

# FARRAGUT BOARD OF MAYOR AND ALDERMEN MINUTES

August 10, 2006

## FARRAGUT BEER BOARD

6:50 PM

*(See Farragut Beer Board Agenda)*

## PUBLIC HEARING

6:55 PM

- I. Ordinance 06-23, Ordinance to amend the text of Zoning Ordinance, Chapter 4, Section XX. Parking and Loading, to change the parking requirements for Automobile and/or Truck Repair Shop (Arthur G. Seymour, Jr., Applicant)

## FBMA MEETING

7:00 PM

- I. **Silent Prayer, Pledge of Allegiance, Roll Call**
- II. **Citizen's Forum**
- III. **Mayor's Report**
- IV. **Approval of Minutes**
  - A. July 27, 2006
- V. **Ordinances**
  - A. Second Reading
    1. Ordinance 06-15, Ordinance to rezone a portion of Parcel 54, Parcels 54.01 and 57, and a portion of Parcel 54.02, Tax Map 151, located on the north side of Union Road between Saddle Ridge and Fox Run subdivisions, approximately 110 Acres, from Agriculture to R-2 (Jefferson Creek, LLC, Applicant)
    2. Ordinance 06-23, Ordinance to amend the text of Zoning Ordinance, Chapter 4, Section XX. Parking and Loading, to change the parking requirements for Automobile and/or Truck Repair Shop (Arthur G. Seymour, Jr., Applicant)
- VI. **Unfinished Business**
  - A. Approval of FY2007 Work Program
- VII. **New Business**
  - A. Condemnation of Property Located at 130 Champions Point

- B. Consider Approval of request from Farragut Land Partners in cost sharing of traffic signals on Parkside Drive
- C. Consider Approval of Lease with CCC Contracting, Inc.
- D. Consider Approval of Contract 2007-05, Annual Resurfacing

**VIII. Administrator's Report**

**IX. Associate Administrator's Report**

**X. Engineer's Report**

**XI. Recorder's Report**

**XII. Attorney's Report**

## **FARRAGUT BOARD OF MAYOR AND ALDERMEN MINUTES**

August 10, 2006

### **PUBLIC HEARING**

The public hearing was called to order by Mayor Ford at 6:55 PM. Elected officials present were Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; Alderman Garber was absent.

The public hearing was called to hear citizen comments on the following ordinance:

Ordinance 06-23, Ordinance to amend the text of Zoning Ordinance, Chapter 4, Section XX. Parking and Loading, to change the parking requirements for Automobile and/or Truck Repair Shop (Arthur G. Seymour, Jr., Applicant)

There were no citizen comments.

Public hearing closed at 7:00 PM

### **FBMA MEETING**

The meeting was called to order by Mayor Ford at 7:00 PM. Elected officials present were Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; Alderman Garber was absent.

#### **Mayor's Report**

Mayor Ford announced that the Town was selected to receive a Recreation Trails Program (RTP) grant in the amount of \$68,800. The RTP Grant requires a 20% match commitment (see attachment). The grant is for an extension of an existing walking trail on the north side of Fox Run Subdivision across Tennessee Department of Transportation-owned right of way to Everett Road.

Mayor Ford also announced that the Town was selected to receive a Local Parks and Recreation Fund (LPRF) grant in the amount of \$62,500 (see attachment). The LPRF Grant requires an equal match commitment. The grant is for construction of lighting for soccer fields #5 and #6 at Mayor Bob Leonard Park.

#### **Approval of Minutes**

Motion was made to approve the minutes of the July 27, 2006 meeting of the Farragut Board of Mayor and Aldermen. Moved by Alderman Haynes, seconded by Alderman LaMarche; voting yes, Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; no nays; Alderman Garber was absent; motion passed.

#### **Ordinances**

##### **Second Reading**

By common consent, the Board of Mayor and Alderman decided to address the cost share issue of Union Road as it might pertain to Ordinance 06-15 before the second reading of the ordinance.

Dan Olson, Town Administrator, presented a letter from Scott Davis, dated August 10, 2006, Subject: "RE: Jefferson Creek Subdivision" (see attachment). In his letter, Mr. Davis proposed a cost-

sharing agreement for a section of Union Road as it relates to the proposed R-2 rezoning of the Ivey property on Union Road for a subdivision to be known as Jefferson Creek Subdivision (see Ordinance 06-15). Mr. Davis and members of the Board discussed the proposed terms stated in Mr. Davis' letter.

A motion was made that contents of the letter of August 10, 2006 from Mr. Davis, modified as follows by the foregoing discussion between Mr. Davis and members of the Board, would constitute the substantive terms for a Cost-Sharing Agreement which the Town Attorney would draft in consultation with the attorney for Jefferson Creek, LLC, Mr. Arthur Seymour, which agreement would only be effective upon approval by the Board at a future meeting:

- 1) Jefferson Creek, LLC would pay 100% of the reconstruction of Union Road from Fox Run Subdivision to the entrance of Jefferson Creek Subdivision, including construction of curb and gutter on both the north and south side of the road, sidewalk on the north side, and tapering of Union Road west of Jefferson Creek Subdivision entrance.
- 2) Jefferson Creek, LLC would pay 100% of engineering cost for the road reconstruction between Fox Run Subdivision and the entrance of Jefferson Creek Subdivision, including engineering cost for reconstruction/widening of the bridge on Union Road.
- 3) The construction cost for reconstruction/widening of the bridge on Union Road would be a cost share with the Town paying 50% of construction or \$150,000, whichever is less, and Jefferson Creek, LLC paying the remainder of the construction cost.
- 4) The Town of Farragut would acquire and pay the cost of right-of-way and construction and slope easements from Fox Run Subdivision to the entrance of Jefferson Creek Subdivision.
- 5) The Town of Farragut would have utilities relocated for reconstruction of Union Road from Fox Run Subdivision to the entrance of Jefferson Creek Subdivision at no cost to Jefferson Creek, LLC.
- 6) Union Road from Fox Run Subdivision to the entrance of Jefferson Creek Subdivision would be reconstructed to the Town's Major Collector standards.
- 7) Provision by Jefferson Creek, LLC of an irrevocable, unconditional Letter of Credit in the estimated cost of its obligations for the improvements to Union Road prior to the time the rezoning becomes effective.

Moved by Alderman Haynes, seconded by Alderman LaMarche.

Mr. Davis and Mr. Seymour acknowledged their agreement and understanding of both the points made about modifications to the terms of Mr. Davis' letter of August 10, 2006 as stated in the motion as well as the procedure for final approval of the Cost-Sharing Agreement.

Gary Dunham, 12740 Long Ridge Road, had questions concerning the extension of the road west of Jefferson Creek subdivision.

Linda Dunham, 12740 Long Ridge Road, had questions concerning the improvement of the intersection at Union and Everett roads.

Mayor Ford thanked Gary and Linda Dunham for their input and advised them that the motion being addressed was for a cost share agreement between the Town and Jefferson Creek, LLC for the

section of road between Fox Run Subdivision and the entrance to Jefferson Creek Subdivision. A Town project to reconstruct Union Road west of the entrance to Jefferson Creek would be discussed at future public meetings.

Vote on the motion to accept the above agreement: voting yes, Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; no nays; Alderman Garber was absent; motion passed.

**Ordinance 06-15**, Ordinance to rezone a portion of Parcel 54, Parcels 54.01 and 57, and a portion of Parcel 54.02, Tax Map 151, located on the north side of Union Road between Saddle Ridge and Fox Run subdivisions, approximately 110 Acres, from Agriculture to R-2 (Jefferson Creek, LLC, Applicant)

Motion was made to approve Ordinance 06-15 (see attachment) on second and final reading subject to: (1) final approval by the FBMA of the Cost-Sharing Agreement in the process of being prepared by the Town Attorney and Mr. Seymour for submission to the Board and Jefferson Creek, LLC for approval, and (2) a letter of credit from Jefferson Creek, LLC to the Town in an amount sufficient to secure Jefferson Creek, LLC's obligations under the Cost-Sharing Agreement. Moved by Alderman Rosseel, seconded by Alderman Haynes.

The Town Attorney noted that a letter of credit from Jefferson Creek, LLC in an amount sufficient to secure its obligations under the Cost-Sharing Agreement would be a requirement contained in the agreement. It was noted by Ruth Hawk, Community Development Director, that a condition of the Farragut Municipal Planning Commission (FMPC) on its approval of the rezoning was that such a letter of credit be actually submitted to the Town before the rezoning became final in order to assure that the rezoning would not occur without it. Mr. Hale explained that the Cost-Sharing Agreement requirement for a letter of credit would specify that a letter of credit be provided to the Town contemporaneously with the Board's consideration of the substance and form of the final Cost-Sharing Agreement. Mr. Hale noted that in his opinion this procedure would comply with condition placed on the approval of the rezoning by the FMPC.

Vote on the motion to approve Ordinance 06-15: voting yes, Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; no nays; Alderman Garber was absent; motion passed.

**Ordinance 06-23**, Ordinance to amend the text of Zoning Ordinance, Chapter 4, Section XX. Parking and Loading, to change the parking requirements for Automobile and/or Truck Repair Shop (Arthur G. Seymour, Jr., Applicant)

Motion was made to approve Ordinance 06-23 on second and final reading (see attachment). Moved by Alderman Haynes, seconded by Alderman LaMarche; voting yes, Mayor Ford, Aldermen Haynes and LaMarche; voting nay, Alderman Rosseel; Alderman Garber was absent; motion passed.

## Unfinished Business

### **Approval of FY2007 Work Program**

Motion was made to approve the FY2007 Work Program (see attachment). Moved by Alderman LaMarche, seconded by Alderman Haynes; voting yes, Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; no nays; Alderman Garber was absent; motion passed.

## New Business

### **Condemnation of Property Located at 130 Champions Point**

Jim Fox, 1615 Augusta National Way, Treasurer of Fox Den Home Owners Association, reported that the home at 130 Champions Point has been open to the elements for a long time. Mr. Fox expressed his concern for the neighbors around the home due to environmental hazardous materials if the home is demolished with no precautions.

Patty Morgan, 124 Champions Point, reported that the smell of the home is terrible. Ms. Morgan is very concerned for her family's health and safety and requested that the Town make sure that the demolition crew address environmental protection issues.

Teresa Nadolsky, 301 Dominick Point, President of the Fox Den Homeowners Association, noted that all demolition crews are not equally qualified and requested that the demolition company be certified by the Environmental Protection Agency.

John Householder, Town of Farragut Codes Officer, reported that he has contacted the new owner about the environmental concerns but could not guarantee anything.

Tom Hale, Town Attorney, will prepare a letter to the new owner stating concerns of the residents of Fox Den and the Town regarding environmental issues related to demolition of the structure at 130 Champions Point, and will have the letter delivered to the new owner.

### **Consider Approval of request from Farragut Land Partners in cost sharing of traffic signals on Parkside Drive**

Farragut Land Partners requested a cost sharing arrangement with the Town for traffic signals at Parkside Drive and the entrance to First Tennessee Bank/Weigel's, just east of Campbell Station Road (see attachment). Darryl Smith, Town Engineer, noted that installation of traffic signals at this location includes adjustment of the median nose, installation of cross walks, and connection of the signals by radio transmitter for coordination purposes. In response to a question by Alderman Rosseel, Darryl Smith, Town Engineer noted that the proposed traffic light "D" on Parkside Road does not meet warrants at this time. Mr. Jim Nixon, representing Farragut Land Partners, stated that estimated cost for the design, purchase, and installation of the traffic signals was \$150,000. Motion was made to approve request from Farragut Land Partners for cost sharing of traffic signals at Parkside Drive and the entrance to First Tennessee Bank/Weigel's with the Town contributing up to \$100,000 and Farragut Land Partners and other participants providing the design and paying the remaining costs for the traffic signals. Moved by Alderman Haynes, seconded by Mayor Ford; roll call vote: Mayor Ford, Yes; Alderman Haynes, Yes; Alderman LaMarche, Yes; Alderman Rosseel, No; Alderman Garber was absent; motion passed.

### **Consider Approval of Lease with CCC Contracting, Inc.**

Motion was made to approve the lease with CCC Contracting, Inc. for outdoor storage space at the Public Works location on Fretz Road (see attachment). Moved by Alderman Rosseel, seconded by Alderman LaMarche; voting yes, Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; no nays; Alderman Garber was absent; motion passed.

### **Consider Approval of Contract 2007-05, Annual Resurfacing**

Motion was made to award contract 2007-05, Annual Resurfacing Contract, to Renfro Construction Co., Inc., with a low bid of \$273,074.85, and, due to the contract amount being below budget, to add the following road segments to the previously approved list of Town roads to be resurfaced under the contract: the entire length of Battlefront Trail, Sweetgum Drive from Sedgfield Road to northern end, Maple Tree Lane from Sweetgum to Pin Oak Circle, and Weathervane Drive from S. Monticello to Old Tavern Circle. Moved by Alderman Haynes, seconded by Alderman LaMarche; voting yes, Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; no nays; Alderman Garber was absent; motion passed.

### **Associate Administrator's Report**

Gary Palmer, Associate Administrator, presented a map of the Stormwater Inventory Phase 2 Plan (see attachment).

### **Recorder's Report**

The following bills were presented for approval:

Allen & Hoshall, \$10,850.00, 07/13/06

Lisa Gibson, \$16,200.00, 08/08/06

TML Risk Management Pool, \$31,256.00, 07/19/06

TML Risk Management Pool, \$7,355.00, 07/06/06

Motion was made to approve the bills for payment as presented. Moved by Alderman Haynes, seconded by Alderman LaMarche; voting yes, Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; no nays; Alderman Garber was absent; motion passed.

### **Attorney's Report**

The meeting recessed at 8:50 PM while the Board met for an executive session; meeting reconvened at 9:20 PM.

Tom Hale, Town Attorney, explained that he was in discussions with The Farm at Willow Creek LLC and KUB about the fact that no gas lines had yet been installed in the subdivision on Evans Road. He asked the Board to authorize him to proceed, if necessary, with legal action against the Farm at Willow Creek, LLC to prevent the Farm at Willow Creek, LLC from selling additional lots in the Farm at Willow Creek Subdivision until if an adequately secured agreement for the installation of natural gas lines are installed in the subdivision per the approved final plat for the development could not be reached immediately. Moved by Alderman Rosseel, seconded by Alderman LaMarche; voting yes, Mayor Ford, Aldermen LaMarche and Rosseel; Alderman Haynes abstained; no nays; Alderman Garber was absent; motion passed.

The Board considered a request made by the owner of the property where the Admiral Point Office Building is located to be allowed to place a "For Lease" sign advertising the Admiral Point Office Building on adjacent property owned by the Town at the southeast quadrant of the intersection of Kingston Pike and Concord Road. Tom Hale, Town Attorney had been asked at the July 27, 2006 Board meeting to advise the Board concerning the legality of granting the request. Mr. Hale reported that he had researched the situation and pointed out that the property owned by the Town, the land where the sign would be located, had been donated to the Town by the same development group that currently owned the Admiral Point Office Building and that was making the request. Mr. Hale also noted that the request was for temporary placement of the sign for the adjacent office building. Mr. Hale stated his opinion that so long as the sign itself met the Town's sign regulations, and was for a temporary period such as 4 months, and given the unique circumstances of how this Town came into ownership of the property, that the Board had the lawful power to grant this request, if so desired, and that granting this request would not set a precedent for future request under these circumstances. Motion was made to allow the sign to be placed on Town property for a period of 4 months as long as it met the provisions of the Farragut Sign ordinance. Moved by Alderman Haynes, seconded by Alderman LaMarche, voting yes, Mayor Ford, Aldermen Haynes, LaMarche and Rosseel; no nays; Alderman Garber was absent; motion passed.

Meeting adjourned at 9:25 PM.

*Farragut Board of Mayor and Aldermen*

August 10, 2006

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W. Edward Ford, III, Mayor

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Allison M. Myers, Town Recorder

Approved: \_\_\_\_\_