

MURFREESBORO CITY COUNCIL  
AGENDA  
February 11, 2016  
7:00 p.m.  
City Council Chambers

**PRAYER**

VICE-MAYOR DOUG YOUNG

**PLEDGE OF ALLEGIANCE**

**CEREMONIAL ITEMS**

\*Dr. Payne Hardison: Recognition of Service on Airport Commission and to Community

**Consent Agenda**

1. A. Consider recommendations of the Community Development Grant Coordinator: Use of funds through the Affordable Housing Assistance Program for 1016 Shaman Xing and 508 Westgate Boulevard.
- B. Consider recommendations of the Human Resources Director: Revisions to Employee Handbook Section 1025-Retirement.
- C. Consider recommendations of the City Recorder/Finance Director: Murfreesboro City School-2016 State of Tennessee Energy Efficiency Loan.
- D. Request to hang a banner across East Main Street: Junior League of Murfreesboro: March 22-April 1, 2016 (Event: "Be Well Boro Health & Wellness Fair").

**New Business**

2. A. Pursuant to RESOLUTION 16-R-PH-01 adopted by the City Council on January 14, 2016, conduct a public hearing to consider rezoning for approximately 2.2 acres located along Gresham Lane to be rezoned from Single-Family Residential Fifteen (RS-15) District to Residential Multi-Family Sixteen (RM-16) District [2015-429]; Alcorn Properties, applicant. Notice of said public hearing was published in a local newspaper on January 25, 2016.
- B. Consider for passage on first reading ORDINANCE 16-OZ-01 to rezone an area located along Gresham Lane to Residential Multi-Family Sixteen (RM-16) District [2015-429].
3. A. Pursuant to RESOLUTION 16-R-PH-02 adopted by the City Council on January 14, 2016, conduct a public hearing to consider rezoning for approximately 1.68 acres located along Dill Lane to be rezoned from Single-Family Residential Fifteen (RS-15) District to Residential Multi-Family Twelve (RM-12) District [2015-432]; Randy Friedsam, applicant.
- B. Consider for passage on first reading ORDINANCE 16-OZ-02 to rezone an area located along Dill Lane to Residential Multi-Family Twelve (RM-12) District [2015-432].
4. A. Pursuant to RESOLUTION 16-R-PH-03 adopted by the City Council on January 14, 2016, conduct a public hearing to consider rezoning for approximately 8.56 acres located along Franklin Road to be rezoned from Single-Family Residential Fifteen (RS-15) District to Commercial Fringe (CF) District [2015-433]; Anthony Togrye, applicant.
- B. Consider for passage on first reading ORDINANCE 16-OZ-03 to rezone an area located along Franklin Road to Commercial Fringe (CF) District [2015-433].
5. Consider recommendations of the Principal Planner: Schedule public hearings to consider annexation Plan of Services & annexation petition along NW Broad Street; amendment to Cedar Retreat PRD; rezoning (PRD) along Manson Pike (Maddington Parke); amendment to Marymont Springs Mansion Estates PUD; rezoning (PCD) at 3281 Siegel Road (Academy at Siegel); and zoning (PRD & GDO-1) at 3726 Manson Pike (Springfield Apartments) simultaneous with annexation.
6. Consider recommendations of the Parks and Recreation Director:
  - A. Adopt RESOLUTION 16-R-03 regarding reimbursement of expenditures for Soccer Practice Facility at Jordan Farm.
  - B. Adopt RESOLUTION 16-R-04 authorizing the one-time sale, possession and use of beer at Richard Siegel Park during the 2017-2018 Soccer Fest pursuant to terms of Use Agreement.
7. Consider recommendations of the Assistant City Manager: Hiring Cumberland Securities to provide Financial Advisory Services on City debt issues.

**Board & Commission Appointments**

8. A. Disciplinary Review Board: Appoint Mr. David Gray to replace Ms. Elodie A. Batts.
- B. Airport Commission: Appoint Mr. James Jones to fulfill the term of Dr. Payne Hardison.

MURFREESBORO CITY COUNCIL  
A G E N D A  
February 11, 2016  
(Continued)

**Beer Permits**

**Payment of Statements**

**Other Business from Staff or City Council**

**Adjourn**



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**Consent Agenda**

February 4, 2016

Honorable Mayor and Members of City Council

RE: Community Development Affordable Housing Assistance Program

**Background**

Homebuyers for the properties referenced below have applied with the City requesting principal reduction and closing cost assistance. The lenders referenced below are assisting the applicants with a first mortgage loan under the guidelines established by the Affordable Housing Assistance program.

<u>Property Address</u>	<u>CDBG</u>	<u>Sales Price</u>	<u>First Mortgage Lender</u>
1016 Shaman Xing	10,000.00	\$115,900.00	IServe Residential Lending, LLC
508 Westgate Blvd.	10,000.00	\$105,000.00	Accurate Mortgage

**Fiscal Impact**

The Fiscal Year 2016 Community Development Budget allocates \$120,000.00 in CDBG funds for direct service to homebuyers. After deducting for the transaction at 1012 Murfree Avenue and 3226 Prater Court approximately \$60,000.00 will remain uncommitted in this line item.

**Concurrences**

Information provided to the City by the applicants indicates eligibility for assistance. Disbursement of funds will be subject to final approval of the first mortgage loans and the property and applicants meeting all program criteria at the time of closing.

**Recommendation**

I recommend Council approve budgeted CDBG funds through the Affordable Housing Assistance Program for the purchase transaction at 1016 Shaman Xing and 508 Westgate Blvd..

Respectfully,

Patty Pope  
Grant Coordinator

**Community Development**



*... creating a better quality of life*

February 5, 2016

## **CONSENT AGENDA**

### **HONORABLE MAYOR AND MEMBERS OF MURFREESBORO CITY COUNCIL**

RE: Revisions to Employee Handbook Section 1025-Retirement

#### **Background**

Staff is recommending these handbook changes upon implementation of the City's new time and attendance software in Munis to align with existing Pension and Retirement program definitions which more clearly delineate applicable earnings and exclusions.

Staff is also recommending changes to Section 1025 that coincide with the eligibility period for participants changing from first day of the first month immediately following 90 days of employment to first day of the first month immediately following 60 days of employment which Council has previously approved. Staff is also recommending changes that reflect the current City of Murfreesboro Appendix C which clarify the relationship between a participant receiving disability benefits and their respective eligibility for pensionable employment when receiving such benefits.

Staff is also recommending an increase in the number of hours per week that a retiree may be reemployed from 15 or fewer to 30 or fewer.

#### **Fiscal Impact**

There is no additional financial impact.

#### **Concurrences**

The City Manager, Human Resources Director, and City Attorney concur with this recommended revision.

#### **Recommendation**

By approving the Consent Agenda, City Council will approve this revision of Employee Handbook Section 1025 of to be effective immediately.

#### **Attachments**

1. Employee Handbook Section 1025, as proposed
2. Employee Handbook Section 1025, existing

Sincerely,

Glen Godwin, SHRM-SCP, IPMA-CP  
Human Resources Director

**CITY OF MURFREESBORO  
EMPLOYEE HANDBOOK**

**Section No: 1025 Date: xx-xx-16**

**Supersedes Section No: Dated: 7-1-12**

**Subject: Retirement**

**Approved: Robert J. Lyons, City Manager\_\_\_\_\_**

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(a) Depending on their date of hire for full time employment, all eligible employees of the City are required to be members of either the City's Pension Plan or of the City's Retirement Program. Employees hired for full time employment before July 1, 2010 are members of the City of Murfreesboro, Tennessee Revised Pension Trust Agreement ("Pension Plan") which is a defined benefit pension plan. Employees hired for full time employment on or after July 1, 2010 are members of the City of Murfreesboro Retirement Program ("Retirement Program") which is a defined contribution program.

(b) The Pension Plan and the Retirement Program are administered by a Pension Committee appointed by the City Council. All decisions of the Pension Committee are final and binding on participants in the Pension Plan and Retirement Program.

(c) The City reserves the right to alter, amend and discontinue the Pension Plan, the Retirement Program and any terms, conditions, and benefits of the Pension Plan and Retirement Program for all employees, or any class or group of employees, as permitted by law without notice.

(d) The terms, conditions and benefits of the Pension Plan and the Retirement Program are as set forth in the ordinances, resolutions and contracts creating and administering said employee benefits which ordinances, resolutions and contracts control their operation. Nothing in this Section 1025, or any other provision of the Employee Handbook, or any other written or verbal description of the Pension Plan or Retirement Program, modifies the terms or interpretation of those documents, except as expressly provided therein. The descriptions of the Pension Plan and the Retirement Program in this Section 1025 are only for the convenience and easy reference of employees.

(e) An eligible participant in the Pension Plan or Retirement Program is any person who is an officer of the City or who is regularly employed for more than thirty (30) hours per workweek for more than six (6) consecutive months in any calendar year who is not a part-time, seasonal, or temporary employee. A new employee becomes eligible

and is required to become a participant in the Retirement Program on the first day of the first month immediately following completion of sixty (60) days of full-time employment.

(f) Each day that a participant receives disability benefits shall not be considered as pension eligible employment in computing pension benefits unless the employee is paid sick or vacation hours or compensatory hours on said days.

(g) Normal retirement for participants, other than for those employees classified as firefighters or police officers, will be on the participant's sixty-fifth (65th) birthday. Normal retirement for participants classified as firefighters and police officers will be on the participant's fifty-fifth (55th) birthday. For participants other than firefighters and police officers, retirement after age fifty-five (55) with thirty (30) years of employment will not be considered early retirement. There is no mandatory retirement age.

(h) A retiring participant using accrued sick leave, vacation leave, or comp time leave toward retirement shall not, after the last day the participant is actively at work, accrue additional annual or sick leave nor receive any pay or salary raise or step increase.

(i) Under the Pension Plan:

(1) The total cost of the Pension Plan is paid for by the City. The Pension Committee makes all investment decisions for the Pension Plan. Since 1988 employees have not been required or allowed to make contributions to the Pension Plan.

(2) Consistent with the Pension Plan, contributions to the Pension Trust Fund are made by the City and are based upon the monthly equivalent of the Participant's annual basic rate of pay, including salary and salary supplements, but excluding overtime pay, bonuses, uniform allowances, paid meal breaks, and other extra compensation.

(3) Each Pension Plan participant will be entitled to receive a monthly pension, commencing at the employee's normal retirement date, computed at two percent (2%) of the employee's highest five (5) years' average monthly compensation times the employee's years of employment, not in excess of thirty (30) years of employment. In no event shall the employee's basic monthly pension exceed sixty percent (60%) of the average of the employee's highest five (5) years monthly compensation. The first five (5) years of basic monthly payments are guaranteed.

(4) Monthly retirement payments are payable for a minimum of sixty (60) payments in the event of earlier death of the retired participant. Upon earlier death, the payment is continued to the beneficiary until a total of sixty (60) payments have been made. The total of sixty (60) payments includes payments made to the retired participant before death and any payments made to the beneficiary.

(5) Any retired participant may elect an alternate method of payment of retirement benefits, providing such election is made prior to or within thirty (30) days following the employee's retirement date. Alternate forms of annuities available are joint and survivor annuities with 50%, 75%, or 100% payments to the surviving contingent annuitant; single life annuities; and certain and life annuities with ten (10) or fifteen (15) years certain. Any alternate method of payment will be actuarially equivalent to the retired participant's basic monthly pension.

(6) A participant whose employment is terminated after five (5) years of employment but before the participant is eligible to receive benefits under the Pension Plan shall be entitled to a deferred vested benefit. The deferred vested benefit shall be payable on the participant's sixty-fifth (65th) birthday, if then living, and on the first day of each calendar month thereafter during the participant's lifetime, with the first sixty (60) monthly payments guaranteed.

The amount of the deferred vested benefit shall be the amount of benefits calculated pursuant to the Pension Plan as of the date of termination.

(7) If a vested former employee (decedent) dies before age 65 with a spouse surviving, and the decedent was entitled to a deferred vested benefit under the Pension Plan at the time of death, the surviving spouse will receive a monthly annuity benefit starting at the time decedent would have reached age 65 and the monthly annuity shall be calculated based upon the benefit the decedent would have been entitled to on the decedent's 65th birthday as if the decedent had made an election for joint and fifty percent survivor annuity with the surviving spouse as contingent annuitant.

(8) If a vested employee or a vested former employee (decedent) dies without a spouse surviving, the decedent's named beneficiary(ies) will be entitled to receive a payment equal to the amount of the sixty (60) monthly payments the decedent would have received at normal retirement age after said amount has been actuarially reduced.

(j) Under the Retirement Program:

(1) The Retirement Program consists of a §401(a) Plan and a §457 Plan. (These plans are structured consistent with the definitions of such plans set forth in §401(a) and §457 respectively of the U.S. Internal Revenue Code.) The retirement benefit for each employee participating in the Retirement Program is not certain or fixed; it will depend on the contributions made and the investment earnings accrued by each individual participant in these accounts.

(2) The City contributes, and the employee is required to contribute, to a 401 Plan, also known as a Governmental Money Purchase Plan & Trust.

(3) Consistent with the Retirement Program, contributions are based on W-2 earnings but exclude overtime, bonuses, longevity pay, clothing allowance, paid meal breaks, state training pay, and wellness or excessive life insurance premiums. The City contributes 3% and the employee contributes 3% for a total contribution to the 401 Plan of 6%.

(4) An employee in the Retirement Program may also, but is not required to, contribute to a 457 Plan, also known as a deferred compensation plan. For any voluntary contributions made by an employee to his or her 457 Plan which equal from 1% to 5% of the employee's salary, the City will make an equal, "matching" contribution of from 1% to 5% of the employee's salary to the employee's 401 Plan account. An employee may contribute more than 5% of the employee's salary to his or her 457 Plan but contributions in excess of 5% will not be "matched" by the City.

(5) The amount contributed and invested each year for an employee under the Retirement Program will be a minimum of 6% and a maximum of 16% of the employee's salary depending upon whether the employee makes voluntary contributions and the amount of those voluntary contributions. These contributions are "before" tax (income tax deferred).

(6) All amounts contributed to the 401 Plan by the City and the employee, and all amounts contributed to the 457 Plan by the employee, are invested according to the directions of the employee within the choices afforded by the administrators of the Plans. All investment proceeds remain within the respective 401 and 457 Plans in the employee's account until they become eligible for withdrawal.

(7) The employee becomes fully vested in the 401 Plan after 5 years of employment. There is no vesting period requirement for the employee's voluntary contributions to the 457 Plan.

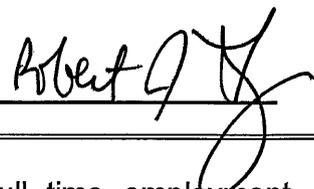
(8) Upon retirement the employee has a variety of withdrawal ("distribution") choices for his or her accrued 401 and 457 Plan balances based on the terms of the Plans.

(k) Reemployment after Retirement

An employee who begins to receive retirement benefits under the City's Pension Plan or Retirement Program on or after July 1, 2012 shall not be eligible for any reemployment with the City which is benefit eligible. A retiree may only be reemployed in a seasonal position, in a part-time position which is regularly scheduled to work thirty (30) or fewer hours per week, or as an elected City Council member.

[02-09-95; 05-11-00; 05-26-11; 07-01-12]

**CITY OF MURFREESBORO  
EMPLOYEE HANDBOOK**

**Section No:** 1025 **Date:** 7-1-12  
**Supersedes Section No:** **Dated:** 5-26-11  
**Subject:** Retirement  
**Approved:** Robert J. Lyons, City Manager 

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(a) Depending on their date of hire for full time employment, all eligible employees of the City are required to be members of either the City's Pension Plan or of the City's Retirement Program. Employees hired for full time employment before July 1, 2010 are members of the City of Murfreesboro, Tennessee Revised Pension Trust Agreement ("Pension Plan") which is a defined benefit pension plan. Employees hired for full time employment on or after July 1, 2010 are members of the City of Murfreesboro Retirement Program ("Retirement Program") which is a defined contribution program.

(b) The Pension Plan and the Retirement Program are administered by a Pension Committee appointed by the City Council. All decisions of the Pension Committee are final and binding on participants in the Pension Plan and Retirement Program.

(c) The City reserves the right to alter, amend and discontinue the Pension Plan, the Retirement Program and any terms, conditions, and benefits of the Pension Plan and Retirement Program for all employees, or any class or group of employees, as permitted by law without notice.

(d) The terms, conditions and benefits of the Pension Plan and the Retirement Program are as set forth in the ordinances, resolutions and contracts creating and administering said employee benefits which ordinances, resolutions and contracts control their operation. Nothing in this Section 1025, or any other provision of the Employee Handbook, or any other written or verbal description of the Pension Plan or Retirement Program, modifies the terms or interpretation of those documents, except as expressly provided therein. The descriptions of the Pension Plan and the Retirement Program in this Section 1025 are only for the convenience and easy reference of employees.

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a participant on the first day of the first month immediately following completion of ninety (90) days of full-time employment.

(f) Normal retirement for participants, other than for those employees classified as firefighters or police officers, will be on the participant's sixty-fifth (65th) birthday. Normal retirement for participants classified as firefighters and police officers will be on the participant's fifty-fifth (55th) birthday. For participants other than firefighters and police officers, retirement after age fifty-five (55) with thirty (30) years of employment will not be considered early retirement. There is no mandatory retirement age.

(g) A retiring participant using accrued sick leave, vacation leave, or comp time leave toward retirement shall not, after the last day the participant is actively at work, accrue additional annual or sick leave nor receive any pay or salary raise or step increase.

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(4) Any retired participant may elect an alternate method of payment of retirement benefits, providing such election is made prior to or within thirty (30) days following the employee's retirement date. Alternate forms of annuities available are joint and survivor annuities with 50%, 75%, or 100% payments to the surviving contingent annuitant; single life annuities; and certain and life annuities with ten (10) or fifteen (15) years certain. Any alternate method of payment will be actuarially equivalent to the retired participant's basic monthly pension.

(5) If a participant shall cease to be an employee for any reason other than retirement, death or disability before completing five (5) years employment with the

City, the participant's interest and rights under the Pension Plan shall be limited to a refund of the participant's entire contribution to the Pension Plan, if any. [NOTE: Employees contributed to the Pension Plan prior to July 1, 1988; an employee hired after July 1, 1988, would not have made a contribution and can expect no refund.]

(6) A participant whose employment is terminated after five (5) years of employment but before the participant is eligible to receive benefits under the Pension Plan, shall be entitled to a deferred vested benefit. The deferred vested benefit shall be payable on the participant's sixty-fifth (65th) birthday, if then living, and on the first day of each calendar month thereafter during the participant's lifetime, with the first sixty (60) monthly payments guaranteed.

The amount of the deferred vested benefit shall be the amount of benefits calculated pursuant to the Pension Plan as of the date of termination.

(7) If a vested former employee (decedent) dies before age 65 with a spouse surviving, and the decedent was entitled to a deferred vested benefit under the Pension Plan at the time of death, the surviving spouse will receive a monthly annuity benefit starting at the time decedent would have reached age 65 and the monthly annuity shall be calculated based upon the benefit the decedent would have been entitled to on the decedent's 65th birthday as if the decedent had made an election for joint and fifty percent survivor annuity with the surviving spouse as contingent annuitant.

(8) If a vested employee or a vested former employee (decedent) dies without a spouse surviving, the decedent's named beneficiary(ies) will be entitled to receive a payment equal to the amount of the sixty (60) monthly payments the decedent would have received at normal retirement age after said amount has been actuarially reduced.

(i) Under the Retirement Program:

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(2) The City contributes, and the employee is required to contribute, to a 401 Plan, also known as a Governmental Money Purchase Plan & Trust. Contributions are based on annual salary: the City contributes 3% and the employee contributes 3% for a total contribution to the 401 Plan of 6% of the employee's annual salary.

(3) An employee in the Retirement Program may also, but is not required to, contribute to a 457 Plan, also known as a deferred compensation plan. For any

voluntary contributions made by an employee to his or her 457 Plan which equal from 1% to 5% of the employee's salary, the City will make an equal, "matching" contribution, of from 1% to 5% of the employee's salary to the employee's 401 Plan account. An employee may contribute more than 5% of the employee's salary to his or her 457 Plan but contributions in excess of 5% will not be "matched" by the City.

(4) The amount contributed and invested each year for an employee under the Retirement Program will be a minimum of 6% and a maximum of 16% of the employee's salary depending upon whether the employee makes voluntary contributions and the amount of those voluntary contributions. These contributions are "before" tax (income tax deferred).

(5) All amounts contributed to the 401 Plan by the City and the employee, and all amounts contributed to the 457 Plan by the employee, are invested according to the directions of the employee within the choices afforded by the administrators of the Plans. All investment proceeds remain within the respective 401 and 457 Plans in the employee's account until they become eligible for withdrawal.

(6) The employee becomes fully vested in the 401 Plan after 5 years of employment. There is no vesting period requirement for the employee's voluntary contributions to the 457 Plan.

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[02-09-95; 05-11-00; 05-26-11; 07-01-12]



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## CONSENT AGENDA

February 8, 2016

Honorable Mayor and Members of City Council:

**RE: Murfreesboro City School - 2016 State of Tennessee Energy Efficiency Loan**

### **Background**

On December 10, 2015 Gary Anderson sent a letter to Council on behalf of the Murfreesboro City Schools regarding the work to be done for energy efficiency upgrades at many of the City schools. The letter stated the loan is a zero percent loan with a .75% administration fee.

The letter should have read that the loan has a .75% interest rate. There is not an administration fee.

### **Fiscal Impact**

There is no additional fiscal impact. The amount of pay back will be the same as originally presented, and the City schools will be making the principal and interest payments.

### **Recommendation**

It is recommended that City Council approve the \$2,140,000 loan from the State of Tennessee EESI program with a .75% interest rate.

Melissa Wright  
City Recorder/Finance Director

### Finance and Tax Administration

111 West Vine Street \* P. O. Box 1139 \* Murfreesboro, Tennessee 37133-1139 \* Phone 615 849 2629 \* Fax 615 849 2679  
TDD 615 849 2689      [www.murfreesborotn.gov](http://www.murfreesborotn.gov)

January 21, 2016

To whom it may concern,

The Junior League of Murfreesboro would like to request authorization to hang a banner across Main Street in front of Central Magnet School March 22<sup>nd</sup> - April 1<sup>st</sup>. We would like to publicize our annual Be Well Boro Health and Wellness Fair, which will be held on Saturday, April 16<sup>th</sup> from 11:00am- 2:00pm at the Stones River Mall. This a free event for the Murfreesboro community focused on promoting good health in 2016. The Junior League hopes to provide access to dozens of health professionals along with free health screenings and demonstrations.

We will provide the 3 ft. x 25 ft. banner with 4 grommets and hemmed edges. We will also bring necessary zip ties. Please let us know at your earliest convenience if this is permissible. Contact Lauren Horton at [lhist@vols.utk.edu](mailto:lhist@vols.utk.edu) or (615)-944-3426 if you have further questions. Please mail your reply to 4904 Laura Jeanne Blvd., Murfreesboro, TN 37129. We look forward to hearing from you. Thank you.

Lauren Horton  
Public Relations Chair  
*Junior League of Murfreesboro*  
4904 Laura Jeanne Blvd.  
Murfreesboro, TN 37129  
Phone: (615)-944-3426  
[lhist@vols.utk.edu](mailto:lhist@vols.utk.edu)



*... creating a better quality of life.*

## **Agenda**

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February 5, 2016

Honorable Mayor and Members of City Council

Re: Public Hearings to be held on February 11, 2016

### **Background**

Attached is additional information for the public hearings to be held by the City Council. The items are as follows:

- a. Rezoning application [2015-429] for approximately 2.2 acres located along Gresham Lane to be rezoned from RS-15 to RM-16, Alcorn Properties applicant. The Planning Commission voted unanimously to recommend approval on December 16, 2015 (with one abstention).
- b. Rezoning application [2015-432] for approximately 1.68 acres located along Dill Lane to be rezoned from RS-15 to RM-12, Randy Friedsam applicant. The Planning Commission voted unanimously to recommend approval on January 6, 2016.
- c. Rezoning application [2015-433] for approximately 8.56 acres located along Franklin Road to be rezoned from RS-15 to CF, Anthony Togrye applicant. The Planning Commission voted unanimously to recommend approval on January 6, 2016.

### **Recommendation**

The City Council will need to conduct public hearings on these matters after which it will consider ordinances for their adoption.

### **Concurrences**

The Murfreesboro Planning Commission conducted a public hearing on item “a” during its regular meeting on December 2, 2015, at which time it deferred action. It was then brought back up under Old Business at the Planning Commission’s December 16, 2015 regular meeting. The Planning Commission conducted public

hearings on items “b” and “c” on January 6, 2016. The Planning Commission is recommending approval of all items.

**Attachments**

1. Staff Comments from the respective Planning Commission meetings
2. Illustrations of the areas
3. Miscellaneous exhibits and materials pertaining to each item
4. Minutes from the December 2, 2015, December 16, 2015, and January 6, 2016 Planning Commission meetings

Respectfully Submitted,

Matthew T. Blomeley, AICP  
Principal Planner

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
DECEMBER 16, 2015**

**4.a. Rezoning application [2015-429] for approximately 3 acres located along Gresham Lane to be rezoned from RS-15 to RM-16, Alcorn Properties applicant.**

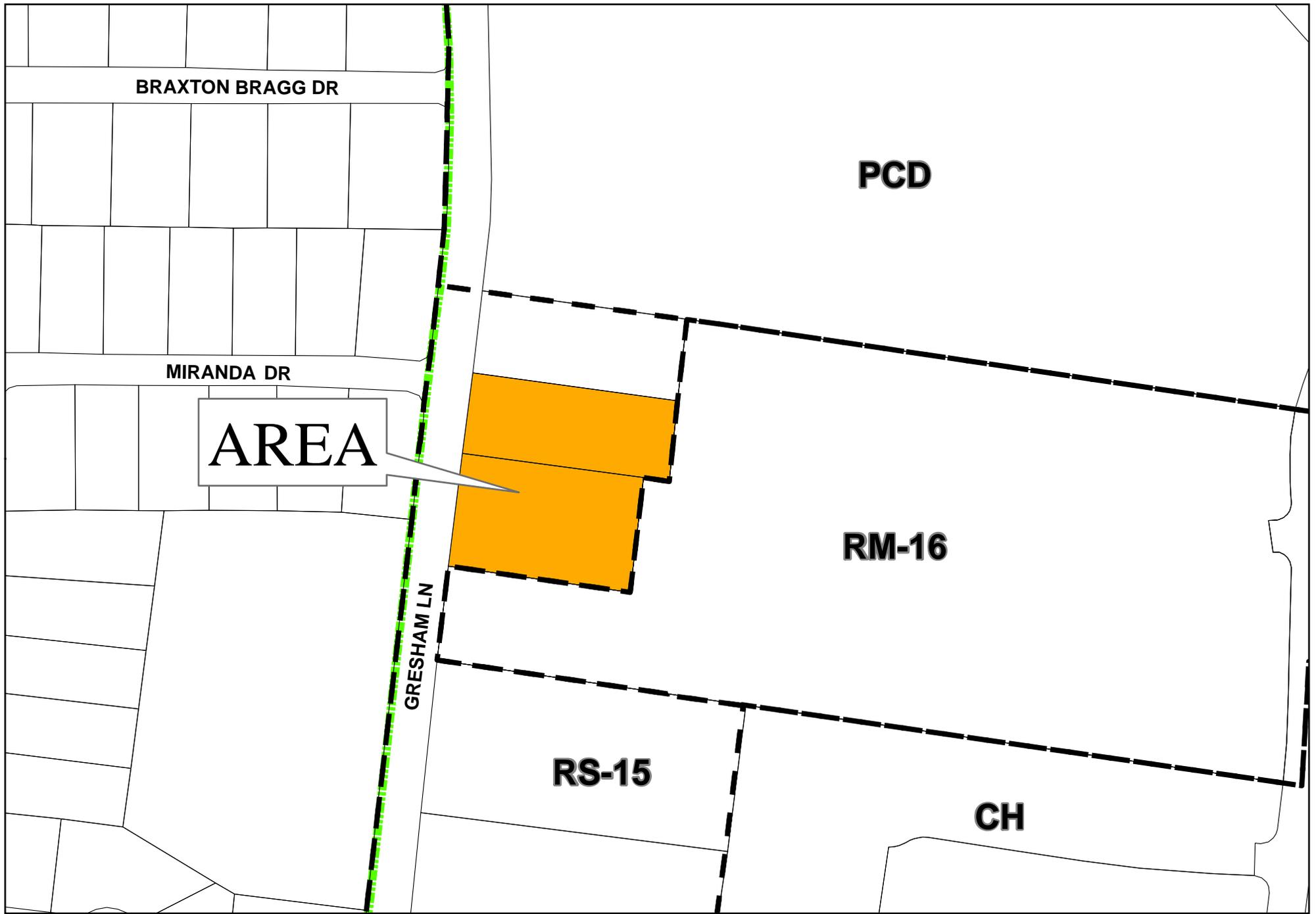
The subject property consists of 2 parcels located east of Gresham Lane, just east of Miranda Drive. The properties to the south are zoned RM-16 (Multi-family residential district) and RS-15 (Single-Family Residential District). The properties to the west, across Gresham Lane, are in the unincorporated area of Rutherford County and are developed as county single-family subdivisions. One parcel to the north is zoned RS-15 and the larger parcel is PCD (Planned Commercial District) and is the owned by Rutherford County. The property to the east is zoned RM-16 and a site plan has been approved to allow it to develop as an apartment complex (Orchard Grove). This portion of Gresham Lane is substandard and any development would be expected to participate in its improvements.

The subject properties are both zoned RS-15 and were zoned as such when they were annexed into the city in 1996. One parcel is vacant and the other is developed with a single-family house. The properties were purchased from members of the Caffey property by Mr. David Alcorn. Mr. Alcorn desires to develop the properties with multi-family units. The density permitted by right would be 32 dwelling units. Additional units may be gained if the site plan includes amenities that meet the requirements of the Zoning Ordinance provided that the total of all such density bonuses may not exceed 30% of the maximum density permitted in the district (approx. 10 units).

The Planning Commission included a third parcel to the north (601 Gresham Lane), owned by another member of the Caffey property, to study for rezoning. It is developed with a single-family house and was also zoned RS-15 when annexed. Single-family residential uses are permitted by right within the RM-16 district. If this parcel is an acre or greater in size, approximately 16 dwelling units would be permitted.

The Planning Commission deferred action on this item to discuss it at the December 16<sup>th</sup> meeting. The Planning Commission will need to formulate a recommendation to send to City Council.

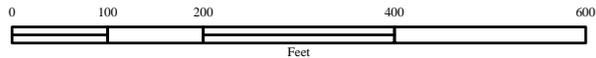




**Rezoning Request for Area Along Gresham Ln  
from RS-15 to RM-16**



Path: G:\planning\rezon\greshamLnRS15\_RM16.mxd



GIS Department  
City of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130  
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RECEIVED
OCT 29 2015

BY: .....

REZONING APPLICATION FORM
\$600.00 per application

Procedure for applicant:

The applicant must submit the following information to initiate a rezoning:

- 1. A completed rezoning application (below).
2. A plot plan, property tax map, survey, and/or a legal description of the property proposed for rezoning. (Please attach to application.)
3. A \$600.00 non-refundable application fee.

For assistance or questions, please contact a planner at 615-893-6441.

To be completed by applicant:

APPLICANT: Alcorn Properties

Address: 239 Veterans Parkway #C City/State/Zip: Murfreesboro, TN 37128

Phone: 615-476-4040 E-mail address: alcornnda@gmail.com

PROPERTY OWNER: Alcorn Properties

Street Address or property description: 591 Gresham Lane and adjoining property to west

and/or Tax map #: 92 Group: Parcel (s): 00400/00402

Existing zoning classification: RS-15

Proposed zoning classification: RM-16 Acreage: 2 Acres

Contact name & phone number for publication and notifications to the public (if different from the applicant): Clyde Rountree

E-mail: rountree.associates@yahoo.com

APPLICANT'S SIGNATURE (required): [Signature]

DATE: 10-29-15

\*\*\*\*\*For Office Use Only\*\*\*\*\*

Date received: MPC YR.: MPC #: 2015-429

Amount paid: \$ 600.00 Receipt #: 922557

RECEIVED  
OCT 29 2015

October 28, 2015

BY: .....

Mr. Gary Whitaker  
Interim Planning Director  
City of Murfreesboro  
111 W. Vine Street  
Murfreesboro, TN 37130

Re: Rezoning Request

Described as Tax Map #092 00400 and Tax Map #092 00402 located at 591 Gresham Lane in the City of Murfreesboro, Tennessee.

Dear Mr. Whitaker:

On behalf of our client, New South Development LLC., we hereby request the rezoning of two properties located at Tax Map 92, Parcels #00400 and #00402, consisting of 1 acre per lot for a total of two acres, currently zoned RS-15, to the new zoning of RM-16. Our client is planning on building apartment units or selling the land to the developers of Vintage Blackman. Thank you for considering our request.

Sincerely,



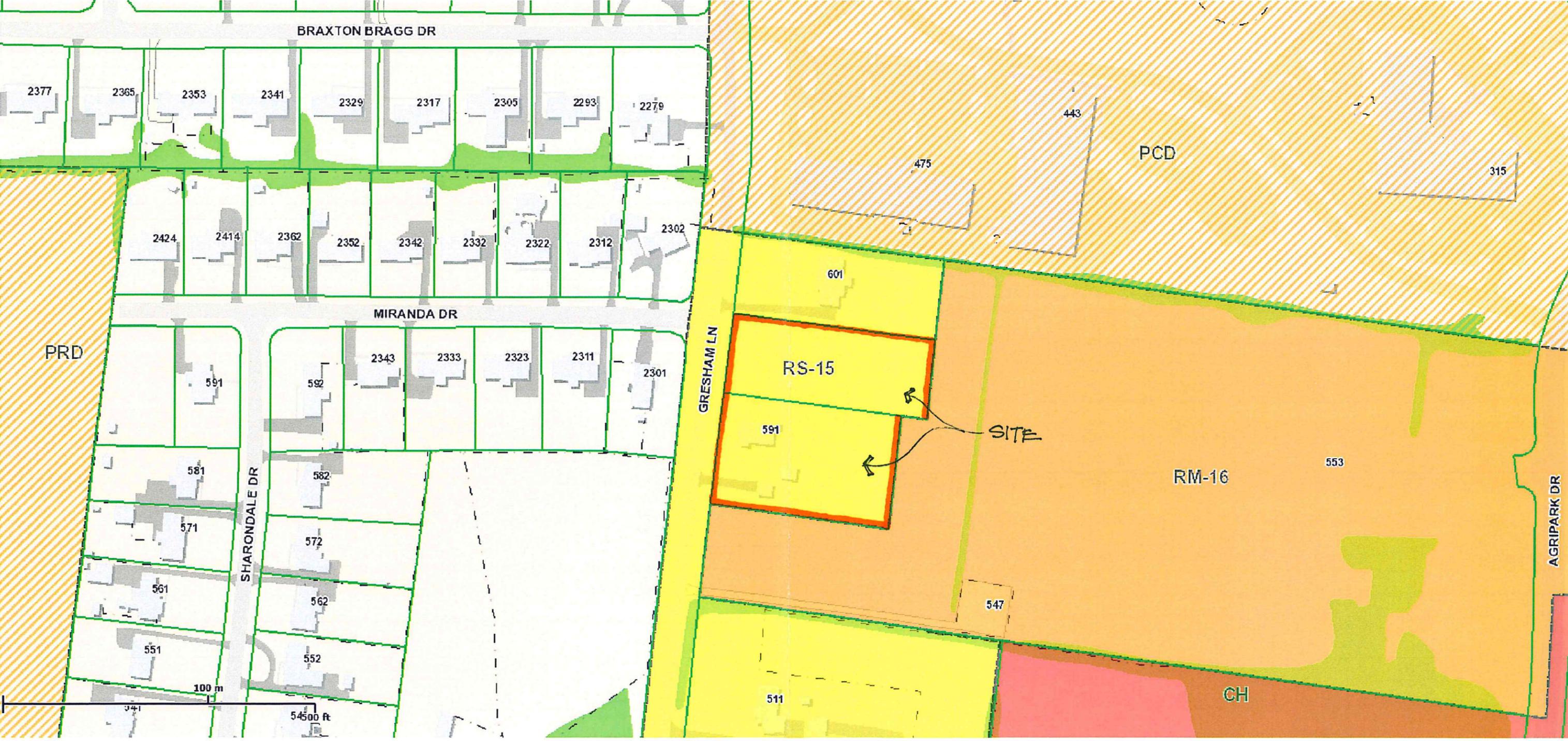
Clyde Rountree, RLA

HUDDLESTON-STEELE ENGINEERING, INC.

# Rezoning Exhibit

RECEIVED  
OCT 29 2015

BY: .....



Mr. Gary Whitaker:

RE: RE Zoning of the properties adjacent to my property located at 601 Gresham Lane, Murfreesboro

I would like to take this opportunity to bring to the attention of the planning commission my objections to the rezoning request noted above. This commission is aware of its previous approval for apartments to be built directly behind my property and my objections I had stated prior to approval of that request. Now we have another developer requesting that the property on the south side of my property be rezoned to commercial. This approval would totally enclose my property with commercial zoning. I would be the only residential property that is affected in this manner. This would further damage any value I have as a residential property. Who wants to buy a home surrounded by commercial property? You may ask why I would not want to zone my property commercial? Why would I? I have been told the value of property for commercial zoning is in the land only, which is worth much less than the land with my home sitting on it. If someone in real estate development can prove to me different, I might consider commercial zoning.

I would ask why this zoning is necessary. Is it because another developer has requested this zoning? It certainly appears that zoning requests by developers are favored by this commission without any regard for the rights of private residential property owners. The zoning that has been allowed to date is in direct conflict to what I was specifically told by Mr. Adelyot. I know he is no longer employed with the city. When the Rutherford County Ag Center facility was built he assured me that no additional commercial zoning would be allowed on Gresham Lane due to traffic considerations. I was told specifically that the property fronting Gresham Lane, i.e. my property and 591 Gresham Lane would not be approved for commercial zoning as it would serve as a buffer to any commercial development on the property fronting St. Andrews Dr. at the rear of my property. However the commission continues to approve zoning that continues to dump more traffic on Gresham Lane, a two lane road with no shoulders. Example, allowing Franklin Rd Baptist Church and the apt complex adjacent to exit traffic out onto Gresham Lane.

It seems I cannot believe anything I have been told in reference to zoning, only that developers appear to get what they request. If this zoning is approved, you will have damaged my property value considerably. As no one has offered to purchase my property to be part of all this commercial development that seeks to be approved, I am the only party who is incurring any damage. Obviously this zoning is for the benefit of one developer, Acorn Properties, the only party that would benefit. In my opinion, as a resident of this property for 27 years, this request is not only unwarranted but totally unfair to my family as a residential property owner. I appreciate your consideration.

Regards,

George Caffey

601 Gresham Lane

615-653-2276

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION DECEMBER 2, 2015

The subject property was zoned RZ, RM-16 and CL when it was annexed. Since that time, the applicants have developed a master development plan for the property. They now wish to rezone 2.1 acres of the property from RZ to RM-16 and 1.8 acres from RM- 16 to RZ. If approved, this rezoning will increase the amount of property zoned RM-16 by 0.3 acres (13,068 square feet) which would increase density by approximately 6 dwelling units. Additional units may be gained if the site plan includes amenities that meet the requirements of the Zoning Ordinance provided that the total of all such density bonuses may not exceed 30% of the maximum density permitted in the district.

Mr. Clyde Rountree was present to represent the applicant.

Chairman Lamb opened the public hearing. No one came forward to speak for or against the rezoning request; therefore, Chairman Lamb closed the public hearing.

**Mr. Ken Halliburton made a motion to approve, seconded by Mr. Tom Clark. The motion carried by unanimous vote in favor.**

**Rezoning application [2015-429] for approximately 3 acres located along Gresham Lane to be rezoned from RS-15 to RM-16, Alcorn Properties applicant.** Ms. Margaret Ann Green began by describing the subject property

which consists of 2 parcels located east of Gresham Lane, just east of Miranda Drive. The properties to the south are zoned RM-16 (Multi-family residential district) and RS-15 (Single-Family Residential District). The properties to the west, across Gresham Lane, are in the unincorporated area of Rutherford County and are developed as county single-family subdivisions. One parcel to the north is zoned RS-15 and the larger parcel is PCD (Planned Commercial District) and is the owned by Rutherford County. The property to the east is

# **MINUTES OF THE MURFREESBORO PLANNING COMMISSION DECEMBER 2, 2015**

zoned RM-16 and a site plan has been approved to allow it to develop as an apartment complex (Orchard Grove). This portion of Gresham Lane is substandard and any development would be expected to participate in its improvements.

The subject properties are both zoned RS-15 and were zoned as such when they were annexed into the city in 1996. One parcel is vacant and the other is developed with a single-family house. The properties were purchased from members of the Caffey property by Mr. David Alcorn. Mr. Alcorn desires to develop the properties with multifamily units or to combine it with the property to the east. The density permitted by right would be 32 dwelling units. Additional units may be gained if the site plan includes amenities that meet the requirements of the Zoning Ordinance provided that the total of all such density bonuses may not exceed 30% of the maximum density permitted in the district (approx. 10 units).

The Planning Commission included a third parcel to the north (601 Gresham Lane), owned by another member of the Caffey property, to study for rezoning. It is developed with a single-family house and was also zoned RS-15 when annexed. Single-family residential uses are permitted by right within the RM-16 district. If this parcel is an acre or greater in size, approximately 16 dwelling units would be permitted.

Mr. Clyde Rountree and Mr. David Alcorn were both present to represent the applicant. Mr. David Alcorn came forward making known he had discussions with the joining property owner Mr. George Caffey. Mr. Caffey has concerns with the design and could not attend this public hearing. Therefore, Mr. Alcorn requested for this rezoning request be deferred.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION DECEMBER 2, 2015

The Planning Commission asked staff if this could be brought up at the next Planning Commission meeting, in which Mr. Gary Whitaker answered yes. However, the scheduled public hearing would continue.

Chairman Lamb opened the public hearing. No one came forward to speak for or against the rezoning request; therefore, Chairman Lamb closed the public hearing.

Mr. Ken Halliburton expressed his gratitude towards Mr. Alcorn for his willingness to work on this request. Also, for agreeing to defer action until Mr. Caffey's concerns have been discussed.

**Mr. Ken Halliburton made a motion to defer until December 16, 2015, Planning Commission meeting, seconded by Mr. Tom Clark. The motion carried by unanimous vote in favor.**

## **PRD Amendment [2015-430] for approximately 22.5 acres located east of Cason Lane to amend the Three Rivers PRD, Green Trails, LLC applicant.**

Mr. Matthew Blomeley began by describing the subject property located just east of Cason Lane and is a part of the Three Rivers PRD (Planned Residential District). The Three Rivers PRD consists of several different housing types and lot sizes. The subject property is bordered on its south and east sides by undeveloped property zoned RS-10 and RS-12 (Single-Family Residential 10 and 12) that is envisioned to be developed with future sections of Rivers Edge and Barfield Downs single-family residential subdivisions. The property to the north is an undeveloped piece of property located in the unincorporated County.

The property in question is a 22.51-acre portion of a 33-acre element of the Three Rivers PRD called The Gardens of Three Rivers. The existing PRD zoning plan, which was approved in 2003, called for the total 33 acres of The Gardens

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION

**DRAFT** DECEMBER 16, 2015

**DRAFT**

**City Hall**

**1:00 P.M.**

## **MEMBERS PRESENT**

**Bob Lamb, Chairman  
Doug Young, Vice Chairman  
Eddie Smotherman  
Tom Clark  
Kathy Jones  
Kirt Wade**

## **STAFF PRESENT**

**Gary Whitaker, Planning Director  
Matthew Blomeley, Principal Planner  
Margaret Ann Green, Principal Planner  
Joe Ornelas, Planner  
Carolyn Jaco, Recording Assistant  
David Ives, Assistant City Attorney  
Carl Peas, Assistant Fire Marshall  
Ram Balachandran, Traffic Engineer  
Katie Noel, Project Engineer  
Cey Chase, Interim Engineer  
Brad Barbee, Landscape Site Plan Inspect.  
Greg Harvey, Development Coordinator**

**Chairman Lamb called the meeting to order after determining there was a quorum. The minutes of the October 21, 2015, October 27, 2015, November 4, 2015, and December 2, 2015, Planning Commission meetings were approved as submitted.**

## **Old Business**

**Rezoning application [2015-429] for approximately 3 acres located along Gresham Lane to be**

**rezoned from RS-15 to RM-16, Alcorn Properties applicant.** Ms. Margaret Ann Green began by describing the subject property which consists of 2 parcels located east of Gresham Lane, just east of Miranda Drive. The properties to the south are zoned RM-16 (Multi-family residential district) and RS-15 (Single-Family Residential District). The properties to the west, across Gresham Lane, are in the unincorporated area of Rutherford County and are developed as county single-family subdivisions. One parcel to the north is zoned RS-15 and the larger parcel is PCD (Planned Commercial District) and is owned by Rutherford County. The property to the east is zoned RM-16 and a site plan has been approved

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**DRAFT**

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION DECEMBER 16, 2015

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to allow it to develop as an apartment complex (Vintage at Blackman). This portion of Gresham Lane is substandard and any development would be expected to participate in its improvements.

The subject properties are both zoned RS-15 and were zoned as such when they were annexed into the city in 1996. One parcel is vacant and the other is developed with a single-family house. The properties were purchased from members of the Caffey property by Mr. David Alcorn. Mr. Alcorn desires to develop the properties with multifamily units. The density permitted by right would be 32 dwelling units. Additional units may be gained if the site plan includes amenities that meet the requirements of the Zoning Ordinance provided that the total of all such density bonuses may not exceed 30% of the maximum density permitted in the district (approx. 10 units).

The Planning Commission included a third parcel to the north (601 Gresham Lane), owned by George Caffey, to study for rezoning. It is developed with a single-family house and was also zoned RS-15 when annexed. Single-family residential uses are permitted by right within the RM-16 district. If this parcel is an acre or greater in size, approximately 16 dwelling units would be permitted.

Ms. Kathy Jones announced she would be abstaining from discussion and vote.

Mr. Gary Whitaker made known he had spoken with Mr. George Caffey whom lives beside this property. Mr. George Caffey had provided a letter to the planning department making known his objection to this rezoning request.

Mr. Ken Halliburton wanted to know if traffic had been addressed for Gresham Lane. Ms. Green explained that currently Gresham Lane is a substandard road. If this rezoning request is approved, the applicant would be required to include road improvements with the development plan.

**Mr. Doug Young made a motion to approve the rezoning request and not to include the additional study area, seconded by Mr. Eddie Smotherman. The motion carried with one abstention made by Ms. Kathy Jones.**

DRAFT

DRAFT

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
JANUARY 6, 2015**

**4.a. Rezoning application [2015-432] for approximately 1.68 acres located along Dill Lane to be rezoned from RS-15 to RM-12, Randy Friedsam applicant.**

The subject property is located at the northwest corner of Dill Lane and Harrell Court. It is located to the south of East Main Street and to the north of Mercury Boulevard. Harrell Court is a private street that currently provides access to three properties, including the subject property. The subject property is currently zoned RS-15 (Single-Family Residential District) and is undeveloped with the exception of a mobile home. The applicant has a contract on the property and has requested a rezoning to RM-12 (Residential Multi-Family District). He is contemplating the construction of a multi-family development on the subject property. The RM-12 zone permits a maximum density of twelve (12) dwelling units per acre. Depending on the exact acreage of the property, the RM-12 zoning would allow approximately twenty (20) dwelling units on the subject property. However, additional units may be allowed as a density bonus, if certain amenities are provided within the development.

The segment of Dill Lane from East Main Street south to Mercury Boulevard contains a mix of zoning districts and uses. Closer to East Main Street, there is land zoned CL (Commercial Local). A site plan has been approved by the Planning Commission for a new Ascend Federal Credit Union on the southeast corner of Dill Lane and East Main Street. There is a small apartment complex zoned RM-16 (Residential Multi-Family District) on the west side of Dill Lane. There are also several single-family homes zoned RS-15 on this segment of the street. The subject property itself is bordered on its west side by multi-family and single-family residential uses zoned RM-12, which is the same zoning classification being requested by the applicant. It is also bordered on its west side by an automotive repair business zoned CH (Commercial Highway) and on its north side by an automotive restoration business zoned PCD (Planned Commercial District). Directly across Dill Lane to the east is a single-family residence and a Murfreesboro Electric Department substation. To the south across Harrell Court is a vacant parcel zoned RS-15 that contains a TVA tower.

The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation for City Council.



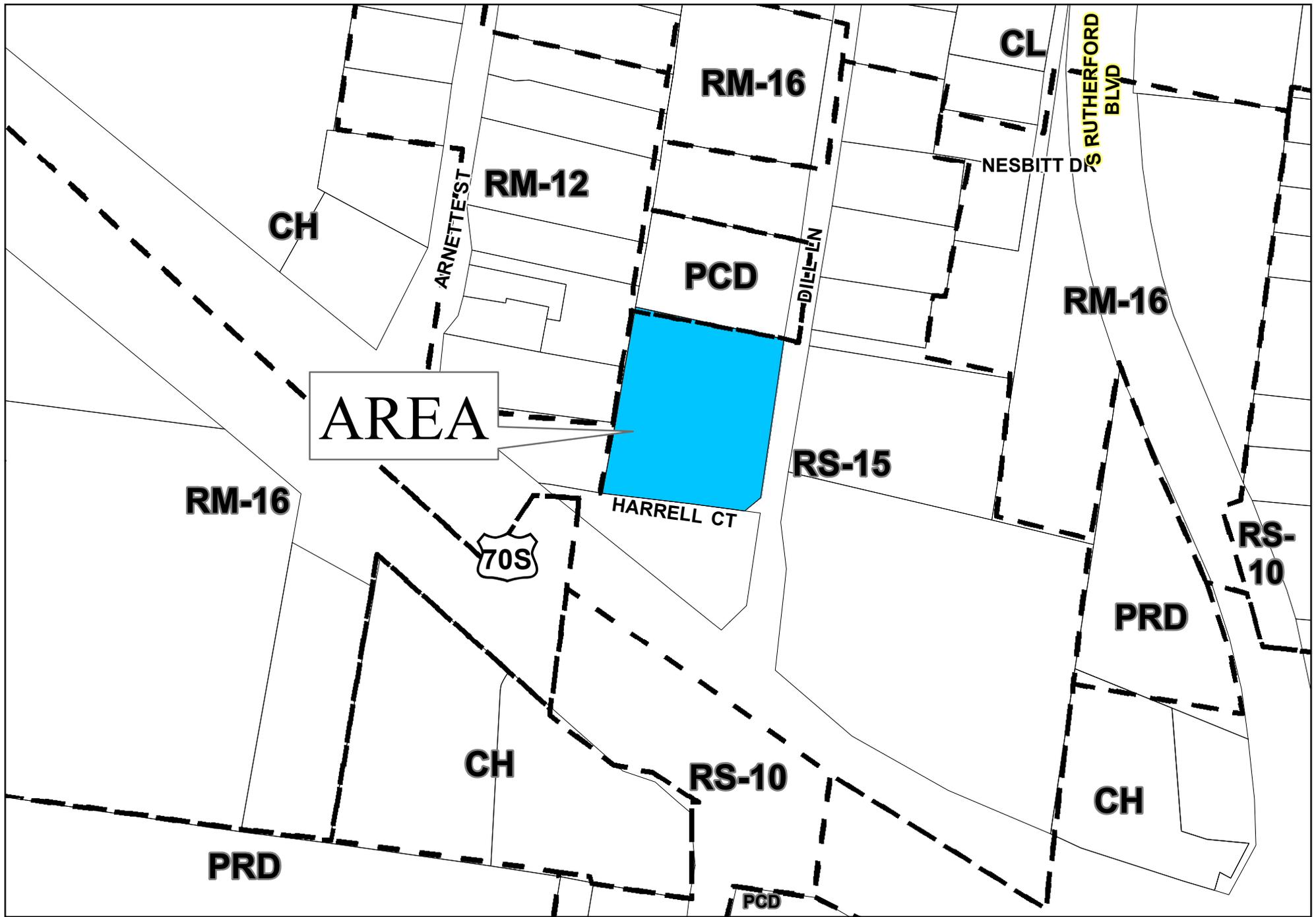
Site



WOMACK LN  
RAGLAND CT  
JORDAN AVE  
CITY-VIEW DR  
LOUISE ST  
LASSETER DR  
E-MAIN-ST  
N-RUTHERFORD-BLVD  
YEARWOOD AVE  
ANCHOR ST  
LOVERS LN  
BRINK BEND CT  
MCFARLIN RD  
JULIET AVE  
TWIN OAK DR  
MINERVA DR  
APOLLO DR  
VENUS PL  
OLYMPIA PL  
HARRELL CT  
DILL LN  
NESBITT DR  
ARNOLD LN  
S-RUTHERFORD-BLVD  
DIANA ST  
ATLAS ST  
WREN ST  
HORNCASTLE DR  
CARDINAL ST  
THRUSH PL

70S

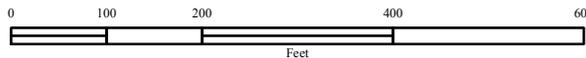
70S 70S



**Rezoning Request for Area Along Dill Ln and Harrell Ct. from  
RS-15 to RM-12**



Path: G:\planning\rezon\2125harrellct.mxd



GIS Department  
City Of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130  
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**Planning and Engineering Department**  
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**REZONING APPLICATION FORM**  
**\$600.00 per application**

**Procedure for applicant:**

The applicant must submit the following information to initiate a rezoning:

1. A completed rezoning application (below).
2. A plot plan, property tax map, survey, and/or a legal description of the property proposed for rezoning. (Please attach to application.)
3. A \$600.00 non-refundable application fee.

For assistance or questions, please contact a planner at 615-893-6441.

**To be completed by applicant:**

**APPLICANT:** RANDY FRIEDSAM

**Address:** P.O. BOX 103 **City/State/Zip:** SHELBYVILLE, TN 37160

**Phone:** ~~615-893-6441~~ 615-893-2702 **E-mail address:** randyandc@gmail.com

**PROPERTY OWNER:** ALAN CRAIG JONES

**Street Address or property description:** 4108 PORTERFIELD RD

**and/or Tax map #:** 103B **Group:** \_\_\_\_\_ **Parcel (s):** 00700

**Existing zoning classification:** R5-15

**Proposed zoning classification:** RM-12 **Acreage:** 1.68

**Contact name & phone number for publication and notifications to the public (if different from the applicant):** Clyde Rountree **Phone** 615-509-5930

**E-mail:** rountree.associates@yahoo.com

**APPLICANT'S SIGNATURE (required):** 

**DATE:** 12-1-15

\*\*\*\*\***For Office Use Only**\*\*\*\*\*

**Date received:** \_\_\_\_\_ **MPC YR.:** \_\_\_\_\_ **MPC #:** 2015-432

**Amount paid:** \$ 600.00 **Receipt #:** 922563

December 10, 2015

Mr. Gary Whitaker  
Interim Planning Director  
City of Murfreesboro  
111 W. Vine Street  
Murfreesboro, TN 37130

Re: Rezoning Request

Described as Tax Map #103B B 00700 located at 2125 Harrell Circle in the City of Murfreesboro, Tennessee.

Dear Mr. Whitaker:

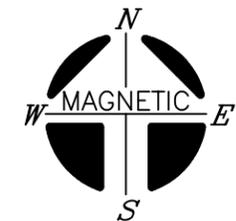
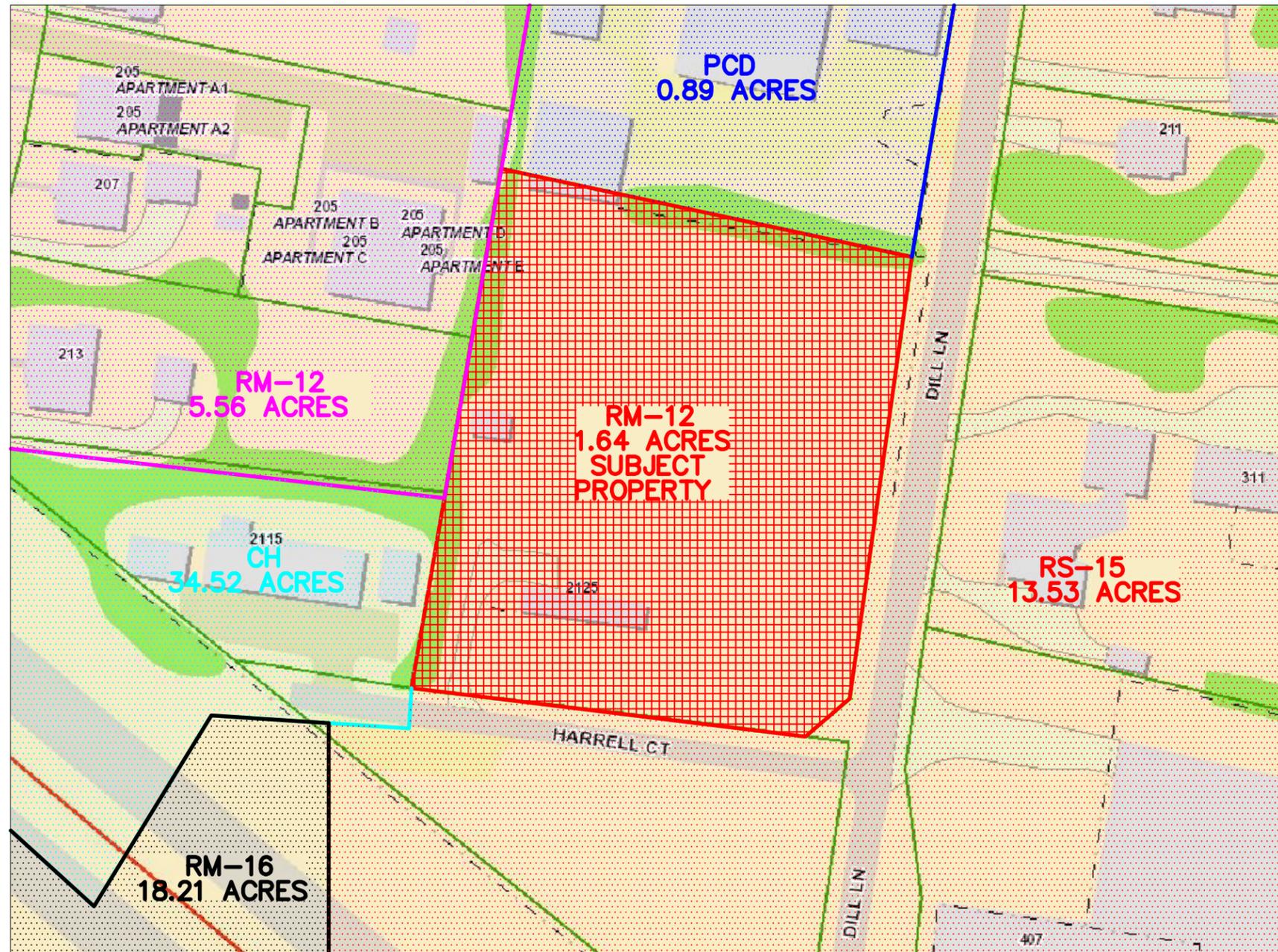
On behalf of our client, Randy Friedsam, we hereby request the rezoning of the property located at Tax Map #103B, Parcels #00700, consisting of 1.64 acres, currently zoned RS-15, to the new zoning of RM-12. Thank you for considering our request.

Sincerely,

Clyde Rountree, RLA

HUDDLESTON-STEELE ENGINEERING, INC.

# Rezoning Exhibit



# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 6, 2016

City Hall

7:00 p.m.

## Members Present

Bob Lamb, Chairman  
Doug Young, Vice Chairman  
Eddie Smotherman  
Kirt Wade  
Ken Halliburton  
Tom Clark  
Kathy Jones

## Staff Present

Gary Whitaker, Planning Director  
Matthew Blomeley, Principal Planner  
Robert Lewis, Planner  
Joe Ornelas, Planner  
Carolyn Jaco, Recording Assistant  
David Ives, City Attorney  
Sam Huddleston, Environmental Eng.  
Ram Balachandran, Traffic Engineer

Chairman Bob Lamb called the meeting to order after determining there was a quorum. The minutes of the October 7, 2015 Planning Commission meeting were approved as submitted.

## Public Hearings

Rezoning application [2015-432] for approximately 1.68 acres located along Dill Lane to be rezoned from RS-15 to RM-12, Randy Friedsam applicant. Mr. Matthew Blomeley began by describing the subject property located at the northwest corner of Dill Lane and Harrell Court. It is located to the south of East Main Street and to the north of Mercury Boulevard. Harrell Court is a private street that currently provides access to three properties, including the subject property. The subject property is currently zoned RS-15 (Single-Family Residential District) and is undeveloped with the exception of a mobile home. The applicant has a contract on the property and has requested rezoning to RM-12 (Residential Multi-Family District). He is contemplating the construction of a multi-family development on the subject property. The RM-12 zone permits a maximum density of twelve (12) dwelling units per acre. Depending on the exact acreage of the property, the RM-12 zoning would allow approximately twenty (20) dwelling units on the subject

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 6, 2016

property. However, additional units may be allowed as a density bonus, if certain amenities are provided within the development.

The segment of Dill Lane from East Main Street south to Mercury Boulevard contains a mix of zoning districts and uses. Closer to East Main Street, there is land zoned CL (Commercial Local). A site plan has been approved by the Planning Commission for a new Ascend Federal Credit Union on the southeast corner of Dill Lane and East Main Street. There is a small apartment complex zoned RM-16 (Residential Multi-Family District) on the west side of Dill Lane. There are also several single-family homes zoned RS-15 on this segment of the street. The subject property itself is bordered on its west side by multi-family and single-family residential uses zoned RM-12, which is the same zoning classification being requested by the applicant. It is also bordered on its west side by an automotive repair business zoned CH (Commercial Highway) and on its north side by an automotive restoration business zoned PCD (Planned Commercial District). Directly across Dill Lane to the east is a single-family residence and a Murfreesboro Electric Department substation. To the south across Harrell Court is a vacant parcel zoned RS-15 that contains a TVA tower.

Vice Chairman Young wanted to know what are the current road conditions for Dill Lane? Mr. Huddleston explained it being a two lane ditch standard road. It does not meet city standards and the city would like to see it improved. There will be road and drainage improvements required with new development from Ascend Federal Credit Union and with this rezoning request if approved for new development. Vice Chairman Young wanted to know what would be done for the middle of Dill Lane in this area. Mr. Huddleston made known he was not aware of any plans at this time. However, there are

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 6, 2016

potential future developments in this area which could be an entire block for potential improvement.

Chairman Bob Lamb opened the public hearing.

Mr. Bill Harrell 2115 Harrell Court - opposes this rezoning request. He has concerns with traffic increase on Dill Lane and security within the area. He wanted to know if this would be rental property or owner occupied property. Last, he suggested this property be considered zoned as industrial.

Chairman Bob Lamb closed the public hearing.

Mr. Clyde Rountree was in attendance to represent the applicant. He made known this property would include a Type C buffer and privacy fence. This would not change the density in the area nor would it be a large development. Continuing, Mr. Rountree stated Mr. Randy Friedsam would like the units to be privately owned. The applicant agrees working with staff regarding the road improvements and drainage issues along Dill Lane. Last, he would like to meet with Mr. Harrell to address all of his concerns.

Ms. Kathy Jones wanted to know if Harrell Court was a private street. Also, would there be ingress or egress from this development onto Harrell Court? Mr. Blomeley made known the only access would be off of Dill Lane unless the applicant and Mr. Harrell work out access onto Harrell Court.

**Mrs. Kathy Jones made a motion to approve the rezoning request, seconded by Mr. Kirt Wade. The motion carried by unanimous vote in favor.**

Rezoning application [2015-433] for approximately 8.56 acres located along Franklin Road to be rezoned from RS-15 to CF, Anthony Togrye applicant. Mr. Matthew

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
JANUARY 6, 2015**

**4.b. Rezoning application [2015-433] for approximately 8.56 acres located along Franklin Road to be rezoned from RS-15 to CF, Anthony Togrye applicant.**

The subject property consists of the remainder of the Hutson property located at the southwest corner of Franklin Road and Rucker Lane. The subject property is developed with one single-family residence and has historically been used for agricultural purposes. It was annexed in 2003 and given an interim zoning classification of RS-15 (Single-Family Residential District) at that time. Within the last several years, approximately half of the original Hutson tract was subdivided for the development of River Oaks Community Church. A special use permit for the development of this church on the adjacent lot was approved by the Board of Zoning Appeals in 2013. Since that time, a site plan for the church has been approved by the Planning Commission and the church is moving forward with construction. The 8.56 acres that remains is the subject of this rezoning request.

The applicant, who has a contract on the property, has requested a rezoning from the current interim RS-15 zoning classification to CF (Commercial Fringe). He is an orthodontist by trade and has indicated that he would like to construct a dentist's office on a portion of the property. The CF zone would allow this use by right. He does not know at this time how the balance of the 8.56 acres would be developed. Directly to the south and to the west of the subject property is the River Oaks Community Church property, which is zoned RS-15. Further to the west along Franklin Road are several duplexes which are located in the unincorporated County. Also to the west and south are several single-family residential subdivisions located in the unincorporated County, including Green Meadows and Brownview Acres. If the rezoning request is approved, a Type D buffer would be required to be installed along the south and west property lines adjacent to the single-family zoned property. To the north across Franklin Road are several undeveloped tracts zoned RS-15. To the east across Rucker Lane is the Market at Victory Village shopping center, which is anchored by Publix and is zoned PUD (Planned Unit District).

The future land use map contained in the *General Development Plan for the Blackman Community* recommends that this property develop as "low-density residential," which is intended to permit single-family residential neighborhoods with a density range of 1-4 dwelling units per acre with appropriate zoning districts of RS-10, RS-12, and RS-15. Therefore, the request is not consistent with the future land use map. However, the *Blackman Plan* also recommends "nodal" commercial development patterns centered on major street intersections. With respect to the intersection of Franklin Road and Rucker Lane, the future land use map recommends "commercial" uses at the northeast and southeast corners of this intersection but not at the northwest and southwest corners. (The plan describes the "commercial" designation as "general retail, restaurants, and personal services for local residents" with appropriate zoning districts of CL, CH, and

CF.) It is the applicant's contention that low-density residential uses are no longer appropriate for this property. With the property being at the intersection of Franklin Road and Rucker Lane and with it being cut off from adjacent single-family uses by the church property, he feels that it has very little utility for single-family residential development and is more appropriate for commercial development.

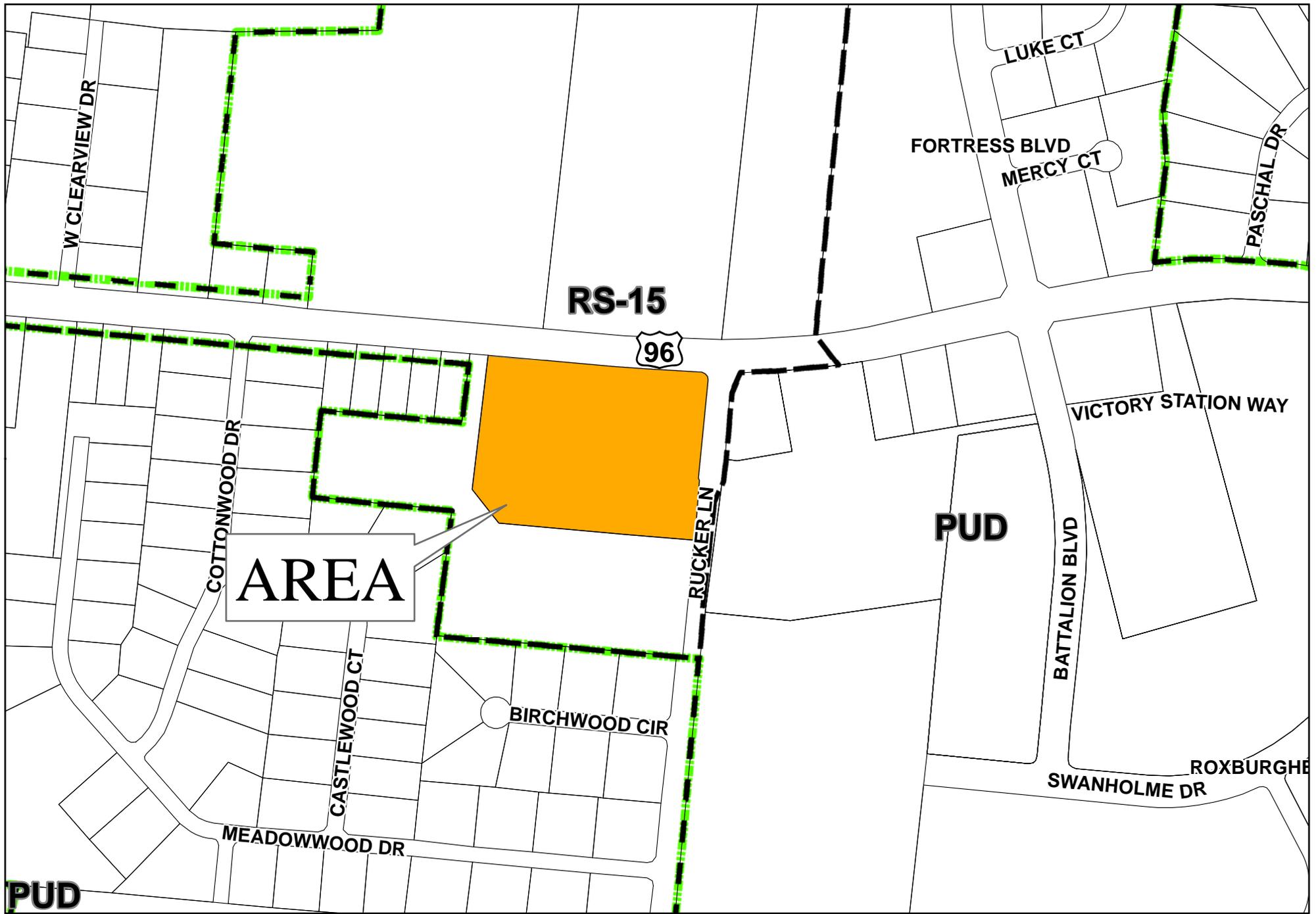
The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation for City Council.



Site



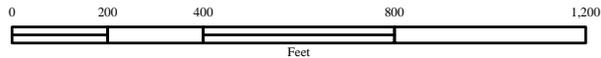
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**Rezoning Request for Area Along Franklin Rd and Rucker Ln  
from RS-15 to CF**



Path: G:\planning\rezon\hwy96\_rucker.mxd



GIS Department  
City of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)



**City of Murfreesboro**  
**Planning and Engineering Department**  
 111 W. Vine Street, P.O. Box 1139  
 Murfreesboro, TN 37133-1139  
 (615) 893-6441 Fax (615) 849-2606  
 www.murfreesborotn.gov

Creating a better quality of life

**REZONING APPLICATION FORM**  
**\$600.00 per application**

**Procedure for applicant:**

The applicant must submit the following information to initiate a rezoning:

1. A completed rezoning application (below).
2. A plot plan, property tax map, survey, and/or a legal description of the property proposed for rezoning. (Please attach to application.)
3. A \$600.00 non-refundable application fee.

For assistance or questions, please contact a planner at 615-893-6441.

**To be completed by applicant:**

**APPLICANT:** ANTHONY TOGRYE  
**Address:** 152 HERITAGE PARK DR City/State/Zip: MURFREESBORO, TN  
**Phone:** 615/403-8066 **E-mail address:** ATOGRYE@AOL.COM

**PROPERTY OWNER:** BARBARA HUTSON  
**Street Address or property description:** 151 RUCKER LN. MURFREESBORO, TN 37129  
**and/or Tax map #:** 93 **Group:** \_\_\_\_\_ **Parcel (s):** 68.01  
**Existing zoning classification:** RS-15  
**Proposed zoning classification:** CF **Acreage:** 8.56 AC

**Contact name & phone number for publication and notifications to the public (if different from the applicant):** Matt Taylor Phone (615) 890-7901  
**E-mail:** mtaylor@sec-civil.com

**APPLICANT'S SIGNATURE (required):** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

\*\*\*\*\*For Office Use Only\*\*\*\*\*

**Date received:** \_\_\_\_\_ **MPC YR.:** \_\_\_\_\_ **MPC #:** 2015-433  
**Amount paid:** \$ 600.00 **Receipt #:** 922564

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, UTILITIES THEREIN, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: 11-29-13 Barbara Hutson  
 DEED BOOK 563, PAGE 768  
 BARBARA HUTSON  
 OWNER

**CERTIFICATE OF ACCURACY**

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER AS SHOWN HEREON. I ALSO CERTIFY THAT THE MONUMENTS HAVE BEEN, OR WILL BE, PLACED AS SHOWN TO THE SPECIFICATIONS OF THE CITY ENGINEER.

SEC. INC. 11-22-13 David A. Parker  
 DATE REGISTERED SURVEYOR  
 TENN. R.L.S. No. 2381

**CERTIFICATE OF THE APPROVAL OF STREETS AND DRAINAGE**

I HEREBY CERTIFY: (1) THAT STREETS, DRAINAGE STRUCTURES, DRAINAGE IMPROVEMENTS, AND STORMWATER QUALITY CONTROLS FOR THE SUBDIVISION SHOWN HEREON HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY SPECIFICATIONS, OR (2) THAT A SURETY FOR THESE IMPROVEMENTS HAS BEEN POSTED WITH THE CITY OF MURFREESBORO TO ASSURE COMPLETION OF SAME.

DATE: 12/4/13 Sam O. Huddleston  
 CITY ENGINEER

**CERTIFICATE FOR APPROVAL OF WATER SYSTEMS**

I HEREBY CERTIFY THAT: (1) THE WATER LINES AND APPURTENANCES FOR THE WATER SYSTEM OF THE SUBDIVISION SHOWN HEREON HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY CODES AND SPECIFICATIONS, OR THE SPECIFICATIONS OF THE CONSOLIDATED UTILITY DISTRICT OF RUTHERFORD COUNTY IF THEY ARE MORE STRINGENT, AND THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION COMMUNITY PUBLIC WATER SYSTEMS DESIGN CRITERIA, OR (2) THAT A SURETY FOR THESE IMPROVEMENTS HAS BEEN POSTED WITH THE CONSOLIDATED UTILITY DISTRICT OF RUTHERFORD COUNTY TO ASSURE COMPLETION OF SAME.

DATE: 11-21-13 B. B. Bly  
 CONSOLIDATED UTILITY DISTRICT  
 OF RUTHERFORD COUNTY OFFICIAL

**CERTIFICATE OF APPROVAL OF SEWER SYSTEMS**

I HEREBY CERTIFY THAT: (1) THE SEWER LINES AND APPURTENANCES FOR THE SEWER SYSTEM OF THE SUBDIVISION SHOWN HEREON HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY CODES AND SPECIFICATIONS AND REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DESIGN CRITERIA FOR SEWAGE WORKS, (2) THAT A SURETY FOR THESE IMPROVEMENTS HAS BEEN POSTED WITH THE CITY OF MURFREESBORO TO ASSURE COMPLETION OF SAME, OR (3) THAT A SUBSURFACE SEWAGE SYSTEM WILL BE PERMITTED SUBJECT TO THE APPROVAL OF THE RUTHERFORD COUNTY HEALTH DEPARTMENT.

DATE: 12/3/13 Valerie H. Smith  
 MURFREESBORO WATER AND SEWER OFFICIAL

**CERTIFICATE OF APPROVAL FOR ELECTRIC POWER**

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE MURFREESBORO ELECTRIC DEPARTMENT (MED) FOR ELECTRIC POWER SERVICE, THAT THE SUBDIVISION IS WITHIN THE SERVICE AREA OF MED, AND THAT MED IS ABLE TO PROVIDE ELECTRIC POWER SERVICE TO THE SUBDIVISION SUBJECT TO THE OWNER COMPLYING WITH THE APPLICABLE RULES AND REGULATIONS OF MED. NO ELECTRIC POWER SERVICE WILL BE PROVIDED UNTIL MED'S REQUIREMENTS FOR ELECTRIC POWER SERVICE HAVE BEEN MET.

DATE: Nov 22, 2013 Will Wald  
 MURFREESBORO ELECTRIC DEPARTMENT OFFICIAL

**CERTIFICATE OF APPROVAL FOR RECORDING**

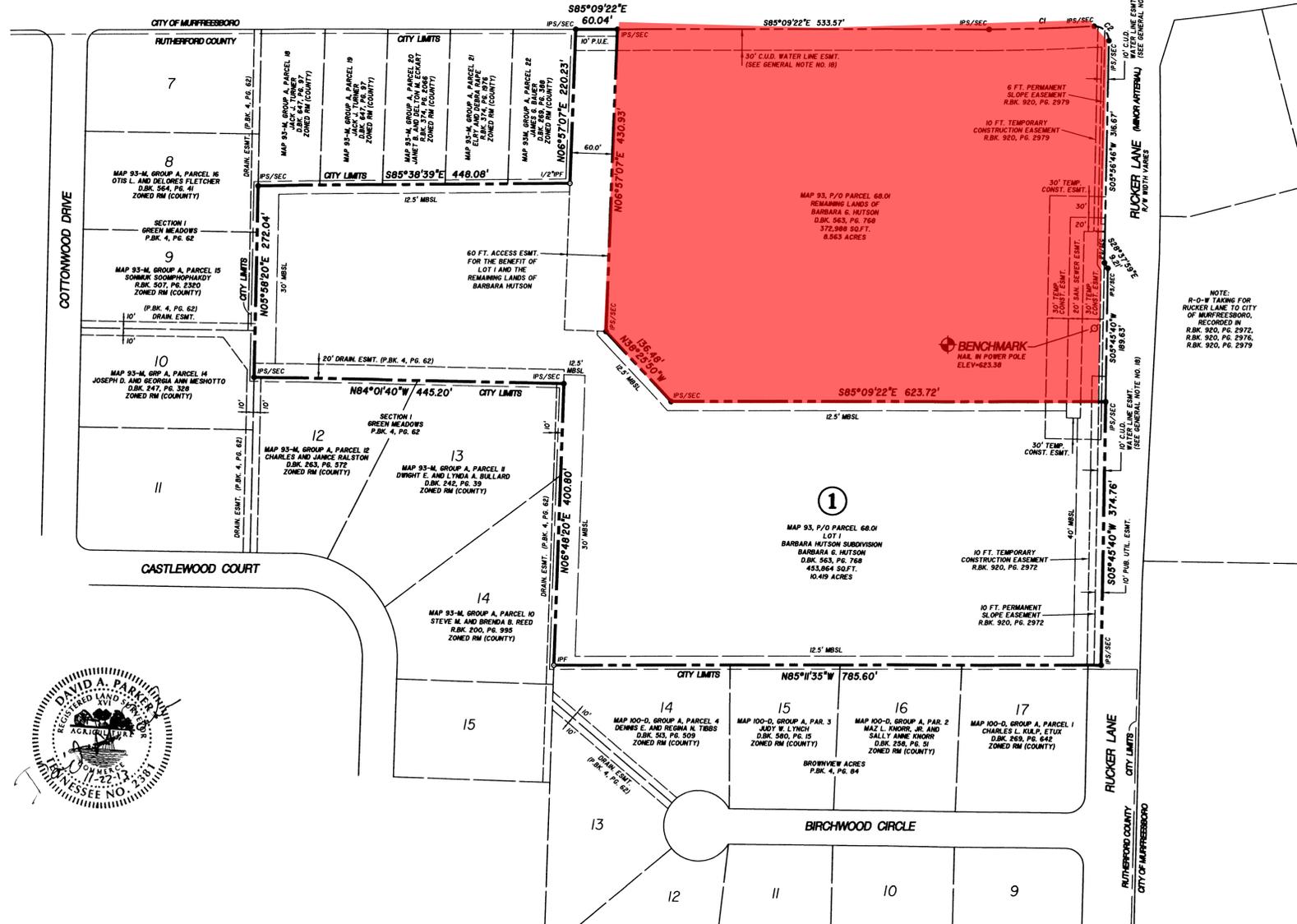
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR THE CITY OF MURFREESBORO, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RUTHERFORD COUNTY REGISTER OF DEEDS PROVIDED THAT IT IS SO RECORDED WITHIN ONE YEAR OF THIS DATE.

DATE: 12-4-13 Joseph D. Aydelott  
 PLANNING COMMISSION SECRETARY

**AREA PROPOSED TO BE  
 REZONED TO  
 COMMERCIAL FRINGE  
 8.56 ACRES**

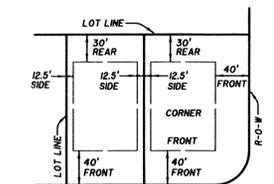
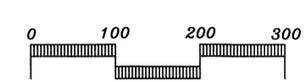
**CURVE DATA**

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	03°13'07"	2685.57'	150.86'	75.45'	150.84'	S86°46'13"E
C2	94°19'15"	20.00'	32.92'	21.57'	29.33'	S41°12'51"E



**GENERAL NOTES**

- THE PURPOSE OF THIS FINAL PLAT IS TO CREATE A BUILDABLE LOT FOR RIVER OAKS COMMUNITY CHURCH.
- BEARING SYSTEM IS BASED ON TENNESSEE STATE PLANE COORDINATES TIED TO CITY OF MURFREESBORO URBAN GROWTH BOUNDARY MONUMENTS UG02-258 (MAD 83-96).
- THIS PROPERTY LIES WITHIN ZONE X, NOT IN A SPECIAL FLOOD HAZARD AREA, AS DETERMINED FROM ELEVATIONS SHOWN ON FEMA FIRM MAPS FOR RUTHERFORD COUNTY, MAP NO. 4749C0255, EFFECTIVE DATE JANUARY 5, 2007.
- ANY MINIMUM FINISHED FLOOR ELEVATION (MIN. FFE) SHOWN INCLUDES THE MAIN BUILDING, GARAGES AND ACCESSORY STRUCTURES.
- THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ALL OF THE UNDERGROUND UTILITIES ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA OR THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. AVAILABILITY AND LOCATION OF UTILITIES SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY.
- NO TITLE REPORT WAS FURNISHED TO THIS SURVEYOR, THEREFORE, THIS PROPERTY IS SUBJECT TO THE FINDINGS OF A CURRENT AND ACCURATE TITLE SEARCH.
- SUBJECT PROPERTY IS ZONED RS-15. MINIMUM BUILDING SETBACKS FOR THIS PROPERTY ARE: FRONT = 40 FT. / SIDE = 12.5 FT. / REAR = 30 FT. CORNER LOTS HAVE 2 FRONTS AND 2 SIDES.
- THE SOILS MATERIALS ON LOTS SHOWN HEREON MAY BE DISTURBED BY CUTTING OR FILLING OPERATIONS PERFORMED DURING OR BEFORE DEVELOPMENT; THEREFORE, THE BUILDER OF ANY PROPOSED STRUCTURE SHALL INVESTIGATE THE LOCAL CONDITIONS AND CONSULT WITH A GEOTECHNICAL EXPERT OR OTHER QUALIFIED PERSON AS HE DEEMS APPROPRIATE TO ASSURE HIMSELF THAT THE DESIGN OF THE PROPOSED FOUNDATION IS ADEQUATE.
- IT IS THE RESPONSIBILITY OF EACH LOT BUYER OR BUILDER TO DESIGN AND CONSTRUCT IN ACCORDANCE WITH A SUITABLE GRADING AND DRAINAGE PLAN WHICH WILL CONVEY SURFACE WATER, WITHOUT PONDING IN THE LOT OR UNDER THE BUILDING, FROM THE BUILDING SITE TO THE DRAINAGE SYSTEM CONSTRUCTED BY THE SUBDIVISION DEVELOPER.
- PUBLIC UTILITY EASEMENTS AS SHOWN ARE INTENDED FOR NON-EXCLUSIVE USE BY UTILITIES SUCH AS MURFREESBORO ELECTRIC DEPARTMENT, NATURAL GAS COMPANIES, AT&T, CONSOLIDATED UTILITY DISTRICT, CABLE TELEVISION SERVICES AND OTHERS.
- ANY HOUSE OR STRUCTURE WITH A BUILDING DRAIN CONNECTING TO THE PUBLIC SANITARY SEWER WITHIN A FLOOD ELEVATION AT ANY POINT BELOW OF THE CENTER OF THE STREET MAY BE SUBJECT TO MURFREESBORO CITY CODE SECTION 33-35 (III) WHICH REQUIRES THE OWNERS TO EXECUTE A RELEASE AND INDEMNIFICATION AGREEMENT IN FAVOR OF THE CITY AS A PREREQUISITE TO CONNECTING TO WATER AND/OR SEWER SERVICES.
- EASEMENTS IN THE SUBDIVISION MAY NOT HAVE INFRASTRUCTURE CONSTRUCTED WITHIN THEM UNTIL SOME FUTURE TIME AND THERE MAY BE NO NOTICE OR CONSULTATION WITH THE INDIVIDUAL LOT OWNERS OF THIS CONSTRUCTION.
- PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY LOT IN THIS SUBDIVISION, THE OWNER SHALL POST A BUILDING PERMIT SURETY IN AN AMOUNT TO BE DETERMINED BY THE CITY ENGINEER TO ASSURE CONSTRUCTION OF LOT INFRASTRUCTURE, INCLUDING BUT NOT LIMITED TO SIDEWALKS, DRAINAGE IMPROVEMENTS, OR CONSTRUCTION OF WATER QUALITY ELEMENTS; SUCH CONSTRUCTION SHALL BE COMPLETED WITHIN NINE (9) MONTHS OF ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
- THE ADJACENT STREETS IDENTIFIED ON THIS PLAT MAY BE CONSTRUCTED OR RECONSTRUCTED IN THE FUTURE WITHOUT CONSULTATION OR NOTICE TO THE OWNERS OF THIS SUBDIVISION LOT.
- THIS SITE CONTAINS POST-CONSTRUCTION BEST MANAGEMENT PRACTICES UTILIZED IN TREATING STORMWATER RUNOFF IN ORDER TO COMPLY WITH MURFREESBORO CITY CODE. A STORMWATER MAINTENANCE AGREEMENT IS RECORDED WITH THIS PROPERTY AND OBLIGATES ALL SUBSEQUENT OWNERS TO ADHERE TO THE STORMWATER MAINTENANCE PLAN ON FILE WITH THE CITY OF MURFREESBORO.
- THIS PROPERTY IS WITHIN THE OVERALL CREEK SANITARY SEWER ASSESSMENT DISTRICT OF THE RUCKER LANE IMPROVEMENTS.
- TEMPORARY CONSTRUCTION EASEMENTS SHALL CEASE TO EXIST UPON COMPLETION OF THE RUCKER LANE IMPROVEMENTS.
- THIS PROPERTY WAS ORIGINALLY CONFIGURED DIFFERENTLY AND WAS PURCHASED IN SEVERAL DEFERRED TRACTS. C.U.D.'S WATER LINE EASEMENTS SHOWN HEREON ARE A RESULT OF COMBINING ALL OF THOSE EASEMENTS. THEY ARE RECORDED IN THE FOLLOWING DEEDS: DEED BK. 668, PG. 587; DEED BK. 668, PG. 589; DEED BK. 671, PG. 815. ANY C.U.D. WATER LINE EASEMENT SHOWN ON THIS PLAT WHICH IS NOT DESCRIBED IN THESE DEEDS, IS HEREBY GRANTED TO C.U.D. AS A PART OF THE RECORDING OF THIS PLAT. A 10 FT. WATER LINE EASEMENT IS RECORDED IN DEED BOOK 222, PAGE 467, FOR A 6" WATER LINE ON THE WEST SIDE OF RUCKER LANE. THE LOCATION OF THIS EASEMENT (6 FT. ON BOTH SIDES) IS DETERMINED BY THE ACTUAL LOCATION OF THE WATER LINE IN THE FIELD.



- LEGEND**
- IRON PIN (FOUND)
  - IRON PIN SET (NEW)
  - CONC. MONUMENT (FOUND)

Heather Damborn, Register  
 Rutherford County Tennessee  
 Rec #: 766423  
 Rec'd: 15.00 Instrument #: 1877989  
 State: 0.00  
 Clerk: 0.00 Recorded  
 Other: 2.00 12/4/2013 at 2:30 PM  
 Total: 17.00  
 Plat Cabinet 37 Pgs 173-175

**DEVELOPER:**  
 RIVER OAKS COMMUNITY CHURCH  
 CONTACT: DAVID COUNTY  
 1308 CHERRY LANE  
 MURFREESBORO, TN 37130

**OWNER:**  
 BARBARA HUTSON  
 151 RUCKER LANE  
 MURFREESBORO, TN 37128  
 DEED REFERENCE:  
 DEED BOOK 563, PG. 768, R.O.R.C.  
 MAP 93, P/O PARCEL 68.01

**SITE DATA:**  
 TOTAL AREA = 10.419 ACRES  
 NO. OF LOTS = 1  
 AREA IN RIGHT-OF-WAY = 0.0 ACRES  
 ZONING = RS-15

I hereby certify that this plat has been reviewed for the Rutherford County Development Tax. No Development Tax Required. YAD/c 11/13/2013  
 RUTHERFORD COUNTY REGIONAL PLANNING COMMISSION

DATE OF RECORDING: December 4<sup>th</sup>, 2013  
 TIME OF RECORDING: 2:30 PM  
 PLAT BOOK 31, PAGE 173

**FINAL PLAT**

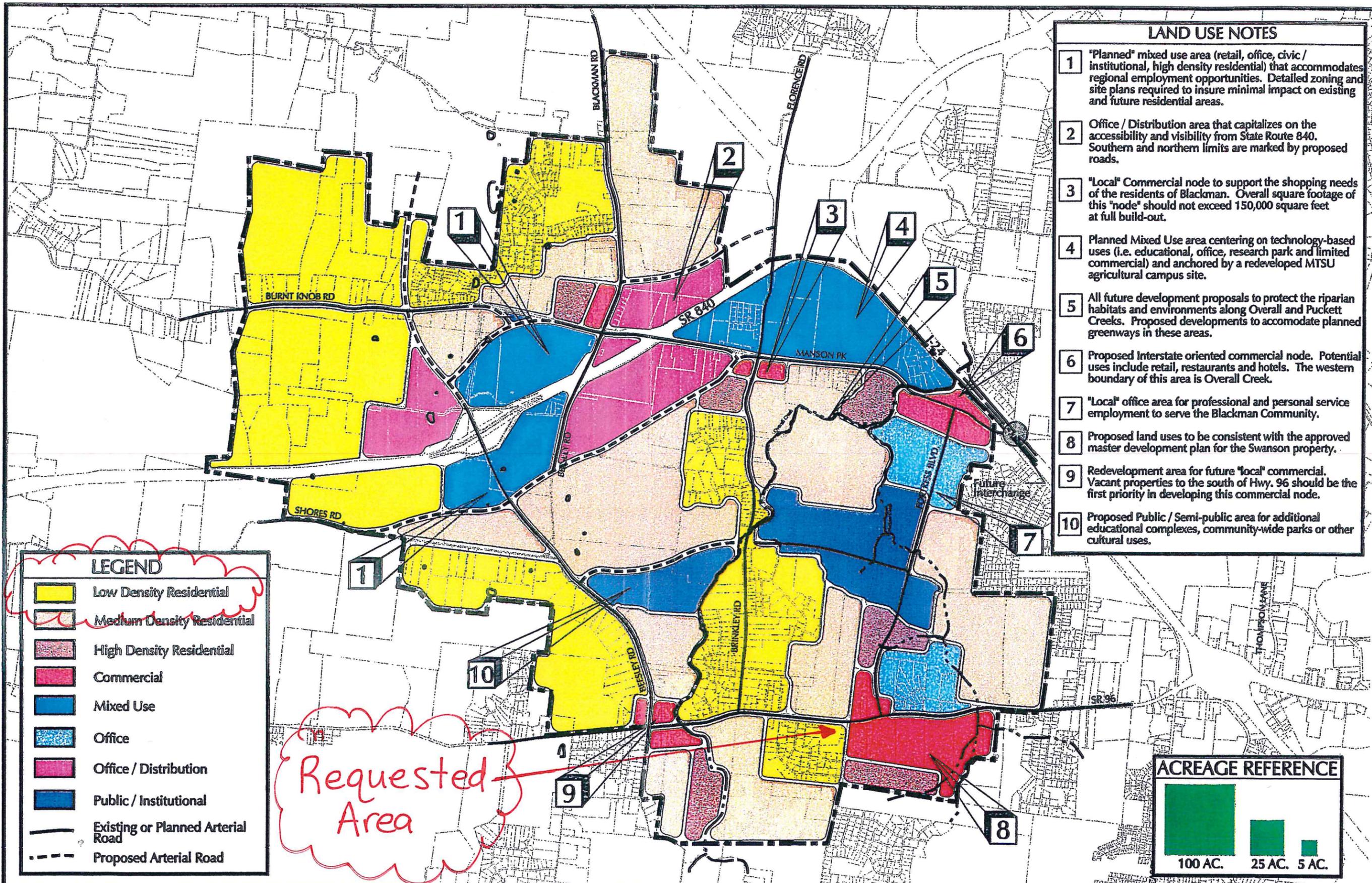
**Lot 1**  
**Barbara Hutson**  
 SUBDIVISION

CITY OF MURFREESBORO, TENNESSEE  
 13th CIVIL DISTRICT OF RUTHERFORD COUNTY

**SEC, Inc.** SITE ENGINEERING CONSULTANTS  
 ENGINEERING • SURVEYING • LAND PLANNING  
 850 MIDDLE TENNESSEE BLVD • MURFREESBORO, TENNESSEE 37129  
 PHONE (615) 890-7900 • FAX (615) 895-2567

PROJ. # 13304	DATE: 11-04-13	FILE: HUTSONPLAT	DRAWN BY: ACAD/JWG	SCALE: 1" = 100'	SHEET 1 OF 1
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2013-1080



*Requested Area*

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 6, 2016

potential future developments in this area which could be an entire block for potential improvement.

Chairman Bob Lamb opened the public hearing.

Mr. Bill Harrell 2115 Harrell Court - opposes this rezoning request. He has concerns with traffic increase on Dill Lane and security within the area. He wanted to know if this would be rental property or owner occupied property. Last, he suggested this property be considered zoned as industrial.

Chairman Bob Lamb closed the public hearing.

Mr. Clyde Rountree was in attendance to represent the applicant. He made known this property would include a Type C buffer and privacy fence. This would not change the density in the area nor would it be a large development. Continuing, Mr. Rountree stated Mr. Randy Friedsam would like the units to be privately owned. The applicant agrees working with staff regarding the road improvements and drainage issues along Dill Lane. Last, he would like to meet with Mr. Harrell to address all of his concerns.

Ms. Kathy Jones wanted to know if Harrell Court was a private street. Also, would there be ingress or egress from this development onto Harrell Court? Mr. Blomeley made known the only access would be off of Dill Lane unless the applicant and Mr. Harrell work out access onto Harrell Court.

Mrs. Kathy Jones made a motion to approve the rezoning request, seconded by Mr. Kirt Wade. The motion carried by unanimous vote in favor.

Rezoning application [2015-433] for approximately 8.56 acres located along Franklin Road to be rezoned from RS-15 to CF, Anthony Togyre applicant. Mr. Matthew

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 6, 2016

Blomeley began by describing the subject property consists of the remainder of the Hutson property located at the southwest corner of Franklin Road and Rucker Lane. The subject property is developed with one single-family residence and has historically been used for agricultural purposes. It was annexed in 2003 and given an interim zoning classification of RS-15 (Single- Family Residential District) at that time. Within the last several years, approximately half of the original Hutson tract was subdivided for the development of River Oaks Community Church. A special use permit for the development of this church on the adjacent lot was approved by the Board of Zoning Appeals in 2013. Since that time, a site plan for the church has been approved by the Planning Commission and the church is moving forward with construction. The 8.56 acres that remains is the subject of this rezoning request.

The applicant, who has a contract on the property, has requested a rezoning from the current interim RS-15 zoning classification to CF (Commercial Fringe). He is an orthodontist by trade and has indicated that he would like to construct a dentist's office on a portion of the property. The CF zone would allow this use by right. He does not know at this time how the balance of the 8.56 acres would be developed. Directly to the south and to the west of the subject property is the River Oaks Community Church property, which is zoned RS-15. Further to the west along Franklin Road are several duplexes which are located in the unincorporated County. Also to the west and south are several single-family residential subdivisions located in the unincorporated County, including Green Meadows and Brownview Acres. If the rezoning request is approved, a Type D buffer would be required to be installed along the south and west property lines adjacent to the single-family zoned property. To the north across Franklin Road are several undeveloped tracts

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 6, 2016

zoned RS-15. To the east across Rucker Lane is the Market at Victory Village shopping center, which is anchored by Publix and is zoned PUD (Planned Unit District).

The future land use map contained in the General Development Plan for the Blackman Community recommends that this property develop as “low-density residential,” which is intended to permit single-family residential neighborhoods with a density range of 1-4 dwelling units per acre with appropriate zoning districts of RS-10, RS-12, and RS-15. Therefore, the request is not consistent with the future land use map. However, the Blackman Plan also recommends “nodal” commercial development patterns centered on major street intersections. With respect to the intersection of Franklin Road and Rucker Lane, the future land use map recommends “commercial” uses at the northeast and southeast corners of this intersection but not at the northwest and southwest corners. (The plan describes the “commercial” designation as “general retail, restaurants, and personal services for local residents” with appropriate zoning districts of CL, CH, and CF.) It is the applicant’s contention that low-density residential uses are no longer appropriate for this property. With the property being at the intersection of Franklin Road and Rucker Lane and with it being cut off from adjacent single-family uses by the church property, he feels that it has very little utility for single-family residential development and is more appropriate for commercial development.

Mr. Matt Taylor, Mr. John Harney and Mr. Anthony Togyre were in attendance representing the applicant.

Mr. Doug Young commented on this property is no longer appropriate for RS-15 development. Continuing, he stated this property would not be appropriate for a dream home and he feels it was time to look at another zone.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 6, 2016

Chairman Bob Lamb opened the public hearing. No one came forward to speak for or against the rezoning request; therefore, Chairman Lamb closed the public hearing.

Chairman Lamb commented how the Blackman Land Use Study was not set in stone. This is not an unreasonable request. The Planning Commission all agreed this request was appropriate for the area.

Mr. Kirt Wade wanted to know if there were any future road plans to Rucker Lane. Mr. Sam Huddleston made known, during the December 2015, the City Council, endorsed the 2016 Capital Improvement Plan. On the second year of the 2016 CIP, there has been set aside seven million dollars for the reconstruction of Rucker Lane. Continuing, Mr. Huddleston explained this property does not have curb and gutter and they would like to discuss with the developer and their engineer if it is appropriate to now build curb and gutter or escrow funds with the city to use for the Rucker Lane improvements.

Mr. Gary Whitaker stated that staff does not disagree with this rezoning request. It makes sense for this property no longer be residential due to the church being a buffer between this property and the current residential area. Mr. Eddie Smotherman agreed this was appropriate zoning from residential to commercial due to the amount of the traffic flow along this road.

**Mr. Eddie Smotherman made a motion to approve the rezoning request, seconded by Mr. Tom Clark. The motion carried by unanimous vote in favor.**

***Chairman Bob Lamb took a moment to recognize three members who were in attendance of this meeting from Leadership Rutherford. He announced Mr. Glen Rob, Mr. Michael Osborne and Mr. Dan Sharley, to thank each one of them for their time being at the Planning Commission meeting.***

**ORDINANCE 16-OZ-01** amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 2.2 acres along Gresham Lane from Single-Family Residential Fifteen (RS-15) District to Residential Multi-Family Sixteen (RM-16) District; Alcorn Properties, applicant [2015-429].

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be zoned and approved as Residential Multi-Family Sixteen (RM-16) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1<sup>st</sup> reading \_\_\_\_\_

2<sup>nd</sup> reading \_\_\_\_\_

3<sup>rd</sup> reading \_\_\_\_\_

\_\_\_\_\_  
Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Melissa B. Wright  
City Recorder

\_\_\_\_\_  
David A. Ives  
City Attorney

SEAL



**BRAXTON BRAGG DR**

**PCD**

**MIRANDA DR**

**RM-16**

Area Rezoned  
from RS-15 to RM-16

**RS-15**

**GRESHAM LN**

**CH**

AARON CT



Ordinance 16-OZ-01

**ORDINANCE 16-OZ-02** amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 1.68 acres along Dill Lane from Single-Family Residential Fifteen (RS-15) District to Residential Multi-Family Twelve (RM-12) District; Randy Friedsam, applicant [2015-432].

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be zoned and approved as Residential Multi-Family Twelve (RM-12) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1<sup>st</sup> reading \_\_\_\_\_

2<sup>nd</sup> reading \_\_\_\_\_

3<sup>rd</sup> reading \_\_\_\_\_

\_\_\_\_\_  
Shane McFarland, Mayor

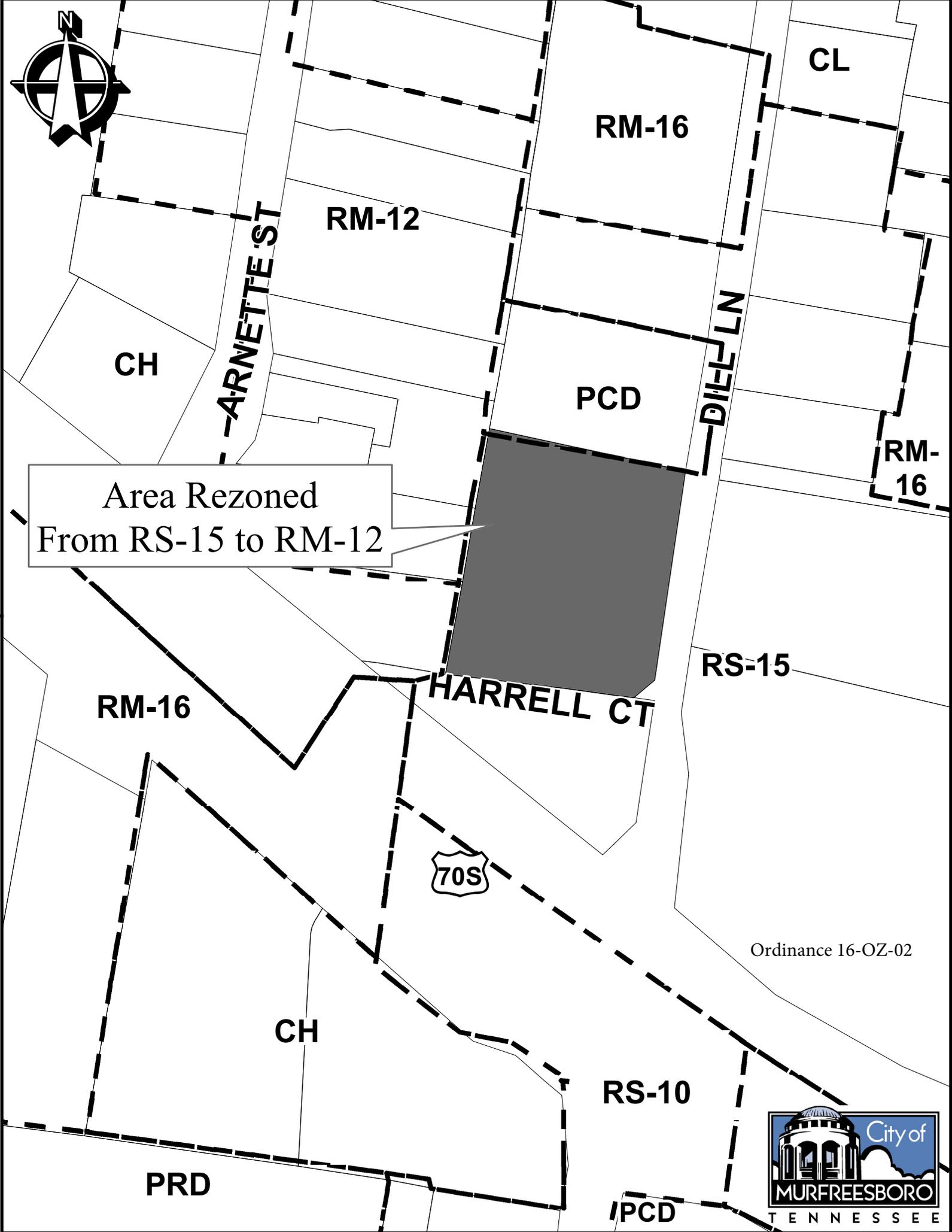
ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Melissa B. Wright  
City Recorder

\_\_\_\_\_  
David A. Ives  
City Attorney

SEAL



Area Rezoned  
From RS-15 to RM-12



Ordinance 16-OZ-02



**ORDINANCE 16-OZ-03** amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 8.56 acres along Franklin Road from Single-Family Residential Fifteen (RS-15) District to Commercial Fringe (CF) District; Anthony Togrye, applicant [2015-433].

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be zoned and approved as Commercial Fringe (CF) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission be and it is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1<sup>st</sup> reading \_\_\_\_\_

2<sup>nd</sup> reading \_\_\_\_\_

3<sup>rd</sup> reading \_\_\_\_\_

\_\_\_\_\_  
Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Melissa B. Wright  
City Recorder

\_\_\_\_\_  
David A. Ives  
City Attorney

SEAL



Area Rezoned  
from RS-15 to CF

RS-15



PUD

COTTONWOOD DR

CASTLEWOOD CT

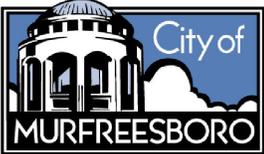
BIRCHWOOD CIR

RUCKER LN

SWANHOL

MEADOWWOOD DR

Ordinance 16-OZ-03



RS-10

TENNESSEE



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## **Regular Agenda**

---

**February 5, 2016**

**Honorable Mayor and Members of City Council**

**Re: Planning Commission recommendations**

### **Background**

During its regular meeting on February 3, 2016 the Planning Commission conducted public hearings on the matters listed below. After the public hearings, the Planning Commission discussed the matters and then took action to recommend their approval:

- a. Annexation Plan of Services and annexation petition [2016-503] for approximately 3.7 acres located along NW Broad Street, Ron Buck applicant.
- b. PRD Amendment [2016-405] for approximately 25.6 acres to amend the Cedar Retreat PRD, Donald Henley Construction applicant.
- c. Rezoning application [2016-401] for approximately 11 acres located along Manson Pike to be rezoned from RS-15 to PRD (Maddington Parke), David Alcorn applicant.
- d. PUD amendment [2016-404] for approximately 26 acres in the Marymont Springs Mansion Estates PUD, Bob Parks and David Alcorn applicants.
- e. Rezoning Application [2016-402] for approximately 2.3 acres located at 3281 Siegel Road to be rezoned from RS-15 to PCD (Academy at Siegel), Cornerstone Development applicant.
- f. Zoning application [2016-403] for approximately 17.3 acres located at 3726 Manson Pike to be zoned as PRD (Springfield Apartments) & GDO-1 simultaneous with annexation, Hunter/McDowell Development applicant.

### **Recommendation**

It is recommended that the City Council schedule these matters for public hearings.

## **Concurrences**

The Murfreesboro Planning Commission has studied and conducted public hearings on these matters and recommends their approval.

## **Fiscal Impact**

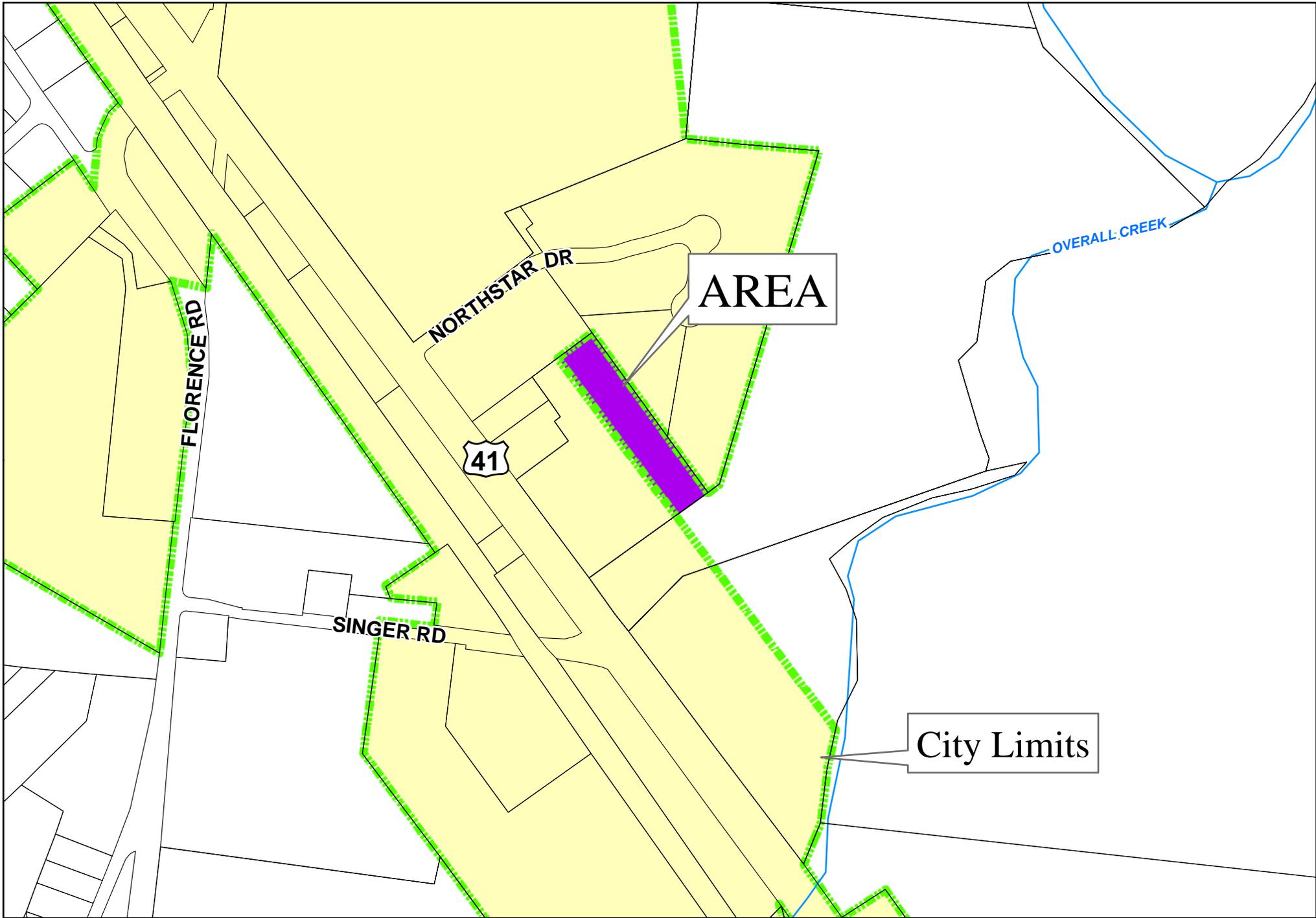
Staff is not aware of any fiscal impact that will result directly from this recommendation.

## **Attachments**

1. Illustrations of the areas.

Respectfully Submitted,

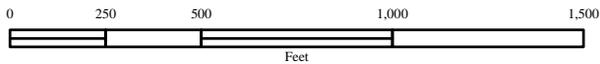
Matthew T. Blomeley, AICP  
Principal Planner



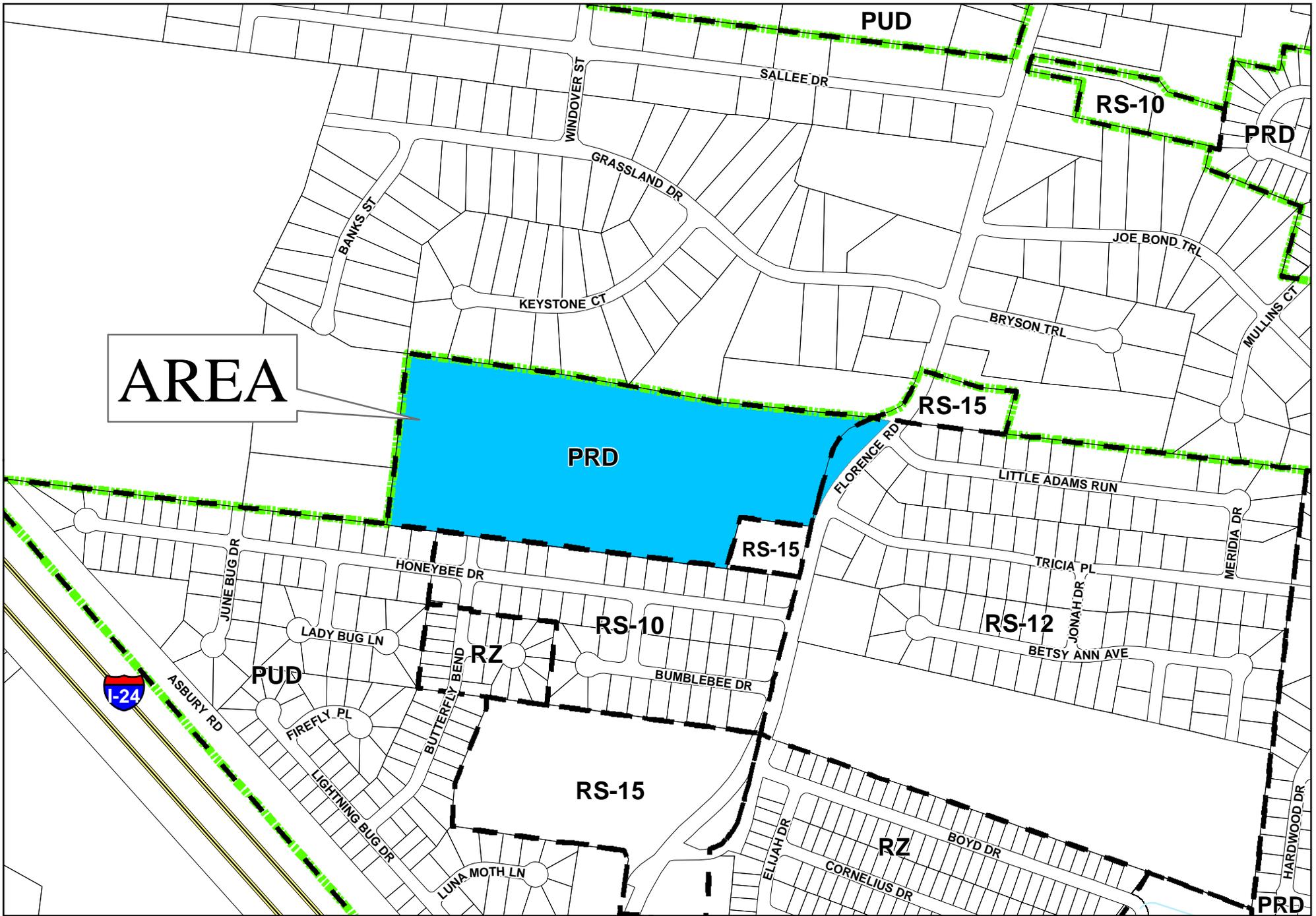
### Annexation Request Along NW Broad Street



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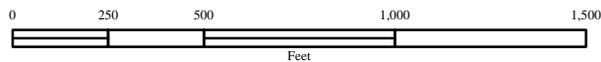
GIS Department  
City Of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)



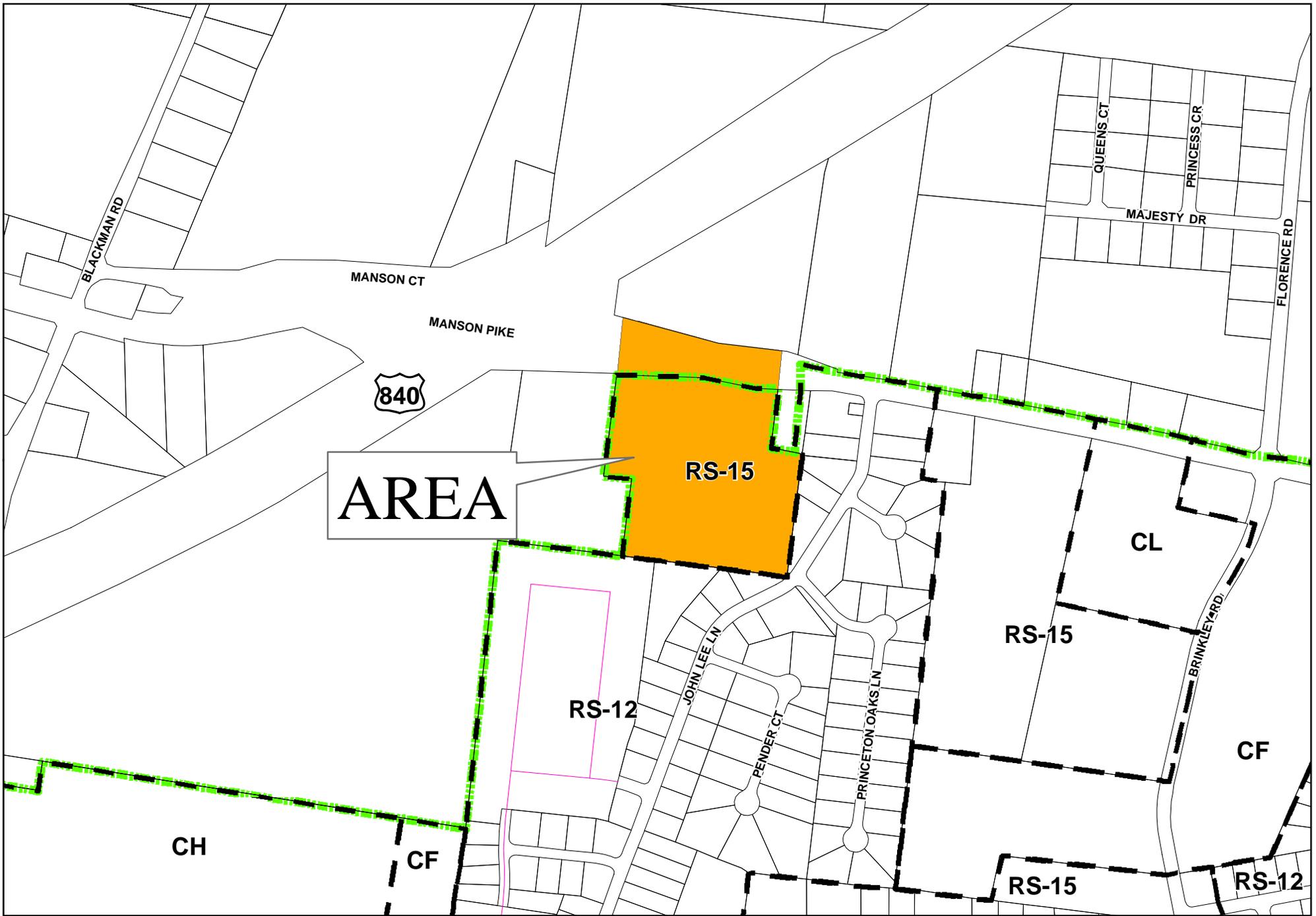
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## Rezoning Request For Property Along Florence Rd. PRD Amendment



GIS Department  
City of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130  
www.murfreesborotn.gov



**AREA**

**RS-15**

**RS-12**

**CL**

**RS-15**

**CF**

**CH**

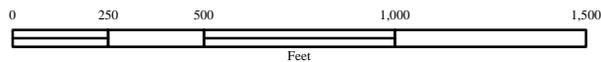
**CF**

**RS-15**

**RS-12**



**Rezoning Request For Property Along Manson Pk. from  
RS-15 to PRD**

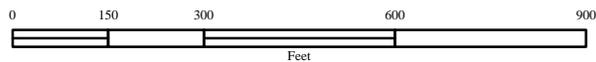




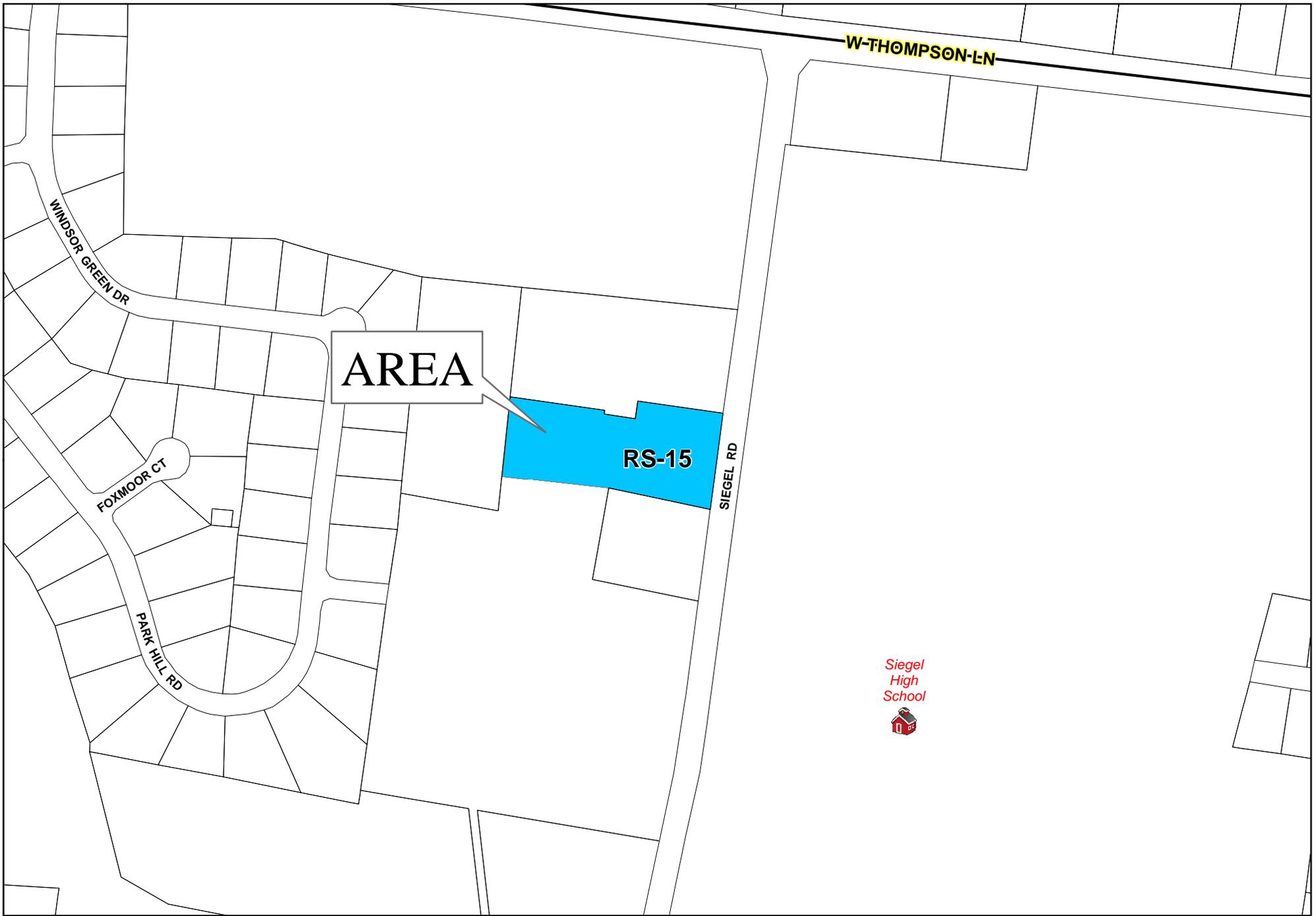
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## Rezoning Request For Property Along Rucker Ln. PUD Amendment



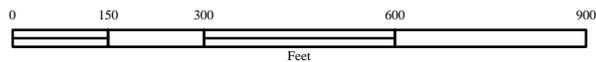
GIS Department  
City of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)



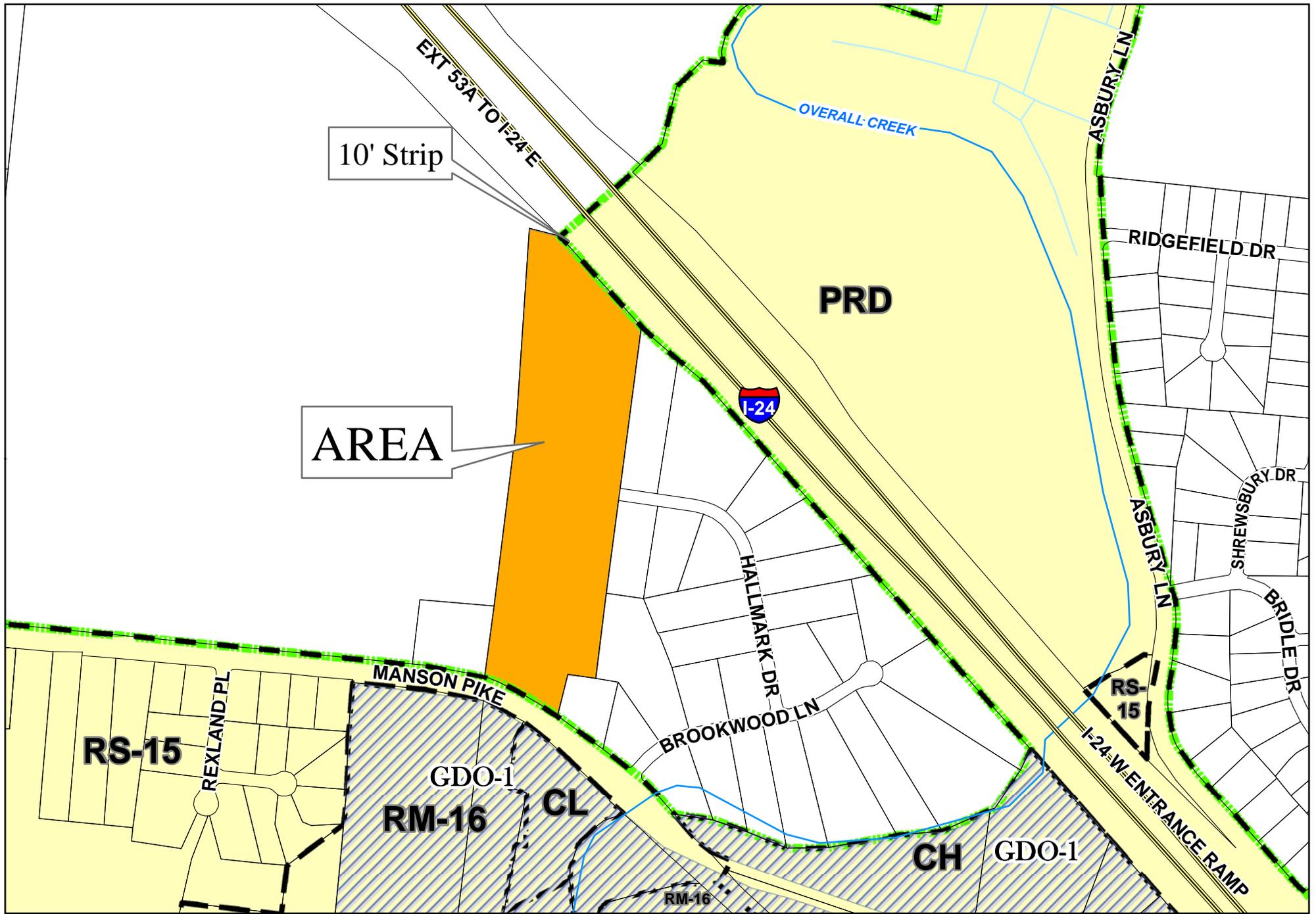
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## Rezoning Request For Property Along Siegel Rd. From RS-15 to PCD



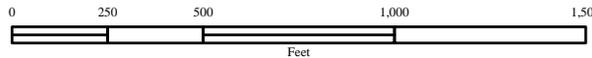
GIS Department  
City of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)



**Zoning Request for Property Along Manson Pk.  
PRD and GDO-1 Simultaneous with Annexation**



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February 11, 2016

Honorable Mayor and Members of the City Council:

**RE: I. Reimbursement Resolution 16-R-03 for Soccer Practice Facility  
II. Resolution 16-R-04 for 2017-2018 Soccer Fest "Beer Garden" Request**

As items for the **Regular Agenda**, it is recommended that City Council consider for approval **Reimbursement Resolution 16-R-03** for the design and construction of a practice soccer field facility to be located on the Jordan Farm and **Resolution 16-R-04** pertaining to the 2017-2018 Soccer Fest "Beer Garden" request.

**Item I – Reimbursement Resolution 16-R-03**

**Background**

On April 16, 2015, the City Council approved a contract with Lose and Associates for the design, development of construction documents, bidding, and construction oversight for a practice soccer facility at the site of the Jordan Farm. Since that time Lose has developed a concept plan, held a public input meeting regarding the site, and presented this project for the Board of Zoning Appeals for approval. This project was included in the 2015 Capital Improvement Budget, and Reimbursement Resolution 16-R-03 is needed to keep the project moving forward. This resolution would cover the cost of all A & E services and the cost of construction of the facility.

**Fiscal Impact**

In the 2015 CIP, \$1,800,000 was allocated for this project.

**Concurrences**

This project has been reviewed and approved by the Parks and Recreation Commission and has been approved by the Board of Zoning Appeals to be located on the Jordan Farm.

**Recommendation**

It is the recommendation of City Staff and City Administration that City Council approve **Reimbursement Resolution 16-R-03** and that the Mayor be authorized to sign all necessary documents pending the Legal Department's review and approval.

**Attachment**

Resolution 16-R-03

**Item II – Resolution 16-R-04 for Adult Soccer Fest “Beer Garden” Request****Background**

The City of Murfreesboro would like to partner with the Chamber of Commerce and Tennessee State Soccer to host the largest adult soccer tournament in the country in 2017-2018. Tennessee State Soccer has been asked by the United States Adult Soccer Association (USASA) to host the 2017-2018 Soccer Fest at Richard Siegel Park. There will be a variety of divisions and 100 to 120 teams involved, which will be put into various age and skill levels.

This five-day event is expected to have a huge economic impact on the City of Murfreesboro with 2,200-2,700 participants coming from out of town. July is when the event is to be held, and turf at RSP is actively growing at that time of year. Inclement weather is usually not an issue in the summer.

The event organizers have requested the special accommodation of a “Beer Garden” at Richard Siegel Park during the Soccer Fest. There will be a controlled area for the “Beer Garden” with security and licensed vendors. Additionally, MPRD staff will be present throughout the event to make sure all City policies and rules are being enforced at the park during the Soccer Fest. Approval of City Council for this accommodation is necessary before the Chamber of Commerce and Tennessee State Soccer will be able to bid on the event. Current City policies are attached, as well as Resolution 16-R-04.

If this special accommodation is approved by Council, the event would be conducted as other events are in which alcohol is allowed under special circumstances, such as for weddings and fund-raisers at Oaklands Park, Cannonsburgh, Bradley Museum, Gateway Island, and Murfree Spring (by the Discovery Center). This exception to the City’s Alcohol Policy is for this event only.

**Fiscal Impact**

The total economic impact expected from the event per year is approximately \$2,826,000.00 with \$70,650.00 being from direct city and county sales tax revenues and \$353,250.00 being from indirect city and county sales tax revenues.

**Concurrence**

At its February 3, 2016, meeting, the Murfreesboro Parks and Recreation Commission approved allowing the special accommodation as proposed.

**Recommendation**

I respectfully request that Council adopt this special accommodation of allowing a “Beer Garden” at the 2017-2018 Adult Soccer Fest through Resolution 16-R-04.

**Attachments**

City Code 4-90 Alcohol on City Property  
15-R-37

Rules for Use of Alcoholic Beverages at City Park Facilities  
Resolution 16-R-04

Respectfully,

Lanny Goodwin, CPRP  
Director

## **Section 4-90 Beer, Wine and Other Alcoholic Beverages on City Property.**

It shall be lawful to possess, use or consume beer, wine or any other alcoholic beverage on any City owned property only if said possession, use or consumption has been authorized by and complies with the City's applicable rules on possession, use or consumption for that property. These rules shall be adopted by the Council by resolution after receiving recommendations from the department and, if applicable, the board or commission, having jurisdiction over the property. These rules may be of general applicability or may be specific to a location or an event. They may, but are not required to, be contained in a lease, use agreement or other contract. They may, but are not required to, be posted on the property. In the absence of a resolution authorizing the possession, use or consumption of beer, wine or another alcoholic beverage on a specific City property, any such possession, use or consumption is unlawful.

For property owned by the City and leased to another entity, the lessee shall be responsible for enforcing the City's rules for possession, use and consumption of beer, wine and any other alcoholic beverages on the premises and for enforcing applicable laws and regulations of the State of Tennessee and laws of the City.

Under no circumstances are individuals possessing alcoholic beverages allowed to be on the public streets, sidewalks, or other public rights-of-way adjacent to City-owned property unless the alcohol is served by a licensed establishment that adjoins a City sidewalk and has obtained a permit or license to allow its patrons to possess open containers of alcohol and to consume alcohol on the City sidewalk within a clearly defined area. Any person in violation of this section shall be punished in accordance with Code § 1-8.

Nothing in this section shall in any way affect or lessen the rules and regulations governing the possession, use or consumption of alcohol by City employees.

[Ord.No.81-3 §2, 01-29-81; Ord.No.85-20 §1, 07-11-85; Ord.No.00-O-38 §1, 08-10-00; Ord.No.01-O- 45 §39, 09-20-01; Ord.No.04-O-70 §1, 01-13-05; Ord.No.05-O-28 §1, 06-02-05; Ord.No.06-O-58 §1, 10-26-06; Ord.No.08-O-38 §2, 10-09-08; Ord.No.10-O-25 §1, 06-10-10]

Editor's Note: this section was initially designated as §21-48.

**RESOLUTION 15-R-37** readopting rules regarding the possession, use and consumption of beer, wine and alcoholic beverages on City-owned park property to include the Bradley Academy Museum and Cultural Center.

**WHEREAS**, Murfreesboro City Code §4-90, Beer, Wine and Other Beverages on City Property, specifies that rules shall be adopted by the Council by resolution after receiving recommendations from the department; and,

**WHEREAS**, Resolution 08-R-23 established Murfreesboro Parks and Recreation Department Rules for Alcoholic Beverages on Park Property on October 14, 2008 and adopted revised Rules by Resolution 15-R-36 on September 17, 2015; and,

**WHEREAS**, the Parks and Recreation Department Rules for Alcoholic Beverages on Park Property specify the park properties where beer, wine and alcoholic beverages are allowed; and,

**WHEREAS**, the Parks and Recreation Department Director and the Parks and Recreation Commission recommend that the Bradley Academy Museum and Cultural Center, a facility now managed by the Parks and Recreation Department, be included in these rules to allow alcohol on its premises under certain circumstances; and,

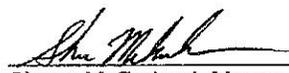
**WHEREAS**, pursuant to Ordinance 08-O-38, the City Council wishes to adopt revised rules which include Bradley Academy Museum and Cultural Center, Attachment A hereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

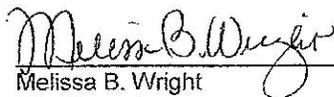
**SECTION 1.** Approves and adopts the rules contained in Attachment A hereto for Murfreesboro Parks and Recreation Department facilities.

**SECTION 2.** This Resolution shall be effective immediately upon its passage and adoption, the public welfare and the welfare of the City requiring it.

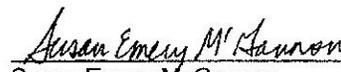
Passed: October 15, 2015

  
Shane McFarland, Mayor

ATTEST:

  
Melissa B. Wright  
City Recorder

APPROVED AS TO FORM:

  
Susan Emery McGannon  
City Attorney

## ATTACHMENT A

### MURFREESBORO PARKS AND RECREATION DEPARTMENT RULES FOR ALCOHOLIC BEVERAGES ON PARK PROPERTY

1. The sale, distribution, consumption, use or possession of beer, wine or any other alcoholic beverages at McKnight Park and Sports\*Com, Patterson Park and Community Center, McFadden Community Center, Richard Siegel Park, Barfield Crescent Park and Wilderness Station, Murfreesboro Greenways and Trailheads, Rogers Park, Old Fort Park, Jaycees Mini-Park, Walter Hill Park, and Gladys Blanton Park is strictly prohibited.
2. The sale, distribution, consumption, use or possession of beer, wine or any other alcoholic beverages on park property owned by the City and known as Cannonsburgh, Gateway Island, Oaklands Park, Adams Tennis Complex, Bradley Academy Museum and Cultural Center and Discovery Center and Murfree Spring Wetlands is allowed as set forth in these rules, the relevant Use Agreement and any additional rules established by the Parks and Recreation Commission for individual facilities.
3. The sale, distribution, consumption, use or possession of beer, wine or any other alcoholic beverage shall be in accordance with all state and local laws relative to sale, distribution, consumption, use or possession of alcoholic beverages.
4. The sale, distribution, consumption, use or possession of beer, wine or any other alcoholic beverage shall only be allowed at facilities set forth in item 2 above in conjunction with an approved facility rental and/or special event as set forth in a Use Agreement with the Murfreesboro Parks and Recreation Department.
5. The only alcoholic beverages that may be brought onto the premises of the facility are those that are placed in the possession and control of the User or special event subcontractor. Responsible adult(s) under the direction of the User or subcontractor must dispense all alcoholic beverages. No alcoholic beverages shall be left unattended on the premises.
6. Persons serving or consuming any alcoholic beverage at a MPRD facility must be at least twenty-one (21) years of age.
7. The person or entity responsible for selling or distributing any alcoholic beverage must provide a copy of any required beer permit or liquor license to the MPRD prior to the event.
8. Kegs may be permitted during a rental or special event but only with prior approval of the Director or Director's designee.
9. No individual shall be allowed to bring alcoholic beverages onto park property or facilities except in accordance with these rules. Such conduct shall be grounds for removal and for being barred from park property.
10. The MPRD parks and facilities are family oriented and drinking in excess will not be tolerated. All patrons must use good judgment and drink responsibly. Public drunkenness will not be tolerated and are grounds for removal and for being barred from the facility.
11. Alcoholic beverages may only be served and possessed in the specified location and during the specific hours of the special event or rental as approved by the Director or Director's designee.
12. Persons who are in possession of an alcoholic beverage must stay within the perimeters of the rented facility. Under no circumstances may individuals possessing alcoholic beverages be allowed onto the surrounding park property.
13. The Parks and Recreation Commission reserves the right to implement additional rules relative to the sale, distribution, consumption or possession of beer, wine or any other alcoholic beverages at the facilities set forth in Section 2 as may be necessary.

Revised: 9-30-15

**RESOLUTION 16-R-03** expressing official intent that certain expenditures to be incurred in connection with certain public works projects, and related expenditures for the practice soccer fields project at Jordan Farm, be reimbursed from proceeds of notes, bonds, or other indebtedness to be issued or incurred by the City of Murfreesboro, Tennessee.

**WHEREAS**, the City of Murfreesboro, Tennessee (“Municipality”), is in the process of causing certain capital expenditures to be made with respect to certain public works projects, consisting of the constructing and equipping of the practice soccer fields project at Jordan Farm of the Municipality, including but not necessarily limited to planning, design, architectural and engineering expenses (collectively, the “Project”); and,

**WHEREAS**, the City Council of the Municipality desires to establish its official intent that certain of the expenditures related to the Project and certain other related expenditures be reimbursed out of notes, bonds, or other indebtedness to be issued or incurred in the future by the Municipality.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

SECTION 1. The City Council hereby finds and determines as follows:

(a) that it is in the best interest of the Municipality to proceed immediately with the Project, thereby incurring certain capital expenditures;

(b) that the Municipality has certain funds available which may be used temporarily for this purpose, pending the issuance of bonds, notes, or other indebtedness of the Municipality;

(c) that the City Council anticipates that the Municipality will issue its bonds, notes, or other indebtedness for the purpose of financing the Project;

(d) that the City Council reasonably expects to reimburse such amounts to such fund or source from which the expenditures may be made on a temporary basis as soon as proceeds from issuance of such bonds, notes, or other indebtedness are available; and,

(e) that this declaration of official intent is consistent with the budgetary and financial circumstances of the Municipality.

SECTION 2. The City Council of the Municipality hereby establishes its official intent to issue bonds, notes, or other indebtedness to finance the costs of the Project and other related expenditures in an amount not to exceed One Million, Eight Hundred Thousand and NO/100 Dollars (\$1,800,000). Pending the issuance of such bonds, notes, or other indebtedness, funds necessary to finance such costs shall be advanced from such sources of funds on hand and available for such purpose, and any amounts so advanced shall be reimbursed from the proceeds of the tax-exempt bonds, notes, or other indebtedness when issued or incurred.

SECTION 3. The Municipality will comply with the applicable state or local law governing the public availability of records relating to its official acts with respect to this

Resolution.

SECTION 4. All actions of the officers, agents, and employees of the Municipality that are in conformity with the purposes and intent of this Resolution, whether taken before or after the adoption hereof, are hereby ratified, confirmed, and adopted.

SECTION 5. This Resolution shall be effective immediately upon its passage and adoption, the public welfare and the welfare of the City requiring it.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Melissa B. Wright  
City Recorder

\_\_\_\_\_  
David A. Ives  
City Attorney

**RESOLUTION 16-R-04** authorizing the one-time sale, possession and use of beer at Richard Siegel Park during the 2017 and 2018 Soccer Fest pursuant to the terms of the Use Agreement.

**WHEREAS**, Murfreesboro City Code §4-90, Beer, Wine and Other Beverages on City Property, specifies that rules shall be adopted by the Council by resolution after receiving recommendations from the department; and,

**WHEREAS**, Murfreesboro City Code §4-90 states that such rules may be contained in a lease, use agreement, or other contract; and,

**WHEREAS**, the City of Murfreesboro has a unique opportunity to partner with the Chamber of Commerce and Tennessee State Soccer to submit a bid to host the largest adult soccer tournament in the country, the 2017 and 2018 United States Adult Soccer Association Soccer Fest, at Richard Siegel Park in the month of July; and,

**WHEREAS**, the event will play host to 100 to 120 adult soccer teams in a variety of divisions divided by age and skill levels; and,

**WHEREAS**, the economic impact of this five day event will be substantial as it is estimated that 2200 of the 2700 participants will be from out of town; and,

**WHEREAS**, the event organizers have requested permission to set up and operate a “Beer Garden” on park property; and,

**WHEREAS**, the “Beer Garden” will be set up in a controlled area with security and licensed vendors and Park staff will be on hand throughout the entire event to ensure all policies and rules are being enforced; and,

**WHEREAS**, the City is willing to make an exception to the City alcohol policy and the Parks and Recreation alcohol policy for this event only to allow the sale, possession, use and consumption of beer at Richard Siegel Park during the 2017 and 2018 Soccer Fest pursuant to the terms of which will be set forth in a Use Agreement established between the City and the organization hosting the 2017 and 2018 Soccer Fest; and,

**WHEREAS**, the Parks and Recreation Department Director and the Parks and Recreation Commission recommend the approval of such exception to the City alcohol policy and the Parks and Recreation alcohol policy for this one event as set forth above; and,

**WHEREAS**, pursuant to Ordinance 08-O-38, the City Council wishes to authorize the exception.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** Authorizes the sale, possession, use and consumption of beer at Richard Siegel Park during the 2017 and 2018 Soccer Fest pursuant to the terms set forth in a Use Agreement established between the City and the organization hosting the 2017 and 2018 Soccer Fest.

**SECTION 2.** Approves and adopts the rules contained in Attachment A which shall be incorporated into the Use Agreement for the 2017 and 2018 Soccer Fest if the City of Murfreesboro wins the bid for this event.

SECTION 3. This Resolution shall be effective immediately upon its passage and adoption, the public welfare and the welfare of the City requiring it.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Melissa B. Wright  
City Recorder

\_\_\_\_\_  
David A. Ives  
City Attorney

## ATTACHMENT A

### RULES FOR BEER AT RICHARD SIEGEL PARK FOR THE 2017 AND 2018 SOCCER FEST

1. The sale, distribution, consumption, use or possession of beer by the Event Organizers is authorized during the 2017 and 2018 Soccer Fest to be held at the Richard Siegel Park on July \_\_\_\_, 2017 and July \_\_\_\_, 2018.
2. The sale, distribution, consumption, use or possession of beer at this Event is allowed as set forth in these rules which shall be incorporated into the Use Agreement for the Event.
3. The sale, distribution, consumption, use or possession of beer shall be in accordance with all state and local laws relative to sale, distribution, consumption, use or possession of alcoholic beverages.
4. The sale, distribution, consumption, use or possession of beer shall only be allowed at the Richard Siegel Park on the dates and at the times set forth in the Use Agreement with the Murfreesboro Parks and Recreation Department.
5. The only alcoholic beverages that may be brought onto the premises of the facility are those that are placed in the possession and control of the User or special event subcontractor. Responsible adult(s) under the direction of the User or subcontractor must dispense all beer. No beer shall be left unattended on the premises.
6. Persons serving or consuming any beer at this Event must be at least twenty-one (21) years of age.
7. The person or entity responsible for selling or distributing any alcoholic beverage must provide a copy of any required beer permit or liquor license to the MPRD prior to the event.
8. Kegs may be permitted during the event.
9. No individual shall be allowed to bring alcoholic beverages onto park property or facilities except in accordance with these rules. Such conduct shall be grounds for removal and for being barred from park property.
10. The MPRD parks and facilities are family oriented and drinking in excess will not be tolerated. All patrons must use good judgment and drink responsibly. Public drunkenness will not be tolerated and are grounds for removal and for being barred from the facility.
11. Beer may only be served and possessed in the specified location and during the specific hours of the special event as approved by the Director or Director's designee and as set forth in the Use Agreement.
12. Persons who are in possession of an alcoholic beverage must stay within the perimeters of the designated area. Under no circumstances may individuals possessing alcoholic beverages be allowed onto the surrounding park property.
13. The Parks and Recreation Commission reserves the right to implement additional rules relative to the sale, distribution, consumption or possession of beer, wine or any other alcoholic beverages as may be necessary.



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## REGULAR AGENDA

February 8, 2016

Honorable Mayor and Members of the City Council:

### **RE: Hiring Cumberland Securities to Provide Financial Advisory Services on City Debt Issues**

---

It is recommended that City Council employ Cumberland Securities to provide Financial Advisory (FA) services on City issued debt.

#### **Background**

The City Council adopted Financial Policies requires the City utilize a financial advisor to review debt policies, evaluate the capital improvement plan, examine the capacity of the City for additional debt, follow and understand market conditions, structure the bond offering to best fit those market conditions, prepare and lead staff through the credit rating agency process, obtain access to credit enhancements when needed and conduct the actual sale of the bonds. This is a "trust relationship" with the Financial Advisor having fiduciary responsibilities to the City.

The Financial Policies also provide that on the recommendation of the City Manager, the Financial Advisor will be selected by City Council after thorough review of the firm's credentials and experience in a merit based process. The relationship between the City and its Financial Advisor should be reviewed every three to five years.

The City shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions.

Cumberland Securities is an independently owned and operated financial advisory firm for Tennessee cities, counties and agencies that has been in business since 1931. Some of the firm's clients are the City of Knoxville, Knox County, City of Johnson City, Blount County, City of Franklin and the City of Brentwood. Cumberland is known for being innovative in public finance and was instrumental in the State's creation of such agencies as the Public Building Authority and TN Loans, an alternative to variable rate debt available to Tennessee clients.

#### **Fiscal Impact**

Cost for each bond issue is included in the closing expenses of that issue. Fees are negotiated with each bond issue and may vary with the complexity of the transaction. On average, the total costs for open market bond sales is approximately 1% of the amount offered.

#### **Recommendation**

It is the recommendation of City Staff and City Administration that City Council employ Cumberland Securities to serve as the City's Financial Advisor on upcoming debt transactions subject to final approval of the agreement by the City Legal Department.

#### **Attachment**

Financial Advisory Agreement

James H. Crumley

**FINANCIAL ADVISORY AGREEMENT**

**BETWEEN**

**CITY OF MURFREESBORO, TENNESSEE**

**AND**

**CUMBERLAND SECURITIES COMPANY, INC.**

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by and between the CITY OF MURFREESBORO, TENNESSEE (hereinafter referred to as the “Issuer”), and CUMBERLAND SECURITIES COMPANY, INC., Independent Consultants on Municipal Finance, Knoxville, Tennessee (hereinafter referred to as “Financial Advisor”).

W I T N E S S E T H

WHEREAS, the Issuer may in the future require financing for the purpose of providing funds for capital projects; and

WHEREAS, the Issuer must from time to time provide adequate new facilities or improvements to meet the demands placed on the services provided by the Issuer in order to promote the general welfare of the citizens of the Issuer and its area; and

WHEREAS, the Issuer may from time to time desire to refinance debt issued for previous projects; and

WHEREAS, the Issuer desires that the most complete and accurate economic and financial information possible be provided its officials and to potential bidders and ultimate buyers of the Issuer's bonds and/or notes; and

WHEREAS, due to the rapid changes in financing methods, the complexity of laws governing such financings and the specialization that is required to remain informed and up-to-

date, the Issuer desires that a recognized independent municipal financial advisor be retained in the structuring, marketing and sale of the Issuer's bonds and/or notes; and

WHEREAS, the Issuer has evaluated the capabilities of the Financial Advisor to the complete satisfaction of the Issuer and has requested the Financial Advisor to assist and advise the Issuer in matters relating to the Issuer's issuance of bonds or other obligations under terms and conditions decided by the Issuer to be suitable and in the best interest of the Issuer and its citizens.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein contained, it is hereby mutually agreed by and between the Issuer and the Financial Advisor that

Section 1. The Financial Advisor, working with the Mayor, the City Manager, the Finance Director, other Issuer officials and employees, the Issuer's Attorney, the independent Bond Counsel to the Issuer, and other such independent consultants or consulting engineers as may be engaged by the Issuer from time to time, shall assist in the development of a plan or plans for the financing or refinancing of any improvements through the issuance of bonds or other obligations, including loan agreements.

Section 2. In preparation for the development of any financing plan, or plans, the Financial Advisor will survey the financial resources of the Issuer to determine its borrowing capacity and analyze the existing debt structure of the Issuer as compared to the existing and projected sources of revenues which may be pledged to secure payment of the debt service on the proposed issues. Such studies will also include a complete analysis of the existing indebtedness of the Issuer to determine the most practical, economical way for the Issuer to fund needed public improvements and projects. In addition, the Financial Advisor will consider any future financing requirements projected by Issuer officials, its consultants (if any) and other experts that may be employed from

time to time by the Issuer.

Section 3. Based on the information developed by or other information available to the Financial Advisor, the Financial Advisor will submit its recommendations on the financing of the proposed public improvements and projects. The Financial Advisor's recommendation will include among other things, a schedule of principal maturities, options of prior payment, and the necessary security provisions designed to make the issues attractive to potential investors. All recommendations will be based on the Financial Advisor's experience as to how the debt obligations can best be sold under terms most advantageous to the Issuer and at the lowest interest cost.

Section 4. In preparing any plan of financing, and in all other services rendered by the Financial Advisor under this Agreement, it is hereby understood that the Financial Advisor may rely upon any written data or reports furnished to the Financial Advisor by the Issuer or its authorized representatives. The City Manager and Finance Director agree to make available to the Financial Advisor any data, reports, or Issuer personnel for conferences and consultations as may be necessary for the formulation of any financing plans.

Section 5. The Financial Advisor shall ensure that all the necessary resolutions are prepared for adoption in preparation for the sale and issuance of the bonds, loans and/or notes and that all other necessary proceedings are prepared and executed to complete each sale.

Section 6. The Financial Advisor will advise on current market conditions, forthcoming bond, loans and note issues, federal tax law considerations, and other general information and economic data which might normally be expected to influence the interest rates or other bidding or sale conditions, so that the date for the sale of the bonds, loans and/or notes can be set at a time,

which in the Financial Advisor's opinion will be most favorable to the Issuer.

Section 7. The Financial Advisor will submit a transcript of the entire proceedings to a firm of nationally recognized bond attorneys, acceptable to the Issuer and the purchaser(s), for their approving legal opinion(s) on the bonds.

Section 8. In connection with any bond sale, the Financial Advisor shall prepare a “near final” Preliminary and Final Official Statement substantially in accordance with the standards recommended by the Government Finance Officers Association (the “GFOA”) and will make a national distribution of such “near final” Preliminary Official Statements to potential bidders or purchasers for the bonds and to other interested parties and will furnish the successful bidder(s) or purchasers a reasonable amount of final Official Statements within seven (7) business days from the sale date as required by the Securities and Exchange Commission Rule 15c2-12.

Section 9. The Financial Advisor will prepare and assemble all necessary information concerning the Issuer for submission to and consideration by one or more of the major rating services (Moody's Investors Service, Inc., and/or Standard & Poor's Rating Services, and/or Fitch Ratings) in connection with a bond sale either independently or in connection with the use of credit enhancement if in the opinion of the Financial Advisor, such rating(s), would prove to be economically beneficial to the Issuer. The Financial Advisor will arrange for conferences or meetings (if necessary) with appropriate personnel analyzing the proposed bond issue(s) in anticipation of a rating(s) on such bonds.

Section 10. The Financial Advisor will advise the Issuer on the use of credit enhancement instruments available from municipal bond insurers or others and provide assistance in seeking such insurance or credit enhancement if in the opinion of the Financial Advisor, such credit

enhancement instrument would prove to be economically beneficial to the Issuer.

Section 11. The Financial Advisor will engage a major commercial bank in Tennessee (after receiving approval from the City Manager or Finance Director) to serve as the Issuer's Registrar, Paying Agent and Escrow Trustee, if required.

Section 12. The Financial Advisor will prepare forms and coordinate the submission of all advertisements concerning the sale and issuance of bonds and notes as required by law.

Section 13. If the Issuer and the Financial Advisor determine that it is advantageous to the Issuer to refund any presently outstanding bonds, loans and/or outstanding notes, the Financial Advisor will submit a plan of refunding and a computation of projected costs savings, if applicable, to the Director for the Office of State & Local Finance for review as required by Section 9-21-1003, Tennessee Code Annotated.

Section 14. The Financial Advisor will furnish a representative at the sale to assist and advise the Issuer officials in receiving bids or pricing levels and will tabulate all bids or pricing as well as perform computer verification of the mathematical accuracy of said bids or pricing and the compliance of all bids with the published requirements of the sale, if applicable. In addition, the Financial Advisor will assist and advise the Issuer in the awarding of the bonds to the successful bidders or purchasers.

Section 15. The Financial Advisor will supervise all closing proceedings so as to ensure the quickest possible delivery of the debt obligations to the purchaser or purchasers, including having the bond forms printed and ready for signatures of the proper officials.

Section 16. After the sale, the Financial Advisor will deliver to the Issuer, the Registrar/Paying Agent and/or appropriate officials, a schedule of debt service requirements on

the debt obligations.

Section 17. The Financial Advisor will calculate the “Bond Yield” based on the arbitrage provisions of the Internal Revenue Code of 1986 and will advise the Issuer on the maximum allowable yield on such debt obligations. If requested, the Financial Advisor will advise the Issuer on the investment of the proceeds of debt obligations so as to maximize the arbitrage potential under applicable existing laws.

Section 18. The Financial Advisor will prepare State Form CT-0253, “Report on Debt Obligations” for execution and submission to the State Comptroller's Office by the Issuer and a representative of the Financial Advisor pursuant to Section 9-21-151, Tennessee Code Annotated within forty-five (45) days after the issuance of any bonds or notes with a maturity of greater than one (1) year.

Section 19. The Financial Advisor will prepare or cause to be prepared Form 8038-G “Information Return for Tax-Exempt Governmental Bond Issues” and file or cause to be filed the report with the United States Department of the Treasury on or before the 15th day of the second calendar month after the close of the calendar quarter in which any debt is issued.

Section 20. The Issuer will be responsible for paying all of the normal bond issuance costs and fees. The normal bond issuance costs that the Issuer will pay will include the following: Bond Counsel fees, registration and paying agent's initial acceptance fees; bond printing costs; any rating agency's fees not associated with bond insurance; costs of preparation, printing and distribution of the Preliminary and Final Official Statements, and all legally required publication costs and if a refunding is involved the acceptance fee of the Escrow Agent and the fee of an accounting firm to verify the accuracy of the escrow fund to defease the bonds or notes being refunded. The Financial

Advisor will bill the Issuer and pay on the Issuer's behalf the above referenced issuance cost unless the Issuer requests to handle such payments itself. It is expressly understood that the Issuer will be responsible for all compensation due (if any) to the Issuer's Attorney, other independent consultants engaged by the Issuer, the annual fees of the Registration and Paying Agent, the annual fee payable to the Financial Advisor for also serving as the Dissemination Agent and if the Issuer so desires and qualifies, any premiums due and other related rating fees for bond insurance or other credit enhancement instruments purchased directly by the Issuer to enhance the sale of the bonds.

Section 21. In addition to the bond issuance cost outlined in Section 20 above, the Issuer agrees that in consideration for the services rendered by the Financial Advisor at its expense, the Issuer shall pay or cause to be paid to the Financial Advisor a fee at the time of and only upon the successful issuance and delivery of any debt obligation. The determination of any Financial Advisor fee for all debt obligations will be mutually agreeable between the Issuer and the Financial Advisor pursuant to a Fee Letter. The fee for any financial advisory activity that does not involve any specific financing by the Issuer, will also be mutually determined by the Financial Advisor and the Mayor in consultation with the City Manager and the Finance Director, or the individual holding the equivalent position, pursuant to a Fee Letter.

Under a contingent fee form of compensation, payment of the Financial Advisor's fee is dependent upon the successful completion of a financing or other transaction. Although this form of compensation may be customary for the Issuer, it presents a conflict because the Financial Advisor may have an incentive to recommend unnecessary financings or financings that are disadvantageous to the client. All recommended financings are reviewed by the firm to confirm that that they are suitable for each client. Upon execution of this Financial Advisory Agreement,

the Financial Advisor will have a legally binding fiduciary responsibility to put the financial interests of the Issuer before its own.

Section 22. Fees charged for note issues shall be mutually agreed to by the Financial Advisor and the Mayor in consultation with the Finance Director, or the individual holding the equivalent position, at the time of sale and delivery of the notes.

Section 23. The Financial Advisor is not a fiduciary of any other party to the transaction and will be neither party to, nor liable under, any contract, agreement, or understanding executed or otherwise existing to affect the Bonds. We will not (i) provide any assurances that any investment made in connection with the Bond or otherwise during our engagement is the best possible investment available for your situation or that every possible alternative or provider has been considered and/or solicited, (ii) investigate the veracity of any certifications provided by any party, (iii) provide legal or accounting assurance that any matter or procedure complies with any applicable law, or (iv) be liable to any party if any of the Bonds or an investment fails to close or for default of same.

Section 24. THIS AGREEMENT shall remain in full force and effect unless either of the parties hereto, shall notify the other party in writing of its desire to terminate this Financial Advisory Agreement. In the event either party to this Financial Advisory Agreement elects to terminate the agreement, such termination shall occur ninety (90) days after the date of written notice delivered to the other party. Upon termination of this Financial Advisor Agreement by the Issuer, the Financial Advisor shall be paid the fee in full that would be due for all work completed up to the date of cancellation and authorized by the City Manager.

Section 25. This Agreement shall take effect immediately.

This \_\_\_\_\_ day of \_\_\_\_\_ 2016.

CUMBERLAND SECURITIES COMPANY, INC.

By: \_\_\_\_\_  
President

CITY OF MURFREESBORO, TENNESSEE

By: \_\_\_\_\_  
Mayor



*. . . creating a better quality of life.*

February 11, 2016

Members of City Council

**RE: Recommended Appointment – Disciplinary Review Board**

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**Board Appointment**

As an item for tonight's City Council agenda, I am recommending the appointment of the Mr. David Gray to replace Ms. Elodie A. Batts on the Disciplinary Review Board.

Sincerely,

Shane McFarland  
Mayor



*. . . creating a better quality of life.*

February 11, 2016

Members of City Council

**RE: Recommended Appointment – Airport Commission**

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**Appointment**

As an item for tonight's City Council agenda, I am recommending the appointment of James Jones to the Airport Commission to replace retiring member Payne Hardison.

Sincerely,

Shane McFarland  
Mayor