

BMA MEETING MINUTES
October 28, 2021
6:00 PM

Roll Call

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Mayor Williams, yes; Alderman Povlin was absent; in addition to staff and members of the press.

Approval of Agenda

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

Approval of Minutes

Motion was made to approve the minutes of October 14, 2021, as presented. Moved by Alderman Meyer, seconded by Alderman Burnette; voting yes; Mayor Williams, Alderman Burnette, Meyer and Pinchok; Alderman Povlin was absent; no nays; motion passed.

Mayor's Report

Sue Stuhl announced that the Parks & Recreation department won the 4-Star award for the Freaky Friday Drive-Through Boo event in 2020.

Alderman Meyer announced that Concord Christian, St. John Neumann, and Knoxville Catholic volleyball teams played in the state championship for their respective divisions.

Karen Pershing, Executive Director, Metropolitan Drug Coalition, gave an overview of the coalition within the Knoxville area.

Ordinance

Public Hearing and Second Reading

Ordinance 21-18, Ordinance to amend the Equipment Fund for the Fiscal Year 2021-2022 budget, passed by Ordinance 21-13

Motion was made to approve Ordinance 21-18 on second and final reading. Moved by Alderman Pinchok, seconded by Alderman Meyer; roll call vote; Mayor Williams, yes; Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin was absent; no nays; motion passed.

Business Items

Approval of Resolution R-2021-12, FY2022 Fee Schedule

Motion was made to approve Resolution R-2021-12. Moved by Alderman Meyer, seconded by Alderman Burnette; voting yes; Mayor Williams, Alderman Burnette, Meyer and Pinchok; Alderman Povlin was absent; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced the following:

- Freak Friday, 5-7 PM at Mayor Bob Leonard Park
- Intro to Farragut Class graduation, November 10

Meeting adjourned at 6:30 PM.

A handwritten signature in black ink, appearing to read "Ron Williams", written over a horizontal line.

Ron Williams, Mayor

A handwritten signature in blue ink, appearing to read "Allison Myers", written over a horizontal line.

Allison Myers, Town Recorder



FARRAGUT BOARD OF MAYOR AND ALDERMEN
Farragut Town Hall
11408 Municipal Center Drive

AGENDA
October 28, 2021

BLUECROSS HEALTHY PLACE RIBBON CUTTING
5:00 PM

BEER BOARD MEETING
5:15 PM

BMA MEETING
6:00 PM

- I. Roll Call**
- II. Approval of Agenda**
- III. Approval of Minutes**
 - A. October 14, 2021
- IV. Mayor's Report**
 - A. Karen Pershing, Executive Director, Metropolitan Drug Coalition
- V. Ordinance**
 - A. Public Hearing and Second Reading
 - 1. Ordinance 21-18, Ordinance to amend the Equipment Fund for the Fiscal Year 2021-2022 budget, passed by Ordinance 21-13
- VI. Business Items**
 - A. Approval of Resolution R-2021-12, FY2022 Fee Schedule
- VII. Town Administrator's Report**

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

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, natural origin, gender, gender identity, sexual orientation, age, religion, disability or veteran status pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting

VIII. Town Attorney's Report

IX. Citizens Forum

This meeting can be viewed live on the Farragut YouTube Channel and the Town of Farragut website www.townoffarragut.org/livestream.

The meeting will be held at the Farragut Town Hall, 11408 Municipal Center Drive

The Board of Mayor and Aldermen welcomes and invites Farragut residents 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. Any Farragut resident 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 for public comment may be amended 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 original viewpoint;
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.



FARRAGUT BEER BOARD

October 28, 2021

5:15 PM

- I. Approval of Minutes**
 - A. October 14, 2021
- II. Discussion of request by SmartServ, located at 800 N. Campbell Station Road, to vacate the decision by the Farragut Beer Board on October 14, 2021, that issued a 21-day suspension of SmartServ's beer permit for selling beer to a minor.**

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FARRAGUT BEER BOARD MINUTES

October 14, 2021

Alderman Pinchok, Chairman called the meeting to order at 5:00 PM.
Member present; Mayor Williams, Alderman Burnette, Alderman Meyer,
Alderman Pinchok and Alderman Povlin.

Approval of Minutes

Motion was made to approve the minutes of August 26, 2021, as presented. Moved by Mayor Williams, seconded by Alderman Povlin, voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Beer Permit Hearing

Hearing to address Fairfield Inn, 11763 Snyder Road, beer permit violation(s) of Town of Farragut Code of Ordinances § 4-1 et seq.

Trent Walker was present representing Fairfield Inn. A motion was made to give a penalty of \$500 for violation for selling beer to a minor or a 14-day suspension if not paid within 7 days. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Hearing to address Hampton Inn, 11340 Campbell Lakes Drive, beer permit violation(s) of Town of Farragut Code of Ordinances § 4-1 et seq.

Darren Tallent was present representing Hampton Inn. A motion was made to give a penalty of \$500 for violation for selling beer to a minor or a 14-day suspension if not paid within 7 days. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Hearing to address Smart Serve, 800 N. Campbell Station Road, beer permit violation(s) of Town of Farragut Code of Ordinances § 4-1 et seq.

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There was no representative present for the SmartServ. A motion was made to suspend the beer permit for 21 days. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Ron Pinchok, Chairman

Allison Myers, Town Recorder

REPORT TO THE BEER BOARD

PREPARED BY: David Smoak, Town Administrator
Allison Myers, Town Recorder

SUBJECT: Discussion of request by SmartServ, located at 800 N. Campbell Station Road, to vacate the decision by the Farragut Beer Board on October 14, 2021, that issued a 21-day suspension of SmartServ's beer permit for selling beer to a minor.

INTRODUCTION: The purpose of this agenda item is to discuss the request from SmartServ to vacate the Beer Board's decision made on October 14, 2021, that issued a 21-day suspension of its beer permit for selling beer to a minor.

DISCUSSION: The Beer Board held a hearing on October 14, 2021, regarding multiple violations of the Town of Farragut beer ordinance by beer permit holders in its jurisdiction. SmartServ was issued a citation from the Knox County Sheriff's Office on March 8, 2021, for selling beer to a minor. SmartServ was properly served and was provided details of the time and place of the Beer Board meeting, but no representative of the establishment was present at the hearing. After listening to the testimony provided, the Beer Board found SmartServ guilty of selling beer to a minor and issued the vendor a 21-day suspension of its beer permit. A letter was delivered to SmartServ on October 15, 2021, detailing the board's decision and on October 18, 2021, the Town of Farragut received a Motion to Vacate the order by the Farragut Beer Board (see Attachment A). The suspension of SmartServ's beer permit has been stayed pending the outcome of this meeting.

SmartServ admits their employee did in fact sell beer to a minor on March 8, 2021, but contends they are a responsible vendor as defined in TCA 57-5-603. A "Responsible Vendor" is defined in part (6) as having received certification from the Tennessee Alcoholic Beverage Commission (TABC). Staff contacted the TABC and they have no record of SmartServ receiving a certificate as a responsible vendor.

If SmartServ has proof of being a responsible vendor, the Beer Board would need to hold another hearing at a future date in time as no suspension of a beer permit can be given to a certified responsible vendor. If, however, they are not certified as a responsible vendor the beer board's decision on October 14 may stand.

BOARD ACTION: To vacate or uphold the Farragut Beer Board decision on October 14, 2021, to issue a 21-day suspension of the beer permit for SmartServ located at 800 N. Campbell Station Road for selling beer to a minor.

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

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

Attachment A**TOWN OF FARRAGUT
BEER BOARD****TOWN OF FARRAGUT,
BEER BOARD**

v.

THE SMARTSERV)
)
)
)
)
)
)**PROPERTY ADDRESS:****800 N. CAMPBELL STATION ROAD
FARRAGUT, TN 37932****Permit # 0251****MOTION TO VACATE**

Comes now, The SmartServ, by and through counsel, and would respectfully move this Honorable Tribunal to vacate the Order entered in relation to the above-referenced proceeding on October 14, 2021, pursuant to Rule 60.02 of the *Tennessee Rules of Civil Procedure*, and pursuant to Tenn. Code Ann. §57-5-608, and Town Of Farragut Code of Ordinance §4-162(a)(c).

In support thereof, the Movant, (hereinafter "SmartServ"), would show unto this Honorable Tribunal that a hearing in relation to the above-referenced matter was scheduled for October 14, 2021, at 5:00 p.m. at the Town of Farragut Town Hall. Inadvertently, due to a docketing error, instead of this proceeding being docketed for October 14, 2021, it was docketed by SmartServ for October 15, 2021, and as such, due to excusable neglect, SmartServ and/or its representatives could not appear at the hearing on Thursday, October 14, 2021. SmartServ would show unto this Honorable Tribunal that SmartServ had every intention to appear inasmuch as SmartServ has never missed any proceedings with the Town of Farragut, however, due to the inadvertent error cited herein, SmartServ was unable to appear.

SmartServ was advised on October 15, 2021, that an adverse ruling was entered by way of

suspending SmartServ's privilege to sell beer for twenty-one (21) days, at which time, SmartServ immediately advised the Town of Farragut, through its representatives, of this inadvertent error. In fact, a representative of SmartServ attempted to contact counsel for the Town of Farragut, however, was unable to make contact.

SmartServ would show unto this Honorable Tribunal that subsequent to the violation for which SmartServ was cited on March 8, 2021, the employee who engaged in making said sale was placed on a thirty (30) day probation immediately. Moreover, SmartServ, after said violation, has reprogrammed its POS (Point of Sale) equipment so as to require the entry of a date of birth without which a sale cannot be made. This was designed to ensure that employees are mandated to enter a date of birth before proceeding to the sale so as to ensure that the violation which occurred on March 8, 2021, is not repeated.

These measures employed by SmartServ, in fact, did prove to be successful in that two undercover operations were conducted to ensure that the violation that occurred on March 8, 2021, was not repeated, and these operations were conducted on June 3, 2021 and August 12, 2021, and on both of these occasions, the measures put in place by SmartServ prevented the violation which occurred on March 8, 2021.

SmartServ would show unto this Honorable Tribunal that pursuant to Town of Farragut Code of Ordinances §4-162(a), that SmartServ is a responsible vendor as defined by Tenn. Code Ann. §57-5-606(2), which in pertinent part provides as follows:

- (2) Provide instruction for its employees approved by the commission, which shall include the following:
 - (A) Laws regarding the sale of beer for off-premise consumption;
 - (B) Methods of recognizing and dealing with underage customers; and
 - (C) Procedures for refusing to sell beer to underage customers and for dealing with intoxicated customers;

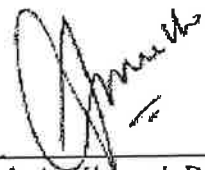
SmartServ would further show unto this Honorable Tribunal that SmartServ has not been

cited for any violations within a 12 month period, or for that matter, within a 24 month period of any infractions of the nature for which these proceedings were initiated. Had it not been for an inadvertent docketing error on the part of SmartServ, most definitely would have appeared at the scheduled hearing. Suffice it to say that SmartServ is remorseful of its failure to appear on October 14, 2021, albeit advertently.

WHEREFORE, for the foregoing reasons, SmartServ would respectfully move this Honorable Tribunal to vacate the Order entered on October 14, 2021, and to reschedule a hearing in relation to these matters at the next upcoming Beer Board meeting, or in the alternative, impose civil penalties as provided for in Town of Farragut Code of Regulation §4-162(a). SmartServ would further respectfully move this Honorable Tribunal for any and all further relief to which this Honorable Tribunal deems SmartServ to be entitled.

RESPECTFULLY SUBMITTED, this 18th day of October, 2021.

SMARTSERV

By: 

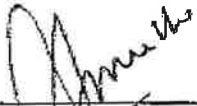
Ameesh A. Kherani, BPR #030218
Kherani | Dunaway, PLLC
Attorney for SmartServ
2685 Andersonville Highway, Suite 2
Clinton, Tennessee 37716
Telephone: 865-777-0786
Facsimile: 865-622-8887
Email: akherani@kheranilaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been served by facsimile, and/or by electronic mail, and/or by placing the same in the U. S. Mail with sufficient postage thereon to ensure delivery, upon the following, to-wit:

Thomas "Tom" Hale
Town Of Farragut
Kramer Rayson, LLP
P. O. Box 629
Knoxville, Tennessee 37902
Facsimile: 865-522-5723
Email: tomhale@kramer-rayson.com

This 18th day of October, 2021.



Ameesh A. Kherani
Attorney for SmartServ

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Tenn. Code Ann. § 57-5-603

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[TN - Tennessee Code Annotated](#) [Title 57 Intoxicating Liquors](#) [Chapter 5 Beer](#) [Part 6 Tennessee Responsible Vendor Act of 2006](#)

57-5-603. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Beer" has the same meaning as defined in § 57-5-101(b);
- (2) "Beer board" means any entity issuing beer permits for off-premise consumption, pursuant to part 1 of this chapter;
- (3) "Certified clerk" means a clerk who has successfully satisfied the training requirements contained in this part, and who has received certification from a responsible vendor training program;
- (4) "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premise consumption;
- (5) "Commission" means the alcoholic beverage commission;
- (6) "Responsible vendor" means a vendor that has received certification from the commission pursuant to this part;
- (7) "Responsible vendor training program" means a training program related to the responsible sale of beer for off-premise consumption that has met all the statutory and regulatory requirements set forth in this part, and in commission rules and regulations; and
- (8) "Vendor" means a person, corporation or other entity that has been issued a permit to sell beer for off-premise consumption.

History

Acts 2006, ch. 864, § 4.



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57-5-604. Authority of commission.

The commission shall have the authority to approve all responsible vendor training programs. The commission shall establish requirements and guidelines for responsible vendor training programs and vendor and clerk certifications. The commission shall establish and keep a master list of certified clerks and clerks not eligible for certification.

History

Acts 2006, ch. 864, § 5.

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57-5-605. Vendor certification — Rules and regulations — Monitoring and enforcing compliance — Statistical reports by beer boards and commission.

(a) A vendor who seeks certification as a responsible vendor shall provide to the commission, pursuant to procedures adopted by the commission, evidence of compliance with the requirements of this part. Upon satisfactory proof that the vendor has complied with the requirements, the commission shall certify the vendor as a responsible vendor. Certification as a responsible vendor shall be renewed every year. Responsible vendors may have their own training programs certified, or send their employees to any training program certified by the commission.

(b) The commission shall adopt rules and regulations for monitoring compliance by responsible vendors and for revoking or suspending a responsible vendor's certification for noncompliance with this part.

(c) The commission is authorized to monitor and enforce compliance with this part. The commission may impose fines on responsible vendors whose training programs fail to satisfy or maintain the requirements of this part or commission rules. The commission may further impose fines on vendors who hold themselves out as being a responsible vendor when in fact they do not hold that status. The commission may also impose fines on responsible vendors who willfully fail to comply with the requirements of this part.

(d) Determination of compliance with the responsible vendor program is the sole province of the commission.

(e)

(1) As used in this subsection (e), "beer board" means the local legislative body or committee appointed by the local legislative body having authority to issue licenses or permits under this chapter.

(2) To the extent the beer board has access to the information required pursuant to this

subsection (e), the beer board shall file with the alcoholic beverage commission an annual statistical report by February 1 of each year based on the previous calendar year's information detailing the following:

- (A)** The total number of beer permits or licenses issued by the beer board for off-premises consumption;
 - (B)** The number of violations for the sale of beer for off-premises consumption to a person under twenty-one (21) years of age resulting from:
 - (i)** A "sting" conducted pursuant to § 39-15-413; and
 - (ii)** Arrests made under conditions not related to a "sting";
 - (C)** Whether the violation of subdivision (B) occurred at an establishment participating in the responsible vendor program;
 - (D)** Whether if a "sting" was conducted pursuant to § 39-15-413 at an establishment participating in the responsible vendor program, the underage person used in the "sting" was unsuccessful in making the purchase;
 - (E)** The type and number of violations other than the sale of beer for off-premises consumption to a person under twenty-one (21) years of age occurred at establishments selling beer for off-premises consumption;
 - (F)** The name of the license or permit holder at the location where the violation occurred; and
 - (G)** The specific penalty imposed by the beer board for each violation upon a finding that a violation occurred.
- (3)** The alcoholic beverage commission shall compile the statistical information received from the beer boards and file a report with the state and local government committee of the senate and the state government committee of the house of representatives by March 15 of the year in which the report is received, together with recommendations for legislative changes related to the responsible vendor program, if any are recommended by the commission.
- (4)** The report made pursuant to subdivision (3) shall be made available by the alcoholic beverage commission to any person filing a written request for a copy of the report.

History

Acts 2006, ch. 864, § 6; 2012, ch. 964, § 1; 2013, ch. 236, § 68.

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57-5-606. Qualification for responsible vendor status.

In order to qualify for responsible vendor status, the vendor shall comply with the following requirements:

(1)

(A) Require each and every clerk to successfully complete a responsible vendor training program within sixty-one (61) days of commencing employment, whether the employment is for the first time, after rehiring, or for a different responsible vendor. Responsible vendors shall, prior to employing a clerk, verify with the commission that the clerk is eligible for certification;

(B) Each clerk shall successfully complete the responsible vendor training program and after doing so, receive a certificate of completion from the program trainer in a format that is in accordance with rules promulgated by the commission. The training program shall be a minimum of one (1) hour of instruction. A clerk shall not be authorized to sell beer for off-premise consumption, unless the clerk has successfully completed the responsible vendor training program and has received a certificate of completion or is within sixty-one (61) days of the date of hire. The original certificate of completion shall be maintained by the responsible vendor employing the clerk. The responsible vendor shall provide the commission with the names and other identifying information as required by the commission, of certified clerks within twenty-one (21) days of the date of training; and

(C) Each clerk shall be issued a name badge by the responsible vendor employer. The name badge must have the clerk's first name clearly visible. Clerks shall wear this name badge at all times during which they are on duty;

(2) Provide instruction for its employees approved by the commission, which shall include the following:

(A) Laws regarding the sale of beer for off-premise consumption;

(B) Methods of recognizing and dealing with underage customers; and

(C) Procedures for refusing to sell beer to underage customers and for dealing with intoxicated customers;

(3) Require all certified clerks to attend at least one (1) annual meeting, at which the responsible vendor shall disseminate updated information prescribed by the commission and the responsible vendor policies and procedures related thereto. In order for the clerk's certification to remain valid, the clerk must attend an annual meeting each year following the clerk's original certification; and the responsible vendor must keep records thereof. Responsible vendors shall notify the commission if a certified clerk does not attend an annual meeting as required by this section. The commission may, at any time, require responsible vendors to disseminate to certified clerks information from the commission that is related to changes in state law or commission rules; and

(4) Maintain employment and all responsible vendor training records of all clerks.

History

Acts 2006, ch. 864, § 7; 2008, ch. 877, § 2; 2019, ch. 136, § 3.

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BMA MEETING MINUTES 6:00 PM

Roll Call

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; in addition to staff and members of the press.

Approval of Agenda

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

Approval of Minutes

Motion was made to approve the minutes of September 23, 2021, as presented. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Alderman Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Mayor's Report

Julie Blaylock, Farragut West Knox Chamber, gave an overview of the Chamber events and activities over the past month.

Ordinance

First Reading

Ordinance 21-18, Ordinance to amend the Equipment Fund for the Fiscal Year 2021-2022 budget, passed by Ordinance 21-13

Motion was made to approve Ordinance 21-18 on first reading. Moved by Alderman Povlin, seconded by Alderman Meyer; roll call vote: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

Business Items

Approval of Resolution R-2021-10 authorizing the town to participate in the Public Entity Partners "James L. Richardson Driver Safety" Matching Grant Program

Motion was made to approve Resolution R-2021-10. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Alderman Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Resolution R-2021-11 authorizing the town to participate in the Public Entity Partners Property Conservation Matching Grant Program

Motion was made to approve Resolution R-2021-11. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Alderman Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of fee change for daily rental of synthetic turf athletic fields for tournament purposes

Motion was made to increase the daily rental fee for tournament use of the synthetic turf athletic fields from \$300 to \$600 per field to commence on November 1, 2021, except for 2022 tournaments that have already been approved and deposit paid. Moved by Alderman Povlin, seconded by Mayor Williams; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Dates for the November & December Board of Mayor and Aldermen Meetings

Motion was made to cancel the November 25, 2021, and December 23, 2021, meetings. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Appointment to the Farragut Tourism and Visitor Advisory Committee

Motion was made to appoint Ashley Lynch to a two-year term on the Farragut Tourism/Visitor Committee. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of a request to locate a subdivision sign on a public right-of-way (ROW) for the Fox Den Subdivision as provided for in the Town's Sign Ordinance, Farragut Municipal Code Chapter 109, Section 109-12, Part (b),(1),b., Olympic Drive ROW area located off of Smith Road (Fox Den Homeowners Association, Applicant)

Motion was made to approve the use of the Olympic Drive ROW area for the proposed subdivision sign subject to its relocation to the western side of the island and the following conditions:

1. The sign's lettering should be located at least two feet above grade to avoid conflicts with the proposed landscaping. The plantings can also be clustered around the ends of the sign structure to improve visibility.
2. The applicants will need to work with an arborist to ensure that the existing tree is not damaged during sign construction.
3. A Town approved maintenance and liability agreement to protect the public right-of-way and other Town interests should be put in place by the HOA.

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

Approval of a request to locate a subdivision sign on a public right-of-way (ROW) for the Fox Den Subdivision as provided for in the Town's Sign Ordinance, Farragut Municipal Code Chapter 109, Section 109-12, Part (b),(1),b., Saint Andrews Drive ROW area located off of Everett Road (Fox Den Homeowners Association, Applicant)

Motion was made to approve the use of the Saint Andrews Drive ROW area for the proposed subdivision sign subject to the following conditions:

1. The applicants will need to work with an arborist to ensure that the existing trees are not damaged during sign construction.
2. A Town approved maintenance and liability agreement to protect the public right-of-way and other Town interests should be put in place by the HOA.

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

Approval of Bid for Contract 2021-11, Design Build Climate Controlled Storage Building at the Public Works Facility

Motion was made to approve Contract 2021-11, with Holston Construction Services, LLC, in the amount of \$227,000. Moved by Alderman Pinchok, seconded by Alderman Povlin; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of purchase of vehicles on state contract from Wilson County Motors

Motion was made to purchase the following vehicle from Wilson County Motors in the amount of \$66,308.40.

- Two (2) 2022 Chevrolet Equinox FWD \$21,610 each
- 2022 Chevrolet Equinox AWD \$23,088.40

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

Approval of purchase of vehicles on state contract from Ted Russell Ford

Motion was made to purchase the following vehicle from Ted Russell Ford in the amount of \$97,488.08.

- 2022 Ford F250 4WD pick-up \$37,705.52
- 2022 Ford Ranger 2WD pick-up \$27,631.80
- 2022 Ford F150 2WD pick-up \$32,150.76

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

Town Administrator's Report

David Smoak, Town Administrator, announced the following:

- Ribbon Cutting for the BlueCross Healthy Places Playground is October 28
- Freak Friday Fright Nite, October 29 from 5-7 PM

Meeting adjourned at 6:21 PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder/Treasurer

SUBJECT: Ordinance 21-18, Ordinance on second and final reading to amend the Equipment Fund for the Fiscal Year 2021-2022 budget, passed by Ordinance 21-13

INTRODUCTION:

The purpose of this agenda item is to approve Ordinance 21-18 on second reading to amend the Fiscal Year 2022 Equipment Fund Budget.

DISCUSSION:

The **Equipment Fund** will be amended by increasing the appropriated expenditures from \$219,500 to \$276,500, an increase of \$57,000.

- **\$57,000 Replacement of Truck #4 & #36.** Truck #4 & #36 were originally scheduled for replacement in FY23. Due to long wait time of receiving new trucks and increased maintenance cost, the trucks will need to be purchased in FY22. The expense will be deducted from FY23 and added to FY22 budget. The funding will come from the Equipment Fund balance. After the additional expense in FY22 the ending fund balance is \$921,809.

FINANCIAL SECTION:

Account Number: Equipment Fund Expenditure

FY2022 Budget

\$219,500

Requested Amendment

\$57,000

FY2022 Amended Budget

\$276,500

Approved By: A. Myers

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

PROPOSED MOTION: Motion to approve Ordinance 21-18 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	21-18
PREPARED BY	Myers
1 ST READING	October 14, 2021
2 nd READING	October 28, 2021
PUBLISHED IN	Shopper News Farragut
DATE	

**AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE
AMENDING THE FISCAL YEAR 2021-2022 BUDGET, PASSED BY ORDINANCE 21-13**

WHEREAS, the Town of Farragut adopted the fiscal year 2021-22 budget by passage of Ordinance Number 21-13 on June 10, 2021; and

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

WHEREAS, expenses for the General Fund & Insurance 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 2021-2022 BUDGET AS FOLLOWS:

SECTION 1. Ordinance 21-13 is hereby amended by:

- The **Equipment Fund** will be amended by increasing the appropriated expenditures from \$219,500 to \$276,500 an increase of \$57,000.

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: Allison Myers, Town Recorder/Treasurer

SUBJECT: Approval of Resolution R-2021-12, FY2022 Fee Schedule

BACKGROUND: Each fiscal year the Board of Mayor and Aldermen establish a general fee schedule for necessary fees for all Town services, including but not limited to application, filing, license and permit fees. The fee schedule for FY2022 was approved April 22, 2021.

DISCUSSION: The Board of Mayor and Aldermen approved a fee increase of the daily rental fee for the synthetic turf athletic fields for tournament usage at the October 14, 2021, meeting. The fee schedule will be amended to reflect this change.

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

PROPOSED MOTION: To approve Resolution R-2021-12, FY2022 Fee Schedule

BOARD ACTION:

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

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



TOWN OF FARRAGUT

RESOLUTION R-2021-12

WHEREAS, the Board of Mayor and Aldermen approved Resolution R-2021-05, FY2022 Fiscal Year Fee Schedule, on April 22, 2021; and

WHEREAS, on October 14, 2021, the Board of Mayor and Aldermen voted to increase the tournament usage fee for synthetic turf rentals; and

WHEREAS, it is the desire of the Board of Mayor and Aldermen to consolidate all fees and adopt them by resolution; and

NOW, THEREFORE BE IT RESOLVED by the Town of Farragut Board of Mayor and Aldermen, that all fees are hereby adopted as listed on the attached schedule.

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 28th day of October 2021.

Ron Williams, Mayor

Allison Myers, Town Recorder

<u>Parks & Recreation</u>		<u>Approved Fee</u>
<u>Facility</u>		
Community Room/Board Room Rental		\$20 per hour; \$30 with kitchen
Picnic/Pavilions Rental	Essex (AP); Burnside (CSP)	\$25 half day/ \$40 full day
	Hartford & Saratoga (AP); Longstreet (CSP)	\$45 half day/\$80 full day
	McFee Small	\$85 half day/\$125 full day
	McFee Large	\$95 half day/\$145 full day
self set-up; Includes chairs & tables	McFee Great Pavilion	\$150 full day/\$250 refundable deposit
Athletic	Fields (Diamond & Rectangular)	\$20 per hour
	Fields (Artificial Turf)	\$40 per hour
	Competitive, Recreational & Intermediate Volleyball Fees	\$165 per team
Field Closed Non Compliant Fee		\$100 per event
For-Profit/Park Usage Fee	Professional Photographers, For profit classes, Trainers, Etc.	\$100 Annual Permit Fee
Tournament Usage Fee	Grass Field/Volleyball Complex	\$85 half day/\$150 full day
	Synthetic Turf Field	\$300 half day/\$600 full day
Tournament Deposit (Refundable)		\$500
Concession/Vendor Fee	Per Vendor/All Weekend	\$20 per day
Special Event Park Use Fee - Founders Park Only		\$200 per 4 hours; \$50 per hour for each additional hour