
 - (1) The sign is not relocated or replaced.
 - (2) The structure or size of the sign is not altered in any way except toward compliance with this chapter.
 - (3) No new or additional signs are added to the premises, and
 - (4) Other than changing the text of changeable copy signs or normal maintenance, no other existing permanent signs are changed or replaced on the premises.
- (c) *Maintenance/damage/deterioration.* A legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent damage or deterioration, as based on a certified appraisal, it must be brought into conformance with this chapter or removed.

Section 109-11. General restrictions.

- (a) All signs erected, replaced, reconstructed, expanded, or relocated on any property within the Town shall conform with the provisions of this section.

(1) *Signs not requiring permits.* The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:

- a. Signs authorized in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), as amended.
- b. Signs placed by or on behalf of a governmental entity.
- c. Street or address identification numbers/letters as stipulated in the adopted building and/or fire code.
- d. Permanent parcel signs.
- e. Political or campaign signs, as provided for in TCA, Title 2, Chapter 7, Section 143. Tennessee Freedom of Speech Act.
- f. Temporary signs of any kind, unless a permitting process is specifically required in association with specific events, programs, or community objectives promoted by the Town of Farragut.
- g. Flags, and
- h. Window signs.

(2) *Prohibited signs.* The following types of signs are prohibited within the Town:

- a. Abandoned or dilapidated signs, which shall be removed by the property owner or responsible entity.
- b. Any sign placed on public property or right-of-way without the written consent of the public authority having jurisdiction over the property.
- c. Any sign which bears or contains statements, or words of an obscene, pornographic, or immoral character, as defined by the United States Supreme Court.
- d. Any signs with flashing, chasing, pulsating, twinkling, dancing, scintillating, and/or oscillating lights or any other rotating, revolving, or otherwise moving part or the appearance of moving parts or motion. This includes individuals holding signs not otherwise provided for in accordance with the United States Constitution.
- e. Off-premises signs, unless required by and in accordance with the MUTCD or placed by or authorized on behalf of or by a governmental entity.
- f. Off-premises outdoor advertising (billboards).
- g. Banners, feather flags, pennants, ribbons, festoons, buntings, streamers, spinners, balloons, or other types of lighter-than-air or wind-activated signs and attention getting devices.
- h. Advertisement displays hung internal in an automobile service bay where such display is visible from a street or a public access easement.

- i. Bollard covers, tire stack covers, and similar signs.
- j. Portable signs that do not comply with the location, size, or use restrictions of this chapter.
- k. Search lights.
- l. Signs attached to, suspended from, or painted on any vehicle or similar mobile structure which is regularly parked or situated on any street, parking lot, or private property when one of the purposes of so locating such vehicle or similar mobile structure is to display, demonstrate, advertise, or attract the attention of the public.
- m. Signs imitating or resembling official traffic or government signs or signals.
- n. Roof signs, or signs extending beyond the main roof line, provided that signs may be mounted on an architectural feature extending beyond the roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.
- o. Snipe signs, and
- p. All other signs not specifically permitted or that are not a lawful nonconforming sign.

(3) *Criteria in determining sign area.*

- a. Ground Mounted and Other Non-Wall Mounted Signs.
 - (1) The sign area for all ground mounted (and other non-wall mounted) signs shall include and encompass the entire sign face, framing, trim, and associated moldings. The area shall not include the supporting sign structure.
 - (2) For a sign with two parallel faces, only the area of a single face shall be considered. If the faces of a sign are not parallel, then the total sign area shall be the sum of the areas of the individual, non-parallel faces.
 - (3) Where a ground mounted sign is mounted on a larger ornamental wall structure, such as on a subdivision entrance wall feature, its area shall be measured in the same fashion as a wall mounted sign (see part b. below).
- b. Wall Mounted Signs.
 - (1) For cabinet type/style signs, the sign area shall include the external perimeter of the entire cabinet measured to include all sign elements, including any internal spaces where such sign includes cut-out areas.
 - (2) For signs that include channel letters and/or other individual elements (letters, logos, etc.) mounted on raceways or directly on a wall, the sign area shall be measured by drawing an imaginary single, regular geometric shape of a rectangle, circle, or equilateral triangle around and encompassing all sign elements. The text and other graphics (sign elements) do not have to be physically, visually, or topically related, or physically connected to be included in the measured area.

- (3) For window signs, the sign area shall be calculated separately for each window sign and, for each sign, shall include all background, framing, or other supporting material that forms the physical extent of the sign.
- (4) *Criteria in determining sign height for ground-mounted signs.* Unless provided for otherwise in this chapter, the sign height shall be measured by the vertical dimension from the ground level at the base of the sign, including the supporting structure, to the top most point of the sign and/or its associated framing/support, exclusive of the additional 18 inches permitted to accommodate address numbers. Unless otherwise specified in this chapter, if the ground level at the base of the sign is lower than the adjacent street grade, the height shall be computed from the adjacent street grade, excluding elevated bridges or interchanges.
- (5) *Criteria in determining setback for ground-mounted and pole signs.* The setback shall be measured from the farthest most protrusion of the sign to the nearest point of a property line. All signs shall be located outside of the visibility triangle. For the purposes of this article, the interstate highway right-of-way shall be considered a side or rear lot line.
- (6) *Construction specifications.* All signs shall be installed in compliance with all building and fire codes adopted by the Town. All electrical service to ground-mounted and pole signs shall be under ground. Any lighting of signs shall be installed to prevent any glare upon adjoining properties or rights-of-way.
- (7) *Sign maintenance and removal.*
- a. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The sign administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
 - b. When any sign is removed, all structural components shall be removed with the sign and such removal shall be in compliance with all building and fire codes adopted by the Town. All structural components of ground-mounted and pole signs shall be removed to ground level. The structural components of all other signs, including painted wall signs, shall be removed back to the original building configuration. All visual remains of the sign shall be removed.

Section 109-12. Sign regulations by land use and/or zoning districts.

All signs shall comply with the following regulations. Any sign that is not specifically permitted shall be prohibited.

- (a) *Signs permitted in all zoning districts.* The following signs are permitted in all zoning districts subject to compliance with all applicable provisions of this chapter or other applicable Town regulations, standards, or requirements:
- (1) Flags.
 - (2) Signs authorized in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), as amended.
 - (3) Political or campaign signs, as provided for in TCA, Title 2, Chapter 7, Section 143. Tennessee Freedom of Speech Act.
 - (4) Signs placed by or on behalf of a governmental entity.
 - (5) Street or address identification numbers/letters as stipulated in the adopted building and/or fire code.
 - (6) Temporary parcel sign, and
 - (7) Temporary signs specifically authorized by the Town to promote specific events, programs, or community objectives.
- (b) *Signs permitted on land for residential uses.* The following signs are permitted on land used for residential purposes. Recreational facilities developed as part of a residential development shall also follow these regulations:
- (1) *Permanent ground mounted subdivision sign.* Once a preliminary plat or a site plan has been approved in relation to a subdivision, a permanent ground mounted subdivision sign shall be permitted as follows:
 - a. *Sign area.* A subdivision is permitted a total of 40 square feet per single-family or multi-family development entrance, with either one ground-mounted sign not to exceed 40 square feet or two ground mounted signs not to exceed 20 square feet each.
 - b. *Sign placement.* Such signs and the structures/walls on which they are affixed shall be out of any platted drainage or utility easements and shall be set back a minimum of ten feet from any front property line(s) and five feet from any side or rear property line. Such signs and the structures/walls on which they are affixed shall be located on either a platted open space lot or within a platted sign easement. Any signs or structures proposed within the public right of way as part of a streetscape plan submittal, shall be recommended for approval by the Planning Commission and Visual Resources Review Board before being presented to the Board of Mayor and Aldermen for approval.
 - c. *Sign height.* Permanent freestanding subdivision signs, excluding the supporting structure, shall not exceed six feet in height.
 - d. *Sign illumination.* If such sign or its supporting structures are to be illuminated, external illumination shall be used and such illumination shall be directed only onto the sign face. Each individual light fixture shall not exceed 850 lumens per fixture and shall be shielded so that no glare is created, and

- e. *Sign landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base.
- (2) *Temporary freestanding subdivision entrance sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per public street entrance into a new subdivision development, provided the following criteria are met:
- a. The sign shall not exceed 32 square feet.
 - b. The sign shall not exceed ten feet in overall height.
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb.
 - d. The sign shall not be erected until a preliminary plat or site plan has been approved, and
 - e. The sign shall be removed within 15 days of the installation of the permanent freestanding subdivision sign.
- (3) *Temporary freestanding subdivision sign.* One hard surface (minimum of one inch in thickness) non-illuminated temporary sign is permitted per new subdivision development provided the following criteria are met:
- a. The sign shall not exceed 32 square feet.
 - b. The sign shall not exceed ten feet in overall height.
 - c. The sign shall be set back a minimum of 20 feet from the back of street curb.
 - d. The sign shall not be erected until a preliminary plat or site plan has been approved, and
 - e. The sign shall be removed when at least 75% of the units/lots within the development, as based on the approved preliminary plat, have received Certificates of Occupancy.
- (4) *Permanent parcel sign.* Each individual house lot shall be permitted one non-illuminated permanent wall mounted sign not to exceed two square feet.
- (5) *Temporary parcel sign.* Each individual house lot shall be permitted one temporary parcel sign not to exceed six square feet in area and six feet in overall height. This may include a sign where the owner consents and the property is being offered for sale or lease. A temporary parcel sign shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.

- (6) *Flag.* Each single-family house lot with an occupied dwelling unit shall be permitted one freestanding flagpole not to exceed 25 feet in height with up to two flags not to exceed 15 square feet each being permitted on such pole. The flagpole shall meet the setbacks that apply to the principal building (the dwelling unit).

In lieu of a freestanding flagpole, one house mounted flagpole shall be permitted provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

- (7) *Subdivision exit sign.* One non-illuminated ground-mounted sign not to exceed six square feet in size and four feet in height shall be permitted per single-family or multi-family development entrance. Such sign shall be placed at the rear of the permanent subdivision sign so that it is only visible to vehicles exiting the development.

Where a single-family or multi-family development does not have a permanent subdivision sign at its egress point or because of the setback or angle of the permanent subdivision sign is such that the message area would not be readable; one non-illuminated single-faced freestanding homeowner association notification sign shall be permitted per egress point. Such freestanding sign shall be set back a minimum of five feet from all property lines and shall be located on property which is part of the subdivision and which is zoned the same as the subdivision.

Where such sign is proposed on property which is not owned by the homeowners' association, an appropriate easement shall be recorded as a condition for approval of the sign. Such signs shall be landscaped per this chapter and the sign face shall be oriented so that it is only visible to vehicles exiting the development. The back of the sign face shall be constructed of material which is non-reflective and the sign shall be generally compatible with other entrance features in the immediate area.

- (c) *Signs permitted for developments being used for single-use non-residential purposes, including freestanding churches and schools, are as follows:*

- (1) *Primary permanent ground mounted sign.* Unless provided for otherwise in this chapter, one primary permanent ground mounted sign shall be permitted provided the following criteria are met:
- a. *Sign area and setback determination.* The sign area is based on its setback from the front property line. The minimum setback from a front property line is ten feet with the maximum permitted sign face area being 20 square feet. For each additional foot that the sign is set back from the ten-foot

minimum, the sign face area may be increased by two square feet with the maximum sign face area being 40 square feet at a 20-foot setback. Sign structures shall also be outside of any platted easements and at least ten feet from any side or rear property line.

- b. *Corner lot.* If a property accesses two different public streets, a primary permanent ground mounted sign shall be permitted for each street provided the signs are at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Each sign shall face, in a perpendicular manner, the nearest public street from which the access is provided.
- c. *Signs on same frontage.* If a property fronts the same public street for at least 400 feet, a second primary permanent ground-mounted sign shall be permitted along such frontage provided the structure of such sign is at least 350 feet from the structure of the other sign permitted along the same frontage.
- d. *Height Determination.* Permitted sign height is based on the setback from the front property line. Unless otherwise provided for in Section 109-11. (4), where the sign is set back the minimum of ten feet from the front property line, the maximum permitted height shall be six feet. Beyond this point, two inches of increased allowable sign height shall be permitted for each additional one foot of setback from the front property line up to a maximum of 7.66 feet (92 inches) in overall height (exclusive of addressing) at a 20-foot setback from the front property line.
- e. *Addressing.* An additional 18 inches of overall sign height is permitted to enclose or otherwise provide for address numbers. Address numbers shall be at the top of the sign and shall be eight inches in number height. Where a property abuts two public streets and has a sign facing each street, the address numbers shall be required on the sign that is perpendicular to the street with the assigned address.
- f. *Landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base. Ground-mounted sign placement and site landscaping shall be coordinated to the greatest extent possible as part of the site plan and landscape plan review processes. Landscaping proposed around a ground mounted sign shall also be specifically evaluated in terms of ensuring that the copy on a sign face is not obstructed.
- g. *Illumination.* If external illumination is used, such illumination shall be directed only onto the sign face and shall be shielded so that no glare is created. Each individual light fixture shall not exceed 850 lumens per fixture, and
- h. *Sign base and architectural compatibility.* Each new primary permanent ground mounted sign, regardless of permitted height and sign face area,

shall have a minimum two-foot above grade base below the sign face. The sign base shall be solid with no exposed poles. The base and other elements of the support structure of the sign shall be constructed of material that is compatible with the primary exterior material(s) used on the principal building(s).

(2) *Temporary parcel sign.* Unless provided for otherwise in this chapter, one temporary parcel sign shall be permitted for the development provided the following criteria are met:

- a. Such sign does not exceed 20 square feet in area and six feet in overall height and is placed at least 20 feet from the back of the public street curb or edge of street where curbing is not provided. Temporary parcel signs shall be a minimum of ten millimeters (.39 inches) in thickness and supported by metal t-posts. Banners, pennants, streamers, and similar flexible or wind activated signs shall not be permitted.
- b. A temporary parcel sign shall be permitted for no more than 40 calendar days per year with such time tracked through a temporary sign permitting process. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary parcel sign shall be permitted on the parcel. Such additional sign shall not be subject to the 40-day limitation but shall be subject to all other physical requirements associated with temporary parcel signs and shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.

(3) *Primary permanent wall mounted sign.* Unless provided for otherwise in this chapter, each principle building shall be permitted one wall mounted sign which may be installed on any single building elevation subject to the following criteria:

- a. *Sign area.* The sign area, unless provided for otherwise in this chapter, shall be based on the width of the building wall (same horizontal plane) on which the sign is to be mounted with one square foot of sign area being permitted for each one linear foot of building width, as measured from exterior wall edge to exterior wall edge. Such signs shall not exceed 350 square feet, unless provided for otherwise in this chapter.
- b. *Corner lot.* Where a principle building directly faces more than one public street or public access easement that provides access to the property, one wall mounted sign shall be permitted for up to two frontages. One of the

- permitted signs shall be limited to .75 square feet of sign area for each one (1) linear foot of building wall on which the sign is to be mounted.
- c. *Buildings exceeding 300 linear feet of wall length.* If a building has more than 300 linear feet of wall length, there shall be a maximum of one sign per principal building entrance. Such signs shall be located within the entrance vicinity. One additional sign may be located anywhere on the building wall. All such signs shall be spaced a minimum of 50 feet apart. Each sign shall be calculated separately with the total sign area of all signs combined not exceeding a ratio of one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted. No individual sign shall exceed 350 square feet. Such signage shall be limited to one wall.
 - d. *Developments with no paved surfaces in front yard.* If a building has no paved surfaces located in the front yard between the building and the street, one wall mounted sign shall be permitted on the side of the building which fronts upon a public street(s) and one wall mounted sign shall be permitted on the side of the building which faces upon a customer parking area. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted. In the case of a corner lot, the owner is permitted a total of two wall mounted signs. The owner may choose between placing the sign on any two of the three qualifying elevations. One of the two permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.
 - e. *Developments abutting the Interstate.* Within the C-2, Regional Commercial District, one wall mounted sign shall be permitted on the building elevation that faces the interstate, provided such elevation is at least 100 linear feet in length. Such building elevation is permitted one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted not to exceed 350 square feet, and
 - f. *Compatibility.* All wall signs shall be architecturally compatible with the principal building and shall be consistent in terms of sign material, general color, mounting style, and illumination with the other signs on the same building.
- (4) *Interior accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one interior accessory freestanding sign shall be permitted provided the following criteria are met:
- a. Such sign shall not exceed six square feet in sign area and four feet in overall height.

- b. Such sign shall be at least 60 feet from any property line.
- c. Such sign shall be at least five feet from any parking lot or accessway curb.
- d. Such sign shall not create a visibility obstruction, and
- e. Such sign shall have a base constructed of material that is compatible with the primary exterior material used on the principal building(s).

(5) *Peripheral accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one peripheral accessory freestanding sign shall be permitted provided the following criteria are met:

- a. Such sign shall not exceed two square feet in sign area and 30 inches in overall height.
- b. Such sign shall have a base that is architecturally compatible with the building it is associated with, and
- c. Such sign shall be at least 15 feet from the back of the public street/access easement curb and at least five feet from any parking lot or accessway curb.

(6) *Window sign.* On each first-floor building elevation, window signage shall be permitted provided the following criteria are met:

- a. Window signage shall not exceed 25% of the total window area of a building elevation or 20 square feet (as measured by the cumulative total of all window signs on the same building elevation), whichever is less, and
- b. Up to six square feet of window signage may be internally illuminated but shall not have any moving, blinking, or flashing message.

(7) *Freestanding building frontage sign.* Along one building elevation, one non-illuminated freestanding building frontage sign shall be permitted, provided the following criteria are met:

- a. Such sign shall be placed within 10 feet of the building.
- b. Such sign shall not obstruct pedestrian facilities.
- c. Such sign shall not interfere with or cause the removal of landscaping.
- d. Such sign shall not exceed six square feet in sign area and four feet in overall height.
- e. Such sign shall only be readable by pedestrians at the building frontage of the development.
- f. Such sign shall be removed during non-business hours, and
- g. Such sign shall be of a solid (non-flexible) material, such as a sandwich board sign. Banners, pennants, streamers and similar flexible or wind activated signs shall not be permitted.

(8) *Interstate/interchange pole sign.* Establishments located within the C-2 Regional Commercial District shall be permitted one internally illuminated interchange pole sign, subject to the following criteria:

- a. The existing lot of record (at the time of this ordinance adoption) for the establishment shall be located within 200 feet of the right of way of the Campbell Station Road/I40 Interchange.
- b. Such sign shall not exceed 400 square feet.
- c. Such sign shall be set back a minimum of 20 feet from the front property line and ten feet from the side and rear property lines.
- d. Such sign shall have a maximum of two sides provided both sides cannot be seen simultaneously from any point, and
- e. The maximum height for such sign relative to mean sea level shall be 1,030 feet or 60 feet above the centerline elevation of the interstate road at the point nearest the sign, whichever is less. A certified survey which verifies the sign height shall be submitted to the sign administrator within ten days after the sign is installed.

(9) *Athletic fields.* Athletic field signage on non-government property shall not be visible from public rights of ways and adjacent properties.

(10) *Flag.* Two flags shall be permitted on one freestanding flagpole per 400 feet of property frontage on a public street. Such flags shall not individually exceed 25 square feet in size and 25 feet in mounted height. Flag poles shall meet the setback requirements for principal buildings in the corresponding zoning district.

In lieu of a freestanding flagpole, one building mounted flagpole shall be permitted on the principal building provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

(d) *Signs permitted on land for multiple use buildings or multiple building complexes for commercial purposes, offices, or government facilities.* The following signs are permitted on land used for multiple use buildings (including schools and churches with multiple buildings) used for commercial purposes, offices, or government facilities or land used for multiple building complexes used for commercial purposes, offices, or government facilities:

(1) *Primary permanent ground mounted sign.* Unless provided for otherwise in this chapter, one primary permanent ground mounted sign is permitted provided the following criteria are met:

- a. *Sign area and setback determination.* The sign area is based on its setback from the front property line. Signs with only one entity represented on the sign face shall be subject to the provisions for primary permanent ground mounted signs that govern freestanding establishments in Section 109-12 (c)(1).
- i. Where a building has more than one tenant and more than one entity represented on the sign face, the minimum setback from a front property line is ten feet with the maximum permitted sign face area being 20 square feet. Beyond this minimum, for each additional one foot the sign is set back from the ten foot minimum setback, the sign face area may be increased by four square feet up to a maximum permitted sign face area of 60 square feet at the 20 foot setback from the front property line.
 - ii. Where a development fronts the same public street for at least 400 feet, the above provided 60 square foot sign may be substituted with two smaller signs along this 400 feet of street frontage. Each smaller sign shall not exceed 40 square feet and shall be at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Such signs shall be set back a minimum of 15 feet from the front property line. This sign option shall be permitted for each 60 square foot sign that would otherwise qualify for the property based on its public street frontage.
 - iii. In addition to the setback from the front property line, all primary permanent ground-mounted signs and the structures on which they are mounted shall be placed outside of any platted easements and set back at least ten feet from any side or rear property line.
 - iv. An applicant may use the allocated sign face area to distribute tenant listings in any manner desired, provided the sign administrator and the Visual Resources Review Board approve the arrangement in terms of its legibility, compatibility, and general appearance. As a general guide, the outer dimension of an individual tenant panel should be at least eight inches in height to provide for the space necessary to improve legibility.
- b. *Corner lot.* If a property accesses two different public streets, a primary permanent ground mounted sign shall be permitted for each street provided the signs are at least 150 feet apart, as measured from a straight line connecting the closest points of each sign structure. Each sign shall face, in a perpendicular manner, the nearest public street from which the access is provided.

- c. *Signs on same frontage.* If a property fronts the same public street for at least 400 feet, a second primary permanent ground-mounted sign shall be permitted along such frontage, provided the structure of such sign is at least 350 feet from the structure of the other sign permitted along the same frontage.
 - i. Should a development qualify, as provided for in Subsection a. ii., above, for two smaller primary permanent ground-mounted signs in lieu of one larger 60 square foot primary permanent ground-mounted sign, each 400 feet of public street frontage may have two smaller signs, provided these smaller signs are at least 150 feet apart. Should an owner with the qualifying frontage mix a 60 square foot sign with two smaller 40 square foot signs, the sign nearest the 60 square foot sign shall be at least 350 feet from such sign.
- d. *Height Determination.* Permitted sign height is based on the setback from the front property line. Unless otherwise provided for in Section 109-11. (4), where the sign is set back the minimum of ten feet from the front property line, the maximum permitted height shall be six feet. Beyond this point, a sign with more than one tenant shall be permitted two inches of increased allowable sign height for each additional one foot of setback from the front property line up to a maximum of 7.66 feet (92 inches) in overall height (exclusive of addressing) at a 20-foot setback from the front property line.
- e. *Addressing.* An additional 18 inches of overall sign height is permitted to enclose or otherwise provide for address numbers. Address numbers shall be at the top of the sign and shall be eight inches in number height. Where a property abuts two public streets and has a sign facing each street, the address numbers shall be required on the sign that is perpendicular to the street with the assigned address.
- f. *Landscaping.* Each sign shall be landscaped with at least six shrubs that are a minimum of 12 inches in height and/or an evenly distributed area of seasonal or perennial flowers with such area being not less than 50 square feet. All qualifying landscaping shall be within seven feet of the sign base. The placement of landscaping should be evaluated as part of the sign permit review process to ensure that selected landscaping will not block the sign message.
- g. *Illumination.* If external illumination is used, such illumination shall be directed only onto the sign face and shall be shielded so that no glare is created. Each individual light fixture shall not exceed 850 lumens per fixture.
- h. *Sign base and architectural compatibility.* Each new primary permanent ground mounted sign, regardless of permitted height and sign face area, shall have a minimum two-foot above grade base below the sign face. The sign base shall be solid with no exposed poles. The base and other elements

of the support structure of the sign shall be constructed of material that is compatible with the primary exterior material(s) used on the principal building(s), and

- i. *Legibility.* All written and numerical information included on a multiple tenant permanent ground mounted sign shall be legible for a person driving the posted speed limit on the corresponding street. Individual letters or figures used within a logo or emblem are not required to be legible. However, the logo or emblem, as a whole, must be legible. The background color shall be consistent on all tenant panels so that the sign in its entirety has a general cohesion and no single tenant panel appears out of place.

(2) *Temporary parcel sign.* Unless provided for otherwise in this chapter, each tenant is permitted one temporary parcel sign provided the following criteria are met:

- a. Such sign does not exceed 20 square feet in area and six feet in overall height and is placed at least 20 feet from the back of the public street curb or edge of street where curbing is not provided. Temporary parcel signs shall be a minimum of ten millimeters (.39 inches) in thickness and supported by metal t-posts. Banners, pennants, streamers, and similar flexible or wind activated signs shall not be permitted.
- b. A temporary parcel sign shall be permitted for no more than 40 calendar days per year with such time tracked through a temporary sign permitting process. During any period when a parcel is offered for sale or property within the parcel is offered for lease, one additional temporary parcel sign shall be permitted for the entire development (not each tenant). Window signage may be used for individual tenant spaces for lease. Such additional sign shall not be subject to the 40-day limitation but shall be subject to all other physical requirements associated with temporary parcel signs and shall be removed within two days of the termination of the event/activity for which the sign was used. Where the termination of an event/activity is questioned by the sign administrator, the burden shall be on the sign holder to verify that the event/activity has not terminated.

(3) *Primary permanent wall mounted sign.* Unless provided for otherwise in this chapter, each separate use within a building which has its own separate and exclusive exterior public entrance to the building shall be permitted one wall mounted sign provided the following criteria are met:

- a. *Sign area.* The sign area shall be based on the width of the tenant space on the exterior building wall (same horizontal plane) on which the sign is to be mounted with one square foot of sign area being permitted for each one linear foot of tenant space width as measured from the centers of the

exterior wall where the tenant separations occur. If a tenant is on the end of the building, the recognized tenant space would terminate at the end of the building. Such signs shall not exceed 350 square feet, unless provided for otherwise in this chapter. Such wall mounted sign shall be limited to the side of a building which fronts upon a public street/public access easement, faces upon a customer parking area, faces upon a pedestrian mall, or is the point of the principal public access into the establishment.

- b. *Corner lot.* Where a tenant directly faces more than one public street or public access easement that provides access to the property, one wall mounted sign shall be permitted for up to two frontages. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.
- c. *Tenant space exceeding 300 linear feet.* If an individual tenant has more than 300 linear feet of building wall of lease space, there shall be a maximum of one sign per principal building entrance. Such signs shall be located within the entrance vicinity. One additional sign may be located anywhere on the building wall. All such signs shall be spaced a minimum of 50 feet apart. Each sign shall be calculated separately with the total sign area of all signs combined not exceeding a ratio of one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted. No individual sign shall exceed 350 square feet. Such signage shall be limited to one wall.
- d. *Development with no paved surfaces in front yard.* If a building has no paved surfaces located in the front yard between the building and the street, an individual tenant space which is located in the building and fronts upon a public street and faces upon a customer parking area shall be permitted one wall mounted sign on the side of the building which fronts upon a public street(s) and one wall mounted sign on the side of the building which faces upon a customer parking area. One of the permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.

In the case of a corner lot, the owner is permitted a total of two wall mounted signs. The owner may choose between placing the sign on any two of the three qualifying elevations. One of the two permitted signs shall be limited to .75 square feet of sign area for each one linear foot of building wall on which the sign is to be mounted.

- e. *Shared entrance building.* With the exception of the O-1-3 and O-1-5 Zoning Districts, a building with multiple uses that all share the public exterior entrances into the building shall be allowed to distribute wall mounted signage from an overall square footage determined by applying one square foot of sign area for each linear foot of building wall on which the sign(s) is(are) to be mounted. Such signs may be calculated separately

provided the cumulative total square footage of all signs does not exceed the overall square footage permitted. Such signs shall be limited to the side of the building which fronts a public street or faces upon a customer parking area and shall be compatible in terms of sign material, general color, mounting style, and illumination;

- f. *Pedestrian mall.* In the case where a building has a pedestrian mall, the property owner may opt for a different wall signage alternative. When a wall has a pedestrian mall access, each separate use which faces upon such wall shall be permitted one wall sign not to exceed 25 square feet. In addition, each separate use which faces upon the pedestrian mall shall be permitted one wall sign not to exceed 25 square feet with the total signage for mall uses not to exceed 100 square feet. In no case shall a use have more than one sign. Such signs shall be placed on the wall that has the pedestrian mall access and which fronts upon a public street or faces upon a customer parking area. The maximum sign area allowed on such wall shall be one square foot per linear foot of building wall length;
- g. *Development abutting the interstate.* Within the C-2, Regional Commercial District, one wall mounted sign shall be permitted on the building elevation that faces the interstate, provided the individual tenant space has at least 100 linear feet of building wall abutting the interstate. Such building elevation is permitted one square foot of sign area for each one linear foot of building wall on which the sign is to be mounted not to exceed 350 square feet; and
- h. *Compatibility.* Wall mounted signage within a multiple tenant development shall be compatible in terms of sign material, general color, mounting style, and illumination. Where a center has an existing mixture of different types of signs, the property owner shall submit to the sign administrator and the VRRB a plan for ensuring compatibility as individual tenant signs transition. The objective is that over time the center will have wall mounted signs that are compatible with each other.

(4) *Interior accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one interior accessory freestanding sign shall be permitted, provided the following criteria are met:

- a. Such sign shall not exceed 12 square feet in sign area and six feet in overall height.
- b. Such sign shall be at least 60 feet from any property line.
- c. Such sign shall be at least five feet from any parking lot or accessway curb.
- d. Such sign shall not create a visibility obstruction, and

- e. Such sign shall have a base constructed of material that is compatible with the primary exterior material used on the principal building(s).
- (5) *Peripheral accessory freestanding sign.* For each public street or public access easement that provides direct access to the property, one peripheral accessory freestanding sign shall be permitted provided the following criteria are met:
- a. Such sign shall not exceed two square feet in sign area and 30 inches in overall height.
 - b. Such sign shall have a base that is architecturally compatible with the building it is associated with, and
 - c. Such sign shall be at least 15 feet from the back of the public street/access easement curb and at least five feet from any parking lot or accessway curb.
- (6) *Window sign.* On each first-floor building elevation, window signage shall be permitted provided the following criteria are met:
- a. Window signage shall not exceed 25% of the total window area of an individual tenant or 20 square feet (as measured by the cumulative total of all window signs on the same lease space elevation), whichever is less, and
 - b. Up to six square feet of window signage may be internally illuminated but shall not have any moving, blinking, or flashing message.
- (7) *Freestanding building frontage sign – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, each tenant within a multiple tenant development shall be permitted one non-illuminated freestanding building frontage pedestrian-oriented sign, provided the following criteria are met:
- a. Such sign shall be placed within ten feet of the building.
 - b. Such sign shall not obstruct pedestrian facilities and shall only be permitted where the sidewalk along a frontage is at least eight feet in width.
 - c. Such sign shall not interfere with or cause the removal of landscaping.
 - d. Such sign shall not exceed six square feet in sign area and four feet in overall height.
 - e. Such sign shall only be readable by pedestrians at the multiple tenant development.
 - f. Such sign shall be removed during non-business hours, and

g. Such sign shall be of a solid (non-flexible) material, such as a sandwich board sign. Banners, pennants, streamers and similar flexible or wind activated signs shall not be permitted.

(8) *Projecting sign – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, an individual tenant may be permitted one non-illuminated projecting sign near the principal entrance not to exceed four square feet in size. Such sign shall comply with adopted building code clearance requirements and shall be hung perpendicular to the building.

(9) *Under canopy sign.* When the roof of a building is extended as a canopy over the public entrances in the building, one non-illuminated sign per principal entrance shall be permitted. Such signs shall not exceed four square feet in size, shall comply with adopted building code clearance requirements, and shall be hung perpendicular to the building.

(10) *Athletic fields.* Athletic field signage on non-government property shall not be visible from public rights of ways and adjacent properties.

(11) *Flag.* Two flags shall be permitted on one freestanding flagpole per 400 feet of property frontage on a public street. Such flags shall not individually exceed 25 square feet in size and 25 feet in mounted height. Flag poles shall meet the setback requirements for principal buildings in the corresponding zoning district.

In lieu of a freestanding flagpole, one building mounted flagpole shall be permitted on the principal building provided the pole does not exceed six feet in length and the flag does not exceed 15 square feet.

(e) *Wall signs in the Office District, Three Stories (O-1-3) and Office District, Five Stories (O-1-5); shared entrance building.*

(1) A building with multiple uses that all share the public exterior entrances into the building and that has more than 225 feet of building wall facing a public street shall be permitted four wall signs. Each sign shall be roughly proportional in size and general appearance. Such signs may be calculated separately provided the cumulative total square footage of all four signs shall not exceed one square foot of sign area for each linear foot of building wall which faces a public street. The cumulative square footage of all four wall signs shall not exceed 350 square feet. Such wall signs shall be limited to two on the side of a building which fronts upon a public street and shall be a minimum of 50 feet apart. Building elevations that do not face a public street shall be limited to one wall sign per elevation and shall be centered on said elevation, and

- (2) All such wall signs shall be architecturally compatible with the principal structure and shall be consistent in terms of style, color, and illumination with the other signs in the complex. All wall signage shall be limited to two colors on all building elevations.
- (f) *Signs permitted on land for banks and other lending institutions.* In addition to the applicable regulations above, the following additional signs are permitted on land used for banks and other lending institutions:
- (1) *Automatic teller machines.* One sign which shall not exceed two square feet in sign area, and which is posted at the machine. One sign, which shall not exceed two square feet in sign area, and which is posted above the drive-thru lane on the overhead canopy, and
 - (2) *Drive-thru teller lanes.* One sign which shall not exceed two square feet in sign area, and which is posted at the service window. One sign which shall not exceed two square feet in sign area per drive-thru lane, and which is posted above the lane on the overhead canopy.
- (g) *Signs permitted on land for theaters.* In addition to the applicable regulations above, the following additional signs are permitted on land used for theaters:
- (1) *Marquee sign.* A marquee sign shall be limited to the side of the theater building with the principal public entrance. Such sign shall not exceed one square foot of sign area for each linear foot of building wall on which the sign is to be mounted, not to exceed 350 square feet, and
 - (2) *Poster case signs.* One poster case sign is permitted per movie screen or stage, which shall each not exceed 16 square feet in sign area, including frames. Illumination shall be in such a manner as to light the poster for readability only. Poster case signs shall be used in lieu of any temporary window signs. Such signs shall be mounted on the building wall with the principal public entrance.
- (h) *Signs permitted on land for other businesses with drive-thru windows.* In addition to the applicable regulations above, the following additional signs are permitted on land used for other businesses with drive-thru windows:
- (1) *Wall signs.* One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted at the ordering point. One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted at the pick-up point, and
 - (2) *Canopy signs.* One sign per drive-thru lane which shall not exceed two square feet in sign area, and which shall be posted above the lane on the overhead canopy.
- (i) *Signs permitted on land for restaurants with drive-thru windows.* In addition to the applicable regulations above, the following additional signs are permitted on land used for restaurants with drive-thru windows:

Menu board signs (outside of the Mixed-Use Town Center land use area):

- (1) *Generally*. One sign per drive-thru lane which shall not exceed 30 square feet in sign area and six feet in overall height, and
 - (2) *Order box signs*. One sign per drive-thru lane which shall not exceed one square foot in sign area and 30 inches in overall height.
- (j) *Signs permitted for gasoline stations/convenience stores*. For the purposes of this chapter, gasoline service stations/convenience stores shall be considered single-use non-residential and such sign regulations shall apply. If such establishments also have a restaurant with a drive-thru window, such drive-thru window sign regulations shall apply. In addition to these signs, the following additional signs are permitted:
- (1) *Canopy signs*. Two signs which shall each not exceed nine square feet in sign area, and which shall be posted on two different sides of the canopy over the gas pumps.
 - (2) *Gas pump signs*. Any number of signs calculated separately, and which shall not exceed a cumulative sign area of eight square feet per side of each gas pump island. Only one sign permit shall be required for all the gas pump islands on the site.
 - (3) *Car wash signs*. In addition to the wall signs permitted elsewhere in this chapter, one additional wall sign shall be permitted on the wall of the vehicle entrance at a car wash. Such wall sign shall be permitted one square foot of sign area for each linear foot of building wall on which the sign is to be mounted, and
 - (4) *Car wash order box signs*. One sign per car wash entrance which shall not exceed one square foot in sign area and 30 inches in overall height.
- (k) *Signs permitted on land for large medical campuses on tracts of land ten acres or larger*. For the purposes of this chapter, large medical campuses shall be considered multiple use/multiple building complexes. In addition to the applicable regulations provided for in association with multiple use/multiple building complexes, the following additional signs are permitted on land used for large medical campuses located on tracts of land larger than ten acres:
- (1) *Parking lot directory signs*. Parking lot directory signs shall be located at key decision-making locations within the parking lot in relation to building entrances. The physical layout of the campus shall determine the total number of signs needed. Such signs are not intended to be legible from adjacent streets and shall meet the following criteria:
 - a. Such signs shall be set back a minimum of 35 feet from side and rear property lines, 60 feet from front property lines, and five feet from the edge of driveway pavement.

- b. The entire sign structure shall not exceed 30 square feet, the sign area of such signs shall not exceed 12 square feet, and the sign shall not exceed six feet in overall height.
- c. At a single key decision making location within the parking lot, if one parking lot directory sign is not large enough to accommodate the essential directional information, two such signs may be placed side by side.
- d. The letters and numbers on the signs shall not exceed five inches in height with each tenant/occupant listing to be limited to the same color, size, and shape, and
- e. Such signs shall be architecturally compatible with the principal building.

(2) *Wall signs.*

With the exception of individual medical offices, each separate principal medical use within a building shall be allowed one wall sign. Such wall signs shall be limited to the side of a building which fronts upon a public street or faces upon a customer parking area. The permitted sign area shall be as provided for in this chapter.

Due to its unique safety related characteristics, an emergency room shall be allowed one wall sign for each building wall approach to the emergency room portion of the building. The permitted sign area shall be as provided for in this chapter.

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 _____, 2020, with approval recommended.

Rita Holladay, Chairman

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Second and Final Reading of Ordinance 20-11, Ordinance to Amend the Equipment Fund for the Fiscal Year 2020-2021 budget, passed by Ordinance 20-07

INTRODUCTION:

The purpose of this agenda item is to approve Ordinance 20-11 on second reading to amend the Fiscal Year 2021 Equipment Fund Budget.

DISCUSSION:

The **Equipment Fund** will be amended by increasing the appropriated expenditures from \$208,240 to \$223,000, an increase of \$14,760.

- **Major Equipment**
 - **\$14,760-** The increase in the expenditures is due to the unforeseen purchase of a new truck. During the annual budget review, the replacement of a 2005 Ford F150 truck was moved out to FY2022. The pickup truck recently sustained catastrophic motor failure and the repair costs are more than the current value of the vehicle. The Town approved the replacement purchase of a new vehicle through the State of TN contracting process.

FINANCIAL SECTION:

With the \$14,760 adjustment, the amended fund balance for the Equipment Fund is \$876,593.

Account Number: Equipment Fund Budget		
<u>Original FY2020 Budget</u>	<u>Requested Amendment</u>	<u>FY2020 Amended Budget</u>
\$208,240	\$14,760	\$223,000
Approved By: <u>A. Myers</u>		

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

PROPOSED MOTION: Motion to approve Ordinance 20-11 on second and final reading.

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	_____	_____	_____	_____	_____

ORDINANCE	20-11
PREPARED BY	Myers
1 ST READING	August 13, 2020
2 nd READING	August 27, 2020
PUBLISHED IN	Shopper News Farragut
DATE	

**AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE
AMENDING THE FISCAL YEAR 2020-2020 BUDGET, PASSED BY ORDINANCE 19-22**

WHEREAS, the Town of Farragut adopted the fiscal year 2019-20 budget by passage of Ordinance Number 19-22 on June 13, 2019; 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 Capital Investment Program and ADA Capital Projects 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 2019-2020 BUDGET AS FOLLOWS:

SECTION 1. Ordinance 19-22 is hereby amended by:

- The **Capital Investment Program** will be amended by decreasing the appropriated expenditures from \$21,410,000 to \$21,375,000, a decrease of \$35,000. Transferring \$650,000 from the Smith Road Sidewalk project to the Campbell Station Inn Phase III project.
- The **ADA Capital Projects** will be amended by increasing the appropriated expenditures from \$150,000 to \$185,000 an increase of \$35,000.

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.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Trevor Hobbs, Assistant to the Town Administrator

SUBJECT: Ordinance 20-09, An ordinance to amend Farragut Municipal Code Chapter 4, Alcoholic Beverages, Article 3, Beer to amend the Class 4 Tavern Permit, and to create the Class 7 Brewpub Permit.

INTRODUCTION: The purpose this ordinance is to define Micro-brewery, Brewpub, amend the Tavern Permit to increase the square footage limit, specify a minimum twenty percent food sales requirement, and to create the Class 7 Brewpub permit.

BACKGROUND: Two applicants have applied for text amendments. One applicant has applied to amend the Tavern Permit to increase the square footage. Another applicant has applied to allow for micro-brewing in the context of a Brewpub. Staff workshopped these items with the Board of Mayor and Aldermen in June and then with the Planning Commission in June and July. Staff took Resolution R-20-16 to the Planning Commission at their August 20th meeting, which recommends approval of Ordinance 20-16. If approved, Ordinance 20-16 would define micro-brewery and brewpub, and make a Brewpub a new use in all commercial districts of the Town.

DISCUSSION:

The ordinance makes amendments to the Class 4 Tavern Permit and creates a Class 7 Brewpub Permit.

I. Tavern Permit

The proposed ordinance makes two changes to the Tavern Permit. First, the square footage limit for taverns is increased from 3,500 square feet to 4,500 square feet. Second, it specifies that food sales account for at least twenty (20) percent of gross sales at Taverns.

II. Brewpub

To match the permitted use of Brewpub in the Zoning Ordinance, it is proposed that a new Class 7, Brewpub permit be created with the following requirements:

- a. Be housed in building space and/or tenant space that does not exceed 6,500 gross square feet.
- b. Shall not produce more than 2,500 barrels of beer or malt beverage per year.
- c. Shall not distribute at wholesale more than twenty-five percent of its annual production, in barrels.

- d. Food and non-alcoholic beverage sales shall account for a minimum of twenty percent of gross annual sales from all on-premise sales. For reporting and compliance purposes, sales of alcoholic beverages for off-premise consumption and/or wholesale distribution shall not be included in the gross annual sales total.
- e. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within 340 feet of any school or church. The distances shall be measured in a straight line from the nearest point on the building from which the beer will be manufactured, stored or sold to the nearest point on the building of the school or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school or church if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period.

A Brewpub permit would be issued to an eating establishment which serves food and beverages to seated patrons, which also serves and sells alcoholic beverages produced at a micro-brewery located on-site. There would be a limit of three brewpubs located within the Town.

RECOMMENDATION BY: Staff

PROPOSED MOTION: Approval of Ordinance 20-09

BOARD ACTION:

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

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

ORDINANCE:	20-09
PREPARED BY:	Hobbs
REQUESTED BY:	BOMA
1ST READING:	August 27, 2020
2ND READING:	
PUBLISHED IN:	
DATE:	

AN ORDINANCE TO AMEND FARRAGUT MUNICIPAL CODE CHAPTER 4, ALCOHOLIC BEVERAGS, ARTICLE 3 BEER, TO AMEND THE CLASS 4 TAVERN PERMIT AND TO CREATE THE CLASS 7, BREWPUB PERMIT.

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 4, Article 3, of the Farragut Municipal Code,

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

SECTION 1.

The Farragut Municipal Code, Chapter 4; Alcoholic Beverages, Article 3; Beer, Division 1; Generally, Sec. 4-163; Definitions is amended to insert the following:

Microbrewery: An establishment licensed by the State of Tennessee for the small-scale manufacture, blending, fermentation, processing, packaging, and distribution of beer or malt beverages, for on-site consumption, sale, and limited wholesale distribution, where all on-site consumption shall be associated with a permitted Brewpub meeting all regulatory requirements of the Town of Farragut and the State of Tennessee, in conformance with the Town's Beer Ordinance and related permits.

Brewpub: An establishment licensed by The State of Tennessee, and meeting all regulatory and permitting requirements of The Town of Farragut, for the manufacture, blending, fermentation, processing, packaging, and distribution of beer or malt beverages, operating in conjunction with an eating establishment involving the preparation and serving of food to seated patrons in addition to on-premise consumption of beer or malt beverages, including beer produced at the micro-brewery on the same premises.

SECTION 2.

The Farragut Municipal Code, Chapter 4; Alcoholic Beverages, Article 3; Beer, Division 3; Permit, Sec. 4-149; Permit for engaging in beer business, is amended to insert item (g) as follows:

g. Class 7 Brewpub permit, where beer is manufactured at a micro-brewery located on-site within and sold and distributed through a Brewpub.

SECTION 3.

The Farragut Municipal Code, Chapter 4; Alcoholic Beverages, Article 3; Beer, Division 3; Permit, Sec. 4-150; Classes of consumption permits, by inserting sup-part 7 as follows:

7. Class 7 Brewpub Permit. A Brewpub permit shall be issued to an eating establishment which serves food and beverages to seated patrons, which also serves and sells alcoholic beverages produced at a micro-brewery located on-site. There shall not be more than a total of three brewpubs located within the corporate limits of the town.

To qualify for a class 7 brewpub permit, an establishment must, in addition to meeting the other regulations and restrictions in this article:

- a. Be housed in building space and/or tenant space that does not exceed 6,500 gross square feet.
- b. Shall not produce more than 2,500 barrels of beer or malt beverage per year.
- c. Shall not distribute at wholesale more than twenty-five percent of its annual production, in barrels.
- d. Food and non-alcoholic beverage sales shall account for a minimum of twenty percent of gross annual sales from all on-premise sales. For reporting and compliance purposes, sales of alcoholic beverages for off-premise consumption and/or wholesale distribution shall not be included in the gross annual sales total.
- e. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within 340 feet of any school or church. The distances shall be measured in a straight line from the nearest point on the building from which the beer will be manufactured, stored or sold to the nearest point on the building of the school or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school or church if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period.

SECTION 4.

The Farragut Municipal Code, Chapter 4; Alcoholic Beverages, Article 3; Beer, Division 3; Permit, Sec. 4-150; Classes of consumption permits, subpart 4(a) is amended to read as follows:

4(a). Be housed in a building and/or tenant space that does not exceed 4,500 gross square feet.

SECTION 5.

The Farragut Municipal Code, Chapter 4; Alcoholic Beverages, Article 3; Beer, Division 3; Permit, Sec. 4-150; Classes of consumption permits, subpart 4(e) is amended to read as follows:

4(e). Food and non-alcoholic beverage sales shall account for a minimum of twenty percent of gross annual sales from all on-premise sales. For reporting and compliance purposes, sales of alcoholic beverages for off-premise consumption shall not be included in the gross annual sales total.

SECTION 6.

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

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Trevor Hobbs, Assistant to the Town Administrator

SUBJECT: Ordinance 20-16, An ordinance to amend the Town of Farragut Zoning Ordinance to permit for Brewpubs in commercial zoning districts.

INTRODUCTION: The purpose of this ordinance is to amend the Town's zoning ordinance to define micro-brewery, brewpub, and to make a Brewpub a permitted use in all commercial districts of the town and specify related development requirements.

BACKGROUND: The Admiral's Corner, a new restaurant under construction, has applied for text amendments in order to allow for small-scale brewing in the context of a Brewpub. Staff workshopped these topics with the Board of Mayor and Aldermen in June and then discussed the concepts of Microbrewing and the use of a Brewpub with the Planning Commission at their June and July meetings, and again with the Board of Mayor and Aldermen at their August 13th workshop. Based on their feedback, staff took Resolution R-20-11 to the Planning Commission for recommendation at their August 20th meeting, which would recommend approval of Ordinance 20-16.

DISCUSSION:

Combined with the requirements for food sales, and limits on production and distribution proposed in the Class 7 Brewpub Permit, it is intended that a Brewpub would be the only permitted instance of beer manufacturing and distribution.

Ordinance 20-16 would do the following:

1. Define Micro-brewery and Brewpub as follows:

Microbrewery: An establishment licensed by the State of Tennessee for the small-scale manufacture, blending, fermentation, processing, packaging, and distribution of beer or malt beverages, for on-site consumption, sale, and limited wholesale distribution, where all on-site consumption shall be associated with a permitted Brewpub meeting all regulatory requirements of the Town of Farragut and the State of Tennessee, in conformance with the Town's Beer Ordinance and related permits.

Brewpub: An establishment licensed by The State of Tennessee, and meeting all regulatory and permitting requirements of The Town of Farragut, for the manufacture, blending, fermentation, processing, packaging, and distribution of beer or malt beverages, operating in conjunction with an eating establishment involving the preparation and serving of food to

seated patrons in addition to on-premise consumption of beer or malt beverages, including beer produced at the micro-brewery on the same premises.

2. Permit the Brewpub use in the following commercial districts:

- C-1, General Commercial District
- C-1 Mixed Use Town Center overlay district
- C-2, Neighborhood Convenience Commercial
- OD-RE/E, Outlet Drive Regional Entertainment and Employment Districts.

3. Establish the following development criteria:

1. All manufacturing, processing, packaging, and distribution equipment shall be maintained within completely enclosed structures. All related storage shall also be contained completely within enclosed structures.
2. Loading areas in a newly constructed facility shall be screened with opaque materials and shall not be visible from adjacent rights-of-way or residential districts. Such screening shall be architecturally compatible with the building.
3. For adaptive reuse of existing buildings, newly constructed loading areas should be located to minimize impacts on surrounding rights-of-way and residential areas and screened to the extent feasible. Existing loading areas should be screened to the extent feasible from view from rights-of-way or any adjacent residential district.
4. The use is conditioned upon obtaining necessary permits from the Town of Farragut Beer Board.

RECOMMENDATION BY: Staff

PROPOSED MOTION: Approval of Ordinance 20-16

BOARD ACTION:

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

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

ORDINANCE: 20-16
PREPARED BY: Hobbs/Hose/Shiple
REQUESTED BY: Staff
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 DEFINE MICRO-BREWERY AND BREWPUB, AND AMENDING CHAPTER 3., SPECIFIC DISTRICT REGULATIONS, SECTIONS XII – GENERAL COMMERCIAL DISTRICT (C-1), INCLUDING THE MIX USE TOWN CENTER AREA, XIII – NEIGHBORHOOD/CONVENIENCE COMMERCIAL DISTRICT (NCC), XV. – REGIONAL COMMERCIAL DISTRICT (C-2), AND XXIV – OUTLET DRIVE REGIONAL ENTERTAINMENT AND EMPLOYMENT DISTRICT (OD-RE/E) TO ADD, BREWPUB AS A PERMITTED USE.

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 2, Definitions, and 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 Municipal Code, Appendix A, Zoning, Chapter 2, Definitions, is amended by adding the following definitions:

Microbrewery: An establishment licensed by the State of Tennessee for the small-scale manufacture, blending, fermentation, processing, packaging, and distribution of beer or malt beverages, for on-site consumption, sale, and limited wholesale distribution, where all on-site consumption shall be associated with a permitted Brewpub meeting all regulatory requirements of the Town of Farragut and the State of Tennessee, in conformance with the Town’s Beer Ordinance and related permits.

Brewpub: An establishment licensed by The State of Tennessee, and meeting all regulatory and permitting requirements of The Town of Farragut, for the manufacture, blending, fermentation, processing, packaging, and distribution of beer or malt beverages, operating in conjunction with an eating establishment involving the preparation and serving of food to seated patrons in addition to on-premise consumption of beer or malt beverages, including beer produced at the micro-brewery on the same premises.

SECTION 2.

The Farragut Municipal Code, Appendix A, Zoning; Chapter 3, Specific Zoning Regulations; Section XII, General Commercial District (C-1); Subpart B, Permitted Principal and Accessory Uses and Structures, is amended by adding item 17 as follows:

17. Brewpub, provided the following development criteria are met:

1. All manufacturing, processing, packaging, and distribution equipment shall be maintained within completely enclosed structures. All related storage shall also be contained completely within enclosed structures.
2. Loading areas in a newly constructed facility shall be screened with opaque materials and shall not be visible from adjacent rights-of-way or residential districts. Such screening shall be architecturally compatible with the building.
3. For adaptive reuse of existing buildings, newly constructed loading areas should be located to minimize impacts on surrounding rights-of-way and residential areas and screened to the extent feasible. Existing loading areas should be screened to the extent feasible from view from rights-of-way or any adjacent residential district.
4. The use is conditioned upon obtaining necessary permits from the Town of Farragut Beer Board.

SECTION 3.

The Farragut Municipal Code, Appendix A, Zoning; Chapter 3, Specific Zoning Regulations; Section XII, General Commercial District (C-1); Subpart F, Mixed Use Town Center, Subpart 2. Permitted Principal and Accessory Uses and Structures, is amended by adding item u. as follows:

u. Brewpub, provided the following development criteria are met:

1. All manufacturing, processing, packaging, and distribution equipment shall be maintained within completely enclosed structures. All related storage shall also be contained completely within enclosed structures.
2. Loading areas in a newly constructed facility shall be screened with opaque materials and shall not be visible from adjacent rights-of-way or residential districts. Such screening shall be architecturally compatible with the building.
3. For adaptive reuse of existing buildings, newly constructed loading areas should be located to minimize impacts on surrounding rights-of-way and residential areas and screened to the extent feasible. Existing loading areas should be screened to the extent feasible from view from rights-of-way or any adjacent residential district.

4. The use is conditioned upon obtaining necessary permits from the Town of Farragut Beer Board.

SECTION 4.

The Farragut Municipal Code, Appendix A, Zoning; Chapter 3, Specific Zoning Regulations; Section XIII, Neighborhood/Convenience Commercial District (NCC); Subpart B, Permitted Principal and Accessory Uses and Structures, is amended by adding item 17 as follows:

17. Brewpub, provided the following development criteria are met:
 1. All manufacturing, processing, packaging, and distribution equipment shall be maintained within completely enclosed structures. All related storage shall also be contained completely within enclosed structures.
 2. Loading areas in a newly constructed facility shall be screened with opaque materials and shall not be visible from adjacent rights-of-way or residential districts. Such screening shall be architecturally compatible with the building.
 3. For adaptive reuse of existing buildings, newly constructed loading areas should be located to minimize impacts on surrounding rights-of-way and residential areas and screened to the extent feasible. Existing loading areas should be screened to the extent feasible from view from rights-of-way or any adjacent residential district.
 4. The use is conditioned upon obtaining necessary permits from the Town of Farragut Beer Board.

SECTION 5.

The Farragut Municipal Code, Appendix A, Zoning; Chapter 3, Specific Zoning Regulations; Section XV, Regional Commercial District (C-2); Subpart B, Permitted Principal and Accessory Uses and Structures, is amended by adding item 15 as follows:

15. Brewpub, provided the following development criteria are met:
 1. All manufacturing, processing, packaging, and distribution equipment shall be maintained within completely enclosed structures. All related storage shall also be contained completely within enclosed structures.
 2. Loading areas in a newly constructed facility shall be screened with opaque materials and shall not be visible from adjacent rights-of-way or residential districts. Such screening shall be architecturally compatible with the building.
 3. For adaptive reuse of existing buildings, newly constructed loading areas should be located to minimize impacts on surrounding rights-of-way and residential areas and screened to the extent feasible. Existing loading areas should be screened to

the extent feasible from view from rights-of-way or any adjacent residential district.

4. The use is conditioned upon obtaining necessary permits from the Town of Farragut Beer Board.

SECTION 6.

The Farragut Municipal Code, Appendix A, Zoning; Chapter 3, Specific Zoning Regulations; Section XXIV, Outlet Drive Regional Entertainment and Employment District (OD-RE/E); Subpart B, Permitted Principal and Accessory Uses and Structures, is amended by adding item 11 as follows:

11. Brewpub, provided the following development criteria are met:

1. All manufacturing, processing, packaging, and distribution equipment shall be maintained within completely enclosed structures. All related storage shall also be contained completely within enclosed structures.
2. Loading areas in a newly constructed facility shall be screened with opaque materials and shall not be visible from adjacent rights-of-way or residential districts. Such screening shall be architecturally compatible with the building.
3. For adaptive reuse of existing buildings, newly constructed loading areas should be located to minimize impacts on surrounding rights-of-way and residential areas and screened to the extent feasible. Existing loading areas should be screened to the extent feasible from view from rights-of-way or any adjacent residential district.
4. The use is conditioned upon obtaining necessary permits from the Town of Farragut Beer Board.

SECTION 7.

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 _____, 2020, with approval recommended.

Rita Holladay, Chairman

Scott Russ, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Resolution R-2020-09, Declaring Certain Town Property to be Surplus Property

DISCUSSION:

The following items are all in working order and have a value greater than \$100. Therefore the items meet the criteria to be surplus items. The Town will be advertising the items on Govdeals.com, an online government surplus auction site.

- 2005 Ford F 150 with a plow.
- 2009 Ford F 250 with a plow.
- 2006 Case Skid Steer Loader
- 2015 John Deere 997 Zero Turn Mower

This resolution approval will allow for the removal of the items from the fixed asset list and advertise the sale of the items on the GovDeals website.

RECOMMENDATION BY:

Allison Myers, Town Recorder

PROPOSED MOTION:

To approve Resolution R-2020-09 , a resolution declaring certain town property to be surplus property.

BOARD ACTION:

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

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



TOWN OF FARRAGUT

RESOLUTION R-2020-09

A Resolution Declaring Certain Town Property to be Surplus Property.

WHEREAS, it has been determined that the Town has no further use of certain item(s); and

WHEREAS, the Board of Mayor and Aldermen may determine that these items are surplus property; and

WHEREAS, the value, if any, is determined for the surplus property and its disposal will be for the common benefit; and

WHEREAS, at time of sale of surplus item(s), moneys, if any, will be allocated back to the appropriate department;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE, does hereby surplus the following items(s):

- 2005 Ford F 150 with a plow.
- 2009 Ford F 250 with a plow.
- 2006 Case Skid Steer Loader
- 2015 John Deere 997 Zero Turn Mower

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 27th day of August 2020.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Resolution R-2020-10, Participation with Sourcewell Cooperative Purchasing

INTRODUCTION: The purpose of this agenda item is to confirm the participation in Sourcewell, a nation-wide governmental purchasing alliance.

BACKGROUND: Sourcewell, formerly know as National Joint Powers Alliance, is a public entity whose creation was authorized by Minnesota Statute 123A.21 and is authorized to engage in cooperative purchasing pursuant to Minnesota Statute 123A.21 Subsection 7(23).

Tennessee municipalities may participate in the program under the provisions of the Interlocal Cooperation Act, *Tennessee Code Annotated (T.C.A.) 12-9-101 et seq.*

DISCUSSION: All the contracts are established through a comprehensive process of purchasing solicitations. Attached is a copy of Sourcewell's Procurement policy.

The town has participated in this program for several years and this resolution confirms that partnership because of the company's name change from National Joint Powers Alliance to Sourcewell.

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer

PROPOSED MOTION: Approve Resolution R-2020-10, Participation with Sourcewell Cooperative Purchasing

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	_____	_____	_____	_____	_____



RESOLUTION R-2020-10

Participation with Sourcewell Cooperative Purchasing

WHEREAS, the town desires reduced costs of procuring necessary equipment, supplies, and services; and,

WHEREAS, Sourcewell (formerly National Joint Powers Alliance) has been formed and supported by the State of Minnesota and other public member agencies and public interest groups to obtain the best prices on equipment, supplies, and services for its participating members; and

WHEREAS, the Town of Farragut shares Sourcewell's desire to improve the efficiency, effectiveness, and economy of the procurement of necessary equipment, supplies, and services; and,

WHEREAS, the Tennessee Interlocal Cooperation Act (Tenn. Code Ann. §§ 12-9-101 to 109) authorizes local governments to jointly exercise purchasing powers with any jurisdiction in any state which also authorizes such interlocal agreements; and,

WHEREAS, Sourcewell has existing contracts with national vendors which will facilitate the Town of Farragut's ability to take advantage of the competitive prices available through said contracts; and,

WHEREAS, the State of Tennessee Comptroller has recognized Sourcewell as a public agency created under the laws of Minnesota; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE, hereby authorize the participation with Sourcewell.

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 27th day of August 2020.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Approval of Purchase from CDW-Government for the Purchase of Ten (10) Laptop Computers

DISCUSSION: Since mid-March, the Town has had several staff members that had to be quarantined due to COVID-19 concerns. Due to lack of mobile devices, staff were only able to work from home if they personally owned adequate technology to do so. Additionally, the need to conduct town business via virtual meetings has increased the need for portable devices that can be used away from a fixed location. As a result of these circumstances, staff has concluded that additional computers are needed in order to comply with health and safety requirements, and to maintain operations in the event a large number of town personnel are required to work remotely. In response to this increased need for mobile technology, Joe LaCroix, IT Manager, has evaluated the needs per department. The request is to purchase ten (10) laptop computers for utilization during remote meetings and working remotely.

The attached quote is from CDW-G, via Sourcewell Cooperative Purchasing Contract #081419-CDW, in the amount of \$19,245.60.

FINANCIAL SECTION: This is not a budgeted item but will be reimbursed through the Tennessee CARES Act. Through the Coronavirus Relief Fund (CRF), the CARES Act provides payments to state, local and tribal governments navigating the impact of the COVID-19 outbreak.

RECOMMENDATION BY:

PROPOSED MOTION:

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	_____	_____	_____	_____	_____

QUOTE CONFIRMATION



DEAR JOE LACROIX,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LPGF659	8/14/2020	DELL 7390 X10	10434668	\$19,245.60

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
Dell XPS 13 7390 - 13.3" - Core i7 10710U - 16 GB RAM - 512 GB SSD Mfg. Part#: 2J9CM Contract: Sourcewell 081419-CDW Tech Catalog (081419#CDW)	10	5821870	\$1,691.57	\$16,915.70
Dell Dock WD19 - docking station - HDMI, 2 x DP, USB-C Mfg. Part#: DELL DOCK - WD19 130W UNSPSC: 43211602 Contract: Sourcewell 081419-CDW Tech Catalog (081419#CDW)	10	5644789	\$205.01	\$2,050.10
C2G 6ft 8K DisplayPort Cable - 4K to 8K DisplayPort Cable - M/M Mfg. Part#: 54401 UNSPSC: 26121604 Contract: Sourcewell 081419-CDW Tech Catalog (081419#CDW)	20	3367208	\$13.99	\$279.80

PURCHASER BILLING INFO	SUBTOTAL	\$19,245.60
Billing Address: TOWN OF FARRAGUT ACCOUNTS PAYABLE 11408 MUNICIPAL CENTER DR FARRAGUT, TN 37934-2830 Phone: (865) 966-7057 Payment Terms: VISA	SHIPPING	\$0.00
	SALES TAX	\$0.00
	GRAND TOTAL	\$19,245.60
DELIVER TO	Please remit payments to: CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	
Shipping Address: TOWN OF FARRAGUT JOE LACROIX 11408 MUNICIPAL CENTER DR FARRAGUT, TN 37934-2830 Phone: (865) 966-7057 Shipping Method: UPS Ground (2- 3 Day)		

Need Assistance? CDW•G SALES CONTACT INFORMATION



Adam Bruno

(877) 325-6613

adabrun@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>
For more information, contact a CDW account manager

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AGENDA NUMBER VI.D. MEETING DATE August 27, 2020

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Approval of Purchase from TN Mask Supply

DISCUSSION: Due to the Knox County School requirement that all teachers and students wear face coverings during in-person educational settings, the Town of Farragut is planning to buy “Farragut” logo mask for all students and teachers at the Farragut schools. The purpose of this purchase is to provide re-usable face mask that will assist students and teachers comply with the county’s face mask requirement. The cost of the mask order will be \$11,650, the order details are below. Due to the total cost of the mask order, the Board of Mayor and Aldermen must approve the purchase.

- 4500 masks (3000 adults and 1500 youth)
- Each mask costs \$2.50 so total mask cost is \$11,250
- Plus \$400 in shipping cost

FINANCIAL SECTION: This is not a budgeted item but will be reimbursed through the Tennessee CARES Act. Through the Coronavirus Relief Fund (CRF), the CARES Act provides payments to state, local and tribal governments navigating the impact of the COVID-19 outbreak.

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer

PROPOSED MOTION: To approve the purchase from TN Mask Supply for 4,500 masks plus shipping in the amount of \$11,650.

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	_____	_____	_____	_____	_____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Sue Stuhl, Parks & Recreation Director

SUBJECT: 2021 BlueCross Healthy Places Grant

INTRODUCTION: For several years, the BlueCross BlueShield of Tennessee Foundation has given grants to communities in Tennessee for the purpose of providing places for “neighbors to get to know one another, form new connections and enjoy healthy activity.” Generally, they have awarded one or two grants a year. In celebration of the 75th anniversary of BlueCross BlueShield of Tennessee in 2021, the foundation will build 10 BlueCross Healthy Places throughout the state. Each project is valued at \$750,000 which includes funds that will be appropriated to a local foundation for the purpose of providing replacement parts as the facility ages. This grant is highly competitive.

BACKGROUND: There are six “Healthy Place” designs for grant applicants to choose from this year. Staff is recommending the Thrive and Play design because it provides a fully inclusive play area (one of the goals of the Town’s Capital Investment Program), swing and freestanding play area, fitness station for teens and adults and a small pavilion with picnic tables. Please see attachment for layout and features. This year’s grant requires a site that is clear and level and has unrestricted access for large construction equipment and materials. Staff is recommending the area behind the Town Hall (the original Town Hall site plan had this area reserved for a small community center.) This is the only clear and fairly level land that any of the six Healthy Place design footprints will fit without major grading (an expense that would be the responsibility of the Town.) This site also has parking lot readily available and restrooms at Town Hall.

DISCUSSION: Healthy Place grants are different than other grants in a number of ways:

- No money changes hands between the recipient and the BlueCross Foundation. The foundation works with GameTime Division of PlayCore (a national playground business) and will provide a “turnkey” project that includes design and engineering, appropriate drainage, equipment layout, assembly and installation, safety surfaces (pour-in-place), synthetic turf, landscaping beds and plantings, seed and straw of construction site and work completion inspection. Also included are perimeter and internal area sidewalks, entrance package (featuring BlueCross-branded rock pillar entry sign), bicycle rack and an ADA accessible sidewalk to accessible parking. There is no bidding and at the end of the project, the equipment will be transferred to the Town of Farragut.
- The Town of Farragut would be required to pay for stamped engineering plans, changing of Town Hall parking lot signage and stripping (for handicapped spaces) and any electrical or plumbing access the Town might want to have on the site.
- The site is not lighted.
- While some minor modifications may be made by GameTime to accommodate the chosen design and the site, changing of the basic layout and the elements is not permitted. If the Town wanted to add additional elements in the future (i.e. freestanding restroom) this could be done by the Town as another phase.
- The grant requires sole naming rights. The facility would be named “BlueCross Healthy Place at _____” and BlueCross would make all decisions regarding placement, colors, logo and designs for a period of 20 years with a possible renewal for another 10 years. Signage includes logo placement on the pour-in-place surface. Required grant signage will not meet the Town’s sign ordinance.

- Projects should be ready for construction early in 2021. The Blue Cross Foundation would like to complete the 10 projects in 2021 if at all possible. Notification of finalists should happen by late December 2020 with awarded projects being notified fairly early in 2021. Because there is very limited design work and no bidding process, once grant documents are signed the project can begin construction.
- If awarded the grant, there are three legal documents that the Town would be required to sign:
 - License Agreement – allows construction access
 - Donation Agreement – which includes the naming rights language
 - Transfer Agreement

Our Town Attorney, Tom Hale, has reviewed all the agreements and does not have any issues with the requirements.

RECOMMENDATION BY: Sue Stuhl, Parks & Recreation Director

PROPOSED MOTION: Approve the 2021 BlueCross Healthy Places grant application.

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	_____	_____	_____	_____	_____



In celebration of our company's 75th anniversary, the BlueCross BlueShield of Tennessee Foundation will be building 10 BlueCross Healthy Places throughout the state. We will invest \$750,000 in each project, and applicants can choose from the following designs based their area's needs and desired focus. Each design includes accessible elements and features for visitors of all ages.



THRIVE AND PLAY

- » Fully-inclusive large play area
- » Thrive fitness station
- » Community pavilion
- » Swing set and freestanding play



FAMILY FUN

- » Large play area
- » Thrive fitness station
- » Swing set
- » Freestanding and climbing areas



COMMUNITY HUB

- » Community pavilion
- » 2-5 play area
- » 5-12 play areas
- » Fitness stations
- » Swing set



ELITE FITNESS

- » Challenge Course
- » 40-yard-dash
- » Fitness station
- » Balance and climbing play area



TRI-STAR ACTIVITY

- » Branded activity track
- » Fitness stations
- » Freestanding play
- » Small play area
- » Community pavilion



FITNESS AND FUN

- » Challenge course
- » Fitness station
- » 2-5 play area
- » 5-12 play area
- » Community lawn

Each project budget includes installation and maintenance funds. Full details available in the appendix.



THRIVE AND PLAY

The **Thrive and Play** Package features exciting amenities for communities seeking an inclusive and multi-generational space. This package includes an inclusive, ramped playground for ages 2-12 with accessible poured-in-place surfacing, a swing area, a community pavilion with seating, and a Thrive exercise system for children and adults 13+ years.

**Minimum space requirements:
(87' x 153' or 13,311 sq.)**

FEATURES

- » Inclusive, ramped playground for ages 2-12 and freestanding play elements
- » Swing area with inclusive swing seats and an Expression Swing
- » Community pavilion with picnic tables
- » Thrive 450 fitness station for ages 13+
- » Sidewalk
- » Bike rack
- » Trash receptacles



COMMUNITY AREA

- » 20x24 Pavilion
- » 4 Picnic Tables
- » Trash Receptacles

FITNESS STATION

- » Thrive 450 Functional Training System

BLUECROSS HEALTHY PLACE ENTRY SIGN

BIKE RACK

SWING AREA

- » Two Zero G Inclusive Swings
- » Tot Seat
- » Expression Swing
- » 2 Belt Seat Swings
- » Trash Receptacle

2-12 PLAY AREA

- » Ramped Accessible Play System with Integrated Shade
- » Accessible Poured-in-Place Surfacing
- » Slides
- » Challenging Climbing Elements
- » Freestanding Play
- » Merry-Go-All
- » Ground Level Musical Play
- » Sensory Cove
- » Whirlwind Seat
- » Benches
- » Trash Receptacle

BlueCross
HEALTHY
PLACE