

MURFREESBORO CITY COUNCIL  
AGENDA

October 13, 2016

7:00 p.m.

Council Chambers

PRAYER

MR. KIRT WADE

PLEDGE OF ALLEGIANCE

CEREMONIAL ITEMS

Consent Agenda

1. A. Consider recommendations of the Principal Planner: Contract Addendum for Ragan-Smith Associates to conduct a Visioning Workshop for the Historic Bottoms Small-Area Study.
- B. Consider recommendations of the Airport Manager: Addendum to Professional Services Agreement to assist with the design of the proposed Airport Terminal.
- C. Consider recommendations of the Community Development Director:
  - a. 2015-16 CAPER.
  - b. Emergency Repair: 610 Johnson Street.
  - c. Housing Rehab: 2315 Richmond Avenue, Change Order No. 2.
- D. Consider recommendations of the Planning Commission: Mandatory Referral [2016-717] to consider abandonment of a drainage easement located at Lancaster Christian Daycare along Manson Pike; Skipper Smotherman, applicant.
- E. Consider recommendations of the Community Development Grant Coordinator: Use of Funds through the Affordable Housing Assistance Program for 601 E. Castle Street and 2418 Tinnell Court.
- F. Consider recommendations of the Water & Sewer Board:
  - a. South Church Street Sanitary Sewer: Final Balancing Change Order No. 1.
  - b. Contingency Allowance Allocations for Sinking Creek WWTP Phase 4D.
  - c. Wastewater Pump Station & Wastewater Treatment Plant Arc Flash Study: SSR Engineering Work Order 11-47-017.0 Amendment No. 2.
  - d. SSR Engineering Work Order 15-41-029.0: Construction Administration for the Murfreesboro Auxiliary Raw Water Intake Generator.
  - e. TDOT: Bradyville Pike Roadway Widening from SE Broad Street to Rutherford Boulevard.
  - f. Sanitary Sewer Master Plan: Cherry Lane Extension from Memorial Boulevard to NW Broad Street.
  - g. Department Participation request for Sewer Main Extension at Springfield Luxury Apartments.
  - h. Water Chiller Replacement & Installation for Stones River Water Treatment Plant.
  - i. AquAeTer E. coli & Fecal Coliform Proposal for the West Fork Stones River & Sinking Creek: Amendment No. 4 to SSR Work Order 09-47-001.2.
  - j. Asphalt Purchases Report.
- G. Consider recommendations of the Chief of Police:
  - a. Purchase of Two (2) Police Motorcycles.
  - b. Purchase of Speed Awareness Devices.
- H. Consider recommendations of the Assistant City Engineer:
  - a. Communication Towers: Final Change Order.
  - b. West Main Fuel Station: Final Change Order.
  - c. West Main Fuel Station: Soil Sampling & Professional Services Budget Amendment from Griggs & Maloney.

Minutes

2. September 22, 2016 - Regular Meeting.

Second Readings

3. Consider for passage on second and final reading ORDINANCE 16-OZ-39 to rezone an area located along North Thompson Lane and Wilkinson Pike to Commercial Medical (CM) District and Gateway Design Overlay (GDO-2) District.
4. Consider for passage on second and final reading ORDINANCE 16-OZ-34 to rezone an area located along Brinkley Road to Planned Residential Development (PRD) District [2016-425].

First Readings

5. Consider for passage on first reading ORDINANCE 16-O-43 amending the Murfreesboro City Code, Chapter 25-Schools, Sections 25-2, regarding compensation of School Board Members.

MURFREESBORO CITY COUNCIL  
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(Continued)

6. A. Letter from Assistant City Manager regarding Food Truck Ordinance and Regulations.
- B. Consider for passage on first reading ORDINANCE 16-O-32 amending the Murfreesboro City Code, Chapter 13–Food and Food Products, adding Sections 13-20 through 13-26 regarding mobile food vending.

New Business

7. Conduct a public hearing and consider for approval a Certificate of Compliance for Retail Liquor Store for Chiragkumar M. Patel, Vishal N. Patel, and Bhavin P. Patel at Georgetown Wine & Spirits, 1720 W. Northfield Boulevard.
8. A. Pursuant to RESOLUTION 16-R-PH-38 adopted by the City Council on August 18, 2016, conduct a public hearing to consider a proposed amendment to rezone approximately 1 acre located along Bradyville Pike from Local Commercial (CL) District (0.42 acres) and Single-Family Residential Ten (RS-10) District (0.59 acres) to Commercial Fringe (CF) District; Christini Carey, applicant [2016-433]. Notice of said public hearing was published in the September 26, 2016 edition of a local newspaper.
- B. Consider for passage on first reading ORDINANCE 16-OZ-38 to rezone an area located along Bradyville Pike to Commercial Fringe (CF) District.
9. A. Pursuant to RESOLUTION 16-R-PH-37 adopted by the City Council on August 18, 2016, conduct a public hearing to consider a proposed amendment to rezone approximately 0.8 acres located along Reid Avenue from Duplex Residential (RD) District to Single-Family Residential Four (RS-4) District; James and Betty French, applicant [2016-429]. Notice of said public hearing was published in the September 26, 2016 edition of a local newspaper.
- B. Consider for passage on first reading ORDINANCE 16-OZ-37 to rezone an area located along Reid Avenue to Single-Family Residential Four (RS-4) District.
10. A. Pursuant to RESOLUTION 16-R-PH-40 adopted by the City Council on August 18, 2016, conduct a public hearing to consider a proposed amendment to rezone an area located along Veterans Parkway from Residential Multi-Family Sixteen (RM-16) District to Single-Family Residential Eight (RS-8) District (approximately 0.77 acres); from Residential Multi-Family Sixteen (RM-16) District to Commercial Fringe (CF) District (approximately 0.41 acres); and from Commercial Fringe (CF) District to Residential Multi-Family Sixteen (RM-16) District (approximately 1.6 acres); Cornerstone Development, LLC, applicant [2016-435]. Notice of said public hearing was published in the September 26, 2016 edition of a local newspaper.
- B. Consider for passage on first reading ORDINANCE 16-OZ-40 to rezone an area located along Veterans Parkway to Single-Family Residential Eight (RS-8) District, Commercial Fringe (CF) District and Residential Multi-Family Sixteen (RM-16) District.
11. A. Pursuant to RESOLUTION 16-R-PH-41 adopted by the City Council on August 18, 2016, conduct a public hearing to consider a proposed amendment to approximately 78.4 acres in the Planned Residential Development (PRD) District (Purlingbrook PRD) located along Asbury Lane; Beazer Homes, applicant [2016-432]. Notice of said public hearing was published in the September 26, 2016 edition of a local newspaper.
- B. Consider for passage on first reading ORDINANCE 16-OZ-41 to amend conditions applicable to an area in the Planned Residential Development (PRD) District (Purlingbrook PRD) located along Asbury Lane.
12. A. Pursuant to RESOLUTION 16-R-PH-42 adopted by the City Council on August 18, 2016, conduct a public hearing to consider (1) adoption of a Plan of Services for and annexation of 13.4 acres and (2) zoning of approximately 9.9 acres located along Veterans Parkway east of Cason Lane. Notice of said public hearing was published in the September 26, 2016 edition of a local newspaper.
- B. Consider for adoption RESOLUTION 16-R-PS-42 to adopt a Plan of Services for approximately 13.4 acres located along Veterans Parkway, east of Cason Lane; Ardavan Afrakhteh, applicant [2016-508].
- C. Consider for adoption RESOLUTION 16-R-A-42 to annex approximately 13.4 acres located along Veterans Parkway, east of Cason Lane, and to incorporate the same within the corporate boundaries of the City of Murfreesboro, Tennessee, Ardavan Afrakhteh, applicant [2016-508].
- D. Conduct a public hearing to consider zoning approximately 9.9 acres located along Veterans Parkway, east of Cason Lane, as Residential Multi-Family Twelve (RM-12) District, simultaneous with annexation; Green Trails, LLC, applicant [2016-421].
- E. Consider for passage on first reading ORDINANCE 16-OZ-42 to zone an area located along Veterans Parkway, east of Cason Lane, as Residential Multi-Family Twelve (RM-12) District, simultaneous with annexation.

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(Continued)

13. Consider recommendations of the Planning Commission: Schedule a public hearing to consider rezoning approximately 5.7 acres located along Osborne Lane from Residential Single-Family Fifteen (RS-15) District to Commercial Fringe (CF) District and rezoning approximately 0.6 acres from Office General (OG) District to Commercial Fringe (CF) District; Chuck Barnes, applicant.
14. Consider recommendations of the Planning Commission: Schedule public hearings to consider Annexation Plan of Services, Annexation Petition & Zoning (CH) request along South Rutherford Boulevard; Zoning (PRD) along Salem Creek Drive (Ashton at Salem Creek); Annexation Plan of Services, Annexation Petition, Zoning (PRD) & Rezoning (PRD) along West Thompson Lane (Caroline Farms); Zoning at 720 Old Salem Road (CH); Annexation Plan of Services, Annexation Petition and Zoning (PRD) Mankin Pointe along Manchester Pike & Dilton Mankin Road; and Zoning (RZ) along South Rutherford Boulevard.
15. Consider recommendations of the Principal Planner: Outside City Sewer Customer [2016-514] for approximately 41 acres located along Epps Mill Road.
16. Consider recommendations of the Assistant City Manager: Contract with Energy Systems Group (ESG) for Energy Conservation and Renovation Projects.

Board & Commission Appointments

17. A. Pension Committee: Reappoint Mr. Mark McCluskey.  
B. Greenway Projects Committee: Appoint Mr. Lamar Dixon to fill vacancy of Dr. Martin McCullough.

Beer Permits

Payment of Statements

Other Business from Staff or City Council

Adjourn



## Consent Agenda

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October 13, 2016

Honorable Mayor and Members of City Council

Re: Contract Addendum for Ragan-Smith Associates to conduct a Visioning Workshop for the Historic Bottoms Small-Area Study.

### **Background**

At the November 19, 2015, City Council meeting, the Council approved a professional services contract for Ragan-Smith Associates to conduct a small-area study for the Historic Bottoms (formerly Lower Broad) area. The contract was for a total of \$129,800 for Fiscal Years 2015-2016 and 2016-2017. The scope of services provided by Ragan-Smith Associates did not include a community visioning workshop. Due to public interest in the study, the Planning Department and Administration encouraged Ragan-Smith Associates to conduct a visioning workshop. Such a workshop was held at Patterson Park on August 9, 2016, attracting more than 100 attendees. A diverse range of stakeholders including property owners, business owners, design professionals, real estate professionals, and City officials attended the event. The Historic Bottoms Small-Area Study will include at least one additional opportunity for public input. An open house is currently scheduled for October 11, 2016, at Patterson Park Community Center from 5:30 PM to 7:00 PM.

### **Fiscal Impact**

Funding for this project will come from the Planning Department's budget for Fiscal Year 2016-2017.

### **Recommendation**

It is the recommendation of Administration and the Planning Department that the addendum to the contract for professional services to conduct a Visioning Workshop for the Historic Bottoms Small-Area Study to not exceed \$5,000 for Fiscal Year 2016-2017 be approved by the City Council. This approval will authorize the Mayor to execute the necessary contract documents contingent upon the Legal Department's review and approval.

**Attachments**

1. Contract addendum for Ragan-Smith to provide professional services

Respectfully submitted,

Donald Anthony, AICP  
Principal Planner

September 15, 2016

VIA ELECTRONIC MAIL- gwhitaker@murfreesborotn.gov

Mr. Gary Whitaker  
City of Murfreesboro  
Director of Building & Codes  
111 W. Vine St.  
Murfreesboro, TN 37133

RE: HISTORIC BOTTOMS CORRIDOR STUDY  
ADDENDUM #1  
MURFREESBORO, TN

Dear Gary:

Ragan-Smith-Associates, Inc. is pleased to offer this Addendum to the professional service agreement between the City of Murfreesboro and Ragan-Smith dated July 14, 2015 for the addition of a "Visionary Charette" to the original scope of services.

Description of Additional Services:

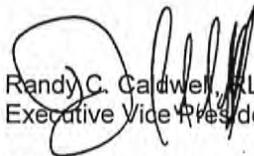
I.	Original Contract	\$153,400.00
II.	Addendum #1	<u>5,000.00</u>
	<b>TOTAL CONTRACT</b>	<b>\$ 158,400.00</b>

The above fee is in addition to the original contract fee and any other previously issued addendums.

All other terms and provisions of the referenced original contract shall remain in full force and effect.

Sincerely,

**RAGAN-SMITH-ASSOCIATES, INC.**



Randy C. Caldwell, RLA, LEED AP  
Executive Vice President

RCC:ps

**CLIENT ACCEPTANCE AND AUTHORIZATION TO PROCEED**

By \_\_\_\_\_ Date \_\_\_\_\_



*...creating a better quality of life*

September 23, 2016

**Honorable Mayor and Members of the City Council:**

**RE: Consent Agenda: Consider approval of Addendum to Professional Services Agreement to assist with the design of the proposed Airport Terminal**

**Background**

Previously the Terminal Design Team, assisting the Airport Commission in the creation of a new Airport Terminal, selected Michael Baker to design the new facility. After initial contract discussions, the City of Murfreesboro entered into a Professional Services Agreement for \$27,675.00 with Michael Baker. Baker's task was to assist the Design Team in a preliminary facility planning and design process considering various floor plans and building designs. As the Terminal Design Team discussed the expected useful life of 50 years for this facility, having adequate space provided for the traveling public, office space, and lease space. As that space was mapped out, the size of the facility doubled.

While considering the proposed building footprints and possible locations, it was realized that some building options might impact surrounding facilities such as the fuel farm and existing and future hangars. These were all important factors and issues that the architects and Terminal Design Team needed to further investigate. It was clear that an Addendum addressing these new and very important variables was necessary.

**Fiscal impact**

Michael Baker has provided an addendum describing the additional work to be performed for the amount of \$9,500.00. This addendum will be paid from CIP funds set aside for the new Airport Terminal. When complete with this process, the Airport Commission will have a Terminal floor and site plan including improved and adequately sized auto parking

**Improvement to our community**

The new Airport Terminal will serve our community for the next fifty plus years. In that fifty years, there is a number of needs that have been identified. There is a need for adequate lease space, as well as adequate facilities to serve the traveling public. There is a need in this facility to enhance educational opportunities for children of all ages. There is a need now and in the future for various sized meeting rooms. The MTSU Aerospace Department, aviation organizations, community groups, business from Murfreesboro and other locations, along with other members of our community need these meeting rooms for various business and other functions.

The Airport Terminal Area is a very compact area with many specialized facilities that can impact the use and or location of other existing and future facilities. The Terminal Design Team understands and embraces these issues and realizes their great responsibility. With the guidance of Michael Baker, this additional time and work will hopefully provide in the end a facility which will be of great use to our citizens and be an excellent representation of our dynamic community for years to come.

**Request**

The Murfreesboro Airport Commission requests your approval of this addendum with Michael Baker. The Members of the Airport Commission and I greatly appreciate your consideration of this item.

Respectfully,

Chad L. Gehrke  
Airport Manager



**Murfreesboro Municipal Airport**

# Michael Baker

**I N T E R N A T I O N A L**

July 28, 2016

Mr. Chad Gehrke  
Airport Manager  
Murfreesboro Municipal Airport  
1930 Memorial Blvd.  
Murfreesboro, TN 37129

City of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130

**SUBJECT:** Letter Agreement – Murfreesboro Municipal Airport Terminal Building -  
Programming and Conceptual Building and Site Design, Cost Opinion  
Additional Services

Dear Chad:

As an amendment to our agreement executed March 16, 2016, we propose to render additional professional consulting services as requested in connection with the Murfreesboro Municipal Airport Terminal Building Project.

**MICHAEL BAKER INTERNATIONAL, INCORPORATED (Michael Baker)** will provide conceptual design services for development an additional building plan depicting a 2-story concept of approximately 20,000 SF for the New General Aviation Terminal. Included in this amendment will be services to update the project narrative report and provide an updated opinion of probable cost.

**THE CITY OF MURFREESBORO, TN (Owner)** agrees to compensate **Michael Baker** on a lump sum basis of Nine Thousand Five Hundred Dollars and No Cents (\$9,500.00).

If this letter satisfactorily sets forth your understanding of our agreement, we would appreciate your signing in the space provided below and returning one original to us.

Sincerely,

MICHAEL BAKER INTERNATIONAL, INC.



J. Robert Moore II  
Project Manager  
On behalf of Thomas Montgomery, Vice President

Attachment A: Fee Proposal Breakdown

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Accepted this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\*\*Owner's legal entity name\*\*

By \_\_\_\_\_

Printed Name \_\_\_\_\_



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## **CONSENT AGENDA**

September 27, 2016

Honorable Mayor and Members of the City Council:

As items for the Consent Agenda, it is recommended that the City Council approve the following from the Community Development Department:

- 1. 2015-16 CAPER**
- 2. Emergency Repair – 610 Johnson Street**
- 3. Housing Rehab – 2315 Richmond Avenue – Change Order #2**

### **1. 2016-16 CAPER**

#### **Background**

Because the City of Murfreesboro receives Community Development Block Grant funding from the U.S. Department of Housing and Urban Development (HUD), it must report annually on how federal resources have been used. The report, called the CAPER, must be submitted to HUD no later than 90 days following the end of the program year. The City's Citizen Participation Plan requires that the report be available for public review and comment for 15 days before being submitted to HUD. The CAPER for the program year 2015-16 has been available for review on the City web site (<http://www.murfreesborotn.gov/DocumentCenter/View/4371>) since September 14, 2016. The City invites written comments from residents of Murfreesboro, public agencies and other interested parties. As required by its Citizen Participation Plan, the City will respond in writing to all written comments regarding the CAPER within 15 days of receipt.

#### **Fiscal Impact**

No fiscal impact.

#### **Recommendation**

Staff recommends approving the CAPER subject to adding written comments received before September 29, 2016, and authorizing the Community Development Department to submit the document to HUD.

### **2. Emergency Repair – 610 Johnson Street**

#### **Background**

The owner of the home at 610 Johnson Street applied for and is eligible for assistance through the Community Development Department's Emergency Repair Program and Sewer Tap Program. The homeowner experienced a breakdown in her home's sewer line and went to see

[Community Development](#)

Murfreesboro Water & Sewer. Greg Harvey referred her to Community Development for assistance. After consulting with Mr. Harvey, staff developed a Scope of Work which includes relocating the customer's sewer tap from beneath a concrete driveway and laying a new sewer line from the tap to the house cleanout.

On August 9, 2016, the Community Development Department issues a scope of work and a request for bids to three contractors for emergency sewer repairs. Two contractors submitted bids by the bid deadline of 3 p.m., Thursday, August 11, 2016:

James Brown	\$2,700.00
Hiller Plumbing	\$5,105.00

Staff's review of the bids suggests the wide discrepancy in the two bids is a result of the Hiller bid including work that was not included in the City-issued Scope of Work.

**Fiscal Impact**

Total cost of the project was \$3,700. The fee paid to Murfreesboro Water & Sewer for relocating the tap was \$1,000. The low bid of \$2,700 for the replacement of the sewer line from the relocated tap to the house was James Brown.

**Concurrences**

With the approval of Assistant City Manager Jennifer Moody, staff issued a Notice to Proceed to James Brown and order a check to Murfreesboro Water & Sewer. The project has been completed and with this agenda item, staff is reporting these two expenditures to City Council.

**3. Housing Rehab – 2315 Richmond Avenue – Change Order #2**

**Background**

On June 2, 2016, City Council approved a housing rehabilitation project at 2315 Richmond Avenue. The construction contract for \$18,390.00 is with Bowen Glass & Construction and Notice to Proceed was issued on June 6, 2016. Subsequent to issuance of the contract, the homeowner made the department aware of conditions which made changes in the home's bathroom necessary – eliminating a window replacement and adding a tub/shower with safety bars to the Scope of Work. A change order for \$301 was approved by the City Council on August 11.

On August 29, 2016, staff accompanied by city inspector Phillip Burns met at the home with the contractor and homeowner to conduct the final inspection. We chose not to do the final inspection because earlier that morning several serious plumbing problems including a backed-up sewer and a non-working shower faucet (although we replaced the shower unit in the original Scope of Work, we had decided to re-use the existing faucet). The situation was such that I felt it necessary to authorize the contractor to do what was necessary to rectify the problems immediately. Change Order #2 is the cost of those repairs I authorized with Mr. Burns' concurrence.

**Fiscal Impact**

Approving Change Order #2 for \$1,007 increases the final contract amount \$18,698.

**Concurrences**

Both our inspector and the homeowner agreed the change order is necessary and agreed to the increased cost.

**Recommendation**

Staff recommends approving Change Order #2 for \$1,007, which increases the final contract amount to \$18,698.

Sincerely,

John Callow  
Community Development Director



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

## **Consent Agenda**

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September 22, 2016

**Honorable Mayor and Members of City Council**

**Re: Planning Commission Recommendation**

**Mandatory Referral [2016-717] to consider the abandonment of a drainage easement located at Lancaster Christian Daycare along Manson Pike, Skipper Smotherman applicant.**

### **Background**

The subject property is located along Manson Pike. A daycare center is currently proposed to be sited on the property. Presently, a twenty (20) foot drainage easement crosses the Smotherman Property to Overall Creek. A new easement has been dedicated as a replacement, as shown on the Smotherman Property Final Plat, Lot 1, and the existing easement is no longer needed. The City Engineer has reviewed the application and is comfortable with the mandatory referral to allow the abandonment and relocation of the drainage easement.

### **Recommendation**

The Murfreesboro Planning Commission recommends that the City Council approve this mandatory referral request in order to authorize the Mayor to sign the appropriate legal instruments to quitclaim the City's interest in the easement.

### **Concurrences**

The Murfreesboro Planning Commission considered this mandatory referral request at its September 21, 2016 meeting and recommends approval.

### **Fiscal Impact**

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

## **Attachments**

1. Staff Comments from the September 21, 2016 Planning Commission meeting
2. Letter from developer's representative
3. Exhibits and legal descriptions

Respectfully Submitted,

Matthew T. Blomeley, AICP  
Principal Planner

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
SEPTEMBER 21, 2016**

- 3.r. Mandatory Referral [2016-717] to consider the abandonment of a drainage easement located at Lancaster Christian Daycare along Manson Pike, Skipper Smotherman applicant.**

The subject property is located along Manson Pike. A daycare center is currently proposed to be sited on the property. Presently, a twenty (20) foot drainage easement crosses the Smotherman Property to Overall Creek. A new easement has been dedicated as a replacement as shown on Smotherman Property Final Plat Lot 1 and the easement for which the requested has been made is no longer needed. The City Engineer has reviewed the application and is comfortable with the mandatory referral to allow the relocation of the drainage easement. If this mandatory referral is approved, it should be made subject to the applicant providing all the necessary documentation required to prepare and record the instrument to City Staff. This includes legal descriptions and an illustration of the property. If approved, then the Mayor will be authorized to sign the necessary documents to convey the City's interest back to the owner.



August 23, 2016

Mr. Gary Whitaker  
City of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 27130

Re: Lancaster Christian Daycare

Dear Mr. Whitaker:

At the request of our client, Skipper Smotherman, we hereby make a request to abandon a portion of a drainage easement with a mandatory referral by Planning Commission. The existing easement to be abandoned is shown on the accompanying exhibits. A metes and bounds description is also attached for each parcel.

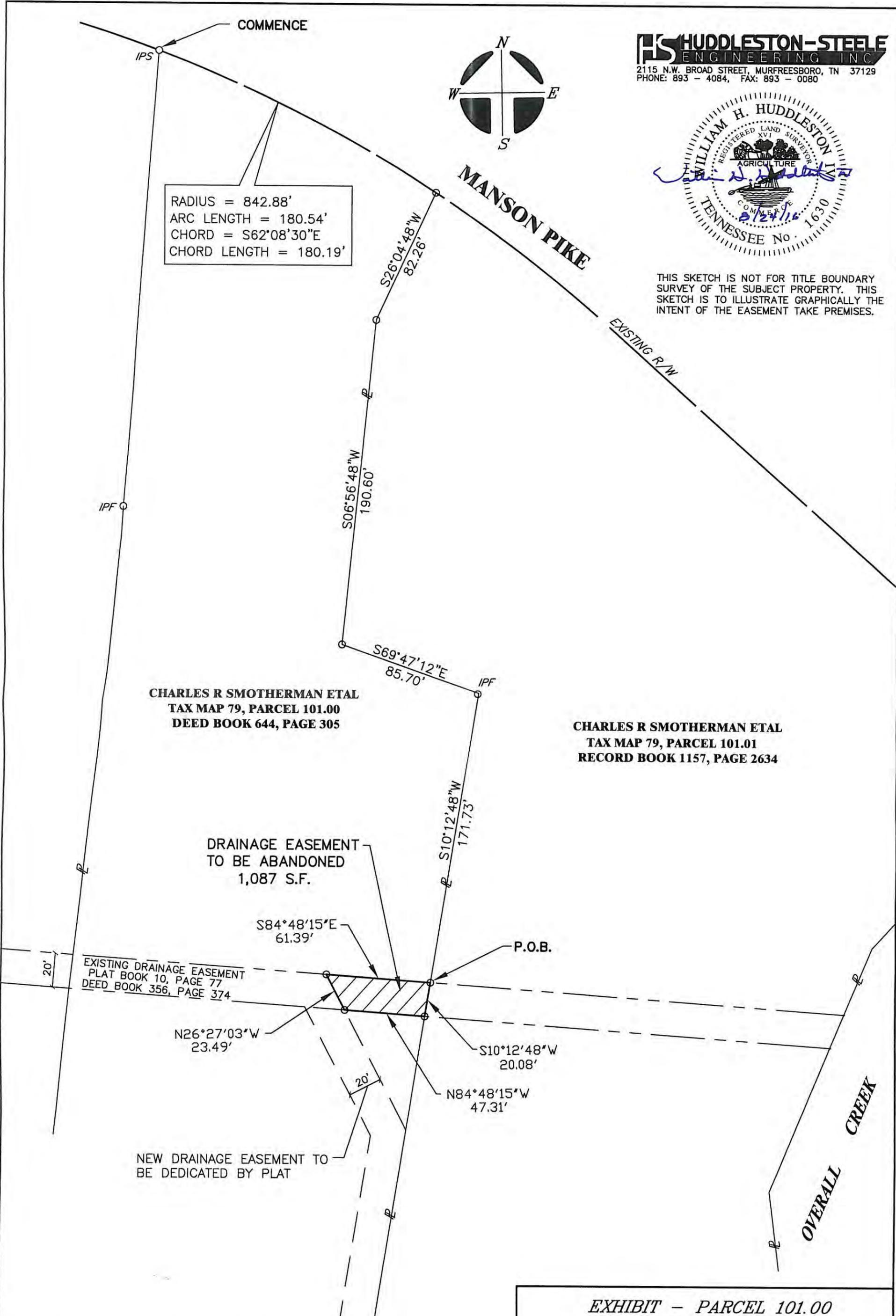
Sincerely,

HUDDLESTON-STEELE ENGINEERING, INC.

William H. Huddleston IV, P.E., R.L.S.



THIS SKETCH IS NOT FOR TITLE BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THIS SKETCH IS TO ILLUSTRATE GRAPHICALLY THE INTENT OF THE EASEMENT TAKE PREMISES.



OWNER: CHARLES R SMOTHERMAN ETAL  
 TAX MAP 79, PARCEL 101.00  
 DEED BOOK 644, PAGE 305  
 RUTHERFORD COUNTY

○-----SURVEY POINT  
 IPF○-----IRON PIN FOUND  
 IPS○-----IRON PIN SET

**EXHIBIT - PARCEL 101.00**  
**DRAINAGE EASEMENT ABANDONMENT**  
**CHARLES R. SMOTHERMAN PROPERTY**  
**CITY OF MURFREESBORO, TENNESSEE**  
 DATE: AUGUST, 2016 | SCALE: 1"=50' | SHEET 1 OF 1

Property Description  
Abandonment of Drainage Easement  
Charles R. Smotherman, etal  
Tax Map 79, Part of Parcel 101.00  
Deed Book 644, Page 305

Located in the 7th Civil District of Rutherford County, Tennessee. Bound on the east by Charles R. Smotherman etal (Record Book 1157, Page 2634); and on the north,south and east by the remaining property of Charles R. Smotherman etal (Deed Book 644, Page 305).

Commencing at an iron pin set in the south right-of-way of Manson Pike, said iron pin being the northwest corner of Charles R. Smotherman (Deed Book 644, Page 305); thence with the south right-of-way of Manson Pike with a curve to the right having a radius of 842.88 feet with a chord bearing and distance of S-62°08'30"-E, 180.19 feet for an arc length of 180.54 feet to a point in the south right-of-way of Manson Pike, said point being the northeast corner of Charles R. Smotherman (Deed Book 644, Page 305) and the northwest corner of Charles R. Smotherman (Record Book 1157, Page 2634); thence leaving Manson Pike's south right-of-way with the east line of Charles R. Smotherman (Deed Book 644, Page 305) with the following calls:

S-26°04'48"-W, 82.26 feet to a point;

S-06°56'48"-W, 190.60 feet to a point;

S-69°47'12"-E, 85.70 feet to an iron pin found;

S-10°12'48"-W, 171.73 feet to a point for the **Point of Beginning**, said point being the northeast corner of this tract; thence continuing with Smotherman's east line S-10°12'48"-W, 20.08 feet to a point, being the southeast corner of this tract; thence crossing the remaining property of Charles R. Smotherman (Deed Book 644, Page 305) with the following calls: N-84°48'15"-W, 47.31 feet to a point, being the southwest corner of this tract; N-26°27'03"-W, 23.49 feet to a point, being the northwest corner of this tract; S-84°48'15"-E, 61.39 feet to the **Point of Beginning**, containing 1,087 square feet more or less.

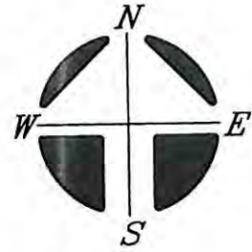
This tract is subject to all easements and/or restrictions either recorded or by prescription that a complete title search may reveal.

Prepared By:  
Huddleston-Steele Engineering, Inc.  
2115 Northwest Broad Street  
Murfreesboro, Tennessee 37129

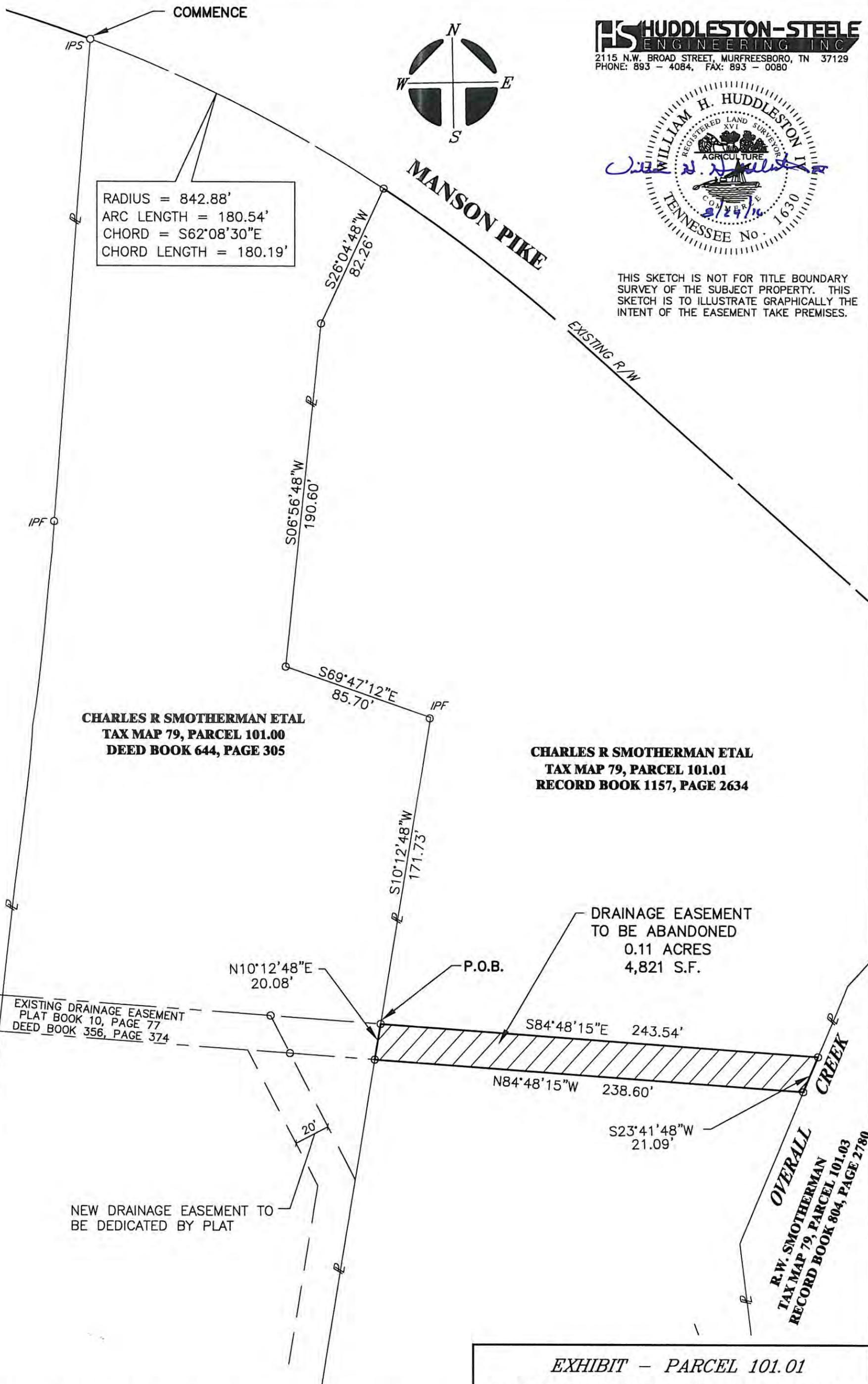




THIS SKETCH IS NOT FOR TITLE BOUNDARY SURVEY OF THE SUBJECT PROPERTY. THIS SKETCH IS TO ILLUSTRATE GRAPHICALLY THE INTENT OF THE EASEMENT TAKE PREMISES.



RADIUS = 842.88'  
 ARC LENGTH = 180.54'  
 CHORD = S62°08'30"E  
 CHORD LENGTH = 180.19'



**CHARLES R SMOTHERMAN ETAL**  
**TAX MAP 79, PARCEL 101.00**  
**DEED BOOK 644, PAGE 305**

**CHARLES R SMOTHERMAN ETAL**  
**TAX MAP 79, PARCEL 101.01**  
**RECORD BOOK 1157, PAGE 2634**

DRAINAGE EASEMENT  
 TO BE ABANDONED  
 0.11 ACRES  
 4,821 S.F.

EXISTING DRAINAGE EASEMENT  
 PLAT BOOK 10, PAGE 77  
 DEED BOOK 356, PAGE 374

NEW DRAINAGE EASEMENT TO  
 BE DEDICATED BY PLAT

**OVERALL**  
**R.W. SMOTHERMAN**  
**TAX MAP 79, PARCEL 101.03**  
**RECORD BOOK 804, PAGE 2780**

OWNER: CHARLES R SMOTHERMAN ETAL  
 TAX MAP 79, PARCEL 101.01  
 RECORD BOOK 1157, PAGE 2634  
 RUTHERFORD COUNTY

○-----SURVEY POINT  
 IPF○-----IRON PIN FOUND  
 IPS○-----IRON PIN SET

**EXHIBIT - PARCEL 101.01**  
**DRAINAGE EASEMENT ABANDONMENT**  
**CHARLES R. SMOTHERMAN PROPERTY**  
**CITY OF MURFREESBORO, TENNESSEE**  
 DATE: AUGUST, 2016    SCALE: 1"=50'    SHEET 1 OF 1

Property Description  
Abandonment of Drainage Easement  
Charles R. Smotherman, etal  
Tax Map 79, Part of Parcel 101.01  
Record Book 1157, Page 2634

Located in the 7th Civil District of Rutherford County, Tennessee. Bound on the west by Charles R. Smotherman etal (Deed Book 644, Page 305); on the east by R.W. Smotherman (Record Book 804, Page 2780) and Overall Creek; and on the north and south by the remaining property of Charles R. Smotherman etal (Record Book 1157, Page 2634).

Commencing at an iron pin set in the south right-of-way of Manson Pike, said iron pin being the northwest corner of Charles R. Smotherman (Deed Book 644, Page 305); thence with the south right-of-way of Manson Pike with a curve to the right having a radius of 842.88 feet with a chord bearing and distance of S-62°08'30"-E, 180.19 feet for an arc length of 180.54 feet to a point in the south right-of-way of Manson Pike, said point being the northeast corner of Charles R. Smotherman (Deed Book 644, Page 305) and the northwest corner of Charles R. Smotherman (Record Book 1157, Page 2634); thence leaving Manson Pike's south right-of-way with the west line of Charles R. Smotherman (Record Book 1157, Page 2634) with the following calls:

S-26°04'48"-W, 82.26 feet to a point;

S-06°56'48"-W, 190.60 feet to a point;

S-69°47'12"-E, 85.70 feet to an iron pin found;

S-10°12'48"-W, 171.73 feet to a point for the **Point of Beginning**, said point being the northwest corner of this tract; thence leaving said west line and crossing the remaining property of Charles R. Smotherman (Record Book 1157, Page 2634) S-84°48'15"-E, 243.54 feet to a point in Charles R. Smotherman (Record Book 1157, Page 2634) east line, being the northeast corner of this tract; thence with said east line S-23°41'48"-W, 21.09 feet to a point, being the southeast corner of this tract; thence leaving said east line and crossing the remaining property of Charles R. Smotherman (Record Book 1157, Page 2634) N-84°48'15"-W, 238.60 feet to a point in Smotherman's west line, being the southwest corner of this tract; thence with said west line N-10°12'48"-E, 20.08 feet to the **Point of Beginning**, containing 4,821 square feet or 0.11 acres, more or less

This tract is subject to all easements and/or restrictions either recorded or by prescription that a complete title search may reveal.

Prepared By:  
Huddleston-Steele Engineering, Inc.  
2115 Northwest Broad Street  
Murfreesboro, Tennessee 37129





*creating a better quality of life.*

## Consent Agenda

October 13, 2016

Honorable Mayor and Members of City Council

RE: Community Development Affordable Housing Assistance Program

### **Background**

Homebuyers for the properties referenced below 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>
601 E Castle Street	10,000.00	121,000.00	Habitat for Humanity
2428 Tinnell Court	10,000.00	132,000.00	Regions Mortgage

### **Fiscal Impact**

The Fiscal Year 2017 Community Development Budget allocates \$110,000 in CDBG funds for direct service to homebuyers. After deducting for these transaction, approximately \$67,600.00 will remain uncommitted in this line item.

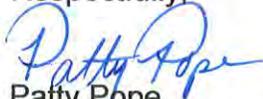
### **Concurrences**

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 properties and applicants meeting all program criteria at the time of closing.

### **Recommendation**

City Council is recommended to approve budgeted CDBG funds through the Affordable Housing Assistance Program for the purchase transactions at 601 E. Castle Street and 2428 Tinnell Court.

Respectfully,

  
Patty Pope  
Grant Coordinator



*... creating a better quality of life*

## **CONSENT AGENDA**

October 6, 2016

Honorable Mayor and Members of the City Council:

**RE: Water and Sewer Board Recommendations to the City for the Council Consent Agenda from the Board Meeting held September 27, 2016**

**A. South Church Street Sanitary Sewer  
Final Balancing Change Order (#1)**

### **Background**

At the December 2014 Water & Sewer Board meeting it was recommended and approved for Wisser Consultants (Wisser) to design the sewer extension to an area of interest, approximately 32.6 acres in size on the west side of S. Church St. (US-231) at the intersection of the newly constructed Joe B Jackson Pkwy. The design was completed, bids received February 9th and the project was awarded to Charles Deweese Construction, Inc. at the February Board meeting in the amount of \$287,887.65.

The project is now completed and attached is the final balancing change order. The final change increases the original contract amount by \$9,386.47 due mainly to an increase in the amount of asphalt paving necessary to repair the roadway and paved drives. This is more than anticipated and originally estimated by Wisser Company. The increase brings the final contract amount to \$297,274.12.

### **Concurrences**

The Water and Sewer Board recommended approval at its meeting of September 27, 2016.

### **Recommendation**

It is recommended that City Council approve the Final Balancing Change Order for a total of \$297,274.12.

### **Fiscal Impact**

Funding was approved to come from the Department's working capital reserves with repayment through the assessment district. This construction project has been programmed into the Department's 5-year capital improvement plan.

### **Attachments**

Final Change Order (#1)

**B. Contingency Allowance Allocations for Sinking Creek WWTP Phase 4D**

**Background**

The Department received bids for the Sinking Creek Plant Expansion – Phase 4D on January 8, 2015. At that meeting the Board approved to award the project to 3D Enterprises the contract in the amount of \$30,472,000. As part of the referenced project, Item #4 within Schedule C of the Construction Contract is a contingency allowance of \$500,000.

The attached change control log which identifies the recent allowance allocation issued through field work change directives. Note that these work change directives do not change the contract price, only adjust the remaining balance of the contingency allowance. The final contract price will be adjusted accordingly in a future change order or a final balancing change order at the end of the project.

The following table is provided to update the Board on the current field work change directives and the remaining contingency allowances.

Project	Contingency Allowance	Prior Contingency Allocations	Current Contingency Allocations	Remaining Contingency Allowance
<b>Phase 4D Expansion</b>	\$500,000	\$213,387.00**	\$ 18,130 *	\$268,483.00

\*CCF # – 27-29 (Current)

\*\*CCF #'s (1 Rev. 2, 2, 5-9, 11-13, 17-26 (previously approved)(cumulative)

**Concurrences**

The Water and Sewer Board recommended approval at its meeting of September 27, 2016.

**Recommendation**

It is recommended that City Council authorize the referenced contingency allocation for the Phase 4D Expansion. A final contract amount accounting for all contingency items will be brought to the Board and City Council for approval in a final balancing change order.

**Fiscal Impact**

There is no fiscal impact at this time to the Department’s State Revolving Fund (SRF) loan, as the contingency allowance has been approved within the contract and the contract amount remains unaffected.

**Attachments**

SSR Recommendation Letters & CCF Log

**C. Wastewater Pump Station and Wastewater Treatment Plant Arc Flash Study Smith Seckman Reid Engineering Work Order 11-47-017.0 Amendment 2**

**Background**

The recommendation of staff is to approve a second amendment to the referenced work order to include an arc flash study for an additional twelve (12) sanitary sewer lift stations as well as inclusion of the electrical panels at the Stones River Water Treatment plant. The engineering work order amendment covers the assessment,

documentation, reporting and recommendations for remedial action for the additional 12 sewage pumping stations and electrical panels at the Stones River WTP.

The NFPA 70E Arc Flash standard outlines the specific practices and standards to be followed in protecting a workplace from arc flash and other electrical hazards. OSHA has referenced compliance to NFPA 70E using Section 5(a) (1) of the Occupational Safety and Health Act of 1970, commonly referred to as the “general duty clause,” as their basis for implementation. NFPA 70E requires an assessment to be conducted of all electrical installations that are accessed by employees.

An assessment over twelve (12) sanitary sewer lift stations was approved in September 2011 by the Board and City Council in an amount of \$19,865. The Board approved amendment #1 of this task order in August of 2013 in the amount of \$62,675 for an additional twelve (12) sanitary sewer lift stations as well as inclusion of the electrical panels at the Sinking Creek Wastewater Treatment plant.

Actions resulting from the assessments will be Hazard Risk Labeling, arc flash clothing and personal protective equipment for employees, arc flash training and assessment updates every five years.

Attached is an overview of the steps for NFPA 70E Arc Flash compliance for your information.

### **Concurrences**

The Water and Sewer Board recommended approval at its meeting of September 27, 2016.

### **Recommendation**

It is recommended that City Council approve to execute Smith Seckman Reid, Engineering Work Order 11-47-017.0 Amendment 2.

### **Fiscal Impact**

Compensation for the services outlined in the Agreement is an additional lump sum of \$62,675 to the revised contracted amount of \$82,540. Funding is recommended to come from FY17 budget operating accounts for professional services.

### **Attachments**

Amendment 2 to SSR Task Order 11-47-017.0  
NFPA 70E Arc Flash Compliance Overview

### **D. SSR Engineering Work Order 15-41-029.0 Construction Administration for the Murfreesboro Auxiliary Raw Water Intake Generator**

### **Background**

In February of 2014, staff solicited quotes from Thompson Power to purchase standby generators for the raw water pump intake. At the time, staff believed the work may be done “in-house”. However, based on the size and complexity of the project, staff recommended and the Board approved Smith Seckman and Reid (SSR) the design this installation in December of 2015. Bids were received in August of 2016; the low bid being awarded to John Bouchard & Sons in the amount of \$480,000.

The project timeline is 300 days, which will require multiple progress meetings, review of construction progress and processing of pay applications, as well as shop drawing review and limited coordination with integration, controls and telemetry at the raw water intake. Therefore, staff has requested construction administration services from Smith Seckman Reid for the duration of the project.

SSR's scope of services will include conducting a pre-construction conference, issuing a Notice-to-Proceed, reviewing all shop drawings, reviewing all monthly payment requests and change order requests from the contractor, answering questions regarding the Construction Drawings and Contract Documents, providing Record drawings, and making a final inspection for the project close-out. Record drawing information will be provided to the OWNER based on mark-ups provided by the Contractor or the Resident Project Representative. Their scope also includes limited integration support to the Contractor and to Owner.

### **Concurrences**

The Water and Sewer Board recommended approval at its meeting of September 27, 2016.

### **Recommendation**

It is recommended that City Council approve SSR Engineering Work Order 15-41-029.0 for Engineering Consulting Services for the Murfreesboro Auxiliary Raw Water Intake Generator.

### **Fiscal Impact**

The costs for these services are hourly not to exceed \$20,760. Funding of the project was included in the Department's 5-yr capital improvements plan for \$600,000. The low bid amount of \$480,000 allows for these construction administration services costs to be incorporated into the originally budget.

### **Attachments**

SSR Engineering Work Order 15-41-029.0  
Project Estimation Worksheet

### **E. TDOT – Bradyville Pike Roadway Widening SE Broad Street to Rutherford Boulevard**

### **Background**

In 2013 the Department received Preliminary Field Review plans and notice that the Tennessee Department of Transportation (TDOT) was going to be re-constructing a large portion of Bradyville Pike. The limits of construction are from S.E. Broad Street to Rutherford Boulevard. The project is now in the final design stage and right of way acquisition should begin soon.

As with all roadway improvements staff considers these projects as ideal opportunities for making improvements to the water and sewer systems. We intend to replace all and upsize portions the existing water mains within the project limits as they are cast iron and were installed between 1960 and 1974. With regard to the sewer mains, there is an existing 18" interceptor along this stretch as well as smaller collector sewer mains. Staff will be reviewing the integrity of the interceptor as well as the collector lines to determine whether they should be completely reconstructed within the project limits or rehabilitated. There may also be some conflicts with proposed storm drainage that may require relocation.

Currently Neel Schaffer, Inc. (N/S) is the design engineer for the roadway and is contracted with the City. The Department would like for N/S to design the above mentioned improvements, because of their familiarity with the project and with fulfilling TDOT requirements. It is anticipated that this work would be included in TDOT's project for bid and constructed through their contract. Attached is the proposal from N/S for the design, permitting and bidding assistance in the amount of \$62,000. Construction Administration scope of services hasn't been determined and will be brought back before the Board for approval. Also, once the construction scope is determined and a construction cost estimate prepared, the estimate will be brought back to the Board for their information.

### **Concurrences**

The Water and Sewer Board recommended approval at its meeting of September 27, 2016.

### **Recommendation**

It is recommended that City Council approve the engineering design, contingent upon the Legal Department's approval of the contract, to N/S in an amount not to exceed \$62,000.

### **Fiscal Impact**

This project was included in the Department's FY16-20 Capital Improvement Plan (CIP). \$500,000 was programmed in for each year of 2016/2017 & 2017/2018. Based on the Board approved recommendations of the 2007 Financial Conditions Assessment prepared by Smith Seckman Reid, all water and sewer improvements associated with new roadway or roadway improvements in the City would be funded from the Department's working capital reserves account. It is therefore recommended that the design costs for this project come from working capital account. The future fiscal impact associated with the construction costs associated with utility improvements at this intersection will be brought back before the Board for approval.

### **Attachments**

Engineering Proposal from Neel Schaffer  
GIS Exhibit

### **F. Sanitary Sewer Master Plan Cherry Lane Extension Memorial Boulevard to NW Broad Street**

### **Background**

The City in conjunction with the Tennessee Department of Transportation (TDOT) are in the early stages of design for the extension of Cherry Lane. The alignment has been set and they are ready to schedule a public meeting late October early November 2016. The extension would be from Cherry Lane, at the western end previously widened, at Memorial Boulevard to N.W. Broad Street. I have attached exhibits of the alignment. Once the public meetings are complete, TDOT and the City will be ready to move forward with the land acquisition. The schedule for bidding the project will depend on the amount of time for the acquisition, but could be as early as spring of 2018.

Currently Wiser Company (Wiser) is contracted with TDOT for the design of the roadway. Staff has request a proposal from Wiser to study the area around the alignment to develop a Sanitary Sewer Master Plan (Plan). Staff chose Wiser because of their familiarity with the project and with our sewer system. Once the Plan is

accepted, staff will better understand what sewer infrastructure will need to be built with the extension. Attached is the proposal from Wisner for the development of the Plan in the amount of \$17,000.

### **Concurrences**

The Water and Sewer Board recommended approval at its meeting of September 27, 2016.

### **Recommendation**

It is recommended that City Council approve the development of a Sanitary Sewer Master Plan, to Wisner in an amount not to exceed \$17,000.

### **Fiscal Impact**

The Cherry Lane Repurified Water Main Extension project was included in the Department's FY16-20 CIP summary. \$825,000 was programmed in for year 2016/2017 & \$1M for year 2017/2018. Staff recommends this study be funded from the Department's working capital reserves account. The future fiscal impact associated with the sewer construction costs for the roadway extension will be brought back before the Board for approval.

### **Attachments**

Engineering Proposal from Wisner  
Roadway Alignment Exhibits

### **G. Department Participation Sewer Main Extension Springfield Luxury Apartments**

### **Background**

At the April Board meeting, staff brought a sewer participation request for the Lancaster Christian Daycare, which is proposing to build along Manson Pike next to the Overall Creek Interceptor Sewer. This development was first in line to connect to the existing interceptor sewer along Overall Creek. The Board approved the sewer participation to install a larger and deeper sewer main in order to serve the area shown on the attached Sub-basin Area Master Plan (SAMP). The extension through Lancaster Daycare was a second alternative route consistent with the SAMP.

The Springfield Luxury Apartments are along this same route and will extend the larger and deeper line through their site to the west in order to be able to continue moving toward the SAMP.

A few points per the Department's participation policy, within our approved Policies, Procedures & General Design Requirements adopted in 2009 by the Board & Council are:

1. Prior to dedication and acceptance of the improvements by the City, the Developer requesting reimbursement must present to the City Council a detailed statement of the actual eligible costs and the City Council in its discretion may amend the agreement, and the reimbursement amount, to reflect the actual project costs.
2. Should a project be eligible for participation by the City due to upsizing of a water or sewer line, the Department reserves the right to publicly bid the project or the portion of the project eligible for participation.

3. Participation in the cost to upsize water and/or sewer lines shall be in accordance with established policies in effect. The Department or Developer can prepare a schedule of upsize participation, based on recent bid results or agreed upon unit pricing, which the Department and the Developer may accept in lieu of publicly bidding, subject to approval of the Water and Sewer Board and City Council.
4. The Department will only participate on that portion of sewer deeper than twelve (12) feet deep, if the sewer is upsized and if the material changes.
5. Sewer must extend to the limits of construction at strategic locations for future extension.

To determine the Department participation amount, Bill Huddleston, with Huddleston Steele Engineering, Inc., has prepared an estimate for the cost associated with the extra depth of sewer “over” twelve (12) feet to include the material invoice cost associated with upsizing and the change in pipe material from eight (8) inch to twelve (12) inch and ductile iron pipe (DIP) respectively.

The estimated amount of the extra depth and increase in size is \$45,813.00 and is also the Department’s participation amount to the Developer.

### **Concurrences**

The Water and Sewer Board recommended approval at its meeting of September 27, 2016.

### **Recommendation**

It is recommended that City Council approve participating financially in this sanitary sewer extension requiring extra depth and size to serve future MWSO customers, as established through the Sub-basin Area Master Plan for this area. This approval is consistent with the Department’s adopted Policies and Procedures.

### **Fiscal Impact**

The proposed funding is from the Department’s working capital reserves in the amount of \$45,813.00.

### **Attachments**

Huddleston Steele Engineering Cost Estimate  
GIS Exhibit of the SAMP

## **H. Water Chiller Replacement and Installation Stones River Water Treatment Plant**

### **Background**

The chiller system is used to cool several areas throughout the facility. These areas include the high service building, high service VFD pumps, GAC room, operations laboratory, cross-connection offices, map room, file room, third floor training and break room, post treatment building, membrane building, and the membrane pump room. Staff has identified a need to purchase and install a new chiller system due to service repairs on the current unit totaling over \$25,600.00 in less than one year and additional repairs of over \$15,000 that need to be made again at this time. Staff originally had estimated in the capital budget a replacement in FY 2021 but unforeseen failures have necessitated unit replacement at this time.

Staff recommended at the August Board meeting the release for invitations to bid for the replacement and installation for (1) chiller system. It was determined after this recommendation that the U.S. Communities Government Purchasing Alliance contained the chiller system needed for replacement at SRWTP. The scope of work includes removal of the existing Standard Efficiency McQuay Scroll compressor air cooled chiller and installation of a High Efficiency Trane Air Cooled Screw Compressor chiller; including factory start up and a five (5) year compressor warranty, one (1) year parts, labor and refrigerant whole unit warranty.

Staff has reviewed the available standing contracts and found this equipment on the U.S. Communities Government Purchasing Alliance contract pricing effective through September 30, 2018. The details are as follows:

The U.S. Communities Government Purchasing Alliance contract #15-JLP-023 is through Trane.

Qty	Item ID/Description	Cost
1	155-ton Trane Chiller	\$119,357.00
1	5-year Extended Parts & Labor Warranty	\$4,265.00
	Total Price	\$123,622.00

**Concurrences**

The Water and Sewer Board recommended approval at its meeting of September 27, 2016.

**Recommendations**

It is recommended that City Council approve the replacement of the existing chiller with the purchase of a Trane 155-ton chiller from Trane U.S. Inc. in accordance with the U.S. Communities Government Purchasing Alliance USC 15-JLP-023.

**Fiscal Impact**

The cost for the referenced equipment on the U.S. Communities Government Purchasing Alliance is in the amount of \$123,622.00. Staff did not anticipate the need to replace the chiller prior to the FY 2016/17 Capital Budget. Funding would come from rate funded capital reserves.

**Attachments**

Trane Turnkey Proposal from US Communities Contract # is 15-JLP-023 dated September 20, 2016 with attached contract

**I. AquAeTer E. coli and Fecal Coliform Proposal for the West Fork Stones River and Sinking Creek – Amendment No. 4 to SSR Work Order 09-47-001.2**

**Background**

As a result of the Tennessee Department of Environment and Conservation (TDEC) draft 2016 listing of the Section 1000 of the West Fork Stones River (WFSR) and Sinking Creek as being impaired for E. coli, staff has requested of AquAeTer to include sampling in this section of the river.

E. coli is commonly found in the lower intestine of warm-blooded organisms. TDEC's test does not confirm whether the E. coli originated from human sources or animal sources. We believe this issue is of significance due to the impairment pollutant source being listed as "Discharges from MS4 area" and "Collection System Failure".

I believe it is important to confirm whether human E. coli is present to validate that Collection System Failure is an appropriate pollutant source to list. MWSD does not have any sanitary sewer infrastructure in this section of the WFSR. We do have infrastructure in the section of Sinking Creek listed as impaired; however, we did not have any sewer overflows during the sampling events taken by TDEC, so the new pollutant source listing of Collection System Failure is suspect in my opinion.

As MWSD's comments state in our public comment letter to TDEC, the more reasonable source for E. coli during elevated stream conditions resulting from stormwater runoff are from animal sources (e.g., cattle, birds, dogs, etc.). The attached proposal from AquAeTer is intended to confirm the genetic source of the E. coli, and as such, at a minimum, demonstrate to TDEC that Collection System Failure (or human E. coli presence) is or is not an appropriate pollutant source.

### **Concurrences**

The Water and Sewer Board recommended approval at its meeting of September 27, 2016.

### **Recommendation**

It is recommended that City Council approve Amendment No. 4 to SSR Task Order 09-47-001.2 for E. coli sampling in the West Fork Stones River and Sinking Creek

### **Fiscal Impact**

The fiscal impact is \$20,300. Staff recommends funding this project from the Department's working capital reserves.

### **Attachments**

AquAeTer proposal for Murfreesboro E. coli sampling  
SSR Amendment #4 to Engineering Work Order 09-47-001.2

## **J. Asphalt Purchases Report**

### **Background**

The Legal and Purchasing Departments requested O&M to report monthly asphalt purchases to the Board and Council as consistent with a purchase of a perishable commodity pursuant to the Murfreesboro City Code Section 2-10 (E)(7) A purchase of perishable commodities made on the open market does not require public advertisement and competitive bids if a record is made by the person authorizing the purchase which specifies the amount paid, the items purchased and from whom the purchase was made in accordance with T.C.A. §6-56-304(7). Any such purchases shall be reported at least monthly to the City Council. If this method is used for fuel and fuel products, the purchase should be based, whenever possible, on three (3) competitive prices.

The City Code section merely says "report" not "approval". Thus, staff will be placing a report (attached) on the Water and Sewer Board and City Council consent agenda monthly, but will be making the purchases prior on an "as needed" basis in conjunction with O&M's construction projects.

The last sentence of 2-10(E) (7) states that if this method is used for fuel & fuel products (e.g., asphalt), the purchases should be based on 3 competitive prices whenever possible. Staff will seek three (3) competitive quotes; however, it is very rare if all paving manufacturers are paving the necessary “mix” for the application required by O&M crews. O&M uses hot mix binder and topping courses for its work associated with repairing trenches in City roads.

In most instances, the asphalt manufacturers are manufacturing different asphalt mixes and as such O&M’s purchase is a sole source. This will all be documented per the attached report.

**Recommendation**

The asphalt reporting of purchases, consistent with purchases associated as perishable, fuel-based commodity is provided as information only. No recommendation is necessary.

**Fiscal Impact**

The overall costs associated with asphaltic material purchases for these O&M projects are in the range of \$150,000 to \$175,000 per year.

**Attachment**

Asphalt Purchases Report

Respectfully submitted,

Darren W. Gore  
Director

Attachments



CHANGE ORDER NO. 1

City of Murfreesboro
Water and Sewer Department
220 NW Broad Street
Murfreesboro, TN 37130

Project South Church Street Sanitary Sewer
Wiser Proj. No. 14-11-0210

DESCRIPTION OF CHANGE:

Charles Deweese Construction, Inc. (CDCI) has completed the South Church Street Sanitary Sewer project. The project was a quantity and unit price contract. During construction, several items overran and others underran. The items that overran contributing to the additional contract cost were:
• Item No. 6 - An additional 90 LF of 2.5" SDR 21 PVC Class 200 Force Main
• Item No. 27 - Additional Asphalt Pavement Repair - Driveways

Attachments (List documents supporting change):

Requested By: MURFREESBORO WATER AND SEWER (MWSD)
This Document is a: FINAL CHANGE ORDER
Drawing Reference: Final Pay Application (attached)

WORK CHANGE ORDER

We propose to perform the Work or make the Claim described above for the following change in Contract Cost and Contract Times:

- No Change in Contract Amount is required.
A Change in Contract Amount is required: \$9,386.47
No Change in Contract Time is required.
A Change in Contract Time is required: 0 days

Original Contract Sum was.....\$287,887.65
Net Change by previous authorized Change Orders.....\$0.00
The Contract Sum prior to this Change Order was.....\$287,887.65
The Contract Sum will be (Changed) by this Change Order.....\$9,386.47
The New Contract Sum including this Change Order.....\$297,274.12

You are directed to proceed to make the changes to the Work described in this Work Change Order. Any change in Contract Price or Contract Time will be determined in accordance with the General Conditions.

Table with 2 columns: Signature/Role and Date. Includes entries for Recommended by Engineer (Wiser Consultants, LLC), Authorized by Owner (Murfreesboro Water and Sewer Department), and Acceptance by Contractor (Charles Deweese Construction, Inc.).

FIELD ORDER

This Field Order issued in accordance with the General Conditions for minor changes in the Work without change in the Contract Price or Contract Time. If you consider that a change in Contract Price or Contract Times is required, notify the Project Manager immediately and before proceeding with the Work.

Table with 2 columns: Signature/Role and Date. Includes entries for Recommended by Engineer, Authorized by Owner, and Acceptance by Contractor.



City of Murfreesboro Water & Sewer Department - South Church Street Sanitary Sewer  
Payment Summary No. 4 , Pay Period: FINAL, Wiser Project No. 14-11-0210

Item No.	Description	Unit	Estimated Quantity	Unit Price	Current Quantity Used	Previous Quantity Used	To-Date Quantity Used	Current Cost	Previous Cost	Cost to Date	Total Estimated Contract Cost
1	MOBILIZATION	LS	1	\$3,812.50		1.000	1.000	\$ -	\$ 3,812.50	\$ 3,812.50	\$ 3,812.50
2	CONSTRUCTION STAKES, LINES AND GRADES	LS	1	\$2,668.75		1.00	1.00	\$ -	\$ 2,668.75	\$ 2,668.75	\$ 2,668.75
3	CLEARING AND GRUBBING	LS	1	\$3,050.00		1.00	1.00	\$ -	\$ 3,050.00	\$ 3,050.00	\$ 3,050.00
4	8IN DIP 6FT-12FT DEPTH (OUTSIDE TRAVEL WAY)	LF	200	\$131.35		200.00	200.00	\$ -	\$ 26,270.00	\$ 26,270.00	\$ 26,270.00
5	4IN C900 PVC (FORCE MAIN)	LF	208	\$42.26		200.00	200.00	\$ -	\$ 8,452.00	\$ 8,452.00	\$ 8,790.08
6	2 1/2IN SDR21 PVC CLASS 200 (FORCE MAIN)	LF	2414	\$52.61		2504.00	2504.00	\$ -	\$ 131,735.44	\$ 131,735.44	\$ 127,000.54
7	48IN MANHOLE 8FT-10FT DEPTH	EACH	1	\$2,842.60		1.00	1.00	\$ -	\$ 2,842.60	\$ 2,842.60	\$ 2,842.60
8	<del>8IN X 6IN D.I.P. WYE</del>	<del>EACH</del>	<del>4</del>				0.00	\$ -	\$ -	\$ -	\$ -
9	<del>6IN -45 DEG. D.I.P. BEND</del>	<del>EACH</del>	<del>4</del>				0.00	\$ -	\$ -	\$ -	\$ -
10	<del>6IN DIP SERVICE LATERAL</del>	<del>LF</del>	<del>44</del>				0.00	\$ -	\$ -	\$ -	\$ -
11	BORE/JACK 12IN STEEL CASING PIPE	LF	160	\$263.68		160.00	160.00	\$ -	\$ 42,188.80	\$ 42,188.80	\$ 42,188.80
12	BORE/JACK 6IN STEEL CASING PIPE (CONC DRIVEWAY)	LF	20	\$274.39		20.00	20.00	\$ -	\$ 5,487.80	\$ 5,487.80	\$ 5,487.80
13	4IN X 4IN X 2 1/2IN X 2 1/2" CROSS	EACH	1	\$208.05		1.00	1.00	\$ -	\$ 208.05	\$ 208.05	\$ 208.05
14	2 1/2IN X 2 1/2IN TEE	EACH	9	\$61.92		9.00	9.00	\$ -	\$ 557.28	\$ 557.28	\$ 557.28
15	2 1/2IN BALL VALVE	EACH	11	\$783.84		11.00	11.00	\$ -	\$ 8,622.24	\$ 8,622.24	\$ 8,622.24
16	2 1/2IN DIP CHECK VALVE (CLASS 150)	EACH	11	\$794.36		11.00	11.00	\$ -	\$ 8,737.96	\$ 8,737.96	\$ 8,737.96
17	2 1/2IN COMBO AIR RELEASE VALVE ASSEMBLY	EACH	2	\$3,952.07		2.00	2.00	\$ -	\$ 7,904.14	\$ 7,904.14	\$ 7,904.14
18	4IN TERMINAL FLUSHING CONNECTION	EACH	1	\$2,204.40		1.00	1.00	\$ -	\$ 2,204.40	\$ 2,204.40	\$ 2,204.40
19	2 1/2IN TERMINAL FLUSHING CONNECTION	EACH	2	\$1,791.76		2.00	2.00	\$ -	\$ 3,583.52	\$ 3,583.52	\$ 3,583.52
20	2 1/2IN INLINE FLUSHING CONNECTION	EACH	7	\$1,224.40		7.00	7.00	\$ -	\$ 8,570.80	\$ 8,570.80	\$ 8,570.80
21	CONNECT 8IN SEWER TO EXIST MANHOLE	EACH	1	\$1,696.29		1.00	1.00	\$ -	\$ 1,696.29	\$ 1,696.29	\$ 1,696.29
22	TV INSPECTION 8IN SEWER	LF	200	\$5.26		200.00	200.00	\$ -	\$ 1,052.00	\$ 1,052.00	\$ 1,052.00
23	SEEDING (PROPERTY RESTORATION W/8IN TOPSOIL, ROCK FREE)	SY	4510	\$1.07		4510.00	4510.00	\$ -	\$ 4,825.70	\$ 4,825.70	\$ 4,825.70
24	TYPE "B" SILT FENCE (W/O BACKING)	LF	2290	\$2.77		2195.00	2195.00	\$ -	\$ 6,080.15	\$ 6,080.15	\$ 6,343.30
25	SAW CUTTING ASPHALT PAVEMENT	LF	236	\$4.74		290.00	290.00	\$ -	\$ 1,374.60	\$ 1,374.60	\$ 1,118.64
26	ASPHALT PAVEMENT REPAIR -VOLUNTEER RD (8IN STONE, 8IN BINDER, 1 1/2IN TOPPING)	SF	129	\$26.84		90.00	90.00	\$ -	\$ 2,415.60	\$ 2,415.60	\$ 3,462.36
27	ASPHALT PAVEMENT REPAIR-DRIVEWAYS (2IN ASPHALT TOPPING, 4IN STONE)	SF	127	\$19.47		553.25	553.25	\$ -	\$ 10,771.78	\$ 10,771.78	\$ 2,472.69
28	REMOVAL OF ASPHALT PAVEMENT	SY	28	\$29.47		56.00	56.00	\$ -	\$ 1,650.32	\$ 1,650.32	\$ 825.16
29	R.O.W. PERMIT	EACH	1	\$305.00		1.00	1.00	\$ -	\$ 305.00	\$ 305.00	\$ 305.00
	<b>SUBTOTAL</b>						0.00	\$ -	\$ 297,067.72	\$ 297,067.72	\$ 284,600.60
	<b>SUPPLEMENTAL UNITS</b>										
SU1	CRUSHED STONE PLACED AS DIRECTOR BY ENGINEER	TONS	25	\$31.73			0.00	\$ -	\$ -	\$ -	\$ 793.25
SU2	UNCLASSIFIED EXCAVATION 0FT-10FT VERTICAL DEPTH	CY	10	\$169.70			0.00	\$ -	\$ -	\$ -	\$ 1,697.00
SU3	HIGH VISIBILITY CONSTRUCTION FENCE	LF	80	\$2.58		80.00	80.00	\$ -	\$ 206.40	\$ 206.40	\$ 206.40
SU4	TEMPORARY SEDIMENT TUBE 12IN	LF	60	\$9.84			0.00	\$ -	\$ -	\$ -	\$ 590.40
	<b>SUPPLEMENTAL UNITS SUBTOTAL</b>						0.00	\$ -	\$ 206.40	\$ 206.40	\$ 3,287.05
	<b>CHANGE ORDER ITEMS</b>							\$ -	\$ -	\$ -	\$ -
	<b>STORED MATERIALS</b>							\$ -	\$ -	\$ -	\$ -
	<b>STORED MATERIALS SUBTOTAL</b>							\$ -	\$ -	\$ -	\$ -
	<b>Total Completed &amp; Stored</b>							\$ -	\$ 297,274.12	\$ 297,274.12	\$ 287,887.65
	<b>5% Retainage</b>							\$ -	\$ 14,863.72	\$ 14,863.72	
	<b>Total of Previous Payments / Cost to Date Minus Retainage</b>							\$ -	\$ 282,410.40	\$ 282,410.40	
	<b>Current Payment Due</b>									\$	<b>14,863.72</b>



September 20, 2016

Mrs. Valerie Smith  
Assistant Director, Murfreesboro Water and Sewer Department  
P.O. Box 1477  
Murfreesboro, TN 37133-1477

**RE: Sinking Creek WWTP Phase 4D Expansion  
Murfreesboro, TN  
Proposed CCF No. 27 – Final Cost  
CG2 2014-338; SRF 2014-339**

Dear Mrs. Smith:

Attached are four (4) copies of proposed Change Item No. 27 including a Summary Log of all proposed changes to date. The following summarizes the change item and provides recommendation for its approval.

Recall that Change Item No. 27 was previously approved as a time and materials change order with final pricing to be determined upon completion of the work. 3D Enterprises has now successfully completed the work and submitted a final cost proposal that is attached to this letter. Change Item No. 27 was requested by MWSD staff to relocate the existing UV Transmittance (UVT) sensor and transmitter. Due to the increased water level and turbulence associated with the new UV disinfection equipment, the UVT sensor did not function properly in its previous location and needed to be relocated. SSR has reviewed this proposed change and recommends that MWSD approve it. If approved, Change Item No. 27 will result in a \$2,830.00 decrease to the Construction Contingency Allowance. There will be no increase in the contract time as a result of this change item.

As stated, SSR has reviewed the proposed change and recommends it be approved and the contingency allowance be adjusted accordingly. Note that the total contract price will not be adjusted, only the contingency amount. Please review the enclosures and if acceptable to you, execute and forward one (1) signed copy to me.

If you have any questions, please contact me.

Sincerely,

**SMITH SECKMAN REID, INC.**

A handwritten signature in blue ink, appearing to read "Brentley D. Fowler", is written over the printed name.

Brentley D. Fowler, PE  
BDF/bdf  
Enclosures

cc: Darren Gore (w/encl) – MWSD  
MDF, RBH (w/encl) – SSR  
File (1) (w/encl) – 12-41-019.0  
File (12) (w/encl) – 12-41-019.0

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August 24, 2016

Mrs. Valerie Smith  
Assistant Director, Murfreesboro Water and Sewer Department  
P.O. Box 1477  
Murfreesboro, TN 37133-1477

RE: **Sinking Creek WWTP Phase 4D – Expansion**  
**Murfreesboro, TN**  
**Proposed CCF No. 28**  
**CG2 2014-338; SRF 2014-339**

Dear Mrs. Smith:

Attached are four (4) copies of proposed Change Item No. 28 including a Summary Log of all proposed changes to date. The following summarizes the change item and provides recommendation for its approval.

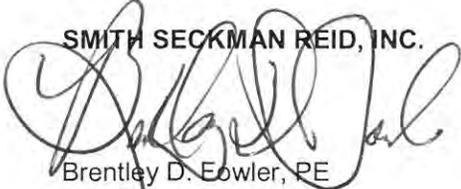
Change Item No. 28 was requested by MWSD staff to increase the number of Hach WIMS licenses from six to ten and decrease the number of facility databases from two to one. SSR has reviewed this proposed change and recommends that MWSD approve it. If approved, this change item would result in a \$10,500.00 decrease to the Construction Contingency Allowance. There will be no increase in the contract time as a result of this change item if 3D Enterprises receives written authorization to proceed on or before September 2, 2016.

As stated, SSR has reviewed these proposed change and recommend it be approved and the contingency allowance be adjusted at a later date based on a time and materials basis. Note that the total contract price will not be adjusted, only the contingency amount. Please review the enclosures and if acceptable to you, execute and forward one (1) signed copy to me.

If you have any questions, please contact me.

Sincerely,

**SMITH SECKMAN REID, INC.**



Brentley D. Fowler, PE  
BDF/bdf  
Enclosures

cc: Darren Gore (w/encl) – MWSD  
MDF (w/encl) – SSR  
RBH (w/encl) – SSR  
File (1) (w/encl) – 12-41-019.0  
File (12) (w/encl) – 12-41-019.0

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August 24, 2016

Mrs. Valerie Smith  
Assistant Director, Murfreesboro Water and Sewer Department  
P.O. Box 1477  
Murfreesboro, TN 37133-1477

RE: **Sinking Creek WWTP Phase 4D – Expansion**  
**Murfreesboro, TN**  
**Proposed CCF No. 29**  
**CG2 2014-338; SRF 2014-339**

Dear Mrs. Smith:

Attached are four (4) copies of proposed Change Item No. 29 including a Summary Log of all proposed changes to date. The following summarizes the change item and provides recommendation for its approval.

Change Item No. 29 was requested by SSR to provide additional air lines required at the new screening equipment and heat tracing and insulation at 4-inch grit piping. SSR has reviewed this proposed change and recommends that MWSD approve it. If approved, this change item would result in a \$4,800.00 decrease to the Construction Contingency Allowance. There will be no increase in the contract time as a result of this change item if 3D Enterprises receives written authorization to proceed on or before September 2, 2016.

As stated, SSR has reviewed these proposed change and recommend it be approved and the contingency allowance be adjusted accordingly. Note that the total contract price will not be adjusted, only the contingency amount. Please review the enclosures and if acceptable to you, execute and forward one (1) signed copy to me.

If you have any questions, please contact me.

Sincerely,

**SMITH SECKMAN REID, INC.**

A handwritten signature in black ink, appearing to read "Brentley D. Fowler", is written over the printed name and company name.

Brentley D. Fowler, PE  
BDF/bdf  
Enclosures

cc: Darren Gore (w/encl) – MWSD  
MDF (w/encl) – SSR  
RBH (w/encl) – SSR  
File (1) (w/encl) – 12-41-019.0  
File (12) (w/encl) – 12-41-019.0

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**CHANGE CONTROL LOG**

Owner: Murfreesboro Water & Sewer Department  
 Project Name: Sinking Creek WWTP Phase 4D Expansion  
 Contract No: N/A  
 Engineer: Smith Seckman Reid, Inc.  
 Contractor: 3D Enterprises Contracting Corporation

Original Contract Amount: **\$ 30,472,000.00**

Contingency Allowance Amount: **\$ 500,000.00**

Adjusted Contingency Allowance Amount: **\$ 268,483.00**

Rejected/Withdrawn
Under Review
Approved
Pending

SSR No.	CCF No.	3D No.	COP No.	Change Order No.	Change Type	Brief Description of Change Item	Status (Pending/Under Review/Approved/Rejected)	Date From/To Contractor	Date Submitted to Owner	Date Approved/Rejected by Owner	Add/Deduct (+/-) Amount	Cumulative Add/Deduct Amount	Adjusted Contingency Amount	Adjusted Contract Amount
1				N/A	RFP	Add Headworks paving, irrigation-piping and landscaping to Phase 4D scope	Withdrawn	4/16/2015	Withdrawn	Withdrawn	\$	\$	\$ 500,000.00	\$ 30,472,000.00
1-REV				N/A	RFP	Add Headworks paving partial-landscaping to Phase 4D scope	Withdrawn	6/11/2015	Withdrawn	Withdrawn	\$	\$	\$ 500,000.00	\$ 30,472,000.00
1-REV2				TBD	RFP	Delete landscaping and irrigation	Approved	8/5/2015	10/17/2015	Approved	\$ (25,800.00)	\$ (25,800.00)	\$ 525,800.00	\$ 30,472,000.00
2				2	RFP	Delete diffusers from Post Aeration equipment	Approved	9/1/2015	9/2/2015	9/15/2015	\$ (11,200.00)	\$ (37,000.00)	\$ 537,000.00	\$ 30,472,000.00
3				N/A	FP	Change stairs platform from galv to alum.	Approved	4/23/2015	N/A	N/A	\$ -	\$ (37,000.00)	\$ 537,000.00	\$ 30,472,000.00
4				N/A	RFP	Add signal wiring for Main PS pump-discharge valves	Withdrawn	5/28/2015	7/28/2015	8/5/2015	\$	\$ (37,000.00)	\$ 537,000.00	\$ 30,472,000.00
5				TBD	RFP	Revise electrical service per MED	Withdrawn	6/18/2015	Withdrawn	Withdrawn	\$	\$ (37,000.00)	\$ 537,000.00	\$ 30,472,000.00
5-REV				TBD	RFP	Revise electrical service per MED	Approved	8/10/2015	1/14/2016	2/5/2016	\$ 82,856.00	\$ 45,856.00	\$ 454,144.00	\$ 30,472,000.00
6				TBD	RFP	Algae Cleaning System attachment arm	Approved	7/20/2015	7/28/2015	9/3/2015	\$ 7,600.00	\$ 53,456.00	\$ 446,544.00	\$ 30,472,000.00
7				TBD	RFP	Tertiary Filter embed conduit	Approved	7/24/2015	7/28/2015	9/3/2015	\$ 2,500.00	\$ 55,956.00	\$ 444,044.00	\$ 30,472,000.00
8				TBD	RFP	HVAC upgrade in Post Aeration Control Room	Approved	9/9/2015	1/8/2016	2/5/2016	\$ 52,740.00	\$ 108,696.00	\$ 391,304.00	\$ 30,472,000.00
9				TBD	RFP	Revise Final Clarifier EDI type	Approved	9/24/2015	10/6/2015	11/5/2015	\$ 3,300.00	\$ 111,996.00	\$ 388,004.00	\$ 30,472,000.00
10				TBD	RFP	Provide sleeves under roadway for future irrigation piping.	Pending	9/1/1939	Pending	Pending	\$ -	\$ 111,996.00	\$ 388,004.00	\$ 30,472,000.00
14				TBD	FO	Electrical changes to MCC and control room layouts	Withdrawn	10/7/2015	Pending	Pending	\$	\$ 111,996.00	\$ 388,004.00	\$ 30,472,000.00
11-REV1				TBD	RFP	Various electrical changes	Approved	10/20/2015	2/10/2015	4/7/2016	\$ 7,900.00	\$ 119,896.00	\$ 380,104.00	\$ 30,472,000.00
12				TBD	RFP	Headworks Facility electrical revisions/clarifications	Approved	10/20/2015	2/10/2015	4/7/2016	\$ 2,600.00	\$ 122,496.00	\$ 377,504.00	\$ 30,472,000.00
13				TBD	WCD	Replacement of existing Filter backwash flow meter	Approved	11/9/2015	3/15/2016	4/7/2016	\$ 20,533.00	\$ 143,029.00	\$ 356,971.00	\$ 30,472,000.00
14				TBD	RFP	Knockout wall at gate opening for future Ox-Ditch	Withdrawn	12/16/2015			\$	\$ 143,029.00	\$ 356,971.00	\$ 30,472,000.00
15				TBD	FO	UV power feed relocation	Approved	1/18/2016	N/A	N/A	\$ -	\$ 143,029.00	\$ 356,971.00	\$ 30,472,000.00
16				TBD	RFP	Additional generator/ATS signals	Pending	1/26/2016			\$ -	\$ 143,029.00	\$ 356,971.00	\$ 30,472,000.00
17				TBD	RFP	Add ultrasonic flow meter at Main PS	Approved	2/4/2016	3/15/2016	4/7/2016	\$ 11,120.00	\$ 154,149.00	\$ 345,851.00	\$ 30,472,000.00
18		14		TBD	RFP	Installation of the Allen-Bradley Power Monitors into the Eaton switchgear	Approved	5/4/2016	5/17/2016	?????	\$ 17,080.00	\$ 171,229.00	\$ 328,771.00	\$ 30,472,000.00
19		13		TBD	CCR	60" TRE Junction Box in lieu of tapping sleeve	Approved	2/22/2016	3/24/2016	5/11/2016	\$ (10,000.00)	\$ 161,229.00	\$ 338,771.00	\$ 30,472,000.00
20		15		TBD	RFP	Addition of area lights and receptacles at clarifiers. Photocell and lighting control.	Approved	5/18/2016	6/8/2016	8/1/2016	\$ 30,240.00	\$ 191,469.00	\$ 308,531.00	\$ 30,472,000.00
21		12		TBD	RFP	Replace building architectural precast fascia panels with brick	Pending	3/18/2016	3/18/2016	8/1/2016	\$ (20,000.00)	\$ 171,469.00	\$ 328,531.00	\$ 30,472,000.00

**CHANGE CONTROL LOG**

Owner: Murfreesboro Water & Sewer Department  
 Project Name: Sinking Creek WWTP Phase 4D Expansion  
 Contract No: N/A  
 Engineer: Smith Seckman Reid, Inc.  
 Contractor: 3D Enterprises Contracting Corporation

Original Contract Amount: **\$ 30,472,000.00**

Contingency Allowance Amount: **\$ 500,000.00**

Adjusted Contingency Allowance Amount: **\$ 268,483.00**

Rejected/Withdrawn
Under Review
Approved
Pending

SSR No.	CCF No.	3D No.	COP No.	Change Order No.	Change Type	Brief Description of Change Item	Status (Pending/Under Review/Approved/Rejected)	Date From/To Contractor	Date Submitted to Owner	Date Approved/Rejected by Owner	Add/Deduct (+/-) Amount	Cumulative Add/Deduct Amount	Adjusted Contingency Amount	Adjusted Contract Amount
22		16		TBD	RFP	Item 2 on RFI 33 Counter-flashing @ UV basin for building/canopy joint	Under Review	4/19/2016	5/12/2016		\$ 912.00	\$ 172,381.00	\$ 327,619.00	\$ 30,472,000.00
23		16		TBD	RFP	Provide steel beams & additional reinforcing steel for pipe supports per revised drawings S 1.3-05 & S5.4-05	Under Review	5/3/2016	5/12/2016		\$ 28,392.00	\$ 200,773.00	\$ 299,227.00	\$ 30,472,000.00
24		16		TBD	RFP	Provide FRP door, frame and hardware at FCPR south entrance. Modify door 8-3 from hollow metal to FRP with 90 mn fire rating	Under Review	5/3/2016	5/12/2016		\$ 6,696.00	\$ 207,469.00	\$ 292,531.00	\$ 30,472,000.00
25		17		TBD	RFP	Provide factory applied epoxy coating on coils	Under Review	5/9/2016	6/8/2016		\$ 3,160.00	\$ 210,629.00	\$ 289,371.00	\$ 30,472,000.00
26		18		TBD	RFP	Provide new bucket in available space w/in MCC-N5A with 2 15 A tandem breakers	Approved	5/27/2016	6/2/2016	8/1/2016	\$ 2,758.00	\$ 213,387.00	\$ 286,613.00	\$ 30,472,000.00
27		21		TBD	RFP	Relocate UVT sensor and transmitter	Pending	8/17/2016	8/19/2016	9/20/2016	\$ 2,830.00	\$ 216,217.00	\$ 283,783.00	\$ 30,472,000.00
28		19		TBD	RFP	Additional Hach WIMS licenses	Pending	8/23/2016	8/24/2016	9/1/2016	\$ 10,500.00	\$ 226,717.00	\$ 273,283.00	\$ 30,472,000.00
29		20		TBD	RFP	Air Tubing at Screens and Heat Tracing/Insulation at Grit Piping	Pending	8/23/2016	8/24/2016	9/1/2016	\$ 4,800.00	\$ 231,517.00	\$ 268,483.00	\$ 30,472,000.00
30		TBD		TBD	RFP	Support column at Tertiary Filter Door ID 8-3	Pending	9/13/2016						
<b>Totals</b>											<b>\$ 231,517.00</b>	<b>\$ 268,483.00</b>	<b>\$ 30,472,000.00</b>	

- Notes:
1. CCR - Contractor change request.
  2. CL - Claim.
  3. FO - Field Order.
  4. RFP - Request for proposal.
  5. WCD - Work change directive.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Engineering Work Order 11-47-017.0**  
**Amendment No. 2**

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: November 1, 2011
- b. Owner: Murfreesboro Water and Sewer Department
- c. Engineer: Smith Seckman Reid, Inc
- d. Project: Wastewater Pump Station Arc Flash Study

2. *Description of Modifications:*

- a. Addition of twelve (12) lift stations to the current scope of supply (\$19,865.00)
- b. Addition of existing panels at Stones River WTP to the current scope of supply. (\$42,810)

3. Agreement Summary (Reference only)

a. Original Agreement amount:	\$ <u>19,865.00</u>
b. Net change for prior amendments:	\$ <u>62,675.00</u>
c. This amendment amount:	\$ <u>62,675.00</u>
d. Adjusted Agreement amount:	\$ <u>145,305.00</u>

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is \_\_\_\_\_.

OWNER:

ENGINEER:

\_\_\_\_\_

\_\_\_\_\_

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

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

Title: \_\_\_\_\_

Title: Principal

Date Signed: \_\_\_\_\_

Date Signed: 9/2/10

# **Arc Flash Compliance**

## **Overview**

Many companies in North America are coming to grips with a new electrical safety consideration – Arc Flash Safety. Often, the initial question that is raised by management is – does this even apply to our facility? In short, the answer is a resounding **YES!**

In the United States, the Occupational Safety & Health Administration (OSHA) can and does site companies who do not provide protection for their employees against arc flash/blast hazards. Although the OSHA 1910 standard does not specifically define all of the procedures and PPE necessary for a sufficient arc flash safety program, it does recognize the NFPA 70E standard as the best practices for implementation of a comprehensive electrical safety program.

## **Arc Flash Assessment**

The arc flash assessment is the process that is undertaken to determine the level of hazard that exists at each electrical enclosure. Electrical equipment, such as switchboards, panelboards, industrial control panels, meter socket enclosures, and motor control centers, that are likely to require examination, adjustment, servicing, or maintenance while energized. There are several steps required to complete the assessment.

### **Step 1 - Data Collection**

There is a variety of information which is required in order to correctly document the power distribution system. This information includes data on circuit breakers, fuses, cabling, and end loads. At first glance, the data collection step sounds straightforward; however, most clients do not want to de-energize in order to collect this data. Therefore, this task requires an experienced, skilled and qualified individual or team. However, due to the level of skill required to do this work effectively and safely, this activity is costly. Often the data collection phase accounts for 40-55% of the overall project cost.

### **Step 2 - Arc Flash Analysis**

Most engineers/consultants conduct the arc flash analysis by utilizing specialized software such as SKM PowerTools. In this phase, the engineer models the power distribution system based on the data collected. From this model, Hazard Risk Category (HRC) levels, incident energy levels (calories/cm<sup>2</sup>), and the arc flash boundaries for the electrical distribution system are determined.

From the study results, most reputable consultants will analyze points in the system where the Hazard Risk Category is Category 3 or above and make recommendations for possible system changes which would reduce the HRC to an acceptable level.

### **Step 3 - One-Line Diagrams**

Once the data collection is completed, one line diagrams are generated for use by the facilities' maintenance and engineering staff. Software generates a one-line, but it is not especially useful on a day to day basis. AutoCAD can be used to create separate, detailed one-lines and include them as a project deliverable.

#### **Step 4 - HRC Labeling**

From these results, it should be expected that the engineer/consultant return to the facility and install the appropriate arc flash labeling. Although it might be inviting to simply return the labeling and reports to the client's maintenance staff to save a site visit by the consultant, many find the reports confusing, which has led to the mislabeling of electrical enclosures. The problem is that if enclosures are incorrectly labeled, electrical personnel could be put into situations where the PPE that they are wearing is inadequate for the level of arc flash exposure.

#### **Step 5 - Arc Flash Clothing & PPE**

Once the hazard assessment and labeling is complete, your consultant should provide direction as to the best clothing and PPE options which are based on the results of your study, the frequency that your maintenance personnel work in energized enclosures and other plant considerations. A competent consultant can lay out these options for you and make recommendations as to the best choices for your facility.

NPFA 70E-2009 mandates that you update your assessment at least every five years. However, it is much easier, once the initial work has been performed, to conduct on-going documentation management. This means that periodically, monthly, semi-annually or annually, you review, document and update your one-lines and arc flash study. The cost of making minor changes to both the one-lines and SKM model on a regular basis is miniscule when compared to a major re-evaluation every five years.

#### **Step 6 - Arc Flash Training**

Arc flash hazard & electrical safety training is based on requirements by OSHA and NFPA 70E standards for worker protection. In addition to core electrical safety training, the arc flash training teaches those subject to arc flash hazards how to recognize the hazards, avoid accidents, read the arc flash hazard labels and to use and care for personal protective equipment and other protection devices.

**ENGINEERING WORK ORDER 15-41-029.0  
AGREEMENT FOR ENGINEERING CONSULTING SERVICES  
FOR THE  
MURFREESBORO AUXILIARY RAW WATER INTAKE GENERATOR**

This Work Order, made and entered into by and between the Murfreesboro Water and Sewer Department (MWSD), hereinafter called the "OWNER" and Smith Seckman Reid, Inc., hereinafter called the "ENGINEER", shall be in accordance with our Master Services Agreement and as described herein.

**Purpose**

This Work Order authorizes and directs the ENGINEER to proceed in providing to the OWNER Construction Phase services for **the addition of emergency power generation at the Auxiliary Raw Water Intake.**

**Project Understanding**

The OWNER recently took bids for the addition of emergency power generation at the Auxiliary Raw Water Intake. This project is for the Construction Administration services associated with the installation of this generator.

**Engineer's Scope of Services**

The Construction Administration functions will include conducting a pre-construction conference, issuing a Notice-to-Proceed, reviewing all shop drawings, reviewing all monthly payment requests and change order requests from the contractor, answering questions regarding the Construction Drawings and Contract Documents, providing Record drawings, and making a final inspection for the project close-out. Record drawing information will be provided to the OWNER based on mark-ups provided by the Contractor or the Resident Project Representative.

This scope also includes limited integration support to the Contractor and to Owner. It is understood that Engineer will coordinate with Contractor to ensure that sufficient wiring is provided to relay applicable signals from the generator and transfer switch into the building, but that Owner's personnel will make all terminations and integrate the data into the existing SCADA system.

**Time of Completion**

The Contract Documents indicate that the project will be complete 300 days from Notice to Proceed. It is understood that our services will be complete within 30 days of Final Completion for the construction project.

**Resident Project Representative**

Should the OWNER require resident project representative services for this project, ENGINEER will provide a representative under the terms established in the Master Services Agreement. OWNER will authorize use of resident project representative services in writing before any work is performed.

**Deliverables**

ENGINEER will deliver to the OWNER the following:

- One (1) compact disc copy of the Record drawings.

**Compensation**

The Compensation will be in accordance with the attached Engineering Cost Breakdown and has been broken down as follows for the various services:

<b>Design and Construction Administration:</b>	<b>Hourly with a Not-to-Exceed Price of \$20,760.00</b>
<b>Resident Project Representative:</b>	<b>At current rate in Master Services Agreement – currently \$85 per hour (if authorized). RPR estimated hours have not been included in the Not-to-Exceed Price.</b>
<b>Outside Plotting and Printing:</b>	<b>Reimbursable at cost</b>
<b>Out of Town Travel:</b>	<b>Reimbursable at cost</b>

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this, the

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

SMITH SECKMAN REID, INC.

WITNESS

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

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

Title: Principal \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF MURFREESBORO

WITNESS

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

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

Title: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City of Murfreesboro Legal Department

Hourly Rate			TOTAL	Summary								
				Project Director	Project Manager	Senior Engineer	Registered Engineer	Engineer Intern	Sr. Designer	Designer	Technician	Admin/ Clerical
				200	160	140	115	90	125	100	90	65
<b>Task 5- Construction Oversight and Administration</b>												
SubTask 5.1	Pre-Construction Conference		12	4	0	0	4	0	4	0	0	0
SubTask 5.2	Submittal Review		29	2	0	0	11	0	16	0	0	0
SubTask 5.3	Address Requests for Information		35	2	0	0	13	0	20	0	0	0
SubTask 5.4	Periodic Site Visits		9	0	0	0	9	0	0	0	0	0
SubTask 5.5	Monthly Meeting Attendance		40	8	0	0	16	0	16	0	0	0
SubTask 5.6	Monthly Project Management/ Pay Requests		4	0	0	0	4	0	0	0	0	0
SubTask 5.7	Evaluate/Coordinate Change Order Requests		4	0	0	0	4	0	0	0	0	0
SubTask 5.8	Resident Project Representative		0	0	0	0	0	0	0	0	0	0
<b>Task 5 Subtotal Hours</b>			<b>133</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>61</b>	<b>0</b>	<b>56</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Task5 Subtotal Cost</b>			<b>\$17,215</b>	<b>\$3,200</b>	<b>\$0</b>	<b>\$0</b>	<b>\$7,015</b>	<b>\$0</b>	<b>\$7,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Task 6- Project Startup and Commissioning</b>												
SubTask 6.1	Operation and Maintenance Manuals		0	0	0	0	0	0	0	0	0	0
SubTask 6.2	Standard Operating Procedure Development		0	0	0	0	0	0	0	0	0	0
SubTask 6.3	System Commissioning and Acceptance		12	4	0	0	4	0	4	0	0	0
SubTask 6.4	Efficiency Monitoring and Documentation		0	0	0	0	0	0	0	0	0	0
SubTask 6.5	Contract Closeout		6	0	0	0	6	0	0	0	0	0
SubTask 6.6	One Year Warranty Inspection		0	0	0	0	0	0	0	0	0	0
SubTask 6.7	Record Drawings		9	0	0	0	3	0	6	0	0	0
<b>Task 6 Subtotal Hours</b>			<b>27</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Task 6 Subtotal Cost</b>			<b>\$3,545</b>	<b>\$800</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,495</b>	<b>\$0</b>	<b>\$1,250</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>LABOR HOURS</b>			<b>160</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>74</b>	<b>0</b>	<b>66</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>LABOR COST</b>			<b>\$20,760</b>	<b>\$4,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,510</b>	<b>\$0</b>	<b>\$8,250</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Engineering Services Proposal  
for  
BRADYVILLE PIKE  
WATER AND SEWER IMPROVEMENTS  
City of Murfreesboro, Tennessee**

*September 20, 2016*

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**PROJECT DESCRIPTION**

Design will consist of replacing the existing water main located on Bradyville Pike between Southeast Broad Street and South Rutherford Drive and the relocation of existing sewer line where conflicts occur with the proposed storm sewer. Specific connections, valves, hydrants, and quantities of sewer pipe relocations will be determined during a review of proposed road widening plans.

**SCOPE OF SERVICES**

The proposed engineering services for the project described above will include the following:

- Prepare construction plans for the proposed improvements;
- Coordinate the preparation of permitting packages for submittal to the necessary regulatory agencies and authorities with jurisdiction over the project area;
- Coordinate with preparation of documents required for a TDOT Move-in-State Contract.
- Providing bidding and awarding assistance for the proposed improvements;

The aforementioned tasks are described in further detail below. A preliminary water and wastewater improvements project schedule is attached to this proposal.

**Task 1: Preliminary Design**

Neel-Schaffer will utilize the existing topographic and utility location survey performed by Adams and Company, LLC, on January 24, 2013 for the design of the Bradyville Pike (SR-99) road widening project. The survey will be used for the purpose of establishing controls and preparing a map to be used as the basis of design for the proposed improvements. The survey includes the location of all elements usual and customary for a topographical survey. Horizontal control will be NAD83(1995) coordinate system and the vertical control will be NAVD88.

Neel-Schaffer will review existing record drawing information and the field survey for use in developing a preliminary layout of the proposed improvements. Following the preparation of the preliminary layout, representatives from Neel-Schaffer will attend preliminary planning meetings to discuss any desired changes.

## **Task 2: Design**

Neel-Schaffer will prepare construction plans for the proposed improvements required to connect to the existing system. Construction plans will consist of a Cover Sheet, Existing Site Conditions, Plan and Profiles, and Erosion Control Plan and Details (if required) in accordance with the regulatory requirements established by the City of Murfreesboro and Tennessee Department of Environment and Conservation (TDEC). Neel-Schaffer will coordinate with the City of Murfreesboro to provide the required documents to TDOT for a move-in-State Contract. Documents include:

- TDOT Form 2013-16XLS Utility Estimate Spreadsheet
- Rainbow Drawings of Project
- Utility Item Spreadsheet
- Detailed Relocation Plans

Preliminary plans will be submitted to the City for review and approval at the following intervals:

- Preliminary Design (30%) Completion
- Intermediate Design (60%) Completion
- Substantial Design (90%) Completion
- Final Design (100%) Completion

## **Task 3: Permitting**

Neel-Schaffer will coordinate the preparation of permitting packages for submittal to the necessary regulatory agencies and authorities with jurisdiction over the project area. Any required fees associated with the permitting of the project will be the responsibility of the City of Murfreesboro, but will be coordinated by Neel-Schaffer. Anticipated permits required are:

- TDEC Notice of Intent for General NPDES Permit for Stormwater Discharges from Construction Activities TNR10000 (Form CN-0940 (Rev. 7-14))
- TDOT Application and Utility Use and Occupancy Agreement (Form U-2 (February, 2003 (Revised)))

## **Task 4: Bidding Assistance**

Neel-Schaffer will provide bidding and awarding assistance for the proposed improvements following the completion of the permitting and at the direction of the City. As part of this assistance, Neel-Schaffer will provide the following:

- Schedule and arrange for bid advertising (not required for TDOT Move-in-State Contract).
- Attend one pre-bid meeting.
- Receive and respond to contractor questions.

- Prepare and issue addenda as required.
- Attend the bid opening.
- Evaluate bids, prepare bid tabulation after receipt of bids and award project. (not required for TDOT Move-in-State Contract).
- Prepare Contract Documents and Drawings and package into Project Manuals after the contract has been awarded (not required for TDOT Move-in-State Contract).
- Provide hard copy sets of conformed documents to the Contractor, Inspector and Owner.

#### **Task 5: Construction Administration**

Neel-Schaffer will provide limited construction assistance during the construction phase of the project. The scope of these services will be developed following the completion of the design services.

#### **Final Deliverables:**

One CD w/PDF and CADD drawings of final plans

One loose set of specifications

Print and electronic cost estimate based on final bid quantities

## **CITY OF MURFREESBORO, TENNESSEE RESPONSIBILITIES AND ACTIVITIES**

City of Murfreesboro, Tennessee will provide the following information or will perform the following activities:

1. Provide all available information they have of the area in the form of "as-built" drawings for related existing water mains, force mains, and gravity sewers for the project area.
2. Review of the Contract Documents at the 30%, 60%, 90%, and 100% design levels and submittal of review comments to the Engineer.

### **SCHEDULE**

The services described above will be completed in accordance with the following summary.

1. Submittal of Contract Documents at 30% completion will be within 60 calendar days from Notice-to-Proceed.
2. Submittal of Contract Documents at 60% completion will be within 90 calendar days from Notice-to-Proceed.
3. Submittal of Contract Documents at 90% completion will be within 20 calendar days after receiving the City's review comments for the 60% plans.
4. Final Contract Documents will be submitted within 15 calendar days after receipt of City's review comments for the 90% plans.
5. Completion of Design Phase Services within 155 calendar days of Notice-to Proceed.

## **COMPENSATION**

Compensation to the Engineer for services performed under this fee proposal will be lump sum not to exceed as described. The design, permitting, and bidding assistance shall not exceed the lump sum amount without prior written approval. The total amount to be paid to the Engineer as compensation for design engineering services is \$62,000.00.

Compensation for construction administration shall be developed following completion of design engineering services. Compensation for construction administration shall be an hourly not to exceed amount per hourly rates as listed in Attachment A.

\*\*\*\*\*

**EXHIBIT A**  
**NEEL-SCHAFFER, INC.**  
**2016 SPECIAL RATE SCHEDULE FOR PROFESSIONAL SERVICES**  
**FOR CITY OF MURFREESBORO, TENNESSEE**

<b>Employee Classification</b>	<b>Position</b>	<b>Hourly Rate</b>
P-8	Senior Manager / Vice President	\$200.00
P-7	Engineer Manager/Professional IV/Survey Manager	\$170.00
P-6	Senior Project Manager/Assistant Engineer Manager/Professional III	\$150.00
P-5	Project Manager/Professional II	\$125.00
P-4	Professional I	\$110.00
P-1, P-2, P-3	Professional Intern	\$95.00
T-6	Senior Certified Engineering Technician/Client Manager	\$130.00
T-5	Certified Engineering Technician/Supervisory Technician	\$115.00
T-4	Technician IV/ Inspector IV/ Surveyor IV	\$110.00*
T-3	Technician III/Inspector III//Survey Crew Chief	\$80.00*
T-2	Technician II/Inspector II/Survey Instrument Person	\$70.00*
T-1	Technician I/Inspector I/Survey Assistant	\$58.00*
T-1	Student Intern	\$40.00*
A-4	Senior Administrative	\$65.00
A-2, A-3	Clerical	\$55.00*
A-1	Assistant Clerical	\$40.00*
	Four-Member Survey Party	\$170.00*
	Three-Member Survey Party	\$145.00*
	Two-Member Survey Party	\$128.00*
	One-Member Survey Party	\$80.00*

\* Hourly rates indicated for these non-exempt classifications apply to regular time. If overtime work is required to meet client's schedule, Neel-Schaffer reserves the right to negotiate overtime rates.

"Professional" positions include engineer, architect, geologist, scientist, landscape architect, and planner.

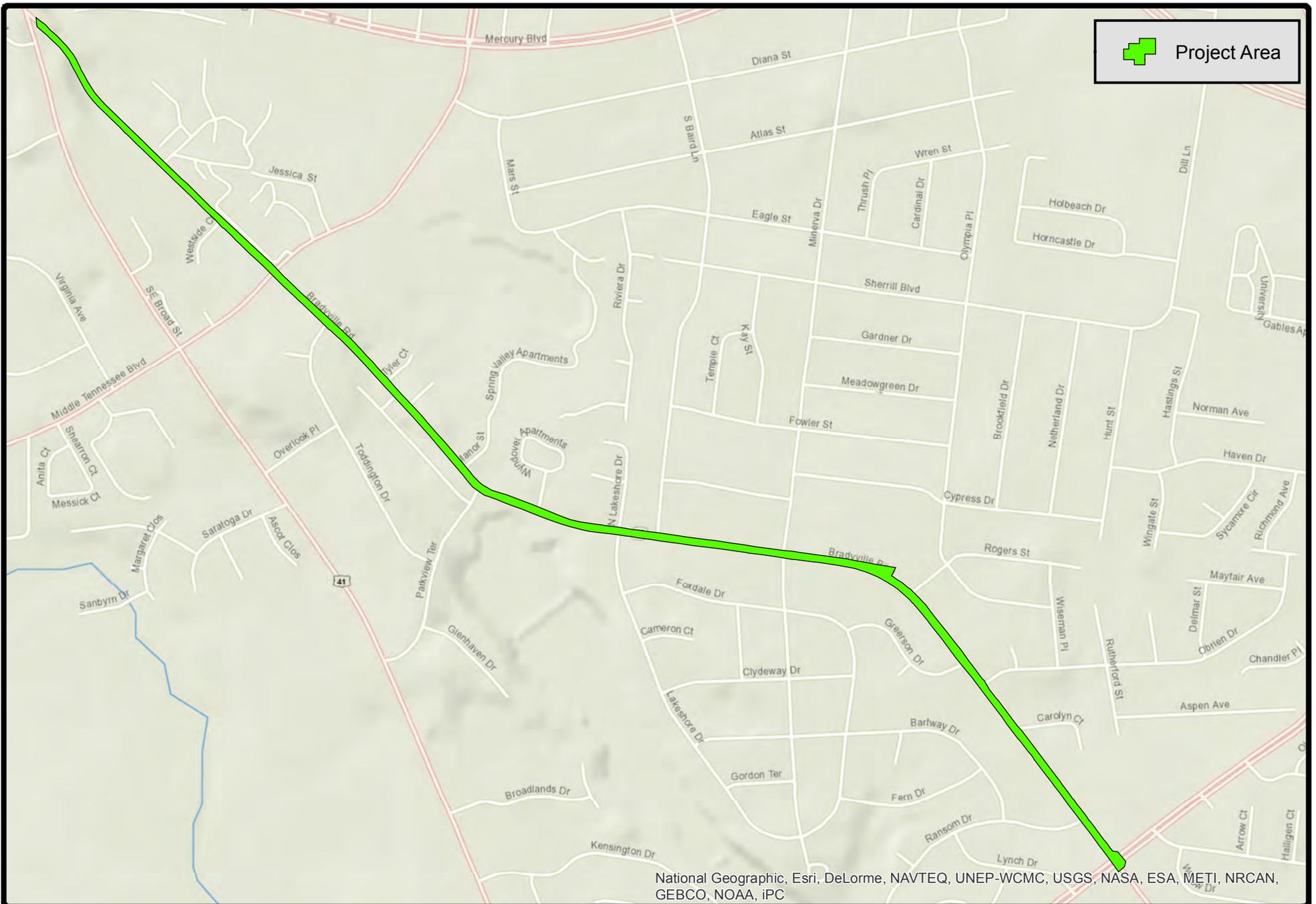
"Technician" positions include engineering, soil, architecture, planning, GIS and information technology.

**REIMBURSABLE EXPENSE SCHEDULE**

<b>EXPENSE</b>	<b>COST</b>
Vehicle Mileage	\$0.46/mile
Traffic Counter	\$10.00/day

All other expenses, including contract reproduction/printing, travel and subsistence, parking, communications, equipment rental, postage and overnight mail, and supplies will be reimbursed at actual cost.

Use State or Federal Rates for mileage, travel and subsistence where necessary and/or required.



MURFREESBORO WATER AND SEWER DEPARTMENT  
**Bradyville Pike Improvements**

SCALE : 1" = 1,000'



BradyvillePikeImprovements.mxd



**Wiser Consultants, LLC**  
1427 Kensington Square Court  
Murfreesboro, Tennessee 37130

[www.wiserconsultants.com](http://www.wiserconsultants.com)

p. 615-278-1500

f. 615-217-8130

September 21, 2016

Valerie Smith, PE  
Murfreesboro Water and Sewer Department  
300 NW Broad Street  
Murfreesboro, Tennessee 37130

**RE: Sanitary Sewer Study Related to the Cherry Lane Extension  
Murfreesboro, Tennessee**

Dear Mrs. Smith,

Wiser Consultants is pleased to submit to you our scope of work for professional services to study and design for the future needs assessment for sanitary sewer construction in conjunction with the development of the Cherry Lane corridor located in Northwest corridor of Murfreesboro. The purpose of the study will be utilized by the Murfreesboro Water and Sewer Department (MWSD) for the development of a Sanitary Sewer Master Plan within the Cherry Lane Extension corridor.

#### **Project Understanding**

The City of Murfreesboro is currently in the design phase for the extension of Cherry Lane. The Cherry Lane corridor has been separated into three (3) different phases. Phase 1 consists of the existing widened Cherry Lane from US231/Memorial Blvd. to the tie-in of Cherry Lane back into the existing 2 lane section. Phase 2 picks up at the tie-in along existing Cherry Lane and travels westward to Sulphur Springs Road. Phase 3 begins up at Sulphur Springs Road and travels west and southwest ultimately terminating at Murfreesboro Road/US41A. MWSD seeks to prepare a sanitary sewer master plan for this corridor that will review the existing subdivisions currently located within the corridor, as well as evaluate future development plans for this area in order to determine what sanitary sewer services and infrastructure may be required when Cherry Lane is constructed.

#### **Scope of Services**

Wiser proposes to provide Study Phase services associated with the preparation of the Master Plan. Those services will include the following individual tasks and sub-tasks:

##### **Tasks**

- 1.1** Develop a summary of the current subdivisions and sanitary sewer infrastructure located within each phase of Cherry Lane.
  - Review existing GIS maps and obtain information from Rutherford County in regards to the sanitary sewer infrastructure located in the existing subdivisions and within the corridor.
  - Review MWSD subbasin and 201 plan as well as zoning maps within the corridor.
  - Identify any future subdivisions that are currently known in order to determine what services may be required.
  - Identify existing pump stations, force mains, and gravity sewer within the corridor.
  
- 1.2** Develop future infrastructure requirements/needs for each phase of Cherry Lane and how that corresponds to the MWSD subbasins.
  - Develop routes and alignments for gravity sewer and force mains.

- Identify how existing subdivisions will be served should their existing system fail.
- Develop cost estimates for the proposed infrastructure improvements.

**1.3** Attend two (2) meetings with MWSD to discuss findings and options

**1.4** Prepare the Cherry Lane Sanitary Sewer Master Plan Report

- Prepare a draft report and exhibits summarizing the analysis and results of the project.
- Upon review of the draft report and comments from MWSD, prepare a final report.
- Provide a presentation for the MWSD Board (if required).

At the end of the study, Wisser will coordinate with MWSD as to when the development of construction plan sets and specifications for the proposed infrastructure improvements will commence. These plans would include the development of preliminary and final construction plans, cost estimates and specifications for each project.

**Compensation and Fees**

We propose to accomplish this scope of work on a Lump Sum Not to Exceed basis in the amount of **\$17,000.00**.

Task 1.1 (25%)	\$4,250.00
Task 1.2 (40%)	\$6,800.00
Task 1.3 (15%)	\$2,550.00
Task 1.4 (20%)	\$3,400.00
<b>Total</b>	<b>\$17,000.00</b>

We are available to begin work upon notice to proceed from the City of Murfreesboro.

As always, Wisser Consultants looks forward to working with you and your staff on this project.

Sincerely,

**WISER CONSULTANTS, LLC**

Kyle M. Peters, PE  
Vice President

Attachments: Cherry Lane Sewer Exhibits





**Wiser Consultants, LLC**  
1427 Kensington Square Court  
Murfreesboro, Tennessee 37130

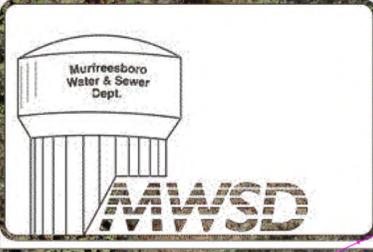
[www.wiserconsultants.com](http://www.wiserconsultants.com)

p. 615-278-1500

or 615-207-8130

The scope of work for the Study Phase will be as follows:

- Review existing infrastructure and subdivisions within the corridor
- Determine existing and future areas that can be serviced by:
  - Gravity sanitary sewer
  - Sanitary sewer force main
  - Use of pump stations and grinder pumps
  - Identify areas where STEP systems may be required
- Prepare a preliminary report for review by MWSD
- Attend two (2) meeting with MWSD to discuss report and options
- Presentation of various options for infrastructure for sewer service within the corridor
- Prepare a Final Report consisting of recommendations, options, proposed cost estimates, and exhibits for guidance in the future planning efforts of MWSD.

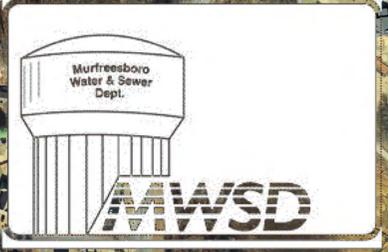


# CHERRY LANE PROPOSED FORCE MAIN AND SANITARY SEWER LAYOUT





CHERRY LANE  
PROPOSED FORCE MAIN  
AND  
SANITARY SEWER LAYOUT





TIE INTO  
EX. FM

EX. CHERRY LANE

US 231

CHERRY LANE

PROP  
GRINDER  
PUMP  
STA

SIEGEL PARK

GRAVITY  
LINE "F"

PROPOSED  
SIEGEL PARK  
(ADDITIONAL  
FIELDS)

GRAVITY  
LINE "F"

CHERRY LANE  
PROPOSED FORCE MAIN  
AND  
SANITARY SEWER LAYOUT



**HUDDLESTON-STEELE ENGINEERING, INC.  
SPRINGFIELD LUXURY APARTMENTS  
SEWER PARTICIPATION SUMMARY**

September 22, 2016

**Participation for Sewer Over 12' Depth**

133 L.F. 12" DIP (12'-23' Deep) @ \$240.00/FT =	\$31,920.00
133 L.F. 12" PVC (12' Deep) @ \$120.00/FT =	<u>- \$15,960.00</u>
Sub-Total:	\$15,960.00

**Participation for Sewer Material & Size Increase (From Hayes Pipe Supply Quote)**

133 L.F. 12" DIP @ \$43.93/FT =	\$5,842.69
133 L.F. 8" SDR 35 PVC @ \$3.25/FT =	<u>- \$432.25</u>
Sub-Total:	\$5,410.44
<b>TOTAL</b>	<b>\$21,370.44</b>

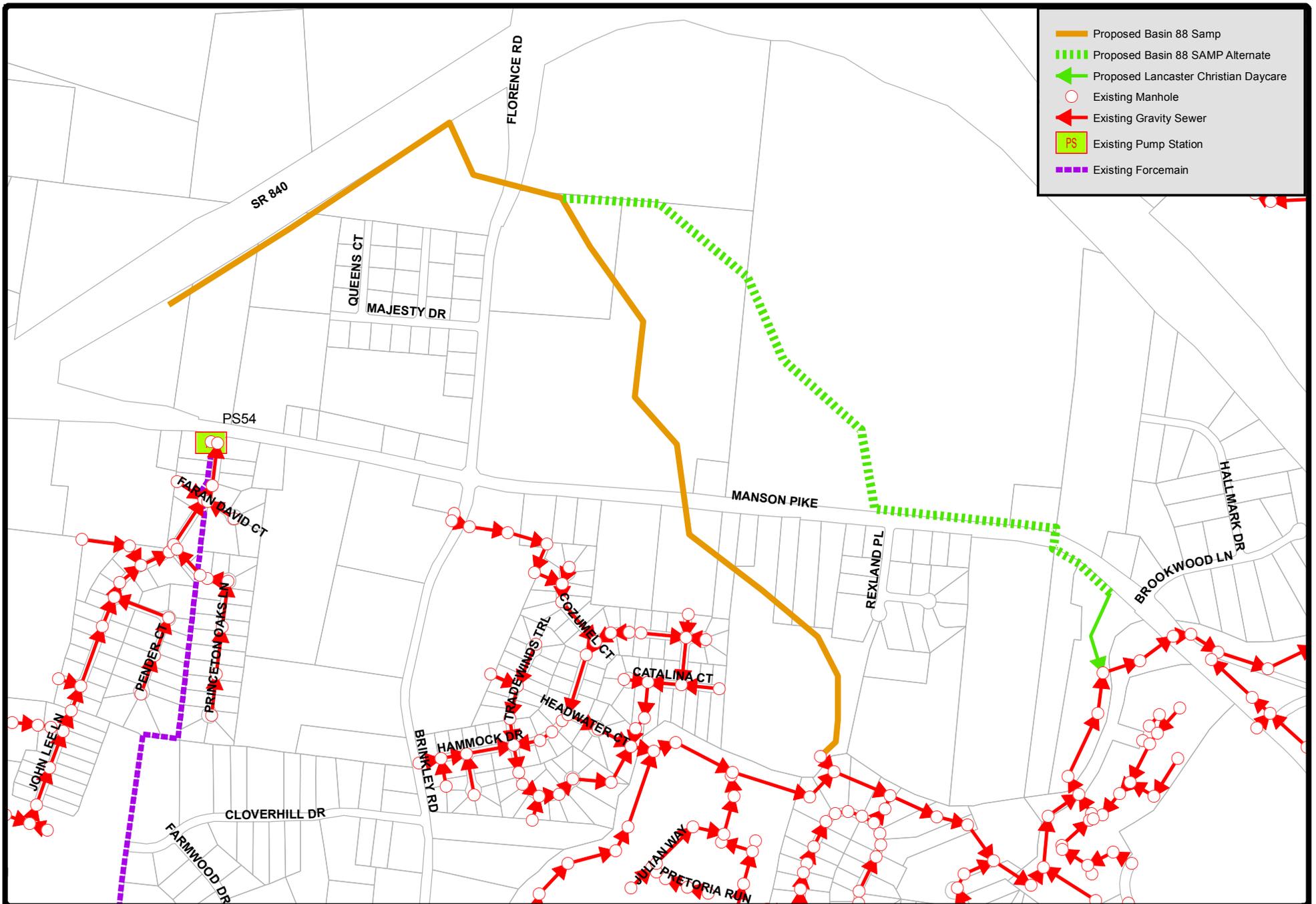
**Participation for Sewer Over 12' Depth**

181 L.F. 12" DIP (12'-23' Deep) @ \$240.00/FT =	\$43,440.00
181 L.F. 12" PVC (12' Deep) @ \$120.00/FT =	<u>- \$21,720.00</u>
Sub-Total:	\$21,720.00

**Participation for Increased Sewer Size & Material (From Hayes Pipe Supply Quote)**

181 L.F. 12" DIP @ \$43.93/FT =	\$7,951.33
181 L.F. 8" DIP @ \$28.89/FT =	<u>-\$5,229.09</u>
Sub-Total:	\$2,722.24
<b>TOTAL</b>	<b>\$24,442.24</b>

133 L.F. TOTAL	\$21,370.44
181 L.F. TOTAL	<u>\$24,442.24</u>
<b>TOTAL COST OF PARTICIPATION</b>	<b>\$45,812.68</b>



MURFREESBORO WATER AND SEWER DEPARTMENT

# Sub-Basin Area Master Plan - Basin 88 Alternate Route

SCALE : 1" = 800'



Basin88SAMPAlt.mxd



# Trane Turnkey Proposal



**Turnkey Proposal For:**

Alan Cranford  
City of Murfreesboro, Water & Sewer  
5528 Sam Jared Drive  
Murfreesboro, TN 37130

**Local Trane Office:**

Trane U.S. Inc. dba Trane  
601 Grassmere Park Drive, Suite 10  
Nashville, TN 37211-3659

**Local Trane Representative:**

Brian Bolin  
Account Manager  
Office: (615) 242-0311

**Proposal ID:** 2166241

**Quote Number:** 13-359933-16-001

**Co-op Contract Number:** USC 15-JLP-023

**Date:** September 15, 2016





## TRANE TURNKEY PROPOSAL

# Executive Summary

Trane is pleased to present a solution to help Murfreesboro Water and Sewer each its performance goals and objectives. This proposed project will enhance your operation by helping you to optimize your resources, improve the comfort in your facility, and reduce energy costs.

We appreciate the effort to assist in the HVAC system analysis and business discussions. Because of your efforts, we were able to develop a proposal that offers Turnkey retrofit service solutions to your specific concerns, based on Trane system knowledge and application expertise.

As your partner, Trane is committed to providing Turnkey retrofit services to help achieve a comfortable building environment for the people who occupy the building. For the people who own, manage and maintain the building, Trane is committed to providing reliable HVAC systems and products that improve performance.

Trane appreciates the opportunity to earn your business. Your investment in the proposed project is \$. This investment will provide Murfreesboro Water and Sewer with the capability to significantly reduce operating costs and improve comfort conditions in your facility.

We look forward to partnering with Murfreesboro Water and Sewer for your Turnkey retrofits service needs. I will be contacting you soon to discuss the proposal and to schedule the next steps

**WE VALUE THE CONFIDENCE YOU HAVE PLACED IN TRANE AND LOOK FORWARD TO PARTNERING WITH YOU.**

Brian Bolin  
Account Manager, Trane U.S. Inc. dba Trane





<b>Prepared For:</b> City of Murfreesboro Water & Sewer	<b>Date:</b> September 20, 2016
<b>Job Name:</b> Murfreesboro Water Chiller Replacement	<b>Proposal Number:</b> 2166241
<b>Delivery Terms:</b> Freight Allowed and Prepaid – F.O.B Factory	<b>Payment Terms:</b> Net 30
<b>State Contractor License Number:</b>	<b>Proposal Expiration Date:</b> 30 Days

## Scope of Work

“Scope of Work” and notations within are based on the following negotiated scope of work with and based on the site surveys performed on 9/1/2016.

### Turnkey Installation Scope Summary

Removal of the existing McQuay Scroll compressor air cooled chiller and installation of a High Efficiency Trane Air Cooled Screw Compressor chiller; including factory start up and a five (5) year compressor warranty, one (1) year parts, labor and refrigerant whole unit warranty.

### Mechanical Installation

- Provide and Install one (1) new Trane 155 ton High Efficiency RTA air cooled chiller
- Recover existing refrigerant and dispose of properly
- Disconnect existing chiller and piping as needed for removal
- Furnish Crane removal of existing chiller and setting of new one
- Fabricate and install new 4” piping from new chiller and connect to existing piping at closest point of connection to chilled water supply and return lines
- Insulate all new piping with 1-1/2” fiberglass insulation and cover with aluminum jacket
- Provide Trane factory start-up and commissioning of new units
- Unit Control includes BACnet interface

### Electrical Installation

- Disconnect and Re-Connect existing electrical

### Turnkey systems services not included

- Controls Integration
- Engineered drawings
- Heat Trace or any chilled water freeze protection

### Proposal Notes/ Clarifications

- All work to be performed during normal business hours (8am to 5pm, M-F, non-holidays)
- Proposal does not include "Premium Time" or Price Contingency therefor
- Equipment Order Release and Services rendered are dependent on receipt of PO/Subcontract and credit approval
- Trane will not perform any work if working conditions could endanger or put at risk the safety of our employees or subcontractors
- Asbestos or hazardous material abatement removal shall be performed by customer



# Pricing and Acceptance

City of Murfreesboro, Water & Sewer  
5528 Sam Jared Drive  
Murfreesboro, TN 37130

### Price

Total Net Price .....\$119,357.00

### Optional Add

Extended Parts & Labor Warranty.....\$4,265.00

*\*Trane offers a discounted five (5) year Preventative Maintenance program if done in conjunction with this proposal*

### Financial items not included

- Bid Bond
- Payment and Performance Bond
- Guarantee of any energy, operational, or other savings

Respectfully submitted,

Brian Bolin  
Account Manager  
Trane U.S. Inc. dba Trane  
(615) 242-0311



**ACCEPTANCE**

This proposal is subject to Customer’s acceptance of the attached Trane Terms and Conditions (Installation).

We value the confidence you have placed in Trane and look forward to working with you.

Submitted By: Brian Bolin	Office: (615) 242-0311 Proposal Date: September 15, 2016
<b>CUSTOMER ACCEPTANCE</b>	<b>TRANE ACCEPTANCE</b> Trane U.S. Inc. dba Trane
Authorized Representative	Authorized Representative
Printed Name	Printed Name
Title	Title
Purchase Order	Signature Date
Acceptance Date:	License Number:



#### TERMS AND CONDITIONS – COMMERCIAL INSTALLATION

"Company" shall mean Trane U.S. Inc. dba Trane.

**1. Acceptance; Agreement.** These terms and conditions are an integral part of Company's offer and form the basis of any agreement (the "Agreement") resulting from Company's proposal (the "Proposal") for the commercial goods and/or services described (the "Work"). **COMPANY'S TERMS AND CONDITIONS ARE SUBJECT TO PERIODIC CHANGE OR AMENDMENT.** The Proposal is subject to acceptance in writing by the party to whom this offer is made or an authorized agent ("Customer") delivered to Company within 30 days from the date of the Proposal. If Customer accepts the Proposal by placing an order, without the addition of any other terms and conditions of sale or any other modification, Customer's order shall be deemed acceptance of the Proposal subject to Company's terms and conditions. If Customer's order is expressly conditioned upon Company's acceptance or assent to terms and/or conditions other than those expressed herein, return of such order by Company with Company's terms and conditions attached or referenced serves as Company's notice of objection to Customer's terms and as Company's counter-offer to provide Work in accordance with the Proposal and the Company terms and conditions. If Customer does not reject or object in writing to Company within 10 days, Company's counter-offer will be deemed accepted. Customer's acceptance of the Work by Company will in any event constitute an acceptance by Customer of Company's terms and conditions. This Agreement is subject to credit approval by Company. Upon disapproval of credit, Company may delay or suspend performance or, at its option, renegotiate prices and/or terms and conditions with Customer. If Company and Customer are unable to agree on such revisions, this Agreement shall be cancelled without any liability, other than Customer's obligation to pay for Work rendered by Company to the date of cancellation.

**2. Pricing and Taxes.** Unless otherwise noted, the price in the Proposal includes standard ground transportation and, if required by law, all sales, consumer, use and similar taxes legally enacted as of the date hereof for equipment and material installed by Company. Tax exemption is contingent upon Customer furnishing appropriate certificates evidencing Customer's tax exempt status. Company shall charge Customer additional costs for bonds agreed to be provided. Equipment sold on an uninstalled basis and any taxable labor/labour do not include sales tax and taxes will be added. Following acceptance without addition of any other terms and condition of sale or any other modification by Customer, the prices stated are firm provided that notification of release for immediate production and shipment is received at the factory not later than 3 months from order receipt. If such release is received later than 3 months from order receipt date, prices will be increased a straight 1% (not compounded) for each one-month period (or part thereof) beyond the 3 month firm price period up to the date of receipt of such release. If such release is not received within 6 months after date of order receipt, the prices are subject to renegotiation, or at Company's option, the order will be cancelled. Any delay in shipment caused by Customer's actions will subject prices to increase equal to the percentage increase in list prices during that period of delay and Company may charge Customer with incurred storage fees.

**3. Exclusions from Work.** Company's obligation is limited to the Work as defined and does not include any modifications to the Work site under the Americans With Disabilities Act or any other law or building code(s). In no event shall Company be required to perform work Company reasonably believes is outside of the defined Work without a written change order signed by Customer and Company.

**4. Performance.** Company shall perform the Work in accordance with industry standards generally applicable in the area under similar circumstances as of the time Company performs the Work. Company may refuse to perform any Work where working conditions could endanger property or put at risk the safety of persons. Unless otherwise agreed to by Customer and Company, at Customer's expense and before the Work begins, Customer will provide any necessary access platforms, catwalks to safely perform the Work in compliance with OSHA or state industrial safety regulations.

**5. Payment.** Customer shall pay Company's invoices within net 30 days of invoice date. Company may invoice Customer for all equipment or material furnished, whether delivered to the installation site or to an off-site storage facility and for all Work performed on-site or off-site. No retention shall be withheld from any payments except as expressly agreed in writing by Company, in which case retention shall be reduced per the contract documents and released no later than the date of substantial completion. Under no circumstances shall any retention be withheld for the equipment portion of the order. If payment is not received as required, Company may suspend performance and the time for completion shall be extended for a reasonable period of time not less than the period of suspension. Customer shall be liable to Company for all reasonable shutdown, standby and start-up costs as a result of the suspension. Company reserves the right to add to any account outstanding for more than 30 days a service charge equal to 1.5% of the principal amount due at the end of each month. Customer shall pay all costs (including attorneys' fees) incurred by Company in attempting to collect amounts due and otherwise enforcing these terms and conditions. If requested, Company will provide appropriate lien waivers upon receipt of payment. Customer agrees that, unless Customer makes payment in advance, Company will have a purchase money security interest in all equipment from Company to secure payment in full of all amounts due Company and its order for the equipment, together with these terms and conditions, form a security agreement. Customer shall keep the equipment free of all taxes and encumbrances, shall not remove the equipment from its original installation point and shall not assign or transfer any interest in the equipment until all payments due Company have been made.

**6. Time for Completion.** Except to the extent otherwise expressly agreed in writing signed by an authorized representative of Company, all dates provided by Company or its representatives for commencement, progress or completion are estimates only. While Company shall use commercially reasonable efforts to meet such estimated dates, Company shall not be responsible for any damages for its failure to do so.

**7. Access.** Company and its subcontractors shall be provided access to the Work site during regular business hours, or such other hours as may be requested by Company and acceptable to the Work site' owner or tenant for the performance of the Work, including sufficient areas for staging, mobilization, and storage. Company's access to correct any emergency condition shall not be restricted. Customer grants to Company the right to remotely connect (via phone modem, internet or other agreed upon means) to Customer's building automation system (BAS) and/or HVAC equipment to view, extract, or otherwise collect and retain data from the BAS, HVAC equipment, or other building systems, and to diagnose and remotely make repairs at Customer's request.

**8. Completion.** Notwithstanding any other term or condition herein, when Company informs Customer that the Work has been completed, Customer shall inspect the Work in the presence of Company's representative, and Customer shall either (a) accept the Work in its entirety in writing, or (b) accept the Work in part and specifically identify, in writing, any exception items. Customer agrees to re-inspect any and all excepted items as soon as Company informs Customer that all such excepted items have been completed. The initial acceptance inspection shall take place within ten (10) days from the date when Company informs Customer that the Work has been completed. Any subsequent re-inspection of excepted items shall take place within five (5) days from the date when Company informs Customer that the excepted items have been completed. Customer's failure to cooperate and complete any of said inspections within the required time limits shall constitute complete acceptance of the Work as of ten (10) days from date when Company informs Customer that the Work, or the excepted items, if applicable, has/have been completed.

**9. Permits and Governmental Fees.** Company shall secure (with Customer's assistance) and pay for building and other permits and governmental fees, licenses, and inspections necessary for proper performance and completion of the Work which are legally required when bids from Company's subcontractors are received, negotiations thereon concluded, or the effective date of a relevant Change Order, whichever is later. Customer is responsible for necessary approvals, easements, assessments and charges for construction, use or occupancy of permanent structures or for permanent changes to existing facilities. If the cost of such permits, fees, licenses and inspections are not included in the Proposal, Company will invoice Customer for such costs.

**10. Utilities During Construction.** Customer shall provide without charge to Company all water, heat, and utilities required for performance of the Work.

**11. Concealed or Unknown Conditions.** In the performance of the Work, if Company encounters conditions at the Work site that are (i) subsurface or otherwise concealed physical conditions that differ materially from those indicated on drawings expressly incorporated herein or (ii) unknown physical conditions of an unusual nature that differ materially from those conditions ordinarily found to exist and generally recognized as inherent in construction activities of the type and character as the Work, Company shall notify Customer of such conditions promptly, prior to significantly disturbing same. If such conditions differ materially and cause an increase in Company's cost of, or time required for, performance of any part of the Work, Company shall be entitled to, and Customer shall consent by Change Order to, an equitable adjustment in the Contract Price, contract time, or both.

**12. Pre-Existing Conditions.** Company is not liable for any claims, damages, losses, or expenses, arising from or related to conditions that existed in, on, or upon the Work site before the Commencement Date of this Agreement ("Pre-Existing Conditions"), including, without limitation, damages, losses, or expenses involving Pre-Existing Conditions of building envelope issues, mechanical issues, plumbing issues, and/or indoor air quality issues involving mold/mould and/or



fungi. Company also is not liable for any claims, damages, losses, or expenses, arising from or related to work done by or services provided by individuals or entities that are not employed by or hired by Company.

**13. Asbestos and Hazardous Materials.** Company's Work and other services in connection with this Agreement expressly excludes any identification, abatement, cleanup, control, disposal, removal or other work connected with asbestos, polychlorinated biphenyl ("PCB"), or other hazardous materials (hereinafter, collectively, "Hazardous Materials"). Customer warrants and represents that, except as set forth in a writing signed by Company, there are no Hazardous Materials on the Work site that will in any way affect Company's Work and Customer has disclosed to Company the existence and location of any Hazardous Materials in all areas within which Company will be performing the Work. Should Company become aware of or suspect the presence of Hazardous Materials, Company may immediately stop work in the affected area and shall notify Customer. Customer will be exclusively responsible for taking any and all action necessary to correct the condition in accordance with all applicable laws and regulations. Customer shall be exclusively responsible for and, to the fullest extent permitted by law, shall indemnify and hold harmless Company (including its employees, agents and subcontractors) from and against any loss, claim, liability, fees, penalties, injury (including death) or liability of any nature, and the payment thereof arising out of or relating to any Hazardous Materials on or about the Work site, not brought onto the Work site by Company. Company shall be required to resume performance of the Work in the affected area only in the absence of Hazardous Materials or when the affected area has been rendered harmless. In no event shall Company be obligated to transport or handle Hazardous Materials, provide any notices to any governmental agency, or examine the Work site for the presence of Hazardous Materials.

**14. Force Majeure.** Company's duty to perform under this Agreement is contingent upon the non-occurrence of an Event of Force Majeure. If Company shall be unable to carry out any material obligation under this Agreement due to an Event of Force Majeure, this Agreement shall at Company's election (i) remain in effect but Company's obligations shall be suspended until the uncontrollable event terminates or (ii) be terminated upon 10 days notice to Customer, in which event Customer shall pay Company for all parts of the Work furnished to the date of termination. An "Event of Force Majeure" shall mean any cause or event beyond the control of Company. Without limiting the foregoing, "Event of Force Majeure" includes: acts of God; acts of terrorism, war or the public enemy; flood; earthquake; tornado; storm; fire; civil disobedience; pandemic insurrections; riots; labor/labour disputes; labor/labour or material shortages; sabotage; restraint by court order or public authority (whether valid or invalid), and action or non-action by or inability to obtain or keep in force the necessary governmental authorizations, permits, licenses, certificates or approvals if not caused by Company; and the requirements of any applicable government in any manner that diverts either the material or the finished product to the direct or indirect benefit of the government.

**15. Customer's Breach.** Each of the following events or conditions shall constitute a breach by Customer and shall give Company the right, without an election of remedies, to terminate this Agreement or suspend performance by delivery of written notice: (1) Any failure by Customer to pay amounts when due; or (2) any general assignment by Customer for the benefit of its creditors, or if Customer becomes bankrupt or insolvent or takes the benefit of any statute for bankrupt or insolvent debtors, or makes or proposes to make any proposal or arrangement with creditors, or if any steps are taken for the winding up or other termination of Customer or the liquidation of its assets, or if a trustee, receiver, or similar person is appointed over any of the assets or interests of Customer; (3) Any representation or warranty furnished by Customer in this Agreement is false or misleading in any material respect when made; or (4) Any failure by Customer to perform or comply with any material provision of this Agreement. Customer shall be liable to Company for all Work furnished to date and all damages sustained by Company (including lost profit and overhead).

**16. Indemnity.** To the fullest extent permitted by law, Company and Customer shall indemnify, defend and hold harmless each other from any and all claims, actions, costs, expenses, damages and liabilities, including reasonable attorneys' fees, resulting from death or bodily injury or damage to real or tangible personal property, to the extent caused by the negligence or misconduct of their respective employees or other authorized agents in connection with their activities within the scope of this Agreement. Neither party shall indemnify the other against claims, damages, expenses or liabilities to the extent attributable to the acts or omissions of the other party. If the parties are both at fault, the obligation to indemnify shall be proportional to their relative fault. The duty to indemnify will continue in full force and effect, notwithstanding the expiration or early termination hereof, with respect to any claims based on facts or conditions that occurred prior to expiration or termination.

**17. Limitation of Liability. NOTWITHSTANDING ANYTHING TO THE CONTRARY, IN NO EVENT SHALL COMPANY BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT CONSEQUENTIAL, OR PUNITIVE OR EXEMPLARY DAMAGES (INCLUDING WITHOUT LIMITATION BUSINESS INTERRUPTION, LOST DATA, LOST REVENUE, LOST PROFITS, LOST DOLLAR SAVINGS, OR LOST ENERGY USE SAVINGS, EVEN IF A PARTY HAS BEEN ADVISED OF SUCH POSSIBLE DAMAGES OR IF SAME WERE REASONABLY FORESEEABLE AND REGARDLESS OF WHETHER THE CAUSE OF ACTION IS FRAMED IN CONTRACT, NEGLIGENCE, ANY OTHER TORT, WARRANTY, STRICT LIABILITY, OR PRODUCT LIABILITY). In no event will Company's liability in connection with the provision of products or services or otherwise under this Agreement exceed the entire amount paid to Company by Customer under this Agreement.**

**18. Patent Indemnity.** Company shall protect and indemnify Customer from and against all claims, damages, judgments and loss arising from infringement or alleged infringement of any United States patent by any of the goods manufactured by Company and delivered hereunder, provided that in the event of suit or threat of suit for patent infringement, Company shall promptly be notified and given full opportunity to negotiate a settlement. Company does not warrant against infringement by reason of Customer's design of the articles or the use thereof in combination with other materials or in the operation of any process. In the event of litigation, Customer agrees to reasonably cooperate with Company. In connection with any proceeding under the provisions of this Section, all parties concerned shall be entitled to be represented by counsel at their own expense.

**19. Limited Warranty.** Company warrants for a period of 12 months from the date of substantial completion ("Warranty Period") commercial equipment manufactured and installed by Company against failure due to defects in material and manufacture and that the labor/labour furnished is warranted to have been properly performed (the "Limited Warranty"). Trane equipment sold on an uninstalled basis is warranted in accordance with Company's standard warranty for supplied equipment. **Product manufactured by Company that includes required startup and is sold in North America will not be warranted by Company unless Company performs the product start-up.** Substantial completion shall be the earlier of the date that the Work is sufficiently complete so that the Work can be utilized for its intended use or the date that Customer receives beneficial use of the Work. If such defect is discovered within the Warranty Period, Company will correct the defect or furnish replacement equipment (or, at its option, parts therefor) and, if said equipment was installed pursuant hereto, labor/labour associated with the replacement of parts or equipment not conforming to this Limited Warranty. Defects must be reported to Company within the Warranty Period. Exclusions from this Limited Warranty include damage or failure arising from: wear and tear; corrosion, erosion, deterioration; Customer's failure to follow the Company-provided maintenance plan; refrigerant not supplied by Trane; and modifications made by others to Company's equipment. Company shall not be obligated to pay for the cost of lost refrigerant. Notwithstanding the foregoing, all warranties provided herein terminate upon termination or cancellation of this Agreement. No warranty liability whatsoever shall attach to Company until the Work has been paid for in full and then said liability shall be limited to the lesser of Company's cost to correct the defective Work and/or the purchase price of the equipment shown to be defective. Equipment, material and/or parts that are not manufactured by Company are not warranted by Company and have such warranties as may be extended by the respective manufacturer. **THE WARRANTY AND LIABILITY SET FORTH IN THIS AGREEMENT ARE IN LIEU OF ALL OTHER WARRANTIES AND LIABILITIES, WHETHER IN CONTRACT OR IN NEGLIGENCE, EXPRESS OR IMPLIED, IN LAW OR IN FACT, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND/OR OTHERS ARISING FROM COURSE OF DEALING OR TRADE. COMPANY MAKES NO REPRESENTATION OR WARRANTY EXPRESS OR IMPLIED REGARDING PREVENTION BY THE WORK, OR ANY COMPONENT THEREOF, OF MOLD/MOULD, FUNGUS, BACTERIA, MICROBIAL GROWTH, OR ANY OTHER CONTAMINATES. COMPANY SPECIFICALLY DISCLAIMS ANY LIABILITY IF THE WORK OR ANY COMPONENT THEREOF IS USED TO PREVENT OR INHIBIT THE GROWTH OF SUCH MATERIALS.**

**20. Insurance.** Company agrees to maintain the following insurance while the Work is being performed with limits not less than shown below and will, upon request from Customer, provide a Certificate of evidencing the following coverage:

Commercial General Liability	\$2,000,000 per occurrence
Automobile Liability	\$2,000,000 CSL
Workers Compensation	Statutory Limits



If Customer has requested to be named as an additional insured under Company's insurance policy, Company will do so but only subject to Company's manuscript additional insured endorsement under its primary Commercial General Liability policies. In no event does Company waive its right of subrogation.

**21. Commencement of Statutory Limitation Period.** Except as to warranty claims, as may be applicable, any applicable statutes of limitation for acts or failures to act shall commence to run, and any alleged cause of action stemming therefrom shall be deemed to have accrued, in any and all events not later than the last date that Company or its subcontractors physically performed work on the project site.

**22. General.** Except as provided below, to the maximum extent provided by law, this Agreement is made and shall be interpreted and enforced in accordance with the laws of the state or province in which the Work is performed, without regard to choice of law principles which might otherwise call for the application of a different state's or province's law. Any dispute arising under or relating to this Agreement that is not disposed of by agreement shall be decided by litigation in a court of competent jurisdiction located in the state or province in which the Work is performed. Any action or suit arising out of or related to this Agreement must be commenced within one year after the cause of action has accrued. To the extent the Work site is owned and/or operated by any agency of the Federal Government, determination of any substantive issue of law shall be according to the Federal common law of Government contracts as enunciated and applied by Federal judicial bodies and boards of contract appeals of the Federal Government. This Agreement contains all of the agreements, representations and understandings of the parties and supersedes all previous understandings, commitments or agreements, oral or written, related to the subject matter hereof. This Agreement may not be amended, modified or terminated except by a writing signed by the parties hereto. No documents shall be incorporated herein by reference except to the extent Company is a signatory thereon. If any term or condition of this Agreement is invalid, illegal or incapable of being enforced by any rule of law, all other terms and conditions of this Agreement will nevertheless remain in full force and effect as long as the economic or legal substance of the transaction contemplated hereby is not affected in a manner adverse to any party hereto. Customer may not assign, transfer, or convey this Agreement, or any part hereof, or its right, title or interest herein, without the written consent of the Company. Subject to the foregoing, this Agreement shall be binding upon and inure to the benefit of Customer's permitted successors and assigns. This Agreement may be executed in several counterparts, each of which when executed shall be deemed to be an original, but all together shall constitute but one and the same Agreement. A fully executed facsimile copy hereof or the several counterparts shall suffice as an original.

**23. Equal Employment Opportunity/Affirmative Action Clause.** Company is a federal contractor that complies fully with Executive Order 11246, as amended, and the applicable regulations contained in 41 C.F.R. Parts 60-1 through 60-60, 29 U.S.C. Section 793 and the applicable regulations contained in 41 C.F.R. Part 60-741; and 38 U.S.C. Section 4212 and the applicable regulations contained in 41 C.F.R. Part 60-250 Executive Order 13496 and Section 29 CFR 471, appendix A to subpart A, regarding the notice of employee rights in the United States and with Canadian Charter of Rights and Freedoms Schedule B to the Canada Act 1982 (U.K.) 1982, c. 11 and applicable Provincial Human Rights Codes and employment law in Canada.

**24. U.S. Government Work.**

**The following provision applies only to direct sales by Company to the US Government.** The Parties acknowledge that all items or services ordered and delivered under this Agreement are Commercial Items as defined under Part 12 of the Federal Acquisition Regulation (FAR). In particular, Company agrees to be bound only by those Federal contracting clauses that apply to "commercial" suppliers and that are contained in FAR 52.212-5(e)(1). Company complies with 52.219-8 or 52.219-9 in its service and installation contracting business.

**The following provision applies only to indirect sales by Company to the US Government.** As a Commercial Item Subcontractor, Company accepts only the following mandatory flow down provisions: 52.219-8; 52.222-26; 52.222-35; 52.222-36; 52.222-39; 52.247-64. If the Work is in connection with a U.S. Government contract, Customer certifies that it has provided and will provide current, accurate, and complete information, representations and certifications to all government officials, including but not limited to the contracting officer and officials of the Small Business Administration, on all matters related to the prime contract, including but not limited to all aspects of its ownership, eligibility, and performance. Anything herein notwithstanding, Company will have no obligations to Customer unless and until Customer provides Company with a true, correct and complete executed copy of the prime contract. Upon request, Customer will provide copies to Company of all requested written communications with any government official related to the prime contract prior to or concurrent with the execution thereof, including but not limited to any communications related to Customer's ownership, eligibility or performance of the prime contract. Customer will obtain written authorization and approval from Company prior to providing any government official any information about Company's performance of the work that is the subject of the Proposal or this Agreement, other than the Proposal or this Agreement.

**25. Limited Waiver of Sovereign Immunity.** If Customer is an Indian tribe (in the U.S.) or a First Nation or Band Council (in Canada), Customer, whether acting in its capacity as a government, governmental entity, a duly organized corporate entity or otherwise, for itself and for its agents, successors, and assigns: (1) hereby provides this limited waiver of its sovereign immunity as to any damages, claims, lawsuit, or cause of action (herein "Action") brought against Customer by Company and arising or alleged to arise out of the furnishing by Company of any product or service under this Agreement, whether such Action is based in contract, tort, strict liability, civil liability or any other legal theory; (2) agrees that jurisdiction and venue for any such Action shall be proper and valid (a) if Customer is in the U.S., in any state or United States court located in the state in which Company is performing this Agreement or (b) if Customer is in Canada, in the superior court of the province or territory in which the work was performed; (3) expressly consents to such Action, and waives any objection to jurisdiction or venue; (4) waives any requirement of exhaustion of tribal court or administrative remedies for any Action arising out of or related to this Agreement; and (5) expressly acknowledges and agrees that Company is not subject to the jurisdiction of Customer's tribal court or any similar tribal forum, that Customer will not bring any action against Company in tribal court, and that Customer will not avail itself of any ruling or direction of the tribal court permitting or directing it to suspend its payment or other obligations under this Agreement. The individual signing on behalf of Customer warrants and represents that such individual is duly authorized to provide this waiver and enter into this Agreement and that this Agreement constitutes the valid and legally binding obligation of Customer, enforceable in accordance with its terms.

1-26.251-10(0315)  
Supersedes 1-26.251-10(0614)



215 Jamestown Park, Suite 100 • Brentwood, TN 37027 • (615) 373-8532

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September 9, 2016

152384

Mr. Mike Bernard, P.E.  
Smith Seckman Reid, Inc.  
2995 Sidco Drive  
Nashville, Tennessee 37204

Sent via e-mail to [MBernard@ssr-inc.com](mailto:MBernard@ssr-inc.com)

**RE: Proposal to Conduct Bacterial Analyses for the Presence of *Escherichia coli* and Fecal Coliform in the West Fork Stones River and Sinking Creek**

Dear Mr. Bernard:

At your request, AquAeTer, Inc. has prepared a Scope of Work to provide bacterial analyses for the presence of *Escherichia coli* (*E.coli*) and fecal coliform in the West Fork Stones River and Sinking Creek. The water quality investigations are to be conducted in both streams to determine the total levels of *E.coli* present, as well as the total fecal coliform and the percent of human fecal coliform. These data will be collected over one thirty day period and will consist of five sample events. The bacterial data can then be submitted to the State to provide additional real data to demonstrate that the West Fork Stones River and Sinking Creek should not be listed for *E.coli* on the 2016 303(d) list. Currently Sinking Creek is listed on the 2014 303(d) and proposed to remain on the 2016 303(d) list and the 1000 segment of the West Fork Stones River is proposed to be listed on the 2016 303(d) list. The primary cause currently listed by the State is discharges from MS4 area and collection system failure.

**SCOPE OF WORK**

**AquAeTer** has prepared the following scope of work for this project. The scope of work will include sample collection from the West Fork Stones River and Sinking Creek to assess bacterial levels.

**Health and Safety Plan**

A Health and Safety Plan has been developed for the previous water quality and biological sampling conducted in 2015. This Health and Safety Plan will be amended to account for the alternate sampling styles and sample handling that is associated with *E.coli* and fecal coliform sampling.

## Stream Investigations

The 1000 segment of the West Fork Stones River is currently proposed to be listed in 2016 as impaired due to high levels of *E.coli*, with the pollutant source listed as discharges from MS4 area and collection failure system. In addition, Sinking Creek is currently listed as impaired due to high *E.coli* levels, with the pollutant source listed as discharges from MS4 area and a proposed pollutant source of collection system failure. *E.coli* studies that have been completed by the state appear flawed according to the Standard Operating Procedures established by the state. In addition, no data have been collected from either stream since 2013. The State no longer collects fecal coliform data. Total *E.coli* does not distinctly represent the percent of human fecal coliform presence within the sample and is only a total number which can include run-off from pastures and other non-point source contributors. These bacterial analyses will be done in order to determine the percent of human fecal influence on the overall number.

To develop a geometric mean for *E.coli* and fecal coliform, we propose to do the following:

1. *E.coli* and fecal coliform analyses will be conducted at the State sampling location on the West Fork Stones River and at the State sampling location on Sinking Creek. These collections will be completed during a period of base flow with no inflow of run-off from precipitation events. In order to obtain a geometric mean, which is the protocol for TDEC, five sampling events must occur within 30 days, and may not be conducted less than 24 hours from one another. **AquAeTer** will follow the TDEC SOP for water quality sampling. **AquAeTer** will collect a duplicate at sample during each of the sampling events for analysis. In addition, **AquAeTer** proposes to conduct one sampling event during high flow, immediately following a significant rain event. This will allow for the examination, and comparison, of human fecal coliform presence during similar conditions of the 2012 and 2013 TDEC sampling events.
2. In-situ water quality measurements
  - a. Conductivity
  - b. pH
  - c. Dissolved Oxygen
  - d. Temperature

## Meetings

We have included costs for two meetings over the course of the study. We anticipate one meeting with the State to discuss the results of field activities following the completion of the study. The other meeting is intended for periodic updates during the course of the study.

## **Report**

At the completion of all field events, one full report will be developed summarizing the findings of all sampling events.

## **SCHEDULE**

**AquAeTer** is prepared to begin this project upon authorization from the City of Murfreesboro. It is anticipated that the sampling event will begin in September and last for approximately 30 days.

It is anticipated that the first draft of the summary report will be available in January 2017, although this will depend upon the exact date of sampling events and the turnaround time for the genetic testing.

## **COST ESTIMATE**

**AquAeTer** has prepared a cost estimate for this work, as presented in Table 1. The total estimated cost is \$20,300. This cost includes bacteria analyses. We have also included costs of two meetings during the course of the work.

## **PROJECT EXPERIENCE**

**AquAeTer** professionals have extensive water quality and NPDES Permitting project experience in 29 states, 1 territory and 6 foreign countries. A few projects pertinent to this project include work in Tennessee, Georgia, Alabama, Florida, South Carolina, North Carolina, Arkansas, Louisiana, Texas, and Oklahoma.

Our team has conducted numerous comprehensive water quality and TMDL analyses including bacteriological and nutrient eutrophication issues as well as biological investigations. Previous work experience includes:

- East Fork Stones River, Murfreesboro, Tennessee;
- West Fork Stones River, Murfreesboro, Tennessee;
- Harpeth River, Franklin, Tennessee;
- Little Harpeth River, Brentwood, Tennessee;
- Cumberland River, Nashville, Tennessee;
- Mill Creek, a tributary to the Cumberland River, Nashville, Tennessee;
- Overall Creek, a tributary to the Cumberland River, Nashville, Tennessee;
- Richland Creek, Nashville, Tennessee;
- Unnamed Tributary to Richland Creek, Nashville, Tennessee
- Tennessee River, Counce, Tennessee;

- Tennessee River, New Johnsonville, Tennessee;
- Clinch River, Oak Ridge and Clinton, Tennessee;
- Duck River, Columbia, Tennessee;
- Pigeon River, Tennessee;
- French Broad River, Tennessee;
- Pigeon River, North Carolina;
- Tombigbee River, Naheola, Alabama;
- Intracoastal Waterway, Gulf Shores, Alabama;
- Alabama River, Burkville, Alabama;
- Alabama River, Yellow Bluff, Alabama;
- Huntsville Spring Branch/Indian Creek, Redstone Arsenal, Alabama;
- Tennessee River, Decatur, Alabama;
- Tombigbee River, Naheola, Alabama;
- Conecuh, Brewton, Alabama;
- Escambia River and Escambia Bay, Pensacola, Florida;
- St. Johns River, Palatka, Florida;
- Hillsborough Bay, Tampa, Florida;
- Manatee River, Bradenton, Florida;
- North and West Bays, Panama City, Florida;
- Turtle River, Brunswick, Georgia;
- North Newport River, Georgia;
- Conasauga, Coosawattee and Oostanaula Rivers, Dalton, Georgia;
- Chattahoochee River, Atlanta, Georgia;
- Ocmulgee and Altamaha Rivers, Georgia;
- Flint River, Woodbine and Oglethorpe, Georgia;
- Savannah River, Augusta, Georgia;
- Broad River/Savannah River/Lake Murray, Elberton, Georgia;
- Ouachita River, Camden and Crossett, Arkansas;
- Red River, Ashdown and Fulton, Arkansas;
- Arkansas River, Little Rock, Arkansas;
- Arkansas River, Russellville, Arkansas;
- Pearl River, Monticello, Mississippi;
- Tennessee River, Calvert City, Kentucky;
- Arkansas River, Muskogee, Oklahoma;
- Grand Neosho River, near Pryor, Oklahoma;
- Mississippi River, Cordova, Alton, and Sauget, Illinois;
- Illinois River, Ottawa and Henry, Illinois;
- Illinois River, Liverpool, Illinois;
- Wabash River, Cowling, Illinois;
- Rock River, Rockford and Joslin, Illinois;
- St. Joseph River, Auburn, Indiana;
- Lake Michigan, Whiting, Indiana;
- Wabash River, Terre Haute, Indiana;
- Fox River, Twin Locks, Wisconsin;

- Superior Bay, Duluth, Minnesota;
- St. Louis River, Cloquet, Minnesota;
- Embarrass River, Aurora, Minnesota;
- Fields Brook/Ashtabula River, Ashtabula, Ohio;
- Lake Erie, Ashtabula, Ohio
- Ohio River, Cincinnati, Ohio
- Paint Creek, Greenville, Ohio
- Amuay Bay, Amuay, Venezuela;

## **PROJECT TEAM**

**AquAeTer** will assign Mike Corn, P.E. (TN), BCEE as Technical Director. Mr. Corn worked with Smith Seckman Reid on the original Wasteload Allocation Study for the West Fork Stones River in the early 1980's. He recently directed the field work on the East Fork Stones River. Mr. Corn has been involved in TMDL and assimilative capacity studies, as well as the subsequent dispersion modeling and permit negotiations, for over 40 years. Mr. Corn has been involved in multiple diffuser design/installation projects, including Alaska, Louisiana, Illinois, and other states. Mr. Corn recently directed the work designing the diffuser that is to be installed at the Ferro facility. He has studied over 200 stream, river, lake, estuary, and open ocean systems both in the U.S. and abroad. He has assisted the USEPA, Athens, in the calibration of the dynamic (WASP) wasteload allocation model on the Alabama River near Montgomery, Alabama. He has completed numerous water quality projects in USEPA, Region 4, including projects in Tennessee, Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, and South Carolina.

John Michael Corn, P.E. (TN) will serve as the Project Manager. Mr. Corn has been the project manager for the all of the recent work completed for the MWSD. Mr. Corn has more than 15 years' experience in conducting water quality surveys.

Other **AquAeTer** staff members who will likely assist on the project include Nick Carmean, Richard Rogers, Jerrod Manning, and Rachel Stribling. Other staff may be employed as needed to complete the project.

## STANDARD CONTRACTURAL TERMS

This project will be conducted pursuant to AquAeTer's contractual terms provided in the Standard Contractual Terms section of this proposal. AquAeTer will use good engineering and scientific practices consistent with the profession and regulatory requirements. Payment will be due 30 days after receipt of invoice. Acceptance of this proposal, standard contractual terms, and attachments can be accomplished by signing and returning one copy (along with an accompanying purchase order) to the following address:

AquAeTer, Inc.  
215 Jamestown Park, Suite 100  
Brentwood, TN 37027

This proposal will remain valid if accepted within 30 days from September 9, 2016.

## CONCLUDING REMARKS

If you have questions or comments pertaining to this proposal, please contact us by telephone at (615) 373-8532, by FAX at (615) 373-8512, or by e-mail at [jmcom@aquater.com](mailto:jmcom@aquater.com) or [mcom@aquater.com](mailto:mcom@aquater.com). We appreciate the opportunity to assist you on this project.

Sincerely,

**AquAeTer, Inc.**



John Michael Corn, P.E. (TN)  
Project Manager



Michael R. Corn, P.E. (TN), BCEE  
President

**TABLE 1. COST ESTIMATE**

CATEGORY	TASK 1 HEALTH & SAFETY PLAN		TASK 2 FIELD WORK		TASK 3 MEETINGS		TASK 4 SUMMARY REPORT		TOTAL HOURS	HOURLY RATE	TOTAL COST
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost			
<b>LABOR</b>											
<b>Technical Director</b>											
Mike Corn, P.E. (TN)	0	\$0	0	\$0	8	\$1,800	8	\$1,800	16	225	\$3,600
<b>Project Manager</b>											
John Michael Corn	1	\$135	6.5	\$878	8	\$1,080	16	\$2,160	32	135	\$4,253
<b>Project Engineer/Scientist</b>											
Nick Carmean	3	\$252	45	\$3,780	8	\$672	24	\$2,016	80	84	\$6,720
Jerrold Manning	0	\$0	45	\$3,330	0	\$0	0	\$0	45	74	\$3,330
Richard Rogers	1.5	\$126	0	\$0	0	\$0	8	\$672	10	84	\$798
<b>Clerical/Administrative Services</b>	1	\$68	0	\$0			2	\$136	3	68	\$204
<b>Subtotal Labor</b>		<b>\$581</b>		<b>\$7,988</b>				<b>\$6,784</b>			<b>\$18,905</b>
<b>EXPENSES</b>											
Supplies				\$635							\$635
Shipping				\$100							\$100
Miscellaneous Field Equipment				\$600							\$600
<b>Analytical Laboratory</b>											
<i>E.coli</i>				\$693							\$693
hubac and abac assays				\$2,376							\$2,376
<b>Subtotal Expenses</b>		<b>\$0</b>		<b>\$1,335</b>				<b>\$0</b>			<b>\$1,335</b>
<b>ESTIMATED TASK TOTAL</b>		<b>\$583</b>		<b>\$9,351</b>				<b>\$6,804</b>			<b>\$20,300</b>

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Engineering Work Order 09-47-001.2**  
**Amendment No. 4**

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: May 2, 2014
- b. Owner: Murfreesboro Water and Sewer Department
- c. Engineer: Smith Seckman Reid, Inc
- d. Project: West Fork NPDES Application

2. *Description of Modifications:*

- a. The Tennessee Department of Environment and Conservation has proposed to list a Section of the West Fork Stones River and a section of Sinking Creek on its list of impaired waterways for E.Coli contamination that TDEC contends has been caused by collection system failure. This amendment is for AquAeTer to sample for E.Coli in both waterways, and to determine through genetic markers whether the organisms are from human or other animal contribution to contend this listing.

3. Agreement Summary (Reference only)

- |                                     |                      |
|-------------------------------------|----------------------|
| a. Original Agreement amount:       | \$ <u>207,000.00</u> |
| b. Net change for prior amendments: | \$ <u>125,181.00</u> |
| c. This amendment amount:           | \$ <u>20,300.00</u>  |
| d. Adjusted Agreement amount:       | \$ <u>352,481.00</u> |

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is \_\_\_\_\_.

OWNER:

ENGINEER:

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

Title: \_\_\_\_\_

Date  
Signed: \_\_\_\_\_

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

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**ASPHALT PURCHASES  
2016**

DATE	PRODUCT PURCHASED	HAWKINS	HOOVER	LOJAC	OTHER	PURCHASED FROM	QTY	AMT PAID	APPROVED BY:	NOTES
4/14/2016	Cold Mix			\$73.00		Lojac	40.22	\$2,789.26	Taylor	Single source
4/27/2016	Fine BM	\$52.04				Hawkins	43.89	\$2,284.04	Taylor	Single source
5/3/2016	Fine BM	\$50.93	N/A	\$52.25		Hawkins	89.85	\$4,576.06	Taylor	
5/4/2016	BM	N/A		\$52.25		Lojac	86.12	\$4,499.77	Taylor	Hawkins closed
5/11/2016	Binder	\$50.62	N/A	\$46.25		Lojac	99.55	\$4,145.05	Taylor	Not running state mix
5/11/2016	Topping	\$54.18	N/A	\$53.00		Lojac			Taylor	Quote good for 1 month Not running state mix
5/13/2016	BM Binder	N/A	\$50.79	N/A		Hoover	19.98	\$1,014.78	Taylor	Single source
5/18/2016	Binder			\$46.25		Lojac			Taylor	Quote Only May - Low bid Lojac
6/6/2016	BM Binder	\$50.50	\$51.00	\$55.78		Hawkins	63.80	\$3,221.90	Taylor	Hawkins Low bid for June
6/9/2016	BM	\$50.50				Hawkins	305.44	\$15,424.72	Taylor	Hawkins low bid for June
6/21/2016	Fine BM	\$50.50				Hawkins	15.88	\$801.94	Taylor	
6/22/2016	Fine BM	\$50.50				Hawkins	12.07	\$609.54	Taylor	
7/6/2016	Binder	\$50.80	\$51.43	\$54.18		Hawkins			Taylor	Quote Only July - Low bid Hawkins
7/6/2016	Topping	\$58.60	\$59.03	\$62.19		Hawkins			Taylor	Quote Only July - Low bid Hawkins
7/8/2016	Topping	\$58.60				Hawkins	81.88	\$4,798.17	Taylor	
8/23/2016	Topping	\$58.60				Hawkins	10.01	\$549.75	Taylor	
8/23/2016	Binder	\$51.00	\$51.28	\$54.00		Hawkins				Quote Only Aug - Low bid Hawkins
9/14/2016	Binder	\$51.00	\$51.28	\$52.24		Hawkins				Quote Only Sept - Low bid Hawkins

*Police Department*  
KARL DURR  
Chief of Police  
(615) 849-2673  
kdurr@murfreesborotn.gov



**October 7, 2016**

Honorable Mayor and Members of City Council:

**CONSENT AGENDA**

**RE: A.: Request to Purchase Two (2) Police Motorcycles**  
**B.: Request to Purchase Speed Awareness Devices**

**ITEM A: Request to Purchase Two (2) Police Motorcycles**

As an item for the consent agenda at the next scheduled Council meeting, it is the recommendation of the Chief of Police that City Council approve the purchase of two (2) Police motorcycles for the Police Department as outlined below in the Recommendation section.

**Background**

*Purpose:*

To purchase two (2) Police motorcycles and equipment for the Police Department with 2016-2017 Police Department budget funds generated by the Safe Street Enforcement initiative revenue (Red Light Enforcement System).

*Scope of Work:*

The Motorcycles and all optional equipment purchased is determined by the functionality of specific pieces of equipment as needed to fully outfit the Police motorcycle.

*Selection Process:*

The fully equipped Victory Police motorcycles (to include all optional equipment) will be purchased from the low bidder (Victory Police Motorcycles) as approved by Council on October 16, 2014 for Police Motorcycles 2014. The Victory Police Motorcycles have a five (5) year unlimited mile warranty. The average miles per year for our Police Motorcycles is approximately 10,000 miles.

**Fiscal Impact**

If approved, the cost of the fully equipped motorcycles (**\$62,766.00 = \$31,383.00 x 2**) will be purchased out of the 2016-2017 Police Department budget, ORG 10210009, OBJ 594100 (Transportation Equipment) with funds that were generated by the Safe Street Enforcement initiative revenue (Red Light Enforcement System). The motorcycles and all optional equipment to be purchased is shown below:

<b>Motorcycle and Optional Equipment</b>					
	<b>Item</b>	<b>Low Bidder</b>	<b>Qty.</b>	<b>Cost Each</b>	<b>Total Cost</b>
1.	2017 Victory Commander I Motorcycle	Victory	2	\$26,127.30	\$52,254.60
2.	Two-Tone Paint (White & Blue)	Victory	2	\$1,062.50	\$2,125.00
3.	Optional Equipment	Victory	2	\$4,193.20	\$8,386.40
			<b>Total</b>		<b>\$62,766.00</b>

The Total Cost of the Police Motorcycles at **\$62,766.00** is **\$1,234.00 under** the budgeted amount of **\$64,000.00**.

**Recommendation**

It is recommended that City Council approve the purchase of two (2) Police motorcycles and optional equipment for the Police Department, as outlined above, out of the 2016-2017 Police Department Budget, ORG 10210009, OBJ 594100 (Transportation Equipment) with funds that were generated by the Safe Street Enforcement initiative revenue (Red Light Enforcement System).

**Attachment**

1. Motorcycle 2014 3<sup>rd</sup> Period Pricing
2. Cost Breakdown for Motorcycle and Equipment

**ITEM B: Request to Purchase Speed Awareness Devices**

As an item for the consent agenda at the next scheduled Council meeting, it is the recommendation of the Chief of Police that City Council approve the purchase of Speed Awareness Devices for the Police Department at a total cost of **\$22,744.40** as outlined below in the Recommendation section.

**Background**

*Purpose:*

To purchase Speed Awareness Devices with 2016-2017 Police Department budget funds generated by the Safe Street Enforcement initiative revenue (Red Light Enforcement System).

*Scope of Work:*

The Speed Awareness Devices consists of two (2) Stalker Speed Awareness Monitor (SAM) Systems (speed trailers) and two (2) 2-Digit Pole Mounted Message Displays with Bluetooth. These systems will be purchased from the low bidder (Applied Concepts, Inc.) as approved by Council on August 7, 2014 for Police Traffic Radar Systems 2014.

*Selection Process:*

The different speed awareness trailers available were researched by the Uniformed Division Commander in 2013, prior to purchasing a replacement Speed Awareness Trailer and the Stalker Speed Awareness Monitor (SAM) System was chosen to fit our needs.

The pole mounted message display system was chosen to be installed at strategic locations within the City where speeding is a major problem and concern. These systems are mounted to utility poles next to the street to capture speed data and display this data to the oncoming vehicle. One of the many uses of this type of technology is where the speed limit is reduced due to entering a residential area.

**Fiscal Impact**

If approved, the total cost (**\$22,744.40**) of the Speed Awareness Devices to include the Stalker Speed Awareness Monitor (SAM) Systems (**\$7,492.20 x 2 = \$14,984.40**) and the pole mounted message display systems (**\$3,795.00 x 2 = \$7,760.00**) for the Police Department will be funded from the 2016-2017 Police Department Budget funds that were generated by the Safe Street Enforcement initiative revenue (Red Light Enforcement System).

**Recommendation**

It is recommended that City Council approve the purchase of the Stalker Speed Awareness Monitor (SAM) Systems and the 2-Digit Pole Mounted Message Displays with Bluetooth for the Police Department with 2016-2017 Police Department Budget, ORG 10210009, OBJ 594900 (Other Machinery and Equipment) with funds that were generated by the Safe Street Enforcement initiative revenue (Red Light Enforcement System).

**Attachments**

1. Police Traffic Radar Systems 2014 – Period Pricing
2. Stalker Speed Awareness Monitor (SAM) Pricing
3. 2-Digit Pole Mounted Message Displays with Bluetooth Pricing

  
James K. Durr  
Chief of Police

C: Deputy Chief Mike Bowen  
Assistant Chief Eric Cook

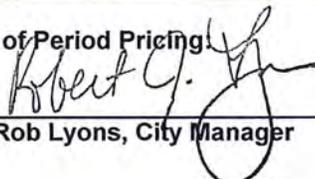
**MURFREESBORO POLICE DEPARTMENT**  
**POLICE MOTORCYCLES 2014**  
**PERIOD CONTRACT PRICING**

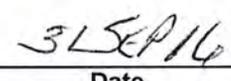
Bid Opening Date: 6-Oct-2014

Council: 16-Oct-2014

Item #	Description	Qty.	Oct. 10, 2014 - Aug. 31, 2015		Sept. 1, 2015 - Aug 31, 2016		Sept. 1, 2016 - Aug 31, 2017		Sept. 1, 2017 - Aug 31, 2018		Sept. 1, 2018 - Aug 31, 2019	
			Cost Each	Extended Cost	Cost Each	Extended Cost	Cost Each	Extended Cost	Cost Each	Extended Cost	Cost Each	Extended Cost
<b>SECTION A</b>												
			Bumpus Harley-Davidson of Murfreesboro		Bumpus Harley-Davidson of Murfreesboro		Bumpus Harley-Davidson of Murfreesboro		Bumpus Harley-Davidson of Murfreesboro		Bumpus Harley-Davidson of Murfreesboro	
1	Harley-Davidson Police Motorcycle	1	\$16,201.00	\$16,201.00	\$16,201.00	\$16,201.00	<b>\$16,282.00</b>	<b>\$16,282.00</b>		\$0.00		\$0.00
	Total Price - Attachment Section A			\$12,747.94		\$12,747.94		\$12,747.94				
	Total Bid Price - Section A			\$28,948.94		\$28,948.94		\$29,029.94		\$0.00		\$0.00
	Bidder agrees to the Terms set forth in Section C			YES		YES		YES				
<b>SECTION B</b>												
			Victory Police Motorcycles		Victory Police Motorcycles		Victory Police Motorcycles		Victory Police Motorcycles		Victory Police Motorcycles	
1	Victory Police Motorcycle	1	\$25,831.00	\$25,831.00	\$25,831.00	\$25,831.00	<b>\$26,127.30</b>	<b>\$26,127.30</b>		\$0.00		\$0.00
	Total Price - Attachment Section B			\$12,911.50		\$12,911.50		\$12,911.50				
	Total Bid Price - Section B			\$38,742.50		\$38,742.50		\$39,038.80		\$0.00		\$0.00
	Bidder agrees to the Terms set forth in Section C			YES		YES		YES				
Note:	Current Contract Pricing is noted in BOLD and YELLOW Highlight. The ITB stated bids would be awarded based on the Total Bid Price of each Section. All of the Attachment Items will be purchased (if any) from the Vendor to be awarded the Contract based upon the Total Bid Price of each Section.											

Approval of Period Pricing

  
 Rob Lyons, City Manager

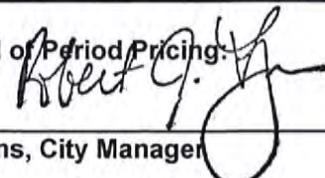
  
 Date

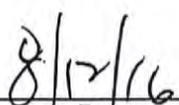


**POLICE TRAFFIC RADAR SYSTEMS 2014**  
**SUMMARY OF BIDS RECEIVED**  
**JULY 21, 2014**

3rd Period: 1-Jul-2016 to 30-Jun-2017

Section	Qty.	Description	Total Bid Cost	Total Bid Cost	Total Bid Cost
<b>Applied Concepts, Inc.</b>					
A	1	Stalker DSR 2-Antenna Radar System	\$3,495.00		
	<b>Total Bid Price - Section A</b>		<b>\$2,295.00</b>		
	% off MSRP		<b>34.30%</b>		
<b>Kustom Signals, Inc.</b>					
B	1	Falcon HR Directional Radar System		\$673.00	
	1	Option: Moving		\$507.00	
	1	Option: Moving Same Lane		\$738.00	
	1	Option: Battery Handle		\$151.96	
	1	Option: Quick Charger		\$203.42	
	1	Option: Pod Module		\$139.90	
	1	Option: Pod Module with Wired Remote		\$227.54	
	1	Option: Carry Case		\$119.18	
	1	Option: Data Logger with Printer		\$866.66	
	<b>Total Bid Price - Section B</b>			<b>\$3,626.66</b>	
% off MSRP			<b>Variable</b>		
<b>MPH Industries, Inc.</b>					
C	1	Speedgun Pro Stationary Hand Held Radar System			No Bid
	1	Speedgun Pro Battery Powered Stationary Hand Held Radar System			No Bid
	1	Speedgun Pro Radar System			No Bid
	1	Option: Additional Rear Antenna with Cable & Bracket			No Bid
	1	Option: Additional Pistol Grip Rechargeable Handle			No Bid
	1	Option: Additional Corded Pistol Grip Handle			No Bid
	1	Option: Additional / Replacement Dash Bracket with Built-in Power / Vehicle Interface Box			No Bid
	1	Option: Replacement Wireless Remote			No Bid
	<b>Total Bid Price - Section C</b>				<b>No Bid</b>
% off MSRP				<b>No Bid</b>	

Approval of Period Pricing:   
 \_\_\_\_\_  
 Rob Lyons, City Manager

  
 \_\_\_\_\_  
 Date



applied concepts, inc.

QUOTE # 2003346

2609 Technology Dr.
Plano, TX 75074
Phone: 972-398-3780
Fax: 972-398-3781

National Toll Free: 1-800- STALKER

Page 1 of 1

Date: 09/14/16

Inside Sales Partner: Donna Russell
972-801-4803

Reg Sales Mgr: Debbie Aull
214-551-5538

Effective From : 08/23/2016

Valid Through: 11/21/2016

Lead Time: 32 working days

Table with Bill To, Customer ID, Ship To, and address information for Murfreesboro Police Department.

Table with columns: Grp, Qty, Package, Description, Wrnty/Mo, Price, Ext Price. Row 1: 1, 2, 821-1000-00, Stalker SAM Trailer, 24, \$5,995.00, \$11,990.00

Table with columns: Ln, Qty, Part Number, Description, Price, Ext Price. Lists 12 items including SAM Trailer with Top Display, Traffic Statistics Sensor, Solar Power Panel, Trailer Wheel Lock, etc.

Summary row: Group Total \$14,234.40

Summary table with Product (\$14,234.40), Discount (\$0.00), Sub-Total (\$14,234.40), Sales Tax 0% (\$0.00), Shipping & Handling (\$750.00), Total (\$14,984.40). Includes Payment Terms: Net 30 days.

NOTE: Needs dock or forklift for unloading

#### Applied Concepts, Inc. (d/b/a Stalker Radar) Product Terms and Conditions

- (1) Purpose. The terms set forth herein govern the sale and delivery of the Stalker Radar and other products (collectively "**Products**") sold by Applied Concepts, Inc. (d/b/a Stalker Radar "**we**," "**us**," "**our**," etc.) and purchased by the purchaser ("**you**," "**your**," etc.).
- (2) Price and Product Changes; Errors. Prices of Products are subject to change without notice, and all references in sales brochures, technical data sheets and offers on our website or otherwise as to size, weight, and other details of the Products are approximate only. No such term shall be binding on us unless expressly incorporated in a purchase order which is approved and accepted by us in accordance with these terms. In the event that a Product is mistakenly listed at an incorrect price or with other incorrect information, we reserve the right to refuse or cancel any orders placed for a Product listed at the incorrect price or based on incorrect product information. In addition, we are not responsible for any inability to fulfill orders due to reasons beyond our control. We reserve the right to refuse or cancel any such orders whether the order has been confirmed and you have paid for the Product. If you have already paid for the Product and your order is cancelled, we will issue a refund in the amount paid.
- (3) Cancellation. Cancellation of an order for standard Products will be accepted without penalty, prior to shipment. Cancellation of an order for non-standard or customized Products will not be accepted once item is in production or shipped.
- (4) Delivery. Unless separate arrangements have been agreed upon in writing with you to the contrary, the terms of delivery are F.O.B. our loading dock. We will use commercially reasonable efforts to make your purchased Products available for pick-up and delivery by you within a reasonable time after acceptance of an order from you, or, if you so specify, to place the purchased Products with a common carrier at your expense for delivery to you. You bear the risk of loss or destruction of the purchased Products upon and after the first to occur of (a) pick-up or acceptance of the Products by you or your common carrier at our place of business, or (ii) five (5) days after confirmation from us that the Products are ready for pick-up at our place of business. If we are required to store the Products due to any delay caused by you, you will reimburse us for reasonable storage charges. We reserve the right to make the Products available for pick-up and delivery in installments provided that such installment shall not be less than one Product unit, unless otherwise expressly confirmed in a written communication to the contrary by us. Delay in delivery of any installment shall not relieve you of your obligation to accept remaining deliveries.
- (5) Returns. We must authorize all returns and a Return Material Authorization (RMA), prior to shipping. All returns must be made within thirty (30) days after delivery as specified in Section (4). Returns will be shipped at your expense. An RMA number can be obtained by e-mailing Customer Service: [csd@ac-concepts.com](mailto:csd@ac-concepts.com). We will not be responsible for, nor guarantee credit or replacement on, any product returned to us without an RMA. Under no circumstances will we accept collect shipments. Products returned must be received by us in re-salable condition. Product that cannot go back to stock as received will not be accepted. Please securely pack the Product and write the RMA number on the outside of the shipping box, not the product box. All returns are subject to a restocking charge of 15% of net price. A minimum repacking fee of 35% of current net price will be charged for all returned product requiring repackaging. Specific items may require additional charges.
- (6) Payment. You will pay the purchase price and applicable taxes and duties for Products without setoff, deduction, or withholding net 30. You hereby grant us a purchase money security interest in and to the Products until the purchase price and other applicable charges are paid in full. You consent to filing of a UCC-1 or other applicable document that we deem necessary to perfect this security interest and appoint our designee as your attorney-in-fact to execute and file such UCC-1 or other document in our sole discretion.
- (7) Proprietary Information. We have and claim various proprietary rights in the Products. You will not directly or indirectly cause any proprietary rights to be violated or any proprietary information to be disclosed to any third party without our prior written consent.
- (8) Warranty. We warrant Products to be free of defects and (a) that Products will perform materially in accordance with the user guides, quick reference guides, and other technical and operations manuals and specifications for Products

provided by us. At our election, we will repair or replace at our cost all Product hardware components that fail due to defective materials or workmanship during the warranty period specified in your owner's manual or a longer period specified in your quote or invoice. You must return failed Product to the factory or an authorized service center, freight prepaid. Return shipping on any components that fail within 6 months from shipment date, will be paid for by us through a shipping label we provide to you. We will pay standard UPS ground on all return shipping. This warranty excludes normal wear-and-tear such as frayed cords, broken connectors, scratched or broken cases, or physical abuse. The foregoing warranty is exclusive, in lieu of all other warranties, of quality, fitness, or merchantability, whether written, oral, or implied. We will not be liable for any direct, indirect, consequential or incidental damages arising out of the use or inability to use Product even if you have advised us of the possibility of such damages. As a further limit on warranty, and as an expressed warning, you should be aware that harmful personal contact may be made with a Product in the event of violent maneuvers, collisions, or other circumstances, even though said Product is installed and used according to instructions. We specifically disclaim any liability for injury caused by a Product in all such circumstances. ***Any attempt to repair a Product on your own will void this warranty.***

- (9) Limitations of Liability. WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, OUR AND OUR AFFILIATES' AND LICENSORS' AGGREGATE LIABILITY UNDER THIS AGREEMENT WILL BE LIMITED TO THE GREATER OF \$100,000 OR THE AMOUNT YOU ACTUALLY PAID US UNDER THIS AGREEMENT FOR PRODUCTS DURING THE 12 MONTHS PRECEDING THE CLAIM.
- (10) Miscellaneous
  - a) Force Majeure. We and our partners will not be liable for any delay or failure to perform any obligation under this Agreement where the delay or failure results from any cause beyond our reasonable control, including acts of God, labor disputes or other industrial disturbances, systemic electrical, telecommunications, or other utility failures, earthquake, storms or other elements of nature, blockages, embargoes, riots, acts or orders of government, acts of terrorism, or war.
  - b) Assignment. You may not assign or otherwise transfer Products or any of your rights and obligations specified herein without our prior written approval. Subject to the foregoing, these terms and conditions will be binding upon, and inure to the benefit of us, you and our and your respective successors and permitted assigns.
  - c) Jurisdiction. Your purchase of Product and these terms and conditions shall be governed by, construed, and enforced in accordance with the laws of the State of Texas without regard to its conflicts of laws provisions. Any controversy or claim arising out of or relating to this agreement, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. Such Arbitration shall take place only in Collin or Dallas Counties, State of Texas. There is no recourse beyond the Binding Arbitration mentioned herein and that no civil litigation or action will be brought by either party as a direct result of your purchase or use of Product or these terms and conditions. The non-prevailing party (as exclusively determined by the arbitrator) shall pay all of the prevailing party's arbitration fees, attorneys' fees, costs (including costs of investigation), expert witness fees, and all other related expenses of every kind and nature whatsoever. Notwithstanding the foregoing, we may seek any equitable or injunctive relief in a court having proper jurisdiction to protect our rights under these terms and conditions or to protect any of our proprietary interest or goodwill.
  - d) Severability. In the event that any provision of these terms and conditions is held by a court of competent jurisdiction to be unenforceable because it is invalid or in conflict with any law or any relevant jurisdiction, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if these terms and conditions did not contain the particular provisions held to be unenforceable.



applied concepts, inc.

**QUOTE**  
# 2003859

2609 Technology Dr.  
Plano, TX 75074  
Phone: 972-398-3780  
Fax: 972-398-3781

National Toll Free: 1-800- STALKER

Page 1 of 1

Date: 09/15/16

Inside Sales Partner: Donna Russell  
972-801-4803

Reg Sales Mgr: Debbie Aull  
214-551-5538

Effective From : 09/15/2016

Valid Through: 12/14/2016

Lead Time: 45 working days

<b>Bill To:</b> City of Murfreesboro PO Box 1139 Murfreesboro, TN 37133-1139	<b>Customer ID:</b> 371301  Finance Dept	<b>Ship To:</b> Murfreesboro Police Department 302 S Church St Murfreesboro, TN 37130-3732	<i>UPS Ground</i>  Lieutenant Sanders Watson
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Grp	Qty	Package	Description	Wrnty/Mo	Price	Ext Price
1	2	829-0006-00	2 Digit Pole Mount Message Display w/Bluetooth & S	12	\$3,795.00	\$7,590.00
	<b>Ln</b>	<b>Qty</b>	<b>Part Number</b>	<b>Description</b>	<b>Price</b>	<b>Ext Price</b>
	1	2	200-0937-30	Pole Mount Display, 2-Digit w/Bluetooth & Stats		\$0.00
	2	2	200-0968-00	Pole Mount Message Display		\$0.00
	3	2	200-0970-03	PMD/PMMD Rugged Mount Kit		\$0.00
	4	2	011-0156-00	Pole Mount Message Display User Manual		\$0.00
	5	2	200-0773-00	40 MPH K-Band Tuning Fork		\$0.00
	6	2	060-1000-12	12-Month Warranty		\$0.00
<b>Group Total</b>						<b>\$7,590.00</b>

Product	\$7,590.00	Sub-Total:	\$7,590.00
Discount	\$0.00	Sales Tax 0%	\$0.00
Payment Terms: Net 30 days		Shipping & Handling:	\$170.00
		<b>Total:</b>	<b>\$7,760.00</b>

### Applied Concepts, Inc. (d/b/a Stalker Radar) Product Terms and Conditions

- (1) Purpose. The terms set forth herein govern the sale and delivery of the Stalker Radar and other products (collectively "**Products**") sold by Applied Concepts, Inc. (d/b/a Stalker Radar "**we**," "**us**," "**our**," etc.) and purchased by the purchaser ("**you**," "**your**," etc.).
- (2) Price and Product Changes; Errors. Prices of Products are subject to change without notice, and all references in sales brochures, technical data sheets and offers on our website or otherwise as to size, weight, and other details of the Products are approximate only. No such term shall be binding on us unless expressly incorporated in a purchase order which is approved and accepted by us in accordance with these terms. In the event that a Product is mistakenly listed at an incorrect price or with other incorrect information, we reserve the right to refuse or cancel any orders placed for a Product listed at the incorrect price or based on incorrect product information. In addition, we are not responsible for any inability to fulfill orders due to reasons beyond our control. We reserve the right to refuse or cancel any such orders whether the order has been confirmed and you have paid for the Product. If you have already paid for the Product and your order is cancelled, we will issue a refund in the amount paid.
- (3) Cancellation. Cancellation of an order for standard Products will be accepted without penalty, prior to shipment. Cancellation of an order for non-standard or customized Products will not be accepted once item is in production or shipped.
- (4) Delivery. Unless separate arrangements have been agreed upon in writing with you to the contrary, the terms of delivery are F.O.B. our loading dock. We will use commercially reasonable efforts to make your purchased Products available for pick-up and delivery by you within a reasonable time after acceptance of an order from you, or, if you so specify, to place the purchased Products with a common carrier at your expense for delivery to you. You bear the risk of loss or destruction of the purchased Products upon and after the first to occur of (a) pick-up or acceptance of the Products by you or your common carrier at our place of business, or (ii) five (5) days after confirmation from us that the Products are ready for pick-up at our place of business. If we are required to store the Products due to any delay caused by you, you will reimburse us for reasonable storage charges. We reserve the right to make the Products available for pick-up and delivery in installments provided that such installment shall not be less than one Product unit, unless otherwise expressly confirmed in a written communication to the contrary by us. Delay in delivery of any installment shall not relieve you of your obligation to accept remaining deliveries.
- (5) Returns. We must authorize all returns and a Return Material Authorization (RMA), prior to shipping. All returns must be made within thirty (30) days after delivery as specified in Section (4). Returns will be shipped at your expense. An RMA number can be obtained by e-mailing Customer Service: [csd@appliedconcepts.com](mailto:csd@appliedconcepts.com). We will not be responsible for, nor guarantee credit or replacement on, any product returned to us without an RMA. Under no circumstances will we accept collect shipments. Products returned must be received by us in re-salable condition. Product that cannot go back to stock as received will not be accepted. Please securely pack the Product and write the RMA number on the outside of the shipping box, not the product box. All returns are subject to a restocking charge of 15% of net price. A minimum repacking fee of 35% of current net price will be charged for all returned product requiring repackaging. Specific items may require additional charges.
- (6) Payment. You will pay the purchase price and applicable taxes and duties for Products without setoff, deduction, or withholding net 30. You hereby grant us a purchase money security interest in and to the Products until the purchase price and other applicable charges are paid in full. You consent to filing of a UCC-1 or other applicable document that we deem necessary to perfect this security interest and appoint our designee as your attorney-in-fact to execute and file such UCC-1 or other document in our sole discretion.
- (7) Proprietary Information. We have and claim various proprietary rights in the Products. You will not directly or indirectly cause any proprietary rights to be violated or any proprietary information to be disclosed to any third party without our prior written consent.
- (8) Warranty. We warrant Products to be free of defects and (a) that Products will perform materially in accordance with the user guides, quick reference guides, and other technical and operations manuals and specifications for Products provided by us. At our election, we will repair or replace at our cost all Product hardware components that fail due to defective materials or workmanship during the warranty period specified in your owner's manual or a longer period specified in your quote or invoice. You must return failed Product to the factory or an authorized service center, freight prepaid. Return shipping on any components that fail within 6 months from shipment date, will be paid for by us through a shipping label we provide to you. We will pay standard UPS ground on all return shipping. This warranty excludes normal wear-and-tear such as frayed cords, broken connectors, scratched or broken cases, or physical abuse. The foregoing warranty is exclusive, in lieu of all other warranties, of quality, fitness, or merchantability, whether written, oral, or implied. We will not be liable for any direct, indirect, consequential or incidental damages arising out of the use or inability to use Product even if you have advised us of the possibility of such damages. As a further limit on warranty, and as an expressed warning, you should be aware that harmful personal contact may be made with a Product in the event of violent maneuvers, collisions, or other circumstances, even though said Product is installed and used according to instructions. We specifically disclaim any liability for injury caused by a Product in all such circumstances. ***Any attempt to repair a Product on your own will void this warranty.***
- (9) Limitations of Liability. WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, OUR AND OUR AFFILIATES' AND LICENSORS' AGGREGATE LIABILITY UNDER THIS AGREEMENT WILL BE LIMITED TO THE GREATER OF \$100,000 OR THE AMOUNT YOU ACTUALLY PAID US UNDER THIS AGREEMENT FOR PRODUCTS DURING THE 12 MONTHS PRECEDING THE CLAIM.
- (10) Miscellaneous
  - a) Force Majeure. We and our partners will not be liable for any delay or failure to perform any obligation under this Agreement where the delay or failure results from any cause beyond our reasonable control, including acts of God, labor disputes or other industrial disturbances, systemic electrical, telecommunications, or other utility failures, earthquake, storms or other elements of nature, blockages, embargoes, riots, acts or orders of government, acts of terrorism, or war.
  - b) Assignment. You may not assign or otherwise transfer Products or any of your rights and obligations specified herein without our prior written approval. Subject to the foregoing, these terms and conditions will be binding upon, and inure to the benefit of us, you and our and your respective successors and permitted assigns.
  - c) Jurisdiction. Your purchase of Product and these terms and conditions shall be governed by, construed, and enforced in accordance with the laws of the State of Texas without regard to its conflicts of laws provisions. Any controversy or claim arising out of or relating to this agreement, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. Such Arbitration shall take place only in Collin or Dallas Counties, State of Texas. There is no recourse beyond the Binding Arbitration mentioned herein and that no civil litigation or action will be brought by either party as a direct result of your purchase or use of Product or these terms and conditions. The non-prevailing party (as exclusively determined by the arbitrator) shall pay all of the prevailing party's arbitration fees, attorneys' fees, costs (including costs of investigation), expert witness fees, and all other related expenses of every kind and nature whatsoever. Notwithstanding the foregoing, we may seek any equitable or injunctive relief in a court having proper jurisdiction to protect our rights under these terms and conditions or to protect any of our proprietary interest or goodwill.
  - d) Severability. In the event that any provision of these terms and conditions is held by a court of competent jurisdiction to be unenforceable because it is invalid or in conflict with any law or any relevant jurisdiction, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if these terms and conditions did not contain the particular provisions held to be unenforceable.



## *Consent Agenda*

October 13, 2016

Honorable Mayor McFarland and Members of City Council:

### **Communication Towers West Main Fueling Station Improvements**

Staff has one item for your consideration for the Installation of Communication Towers and two items for the West Main Fueling Station Improvements for the October 13, 2016 City Council meeting.

#### **A. Communication Towers Final Change Order**

##### **Background**

At the regular meeting of October 27, 2015, City Council approved award of a bid for construction of four communication towers. The total bid for the installation of the four tower was \$2,272,479.

During construction of the towers, a Work Change Directive for \$6,000 was approved based on a design change for additional antennas at Coleman Farm tower. An additional \$12,326 was required for undercutting of unsuitable materials for the Blackman tower site. An additional \$3,500 has been requested for the Coleman Farm site for re-mobilization due to excessive delays in receiving the final NEPA approval (Environmental Impact Statement). Based on these factors, we have attached Change Order No. 1 in the amount of \$21,826.

## **Fiscal Impact**

Change Order No. 1 will increase the total Contract Value from \$2,272,479.00 to \$2,294,305.00. Funding was authorized for construction of Communication Towers in the 2012 CIP with payment from previous TML loans.

## **Recommendation**

We recommend approval of the attached Change Order No. 1 and authorizing the Mayor to execute Change Order No. 1 on behalf of the City. Funding will be from previous TML loans.

## **Attachments**

Communication Towers Change Order No. 1 and recommendation letter

### **B. West Main Fuel Station Final Change Order**

#### **Background**

The City operates a fueling center at 620 West Main Street for fueling of City vehicles. Following failure of the canopy resulting from repeated episodes of strong winds and ice buildup, the February 2015, the canopy at the center was removed in February 2015. At the regular meeting of October 29, 2015, City council authorized award of West Main Fuel Canopy replacement to Cobb Environmental in the amount of \$458,786.

During excavation of fueling system components and lines, petroleum impacted soils were encountered. In accordance with unit pricing within the contract, excavation and handling of the petroleum impacted soils resulted in a scope and cost increase of \$3,375. Additional drainage components were installed at the canopy to reroute the drainage to subsurface systems in the fueling canopy area resulting in a cost increase of \$5515.25. As fuel inventory tracking, and leak detection systems were installed and integrated, it was determined that the leak detection system at both West Main and Florence Road should be upgraded to a more effective system with current networking and remote access capabilities. This allows Fleet Services staff to perform routine data queries remotely and allows the system to be integrated with the fuel inventory and fleet maintenance software. Total costs for removal and replacement of the upgraded TLS 450 leak detection system is \$13,854.60. During initial startup and checkout, a recurring bulk fuel delivery overfill condition developed at West Main. To resolve the overfilling condition, adjustment and changes were made to the tank fill piping. A cost of \$3,112.73 was incurred for the tank fill piping and overfill correction efforts.

Based on these factors, we have attached Change Order NO. 1 to the West Main Fuel Canopy contract with Cobb Environmental in the amount of \$25,857.58.

## **Fiscal Impact**

Change Order No. 1 will increase the total Contract Value from \$458,576 to \$484,643.58. For the original construction contract and Change Order NO. 1, funding is jointly from Risk Management Pool (48% or \$12,411.64) and previous TML loans (52% or \$13,455.94).

## **Recommendation**

We recommend approval of the attached Change Order No. 1 and authorizing the Mayor to execute Change Order No. 1 on behalf of the City. Funding will be jointly from the Risk Management Pool and 2016 TML loans.

## **Attachments**

West Main Fuel Canopy Replacement Change Order No. 1 and recommendation letter

### **C. West Main Fuel Station Soil Sampling and Professional Services Budget Amendment – Griggs and Maloney.**

## **Background**

The City operates a fueling center at 620 West Main Street for fueling of City vehicles. Following failure of the canopy resulting from repeated episodes of strong winds and ice buildup, the February 2015, the canopy at the center was removed in February 2015. At the regular meeting of October 29, 2015, City council authorized construction of Fuel Canopy and Fuel Station site improvement. A construction phase services proposal with Griggs and Maloney was also approved.

As previously noted, several scope changes and construction project impacts were encountered during construction of the West Main Fueling improvements including petroleum impacted soils, canopy drain system modifications, project coordination with Public Works Building Improvements, and changes to the leak detection and inventory management systems. For those reasons, Griggs and Maloney has submitted a proposal for additional professional services in the amount of \$12,021.62.

Petroleum impacted soils are being actively managed at the West Main Facility until petroleum levels are determined to be at acceptable levels. Griggs and Maloney envisions that up to 4 additional sampling events may be necessary to demonstrate that impacted soils no longer have limitations on management and final disposition. They have submitted a proposal for \$7,200 for professional and sampling services for that task.

Based on these factors, we have attached a proposal scope and budget amendment from Griggs and Maloney in the amount of \$19,221.62.

**Fiscal Impact**

This second budget amendment for \$19,221.62 will increase the total services contract with Griggs and Maloney to \$120,421.62. For the original services contract and this budget amendment, funding is jointly from Risk Management Pool (33.3% or \$6,407.21) and 2016 TML loans (66.7% or \$12,814.41).

**Recommendation**

We recommend approval of the attached budget and scope amendment and authorizing the Mayor to execute the budget amendment proposal on behalf of the City. Funding will be jointly from the Risk Management Pool and 2016 TML loans.

**Attachments**

West Main Fuel System scope and budget amendment proposal from Griggs and Maloney

Sincerely

Sam A. Huddleston, PE  
Assistant City Engineer

**A. Communication Towers Change Order No. 1 and recommendation letter**

July 13, 2016

Mr. Chris Griffith, City Engineer  
City of Murfreesboro  
111 W. Vine Street  
Murfreesboro, TN 37130

Re: Change Order No. 1  
Communication Tower Projects  
Coleman & Blackman Sites  
Murfreesboro, Tennessee

Dear Chris:

Enclosed is Change Order No. 1 for the total amount of \$21,826.00. It is our recommendation that it be approved to expedite construction and to meet the requirements of the drawings and specifications.

Work Change Directive No. 1 which has previously been approved has been included in this change order. We have attached a copy of Work Change Directive 1 and letters received from the contractor requesting changes in the work.

Sincerely,

HUDDLESTON-STEELE ENGINEERING, INC.



William H. Huddleston IV, P.E., R.L.S.

Enclosures



**Graves & Graves Construction Company, Inc.**

*General Contractors*

1267 West Main Street / Post Office Box 370

Parsons, TN 38363

Phone (731) 847-6391 / Fax (731) 847-6114

Mr. Jim Cason  
Huddleston-Steele Engineering, Inc.  
2115 N. W. Broad Street  
Murfreesboro TN 37129

5/27/16  
RE: Blackmon Drive undercut & replace

Mr. Cason,

We are requesting a change order for the undercut & replace for the road as follows:

Remobilize -----	2,000.00
Undercut & remove approx. 10' x 125' x 3' 150 CY @ 20.00-----	3,000.00
Supply & install surge stone approx. 225 Ton @ 32.56/Ton -----	7,326.00
Total Request -----	12,326.00

Should you have questions or need additional information please contact us.

Thank You

Jon Graves

## Jim Cason

---

**From:** Jon Graves <jongraves@gravesandgraves.com>  
**Sent:** Wednesday, July 13, 2016 9:59 AM  
**To:** Jim Cason  
**Cc:** kenthamm@gravesandgraves.com; lesliefarlow@gravesandgraves.com; 'Thomas Rosson'  
**Subject:** coleman

Jim, Graves and Graves is requesting a \$ 3500 re-mobilization fee for the Coleman site.

Thx, Jon Graves

Work Change Directive  
No. 1

Date of Issuance: January 28, 2016 Effective Date: \_\_\_\_\_

Project: Communication Tower Projects-Coleman Site

Owner: City of Murfreesboro

Contractor: Graves & Graves Construction Co., Inc. Date of Contract: November 19, 2015

Contractor is directed to proceed promptly with the following change(s):

Item No.	Description
1.	<u>Design change of Coleman Tower loading due to the addition of two antennas and the relocation of two antennas. (See attached descriptions) Total cost for redesign \$6,000.00</u>

Note: No additional cost for design change of Fire Station 4 Tower.

Attachments (list documents supporting change):

Letter – Motorola request for design change

Letter – Contractor request for additional cost associated with change

Purpose for Work Change Directive:

Authorization for Work described herein to proceed on the basis of the above Lump Sum amount.

Nonagreement on pricing of proposed change.

Necessity to expedite Work described herein.

Estimated change in Contract Price and Contract Times:

Contract Price \$6,000.00 (increase/decrease) Contract Time 0 days (increase/decrease)

[Signature] Date: 2/2/16  
Accepted by Contractor:

[Signature] Date: 2/2/16  
Approved by Design Engineer:

[Signature] Date: 2/2/16  
Authorized by Murfreesboro City Manager:



**Graves & Graves Construction Company, Inc.**

*General Contractors*

1267 West Main Street / Post Office Box 370

Parsons, TN 38363

Phone (731) 847-6391 / Fax (731) 847-6114

Mr. Jim Cason  
Huddleston-Steele Engineering, Inc.  
2115 N. W. Broad Street  
Murfreesboro TN 37129

1/25/16

RE: Coleman Tower Change Order Request 1

Mr. Cason,

We are requesting a change order for the added loading for the tower referenced above. This request is based on your e-mail on 1/18/16 from Motorola that moves 2 ea. antennas higher on the tower & adds 2 ea. antennas at the 145' level; this changes our pricing from Valmont as follows: Added initial & future loading -----6,000.00

Should you have questions or need additional information please contact us.

Thank You  
Jon Graves

**Jim Cason**

---

**From:** Jeff Frager <jeff@motorolasolutions.com>  
**Sent:** Friday, January 15, 2016 3:44 PM  
**To:** Joe Spurlin  
**Cc:** Jim Cason; Dallas L Gamble; Beth Miller  
**Subject:** Re: Communication Tower shop drawings

Jim,

I reviewed the tower diagrams and the following changes are needed.

Fire Station 4

- Add: Face A DB224-A at 80' with 7/8" line

Coleman

- Move: PAR6-59 from 155' to 235'
- Move: PAR6-59 from 145' to 165'
- Add: Face A SC479-HF1LDF at 145' with 1-1/4" line
- Add: Face B SC476-HF1LDF at 145' with 1-1/4" line

Please contact me if you have any questions or comments.

Jeff

**CHANGE ORDER NO. 1**

PROJECT: Communication Tower Projects  
Coleman and Blackman Sites  
Murfreesboro, Tennessee

CONTRACTOR: Graves & Graves Construction Co., Inc.  
1267 West Main Street.  
Parsons, TN 38363

DATE: July 11, 2016

You are hereby directed to make the following changes in this Contract:

**DESCRIPTION:**

The intent of Change Order 1 is to reflect additional costs associated with the construction of the Communication Tower at the Coleman and Blackman sites.

**WORK TO BE ADDED**

**Coleman Site**

**DESCRIPTION** – Design Change to Coleman Tower due to the addition of two antennas and the relocation of two antennas.

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Amount</u>
A-1	Work Change Directive I Redesign Loading of Coleman Tower	LS	1	<u>\$6,000.00</u>	<u>\$6,000.00</u>
A-2	Remobilize	LS	1	<u>\$3,500.00</u>	<u>\$3,500.00</u>
<b>SUBTOTAL .....</b>					<b><u>\$ 9,500.00</u></b>

**Blackman Site**

**DESCRIPTION:** Remove approximately 150 cy of unsuitable soil below roadway subgrade and backfill with surge stone.

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Qty.</u>	<u>Unit Price</u>	<u>Amount</u>
B-1	Remobilize	LS	1	<u>\$2,000.00</u>	<u>\$2,000.00</u>
B-2	Undercutting	CY	150	<u>\$20.00</u>	<u>\$3,000.00</u>
B-3	Surge Stone	TONS	225	<u>\$32.56</u>	<u>\$7,326.00</u>
<b>SUBTOTAL .....</b>					<b><u>\$12,326.00</u></b>

Change Order No. 1  
Page 2  
Communication Tower Projects  
Coleman and Blackman Sites  
Murfreesboro, TN

**TOTAL ADDED AMOUNT**.....\$21,826.00  
The Original Contract Sum was.....\$2,272,479.00  
The Contract Sum increased by this Change Order.....\$21,826.00  
The Contract Sum with this Change Order will be.....\$2,294,305.00

Contract Time: 60 Day Increase in Contract Time

**HUDDLESTON-STEELE ENGINEERING, INC.**

**GRAVES & GRAVES CONSTRUCTION CO., INC.**

**ENGINEER**

**CONTRACTOR**

BY: William H. Huddleston IV  
William H. Huddleston IV

BY: Jon Graves

DATE 7/12/16

DATE 7/11/16

**CITY ENGINEER**

**CITY OF MURFREESBORO, TENNESSEE**  
**OWNER**

BY: \_\_\_\_\_  
Chris Griffith

BY: \_\_\_\_\_  
Mayor

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**B. West Main Fuel Canopy Replacement Change Order No. 1 and recommendation letter**



P.O. Box 2968  
Murfreesboro, TN 37133-2968  
(615) 895-8221  
Fax: (615) 895-0632

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September 30, 2016

Mr. Sam Huddleston, P.E.  
Assistant City Engineer  
City of Murfreesboro  
111 W. Vine Street  
Murfreesboro, Tennessee 37130

**RE: RECOMMENDATION FOR FINAL ADJUSTING CONTRACT CHANGE ORDER  
WEST MAIN FUEL STATION IMPROVEMENTS  
GRIGGS & MALONEY PROJECT NO.: 226-132**

Dear Sam:

Please find enclosed, for your consideration and approval, the recommended Change Order Number 1 (C.O. #1) which also serves as the final cost adjusting change order, in the amount of \$25,857.58 as an amendment to the Contract with Cobb Environmental Technical Services for the project titled "Fuel Station Improvements." The total contract value will increase from \$458,786.00 to \$484,643.58. A summary of the scope of work within the change order is presented below. Additional information regarding this change order is presented within the attached C.O. #1.

- Soil contamination conditions – 30 cubic yards additional excavation (\$3,375);
- Addition of subsurface drainage provisions to the canopy (\$5,515.25);
- Upgrade of tank gauging and leak detection equipment at W. Main And Florence Road Fleet fueling stations from the TLS 350 to TLS 450 (\$13,854.60); and
- Adjustment to the tank fill piping to address bulk refilling overflow issues (\$3,112.73).

The work above will add additional calendar days to the existing contract. The contract end date with the additional days will be October 16, 2016 to allow for the installation of the tank gauging and leak detection upgrades.

Should you have any questions regarding the recommended contract changes then please feel free to contact me at 615-895-8221.

Sincerely,  
**GRIGGS & MALONEY, INC.**

A handwritten signature in black ink that reads "Ryan Maloney". The signature is written in a cursive, flowing style.

Ryan Maloney, P.E.  
Vice President

**SECTION 00941  
CHANGE ORDER**

**Change Order 1**

<b>Date of Issuance:</b> <u>September 13, 2016</u>	<b>Effective Date:</b> _____
<b>Owner:</b> <u>City of Murfreesboro, Tennessee</u>	<b>Owner's Contract No.:</b> _____
<b>Contractor:</b> <u>Cobb Environmental &amp; Technical Services</u>	<b>Contractor's Project No.:</b> _____
<b>Engineer:</b> <u>Griggs &amp; Maloney, Inc.</u>	<b>Engineer's Project No.:</b> <u>226-132</u>
<b>Project:</b> <u>W. Main Fuel Station Improvements</u>	<b>Contract Name:</b> <u>W. Main Fuel Station Improvements</u>

The Contract is modified as follows upon execution of this Change Order:

**Description:** This change order expands the scope of work and contract time and price to accommodate unforeseen soil contamination conditions (\$3,375); add subsurface drainage provisions to the canopy (\$5,515.25); owner initiated changes including upgrade of tank gauging and leak detection equipment at W. Main And Florence Road Fleet fueling stations from the TLS 350 to TLS 450 (\$13,854.60); and revision to the tank fill piping to address bulk refilling overflow issues (\$3,112.73).

**Attachments:** Change Summary including Revised Construction Drawings and Contractor's email pricing; and detailed summary of line item costs.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ <u>458,786.00</u>	Original Contract Times: Substantial Completion: <u>June 16, 2016</u> Ready for Final Payment: <u>July 16, 2016</u> days or dates
Increase from previously approved Change Orders No. ___ to No. ___: \$ <u>N/A</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>X</u> to No. <u>X</u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days
Contract Price prior to this Change Order: \$ <u>458,786.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>June 16, 2016</u> Ready for Final Payment: <u>July 16, 2016</u> days or dates
Increase of this Change Order: \$ <u>25,857.58</u>	Increase of this Change Order: Substantial Completion: <u>July 16, 2016</u> Ready for Final Payment: <u>October 16, 2016</u> days or dates
Contract Price incorporating this Change Order: \$ <u>484,643.58</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>July 16, 2016</u> Ready for Final Payment: <u>October 16, 2016</u> days or dates

RECOMMENDED: By: <u><i>Ryan Maloney</i></u> By: _____ Engineer (if required) Owner (Authorized Signature)	ACCEPTED: By: <u><i>Dee Cobb</i></u> By: _____ Contractor (Authorized Signature)
Title: <u>Vice-President</u> Title: _____	Title: <u>President</u> Title: _____
Date: <u>September 13, 2016</u> Date: _____	Date: <u>9/15/16</u> Date: _____

**END OF SECTION 00941**

**C. West Main Fuel System scope and budget amendment proposal from Griggs and Maloney**



P.O. Box 2968  
Murfreesboro, TN 37133-2968  
(615) 895-8221  
Fax: (615) 895-0632

September 30, 2016

Mr. Sam Huddleston, P.E.  
Assistant City Engineer  
City of Murfreesboro  
111 W. Vine Street  
Murfreesboro, Tennessee 37130

**RE: SOIL SAMPLING AND PROFESSIONAL SERVICES - WEST MAIN FUELING STATION IMPROVEMENTS  
BUDGET AMENDMENT- CONSTRUCTION & POST CONSTRUCTION SERVICES  
GRIGGS & MALONEY FILE NO. 226-132**

Dear Sam:

Griggs & Maloney, Inc. (G&M) respectfully requests additional budget for construction phase assistance services rendered. G&M performed additional work including soil sampling, interpretation of the sampling results and management of contaminated soils; design and coordination of the canopy drain system; sidewalk improvements in front of the new IT training facility; and general coordination between a multitude of contractors and subcontractors for the site improvements scope of work and the fuel station scope of work. The total amount of the additional scope work performed during construction is \$12,021.62.

The soil identified as contaminated from onsite excavation near the former containment sump was compared to underground storage tank regulations and found to be over regulatory limits. The soil has been managed on-site and contained within berms and plastic sheets to minimize contact with rainwater since early in construction. G&M proposes to continue to assist the City in managing the on-site soil remediation and conduct up to 4 sampling events to determine the final destination of the soil, i.e. reuse as backfill if clean; dispose of per applicable rules and regulations. G&M proposes to perform the 4 rounds of sampling for \$1,800 per event; for a total of \$7,200. A written summary report will be provided for each sampling event.

G&M proposes to perform the additional and remaining work described above for a total of \$19,221.62 under the previously agreed terms and conditions and standard billing rates. We sincerely appreciate the opportunity to further assist you with this project. If you have any questions regarding this request, please contact me at (615) 895-8221. If this amendment is acceptable to you, please sign and return it to me to authorize G&M to proceed.

Sincerely,  
**GRIGGS & MALONEY, INC.**

Ryan Maloney, P.E.  
Vice President

**ACCEPTED BY CITY OF MURFREESBORO**

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

\_\_\_\_\_  
Date

**APPROVED AS TO FORM**

Cc: Bill Griggs, P.E.

\_\_\_\_\_  
Craig Tindall, City Attorney

\_\_\_\_\_  
Date

September 22, 2016

The City Council of the City of Murfreesboro, Rutherford County, Tennessee, met in regular session at its regular meeting place in the Council Chambers at City Hall at 7:00 p.m. on Thursday, September 22, 2016, with Mayor Shane McFarland present and presiding and with the following Council Members present and in attendance, to wit:

Madelyn Scales Harris  
Rick LaLance  
Bill Shacklett  
Eddie Smotherman  
Kirt Wade  
Doug Young

The following representatives of the City were also present:

Robert J. Lyons, City Manager  
James Crumley, Assistant City Manager  
Melissa Wright, City Recorder/Finance Director  
Craig Tindall, City Attorney  
David Ives, Assistant City Attorney  
Matthew Blomeley, Principal Planner  
Chris Lilly, Information Technology Director  
Chad Gehrke, Airport Manager  
Angela Jackson, Interim Parks & Recreation Director  
Thomas Laird, Parks & Recreation Athletic Superintendent  
Georgia A. Meshotto, Administrative Assistant  
City Council/City Recorder

Council Member Eddie Smotherman commenced the meeting with a prayer followed by the Pledge of Allegiance.

The City Manager introduced the new Purchasing Director, Mr. Paul Boyer. He has had a long and distinguished career in local government as well as spent time at the Pentagon, held positions in northern Virginia and served as City Manager of Columbia and Oak Ridge, Tennessee as well as in Lake Worth, Florida.

The Consent Agenda was presented to the Council for approval:

1) Letter of recommendations from the Assistant Transportation Director: State Contract 75UROP-S3-009 for Operations Assistance (UROP) with Tennessee Department of Transportation for Provision of Transit Services for FY 2017.

2) Letter of recommendations from the City Recorder/Finance Director: State CT-0253 Form for the 2016 Series-B Refunding Bond Issue.

3) Letter of recommendations from the Solid Waste Director: Procurement of Toter 96-Gallon EVR Universal Carts, Model 76596 from Toter LLC's National Intergovernmental Purchasing Alliance Company Master Agreement No. 120576-01 awarded by City of Tucson, AZ for the Solid Waste Department.

4) Letter of recommendations from the Fire & Rescue Chief:

- A. Request for Method of Approving RFCSP for 100' Aerial Platform.
- B. Request for Method of Approving RFCSP for Call Taker Protocol & Quality Assurance Software.
- C. Request for Method of Approving RFCSP for Fire Station Alerting Systems.
- D. Approval of One-Year Extension of the Fire Suppression Contract with the York Veterans Administration.

5) Letter of recommendations from the Principal Planner: Mandatory Referral [2015-724] for abandonment of a MWSD sanitary sewer easement on Lot 3 of the Waterstone Subdivision; Matthew Taylor, applicant.

6) Letter of recommendations from the Community Development Grant Coordinator: Use of funds through the Community Development Affordable Housing Assistance Program for 1745 North Cove.

- 7) Requests to hang a banner across East Main Street:  
A. MTSU Theater: October 24-28, 2016 (Event: Peter Pan).  
B. Exchange Club of Murfreesboro: April 1-11, 2017 (Event: "Prevention of Child Abuse Month").

(Insert letters from the Assistant Transportation Director, City Recorder/Finance Director, Solid Waste Director, Fire & Rescue Chief, Principal Planner and Community Development Grant Coordinator here.)

Mayor McFarland stated he would abstain from voting on Item 5.

Mr. LaLance made a motion to approve the Consent Agenda in its entirety. Vice-Mayor Young seconded the motion and all members of the Council voted "Aye" except Mayor McFarland who voted to "Abstain" on Item 5.

Mr. LaLance made a motion to approve the minutes as written and presented for the regular meeting held on August 18, 2016; special meeting (Retreat) held on August 22, 2016; special meeting (Murfreesboro 2035 Comprehensive Plan) held on August 24, 2016; regular meeting held on August 25, 2016; special meeting (Public Comment) held on September 1, 2016; regular meeting held on September 1, 2016; and special meeting (Retreat) held on September 12, 2016. Mr. Wade seconded the motion and all members of the Council voted "Aye".

An ordinance, entitled "ORDINANCE 16-OZ-36 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 44 acres along Armstrong Valley Road from Single-Family Residential Fifteen (RS-15) District to Single-Family Residential Eight (RS-8) District; Cornerstone Development, applicant [2016-428]," which passed first reading on August 18, 2016, was read to the Council and offered for passage on second and final reading upon motion made by Mr. Shacklett, seconded by Mr. LaLance. Upon roll call said ordinance was passed on second and final reading by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Bill Shacklett  
Eddie Smotherman  
Kirt Wade  
Doug Young  
Shane McFarland

Nay: None

Said ordinance so passed on second and final reading is as follows:

(Insert ORDINANCE 16-OZ-36 here.)

Mayor McFarland announced that the next item on the agenda is to consider for approval a renewal of Certificate of Compliance for a Retail Liquor Store for Barbara Hutson

Fry and A. Curtis Hutson, Jr. at Bubba's Wine & Liquors, 2510 S. Church Street. The City Recorder/Finance Director indicated that all requirements had been met by the applicant.

Mr. LaLance made a motion to approve a Certificate of Compliance for Barbara Hutson Fry and A. Curtis Hutson, Jr. at Bubba's Wine & Liquors, 2510 S. Church Street. Vice-Mayor Young seconded the motion and all members of the Council voted "Aye".

Mayor McFarland announced that the next item on the agenda is to conduct a public hearing, pursuant to RESOLUTION 16-R-PH-39.1 adopted by the City Council on August 18, 2016, to consider a proposed amendment to rezone approximately 10.3 acres located along North Thompson Lane and Wilkinson Pike from Single-Family Residential Fifteen (RS-15) District and Light Industrial (L-I) District to Commercial Medical (CM) District and Gateway Design Overlay (GDO-2) District; Highpoint Limited, LLC, applicant [2016-434]. Notice of said public hearing was published in the September 5, 2016 edition of a local newspaper as follows:

(Insert notice here.)

Mr. Matthew Blomeley, Principal Planner, presented the applicant's request to rezone subject area, consisting of 6 parcels and a portion of a 7<sup>th</sup> parcel, located at the southwest corner of Thompson Lane and Wilkinson Pike. The property directly to the south of subject property is developed with Trustpoint Hospital which is a rehab facility for physical and medical rehab as well as behavioral health. It has been at this location since 2011. The applicant has requested a change in zoning to Commercial Medical (CM) District and Gateway Design Overlay (GDO-2) in order to expand the Trustpoint facility. A conceptual site plan and rendering were provided in the agenda information. The Planning Commission held a public hearing after which they voted unanimously to approve the request for rezoning of subject property. Mr. Bricke Murfree, law firm of Murfree and Goodman, was present to represent the applicant and gave a presentation on the proposed request for rezoning to expand Trustpoint Hospital. Dr. Jeffrey Woods, CEO of Trustpoint Hospital, gave a presentation on the demand for services in the community which has outpaced their ability to respond, and the need for this expansion to accommodate the number of inpatient and outpatient services to more fully meet the needs currently being turned away each month. Mr. Matt Taylor, SEC, detailed the specifics of the plan regarding drainage, landscape buffering, access points and Gateway Design Guidelines regarding building materials and landscaping. Mr. Murfree, Dr. Woods and Mr. Taylor have held meetings with the neighborhood and representatives from the Stones River National Battlefield. There were no questions from the Council at this time.

Mayor McFarland then declared the public hearing open and invited those present who wished to speak for or against the proposed rezoning for approximately 10.3 acres located along North Thompson Lane and Wilkinson Pike to Commercial Medical (CM) District and Gateway Design Overlay (GDO-2) District do so at this time.

Ms. Mary Martin, 2123 Harding Place, opposed this request because of drainage issues that would result from limestone rock, elevations, and the life of permeable pavers.

Ms. Barbara Hutson Fry, 2107 Wilkinson Pike, opposed this request because of drainage and security and did not feel a 6' fence, as proposed, was appropriate. She did not feel an automated system to inform residents of a potential elopement hazard would recognize if the phone was answered, the message heard or the e-mail received.

Mr. Jonathon ?, 1605 Van Cleve Lane, opposed this request because of security issues and did not want this expansion built in his front yard.

Mr. Roger Davenport, 2116 Harding Place, understood the need for the extension of this facility but opposed this request as he felt it should be located in a commercial area, not a residential area.

Mr. Mark Waldrop, 1523 Van Cleve Lane, opposed this request because of concerns with future assurances that there will not be an entrance from this facility onto Van Cleve Lane as well as concerned with increased traffic on Wilkinson Pike.

Dr. Mark Friedman, 1509 Van Cleve Lane, opposed this request for reasons of potential damage to multiple houses in the area from blasting; size of expansion 3½ times that of present facility and the variety of issues that would result from that extension; and concerned that it will denigrate the historic nature of the Stones River National Battlefield and the experience that visitors will have at the park.

Dr. Angela Sirna, Historical Consultant with the National Park Service, pointed out that the Stones River National Battlefield Park represents only 700 of the 4,000 acres where the actual battle was fought. The boundaries of the Battlefield do not stop with the park. The Trustpoint expansion will be on battlefield land. She reluctantly opposed the rezoning because mental health services are needed in Rutherford County and Murfreesboro. However, she had concerns with light pollution; preferred that landscaping would include native species of trees rather than the proposed ornamental trees; and wanted the view sheds protected. She encouraged Trustpoint to continue having conversations with the Park Service if this project does move forward.

There were no others present who wished to speak for or against the proposed rezoning and, after ample time had been given, Mayor McFarland declared the public hearing closed.

An ordinance, entitled "ORDINANCE 16-OZ-39 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 10.3 acres along North Thompson Lane and Wilkinson Pike from Single-Family Residential Fifteen (RS-15) District and Light Industrial (L-I) District to Commercial Medical (CM) District and Gateway Design Overlay (GDO-2) District; Highpoint Limited, LLC, applicant [2016-434]," was read to the Council and offered for passage on first reading.

Mr. Blomeley addressed plans for road improvements to Wilkinson Pike in late 2017-early 2018 which will also help alleviate existing drainage issues in this area. Mr. Taylor addressed drainage issues and the maintenance of the permeable pavers system; runoff on limestone bedrock; a required pre-blast survey of exterior and interior (if resident is home) of houses within 250-300' of subject property, safety requirements and seismographs in certain locations to monitor the size of the blasts; photometric or lighting plan submitted during site plan review; landscape design reviewed with Urban Environmental Department and Battlefield representatives; and committed to incorporate and mimic the split rail fence on the Battlefield side of subject property. Mr. Murfree addressed security and concurred that they would agree to increase the fence from 6' to 8' and something more substantial than aluminum to prevent migration of people from this site to the neighborhood; and applicant agreeable to deed access rights to the City regarding no access to Van Cleve Lane. Dr. Woods expressed, on behalf of himself and his company, their intent and representation to promise the Council that they will meet their obligations; continue to be good citizens and good stewards of the resources that they are entrusted with in the community including the care of our citizens; continue to have dialogue with the neighbors that will endure for the next many years as they evolve the healthcare delivery both at their hospital, particularly within Rutherford County and Murfreesboro, over time.

Ms. Brenda Waters, Superintendent of the Stones River National Battlefield, addressed the impact of this expansion on the experience of visitors to the park. Since July 2015-2016, there has been a significant increase of 340% in the park's use from people who understand the value of having a big open green space. One of the most significant areas of the Battlefield is the slaughter pens located across the street from the proposed area which is very significant to what happened during the battle 150 years ago and where many men lost their lives. They have had several discussions with Dr. Woods, and they understand the City is growing and that there is a need for this service; however, it would be better if the buildings were relocated further away from the park. Ms. Waters expressed concerns with water flowing into the park, light pollution, screening, getting people to and from the

Battlefield safely, and requested consideration of underground electric lines for the entire area.

Mr. Shacklett made a motion to pass ORDINANCE 16-OZ-39 on first reading. Vice-Mayor Young seconded the motion. Upon roll call said ordinance was passed on first reading by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Bill Shacklett  
Eddie Smotherman  
Kirt Wade  
Doug Young  
Shane McFarland

Nay: None

The following letter of recommendations from the Planning Commission was presented to the Council:

(Insert letter dated September 8, 2016 here requesting to schedule public hearings to consider zoning along E. Clark Blvd (PRD); Plan of Services & Annexation Petition along Barfield Rd; Zoning along Barfield Rd (RZ) simultaneous with annexation; Plan of Services & Annexation Petition along Old Salem Rd; Zoning along Old Salem Rd (CF) simultaneous with annexation; Plan of Services & Annexation Petition along New Salem Hwy; Zoning along New Salem Hwy (RS-10) simultaneous with annexation; and Amendments to Chapter 25.25 - Signs.)

The following RESOLUTION 16-R-PH-44 was read to the Council and offered for adoption upon motion made by Mr. LaLance, seconded by Mr. Smotherman. Upon roll call said resolution so adopted by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Bill Shacklett  
Eddie Smotherman  
Kirt Wade  
Doug Young  
Shane McFarland

Nay: None

(Insert RESOLUTION 16-R-PH-44 here to schedule a public hearing for November 3, 2016 to consider rezoning approximately 1.2 acres located along East Clark Blvd from Single-Family Residential Fifteen (RS-15) District to Planned Residential Development (PRD) District (Cottages on Clark) [2016-440]; Blue Sky Construction, applicant.)

The following RESOLUTION 16-R-PH-45 was read to the Council and offered for adoption upon motion made by Mr. LaLance, seconded by Mr. Smotherman. Upon roll call said resolution so adopted by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Bill Shacklett  
Eddie Smotherman  
Kirt Wade  
Doug Young  
Shane McFarland

Nay: None

(Insert RESOLUTION 16-R-PH-45 here to schedule a public hearing for November 3, 2016 to consider (1) adoption of a Plan of Services for and annexation of 32.8 acres and (2) zoning of approximately 17.2 acres located along Barfield Road which have been proposed to be annexed to the City of Murfreesboro, Tennessee [2016-511 & 2016-436].)

The following RESOLUTION 16-R-PH-46 was read to the Council and offered for adoption upon motion made by Mr. LaLance, seconded by Mr. Smotherman. Upon roll call said resolution so adopted by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Bill Shacklett  
Eddie Smotherman  
Kirt Wade  
Doug Young  
Shane McFarland

Nay: None

(Insert RESOLUTION 16-R-PH-46 here to schedule a public hearing for November 3, 2016 to consider adoption of a Plan of Services for and annexation of 84 acres and (2) zoning of approximately 34.1 acres which have been proposed to be annexed to the City of Murfreesboro, Tennessee and rezoning of approximately 17.6 acres from General Office (OG) District to Commercial Fringe (CF) District located along Old Salem Rd [2016-510 & 2016-442].)

The following RESOLUTION 16-R-PH-47 was read to the Council and offered for adoption upon motion made by Mr. LaLance, seconded by Mr. Smotherman. Upon roll call said resolution so adopted by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Bill Shacklett  
Eddie Smotherman  
Kirt Wade  
Doug Young  
Shane McFarland

Nay: None

(Insert RESOLUTION 16-R-PH-47 here to schedule a public hearing for November 3, 2016 to consider adoption of a Plan of Services for and annexation of 109.5 acres and (2) zoning of approximately 109.5 acres located along New Salem Hwy which have been proposed to be annexed to the City of Murfreesboro, Tennessee [2016-513 & 2016-441].)

The following RESOLUTION 16-R-PH-48 was read to the Council and offered for adoption upon motion made by Mr. LaLance, seconded by Mr. Smotherman. Upon roll call said resolution so adopted by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Bill Shacklett  
Eddie Smotherman  
Kirt Wade  
Doug Young  
Shane McFarland

Nay: None

(Insert RESOLUTION 16-R-PH-48 here to schedule a public hearing for November 3, 2016 to consider amending Murfreesboro City Code, Chapter 25.25–Signs, Sections 25.25-2, 25.25-24 and 25.25-26, dealing with certain definitions, prohibited signs, signs placed in easements, height of attached signs in the Central Business (CBD) District, and interstate on-site signs [2016-803]; Planning Staff, applicant.)

The following letter of recommendations from the Airport Manager was presented to the Council:

(Insert letter dated September 9, 2016 here with regards to Contract with Queens Tree Surgery, Inc. for Approach Lighting and Clearing Project.)

Mr. Shacklett made a motion to accept the recommendation of the Airport Manager to approve a Contract with Queens Tree Surgery, Inc. in the amount of \$110,242.50, funded 95% (\$104,730.38) from Federal and State Funded Approach Lighting and Clearing Grant, for the Approach Lighting and Clearing Project. Mr. Wade seconded the motion and all members of the Council voted "Aye".

The following letter of recommendations from the Interim Parks & Recreation Director was presented to the Council:

(Insert letter dated September 22, 2016 here with regards to Miracle Field Project, Change Order No. 3 and Adams Tennis Complex, Amendment to Agreement with MTSU.)

Mr. LaLance made a motion to accept the recommendation of the Interim Parks & Recreation Director to approve Change Order No. 3 to the Contract with Trinity Construction in the amount of \$91,173.75 increasing the total contract amount to \$3,108,971.75 for the Miracle Field Project. Vice-Mayor Young seconded the motion and all members of the Council voted "Aye".

The Interim Parks & Recreation Director addressed the Agreement with MTSU for the Adams Tennis Complex and change orders for upgrades totaling \$91,688.90. She requested to include a "court curtain" in this amendment at a cost \$3,495.00 which was recently approved by the Tennis Committee and suggested rounding up the cost/share to \$50,000.00 each for the City and MTSU to cover this additional cost.

Mr. LaLance made a motion to accept the recommendation of the Interim Parks & Recreation Director to approve an Amendment to an Agreement between the City of Murfreesboro and MTSU for funding of change orders totaling \$91,688.90 for upgrades to scoreboards, umpire chairs, the storefront and signage and include the cost of a court curtain in the amount of \$3,495.00 with the cost/share rounded up to \$50,000.00 each for City of Murfreesboro and MTSU. Ms. Scales Harris seconded the motion and all members of the Council voted "Aye".

The following letter of recommendations from the Information Technology Director was presented to the Council:

(Insert letter dated September 15, 2016 here with regards to Task Order No. 12 under the Basic Consulting Agreement with Westin Engineering, Inc.)

Vice-Mayor Young made a motion to accept the recommendation of the Information Technology Director to approve Task Order No. 12 under the Basic Consulting Agreement with Westin Engineering, Inc. in the approximate amount of \$124,560.00, funded in the FY

2017 Information Technology Budget, for project management services and support to implement the new Tyler InCode Court System. Mr. Wade seconded the motion and all members of the Council voted "Aye".

The following letter of recommendations from the City Manager was presented to the Council:

(Insert letter dated September 18, 2016 here with regards to a Contract with Kennon Calhoun Workshop to conduct a City-wide Space Needs Analysis.)

The City Manager reviewed the space shortage presently being experienced by all departments and the need to think about each department's future growth. Council had some reservation with the cost of the study and suggested using existing staff. Mr. Kennon, Kennon Calhoun Workshop, was present to address the cost of the study and the professional services involved to provide documentation of current and projected uses for all existing buildings on this block and conceptual diagrams of how to reconfigure all of the spaces as well as reuse the existing police headquarters building if possible. At the completion of the study, it will be like a pre-conceptual design. The approximate time-frame to complete the study would be six months. The City Manager suggested delaying action on this recommendation to give more time to meet with each Council Member to review some of the work Mr. Kennon did in the Police Department that will help give a visual on how to deal with space for the rest of the City Departments. Council concurred.

The City Recorder/Finance Director presented Special Event Beer Permits for Discovery Center, 502 SE Broad Street (Event: 03/03/17 & 05/05/17) and Oaklands Association, Inc. at Oaklands Park Picnic Pavilion, 427 Roberts Street (Event: 11/19/16). All requirements had been met for these applications. Beer Permit Applications for Sabaidee Café, 505 Cason Lane, Suite E (new location); H & A Market, 407 S. Maney Avenue (ownership/name change); and Fusion 9 Indian Restaurant & Bar, 1935 S. Church Street (ownership/name change) were presented for approval pending completion of all building and codes inspections.

Vice-Mayor Young made a motion to approve Special Event Beer Permits for Discovery Center and Oaklands Association, Inc. and approve Beer Permits for Sabaidee Café, H & A Market; and Fusion 9 Indian Restaurant & Bar pending successful completion of all building and codes requirements. Mr. Wade seconded the motion and all members of the Council voted "Aye".

Mayor McFarland indicated there were no board or commission appointments to be made at this time. A future appointment to the Greenway Projects Committee would be made at the next meeting of City Council.

The City Recorder/Finance Director indicated there were no statements to be considered at this time.

Under other business, the Assistant City Manager presented the following letter of recommendations from the Fire & Rescue Chief to the Council:

(Insert letter dated September 22, 2016 here to consider Request for Method of approving RFCSP for Construction Manager at Risk (CMAR) for Public Safety Training Center.)

Mayor McFarland wanted to go on record stating that staff made a wise decision to consider a Construction Manager at Risk for this project as it puts people in charge who are used to dealing with construction projects and allows staff to focus on running daily business and not managing a construction project. The Assistant City Manager reviewed the process for Construction Manager at Risk and answered questions from the Council.

Mr. Shacklett made a motion to accept the recommendation of the Fire & Rescue Chief to approve the method of the RFCSP for the Construction Manager at Risk (CMAR) for the Police and Fire & Rescue Public Safety Training Center. Vice-Mayor Young seconded the motion and all members of the Council voted "Aye".

Mayor McFarland suggested that staff schedule a Town Hall meeting on the West side of Murfreesboro on a Sunday afternoon in the next couple of weeks.

There being no further business, Mayor McFarland adjourned this meeting at 9:18 p.m.

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SHANE MCFARLAND - MAYOR

ATTEST:

---

MELISSA B. WRIGHT - CITY RECORDER

**ORDINANCE 16-OZ-39** 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 0.3 acres along North Thompson Lane and Wilkinson Pike from Single-Family Residential Fifteen (RS-15) District and Light Industrial (L-I) District to Commercial Medical (CM) District and Gateway Design Overlay (GDO-2) District; Highpoint Limited, LLC, applicant [2016-434].

**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 Medical (CM) District and Gateway Design Overlay (GDO-2) 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 second 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 \_\_\_\_\_

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL



Area  
Rezoned from  
RS-15 to CM  
and GDO-2

Area  
Rezoned from  
RS-15 to CM

Area  
Rezoned from  
L-I to CM

RS-15

MU

WILKINSON PIKE

RS-15

GATEWAY BLVD

VAN CLEVEL LN

N THOMPSON LN

L-I

CH

MU

PCD

PUD

Ordinance 16-OZ-39



**ORDINANCE 16-OZ-34** 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 13.5 acres along Brinkley Road from Commercial Fringe (CF) District to Planned Residential Development (PRD) District (Wilkerson Downs); Robert E. Frances and Jeffrey Gill, applicants [2016-425].

**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 be zoned and approved as Planned Residential Development (PRD) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and any additional conditions and stipulations referenced in the minutes of the Planning Commission and City Council relating to this zoning request. 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 second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

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

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

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL



**MANSON PIKE**

**CL**

**RS-15**

**BRINKLEY RD**

**CF**

**COZUMEL CT**

**RS-12**

**HEADWATER CT**

**HAMMOCK DR**

**RS-10**

**CLOVERHILL DR**

**RS-15**

**PRD**

Area  
Rezoned from  
CF to PRD



Ordinance 16-OZ-34

PRETORIA RUN

**ORDINANCE 16-O-43** amending the Murfreesboro City Code, Chapter 25—Schools, Sections 25-2, regarding compensation of School Board Members.

**WHEREAS**, members of the Murfreesboro City School Board are compensated at a rate of two hundred dollars (\$200.00) for attendance at the first meeting of the month and one hundred dollars (\$100.00) for attendance at the second meeting of the month with the monthly compensation not to exceed three hundred dollars (\$300.00) per month; and

**WHEREAS**, the Chair of the Murfreesboro City School Board must perform numerous duties and responsibilities beyond attending two regularly called Board meetings each month; and

**WHEREAS**, the Murfreesboro City School Board voted on May 10, 2016, to recommend to the City Council that the Murfreesboro City School Board Chair receive an additional fifty dollars (\$50.00) per month, beginning in fiscal year 2016-2017.

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

SECTION 1. Section 25-2, Qualifications of Members, Compensation, of the Murfreesboro City Code is hereby amended by deleting the last sentence and substituting in lieu thereof the following sentences, “Members of the Board shall be compensated two hundred dollars (\$200.00) for attendance at the first meeting of the month. For attendance at the second meeting of the month, member of the Board shall receive one hundred dollars (\$100.00) except that the Board Chair shall receive one hundred and fifty (\$150.00). The monthly compensation for the Board Chair shall not to exceed three hundred and fifty dollars (\$350.00) per month and the monthly compensation for the other board members shall not to exceed three hundred dollars (\$300) per month.”

SECTION 2. That this Ordinance shall take effect fifteen (15) days after its passage upon second 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 \_\_\_\_\_

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig Tindall  
City Attorney

SEAL



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## REGULAR AGENDA

October 13, 2016

Honorable Mayor and Members of City Council

### **RE: FOOD TRUCK ORDINANCE AND REGULATIONS**

#### **Background**

In response to the growing demand for and presences of food trucks in our community, the proposed Ordinance has been developed with community input to guide food truck operations in the city limits. The proposed Ordinance establishes a permitting process for mobile food vendors that seeks to balance the desire for loosening restrictions on food trucks with the desire to maintain regulations necessary for the health, safety and welfare of our citizens.

#### **Our Approach**

In developing the Ordinance, the following guiding principles were applied:

- Regulations should be concise, easy to understand, and thereby easy to comply with.
- Regulations should focus on balancing the demand for additional food choices provided by food trucks, with the city's responsibility to minimize the impact of their operations on pedestrian safety, traffic, brick-and-mortar businesses, and other concerns.
- Locations for food trucks should be amendable at the administrative level in order to be timely and responsive to emerging or future needs.
- Rather than recovering administrative costs on each permit fee, the application fee should be set low as to encourage operators to seek a permit, while those found operating without a permit or operating in violation of a permit should be required to pay a more significant fee to encourage remediation and compliance.

#### **Public Engagement**

A new city webpage on *Food Truck Permits* and a Facebook page, *City of Murfreesboro – Food Truck Ordinance*, were created to provide information on the proposed Ordinance. The public, including downtown business owners, residents, and potential food truck operators, were invited to participate in the development of the new regulations. Two public meetings were held on August 15, 2016 with approximately 35 total participants; of those in attendance, the majority were food truck vendors or food truck advocates. During the meeting, the draft Ordinance was discussed and each attendee had the opportunity to ask questions, share their ideas, and make recommendations for possible designated locations. In addition, several individuals called or stopped in City Hall to share their feedback. All comments received were documented, evaluated, and largely included into the currently recommended, proposed Ordinance. On September 21, 2016, a third public meeting was held to present the changes within the revised draft. Approximately 15 individuals attended the

Administration Department

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meeting and expressed general support for the public engagement process, the proposed permitting process and operating guidelines.

### **General Requirements**

Food trucks will be required to apply for a Mobile Food Service permit to operate within the city limits. All food trucks will have to provide proof of having first obtained a health department permit and completed a Fire Marshal's safety inspection. Additionally, the City's permit would require information about the owner, operator, photographs of the vehicle, a copy of the operator's business license, and proof of insurance coverage. The proposed Ordinance establishes a \$50 application fee to reimburse the city for administrative costs. Permits will expire 12 months from the issuance date. The City has the right to deny, suspend, revoke, or reinstate a permit.

The proposed permitting process is meant to ensure that a Food Truck has met standards necessary to ensure the health, safety, and welfare of our citizens. Upon obtaining a permit, the Food Truck may operate at any location within the City that complies with the proposed Ordinance.

### **Food Trucks On Public Property**

Public right-of-way and other public property designated for food truck locations will be listed on the City's website. In the future, any revisions to the list of designated locations will be subject to approval by the City Manager.

Proposed designated areas include on-street parking locations and two city-owned parking lots in downtown Murfreesboro. Locations were selected with primary consideration given to areas with wide sidewalks and adequate parking facilities to ensure pedestrian safety. Food trucks are prohibited from operating in public alleys. A list of the proposed designated locations will is attached.

### **Food Trucks In City Parks**

In developing the proposed Ordinance, staff recognizes that the operation of food trucks within City parks has unique and different consequences than their operation on city streets, city-owned parking lots or other public property. In addition to compliance with the proposed Ordinance, food truck operators should also adhere to rules and regulations developed by Murfreesboro Parks and Recreation Department. City staff will seek approval for establishing, and any future amendment to, such rules and regulations from the Murfreesboro Parks and Recreation Commission.

### **Food Trucks On Private Property**

Food trucks will be allowed to operate on private property where there is a commercial, office, educational, or industrial use, with the written permission of the property owner(s). Food trucks are prohibited from operating on unimproved lots; unless the parcel is paved, has paved ingress and egress, and has on the parcel a principal structure with an operating restroom. Food Trucks may operate up to four (4) days per calendar week on the same lot. A lot may not operate more than 2 food trucks at any location with coordinated advertising to the public unless they have obtained a

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Special Event permit. Food trucks may not require the use of more than 25% of existing parking spaces located on the site.

**Food Truck Rally**

A “Food Truck Rally” is defined as any coordinated, advertised gathering of 4 or more food trucks in a single location on a date certain with the intent to serve the public. These events, whether on public or private property, will require a Special Event Permit, as they could create a mass gathering. A Special Event Permit will give city staff the opportunity to review the event’s site plan and evaluate any concerns affecting the public’s safety, use of City streets, right-of-ways, sidewalks, or other infrastructure. In granting these applications, the City may impose reasonable conditions to ensure that any detrimental impacts are mitigated to a reasonable degree.

**Recommendation**

City Council is recommended to adopt a revised Ordinance 16-O-32, amending the Murfreesboro City Code, Chapter 13 – Food and Food Products, adding Sections 13-20 through 13-26, regarding mobile food vending.

**Attachments**

Proposed Designated Public Locations

Sincerely,

Jennifer Moody  
Assistant City Manager

## **Public Right-of-Way**

Pursuant to § 13-23(A)(1) of the Murfreesboro City Code, Food Truck are permitted to operate in the right-of-way at the following locations:

- Along the north side of Vine Street between South Spring Street and South Maple Street
- Along South Maney Avenue from Main Street and north of East Sevier Street
- Along North Spring Street south of East Lytle Street and north of East Vine Street
- Along North Academy Street south of East College Street and north of East Main Street

## **Public Property**

Pursuant to § 13-23(A)(2) of the Murfreesboro City Code, Food Truck are permitted to operate in the right-of-way at the following locations:

- Within a City Park after securing the approval of the Murfreesboro Parks Department and consistent with Park Regulations.
- City parking lot located south of East Sevier Street and east of South Church after 5:00 p.m. and before 5:00 a.m. Monday through Friday and any time Saturday or Sunday.
- City parking lot located south of East Lytle Street and west of North Spring Street after 5:00 p.m. and before 5:00 a.m. Monday through Friday and any time Saturday or Sunday.
- Along the north side of West College Street between North Church Street and North Maple Street after 5:00 p.m. and before 5:00 a.m. Monday through Friday and any time Saturday or Sunday.

**ORDINANCE 16-O-32** amending the Murfreesboro City Code, Chapter 13—Food and Food Products, adding Sections 13-20 through 13-26, regarding mobile food vending.

**WHEREAS**, the food truck industry is a growing and vital economic generator and there is increased popularity of food trucks in the City of Murfreesboro; and,

**WHEREAS**, the City desires to promote economic development through the encouragement of vibrant entertainment alternatives, including accommodating the popularity and growth of the food truck industry.

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

SECTION 1. Section 13-1 through 13-19 of the Murfreesboro City Code are hereby designated as “ARTICLE I. GENERAL.”

SECTION 2. Chapter 13, Food and Food Products, of the Murfreesboro City Code is hereby amended by adding Article II, Mobile Food Vending, as follows:

**“ARTICLE II. MOBILE FOOD VENDING**

**SECTION 13-20      PURPOSE.**

This article recognizes the unique physical and operational characteristics of mobile food vending and establishes standards for the typical range of activities and mitigates or prohibits practices that are contrary to the health, safety, and welfare of the public.

**SECTION 13-21      DEFINITIONS.**

Canteen Trucks are vehicles that operate to provide food services to employees at a location where access to other good service is impractical (e.g., a construction site); from which the operator vends fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods, and pre-packaged drinks that require no preparation or assembly of foods or beverages except for the heating of pre-cooked foods; which operate at a single location for a period not longer than 1.5 hours; and which do not advertise in any form to the general public except by virtue of signage on the vehicle. Canteen Trucks that operate other than as defined herein are Food Trucks and must comply with all Food Truck regulations.

Food Trucks are vehicles from which the operator cooks, prepares, or assembles food items (including products sold by Canteen Trucks and Ice Cream Trucks) with the intent to sell such items to the general public and which may market their products to the public via advertising, including social media.

Food Truck Rallies are coordinated and advertised gatherings of more than four (4) Food Trucks in one location on a date certain with the intent to serve the public.

Ice Cream Trucks are vehicles from which the operator vends only pre-packaged frozen dairy or frozen water-based food products, soft serve, or hand-dipped frozen dairy products or frozen water-based food products, and pre-packaged beverages.

Location means any single property parcel and all other parcels that is contiguous or cumulatively contiguous to that owned or controlled by a single or affiliated entities.

Mobile Food Service Permit means a permit issued by the City for the operation of Food Trucks, special events, City co-sponsored events, or an approved Food Truck Rally.

Mobile Food Service Vehicle means a Food Truck, a Canteen Truck, or an Ice Cream Truck and includes any other portable unit that is attached to a motorized vehicle and that is intended for use or in service to the operations of the Mobile Food Service Vehicle.

Operate means to promote or sell food, beverages, and other permitted items from the Mobile Food Service Vehicle and includes all tenses of the work.

Operator means any person owning, operating, or permitted to operate a Food Truck and collectively refers to all such persons.

Vehicle, as used in this article, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

#### **SECTION 13-22      GENERALLY.**

- (A) It is a violation to operate a Mobile Food Service Vehicle at any location except in compliance with the requirements of this article.
- (B) Mobile Food Service Vehicle operators must comply with all state and local business tax regulation.

#### **SECTION 13-23      LOCATIONS AND HOURS OF OPERATION.**

##### **(A) Food Trucks**

- (1) *Rights-of-way.* Food Trucks may operate consistent with this section from the right-of-way only at the locations listed on the City's website as right-of-way upon which Food Trucks can operate.
- (2) *Public Property.* Food Trucks may operation on City property, including City parks, only at the times and locations listed on the City's website as public property upon which Food Trucks can operate.
- (3) *Private property.* Food Trucks may operate on private property where there is a commercial, office, educational, or industrial use subject to the following conditions:
  - (a) *Permission.* Food Trucks selling to the public from private property shall have the written permission of the property owner, which shall be made available to the City immediately upon request.
  - (b) *Unimproved Properties.* Regardless of an agreement with the owner of the property, a Food Truck may not operate on an unimproved parcel or portion of an unimproved parcel unless that parcel is paved, has paved ingress and egress, and has on the parcel a principal structure with an operating restroom.
  - (c) *Frequency.* Food Trucks may operate no more than four (4) days per calendar week at a location on privately owned property.
  - (d) *Maximum Number of Food Trucks.* No more than two (2) mobile food trucks may operate at any location with coordinated advertising to the public unless a Special Event Permit has been secured.
  - (e) *Existing Parking Spaces.* Mobile food trucks may not require the use of more than twenty-five percent (25%) of existing parking spaces located on the property for which it has an agreement to operate.
- (4) *Restroom Facility.* Food Trucks operating at a location for a duration of more than three (3) hours must have a written agreement, available upon request by the City, that permits employees to have access to a flushable restroom no more than 450 feet of the vending location during all the hours of operation.

##### **(B) Canteen Trucks**

- (1) *Locations.*
  - (a) *Right-of-way.* Canteen Trucks may operate from the right-of-way to cater to on-site employees of a single location for a limited period of time not greater than one and a half (1.5) hours.
  - (b) *Private property.* Canteen Trucks may operation from the right-of-way to cater to on-site employees of a clearly delineated single location for a limited period of time not greater than one and a half (1.5) hours.

- (c) *Food Truck Rallies.* A Canteen Truck may operate at a Food Truck Rally only after complying with all requirements applicable to a Food Truck.
- (2) *Hours of Operation.* Canteen Trucks may operate after 5:00 a.m. and before 6:00 p.m. in all areas.
- (C) *Ice Cream Trucks*
  - (1) *Locations.*
    - (a) *Right-of-way.* An Ice Cream Truck may not operate from the right-of-way at any one location for more than 15 minutes without relocating to another location not less than one-quarter mile from the previous location.
    - (b) *Private Property.* An Ice Cream Truck may operate on private property with written permission of the property owner, which will be immediately available to the City upon request. An Ice Cream Truck may not require use of more than twenty-five percent (25%) of existing parking spaces. No Ice Cream Truck may operate on the same or adjoining private property more than two (2) days per week.
  - (2) *Hours of Operation.* Ice Cream Trucks may operate after 11:00 a.m. and before sunset.

## **SECTION 13-24 OPERATING REQUIREMENTS.**

- (A) *Vehicle Requirements.*
  - (1) *Design and Construction.* Mobile Food Service Vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.
  - (2) *Licensing.* Mobile Food Service Vehicles must be licensed in accordance with the rules and regulations of any local, state, and federal agency having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by local, state, and, federal laws or regulations.
- (B) *Right-of-Way.*
  - (1) Mobile Food Service Vehicles may not operate, stop, stand, or park in any area of the right-of-way that is intended for use by vehicular travel or that in any way impedes the use of the right-of-way or that present an unsafe condition for patrons, pedestrians, or other vehicles.
  - (2) Food Trucks may operate within right-of-way only at times and locations designated as Food Truck locations on the City's website and it is the duty of all Operators to obtain current knowledge of the right-of-way designations prior to establishing operations in any area.
  - (3) Unless authorized in writing by the City, all Mobile Food Service Vehicle are prohibited from operating in public alleys.
  - (4) Food Trucks shall park in the same direction as traffic, with no more than eighteen inches (18") between the curb face or edge of pavement and with the service window of the Unit facing the curb.
  - (5) Food Trucks may operate or park for longer than the two-hour limit posted in designated areas; however, no Mobile Food Service Vehicle may remain in the right-of-way designated as a permitted Food Truck location non-operational and not open to the public for more than two (2) hours.
  - (6) A Food Truck may park in more than one parking space in the right-of-way.
  - (7) Food Trucks are prohibited from operating in angled parking spaces in the public right-of-way.
- (C) *Business Access.* No Mobile Food Service Vehicle may operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise causes undue interference with access to other businesses or emergency areas, paths, or facilities.
- (D) *Pedestrians.* A Mobile Food Service Vehicle may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet (6'). This includes all components of the Unit and any patron queue. All awnings or canopies of the Unit shall be at least six feet, eight inches (6' 8") above the sidewalk.
- (E) *Distance between Units.* A Mobile Food Service Vehicle may not operate within three (3) feet of any other Mobile Food Service Vehicle.

- (F) *Types of Cooking Apparatuses.* Open flame cooking (other than with a gas range specifically constructed and designed within the Food Truck) either within or outside a Mobile Food Service Vehicle is prohibited; except where such activity is specifically permitted by the Fire Department. Canteen Trucks may have installed within the vehicle a heating apparatus that is used only for serving heated pre-cooked foods provided such apparatus is permitted by state and local regulations. Ice Cream Trucks can have no heating apparatus installed within the vehicle for the purpose of food service.
- (G) *Noise.* Amplified music or other sounds from any Mobile Food Service Vehicles may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.
- (H) *Commissary.* If the Operator has a fixed, non-mobile establishment or any other place that is used for the storage of supplies, the preparation of food to be sold or served at or by Mobile Food Service Vehicle, or the cleaning and servicing of the Mobile Food Service Vehicle, such a commissary location within the City cannot be located in any residential zoning district; unless such commissary complies with all applicable zoning regulations, building code requirements, and requirements of the Murfreesboro Water and Sewer Department.
- (I) *Utilities.* All Mobile Food Service Vehicles shall comply with the version of the electrical code currently adopted by the City and any power, water, or sewage required for the Mobile Food Service Vehicle shall be self-contained and shall not use utilities drawn from other sources.
- (J) *Fire Extinguishers Required.* All Mobile Food Service Vehicles must be equipped with a 2-A:10-B:C fire extinguisher that is certified annually by a licensed company. Additionally, any Mobile Food Service Vehicle that produce grease laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with a K-Class fire extinguisher that is certified annually by a licensed company.
- (K) *Support Methods.* No Mobile Food Service Vehicle may use stakes, rods, or any method of support that must be drilled, driven, or otherwise fixed, into or onto asphalt, pavement, curbs, sidewalks, or buildings.
- (L) *Pedestrian Service Only.* Mobile Food Service Vehicles operating in the right-of-way shall serve pedestrians only; drive-up, drive-thru, or drive-in service is prohibited.
- (M) *Spills.* To prevent discharges into the storm drain system and river, each Unit shall comply with all stormwater regulations of the City. In addition, each Unit shall have a spill response plan and kit on board to contain and remediate any discharge from the Unit. In the event of a spill, Operators are required to call Murfreesboro Fire and Rescue Department to assist with the clean-up of spills and to determine the need for a more extensive response.
- (1) Spill Plan – Food Trucks must post, on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include a) description of and typical quantities materials that may be spilled; b) procedures for containing potentially spilled materials including proper disposal of spilled materials; c) procedures for storage, use, handling and transfer of materials to reduce potential for spilling; d) emergency notification requirements; and
- (2) Spill Kit – Food Trucks must have a response kit on the vehicle including a) minimum 5-gallon storage and clean-up container capacity with lid; b) minimum of 10 adsorbent pads and 2 adsorbent socks or equivalent; c) disposable bag adequate to hold contents of spill kit and spilled materials; d) 1 pair of disposable gloves.
- (N) *Waste Collection.* The area of a Mobile Food Service Vehicle operation must be kept neat and orderly at all times. Operation of a Mobile Food Service Vehicle in an area is deemed acceptance by the Operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than 20 feet from all parts of the Vehicle) regardless of the occurrence or source of any waste in the area. The Operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the Mobile Food Service Vehicle during the period of operation at a location. All trash within the area of operations regardless of the source must be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a Mobile Food Service Vehicle from a location.
- (O) *Signage.* Mobile Food Service Vehicles are limited to signs mounted to the exterior of the mobile food establishment and one (1) sandwich board sign with dimensions no larger than six (6) square feet. All signs mounted on the Unit shall be secured

and mounted flat against the Unit and shall not project more than six inches (6") from the exterior of the Unit. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. All signage and must at all times conform to community standards of decency.

- (P) *Alcohol sales.* Food Trucks may not sell alcoholic beverages, except as may be specifically allowed by state law and City ordinance. Canteen Trucks and Ice Cream Trucks are prohibited from selling alcoholic beverages.
- (Q) *Insurance Requirements.* Mobile Food Service Vehicles shall obtain, at a minimum, any motor vehicle insurance required by any local, state, or federal laws and regulations.
- (1) Food Trucks operating on City property other than the right-of-way are required at all times to maintain insurance coverage in the form and amounts required by the City. In the event the required coverage is not properly maintained, the Operator's Mobile Food Service Permit will be immediately revoked. The failure of the Operator to notify the City of any change in coverage will preclude the Operator from obtaining a permit for a period of six months from the date the City learns of the failure to provide the required notification of change.
- (2) Canteen Trucks and Ice Cream Trucks shall not operate on City property other than the right-of-way, except upon obtaining written permission from the City, and may be required to obtain insurance consistent with the type of operation permitted.

### **SECTION 13-25 MOBILE FOOD SERVICE PERMITS.**

- (A) *Applicable.* No Mobile Food Service Vehicle may operate within the City without a Mobile Food Service Permit issued by the City. A Mobile Food Service Permit authorizes the holder only to engage in the vending of products from a Mobile Food Service Vehicle in compliance with City Code and as specified on the permit. The Mobile Food Service Permit must be prominently displayed when the Mobile Food Service Vehicle is in operation.
- (B) *Application.* A Mobile Food Service Vehicle operator shall apply for a Mobile Food Service Permit by payment of a \$50 application fee and the following:
- (1) Complete an application form provided by the City, which shall include the following information:
- (a) Name and address of the owner of the vehicle;
  - (b) Name and address of the operator of the vehicle;
  - (c) Three color photographs of the exterior (front, side, and back) and interior food service portion of the vehicle in the final condition and with and with all markings under which it will operate;
  - (d) A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the Mobile Food Service Vehicle.
  - (e) A copy of the state or county health department license or permit applicable to mobile food providers;
  - (f) A copy of the Fire Marshal's inspection report;
  - (g) A copy of any alcoholic beverage licenses, if applicable; and
  - (h) A copy of the operator's Tennessee business license issued by the City or the operator's home-based County; and
  - (i) A copy of insurance coverage.
- (2) Permittee has an on-going duty to provide the City with notice of any change to any of the information required by the City to obtain a Mobile Food Service Permit, including current photographs of the Mobile Food Service Vehicle in the event of any change in the appearance of or signage on the vehicle.
- (3) This section does not apply to contractual arrangements between a Mobile Food Service Vehicle Operator and an individual, group, or the City for catering at a specific location, for a period of not more than four (4) hours, and that is not open to or serving the public.
- (C) *Issuance.* A Mobile Food Service Permit shall be issued upon full completion and review of the application required by this section except that no Mobile Food Service Permit will be issued to:
- (1) an Operator that operated within the prior six (6) months notwithstanding a Mobile Food Service Permit that is suspended or has been revoked; or

- (2) an Operator, or any person affiliated with the Operator for purposes of operating a Mobile Food Vehicle that is the subject of a suspended Mobile Food Service Permit or has held a Mobile Food Service Permit revoked with the prior twelve (12) months.
- (D) *Expiration.* A Mobile Food Service Permit expires on the date twelve (12) months after issuance and may be renewed provided that all City requirements are met and the license has not been suspended or revoked.
- (E) *Transferability.* A Mobile Food Service Permit may not be transferred except as part of the sale of an interest in a business holding the license or a sale of substantially all of the assets of a business holding the license.
- (F) *Enforcement.*
- (1) *Temporary Permit.* If an Operator is found to be operating within the City and without a Mobile Food Service Permit, the Operator will be cited and the City will issue a Temporary Permit that will allow the Operator to operate for not more than one hour after which time the Temporary Permit will be revoked. The Operator will pay a fine of \$500 to offset the City's costs of compliance measures, inspections, and correction of any circumstance resulting from Operators failure to comply with this Article.
  - (2) *Warnings.* A City Enforcement Officer may provide one (1) warning to any Operator for a violation of this section except that a citation shall be issued as set forth in the section.
  - (3) *Citation.* A City Enforcement Officer must issue a citation to the mobile food service Operator for the following:
    - (a) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months; or
    - (b) Any violation that constitutes ground for revocation of a mobile food service permit.
  - (4) *Suspension.* A Mobile Food Service Permit shall be suspended until restatement upon issuance of a citation for the following reasons:
    - (a) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months;
    - (b) The required vehicle license, health permit, or business tax license for the Operator or the Mobile Food Service Vehicle has expired or been suspended, revoked, or otherwise terminated;
    - (c) The Operator fails to obtain or maintain the insurance coverages required by this section.
  - (5) *Revocation.* The City shall revoke a Mobile Food Service Permit after two (2) suspensions within a twelve (12) month period except that the Mobile Food Service Permit revoked (i) if an Operator fails to obtain a permit and upon expiration of the Temporary Permit as set forth in the Article; or (ii) the Operator operates in an unlawful manner such a manner as to constitute a breach of the peace, interferes with the normal use of the right-of-way, or otherwise constitutes a menace to the health, safety, or general welfare of the public.
  - (6) *Reinstatement.*
    - (a) *Suspension.* An Operator may reinstate a suspended Mobile Food Service Permit by payment of a fee of \$500 to offset the City's costs of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.
    - (b) *Revocation.* The City may allow an Operator to reapply for a Mobile Food Service Permit after three (3) months from the date of revocation, the Operator corrects all circumstances that lead to the violations, and the Operator pays a fee of \$500 to offset the City's costs of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.
- (G) *Notice.* Upon denial, suspension or revocation of a Mobile Food Service Permit, the City shall give notice to the Operator in writing. There shall be no refund of any other fee paid to the City.
- (H) *Appeal.* Citation may be appealed to the City Manager, whose decision, which will be based upon a written summation of the facts submitted by the City administrator charged with Mobile Food Service Permit compliance and the permit holder, is final.

## **SECTION 13-26      FOOD TRUCK RALLIES.**

All Food Truck Rallies on public or private property require a Special Event Permit and the exceptions granted under Section 21-63 for special event locations are inapplicable to Food Truck Rallies.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second 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 \_\_\_\_\_

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL

# City of Murfreesboro

## Request for Certificate of Compliance for Retail Liquor Store

Summary of information from the application:

**Owners/Partners/Stockholders/Officers:**

**Name** Chiragkumar M. Patel  
**Age** 30  
**Home Address** 7277 Charlotte Pike #112  
**Residency City/State** Nashville, TN  
**Race/Sex** Asian/M

**10 Year Background Check Findings:**

City of Murfreesboro: None  
Rutherford County: None  
Metro Nashville: None

**Owners/Partners/Stockholders/Officers:**

**Name** Vishal N. Patel  
**Age** 38  
**Home Address** 3340 Almar Knot Dr.  
**Residency City/State** Murfreesboro, TN  
**Race/Sex** Asian/M

**10 Year Background Check Findings:**

City of Murfreesboro: None  
Rutherford County: None  
Metro Nashville: None

**Owners/Partners/Stockholders/Officers:**

**Name** Bhavin P. Patel  
**Age** 39  
**Home Address** 2578 Cannon Farm Lane  
**Residency City/State** Duluth, GA 30097  
**Race/Sex** Asian/M

**10 Year Background Check Findings:**

City of Murfreesboro: None  
Rutherford County: None  
Metro Nashville: None  
Gwinnett County GA Courts: None

**Name of Business Entity** AUM Investments, LLC  
**Name of Business** Georgetown Wine & Spirits  
**Business Location** 1720 W. Northfield Blvd

**Type of Application:**

**New Location** \_\_\_\_\_  
**Ownership Change**       X        
**Name Change** \_\_\_\_\_  
**Renewal** \_\_\_\_\_  
  
**Corporation**       X        
**Partnership** \_\_\_\_\_  
**Sole Proprietor** \_\_\_\_\_

**Application Completed Properly?** Yes

The actual application is available in the office of the City Recorder.



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

## **Agenda**

---

October 6, 2016

Honorable Mayor and Members of City Council

Re: Public Hearings to be held on October 13, 2016

### **Background**

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

- a. Zoning application [2016-433] for approximately 1 acre located along Bradyville Pike to be rezoned from CL (0.42 acres) and RS-10 (0.59 acres) to CF, Christini Carey applicant. The Planning Commission voted unanimously to recommend approval on August 3, 2016.
- b. Zoning application [2016-429] for approximately 0.8 acres located along Reid Avenue to be rezoned from RD to RS-4, Robert James & Betty French applicants. The Planning Commission voted unanimously to recommend approval on August 3, 2016.
- c. Zoning application [2016-435] for property located along Veterans Parkway to be rezoned from RM-16 to RS-8 (approximately 0.77 acres), RM-16 to CF (approximately 0.41 acres), and CF to RM-16 (approximately 1.6 acres), Cornerstone Development, LLC developer. The Planning Commission voted unanimously to recommend approval on August 3, 2016.
- d. Zoning application [2016-432] for approximately 78.4 acres located along Asbury Lane to amend the PRD (Purlingbrook PRD), Beazer Homes applicant. The Planning Commission voted unanimously to recommend approval on August 3, 2016.
- e. Annexation Plan of Services and annexation petition [2016-508] for approximately 13.4 acres located along Veterans Parkway east of Cason Lane, Ardavan Afrakhteh applicant. The Planning Commission voted unanimously to recommend approval on August 3, 2016.

- f. Zoning application [2016-421] for approximately 9.9 acres located along Veterans Parkway east of Cason Lane to be zoned RM-12 simultaneous with annexation, Green Trails, LLC applicant. The Planning Commission voted unanimously to recommend approval on August 3, 2016.

### **Recommendation**

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

### **Concurrences**

The Planning Commission conducted public hearings on these matters during its regular meeting on August 3, 2016. The Planning Commission is recommending approval of all items.

### **Attachments**

1. Staff Comments from the August 3, 2016 Planning Commission meeting
2. Illustrations of the areas
3. Plan of services for Item "e"
4. Miscellaneous exhibits and materials pertaining to each item
5. Minutes from the August 3, 2016 Planning Commission meeting

Respectfully Submitted,

Matthew T. Blomeley, AICP  
Principal Planner

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
AUGUST 3, 2016**

- 3.b. Zoning application [2016-433] for approximately 1 acre located along Bradyville Pike to be rezoned from CL (0.42 acres) and RS-10 (0.59 acres) to CF, Christine Carey applicant.**

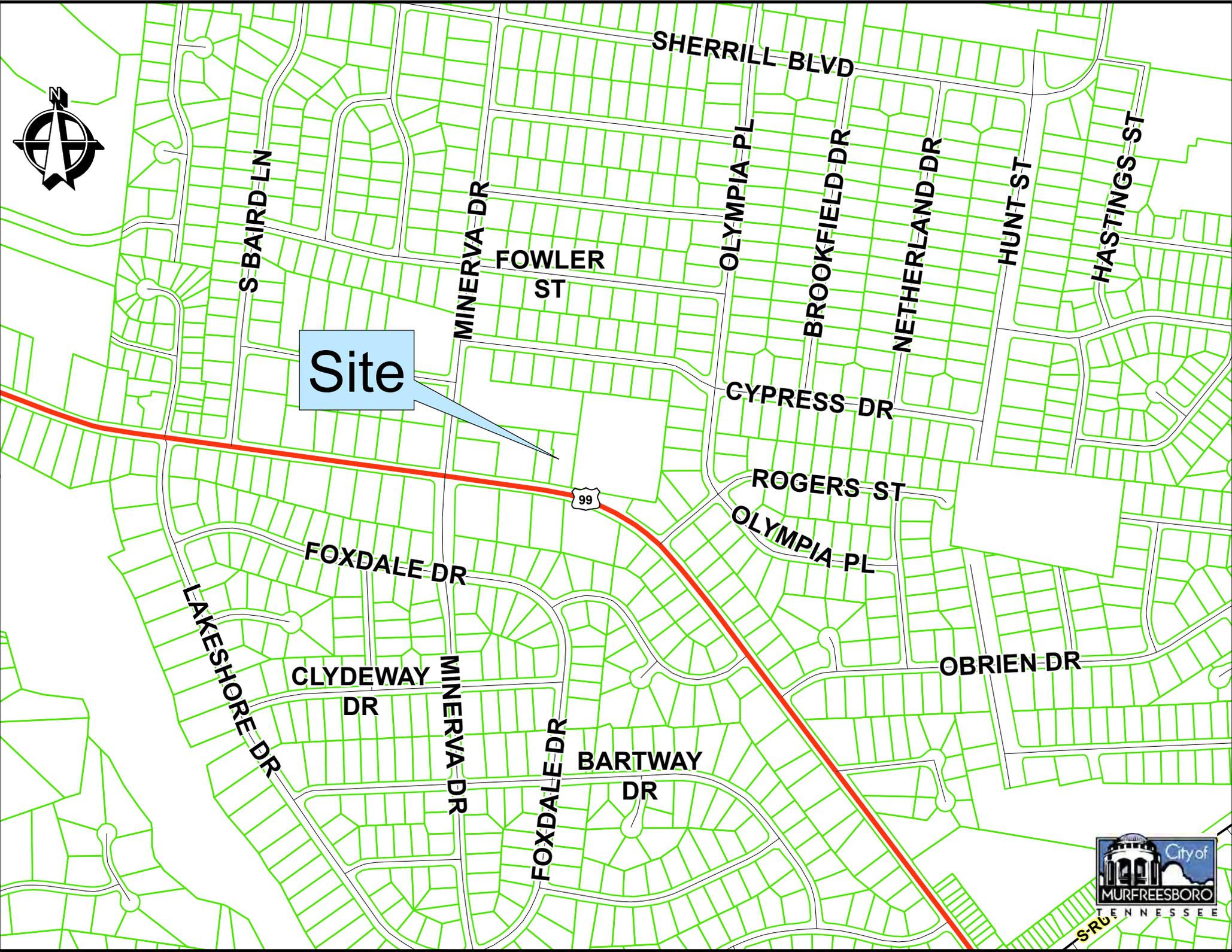
The subject area consists of 2 parcels and is located along the northern side of Bradyville Pike, just east of the intersection with Minerva Drive. The property to the north is zoned RS-10 and is the location of the Olive Branch Missionary Baptist church. The property to the east is also zoned RS-10 and is the location of a Methodist Church. The properties to the south are zoned CL and are developed with commercial and multi-family uses.

The rezone request consists of two parts. The first is to rezone a vacant parcel from CL (Local Commercial District) to CF (Commercial Fringe District). The second part is to rezone a parcel with an existing single family house from RS-10 (Single-Family Residential District) to CF. The applicant owns both properties and wishes to allow them to develop with a commercial use, although she does not have a specific development plan at this time. Neither parcel appears to be large enough to meet site design criteria on its own. Combined, the properties are approximately 1 acre and could be redeveloped with a commercial use. The properties are sandwiched between institutional and residential uses and are a good candidate for redevelopment.

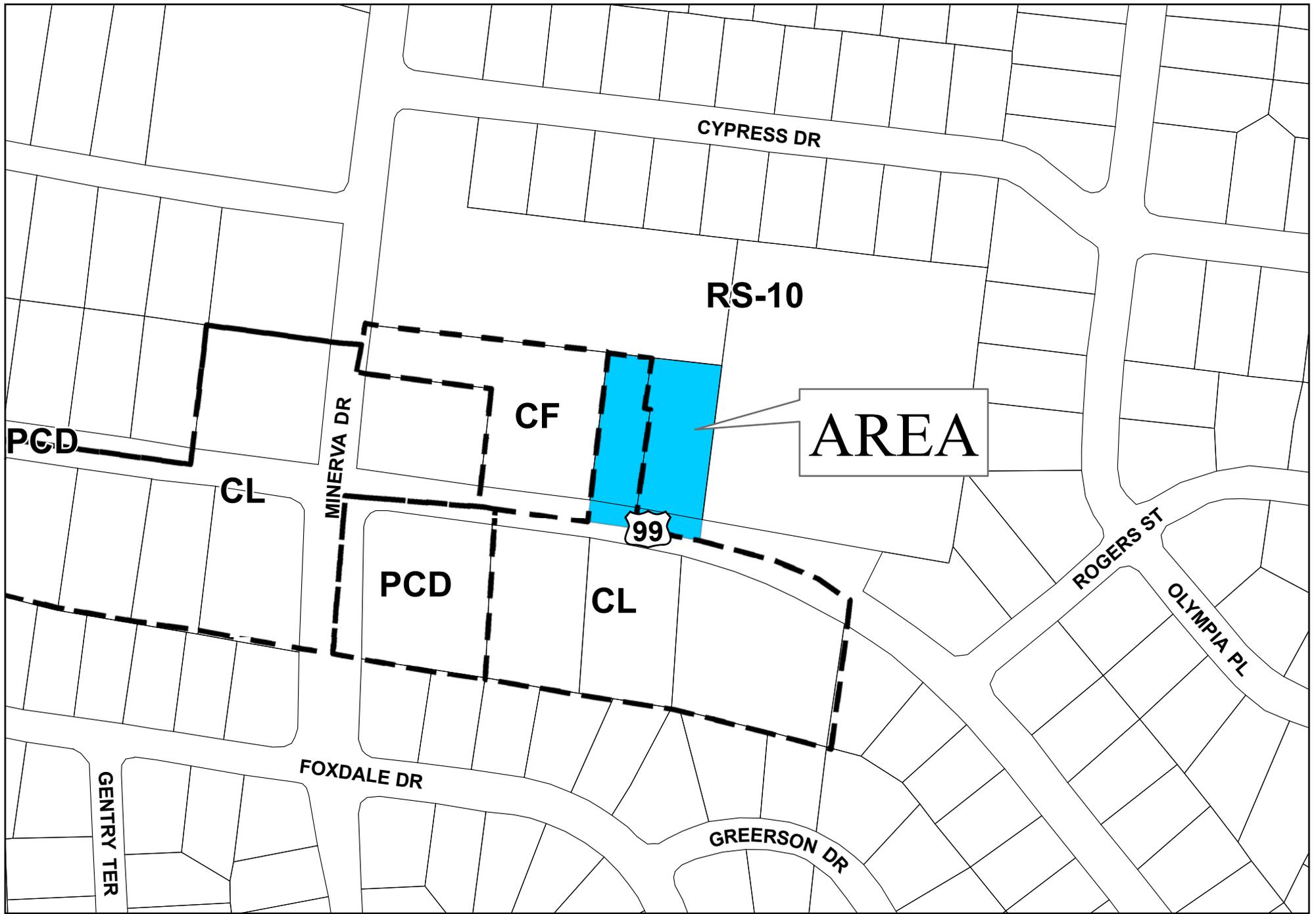
The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation for City Council.



Site



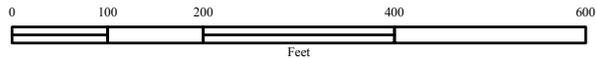
S-RU



**Rezoning Request for Property Along Bradyville Pk.  
from RS-10 and CL to CF**



Path: G:\planning\rezon\bradyvillePkCLRS10-CF.mxd



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

June 29, 2016

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

Re: Rezoning Request

Described as Tax Map #103J, Group L, Parcel 19.00 and 19.01, consisting of .59 ac. and .42 ac. located just east of the located just east of the 1811 Brandyville Pike, Murfreesboro, TN.

Dear Mr. Whitaker:

On behalf of our client, Christini Carey, we hereby request the rezoning of the property located at Tax Map 103J, Group L, Parcels 19.00 consisting of .59 acres, currently zoned RS-10, and Parcel 19.01 consisting of .42 acres currently zoned CL to the new zoning of CF as depicted in the exhibit provided. Thank you for considering our request.

Sincerely,



Clyde Rountree, RLA

HUDDLESTON-STEELE ENGINEERING, INC.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

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

**Zoning application [2016-433] for approximately 1 acre located along Bradyville Pike to be rezoned from CL (0.42 acres) and RS-10 (0.59 acres) to CF, Christine Carey applicant.** Ms.

Margaret Ann Green began to describe the subject area which consists of 2 parcels located along the northern side of Bradyville Pike, just east of the intersection with Minerva Drive. The property to the north is zoned RS-10 and is the location of the Olive Branch Missionary Baptist Church. The property to the east is also zoned RS-10 and is the location of a Methodist Church. The properties to the south are zoned CL and are developed with commercial and multi-family uses.

The rezone request consists of two parts. The first is to rezone a vacant parcel from CL (Local Commercial District) to CF (Commercial Fringe District). The second part is to rezone a parcel with an existing single family house from RS-10 (Single-Family Residential District) to CF. The applicant owns both properties and wishes to allow them to develop with a commercial use, although she does not have a specific development plan at this time. Neither parcel appears to be large enough to meet site design criteria on its own. Combined, the properties are approximately 1 acre and could be redeveloped with a commercial use. The properties are sandwiched between institutional and residential uses and are a good candidate for redevelopment.

Ms. Christine Carey the applicant was in attendance for the meeting.

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.

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

## MURFREESBORO PLANNING COMMISSION

### STAFF COMMENTS, PAGE 1

AUGUST 3, 2016

**3.a. Zoning application [2016-429] for approximately 0.8 acres located along Reid Avenue to be rezoned from RD to RS-4, Robert James & Betty French applicant.**

The requested property is located along the north side of Reid Avenue, east of South Highland Avenue and west of South University Street. It consists of one parcel, which is currently vacant and zoned RD (Residential Duplex). It is also located within the CCO (City Core Overlay District). Previously, there was a house and a mobile home on the property, but the mobile home has been removed and the house was destroyed by fire. The applicant wishes to transfer the property to Rutherford County Habitat for Humanity and has requested the rezoning from RD to RS-4 (Single-Family Residential District 4) so that Habitat for Humanity can resubdivide the property into two (2) lots of records.

The current RD zoning has a minimum lot size of 8,000 square-feet for single-family lots. The requested parcel is approximately 13,000 square-feet in lot area, so under the current RD zoning, the property could not be resubdivided. In order to create two (2) lots, the applicant has requested that these two parcels be rezoned to RS-4 (Single-Family Residential District 4). The RS-4 zone only requires a minimum 4,000 square-foot lot size. The Planning Commission also included the three (3) adjacent parcels to the east as additional study area. Rezoning these three (3) parcels will connect the requested parcel to area that is already zoned RS-4. The parcel directly to the east is vacant and owned by the applicants, who have no objection to this parcel being included in the rezoning. The additional parcels further to the east along University are both developed with single-family homes and do not meet the minimum lot size for duplexes, so it seems that RS-4 would be an appropriate zoning district for these parcels as well. All four (4) parcels are included in the "Patterson Park Revitalization District" of the *Maney Avenue Community Plan*. The plan recommends that "future redevelopment efforts in this area should focus on the provision of single-family, owner-occupied housing as a catalyst for positive change in the neighborhood." In that regard, this rezoning request appears to be consistent with the plan.

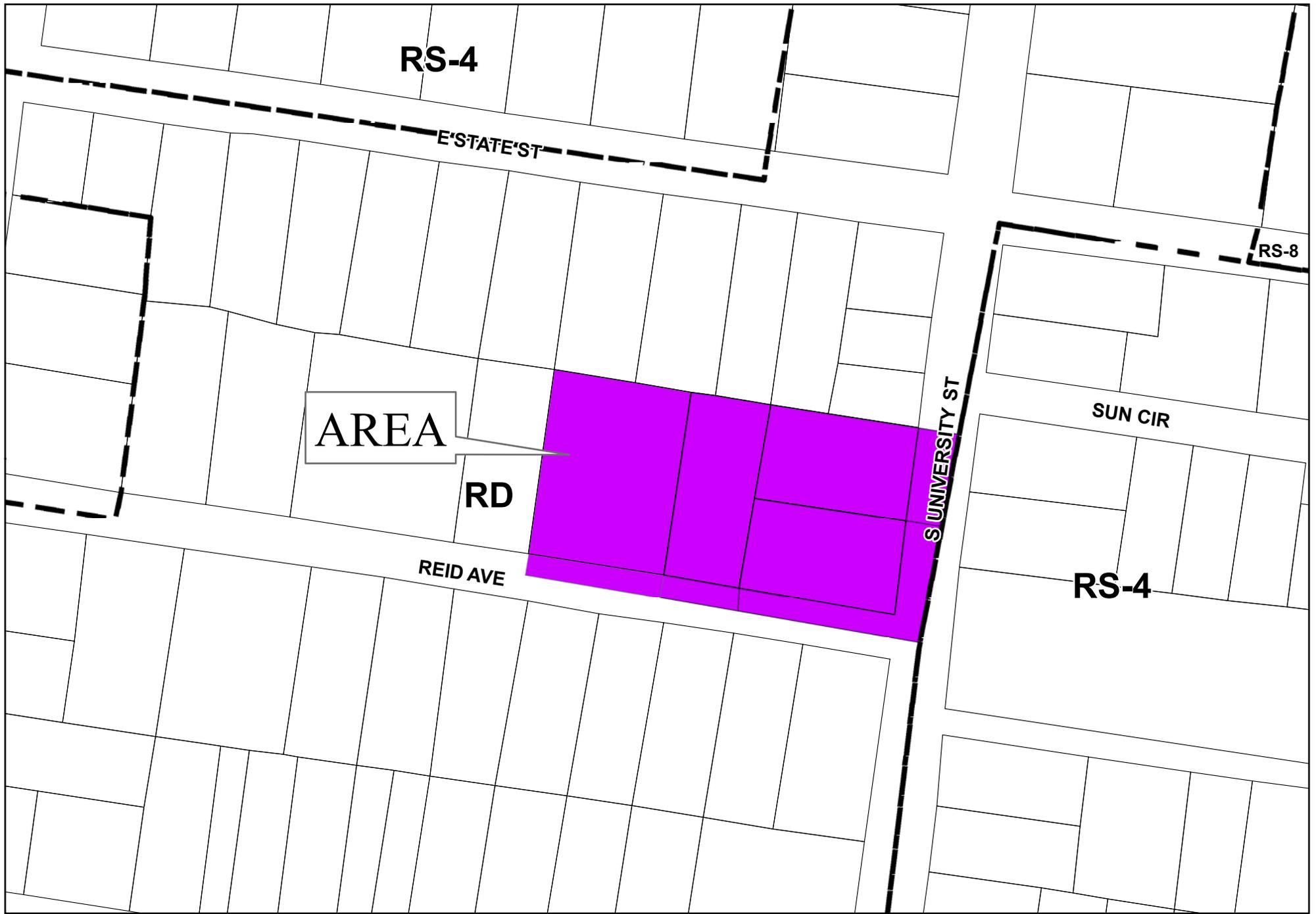
With the exception of the lot at the northeast corner of Highland and Reid, the entire block of Reid between Highland and University is currently zoned RD. The subject property is also bordered on its north side by RD zoning. However, while the surrounding RD zoning does contain some existing duplexes, many of the parcels in this area are developed with single-family homes instead of duplexes. The east side of South University Street, which adjoins the additional study area, is already zoned RS-4 and predominantly developed with single-family homes.

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

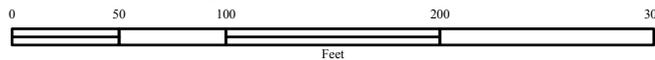




**Rezoning Request for Property Along Reid Ave.  
from RD to RS-4**



Path: G:\planning\rezon\reidaveadd.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:** Betty French and Robert James

**Address:** 1511 N. Highland Ave City/State/Zip: M'boro Tn 37130

**Phone:** 615-848-8977 E-mail address: \* Robert James.20 Bills@gmail.com

**PROPERTY OWNER:** Betty French and Robert James

Street Address or property description: 533 Reid Ave A and 533 Reid Ave

and/or Tax map #: \_\_\_\_\_ Group: \_\_\_\_\_ Parcel (s): \_\_\_\_\_

Existing zoning classification: RD

Proposed zoning classification: RS-4 Acreage: \_\_\_\_\_

Contact name & phone number for publication and notifications to the public (if different from the applicant): \_\_\_\_\_ Phone \_\_\_\_\_

E-mail: \_\_\_\_\_

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

DATE: \_\_\_\_\_

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

Date received: 6/29/16 MPC YR.: \_\_\_\_\_ MPC #: 2016-429

Amount paid: \$600.00 Receipt #: 364019

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

7:00 PM

CITY HALL

## MEMBERS PRESENT

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

## STAFF PRESENT

Gary Whitaker, Planning Director  
Margaret Ann Green, Principal Planner  
Matthew Blomeley, Principal Planner  
Joe Ornelas, Planner  
Carolyn Jaco, Recording Assistant  
David Ives, Assistant City Attorney  
Ram Balachandran, Traffic Engineer  
Sam Huddleston, Assistant City Engineer

Chairman Bob Lamb called the meeting to order after determining there was a quorum.

Chairman Lamb announced that Mr. Sam Huddleston had recently been promoted in the Engineer Department as the Assistant City Engineer. Chairman Lamb complimented Mr. Huddleston for his hard and dedication with the City of Murfreesboro. This is a well deserve promotion.

## Public Hearings

**Zoning application [2016-429] for approximately 0.8 acres located along Reid Avenue to be rezoned from RD to RS-4, Robert James & Betty French applicant.** Mr. Matthew Blomeley

began by describing the subject property located along the north side of Reid Avenue, east of South Highland Avenue and west of South University Street. It consists of one parcel, which is currently vacant and zoned RD (Residential Duplex). It is also located within the CCO (City Core Overlay District). Previously, there was a house and a mobile home on the property, but the mobile home has been removed and the house was destroyed by fire. The applicant wishes to transfer the property to Rutherford County Habitat for Humanity and has requested the rezoning from RD to RS-4 (Single-Family Residential District 4) so that Habitat for Humanity can resubdivide the property into two (2) lots of records.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

The current RD zoning has a minimum lot size of 8,000 square-feet for single-family lots. The requested parcel is approximately 13,000 square-feet in lot area under the current RD zoning, so the property could not be resubdivided. In order to create two (2) lots, the applicant has requested that these two parcels be rezoned to RS-4 (Single-Family Residential District 4). The RS-4 zone only requires a minimum 4,000 square foot lot size. The Planning Commission also included the three (3) adjacent parcels to the east as additional study area. Rezoning these three (3) parcels will connect the requested parcel to area that is already zoned RS-4. The parcel directly to the east is vacant and owned by the applicants, who have no objection to this parcel being included in the rezoning. The additional parcels further to the east along University are both developed with single-family homes and do not meet the minimum lot size for duplexes, so it seems that RS-4 would be an appropriate zoning district for these parcels as well. All four (4) parcels are included in the "Patterson Park Revitalization District" of the *Maney Avenue Community Plan*. The plan recommends that "future redevelopment efforts in this area should focus on the provision of single-family, owner-occupied housing as a catalyst for positive change in the neighborhood." In that regard, this rezoning request appears to be consistent with the plan.

With the exception of the lot at the northeast corner of Highland and Reid, the entire block of Reid between Highland and University is currently zoned RD. The subject property is also bordered on its north side by RD zoning. However, while the surrounding RD zoning does contain some existing duplexes, many of the parcels in this area are developed with single-family homes instead of duplexes. The east side of South University Street, which adjoins the additional study area, is already zoned RS-4 and predominantly developed with single-family homes. Last, Mr. Blomeley made known that no one had opposed this rezoning request.

Mr. Robert James was in attendance to represent the applicant.

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.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

**Mr. Tom Clark made a motion to approve the rezoning request, seconded by Mr. Kirt Wade.**

**The motion carried by unanimous vote in favor.**

**Zoning application [2016-433] for approximately 1 acre located along Bradyville Pike to be rezoned from CL (0.42 acres) and RS-10 (0.59 acres) to CF, Christine Carey applicant.** Ms.

Margaret Ann Green began to describe the subject area which consists of 2 parcels located along the northern side of Bradyville Pike, just east of the intersection with Minerva Drive. The property to the north is zoned RS-10 and is the location of the Olive Branch Missionary Baptist Church. The property to the east is also zoned RS-10 and is the location of a Methodist Church. The properties to the south are zoned CL and are developed with commercial and multi-family uses.

The rezone request consists of two parts. The first is to rezone a vacant parcel from CL (Local Commercial District) to CF (Commercial Fringe District). The second part is to rezone a parcel with an existing single family house from RS-10 (Single-Family Residential District) to CF. The applicant owns both properties and wishes to allow them to develop with a commercial use, although she does not have a specific development plan at this time. Neither parcel appears to be large enough to meet site design criteria on its own. Combined, the properties are approximately 1 acre and could be redeveloped with a commercial use. The properties are sandwiched between institutional and residential uses and are a good candidate for redevelopment.

Ms. Christine Carey the applicant was in attendance for the meeting.

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.

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

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS  
AUGUST 3, 2016**

- 3.f. Zoning application [2016-435] for property located along Veterans Parkway to be rezoned from RM-16 to RS-8 (approximately 0.77 acres), RM-16 to CF (approximately 0.41 acres), and CF to RM-16 (approximately 1.6 acres), Cornerstone Development, LLC developer.**

The subject property is located along the south side of Veterans Parkway just east of Saint Andrews Drive. It was originally annexed into the City and zoned as a PRD (Planned Residential District) called Kimbro Place in 2005. In 2008, it was rezoned from PRD to PUD (Planned Unit District) for a mixed-use development called Indigo. The Indigo PUD included provisions for commercial uses along Veterans Parkway and then transitioned to multi-family residential and single-family residential south of the commercial. The original Indigo vision never came to fruition. In 2012, 68.67 acres of the Indigo PUD was rezoned to RS-8 (Single-Family Residential District 8) and 25 acres was rezoned to RM-16 (Residential Multi-Family). In 2015, after the current owner purchased the property, approximately thirteen (13) acres of the remaining RM-16 zone was rezoned to RS-8 and approximately three (3) acres was rezoned to CF (Commercial Fringe).

In 2015, the applicant did not have specific plans for how he wanted to develop the RM-16- and CF-zoned property. Since that time, however, the applicant has refined his vision for the property and has engaged an engineer to design a plan. The applicant has been developing the portion of the property zoned RS-8 as the Westwind Subdivision. He would like to construct a townhome development on the portion zoned RM-16 and a daycare center on the portion zoned CF. He and his engineer have since determined that, in order to move forward with these plans, they need to “clean up” the zoning lines on this property. The request at hand contains three (3) parts. First, there is a drainage pond at the southeast corner of the tract that is zoned RM-16 but actually serves the Westwind subdivision to the south. He is requesting to rezone this 0.77 acres from RM-16 to RS-8. At the front of the site, he proposes to shift the RM-16 and CF boundaries, so that 0.41 acres would be rezoned from RM-16 to CF and 1.6 acres would be rezoned from CF to RM-16. If the entire request is approved, the CF area would shrink from 3.27 acres to 2.09 acres and the RM-16 area would increase from 8.64 acres to 9.05 acres. The 0.41 acre increase in the size of the area zoned RM-16 could result in an additional seven (7) dwelling units.

There is a single-family residence in the unincorporated County directly to the east of the subject property along Veterans Parkway. Further to the east is

undeveloped land in the unincorporated County. Directly across Veterans Parkway is the Glen Brook PRD, which has never developed. Further to the west along the south side of Veterans Parkway are several single-family residences located in the unincorporated County, as well as the Sheffield Park single-family subdivision, which is located in the City, zoned PRD, and currently under construction. As mentioned previously, the Westwind single-family residential subdivision, zoned RS-8, is developing just to the south of the subject property. The Planning Commission may wish to note that the subject property is located just outside of the *Salem Pike Land Use Plan* study area.

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

VETERANS-PKWY

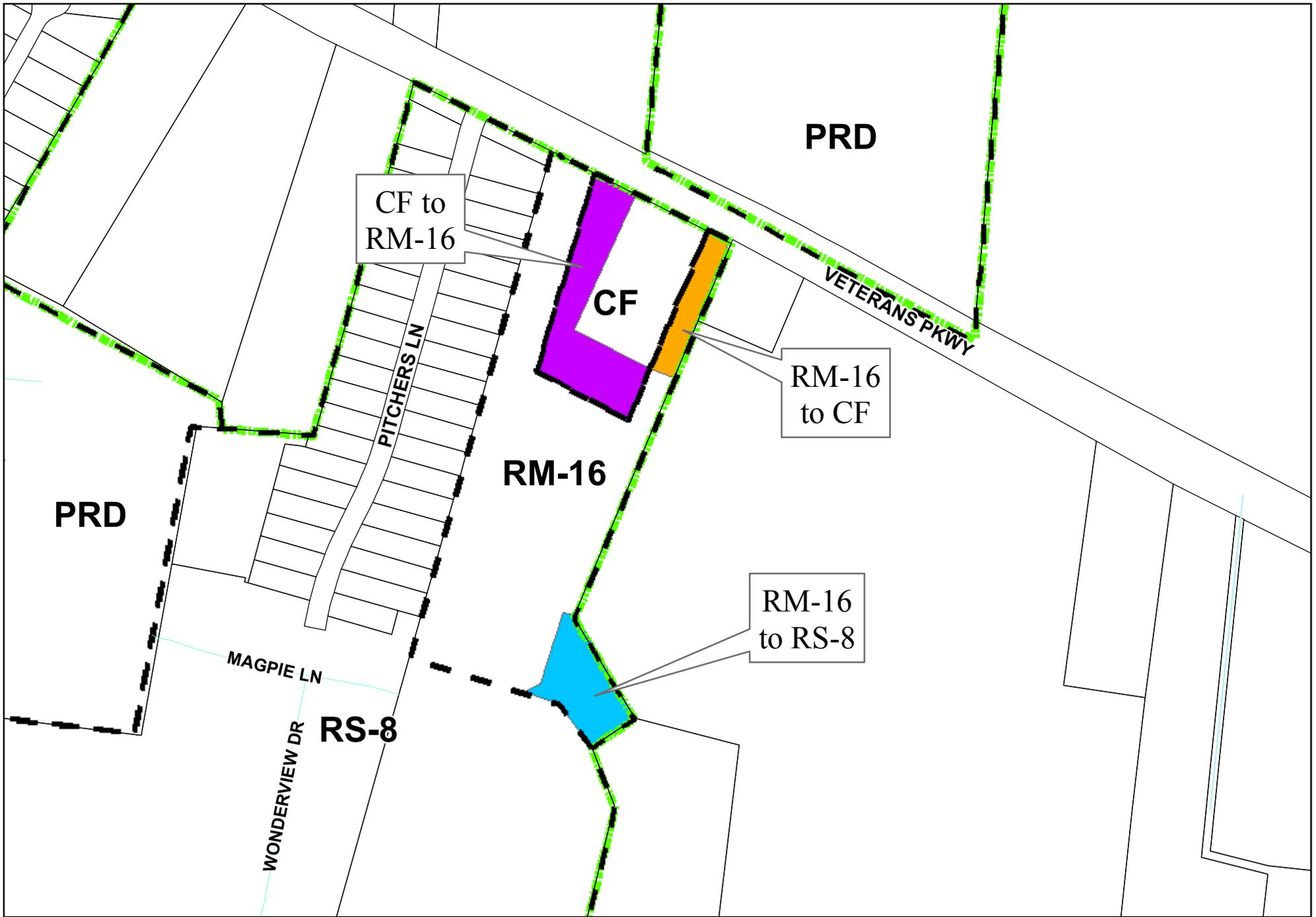
SAINT-ANDREWS-DR

SHADY-FOREST-DR

VETERANS-PKWY

CASON-LN

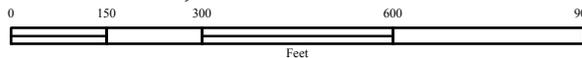




**Rezoning Request for Property Along Veterans Parkway.  
from RM-16 to CF, CF to RM-16 and RM-16 to RS-8**



Path: G:\planning\rezon\westwind.mxd



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

REZONING APPLICATION FORM



T E N N E S S E E

Creating a better quality of life

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

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: Cornerstone Development, LLC c/o Harry Minge

Address: 216 Noah Dr, Ste 100 City/State/Zip: Franklin, TN 37064

Phone: 615-642-2342 E-mail address: cstonellc@att.net

PROPERTY OWNER: same as applicant

Street Address or property description: along Veterans Parkway

and/or Tax map #: 124 Group: Parcel (s): 29.00

Existing zoning classification: RM-16 & CF

Proposed zoning classification: RM-16, CF, & RS-8 Acreage: 11.91 ACRES

Contact name & phone number for publication and notifications to the public (if different from the applicant): Matthew Taylor 615-890-7901

E-mail: mtaylor@sec-civil.com

APPLICANT'S SIGNATURE (required): [Signature]

DATE: 6-27-16

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

Date received: MPC YR.: MPC #: 2016-435

Amount paid: 600.00 Receipt #: 364025

Revised 1/2010

RECEIVED JUN 30 2016 BY: [Signature]

June 25, 2016

Mr. Matthew Blomeley  
Murfreesboro Planning & Engineering Dept  
111 W. Vine St  
Murfreesboro, Tennessee 37130

RE: Rezoning Request Cover Letter  
Westwind Commercial & Townhome Site  
Murfreesboro, Tennessee  
SEC Project No. 16134

Dear Mr. Blomeley:

Please accept this letter along with the attached application form as our official request to the City of Murfreesboro to rezone Parcel 29.00 of Tax Map 124. The entire area for this request is approximately 11.91 acres in size. The property is currently undeveloped and is located along Veterans Parkway.

Presently, the property is zoned a mixture of RM-16 and CF. The applicant is requesting rezoning to move the CF district to the eastern property line to allow a daycare facility to be constructed within that area and a townhome project to be constructed on the remainder of the property. The applicant has also requested rezoning the proposed detention pond in the southeastern corner of the property to RS-8 to minimize the increase in RM-16 zoning. The RS-8 zoning matches the zoning of the remainder of the Westwind development. The applicant is the developer of Westwind and intends for this property to serve as an extension of Westwind. These changes are in addition to the approximately 12.5 acres that the applicant rezoned from RM-16 to RS-8 previously.

We have attached an exhibit related to this project showing the relation of this property to surrounding developments.

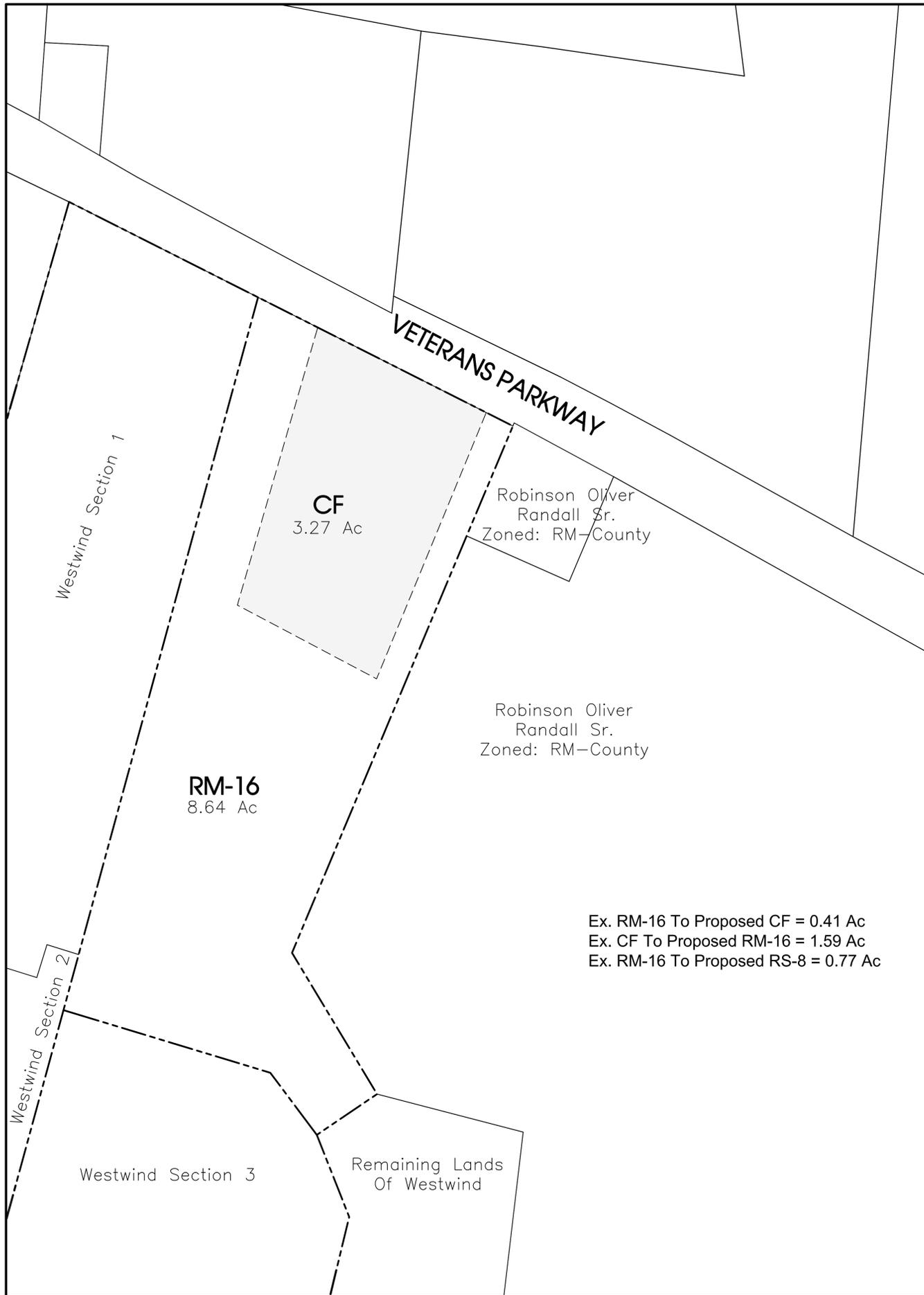
If you should have any questions concerning this request, please feel free to call me at (615) 890-7901 or via email at [mtaylor@sec-civil.com](mailto:mtaylor@sec-civil.com)

Sincerely,

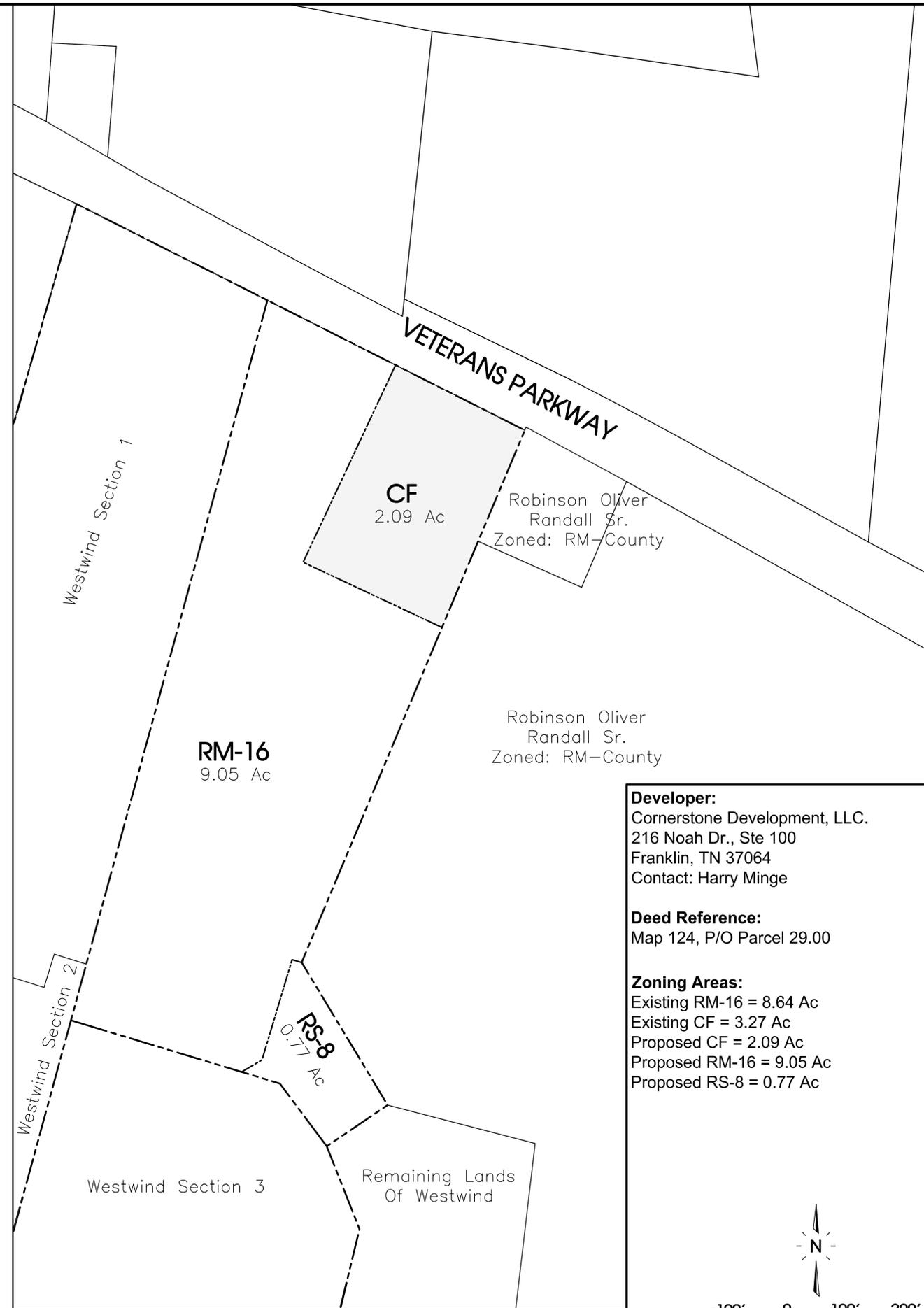


Matt Taylor, P.E.  
SEC Inc.

RECEIVED  
JUN 30 2016  
BY:.....



EXISTING ZONING AREAS

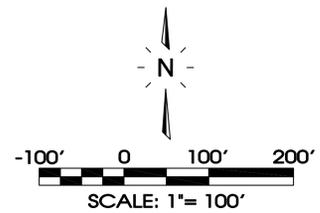


PROPOSED ZONING AREAS

**Developer:**  
 Cornerstone Development, LLC.  
 216 Noah Dr., Ste 100  
 Franklin, TN 37064  
 Contact: Harry Minge

**Deed Reference:**  
 Map 124, P/O Parcel 29.00

**Zoning Areas:**  
 Existing RM-16 = 8.64 Ac  
 Existing CF = 3.27 Ac  
 Proposed CF = 2.09 Ac  
 Proposed RM-16 = 9.05 Ac  
 Proposed RS-8 = 0.77 Ac



**Westwind**  
 Murfreesboro, Tennessee

**REZONING EXHIBIT**  
 (Not Intended For Construction)

**SEC, Inc.**  
 SITE ENGINEERING CONSULTANTS  
 ENGINEERING • SURVEYING • LAND PLANNING  
 LANDSCAPE ARCHITECTURE  
 850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129  
 E-MAIL: MTAYLOR@SEC-CIVIL.COM FAX: (615) 895-2567  
 PHONE: (615) 890-7901

**REVISIONS**

REVISED:	
DATE:	6-23-16
CHECKED:	
MAT	
FILE NAME:	16134Westwind.dwg
SCALE:	1" = 100'
JOB NO.	16134
SHEET:	1 / 1

**REZONING EXHIBIT**

The site as shown on these construction drawings is intended to achieve specific engineering design criteria and objectives. It is the responsibility of the engineer to ensure that the design as noted, described, and illustrated. The engineer assumes no administrative liability of responsibility in the assurance that the site is constructed in accordance with the construction plans.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

of Three Rivers. Mr. Ogles wanted to make known their concerns about their existing drainage issues before this property is ever developed.

Chairman Bob Lamb closed the public hearing.

Mr. Sam Huddleston commented on the existing drainage concerns making known city staff had meet with the applicant and his team to identify areas where drainage is occurring on the Ogles property. Staff has shared this information with the Ogles. The Ogles have followed up in discussion with Mr. Matt Taylor, SEC and Mr. Bill Huddleston, Huddleston Steele Engineering. There are alternatives for Ogles property that joins this rezoning request property. The Ogles property does not have any existing drainage system. The drainage from Three Rivers is managed very well, it is very restrictive and discharges at a very low point. Mr. Matt Taylor made known they are currently working on an alternative design to address Mr. Ogles property by lowering an existing property line and dig a ditch that would lower the design for a future pond in Three Rivers Section 8.

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

**Zoning application [2016-435] for property located along Veterans Parkway to be rezoned from RM-16 to RS-8 (approximately 0.77 acres) RM-16 to CF (approximately 0.41 acres), and CF to RM-16 (approximately 1.6 acres), Cornerstone Development, LLC developer.**

Mr. Matthew Blomeley began by addressing the subject property located along the south side of Veterans Parkway just east of Saint Andrews Drive. It was originally annexed into the City and zoned as a PRD (Planned Residential District) called Kimbro Place in 2005. In 2008, it was rezoned from PRD to PUD (Planned Unit District) for a mixed-use development called Indigo. The Indigo PUD included provisions for commercial uses along Veterans Parkway and then transitioned to multi-family residential and single-family residential south of the commercial. The original Indigo vision never came to fruition. In 2012, 68.67 acres of the Indigo PUD was rezoned

# **MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016**

to RS-8 (Single-Family Residential District 8) and 25 acres was rezoned to RM-16 (Residential Multi-Family). In 2015, after the current owner purchased the property, approximately thirteen (13) acres of the remaining RM-16 zone was rezoned to RS-8 and approximately three (3) acres was rezoned to CF (Commercial Fringe).

In 2015, the applicant did not have specific plans for how he wanted to develop the RM-16- and CF-zoned property. Since that time, the applicant has refined his vision for the property and has engaged an engineer to design a plan. The applicant has been developing the portion of the property zoned RS-8 as the Westwind Subdivision. He would like to construct a townhome development on the portion zoned RM-16 and a daycare center on the portion zoned CF. He and his engineer have since determined that, in order to move forward with these plans, they need to “clean up” the zoning lines on this property. The request at hand contains three (3) parts. First, there is a drainage pond at the southeast corner of the tract that is zoned RM-16 but actually serves the Westwind subdivision to the south. He is requesting to rezone this 0.77 acres from RM-16 to RS-8. At the front of the site, he proposes to shift the RM-16 and CF boundaries, so that 0.41 acres would be rezoned from RM-16 to CF and 1.6 acres would be rezoned from CF to RM-16. If the entire request is approved, the CF area would shrink from 3.27 acres to 2.09 acres and the RM-16 area would increase from 8.64 acres to 9.05 acres. The 0.41 acre increase in the size of the area zoned RM-16 could result in an additional seven (7) dwelling units.

There is a single-family residence in the unincorporated County directly to the east of the subject property along Veterans Parkway. Further to the east is undeveloped land in the unincorporated County. Directly across Veterans Parkway is the Glen Brook PRD, which has never developed. Further to the west along the south side of Veterans Parkway are several single-family residences located in the unincorporated County, as well as the Sheffield Park single-family subdivision, which is located in the City, zoned PRD, and currently under construction. As mentioned previously, the Westwind single-family residential subdivision, zoned RS-8, is developing just to

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

the south of the subject property. The Planning Commission may wish to note that the subject property is located just outside of the *Salem Pike Land Use Plan* study area.

Mr. Matt Taylor was in attendance to represent the applicant.

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

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

Zoning application [2016-432] for approximately 78.4 acres located along Asbury Lane to amend the PRD (Purlingbrook PRD), Beazer Homes applicant. Mr. Matthew Blomeley began by describing the subject property located along the west side of Asbury Lane. It consists of 78.4 acres and is undeveloped, except for one single-family residence. Overall Creek flows through the subject parcel, and a large portion of the property is encumbered by Overall Creek and its floodway and floodplain. It was originally annexed and zoned as a PRD in 2006. The original Purlingbrook PRD consisted of 168 townhome units. The Purlingbrook PRD was amended in 2008 to reduce the number of townhome units to 159 and to incorporate some other site design changes. The property has remained undeveloped ever since. The applicant has the property under contract and wishes to amend the PRD, essentially replacing the existing PRD zoning plan with a new PRD zoning plan.

The subject property is bounded on its southwest side by I-24 and on its south side by a vacant piece of property zoned RS-15 (Single-Family Residential District), both of which are located within the City limits. Further to the south, Asbury Lane intersects with Medical Center Parkway. To the north of the subject property is the Confederate Glen single-family residential subdivision located in the unincorporated County. To the east of the subject property, across Asbury Lane is a single-family residence on a large, mostly undeveloped tract located in the unincorporated

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
AUGUST 3, 2016**

**3.g. Zoning application [2016-432] for approximately 78.4 acres located along Asbury Lane to amend the PRD (Purlingbrook PRD), Beazer Homes applicant.**

The subject property is located along the west side of Asbury Lane. It consists of 78.4 acres and is undeveloped, except for one single-family residence. Overall Creek flows through the subject parcel, and a large portion of the property is encumbered by Overall Creek and its floodway and floodplain. It was originally annexed and zoned as a PRD in 2006. The original Purlingbrook PRD consisted of 168 townhome units. The Purlingbrook PRD was amended in 2008 to reduce the number of townhome units to 159 and to incorporate some other site design changes. The property has remained undeveloped ever since. The applicant has the property under contract and wishes to amend the PRD, essentially replacing the existing PRD zoning plan with a new PRD zoning plan.

The subject property is bounded on its southwest side by I-24 and on its south side by a vacant piece of property zoned RS-15 (Single-Family Residential District), both of which are located within the City limits. Further to the south, Asbury Lane intersects with Medical Center Parkway. To the north of the subject property is the Confederate Glen single-family residential subdivision located in the unincorporated County. To the east of the subject property, across Asbury Lane is a single-family residence on a large, mostly undeveloped tract located in the unincorporated County. Also to the east, across Asbury Lane, are the Ridgefield and Bridleview single-family residential subdivisions, which are also located in the unincorporated County.

The proposed PRD zoning plan seeks to reduce the density and allow for both single-family detached homes on individual lots of record in addition to for-sale townhome units. The plan proposes to reduce the number of townhome units from 159 to 90. The plan also proposes 48 single-family residential detached lots. The total number of units will be decreased by 21, from 159 to 138. The single-family lots are proposed to be a minimum of 4,500 square-feet. The minimum square-footage for the single-family homes will be 1,850 square-feet and the minimum square-footage for the townhomes will be 1,250 square-feet. The townhomes will consist of a mixture of 2-bedroom units and 3-bedroom units. The previous plan committed to 75% brick, stone, or hardi-plank (i.e., cementitious siding) with vinyl only allowed on cornice work. The new plan proposes to change the language to require **100%** brick, stone, or hardi-plank (i.e., cementitious siding) with vinyl only allowed in the eaves and soffits.

Examples of the types of townhome and single-family buildings are included in the pattern book. The plan proposes a Type C buffer along the northern property line adjacent to the Confederate Glen subdivision. Additional details with regard to the proposed development can be found in the program book. Also of note, improvements to Asbury Lane will be required as will the dedication of right-of-way. The exact nature of the road improvements will be determined by the City Engineer.

The applicant proposes two deviations from the standard zoning regulations. First, multi-family developments (and townhome developments are considered multi-family developments, even though they consist of a for-sale product) of 75 units or greater are required to provide a trash compactor. The applicant is requesting the use of a Dumpster instead.

Secondly, it is the desire of the applicant to have a 20' minimum front building setback for the single-family lots. A driveway 20' in length will only accommodate two (2) off-street parking spaces. The Zoning Ordinance requires four (4) off-street parking spaces for single-family homes. Garage spaces are not permitted to count toward minimum parking requirements. The applicants seek an exception to this requirement as a part of this PRD amendment in order to allow the garage spaces to count toward the minimum parking requirements. In order to accomplish this, they propose to restrict the use of the two-car garages so that their primary use will **not** be for the parking of boats, RVs, household storage, etc...; rather it will be for vehicular parking. The garages would be restricted both in the zoning plan and in the restrictive covenants to state that they must be available for the parking of two (2) vehicles at all times. In addition, Staff also recommends that the applicants revise the zoning plan to commit to the following two (2) requirements. First, all street rights-of-way in the single-family detached portion of the development shall be 50' wide with a 36' street width, consistent with what is required for single-family developments that are zoned RZ (Zero Lot Line Residential District). This will help to accommodate any off-street parking that will occur. Second, the garages for the single-family homes should be oversized in order to accommodate some amount of household storage. This will help to make provisions for the storage of lawn equipment and City-issued solid waste carts in addition to the parking of two (2) vehicles. Staff has tasked the developer and design team to address these two (2) items prior to the Planning Commission meeting. Staff expects to have additional information at that time.

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



EXT 53A TO I-24 E



ASBURY LN

RIDGEFIELD DR

SHREWSBURY DR

BROOKRUN RD

BRIDLE DR

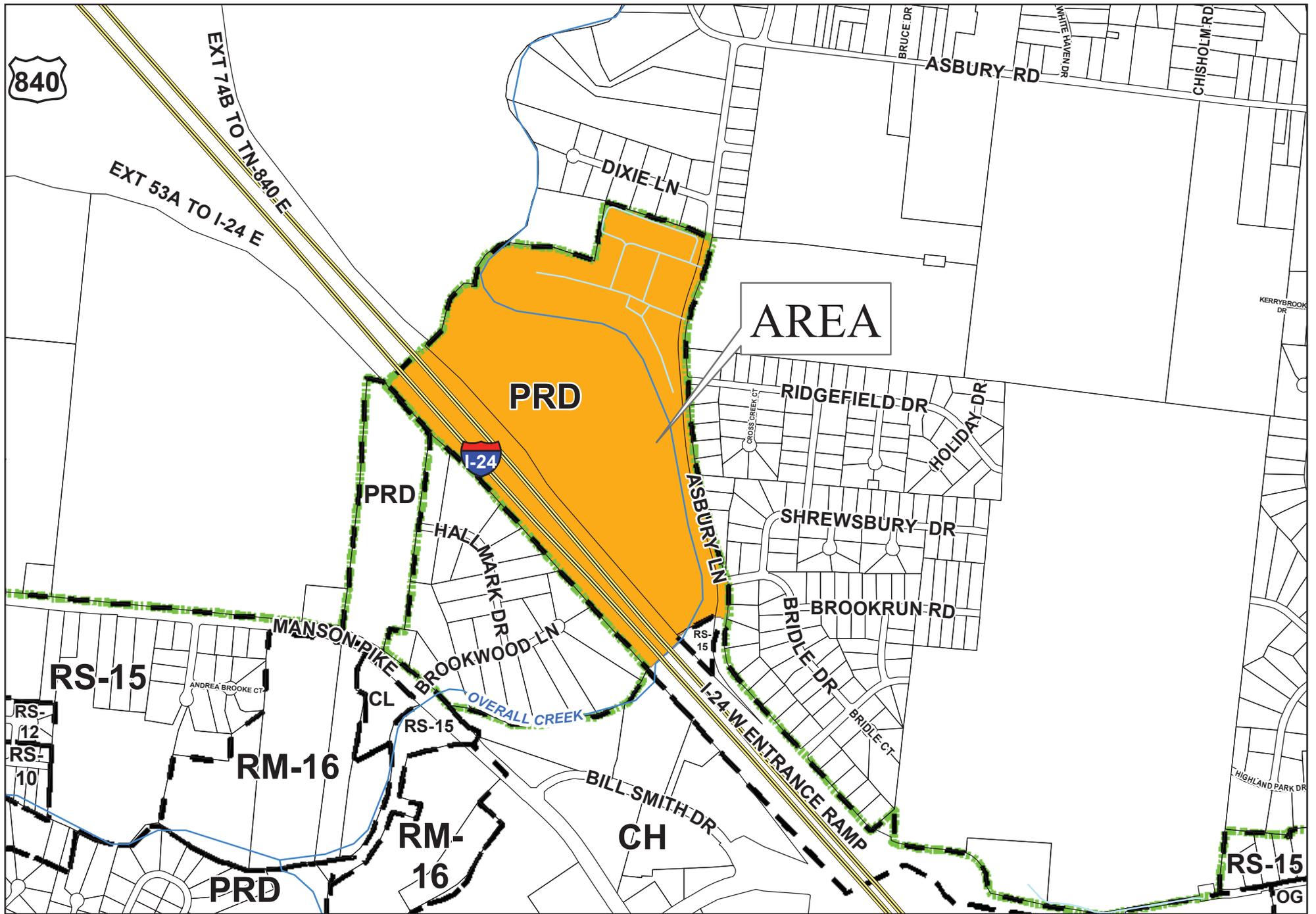
I-24 W ENTRANCE RAMP

ASBURY LN

HALLMARK DR

MANSON PIKE

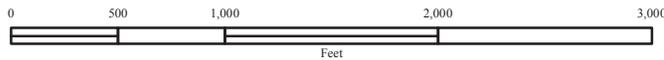




Rezoning Request for Property Along Asbury Ln.  
PRD Amendment



Path: G:\planning\rezon\asburyprdamend.mxd



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

REZONING APPLICATION FORM



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

PUD
AMENDMENT

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.

RECEIVED
JUN 30 2016

To be completed by applicant:

APPLICANT: Civil Site Design Group, PLLC Attn: Ryan Lovelace, P.E.

Address: 630 Southgate Ave. S. - Suite A City/State/Zip: Nashville, TN 37203

Phone: (615) 248-9999 E-mail address: RyanL@civil-site.com

PROPERTY OWNER: Asbury Developments

Street Address or property description: Asbury Lane

and/or Tax map #: 79 Group: Parcel (s): 55

Existing zoning classification: PRD

Proposed zoning classification: PRD Acreage: 73.5 acres

Contact name & phone number for publication and notifications to the public (if different from the applicant): Ryan Lovelace P.E.

E-mail: RyanL@civil-site.com

APPLICANT'S SIGNATURE (required): [Signature]

DATE: 6/30/16

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

Date received: 6-30-16 MPC YR.: MPC #: 2016-432

Amount paid: \$600.00 Receipt #: 364026

Revised 1/2010

# CIVIL SITE

DESIGN GROUP  
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS

August 2, 2016

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

**RE: Purlingbrook at Asbury Lane  
Planned Residential Development Amendment  
Asbury Lane  
Map 79, Parcel 55**

Dear Mr. Whitaker,

Recent conversations have brought forth additional conditions of staff approval that, due to time constraints, have not made updated in the plan book. This letter is an addendum to the plan book and if the Planning Commission recommends approval, we agree to revise the plan to include the following revisions prior to the City Council public hearing:

- 1) Beazer Homes agrees to provide oversized single family home garages with a minimum depth of 23'.
- 2) The last note at the bottom of page 4 of the plan book shall read: *This plan is committing to restricting the use of all garages so that their primary use will not be for the parking of boats, RVs, household storage, etc.; rather it will be for vehicular parking. The garages in the single-family portion of the development shall be available for the parking of two (2) vehicles at all times, and the garages in the townhome portion of the development shall be available for the parking of one (1) vehicle at all times. In addition to being a zoning requirement, this commitment will also be included in the restrictive covenants and enforced by the homeowners association.*
- 3) All ROW in the single-family portion of the development will be 50' wide with 36' of pavement.

We respectfully request favorable recommendation at the August 3, 2016 Planning Commission meeting. If you need any additional information, please do not hesitate to call me. Thank you for your assistance with this project.

Respectfully Submitted  
Civil Site Design Group, PLLC,



Ryan Lovelace, P.E.  
Principal

Cc: Brad Garnto Beazer Homes – Nashville Division  
CSDG No. 16-073-01

# *Purlingbrook*

at Asbury Lane

A PLANNED UNIT DEVELOPMENT

DEVELOPED BY:  
**BEAZER HOMES - NASHVILLE DIVISION**  
1018 ELM HILL PIKE  
NASHVILLE, TN 37210  
ATTN: BRAD GARNTO

REV: 9-28-16  
DATE: 7-29-16

SUBMITTED 9-28-16 FOR THE 10-13-16  
CITY COUNCIL PUBLIC HEARING

1. EXISTING PROJECT SUMMARY AND PLAN
2. PROPOSED CONDITIONS SUMMARY
3. ILLUSTRATIVE MASTER PLAN
4. SITE CONCEPT PLAN
5. MASTER PLAN CHARACTERISTICS
6. LOCATION MAP
7. CURRENT ZONING MAP
8. EXISTING UTILITIES
9. AERIAL AND TOPOGRAPHICAL INFORMATION
10. ROADWAY INFORMATION
11. TOWNHOMES ARCHITECTURAL ELEVATIONS
12. TOWNHOMES ARCHITECTURAL ELEVATIONS
13. TOWNHOMES ARCHITECTURAL ELEVATIONS
14. TOWNHOME FLOORPLAN
15. SINGLE FAMILY ELEVATION AND FLOORPLAN
16. SINGLE FAMILY ELEVATION AND FLOORPLAN
17. SINGLE FAMILY ELEVATION AND FLOORPLAN
18. SINGLE FAMILY ELEVATION AND FLOORPLAN
19. ARCHITECTURAL RENDERINGS
20. ARCHITECTURAL RENDERINGS
21. SECTION 13(D) (2) (9) (1-15)
22. SECTION 13(D) (2) (9) (1-15)
23. PMDP COVER
24. OVERALL PLAN
25. MASTER PLAN
26. UTILITY PLAN
27. GRADING AND DRAINAGE PLAN
28. PHASING PLAN

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### PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee



### Existing Conditions

Purlingbrook at Asbury Lane is 74.5 acres in size and is currently zoned as planned residential with multi-family attached condominium use with 159 proposed units at a density of 2.16 du/acre. The site is surrounded by existing single-family developments to the north and east and Interstate 24 to the southwest.

### History of the Purlingbrook at Asbury Lane Development

Purlingbrook at Asbury Lane was originally annexed and approved as a planned development in December of 2006. The original plan was then amended in April of 2008 to include the following major improvements: A decrease in total density from 2.3 du/acre to 2.16 du/acre, increased setbacks along Overall Creek to meet water quality standards, increased building setbacks from Asbury Lane & the northern property line, and a different product mix. On behalf of Beazer Homes - Nashville Division we are submitting an amendment to the planned residential development proposing to replace the existing PRD zoning plan with the PRD zoning plan described in the following pages.

## EXISTING PROJECT SUMMARY & PLAN

**CIVIL-SITE**

DESIGN GROUP

630 SOUTHGATE AVENUE, SUITE A - NASHVILLE, TN 37203  
615.248.9999 www.civil-site.com

PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee

### Proposed Development

The revised Purlingbrook at Asbury Lane - PRD now features a number of single family lots in addition to the townhomes. By providing both single family lots and townhome units we will not only provide potential buyers with more options to better suit their needs but we will also be more consistent with the surrounding neighborhood characteristics. This plan decreases the overall proposed lot yield and density once again from 159 units with a gross density of 2.16 du/ac to 138 units with a gross density of 1.9 du/acre. A pool has been added to the centrally located amenity center to be used by both townhome and single family units. All of the proposed townhomes will be fee-simple for sale units. These units shall have slab on grade or crawlspace foundations and each unit will have a minimum of a 1 car garage. The architectural standards have also been upgraded. We propose that all buildings shall consist of 100% masonry (brick, stone, or Hardie-Plank). No vinyl shall be permitted except eaves and soffits.

### Items Remaining Unchanged

- Townhomes and single family units shall have a max building height of 3 stories.
- The increased setbacks along Overall Creek from the previous approval are to remain to meet water quality standards.
- The increased minimum building setbacks along Asbury Lane and the northern property line from the previous approval are to remain in place.
- We are still proposing a variety of housing types and maintaining significant architectural and aesthetic improvements.
- Provide approximately 52.0 acres of natural open space and a gravel pedestrian trail system.

## PROPOSED CONDITIONS SUMMARY

### PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee



**SITE DATA:**

TOTAL ACRES: 74.5±  
 EXISTING ZONING: PLANNED DEVELOPMENT (TOWNHOME)  
 PROPOSED ZONING: PLANNED DEVELOPMENT (SINGLE FAMILY & TOWNHOME)  
 TAX MAP: 079 PARCEL: 055  
 TOTAL UNITS:  
     SINGLE FAMILY: 48 LOTS  
     TOWNHOMES: 90 UNITS  
 GROSS DENSITY: 1.9 du/acre  
 F.A.R. = 0.10  
 L.S.R. = 9.8  
 O.S.R. = 7.2  
 TOTAL UNDEVELOPED OPEN SPACE: 52.0± ACRES ( 70% OF SITE)



ILLUSTRATIVE MASTER PLAN  
 PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee



**SITE DATA:**

DEVELOPER: BEAZER HOMES - NASHVILLE DIVISION  
 ACREAGE: 78.4 Ac±  
 TAX MAP: 079 PARCEL: 055  
 CURRENT ZONING: PRD  
 PROPOSED ZONING: UNCHANGED

**DWELLING UNITS:**

SINGLE FAMILY LOTS: 48 LOTS  
 TOWNHOME UNITS: 90 UNITS  
 TOTAL: 138

**MIN. SETBACKS. (SINGLE FAMILY LOTS)**

FRONT 20'  
 SIDE (INTERIOR LOT) 5'  
 SIDE (CORNER LOT) 15'  
 REAR 20'

TOTAL DENSITY PROPOSED: 1.9 UNITS/AC.

MIN. SINGLE FAMILY LOT SIZE: 4,500 S.F. (45'W x 100'D)  
 MIN. TOWNHOME UNIT PAD: 1,000 S.F. (25'W x 40'D)

MIN. SINGLE FAMILY SQUARE FOOTAGE = 1,850 S.F.  
 MIN. TOWNHOME SQUARE FOOTAGE = 1,250 S.F.

F.A.R. = 0.10  
 L.S.R. = 9.8  
 O.S.R. = 7.2

**BUILDING MIX**

BUILDING TYPE	# OF BUILDINGS	UNITS PER TYPE	END UNITS	INTERIOR UNITS
5 UNIT	8	40	16	24
6 UNIT	7	42	14	28
8 UNIT	1	8	2	6
<b>TOTALS</b>	<b>16</b>	<b>90</b>	<b>32</b>	<b>58</b>

PROPOSED ASBURY R.O.W. DEDICATION: 2.1 Ac  
 INTERNAL R.O.W. AREA: 2.3 Ac  
 SINGLE FAMILY LOT AREA: 6.6 Ac  
 TOWNHOME AREA: 15.4 Ac  
 OPEN SPACE AREA: 52.0 Ac  
 TOTAL LAND AREA: 78.4 Ac

**PARKING CALCULATIONS:**

REQUIRED: (48) SINGLE FAMILY UNITS x 4 PARKING SPACES / UNIT = 192 SPACES  
 (81) 3 BEDROOM TOWNHOMES x 1.1 SPACES / BEDROOM = 268 SPACES  
 (9) 2 BEDROOM TOWNHOMES x 1.1 SPACES / BEDROOM = 20 SPACES  
 TOTAL REQUIRED PARKING SPACES = 480 SPACES

PROPOSED: (48) SINGLE FAMILY UNITS (2 GARAGE \* & 2 DRIVEWAY) = 192 SPACES  
 (90) 2 & 3 BEDROOM TOWNHOMES (1 GARAGE \* & 1 DRIVEWAY) = 180 SPACES  
 GUEST PARKING AREAS = 108 SPACES  
 TOTAL PROPOSED PARKING SPACES = 480 SPACES

**VARIANCE TO STANDARD ZONING REQUIREMENTS:**

ALLOWANCE FOR GARAGE SPACES TO COUNT TOWARD MINIMUM PARKING REQUIREMENTS FOR SINGLE FAMILY.

\* THIS PLAN IS COMMITTING TO RESTRICTING THE USE OF ALL GARAGES SO THAT THEIR PRIMARY USE WILL NOT BE FOR THE PARKING OF BOATS, RV'S, HOUSEHOLD STORAGE, ETC.; RATHER IT WILL BE FOR VEHICULAR PARKING. THE GARAGES IN THE SINGLE FAMILY PORTION OF THE DEVELOPMENT SHALL BE AVAILABLE FOR THE PARKING OF TWO (2) VEHICLES AT ALL TIMES, AND THE GARAGES IN THE TOWNHOME PORTION OF THE DEVELOPMENT SHALL BE AVAILABLE FOR THE PARKING OF ONE (1) VEHICLE AT ALL TIMES. IN ADDITION TO BEING A ZONING REQUIREMENT, THIS COMMITMENT WILL ALSO BE INCLUDED IN THE RESTRICTIVE COVENANTS AND ENFORCED BY THE HOMEOWNERS ASSOCIATION.

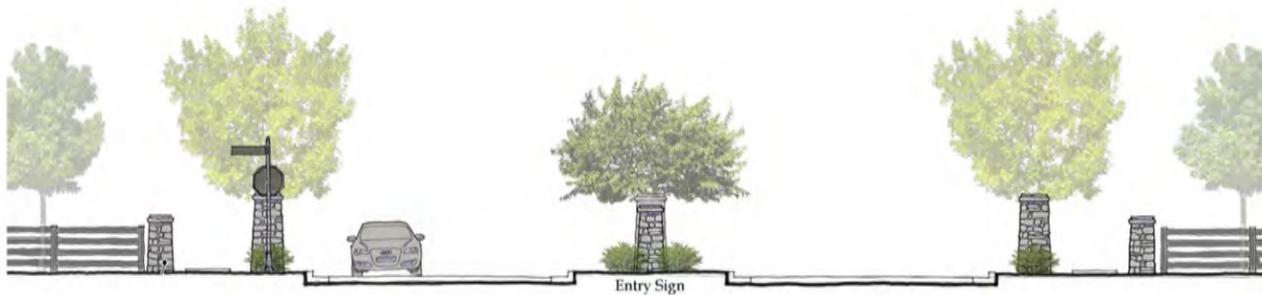
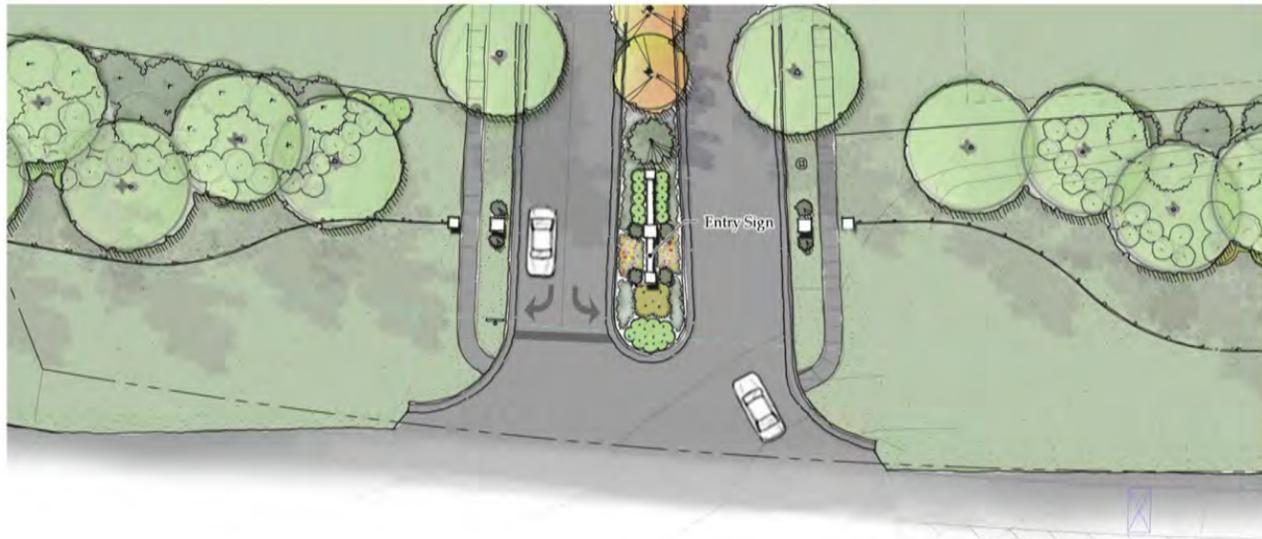
\* BEAZER HOMES AGREES TO PROVIDE OVERSIZED SINGLE FAMILY HOME GARAGES WITH A MINIMUM DEPTH OF 23'.

\* ALL ROW IN THE SINGLE-FAMILY PORTION OF THE DEVELOPMENT WILL BE 50' WIDE WITH 36' OF PAVEMENT.

**S I T E   C O N C E P T   P L A N**

**P U R L I N G B R O O K   a t   A S B U R Y**

Murfreesboro, Rutherford County, Tennessee



**ENTRANCE FEATURES**



**EXAMPLE OF DECORATIVE MAILBOX**



**EXAMPLE OF LIGHT FIXTURES IN TOWNHOME SECTION**

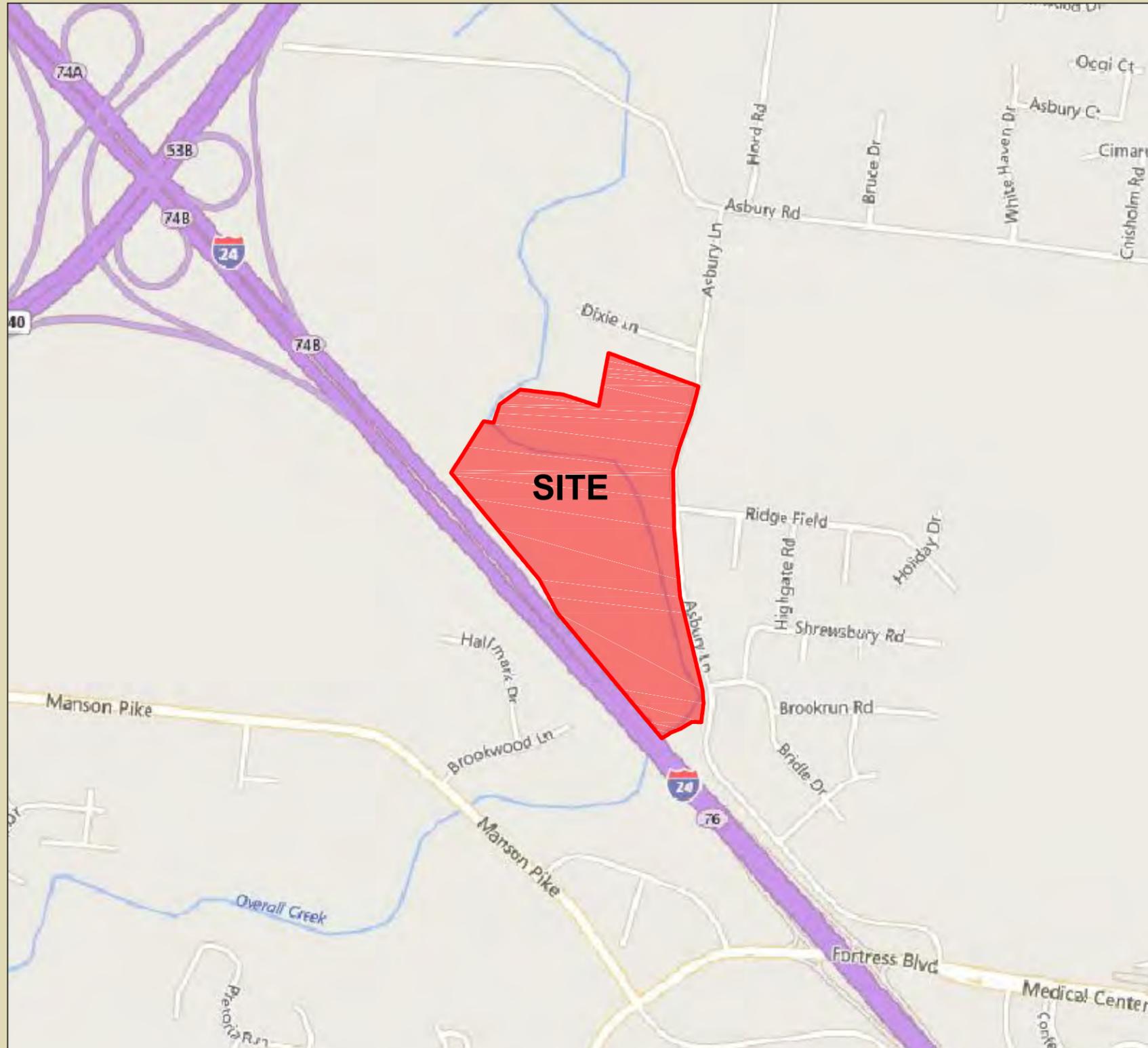


**EXAMPLE OF MAILBOX KIOSK FOR TOWNHOME SECTION**

**MASTER PLAN CHARACTERISTICS**

**PURLINGBROOK at ASBURY**

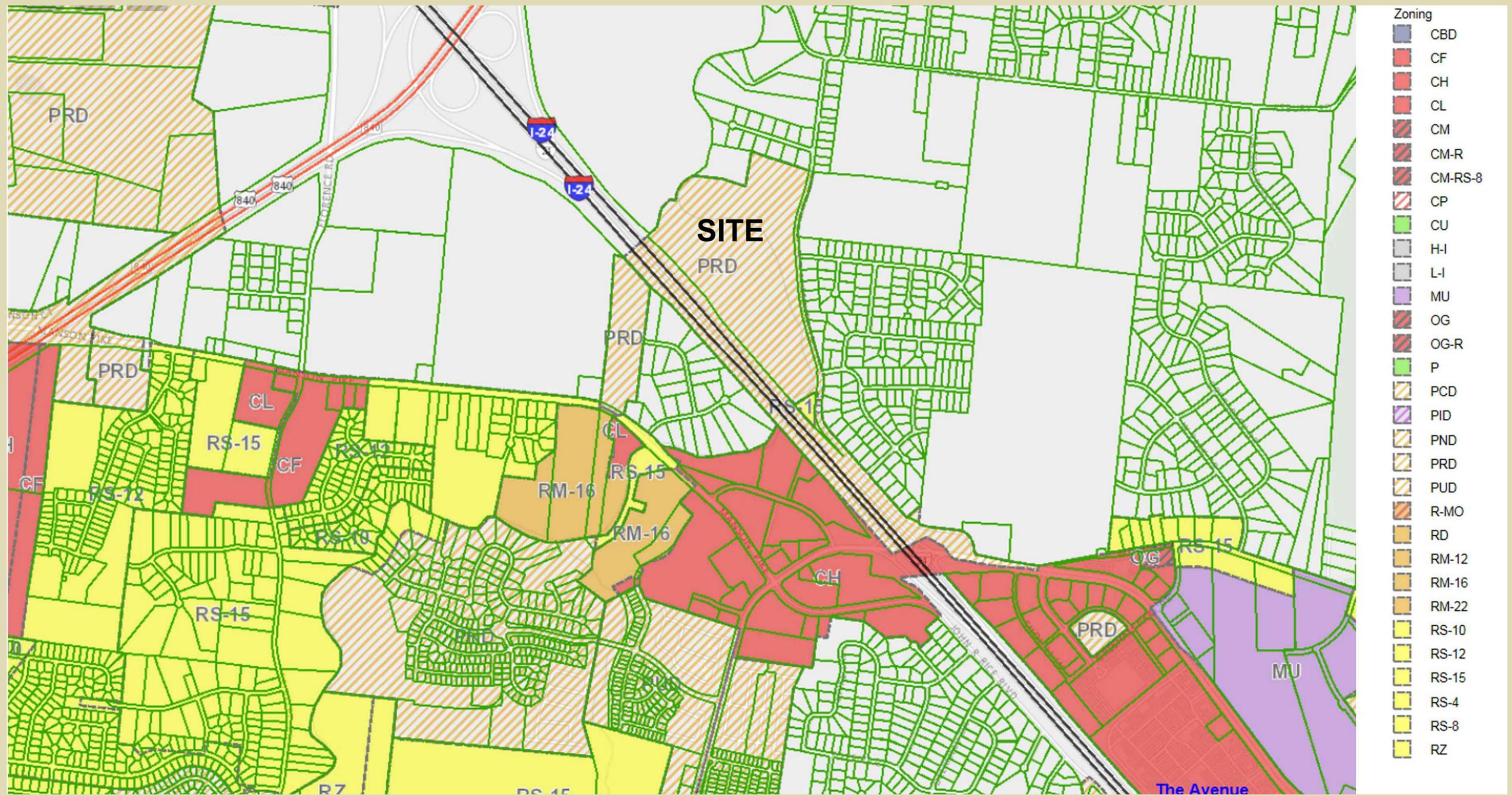
Murfreesboro, Rutherford County, Tennessee



LOCATION MAP

PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee



# ZONING MAP

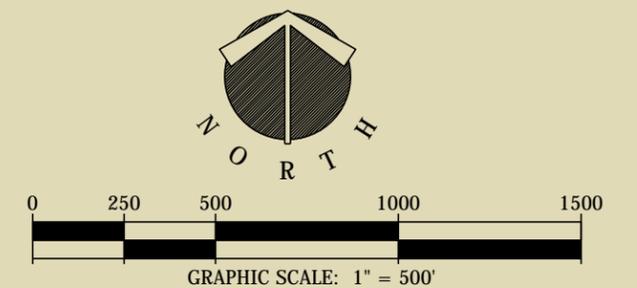
## PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee



ALL UTILITIES WITHIN THE DEVELOPMENT WILL BE UNDERGROUND. CURRENTLY, THE DEVELOPER IS WORKING WITH NEIGHBORING DEVELOPER TO OBTAIN AN UTILITY EASEMENT FROM THE PROPERTY OWNERS DIRECTLY EAST OF OUR SITE (WRIGHT NANCY BYRD) TO EXTEND A WATER SUPPLY LINE FROM A 48" MAIN LOCATED APPROXIMATELY 2200 FEET DIRECTLY EAST OF THE SITE. AN ALTERNATE SOURCE OF WATER SERVICE WOULD BE A 48" LINE AT ASBURY LANE & COTTON MILL DRIVE. SANITARY SEWER SERVICE TO BE PROVIDED BY MURFREESBORO WATER AND SEWER DEPARTMENT. SOLID WASTE DISPOSAL WILL BE PROVIDED BY A PRIVATE CARRIER FOR ALL TOWNHOME UNITS. THE CITY WILL PROVIDE SOLID WASTE SERVICES TO THE SINGLE FAMILY LOTS.

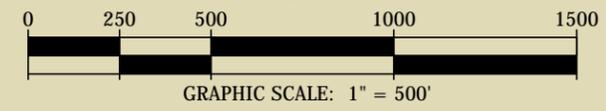
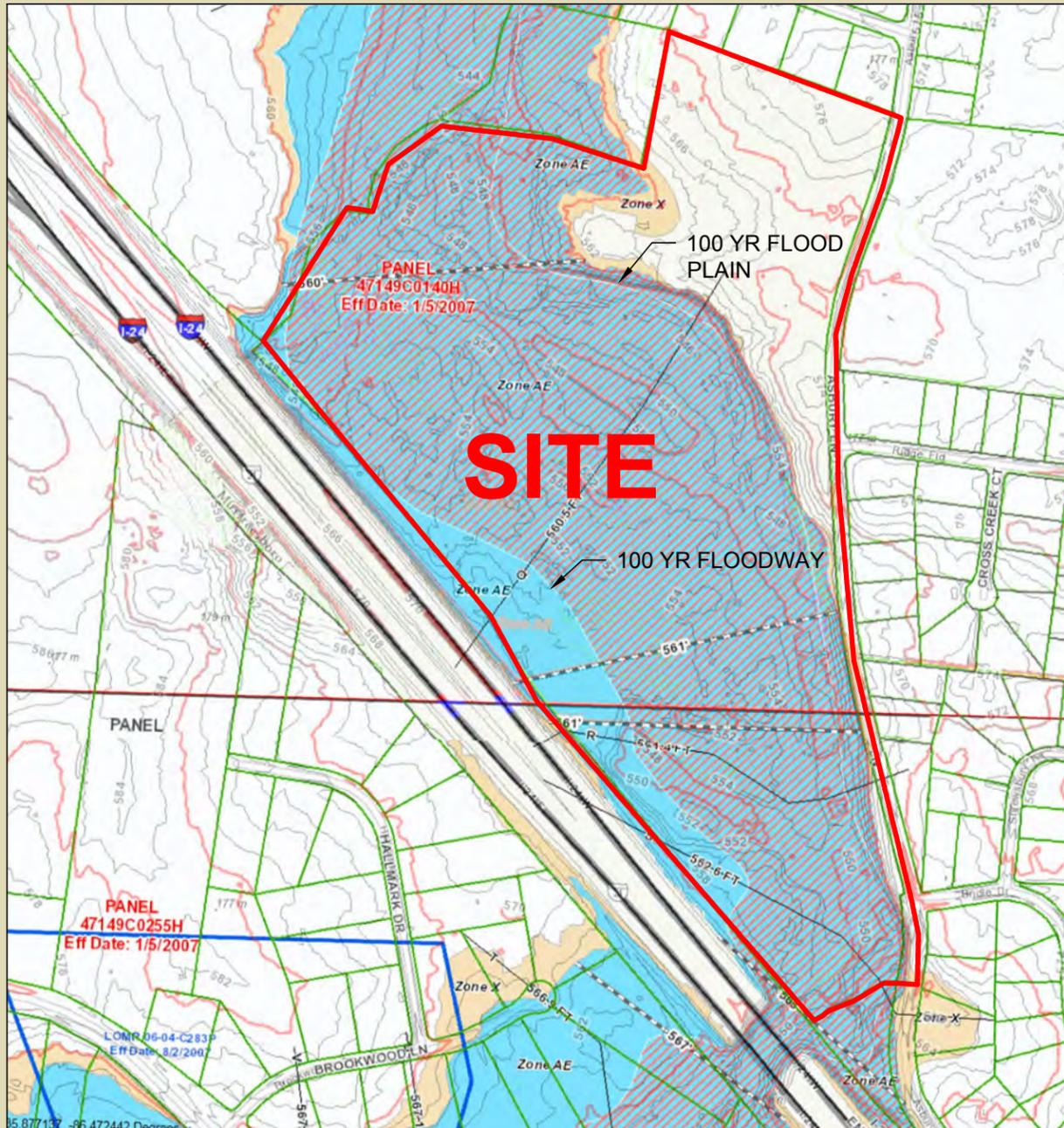
- VARIANCE: WE RESPECTFULLY REQUEST A VARIANCE FROM THE CURRENT ORDINANCE WHICH REQUIRES TOWNHOME DEVELOPMENTS OVER 75 UNITS TO PROVIDE TRASH COLLECTION VIA A TRASH COMPACTOR. WE RESPECTFULLY REQUEST TO ONLY PROVIDE A DUMPSTER AND NO COMPACTOR. THE DUMPSTER ENCLOSURE WILL HAVE ARCHITECTURAL CHARACTERISTICS SIMILAR TO THAT OF WHICH IS BEING PROPOSED FOR THE DWELLING UNITS THEMSELVES.



# EXISTING UTILITIES

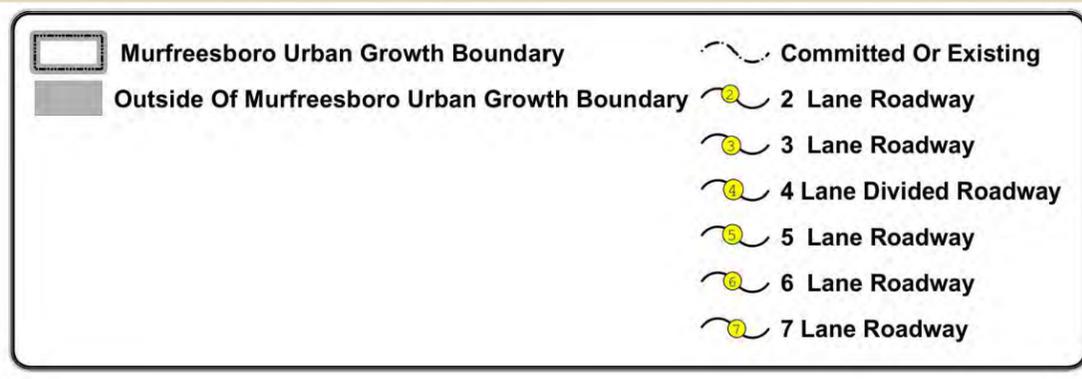
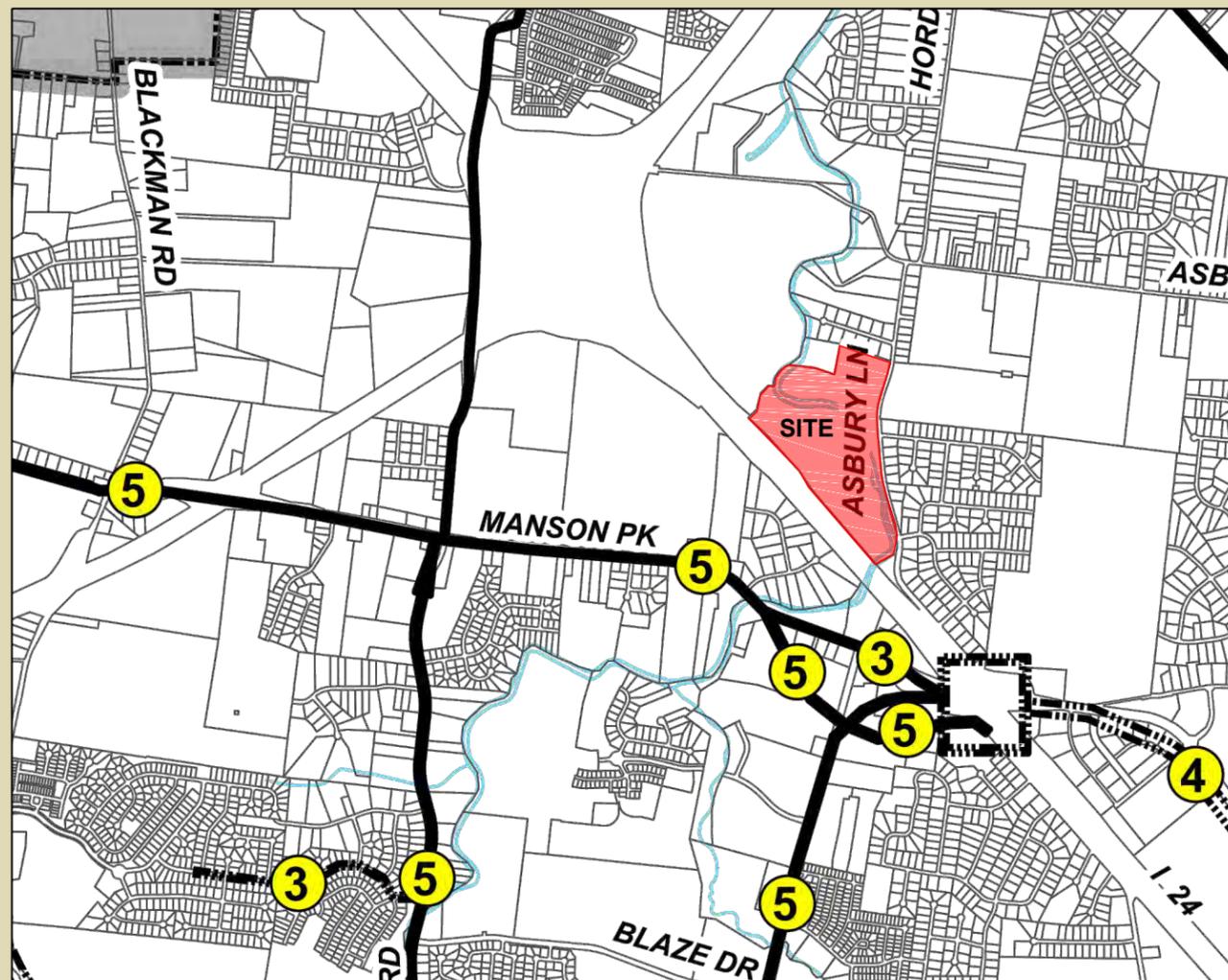
## PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee

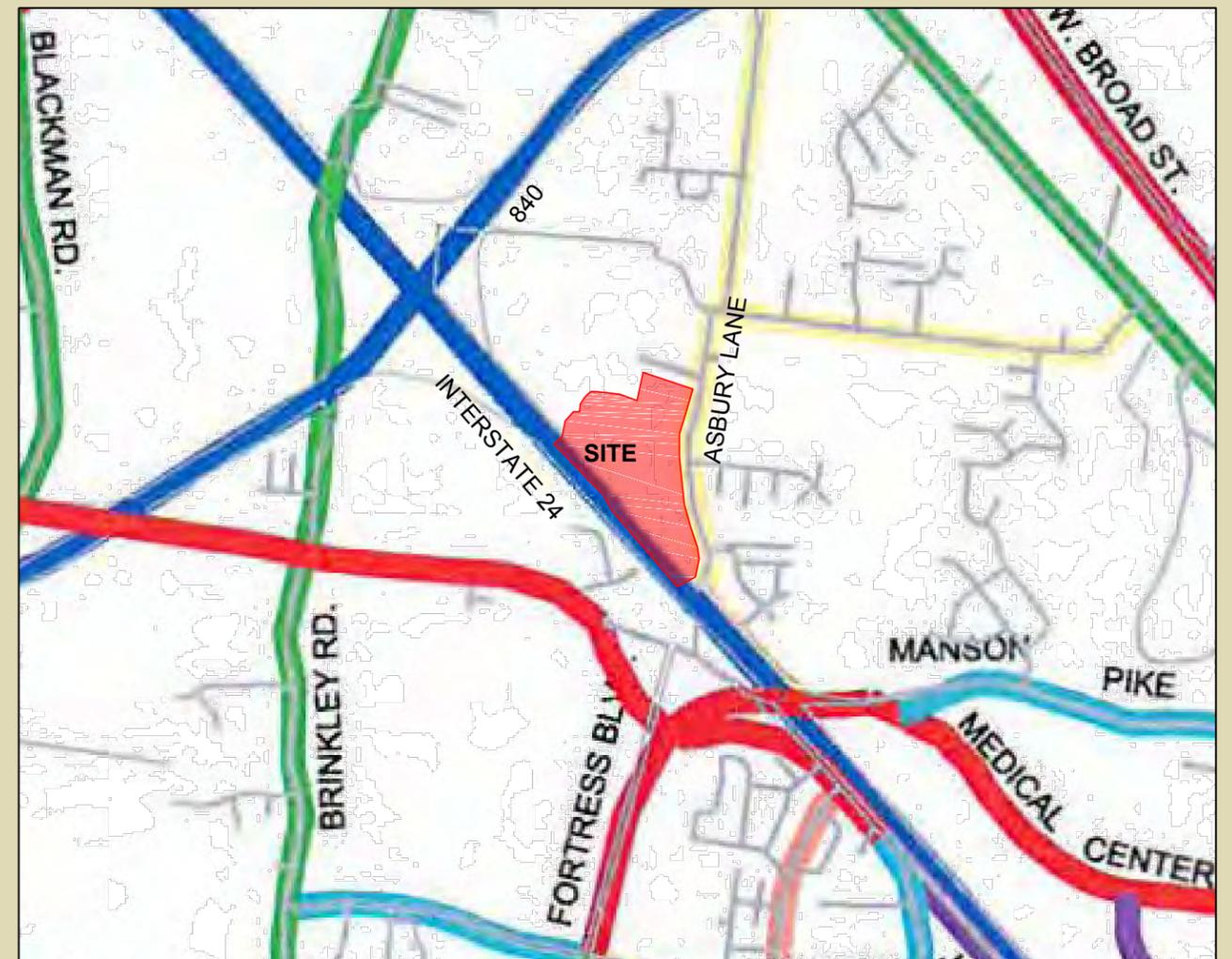


TOPOGRAPHICAL & AERIAL INFORMATION

MAJOR THOROUGHFARE PLAN



ROADWAY CLASSIFICATION MAP



ASBURY LANE IS PRESENTLY CLASSIFIED AS A RESIDENTIAL COLLECTOR ON THE ROADWAY CLASSIFICATION PLAN WITH A R.O.W. WIDTH OF 50'. A LEFT TURN LANE INTO THE DEVELOPMENT WILL BE PROVIDED FROM THE NORTHWEST. DETAILED CONSTRUCTION PLANS WILL BE PROVIDED WITH SITE PLAN APPROVAL. THE MAJOR THOROUGHFARE PLAN DOES NOT CALL FOR THE UPGRADE OF THIS ROADWAY. THE ROADWAY WITHIN PURLINGBROOK TOWNHOME SECTION WILL BE PRIVATE AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. THE DEVELOPER WILL PARTICIPATE WITH THE CITY ON THE UPGRADE OF ASBURY LANE ADJACENT TO THIS DEVELOPMENT.



# ROADWAY INFORMATION

## PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee

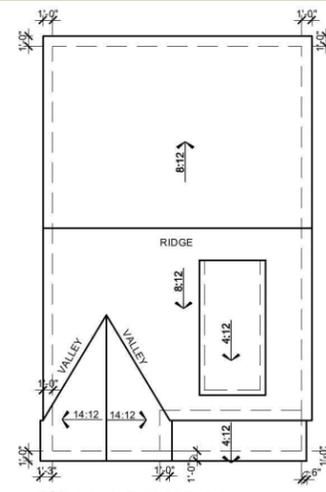


THE ELEVATIONS ON THE FOLLOWING PAGES REPRESENT THE GENERAL PRODUCT THAT IS PROPOSED TO BE BUILT. HOWEVER, THERE MAY BE MINOR DESIGN CHANGES OR NEW HOUSE PLANS INTRODUCED IN THE FUTURE THAT ARE NOT CONTAINED IN THIS BOOK.

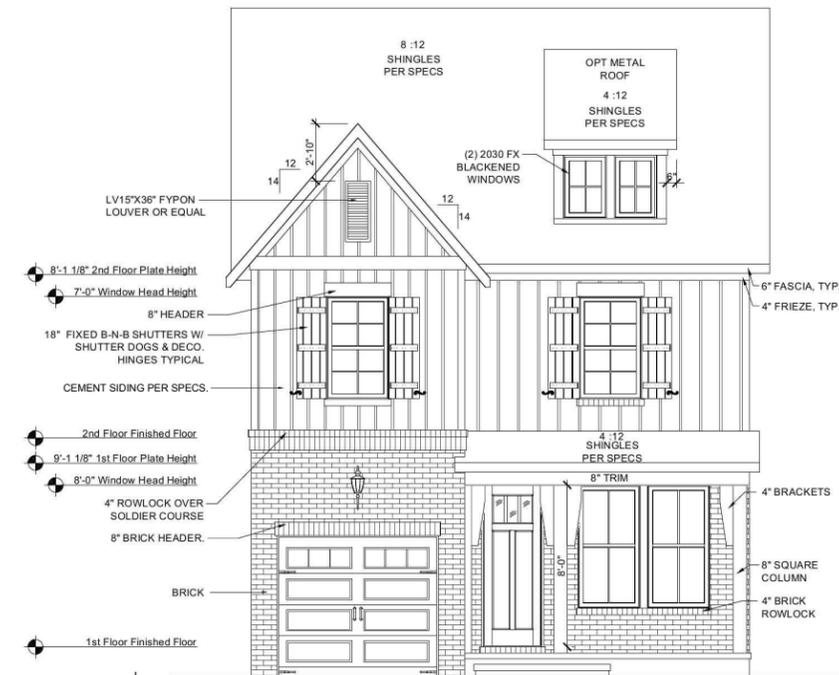
# TOWNHOME ELEVATION PLANS

## PURLINGBROOK at ASBURY

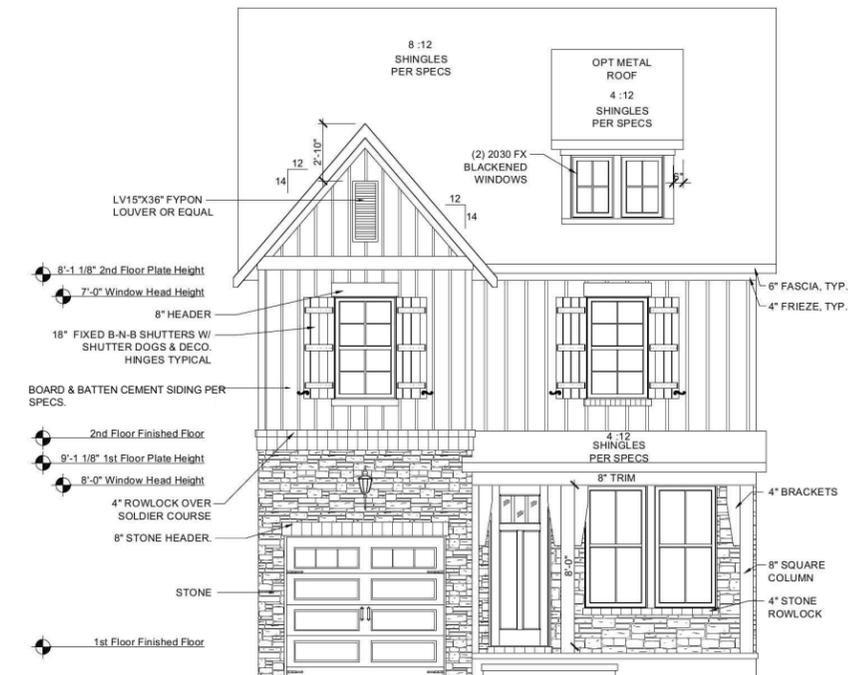
Murfreesboro, Rutherford County, Tennessee



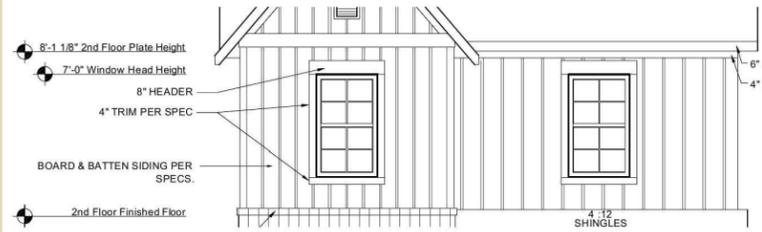
**5 ROOF PLAN**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



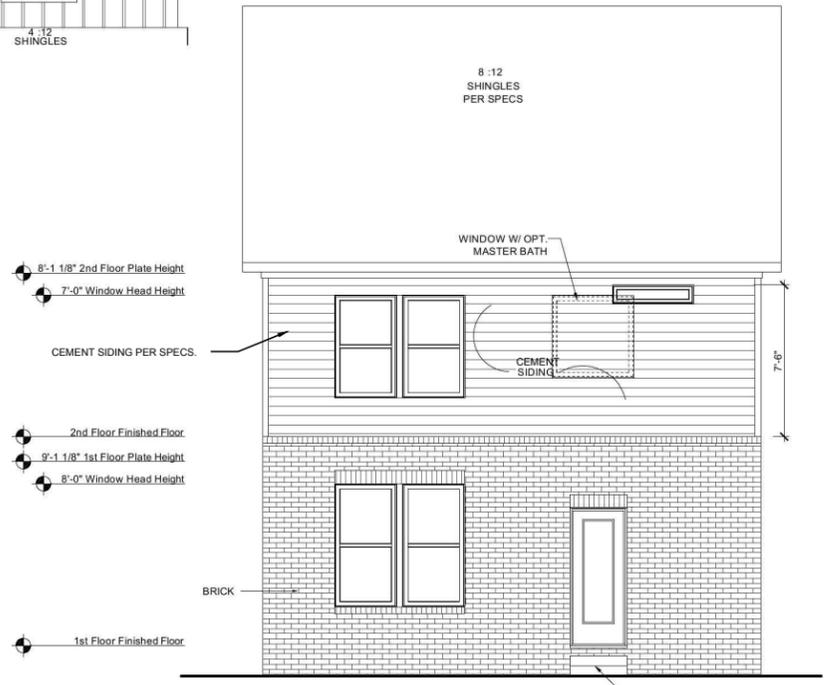
**4 FRONT ELEVATION FCM BRICK OPTION**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



**1 FRONT ELEVATION FCM**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

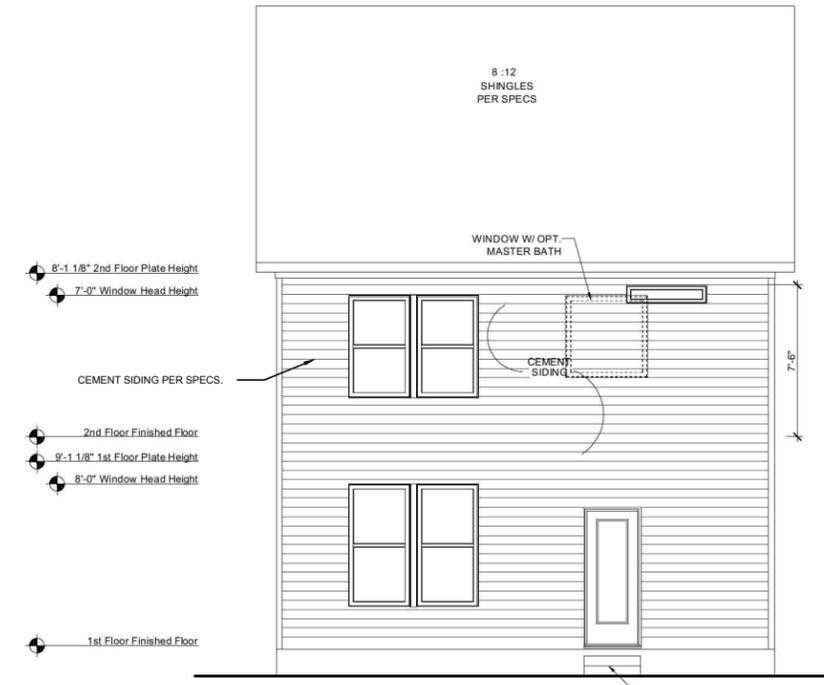


**5 FRONT ELEVATION FCM w/TRIM ILO SHUTTERS**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



**3 REAR ELEVATION BRICK OPTION**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

**EXAMPLE**

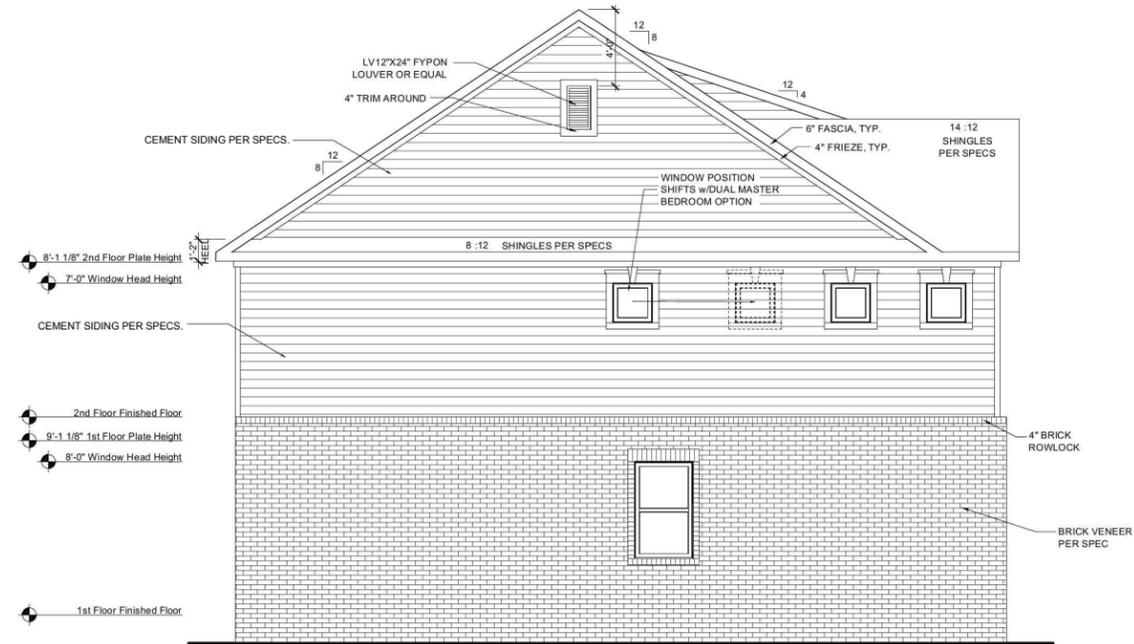


**2 REAR ELEVATION**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

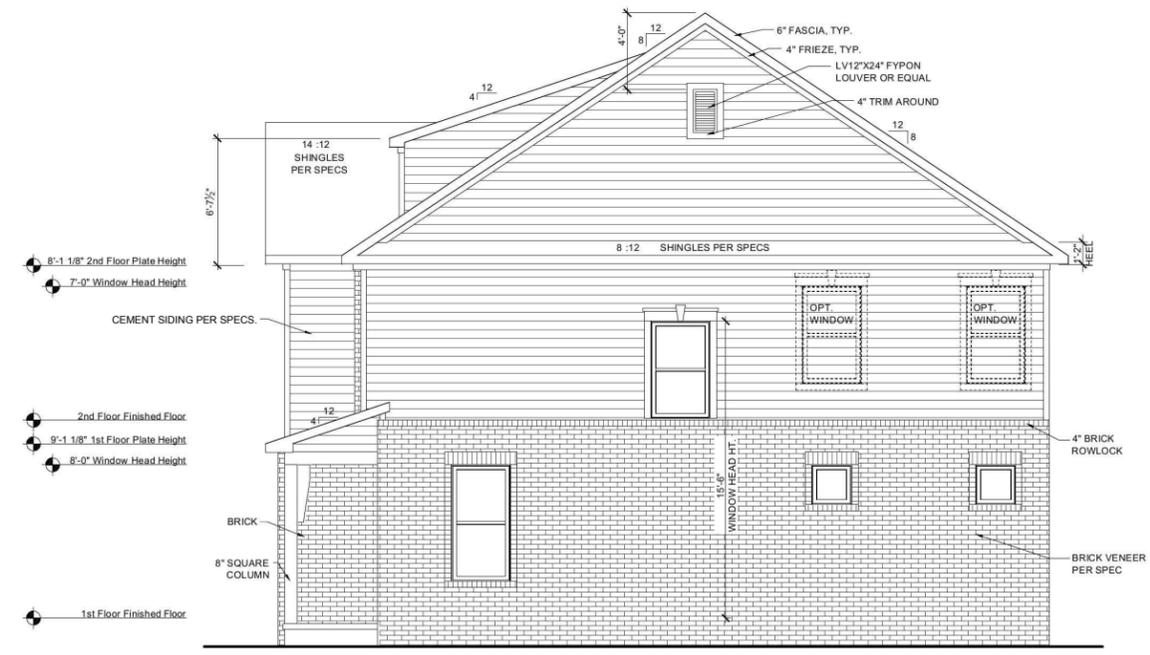
# TOWNHOME ELEVATION PLANS

## PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee



1 LEFT ELEVATION  
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



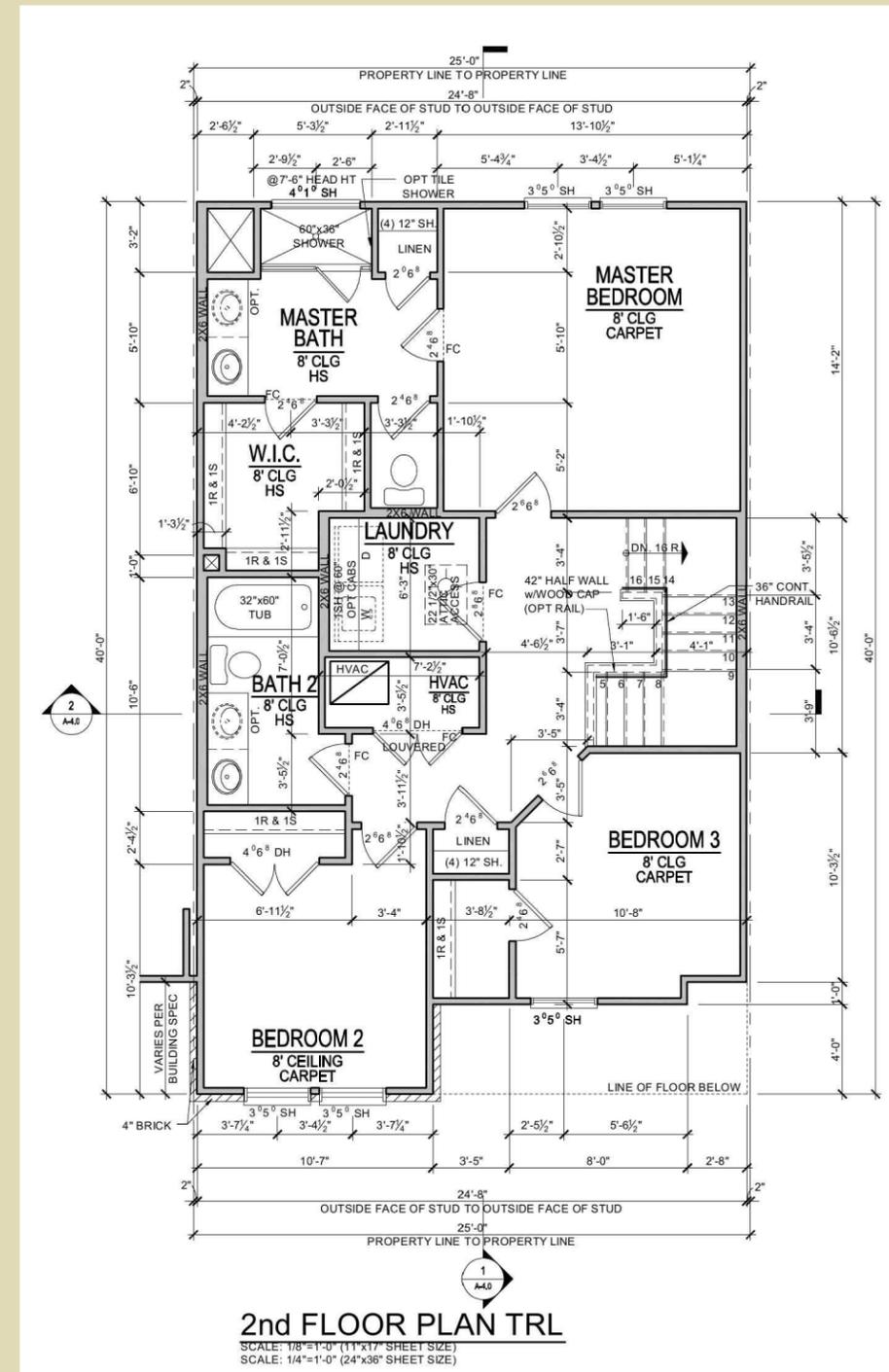
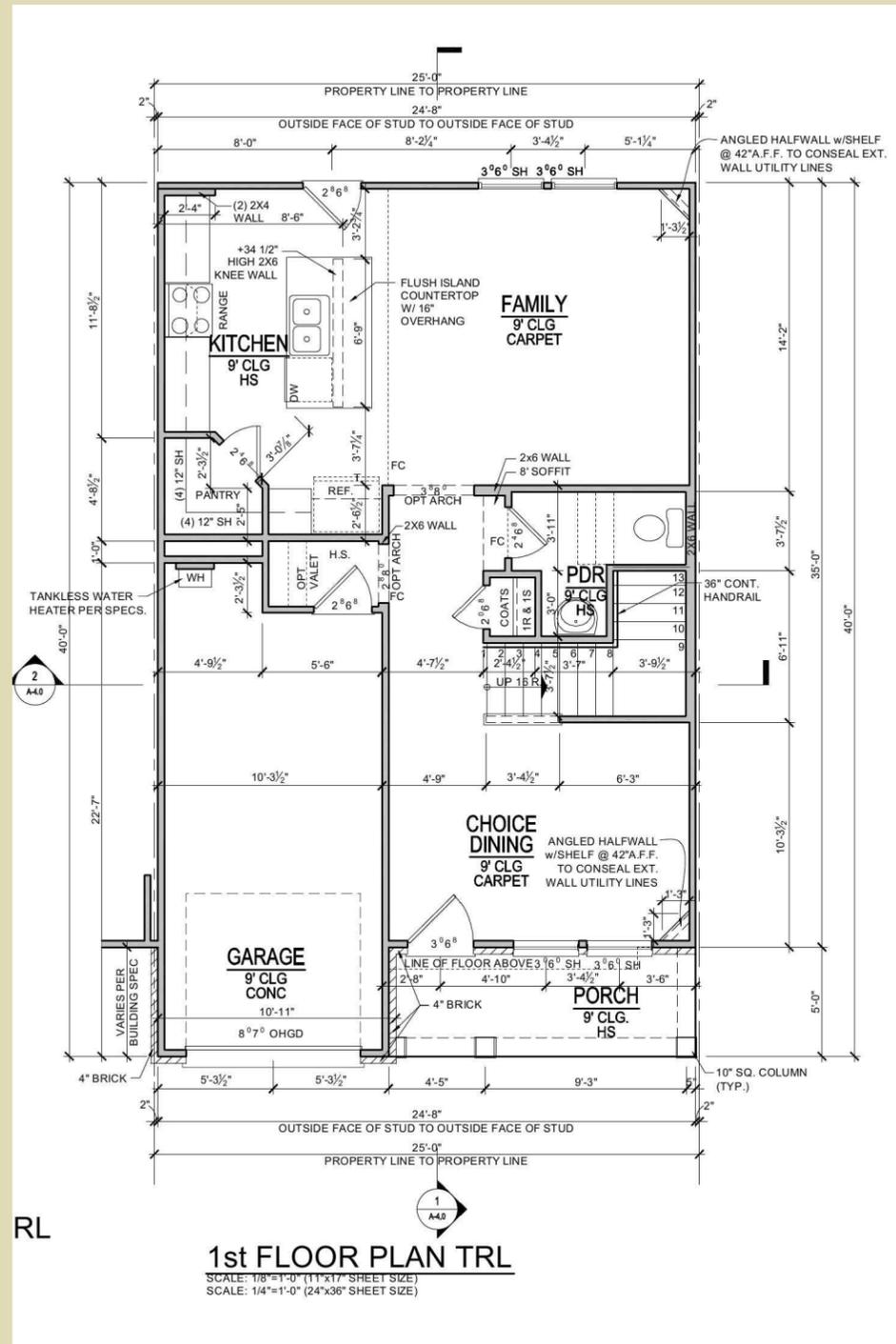
2 RIGHT ELEVATION-END UNIT  
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

EXAMPLE

# TOWNHOME ELEVATION PLANS

## PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee

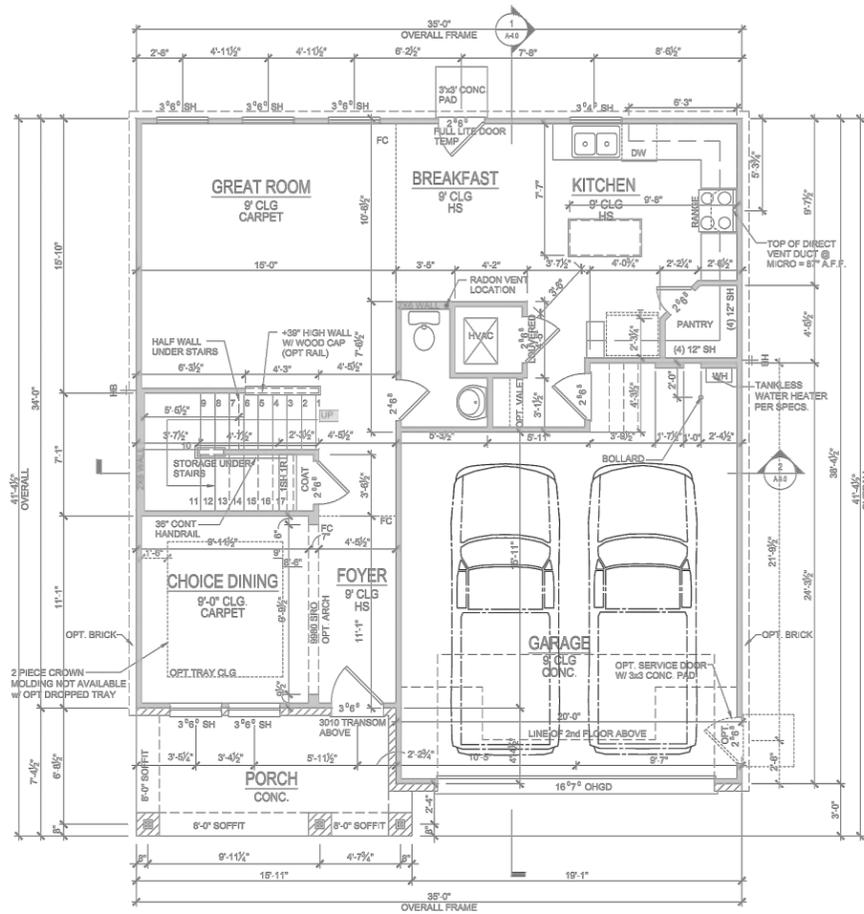


EXAMPLE

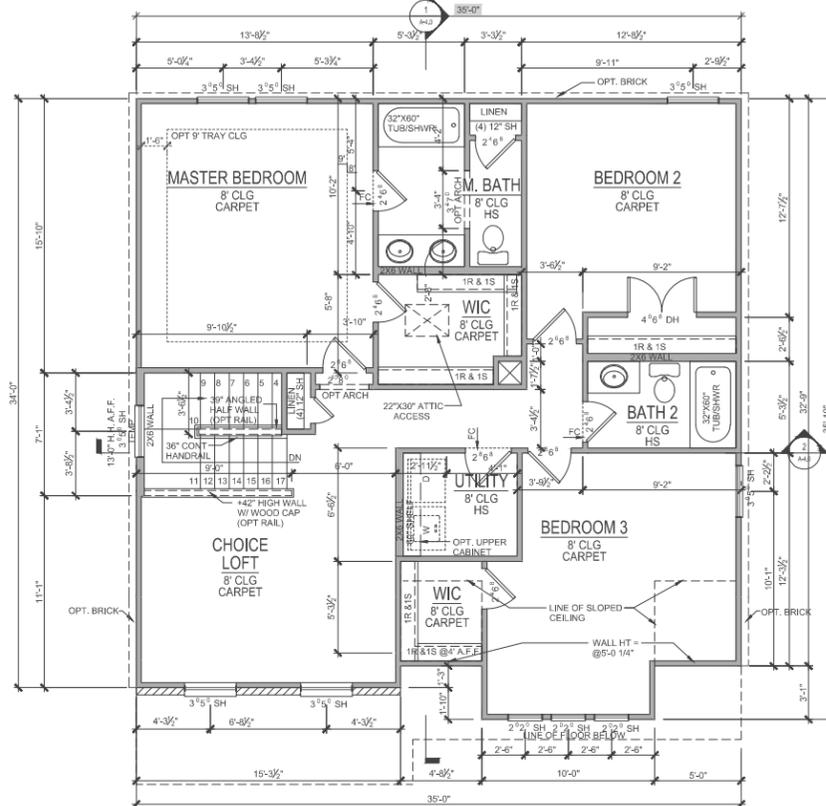
# TOWNHOME FLOORPLANS

## PURLINGBROOK at ASBURY

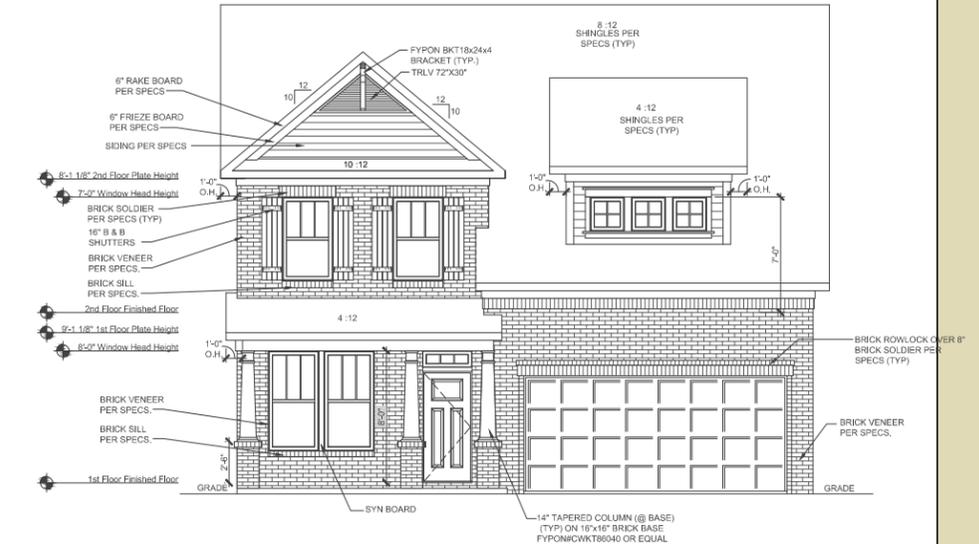
Murfreesboro, Rutherford County, Tennessee



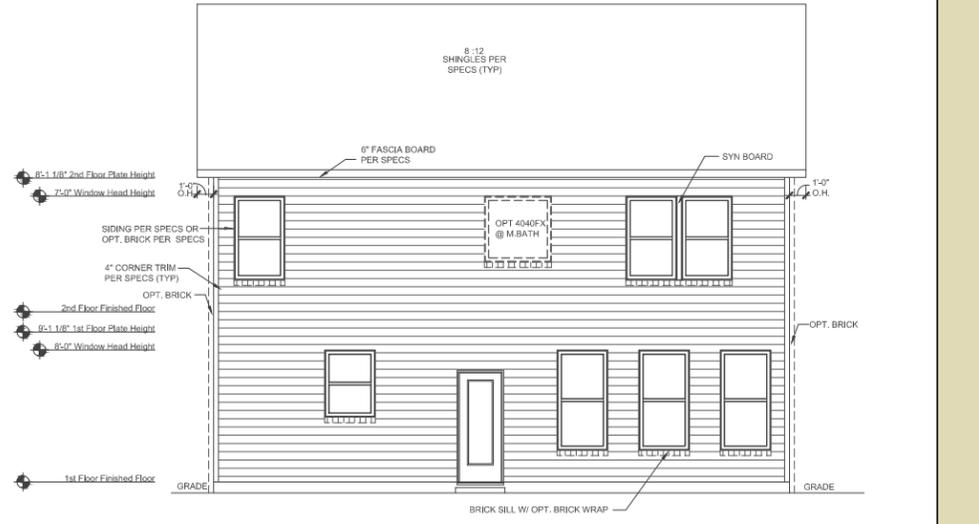
**1st FLOOR PLAN ACL**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



**2nd FLOOR PLAN ACL**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



**FRONT ELEVATION ACL**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

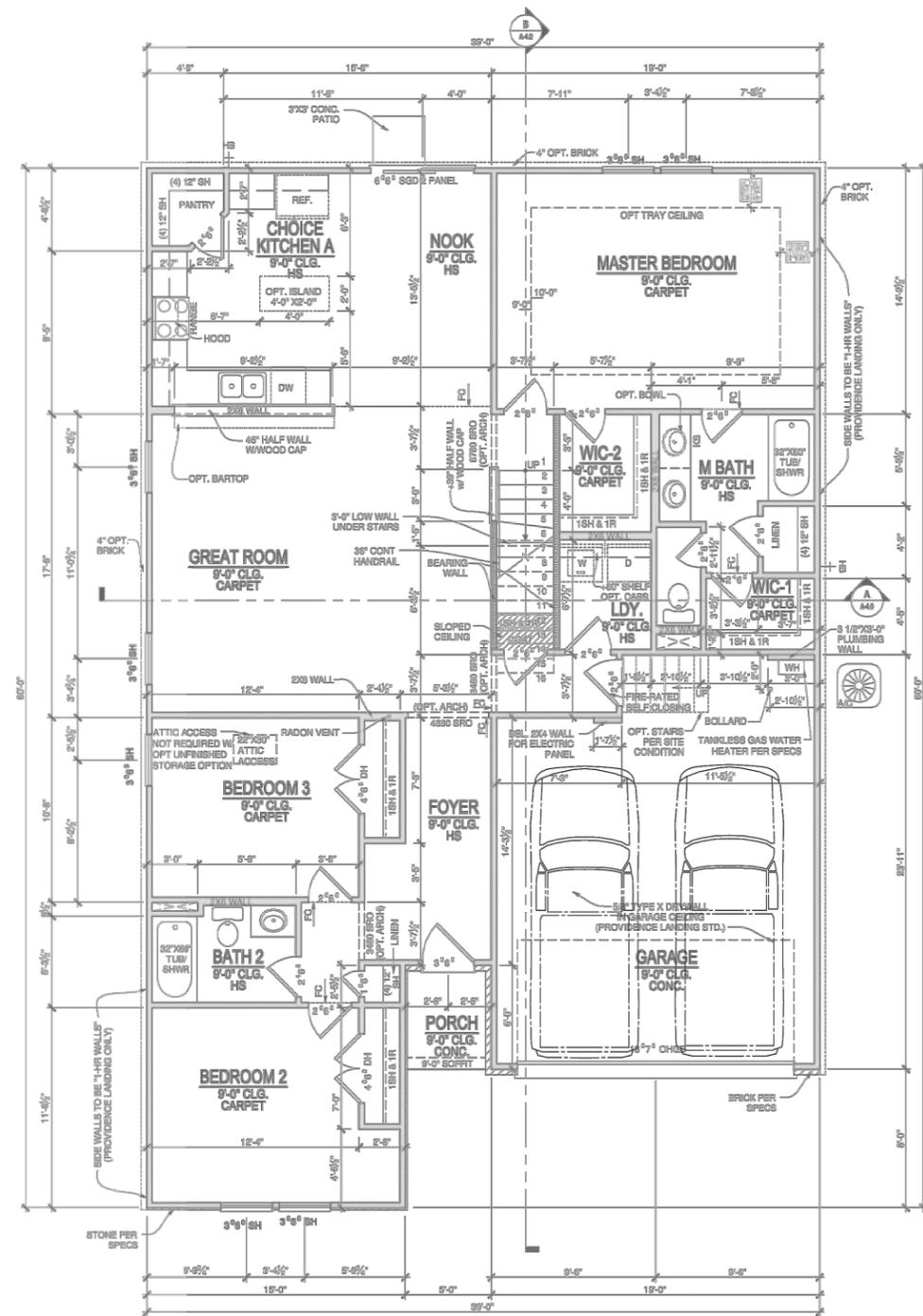


**REAR ELEVATION ACL**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

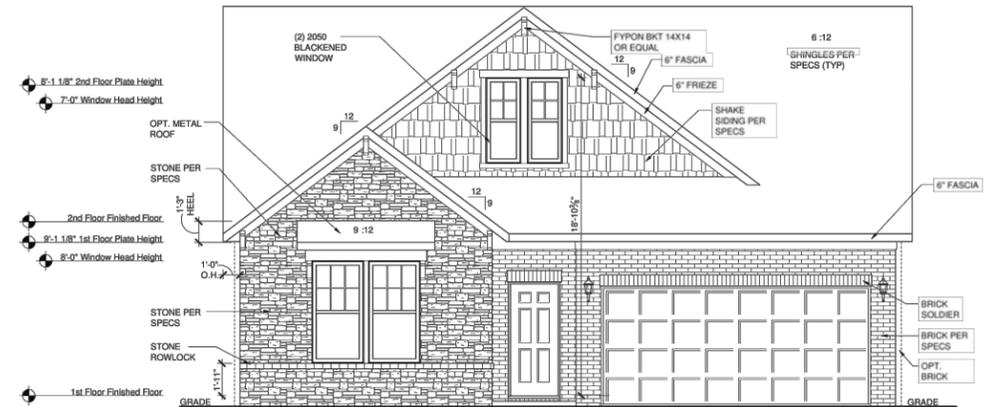
CONTRARY TO THE FLOOR PLANS SHOWN HERE, ALL GARAGES IN THE SINGLE-FAMILY PORTION OF THIS PUD WILL HAVE A MINIMUM OF 23' OF DEPTH FOR THE ENTIRE WIDTH OF THE GARAGE. HOT WATER HEATERS MAY BE INSTALLED WITHIN THESE GARAGES.

**EXAMPLE**

**SINGLE FAMILY HOMES**  
**PURLINGBROOK at ASBURY**  
 Murfreesboro, Rutherford County, Tennessee

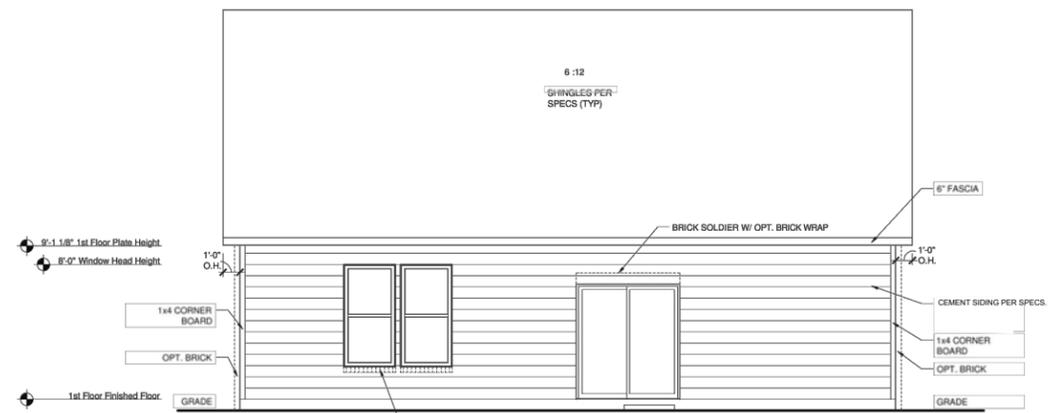


**1st FLOOR PLAN ACL**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



**FRONT ELEVATION ACL**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

CONTRARY TO THE FLOOR PLANS SHOWN HERE, ALL GARAGES IN THE SINGLE-FAMILY PORTION OF THIS PUD WILL HAVE A MINIMUM OF 23' OF DEPTH FOR THE ENTIRE WIDTH OF THE GARAGE. HOT WATER HEATERS MAY BE INSTALLED WITHIN THESE GARAGES.



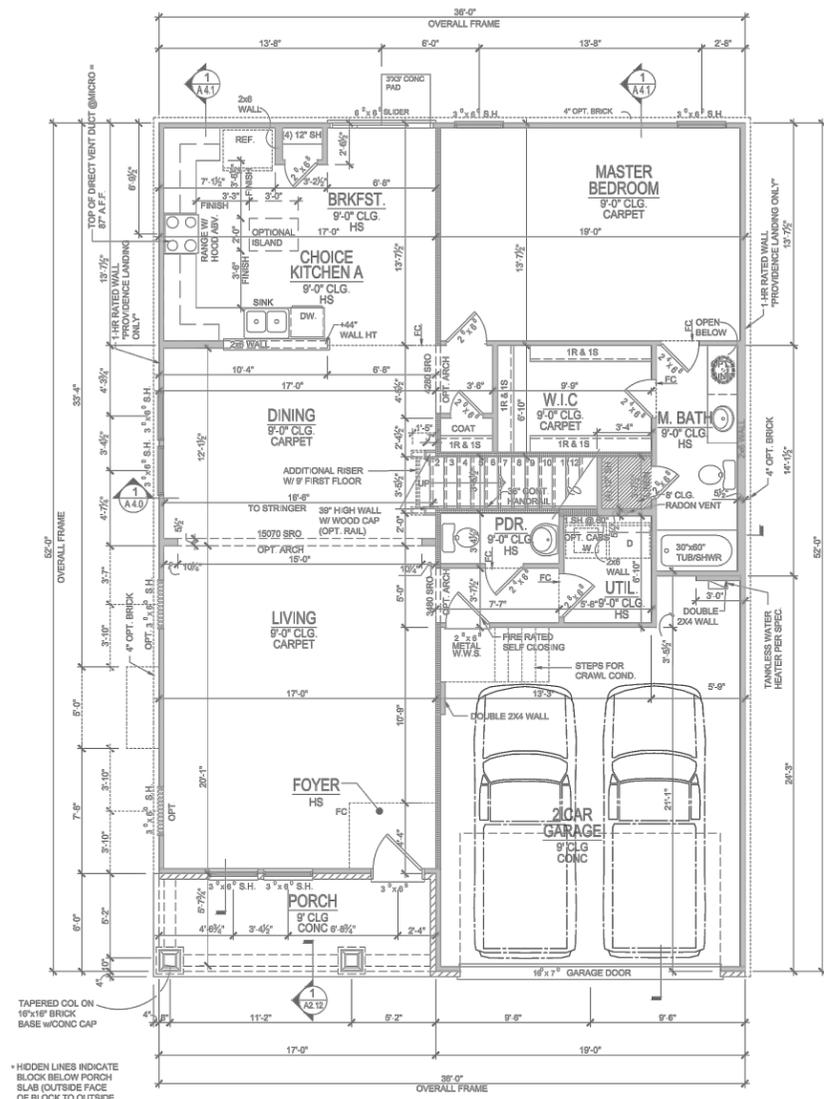
**REAR ELEVATION ACL**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

**EXAMPLE**

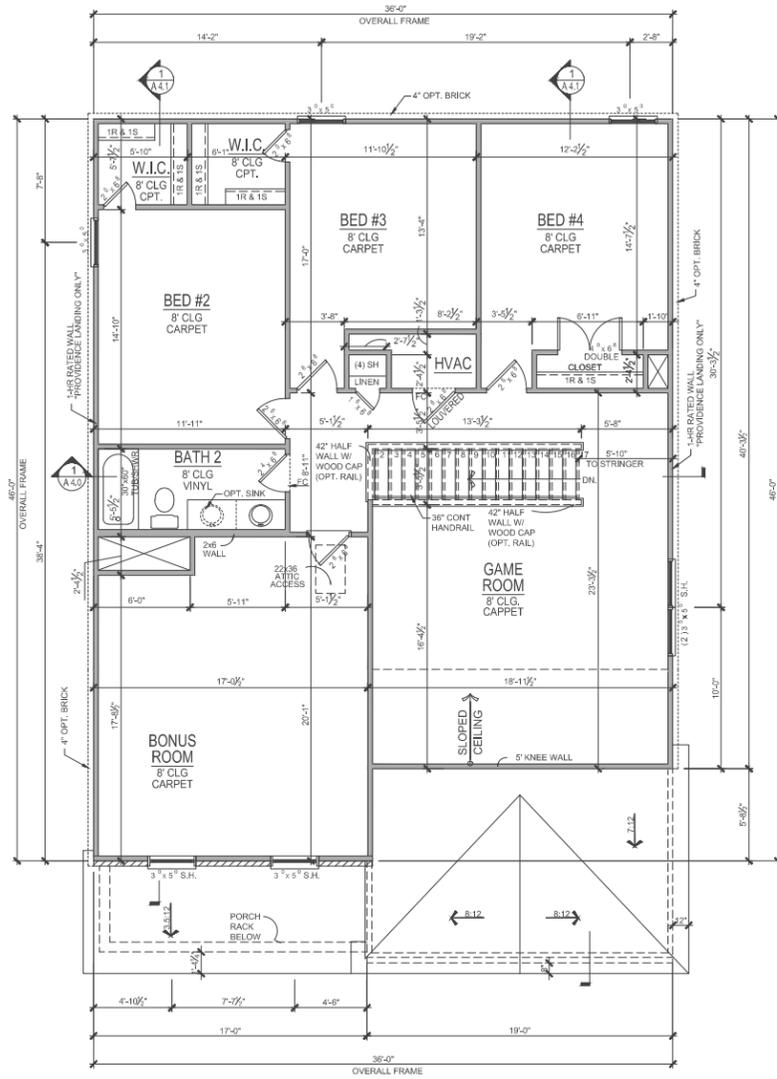
# SINGLE FAMILY HOMES

## PURLINGBROOK at ASBURY

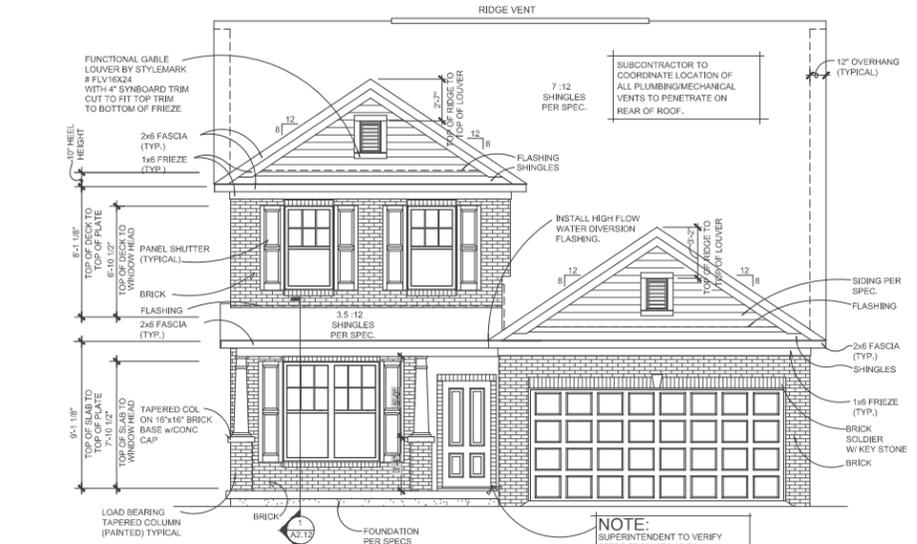
Murfreesboro, Rutherford County, Tennessee



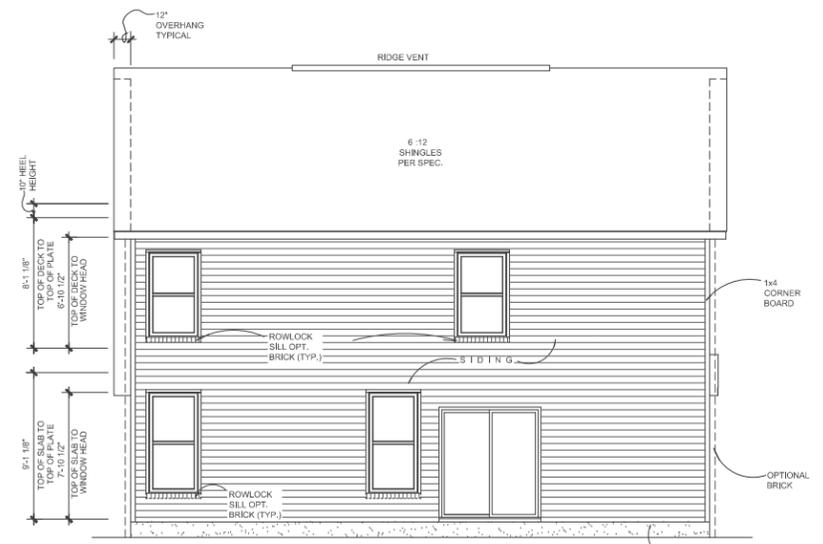
**FIRST FLOOR PLAN ACO**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



**SECOND FLOOR PLAN ACO**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



**FRONT ELEVATION - ACO**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



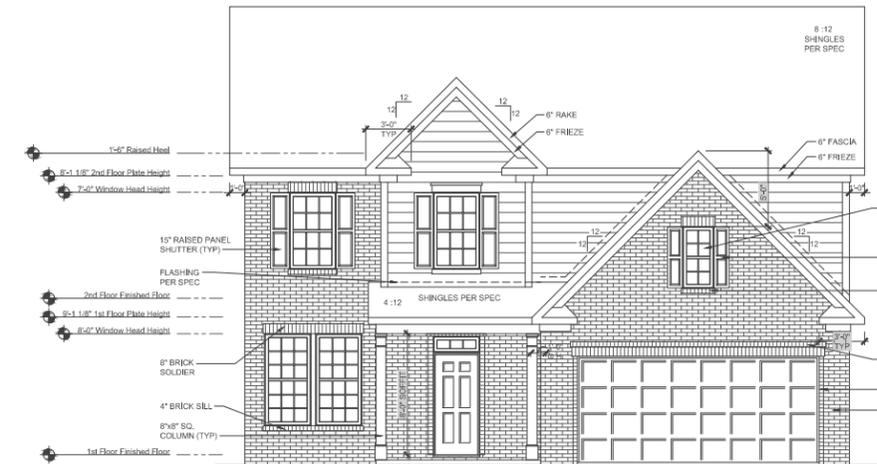
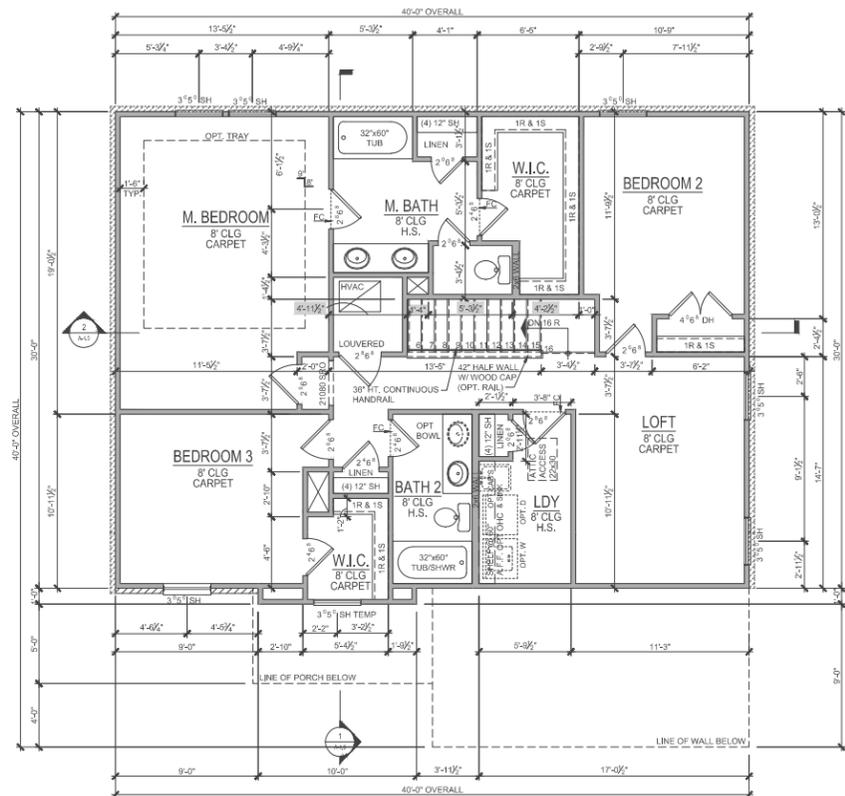
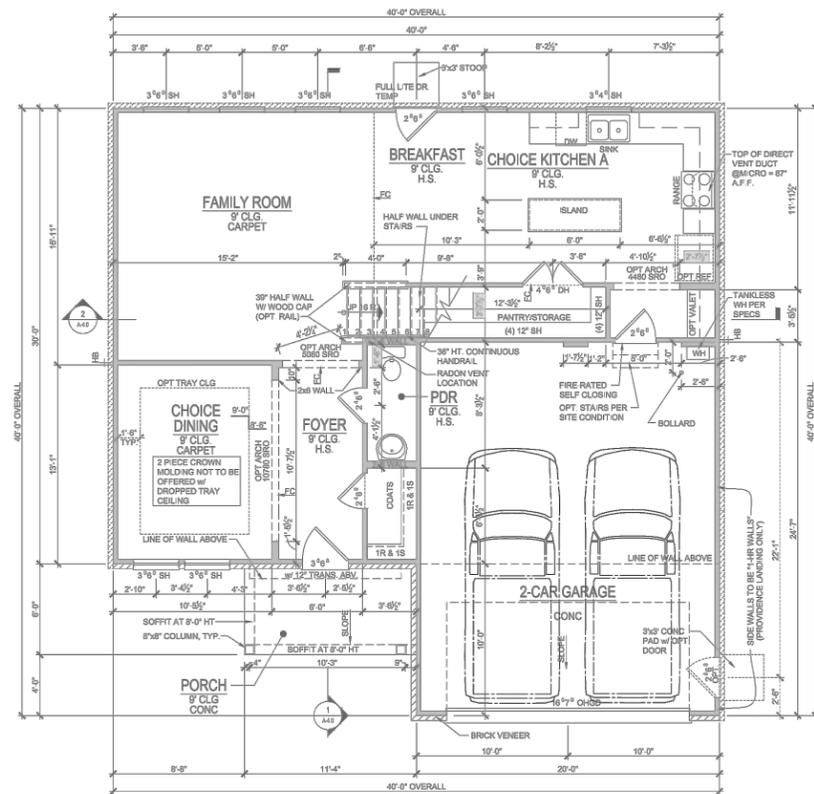
**REAR ELEVATION - ACO**  
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)  
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

CONTRARY TO THE FLOOR PLANS SHOWN HERE, ALL GARAGES IN THE SINGLE-FAMILY PORTION OF THIS PUD WILL HAVE A MINIMUM OF 23' OF DEPTH FOR THE ENTIRE WIDTH OF THE GARAGE. HOT WATER HEATERS MAY BE INSTALLED WITHIN THESE GARAGES.

**EXAMPLE**

**SINGLE FAMILY HOMES**  
**PURLINGBROOK at ASBURY**

Murfreesboro, Rutherford County, Tennessee



CONTRARY TO THE FLOOR PLANS SHOWN HERE, ALL GARAGES IN THE SINGLE-FAMILY PORTION OF THIS PUD WILL HAVE A MINIMUM OF 23' OF DEPTH FOR THE ENTIRE WIDTH OF THE GARAGE. HOT WATER HEATERS MAY BE INSTALLED WITHIN THESE GARAGES.

**EXAMPLE**

**SINGLE FAMILY HOMES**  
**PURLINGBROOK at ASBURY**

Murfreesboro, Rutherford County, Tennessee



EXAMPLE

ARCHITECTURAL RENDERINGS  
PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee



EXAMPLE

ARCHITECTURAL RENDERINGS  
PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee

1. A MAP SHOWING AVAILABLE UTILITIES, EASEMENTS, RAIL LINES AND PUBLIC RIGHT-OF-WAY CROSSING AND ADJACENT TO THE SUBJECT PROPERTY.

RESPONSE: AN EXHIBIT SHOWING AVAILABLE UTILITIES IS GIVEN ON PAGE 8. AN EXHIBIT SHOWING PUBLIC R.O.W. IS GIVEN ON PAGE 10.

2. A GRAPHIC RENDERING OF THE EXISTING CONDITIONS AND/OR AERIAL PHOTOGRAPH(S) SHOWING THE EXISTING CONDITIONS AND DEPICTING ALL SIGNIFICANT NATURAL TOPOGRAPHICAL AND PHYSICAL FEATURES OF THE SUBJECT PROPOERTY; LOCATION AND EXTEND OF WATER COURSES, WETLANDS, FLOODWAYS, AND FLOODPLAINS ON OR WITHIN ONE HUNDRED (100) FEET OF THE SUBJECT PROPERTY; EXISTING DRAINAGE PATTERN; LOCATION AND EXTENT OF TREE COVER; AND COMMUNITY GREENWAYS AND BICYCLE PATHS AND ROUTES IN PROXIMITY TO THE SUBJECT PROPERTY.

RESPONSE: AN EXHIBIT IS GIVEN ON PAGE 9 & 27 THAT SHOWS THE EXISTING CONTOURS AND DRAINAGE PATTERNS ALONG WITH AN AERIAL PHOTOGRAPH OF THE AREA. A SIGNIFICANT PORTION OF THIS SITE IS LOCATED WITHIN THE 100 YR FLOOD PLAIN LINE FOR OVERALL CREEK.

3. A PLOT PLAN, AERIAL PHOTOGRAPH, OR COMBINATION THEREOF DEPICTING THE SUBJECT AND ADJOINING PROPERTIES INCLUDING THE LOCATION OF STRUCTURES ON-SITE AND WITHIN TWO HUNDRED (200) FEE OF THESUBJECT PROPERTY AND THE IDENTIFICATION OF THE USE THEREOF.

RESPONSE: EXHIBITS AND AERIALS ON PAGES 6, 9, & 10 GAIVE THE LOCATION OF EXISTING STRUCTURES ON THE SUBJECT PROPERTY AND THE SURROUNDING PROPERTIES. AN EXHIBIT ON PAGE 7 GIVES THE ZONING OF THOSE SAME PROPERTIES.

4. A DRAWING DEFINING THE GENERAL LOCATION AND MAXIMUM NUMBER OF LOTS, PARCELS OR OTHER SITES PROPOSED TO BE DEVELOPED OR OCCUPIED BY BUILDINGS IN THE PLANNED DEVELOPMENT; THE GENERAL LOCATION AND MAXIMUM AMOUNT OF AREA TO BE DEVELOPED FOR PARKING; THE GENERAL LOCATION AND MAXIMUM AMOUNT OF AREA TO BE DEVOTED TO OPEN SPACE AND TO BE CONVEYED, DEDICATED, OR RESERVED FOR PARKS, PLAYGROUNDS, RECREATION USES, SCHOOL SITES, PUBLIC BUILDINGS AND OTHER COMMON USE AREAS; THE APPROXIMATE LOCATION OF POINTS OF INGRESS AND EGRESS AND ACCESS STREETS; THE APPROXIMATE LOCATION OF PEDESTRIAN, BICYLCE AND VEHICULAR WAYS OR THE RESTRICTIONS PERTAINING THERETO AND THE EXTENT OF PROPOSED LANDSCAPING, PLANTING, SCREENING, OR FENCING.

RESPONSE: PAGES 3-4, & 24 -25 LISTS STANDARDS AND EXHIBITS SHOWING THE CONCEPT PLAN WHICH SHOWS EACH OF THESE ITEMS.

5. A TABULATION OF THE MAXIMUM NUMBER OF DWELLING UNITS PROPOSED INCLUDING THE NUMBER OF UNITS WITH TWO (2) OR LESS BEDROOMS AND THE NUMBER OF UNITS WITH MORE THAN TWO (2) BEDROOMS.

RESPONSE: PAGE 4 & 24 LISTS THIS INFORMATION

6. A TABULATION OF THE MAXIMUM FLOOR AREA PROPOSED TO BE CONSTRUCTED, THE F.A.R. (FLOOR AREA RATIO), THE L.S.R. (LIVABILITY SPACE RATIO) AND THE O.S.R. (OPEN SPACE RATIO).

RESPONSE:

FLOOR AREA RATIO (F.A.R.)
TOTAL MAXIMUM FLOOR AREA = (2,800 SF x 48) + (2000 SF x 90) = 314,400 SF
TOTAL SITE AREA= 3,245,220 SF
F.A.R.= 314,400 SF / 3,245,200 SF = <b>0.10</b>

LIVABILITY SPACE RATIO (L.S.R.)
TOTAL MAXIMUM FLOOR AREA = 314,400 SF
TOTAL SITE AREA= 3,245,200 SF
TOTAL DRIVE/PARKING AREA= 159,622 SF
TOTAL LIVEABLE SPACE= 3,245,200 SF – 159,622 SF = 3,085,598 SF
L.S.R.= 3,085,598 SF /314,400 SF = <b>9.8</b>

OPEN SPACE RATIO (O.S.R.)
TOTAL OPEN SPACE= 2,265,120 SF
TOTAL MAXIMUM FLOOR AREA= 314,400 SF
O.S.R.= 2,265,120 SF / 314,400 SF = <b>7.2</b>

7. A WRITTEN STATEMENT GENERALLY DESCRIBING THE RELATIONSHIP OF THE PROPOSED PLANNED DEVELOPMENT TO THE CURRENT POLICIES AND PLANS OF THE CITY AND HOW THE PROPOSED PLANNED DEVELOPMENT IS TO BE DESIGNED, ARRANGED AND OPERATED IN ORDER TO PERMIT THE DEVELOPMENT AND USE OF THE NEIGHBORING PROPEPRTY IN ACCORDANCE WITH THE APPLICABLE REGULATIONS OF THIS ARTICLE.

RESPONSE: THE PROPERTY IS CURRENTLY ZONED PRD. THE SURROUNDING AREAS HAS A MIXTURE OF SINGLE FAMILY RESIDENTIAL PROPERTIES ZONED (RS-15 & COUNTY – MEDIUM DENSITY RESIDENTIAL). THIS REVISED PLANNED RESIDENTIAL DEVELOPMENT OFFERS A NUMBER OF SINGLE FAMILY LOTS IN ADDITION TO THE TOWNHOMES WHICH IS MORE SIMILAR TO THE NEIGHBORHOOD VS THE CURRENT PRD WHICH ONLY OFFERED TOWNHOME UNITS AT A HIGHER DENSITY. WE FEEL THAT BY PROVIDING BOTH SINGLE FAMILY LOTS AND TOWNHOMES UNITS WE WILL NOT ONLY PROVIDE POTENTIAL BUYERS WITH MORE OPTIONS TO BETTER SUIT THEIR NEEDS BUT WE WILL ALSO BE MORE CONSISTANT WITH THE SURROUNDING NEIGHBORHOOD CHARACTERISTICS.

# SECTION 13(D) (2) (9) (1-15)

## PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee

8. PROPOSED MEANS OF ASSURING THE CONTINUED MAINTANANCE OF COMMON SPACE OR OTHER COMMON ELEMENTS AND GOVERNING THE USE AND CONTINUED PROTECTION OF THE PLANNED DEVELOPMENT, FOR THIS PURPOSE, THE SUBSTANCE OF ANY PROPOSED RESTRICTIONS OR COVENANTS SHALL BE SUBMITTED.

RESPONSE: THIS DEVELOPMENT PROPOSES THE CREATION OF AN HOA TO ENFORCE THE PROPOSED CCR'S.

9. A STATEMENT SETTING FORTH IN DETAIL EITHER (1) THE EXCEPTIONS WHICH ARE REQUIRED FROM THE ZONING AND SUBDIVISION REGULATIONS OTHERWISE APPLICABLE TO THE PROPERTY TO PERMIT THE DEVELOPMENT OF THE PROPOSED PLANNED DEVELOPMENT OR (2) THE BULK, USE, AND/OR OTHER REGULATAIONS UNDER WHICH THE PLANNED DEVELOPMENT IS PROPOSED.

RESPONSE: (1) THE DEVELOPMENT PROPOSES A VARIANCE FROM THE CURRENT ORDINANCE WHICH REQUIRES TOWNHOME DEVELOPMENT OVER 75 UNITS TO PROVIDE TRASH COLLECTION VIA A TRASH COMPACTOR. WE RESPECTFULLY REQUEST TO ONLY PROVIDE A DUMPSTER AND NO COMPACTOR. THE DUMPSTER ENCLOSURE WILL FEATURE ARCHITECTURAL CHARACTERSTICS SIMILAR TO THAT OF WHICH IS BEING PROPOSED FOR THE DWELLING UNITS THEMSELVES.

(2) THE DEVELOPMENT PROPOSES A VARIANCE FROM THE CURRENT ORDINANCE WHICH DOES NOT ALLOW GARAGES TO COUNT TOWARD MINIMUM PARKING REQUIREMENTS FOR SINGLE FAMILY LOTS.

10. THE NATURE AND EXTENT OF ANY OVERALY ZONE AS DESCRIBED IN SECTION 24 OF THIS ARTICLE AND ANY SPECTIAL FLOOD HAZARD AREA AS DESCRIBED IN SECTION 34 OF THIS ARTICLE.

RESPONSE: THIS PROPERTY IS NOT IN THE AIRPORT OVERLAY DISTRICT (AOD), BATTLEFIELD PROTECTION DISTRICT (BPD), GATEWAY DESIGN OVERLAY DISTRICT (GDO), HISTORICAL DISTRICT (H-1), OR PLANNED SIGNAGE OVERLAY DISTRICT (PS). A PORTION OF THIS PROPERTY LIES IN ZONE AE, WITHIN THE 100-FLOODPLAIN, ACCORDING TO THE CURRENT FEMA MAP PANEL.

11. THE LOCATION AND PROPOSED IMPROVEMENTS OF ANY STREET DEPICTED ON THE MURFREESBORO MAJOR THOROUGHFARE PLAN AS ADOPTED AND AS IT MAY BE AMENDED FROM TIME TO TIME.

RESPONSE: PAGE 10 SHOWS THE MAJOR THOROUGHFARE PLAN.

12. THE NAME, ADDRESS, TELEPHONE NUMBER, AND FACSIMILENUMBER OF THE APPLICANT AND ANY PROFESSIONAL ENGINEER, ARCHITECT, OR LAND PLANNER RETAINED BY THE APPLICANT TO ASSIST IN THE PREPERATION OF THE PLANNED DEVELOPMENT PLANS. A PRIMARY REPRESENTATIVE SHALL BE DESIGNATED.

RESPONSE: THE PRIMARY REPRESENTATIVE IS RYAN LOVELACE, PRINCIPAL OF CIVIL SITE DESIGN GROUP, PLLC. DEVELOPER / APPLICANT IS BRAD GARNTO OF BEAZER HOMES. CONTACT INFO FOR BOTH IS PROVIDED ON COVER SHEET.

13. ARCHITECTURAL RENDERINGS, ARCHITECTURAL PLANS OR PHOTOGRAPHS OF PROPOSED STRUCTURES WITH SUFFICIENT CLARITY TO CONVEY THE APPEARANCE OF PROPOSED STRUCTURES. THE PLAN SHALL INCLUDE A WRITTEN DESCRIPTION OF PROPOSED EXTERIOR BULDING MATERIALS INCLUDING THE SIDING AND ROOF MATERIALS, PORCHES, AND DECKS. THE LOCATION AND ORIENTATION OF THE EXTERIOR LIGHT FIXTURES AND OF GARAGES SHALL BE SHOWN IF SUCH ARE TO BE INCLUDED IN THE STRUCTURES.

RESPONSE: PAGES 11-20 SHOW THE ARCHITECTURAL CHARACTER OF THE PROPOSED HOMES WITH GARAGES SHOWN AND BUILDING MATERIALS LISTED.

14. IF A DEVELOPMENT ENTRANCE SIGN IS PROPOSED, THE APPICATION SHALL INCLUDE A DESCRIPTION OF THE PROPOSED ENTRANCE SIGN IMPROVEMENTS INCLUDING A DESCRIPTION OF LIGHTING, LANDSCAPING, AND CONSTRUCTION MATERIALS.

RESPONSE: PAGE 5 SHOWS THE PROPOSED MAIN ENTRANCE EXAMPLE LANDSCAPING, ENTRANCE MONUMENT, AND LIGHT FIXTURES. ALL ELEMENTS OF THE SIGN WILL BE IN ACCORDANCE WITH THE CITY OF MURFREESBORO'S SIGN ORDINANCE.

## SECTION 13(D) (2) (9) (1-15)

### PURLINGBROOK at ASBURY

Murfreesboro, Rutherford County, Tennessee

# PRELIMINARY MASTER DEVELOPMENT PLAN

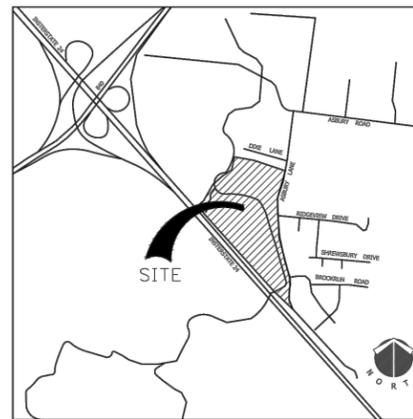
# PURLINGBROOK

## PLANNED UNIT DEVELOPMENT

ASBURY LANE  
MURFREESBORO, RUTHERFORD COUNTY, TN

### SHEET INDEX

C1.00 COVER  
C1.01 OVERALL MASTER PLAN  
C1.02 MASTER PLAN  
C2.00 UTILITY PLAN  
C3.00 GRADING AND DRAINAGE PLAN  
C4.00 PHASING PLAN



VICINITY MAP  
N.T.S.

### DEVELOPER

BEAZER HOMES - NASHVILLE DIVISION  
1018 ELM HILL PIKE  
NASHVILLE, TN 37210  
CONTACT: BRAD GARNTO

### OWNER

ASBURY DEVELOPMENTS  
3320 BOURBON STREET  
ENGLEWOOD, FL 34224

### ENGINEER

CIVIL SITE DESIGN GROUP, PLLC  
630 SOUTHGATE AVE.  
SUITE A  
NASHVILLE, TN 37203  
CONTACT: RYAN LOVELACE, P.E.  
PHONE NUMBER: 615-248-9999



**CIVIL SITE**  
DESIGN GROUP, PLLC  
ENGINEERS - PLANNERS - LANDSCAPE ARCHITECTS  
630 SOUTHGATE AVENUE, SUITE A - NASHVILLE, TN 37203  
615.248.9999 WWW.CIVIL-SITE.COM

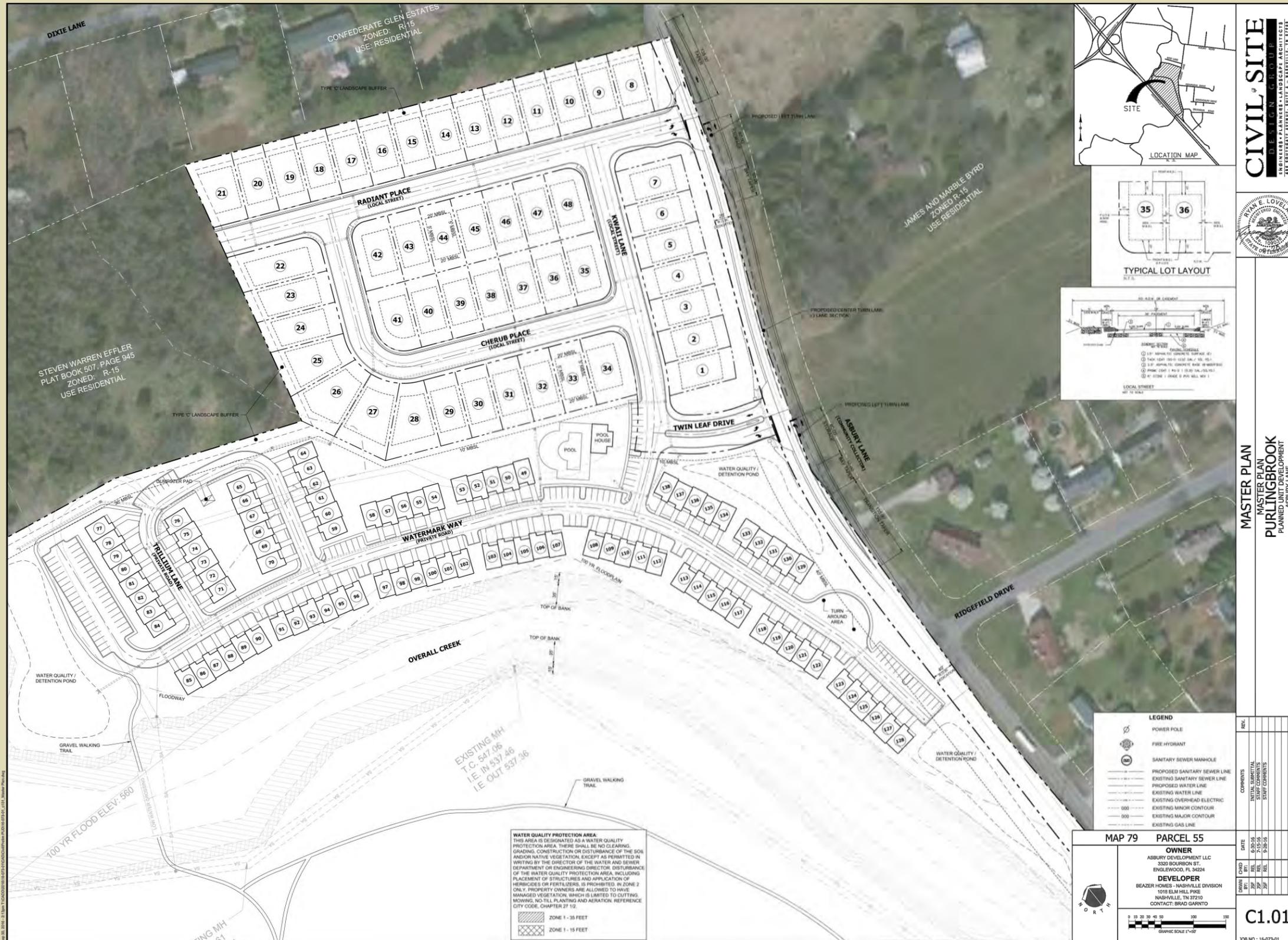
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REV: JULY 15, 2016  
DATE: JUNE 30, 2016  
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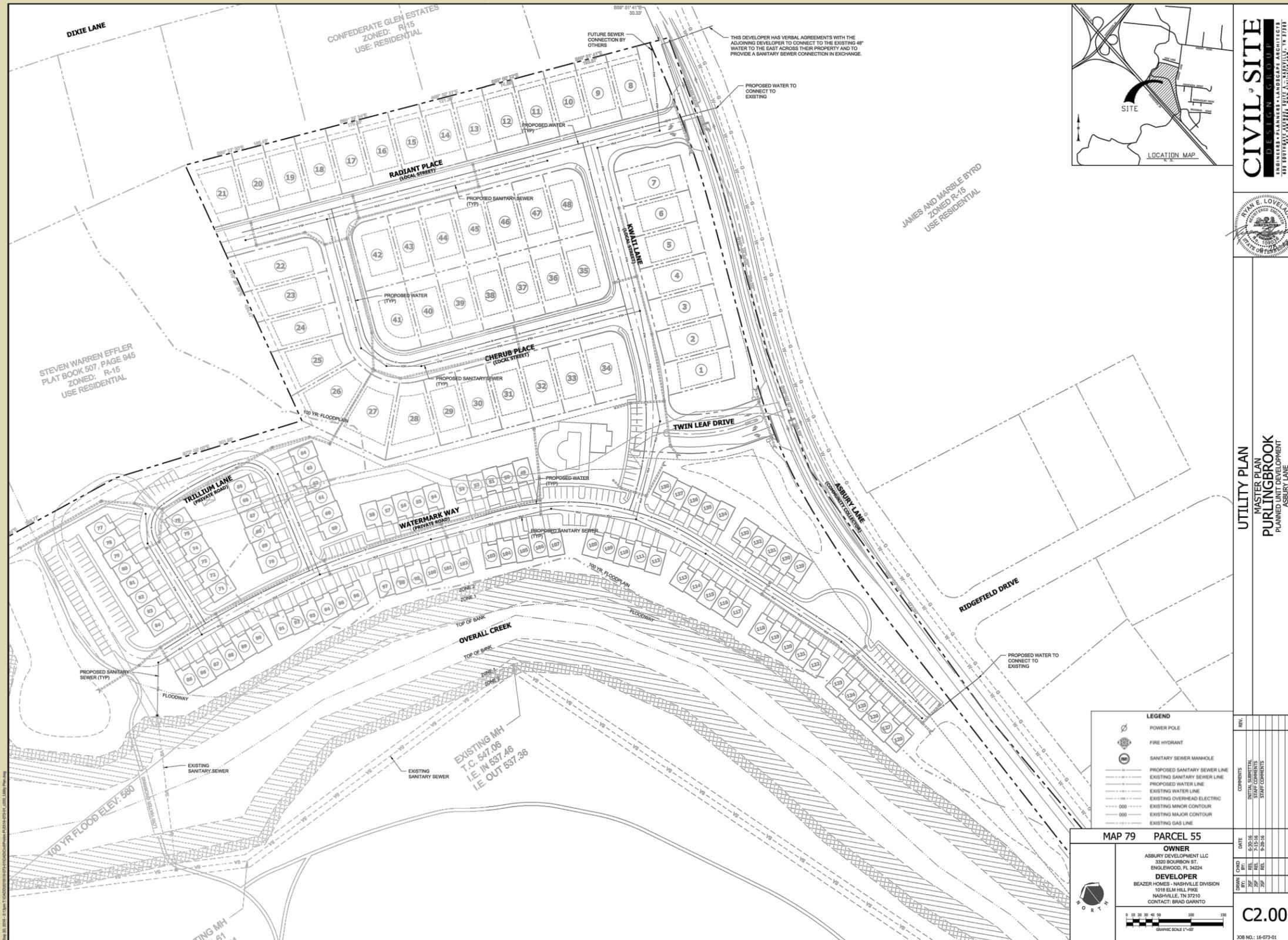
P M D P C O V E R

P U R L I N G B R O O K at A S B U R Y

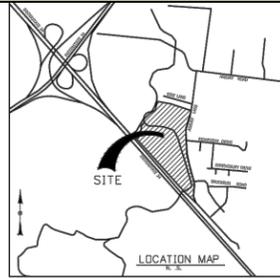
Murfreesboro, Rutherford County, Tennessee











**CIVIL SITE**  
DESIGN GROUP  
111 BERRY AVE, SUITE 200, NASHVILLE, TN 37215  
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**PHASING PLAN**  
MASTER PLAN  
**PURLINGBROOK**  
PLANNING & DEVELOPMENT  
ASBURY LANE  
MURFREESBORO, RUTHERFORD COUNTY, TENNESSEE

**LEGEND**

- POWER POLE
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LINE
- EXISTING SANITARY SEWER LINE
- PROPOSED WATER LINE
- EXISTING WATER LINE
- EXISTING OVERHEAD ELECTRIC
- EXISTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- EXISTING GAS LINE

MAP 79 PARCEL 55

**OWNER**  
ASBURY DEVELOPMENT LLC  
3320 BOURBON ST.  
ENGLEWOOD, FL 34224

**DEVELOPER**  
BEAZER HOMES - NASHVILLE DIVISION  
1018 ELM HILL PIKE  
NASHVILLE, TN 37210  
CONTACT: BRAD GARNTO

Graphic Scale 1"=50'

REV.	DATE	COMMENTS
1	7-15-15	INITIAL SUBMITTAL
2	7-15-15	STAFF COMMENTS
3	9-29-15	STAFF COMMENTS

308 NO.: 16-073-01

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

the south of the subject property. The Planning Commission may wish to note that the subject property is located just outside of the *Salem Pike Land Use Plan* study area.

Mr. Matt Taylor was in attendance to represent the applicant.

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

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

**Zoning application [2016-432] for approximately 78.4 acres located along Asbury Lane to amend the PRD (Purlingbrook PRD), Beazer Homes applicant.** Mr. Matthew Blomeley began by describing the subject property located along the west side of Asbury Lane. It consists of 78.4 acres and is undeveloped, except for one single-family residence. Overall Creek flows through the subject parcel, and a large portion of the property is encumbered by Overall Creek and its floodway and floodplain. It was originally annexed and zoned as a PRD in 2006. The original Purlingbrook PRD consisted of 168 townhome units. The Purlingbrook PRD was amended in 2008 to reduce the number of townhome units to 159 and to incorporate some other site design changes. The property has remained undeveloped ever since. The applicant has the property under contract and wishes to amend the PRD, essentially replacing the existing PRD zoning plan with a new PRD zoning plan.

The subject property is bounded on its southwest side by I-24 and on its south side by a vacant piece of property zoned RS-15 (Single-Family Residential District), both of which are located within the City limits. Further to the south, Asbury Lane intersects with Medical Center Parkway. To the north of the subject property is the Confederate Glen single-family residential subdivision located in the unincorporated County. To the east of the subject property, across Asbury Lane is a single-family residence on a large, mostly undeveloped tract located in the unincorporated

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

County. Also to the east, across Asbury Lane, are the Ridgefield and Bridleview single-family residential subdivisions, which are also located in the unincorporated County.

The proposed PRD zoning plan seeks to reduce the density and allow for both single-family detached homes on individual lots of record in addition to for-sale townhome units. The plan proposes to reduce the number of townhome units from 159 to 90. The plan also proposes 48 single-family residential detached lots. The total number of units will be decreased by 21, from 159 to 138. The single-family lots are proposed to be a minimum of 4,500 square-feet. The minimum square-footage for the single-family homes will be 1,850 square-feet and the minimum square-footage for the townhomes will be 1,250 square-feet. The townhomes will consist of a mixture of 2-bedroom units and 3-bedroom units. The previous plan committed to 75% brick, stone, or hardi-plank (i.e., cementitious siding) with vinyl only allowed on cornice work. The new plan proposes to change the language to require **100%** brick, stone, or hardi-plank (i.e., cementitious siding) with vinyl only allowed in the eaves and soffits. Examples of the types of townhome and single-family buildings are included in the pattern book. The plan proposes a Type C buffer along the northern property line adjacent to the Confederate Glen subdivision. Additional details with regard to the proposed development can be found in the program book. Also of note, improvements to Asbury Lane will be required as will the dedication of right-of-way. The exact nature of the road improvements will be determined by the City Engineer.

The applicant proposes two deviations from the standard zoning regulations. First, multi-family developments (and townhome developments are considered multi-family developments, even though they consist of a for-sale product) of 75 units or greater are required to provide a trash compactor. The applicant is requesting the use of a Dumpster instead.

Secondly, it is the desire of the applicant to have a 20' minimum front building setback for the single-family lots. A driveway 20' in length will only accommodate two (2) off-street parking spaces. The Zoning Ordinance requires four (4) off street parking spaces for single-family homes.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

Garage spaces are not permitted to count toward minimum parking requirements. The applicants seek an exception to this requirement as a part of this PRD amendment in order to allow the garage spaces to count toward the minimum parking requirements. In order to accomplish this, they propose to restrict the use of the two-car garages so that their primary use will **not** be for the parking of boats, RVs, household storage, etc...; rather it will be for vehicular parking. The garages would be restricted both in the zoning plan and in the restrictive covenants to state that they must be available for the parking of two (2) vehicles at all times. In addition, Staff also recommends that the applicants revise the zoning plan to commit to the following two (2) requirements.

- **First, all street rights-of-way in the single-family detached portion of the development shall be 50' wide with a 36' street width, consistent with what is required for single-family developments that are zoned RZ (Zero Lot Line Residential District). This will help to accommodate any off-street parking that will occur.**
- **Second, the garages for the single-family homes should be oversized in order to accommodate some amount of household storage. This will help to make provisions for the storage of lawn equipment and City-issued solid waste carts in addition to the parking of two (2) vehicles.**

Mr. Matthew Blomeley made known staff had tasked the developer and their design team to address these two (2) items prior to the Planning Commission meeting. Continuing, Mr. Blomeley made known Mr. Ryan Lovelace, with Civil Site Design Group had provided a letter stating the following commitments:

1. **Beazer Homes agrees to provide oversized single family home garages with a minimum depth of 23'.**
2. **In the program pattern book of page 4 shall read: This plan is committing to restricting the use of all garages so their primary use will be for the parking of**

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

boats, RV's, household storage, etc.: rather it will be for vehicular parking. The garages in the single family portion of the development shall be available for the parking of two (2) vehicles at all times, and the garages in the townhome portion of the development shall be available for the parking of one (1) vehicle at all times. In addition to being a zoning requirement, this commitment will also be included in the restrictive covenants and enforced by the homeowner's association.

3. All ROW in the single-family portion of the development will be 50' wide with 36' of pavement.
4. The changes being presented will be incorporated in the applicant's pattern book before it is presented to City Council.

Mr. Ryan Lovelace and Mr. Brad Garnto were present to represent the applicant. Mr. Lovelace came forward stating Beazer Homes had felt the original proposal for all multifamily was too intense and too dense. Beazer Homes feels this development should be a mixture of townhomes and single family homes so it is consistent with the neighborhood. This development will have seventy percent of open space that will include a large trail system. The single family homes will be located along the north of the property; the combined multi unit townhomes with garages will be located beside the creek and the amenity pool area would be located in the center of the property. Mr. Lovelace explained this development would be downsized from the original proposal. The townhomes and single family homes will be for sale with HOA regulations. The townhomes would not be rentals. Mr. Lovelace requested this rezoning request be approved.

Chairman Bob Lamb opened the public hearing.

Ms. Karen Bauer 3507 Asbury Lane – does not oppose development; however, she does have concerns with the traffic in this area. She wants reassurance the road would be improved before there are any fatalities in this area.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

Mr. Jim Bauer 3507 Asbury Lane – voiced his concerns that Asbury Road is unsafe.

Chairman Bob Lamb closed the public hearing.

Chairman Lamb commented on the property being a substandard county road. Mr. Ram Balachandran came forward making known there has been limited traffic studies provided with the original plan. Since then, there has been development in the area along Medical Center Parkway. Currently, the level of services for Asbury Road in its existing condition is considered Level F. Discussions have been made with the property owner along Asbury Road and Medical Center Parkway in regards to connect Asbury Road to a signal along Conference Center Boulevard. To date, there is no movement with realignment of the road. Currently, our hands are tied because this is not City owned property, it is private property. Mr. Balchandran explained Asbury Road is too close to the interstate for signalization; there should be a separation of 1,200 feet / 1,300 feet from a signal to the interstate. Currently, this area is less than 900 feet. Traditional methods are not available. Mr. Sam Huddleston commented the City's long term plans are for a connection with Conference Center Boulevard signal. The City is challenged with property ownership and right of way issues. However, the City will continue to work on concept plans for access in the future. Mr. Gary Whitaker commented staff will continue working with property owners to resolve these issues. Chairman Lamb stated the proposal being presented is an amendment to reduce the number of units and density in Purlingbrook. This could had been a larger development than what is being proposed.

**Ms. Kathy Jones made a motion to approve the rezoning request, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.**

Zoning application [2016-423] for approximately 1.5 acres located along East Main Street and Jupiter Place to be rezoned from RS-15 to RM-16, East Main Quarters Partnership developer. Mr. Matthew Blomeley began by describing the subject property located at the southwest corner of East Main Street and Jupiter Place. It is currently zoned RS-15 (Single-Family

## **MURFREESBORO PLANNING COMMISSION**

### **STAFF COMMENTS, PAGE 1**

**AUGUST 3, 2016**

**3.d. Annexation Plan of Services and annexation petition [2016-508] for approximately 13.4 acres located along Veterans Parkway east of Cason Lane, Ardavan Afrakhteh applicant.**

The subject property is located along the north side of Veterans Parkway just east of the intersection of Veterans Parkway and Cason Lane. Veterans Parkway was recently reconstructed in front of the subject property and, according to the Engineering Department, the construction is substantially complete. The subject parcel totals 9.9 acres. There is an existing single-family residence on the subject property as well as an outbuilding. The property owner has requested annexation in order for future development on the property to benefit from City services, including sanitary sewer.

The subject property is contiguous with the existing City Limits to the north and west. It is within the City's urban growth boundary. In addition, the property owner has petitioned the City for the annexation. Staff has prepared an annexation feasibility study and plan of services, which is attached for the Planning Commission's review. It indicates that the City will be able to provide services to the subject property upon annexation. In addition to the requested parcel, the right-of-way of Veterans Parkway in front of the subject parcel as well as the right-of-way in front of the two developments to the west has been included. The entire study area, including the Veterans Parkway right-of-way, totals approximately 13.4 acres. The zoning application to have the requested property zoned RM-12 (Multi-Family Residential District 12) simultaneous with annexation is the next item on the agenda.

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.



PARKWOOD DR

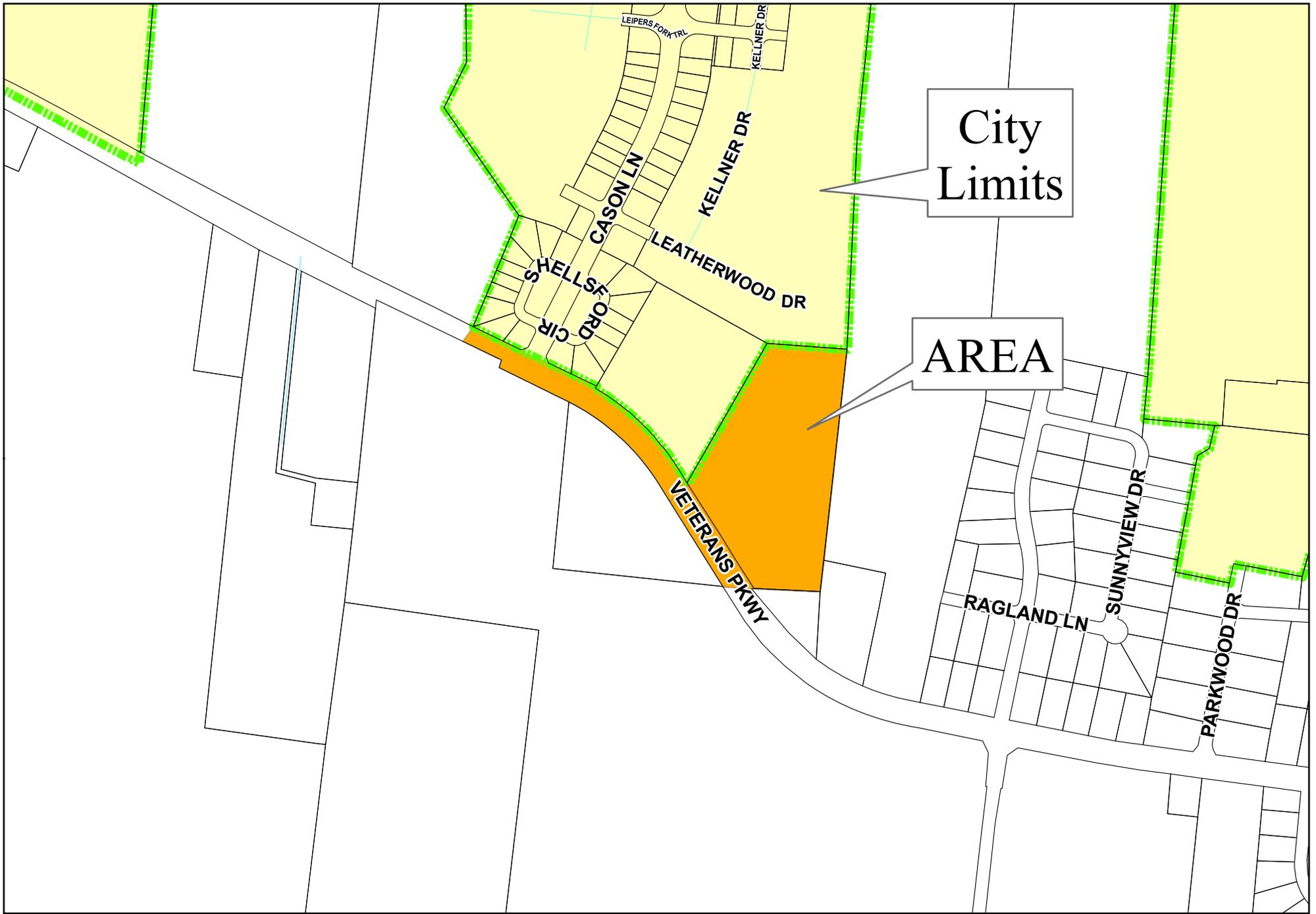
CASON LN

Site

VETERANS PKWY

YEARGAN RD  
SUNNYVIEW DR

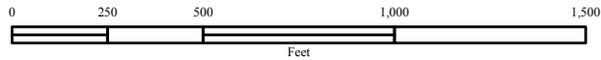




## Annexation Request for Property Along Veterans Parkway



Path: G:\planning\annex\Veterans\_ThreeRiversTownhome.mxd



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

**PETITION FOR ANNEXATION BY THE CITY OF MURFREESBORO**

The undersigned is the only owner / are all of the owners of the property identified in the attached legal description (including street address and tax map / parcel number), and hereby petitions the City of Murfreesboro to annex such property into the City.

**Signatures must be by owners or those with an appropriate written Power of Attorney from an owner. If the owner is not an individual (eg. corporation, trust, etc.), list the entity's name, the name of the individual signing on behalf of the entity and the status of the individual (eg. president, trustee, partner). If you are signing this Petition based on a Power of Attorney, you must also attach a copy of the Power of Attorney.**

1. ARDAVAN AFRAKHTEH  
Printed Name of Owner (and Owner's Representative, if Owner is an entity)  
Signature: [Signature] Status: President Date: 05/17/16  
Mailing Address (if not address of property to be annexed)

2. \_\_\_\_\_  
Printed Name of Owner (and Owner's Representative, if Owner is an entity)  
Signature: \_\_\_\_\_ Status: \_\_\_\_\_ Date: \_\_\_\_\_  
Mailing Address (if not address of property to be annexed)

3. \_\_\_\_\_  
Printed Name of Owner (and Owner's Representative, if Owner is an entity)  
Signature: \_\_\_\_\_ Status: \_\_\_\_\_ Date: \_\_\_\_\_  
Mailing Address (if not address of property to be annexed)

4. \_\_\_\_\_  
Printed Name of Owner (and Owner's Representative, if Owner is an entity)  
Signature: \_\_\_\_\_ Status: \_\_\_\_\_ Date: \_\_\_\_\_  
Mailing Address (if not address of property to be annexed)

(Attach additional signature pages if necessary)

**Legal Description is attached:** \_\_\_\_\_ Yes

**Power of Attorney applies and is attached:** \_\_\_\_\_ Yes \_\_\_\_\_ No

**RECEIVED**  
**MAY 20 2016**

**SEC, Inc.**

SITE ENGINEERING CONSULTANTS

Engineering • Surveying • Land Planning  
850 Middle Tennessee Blvd, Murfreesboro, TN 37129  
www.sec-civil.com • 615-890-7901 • fax 615-895-2567

May 20, 2016

Mr. Gary Whitaker  
Murfreesboro Planning & Engineering Dept  
111 W. Vine St  
Murfreesboro, Tennessee 37130

RE: Rezoning Request Cover Letter  
Veterans Parkway Townhome Site  
Murfreesboro, Tennessee  
SEC Project No. 14064

Dear Mr. Whitaker:

Please accept this letter along with the attached application form as our official request to the City of Murfreesboro to rezone Parcel 5.01 of Tax Map 124. The entire parcel is approximately 9.85 acres in size. The property is currently undeveloped and is located along the north side of Veterans Parkway and east of Cason Lane. Presently, the property is located within the unincorporated area of Rutherford County and has been requested for annexation simultaneously with this rezoning request. The applicant is requesting rezoning to RM-12 to prepare for a townhome development per the attached concept and building elevations.

If you should have any questions concerning this letter, please feel free to call me at (615) 890-7901 or via email at [mtaylor@sec-civil.com](mailto:mtaylor@sec-civil.com)

Sincerely,



Matt Taylor, P.E.  
SEC Inc.

**RECEIVED**  
MAY 20 2016

BY: .....

**ANNEXATION REPORT FOR PROPERTY LOCATED AT  
1620 VETERANS PARKWAY  
INCLUDING PLAN OF SERVICES**



PREPARED FOR THE  
MURFREESBORO PLANNING COMMISSION  
August 3, 2016



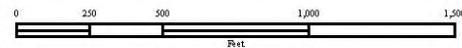
City Limits

AREA

Annexation Request for Property Along Veterans Parkway



Path: G:\planning\annex\Veterans\_ThreeRiversTownhomeortho.mxd



GIS Department  
 City of Murfreesboro  
 111 West Vine Street  
 Murfreesboro, Tennessee 37138  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)

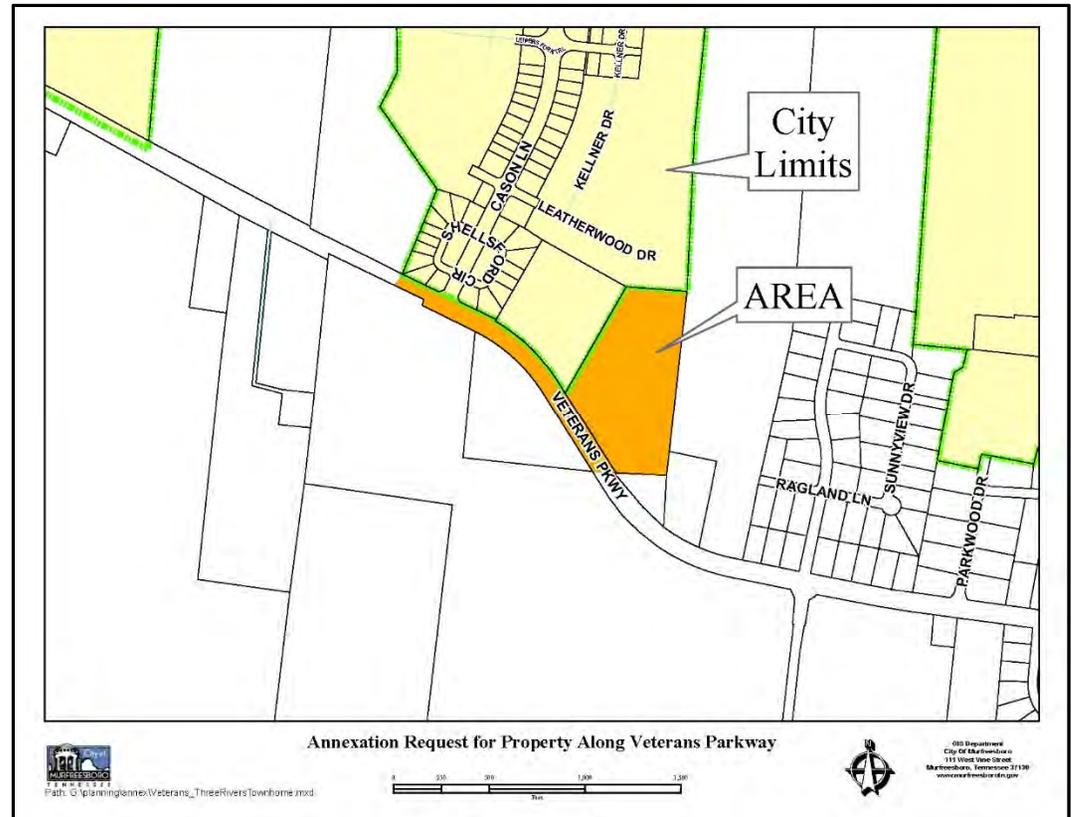
# **INTRODUCTION**

## OVERVIEW

The applicant, Matt Taylor of SEC, Inc., representing Ardavan Afrakhteh, has requested annexation of property located along the northwestern side of Veterans Parkway.

The area studied in this Plan of Services includes a 9.9-acre parcel (Tax Map 124, Parcel 5.01) and an adjacent 1,500-linear foot (approximately 3.5 acres) portion of right-of-way along Veterans Parkway.

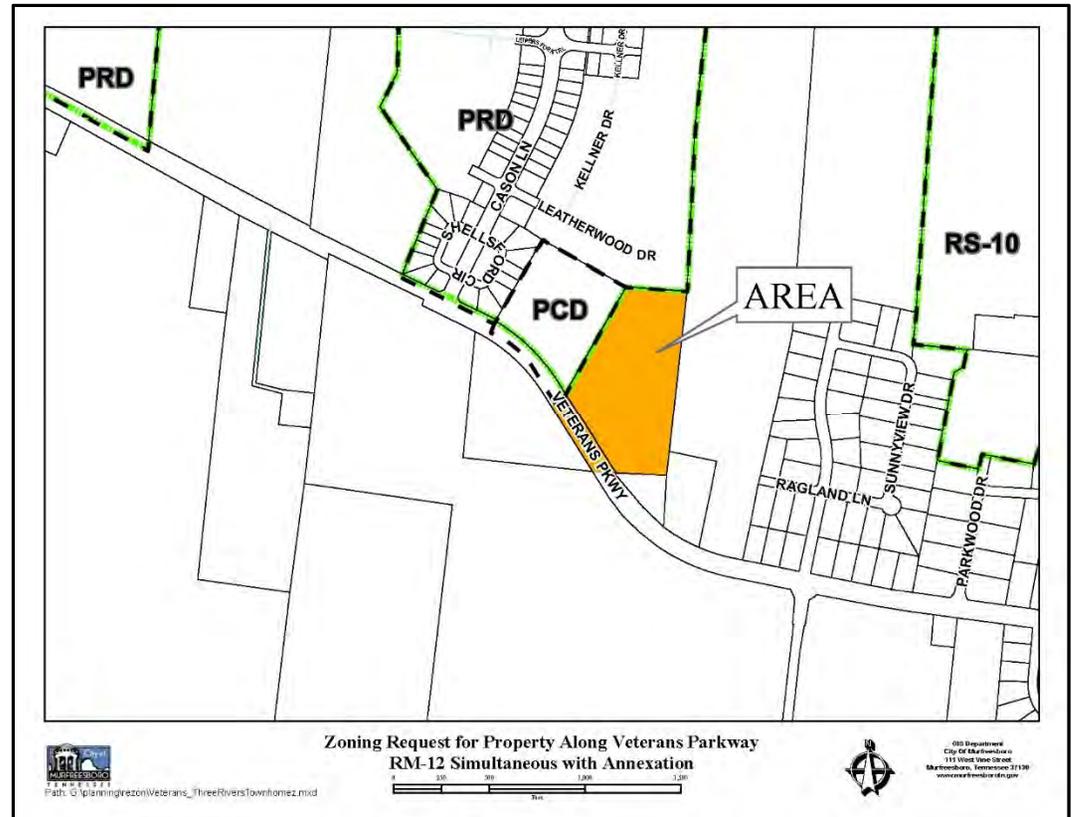
The entire study area lies within the City of Murfreesboro's Urban Growth Boundary and adjoins the City on its north and west sides. Adjacent areas to the east and south lie within the unincorporated County.



## CITY ZONING

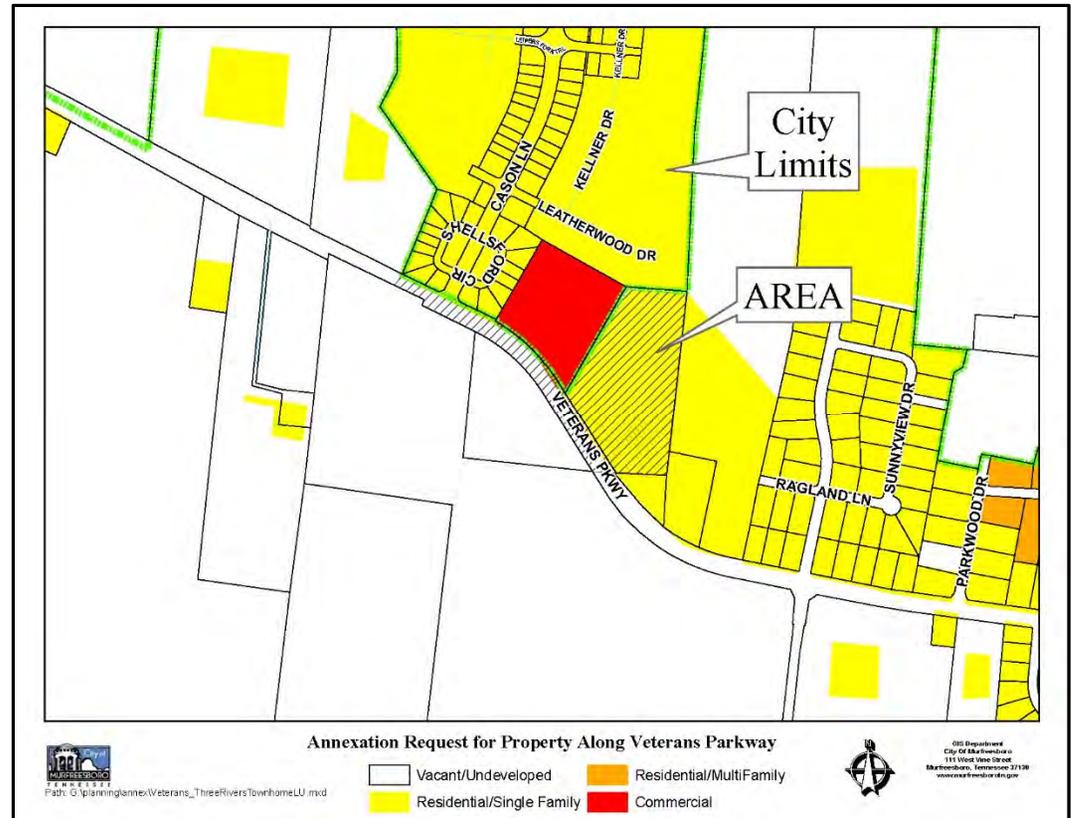
The applicant has requested rezoning to RM-12 (Multi-Family Residential) simultaneous with annexation. The entire study area is presently zoned RM (Residential – Medium Density) in the County.

The property lying adjacent to the study area on the west is zoned PCD (Planned Commercial Development). The adjacent property to the north of the study area is zoned PRD (Planned Residential Development). Adjacent properties to the east and south lie outside the City's boundaries and are zoned RM in the County.



## PRESENT AND SURROUNDING LAND USE

The 9.9-acre study area presently includes one single-family house. Surrounding land uses include the Three Rivers self-storage facility to the west, the Three Rivers residential subdivision to the north, and single-family residential properties to the east. Properties to the south are used primarily for agricultural purposes.



## **TAXES AND REVENUE**

The first City tax bill for all property annexed during the calendar year of 2016 will be due on December 31, 2017. City taxes are calculated upon the property appraisal and assessment of the Rutherford County Property Assessor's Office. The current tax rate for the City of Murfreesboro is \$1.2703/\$100.00 assessed value. Residential property is assessed at a rate of 25% of its appraised value, and commercial property is assessed at a rate of 40% of its appraised value. Table I below shows total assessment and estimated City taxes that would be collected if the property were to be annexed in its present state.

*Table I*  
*Estimated Taxes from Site*

<b>Owner of Record</b>	<b>Acres</b>	<b>Land Value</b>	<b>Improvements Value</b>	<b>Total Assessment</b>	<b>Estimated City Taxes</b>
Land Development.com Inc.	10.00	\$103,000	\$115,000	\$54,500	\$692.31

These figures are for the property in its current state.

# **PLAN OF SERVICES**

## **POLICE PROTECTION**

At present, the study area receives police service through the Rutherford County Sheriff's Department. If annexed, the Murfreesboro Police Department will begin providing services such as patrol, criminal investigation, community policing, traffic operations, canine, DARE and other community crime prevention programs to the subject parcels immediately upon the effective date of annexation. This annexation will have no negative impact on the Murfreesboro Police Department. No additional costs to the department are expected. This property is located in Police Zone #2.

## **ELECTRIC SERVICE**

The property is located within Murfreesboro Electric Department's (MED) service boundary. MED has facilities and capacity in place to serve the proposed development. The electrical infrastructure installed to serve the proposed development will be required to adhere to MED standards.

## **STREET LIGHTING**

According to MED, street lighting will be installed on the property if any future development on the property includes public streets.

## **STREETS AND ACCESS**

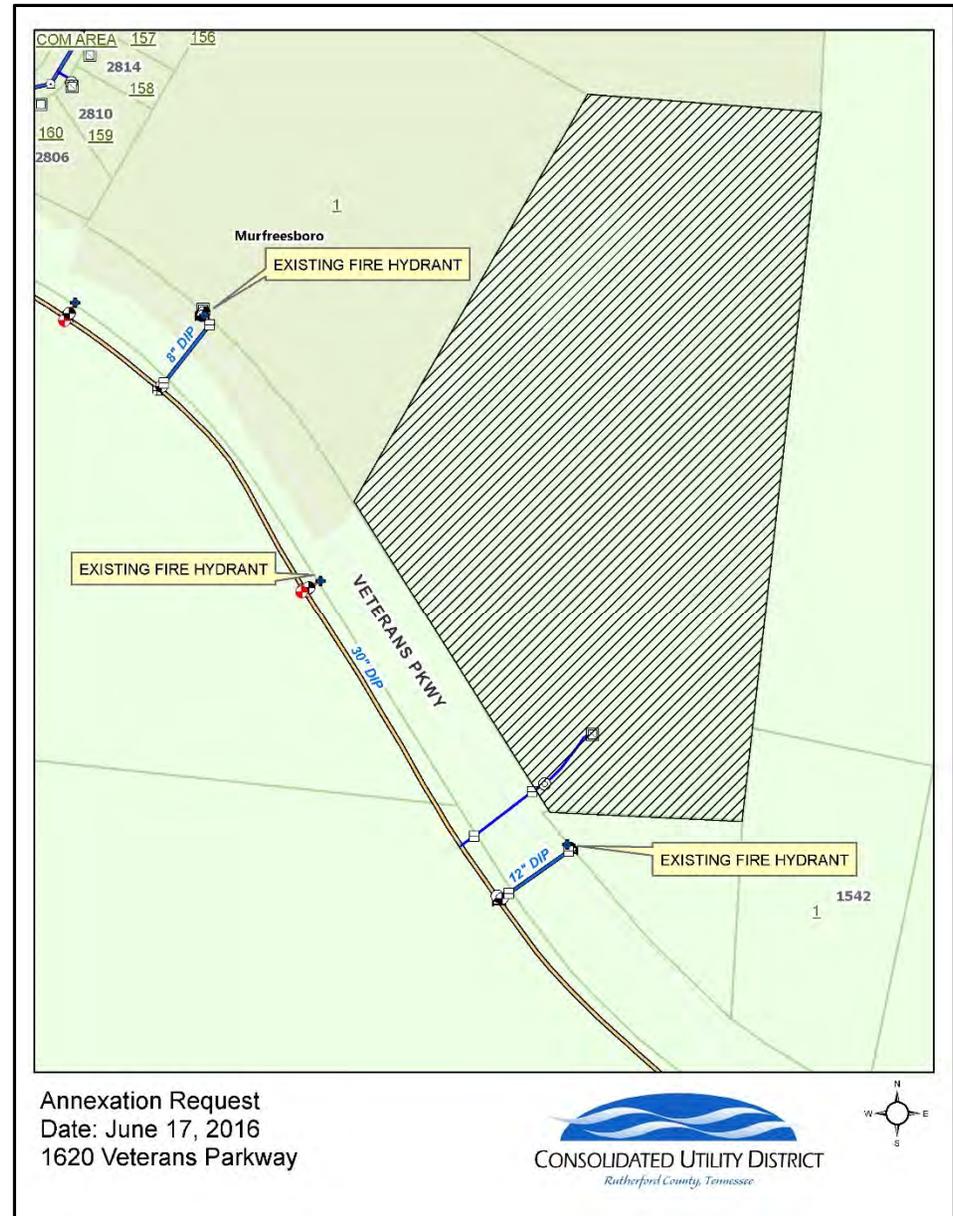
The study area has access to Veterans Parkway, a major arterial. The roadway was recently expanded to a five-lane section in this area. Under agreement with Rutherford County, the City is responsible for routine maintenance of the roadway. No significant change is anticipated as a result of this annexation.

New connections or modifications to Veterans Parkway must be reviewed and approved by the City Engineer. Any future public roadway facilities serving the study area must be constructed to City standards.

## WATER SERVICE

The study area lies within Consolidated Utility District's (CUD) service area. The study area is presently served by a 30-inch water line, which runs along the southern/western side of Veterans Parkway. Should any new uses be proposed on the property, the developer/owner shall submit a Water Availability Request to CUD.

The existing water lines are shown on the adjacent map. Any new water line development must be done in accordance with CUD's development policies and procedures.

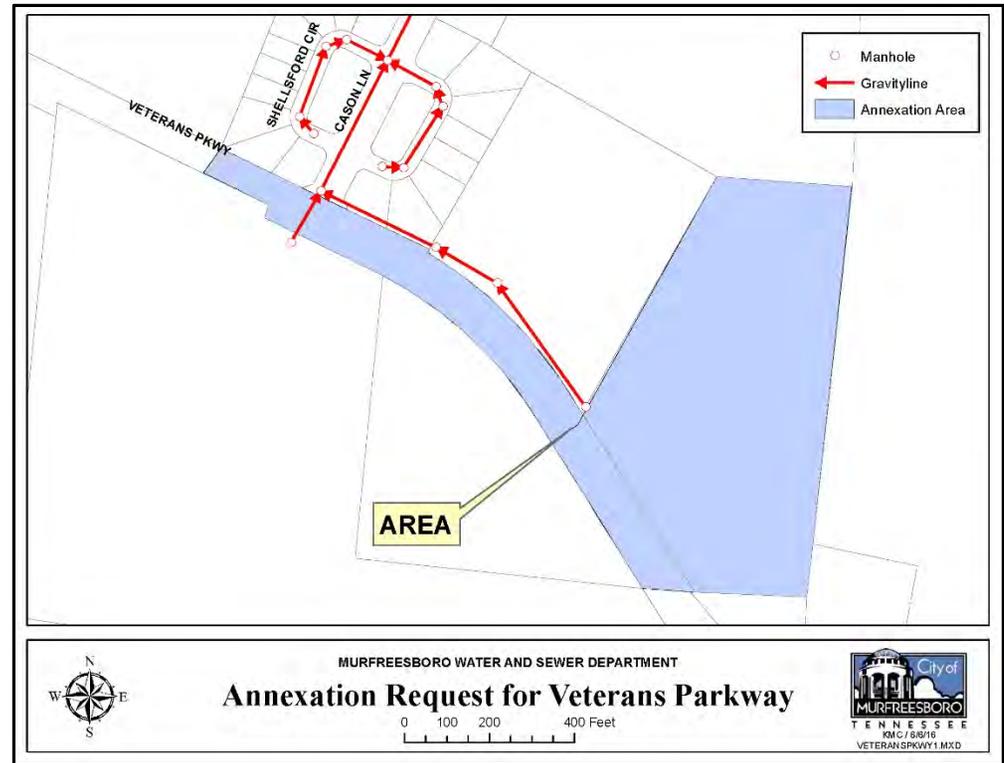


## SANITARY SEWER SERVICE

Sanitary sewer is currently available to serve the subject property, per the Murfreesboro Water and Sewer Department's (MWSD) definition of "available." Sewer service will be provided from an existing manhole located on the western side of the subject property. All sewer main improvements and easements needed to serve the subject property are to be acquired and installed by the developer in accordance with MWSD's development policies and procedures.

The existing sewer connects to the Salem/Barfield Assessment District. All developments that connect into this sewer system are assessed a \$750 fee per single-family unit or equivalent in addition to the current and standard connection fees.

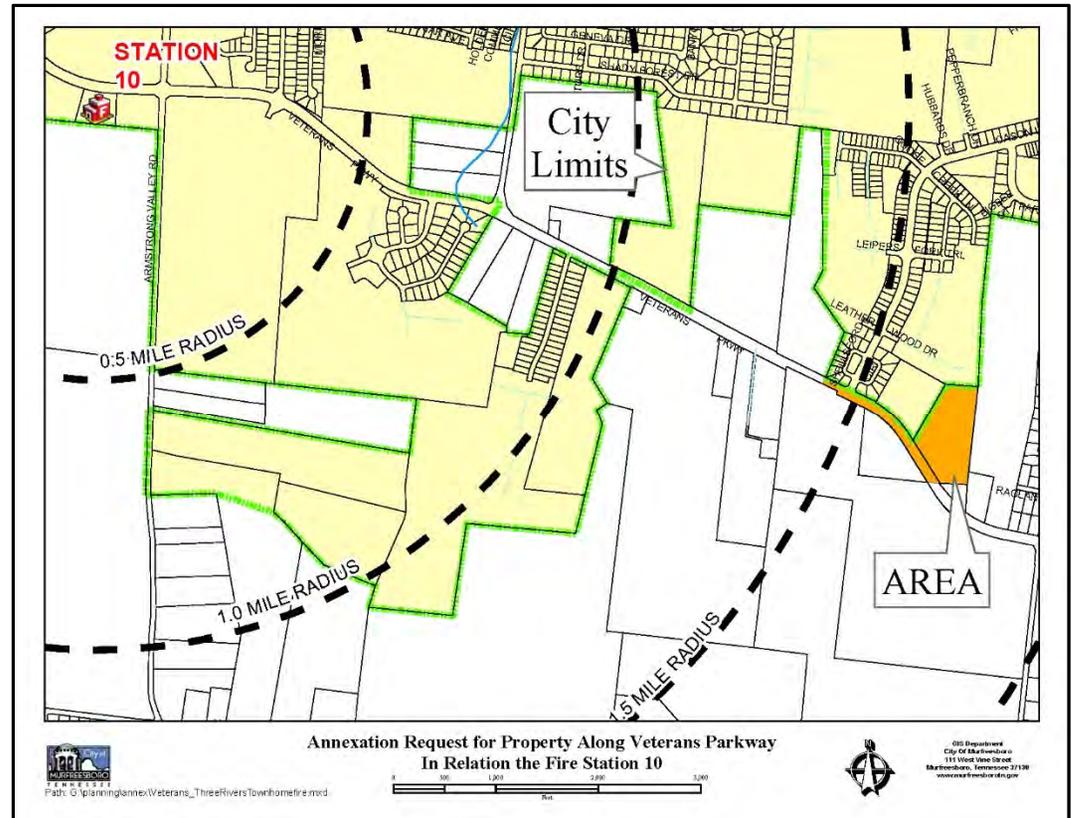
The red lines on the adjacent map represent existing sewer lines.



## FIRE AND EMERGENCY SERVICE

The annexation will have no negative impact on the Murfreesboro Fire and Rescue Department (MFRD). The MFRD will provide fire protection with a full-time, professional staff as well as medical first responder service. Any development on the site must provide adequate fire flows and install water lines and fire hydrants per the Consolidated Utility District (CUD) policies and procedures.

The closest fire stations to the subject tract are Fire Station #10, located at 2563 Veterans Parkway, which is 3.4 miles from the study area, and Station #9, located at 802 Cason Lane, which is 3.4 miles from the study area. The MFRD can provide ISO Class Two (2) fire protection. The dashed lines on the adjacent map represent linear distance ranges from the nearest fire stations.



## **SOLID WASTE COLLECTION**

The City will provide weekly curbside solid waste collection service immediately upon the effective date of annexation, as well as brush/debris removal every two to three weeks. In the property's current state, the Solid Waste Department will be responsible for providing one cart. This will cost the department \$75. The initial day of service will be Thursday. In its current state, no additional equipment or manpower will be needed to serve the study area.

## **BUILDING AND CODES**

The property will immediately come within the City's jurisdiction for code enforcement immediately upon the effective date of annexation. The City's Building and Codes Department will begin issuing building and construction permits and enforcing the codes and inspecting new construction for compliance with the City's construction codes immediately upon the effective date of annexation. The Building and Codes Department will also ensure that any new signs associated with the development of the property comply with the Sign Ordinance. No additional costs are expected.

## **RECREATION**

Murfreesboro's Parks and Recreation facilities will be immediately available to residents of the study area. Currently Murfreesboro has two multi-purpose facilities, one

community center, a wilderness facility, over 1,000 acres of parks, a network of greenways, and recreational sports. These facilities and programs are wholly funded by the Murfreesboro tax payers. Children who are residents of the City of Murfreesboro, attend Murfreesboro Elementary Schools, and receive free or reduced lunches also receive free or reduced recreational fees.

## **CITY SCHOOLS**

The Murfreesboro City School system serves grades kindergarten through sixth and is offered to students who are within the jurisdiction of the City of Murfreesboro. The study area is located in the Scales Elementary school zone. The school system anticipates opening a new elementary school to serve the study area and vicinity in 2018.

## **GEOGRAPHIC INFORMATION SYSTEMS**

The property is within the area photographed and digitized as part of the City's Geographic Information Systems (G.I.S.) program.

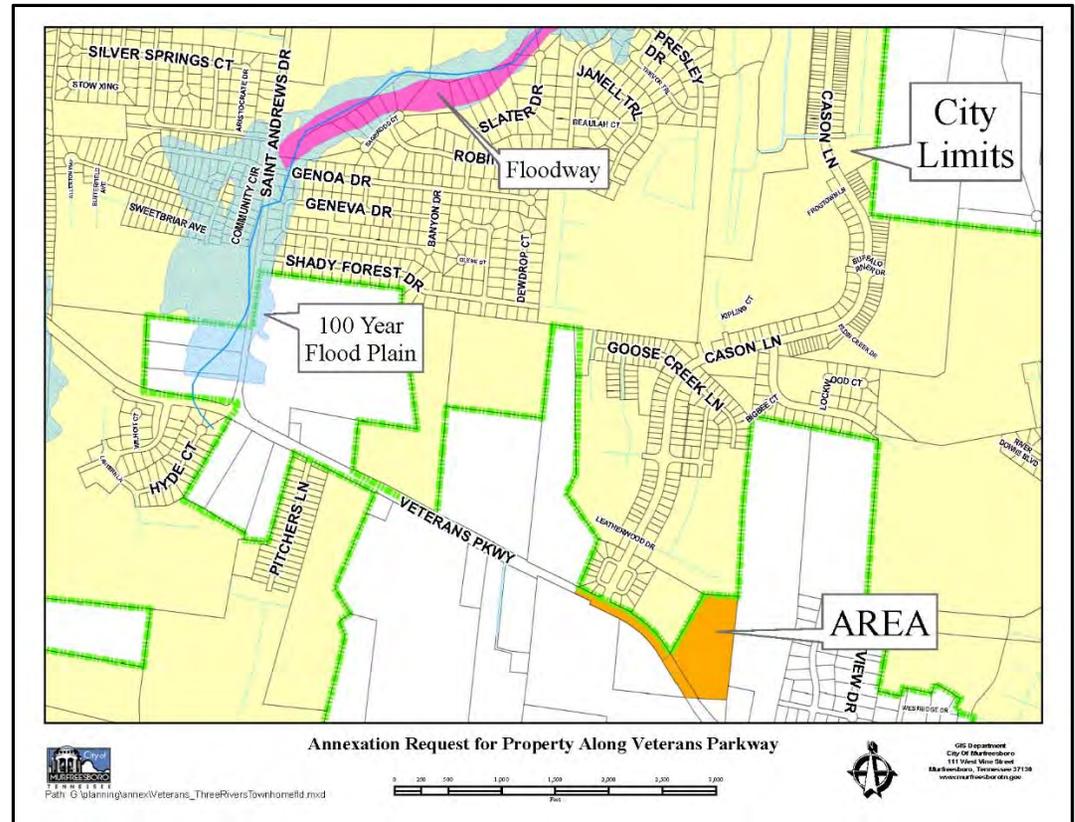
## **PLANNING, ENGINEERING, AND ZONING SERVICES**

The property will come within the City's jurisdiction for planning and engineering code enforcement immediately upon the effective date of annexation. As new development occurs, the Planning Commission will review all site plans, preliminary, and final plats. Among other duties, the Planning and Engineering Departments will inspect and monitor new construction of streets and drainage structures for compliance with the City's development regulations.

### **FLOODWAY**

The study area is not located within a floodway or 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA).

The adjacent map shows the floodway boundary in pink and the 100-year floodplain boundary in blue.

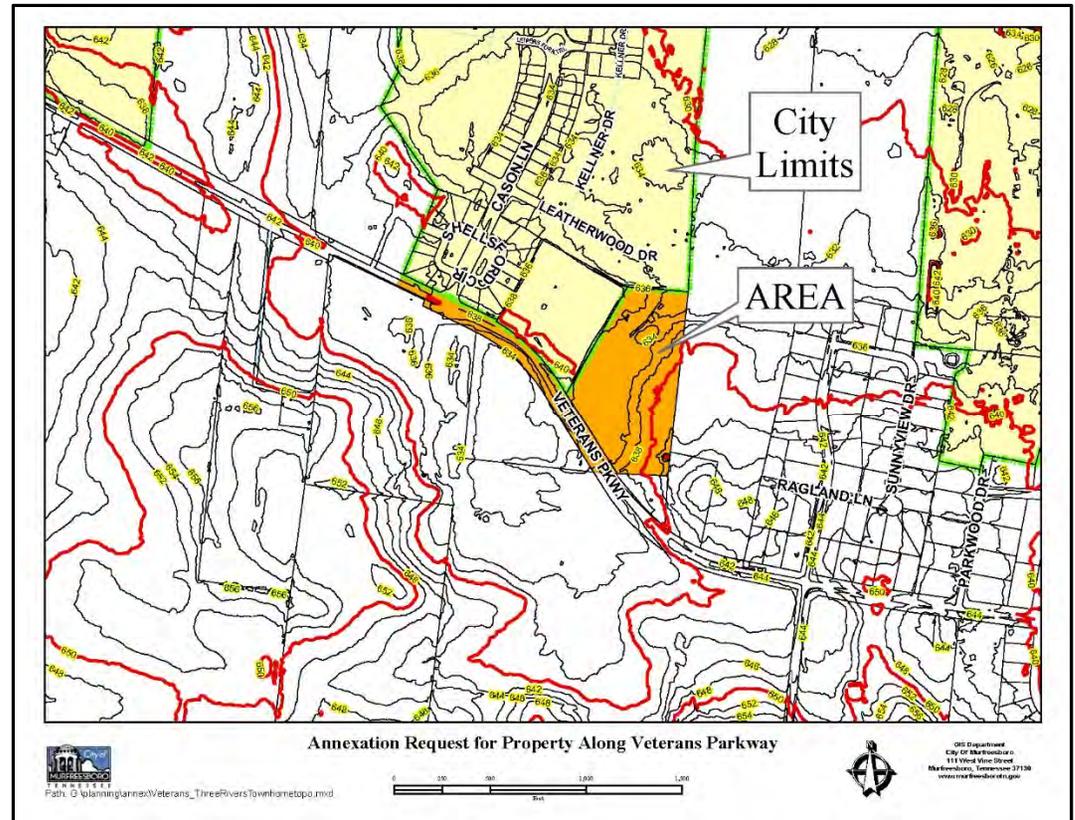


## **DRAINAGE**

The study area drains well from the southwest to the northeast through an existing drainage way from Veterans Parkway. Both the drainage way and a small pond located near the center of the study area should be reviewed for jurisdictional status as potential Waters of the State. Significant fill will be required to properly elevate new structures. The fill must include proper placement and compaction as well as documentation of the placement by qualified personnel and appropriate testing.

Public drainage facilities available in the study area include those on Veterans Parkway, which are the responsibility of the City under agreement with Rutherford County. An existing drainage way crosses the property from southwest to northeast; upon development, this drainage way should be included in a public drainage easement. Any new public drainage facilities proposed to serve the study area in the future must meet City standards.

New development on the property must also meet overall City of Murfreesboro Stormwater Quality requirements including water quality and detention. Future development in the study area will be subject to the Stormwater Utility Fee upon completion of construction. Based on the proposed residential land use and considering applicable credits, this property has the potential to generate \$1,500 in Stormwater Utility Fees annually upon full development. The red lines on the adjacent map represent ten-foot contours. The black lines represent two-foot intervals.



## **ANNEXATION FOLLOW-UP**

The Murfreesboro City Council will be responsible for ensuring that this property will receive City services described in this plan. According to Public Chapter 1101 passed by the Tennessee Legislature, six months following the effective date of annexation, and annually thereafter until all services have been extended, a progress report is to be prepared and published in a newspaper of general circulation. This report will describe progress made in providing City services according to the plan of services and any proposed changes to the plan. A public hearing will also be held on the progress report.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

would want to participate. They have the technology with administration at the hospital and would be willing to add area neighbors into their system to keep them informed until the issue is resolved.

Mr. Matt Taylor explained the development would improve the drainage in this area. Mr. Sam Huddleston explained the roadway design the city proposes for the widening of Wilkinson Pike. This would include a pedestrian friendly multi use path and a bicycle path to the battlefield, while preserving the existing character of the roadway. There are commitments made regarding the road widening project which would protect the battlefield area up towards Greshampark Drive. Chairman Bob Lamb wanted an explanation how the fifty-foot buffer would be measured from right of way. Mr. Matt Taylor explained along Van Cleve Lane there would be a 50 foot buffer along Van Cleve Lane before and after the widening of Wilkinson Pike. In addition, road widening of Wilkinson Pike would include a 20-foot buffer, fence and a multiuse path.

**Mr. Ken Halliburton made a motion to approve the rezoning request, seconded by Ms. Kathy Jones. The motion carried by unanimous vote in favor.**

## **Annexation Plan of Services and annexation petition [2016-508] for approximately 13.4 acres located along Veterans Parkway east of Cason Lane, Ardavan Afrakhteh applicant.**

Mr. Matthew Blomeley began by describing the subject property located along the north side of Veterans Parkway just east of the intersection of Veterans Parkway and Cason Lane. Veterans Parkway was recently reconstructed in front of the subject property and, according to the Engineering Department, the construction is substantially complete. The subject parcel totals 9.9 acres. There is an existing single-family residence on the subject property as well as an outbuilding. The property owner has requested annexation in order for future development on the property to benefit from City services, including sanitary sewer.

The subject property is contiguous with the existing City Limits to the north and west. It is within the City's urban growth boundary. In addition, the property owner has petitioned the City for the annexation. Staff has prepared an annexation feasibility study and plan of services, which has

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

been provided for the Planning Commission's review. It indicates that the City will be able to provide services to the subject property upon annexation. In addition to the requested parcel, the right-of-way of Veterans Parkway in front of the subject parcel as well as the right-of-way in front of the two developments to the west has been included. The entire study area, including the Veterans Parkway right-of-way, totals approximately 13.4 acres. The zoning application to have the requested property zoned RM-12 (Multi-Family Residential District 12) simultaneous with annexation.

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

**Mr. Kirt Wade made a motion to approve the annexation petition and plan of services, seconded by Mr. Tom Clark. The motion carried by unanimous vote in favor.**

**Zoning application [2016-421] for approximately 9.9 acres located along Veterans Parkway east of Cason Lane to be zoned RM-12 simultaneous with annexation, Green Trails, LLC applicant.** Mr. Matthew Blomeley began by describing the subject property located along the north side of Veterans Parkway just east of the intersection of Veterans Parkway and Cason Lane. Veterans Parkway was recently reconstructed in front of the subject property and, according to the Engineering Department, the construction is substantially complete. The subject parcel totals approximately 9.9 acres. There is an existing single-family residence on the subject property as well as an outbuilding. The property owner has requested annexation in order for future development on the property to benefit from City services, including sanitary sewer.

A request has been made to zone the property RM-12 (Multi-Family Residential District 12) simultaneous with annexation. The RM-12 zone permits multi-family residential uses at a maximum density of twelve (12) dwelling units per acre. At 9.9 acres, the property has the potential to yield approximately 118 dwelling units. (It should be noted, though, that density

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
AUGUST 3, 2016**

- 3.e. Zoning application [2016-421] for approximately 9.9 acres located along Veterans Parkway east of Cason Lane to be zoned RM-12 simultaneous with annexation, Green Trails, LLC applicant.**

The subject property is located along the north side of Veterans Parkway just east of the intersection of Veterans Parkway and Cason Lane. Veterans Parkway was recently reconstructed in front of the subject property and, according to the Engineering Department, the construction is substantially complete. The subject parcel totals approximately 9.9 acres. There is an existing single-family residence on the subject property as well as an outbuilding. The property owner has requested annexation in order for future development on the property to benefit from City services, including sanitary sewer. The annexation petition and plan of services was the previous item on the agenda.

A request has been made to zone the property RM-12 (Multi-Family Residential District 12) simultaneous with annexation. The RM-12 zone permits multi-family residential uses at a maximum density of twelve (12) dwelling units per acre. At 9.9 acres, the property has the potential to yield approximately 118 dwelling units. (It should be noted, though, that density bonuses for additional units could be granted based on amenities provided.) The applicant has a contract on the subject property. He wishes to construct a residential condominium development on the subject property. Included in the agenda materials is a conceptual site plan and conceptual architectural elevations of the proposed buildings. However, it should be noted that, because the proposed zoning is not a planned development, the development plan and elevations submitted are for informational purposes only and are not binding.

The subject property is bordered on its west side by a self-storage development that is zoned PCD (Planned Commercial District). Further to the west and to the north is the Three Rivers PRD (Planned Residential District). The southern portion of the Three Rivers subdivision is comprised of small single-family detached residential lots. To the south, across Veterans Parkway, is agricultural land located in the unincorporated County. Directly to the east of the subject property are two large single-family residential parcels in the unincorporated County as well as the Barfield Meadows single-family residential subdivision, which is also located in the unincorporated County. It should be noted that the subject property is located just outside of the boundaries of the *Salem Pike Land Use Plan*.

The applicants and their team hosted a neighborhood meeting regarding this request on July 26<sup>th</sup>. Members of the Planning staff and approximately three (3) neighboring property owners were also in attendance.

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.



PARKWOOD DR

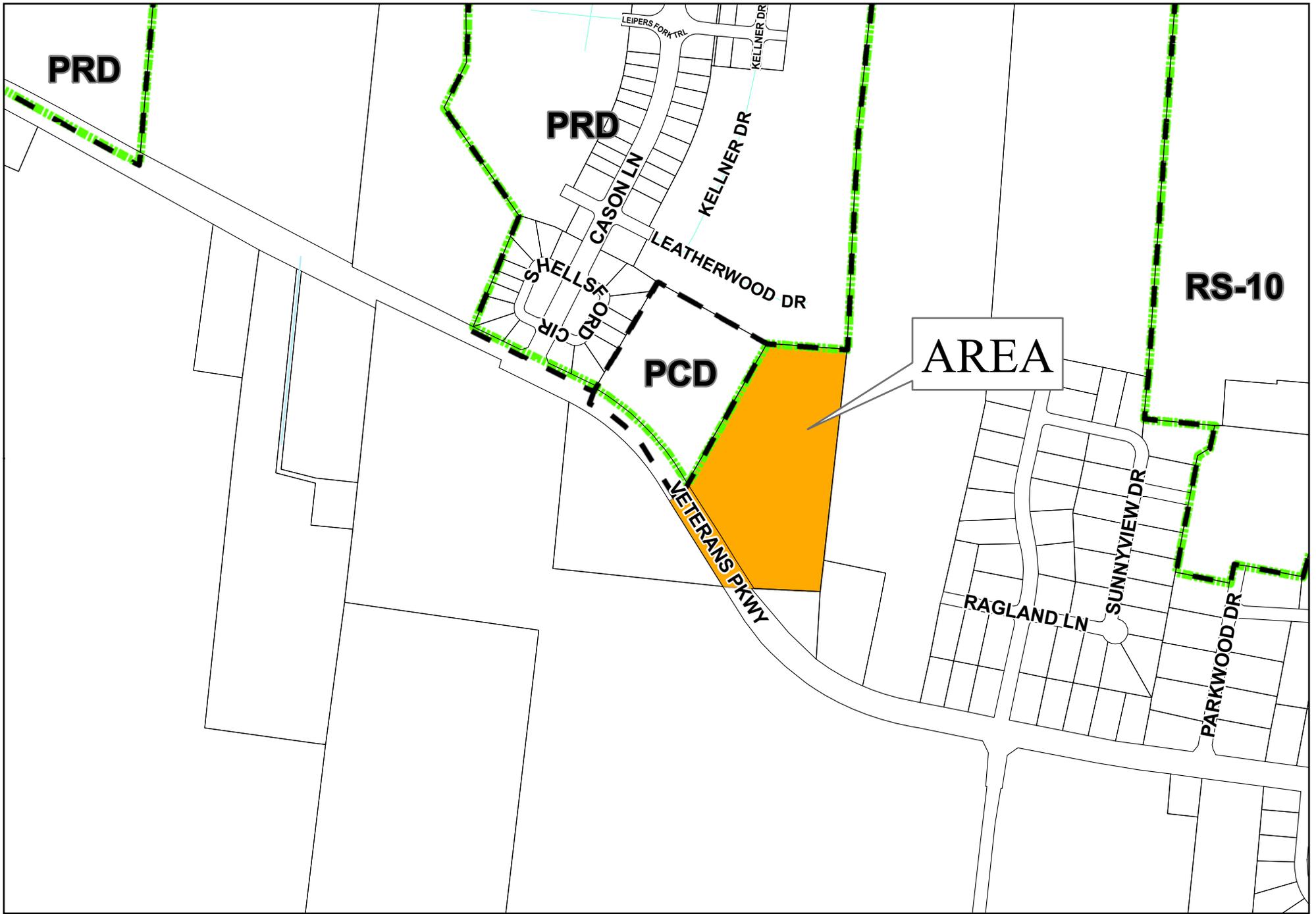
CASON LN

Site

VETERANS PKWY

YEARGAN RD  
SUNNYVIEW DR

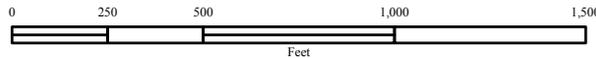




**Zoning Request for Property Along Veterans Parkway  
RM-12 Simultaneous with Annexation**

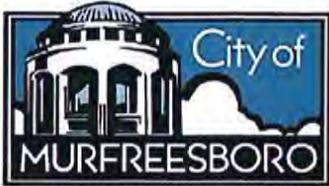


Path: G:\planning\rezon\Veterans\_ThreeRiversTownhomez.mxd



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

REZONING APPLICATION FORM



T E N N E S S E E

Creating a better quality of life

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

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: Green Trails, LLC c/o Kevin Estes

Address: 2925 Berry Hill Drive City/State/Zip: Nashville, TN 37204

Phone: 615-300-8496 E-mail address: kestes@dewey-estes.com

PROPERTY OWNER: LandDevelopment.Com, Inc

Street Address or property description: North of Veterans Parkway & East of Cason Lane

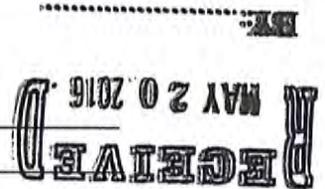
and/or Tax map #: 124 Group: Parcel (s): 5.01

Existing zoning classification: RM - County

Proposed zoning classification: RM-12 Acreage: 9.85

Contact name & phone number for publication and notifications to the public (if different from the applicant): Matthew Taylor 615-890-7901

E-mail: mtaylor@sec-civil.com



APPLICANT'S SIGNATURE (required): [Handwritten Signature]

DATE: 5/16/2016

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

Date received: MPC YR.: MPC #: 2016-421508

Amount paid: 600.00 Receipt #: 364000

Revised 1/2010

**SEC, Inc.**

SITE ENGINEERING CONSULTANTS

Engineering • Surveying • Land Planning  
850 Middle Tennessee Blvd, Murfreesboro, TN 37129  
www.sec-civil.com • 615-890-7901 • fax 615-895-2567

May 20, 2016

Mr. Gary Whitaker  
Murfreesboro Planning & Engineering Dept  
111 W. Vine St  
Murfreesboro, Tennessee 37130

RE: Rezoning Request Cover Letter  
Veterans Parkway Townhome Site  
Murfreesboro, Tennessee  
SEC Project No. 14064

Dear Mr. Whitaker:

Please accept this letter along with the attached application form as our official request to the City of Murfreesboro to rezone Parcel 5.01 of Tax Map 124. The entire parcel is approximately 9.85 acres in size. The property is currently undeveloped and is located along the north side of Veterans Parkway and east of Cason Lane. Presently, the property is located within the unincorporated area of Rutherford County and has been requested for annexation simultaneously with this rezoning request. The applicant is requesting rezoning to RM-12 to prepare for a townhome development per the attached concept and building elevations.

If you should have any questions concerning this letter, please feel free to call me at (615) 890-7901 or via email at [mtaylor@sec-civil.com](mailto:mtaylor@sec-civil.com)

Sincerely,



Matt Taylor, P.E.  
SEC Inc.

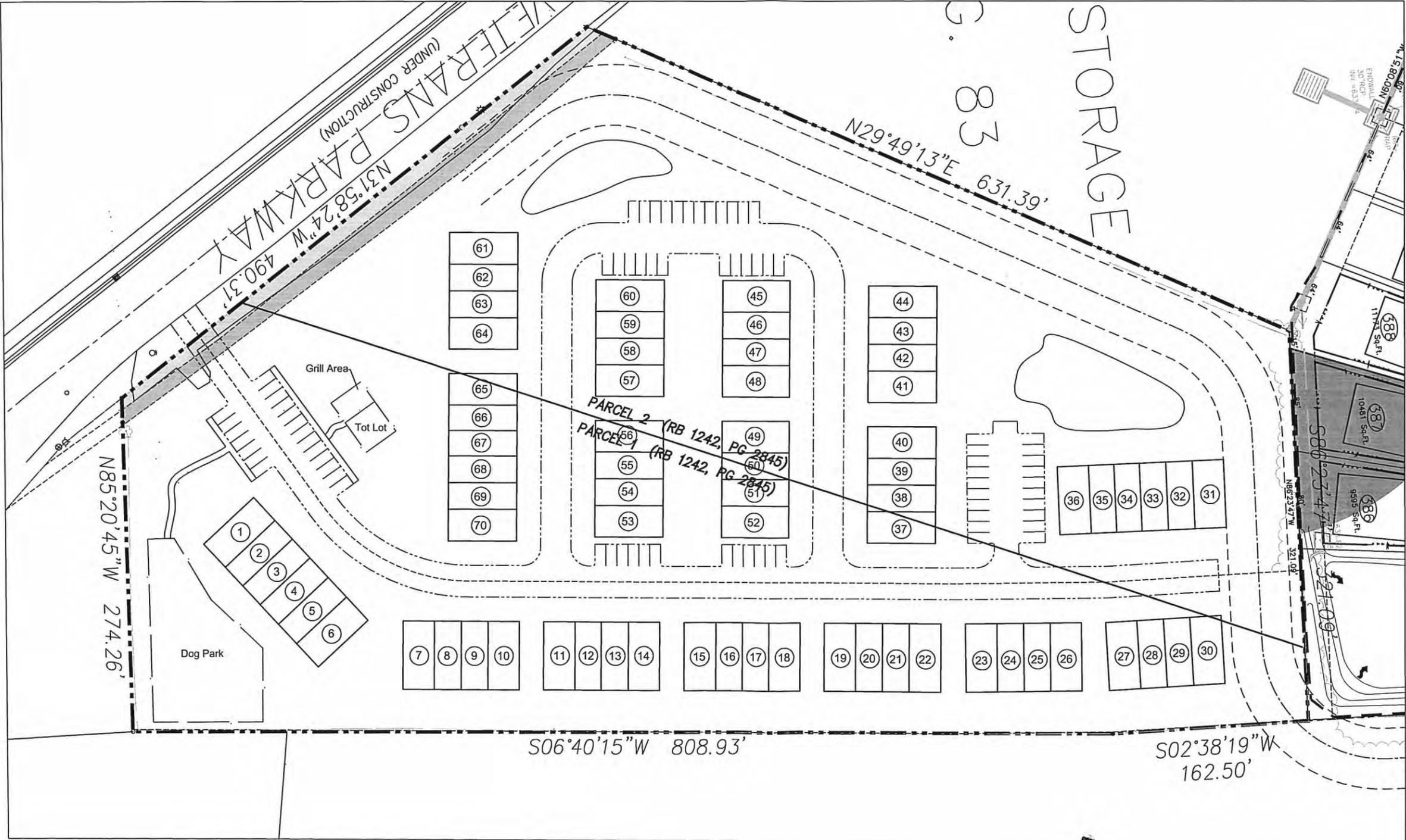
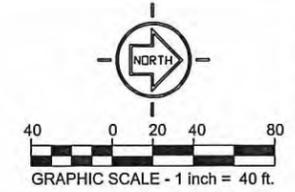
**RECEIVED**  
MAY 20 2016

BY: .....



## Sign-In Sheet for Neighborhood Public Meeting

	Name	Address
1	Joe Ornelas	City of M'boro
2	Robert Lewis	111 W Vine St
3	Jim + Regina Stephens	Veterans Parkway
4	Lynn Foley	2925 Berry Hill Dr Nashville TN
5		
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LAND SOLUTIONS  
COMPANY, LLC  
2825 Berry Hill Drive, Nashville, TN 37204

Three Rivers Townhomes  
Site Plan  
Being Parcels 5.01 on Tax Map 124  
Murfreesboro, Tennessee

ISSUANCE/REVISION NOTES  
- PLAN DATE February 22, 2016

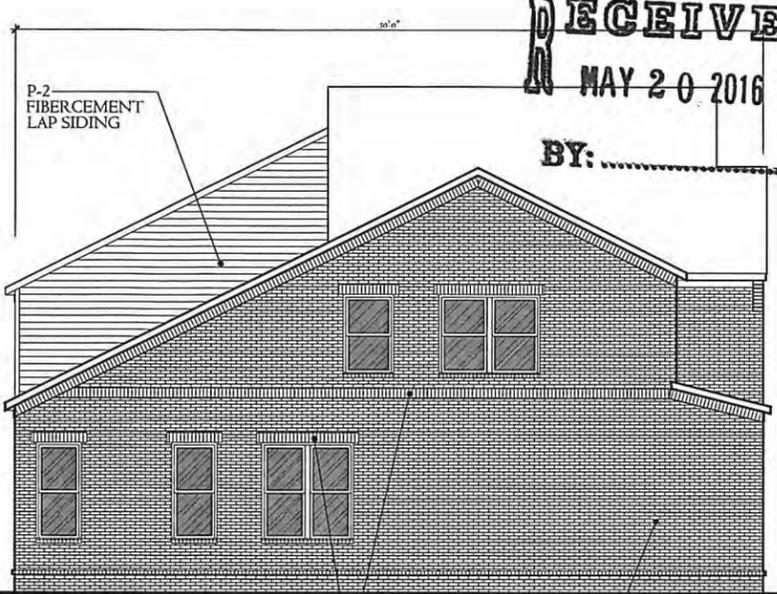
- 1
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- 5

RECEIVED  
MAY 20 2016  
BY: .....



**RECEIVED**  
MAY 20 2016

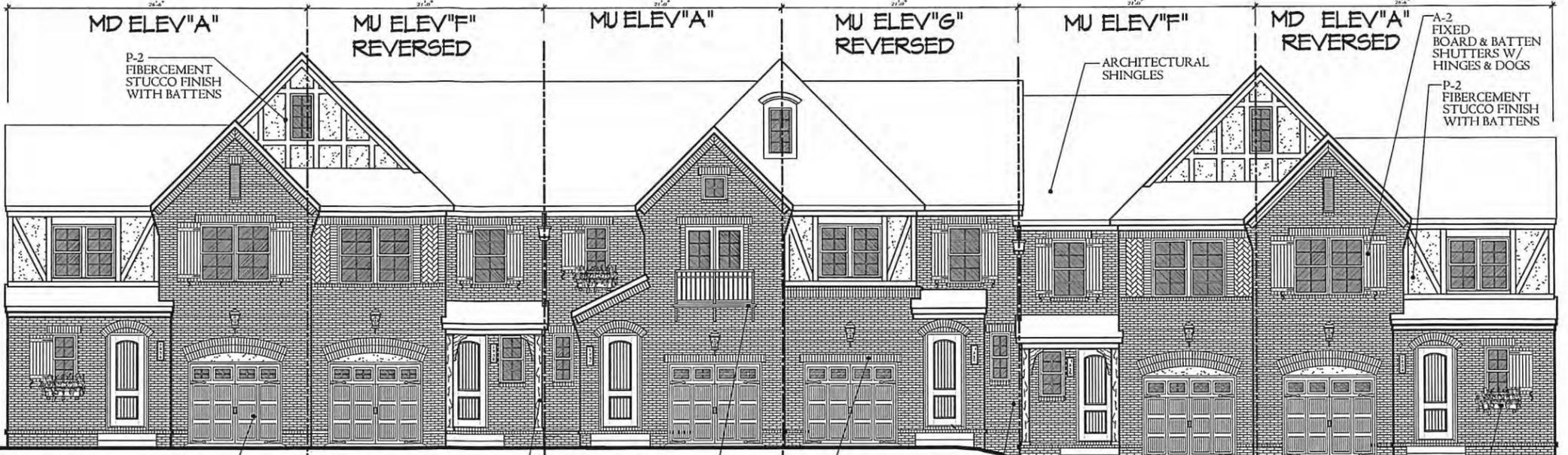
BY: .....



SEGMENT / UNIT 1  
A-1 BRICK ACCENT  
P-1 BRICK VENEER

**LEFT SIDE ELEVATION**

TOTAL FACADE AREA:	1172 SQ.FT.
AREA OF WINDOWS AND DOORS:	127 SQ.FT.
TOTAL WALL AREA FOR MATERIAL CALCULATIONS:	1045 SQ.FT.
BRICK MATERIAL:	914 SQ.FT.
FIBERCEMENT MATERIAL (SIDING / PANELS):	131 SQ.FT.
REQUIRED BRICK/STONE/FIBER CEMENT: COMMERCIAL AND MIXED-USES (X .75)=	879 SQ.FT.

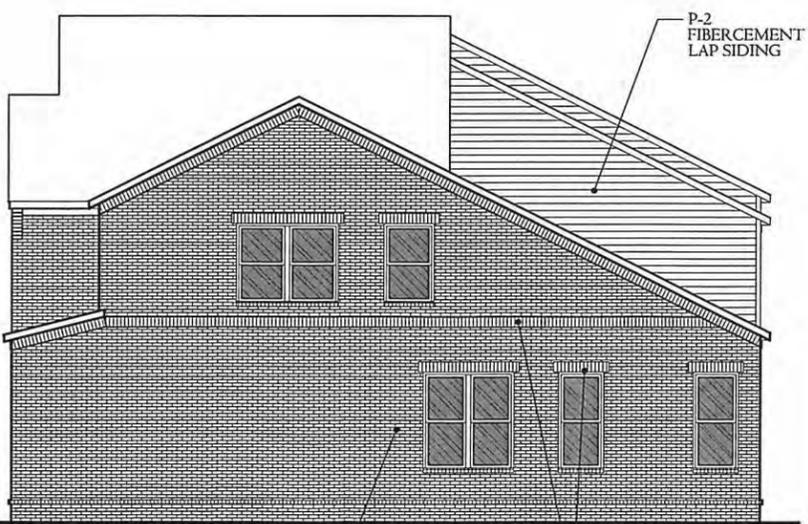


SEGMENT / UNIT 1  
A-2 CARRIAGE STYLE GARAGE DR.  
A-2 SYNTHETIC COLUMNS W/ BRACKETS  
DECORATIVE WROUGHT IRON BALCONY  
A-1 BRICK ACCENT  
P-1 BRICK VENEER  
SEGMENT / UNIT 2  
SEGMENT / UNIT 3  
SEGMENT / UNIT 4  
SEGMENT / UNIT 5  
SEGMENT / UNIT 6  
A-2 SYNTHETIC FLOWER BOXES UNDER WINDOWS

**FRONT ELEVATION**

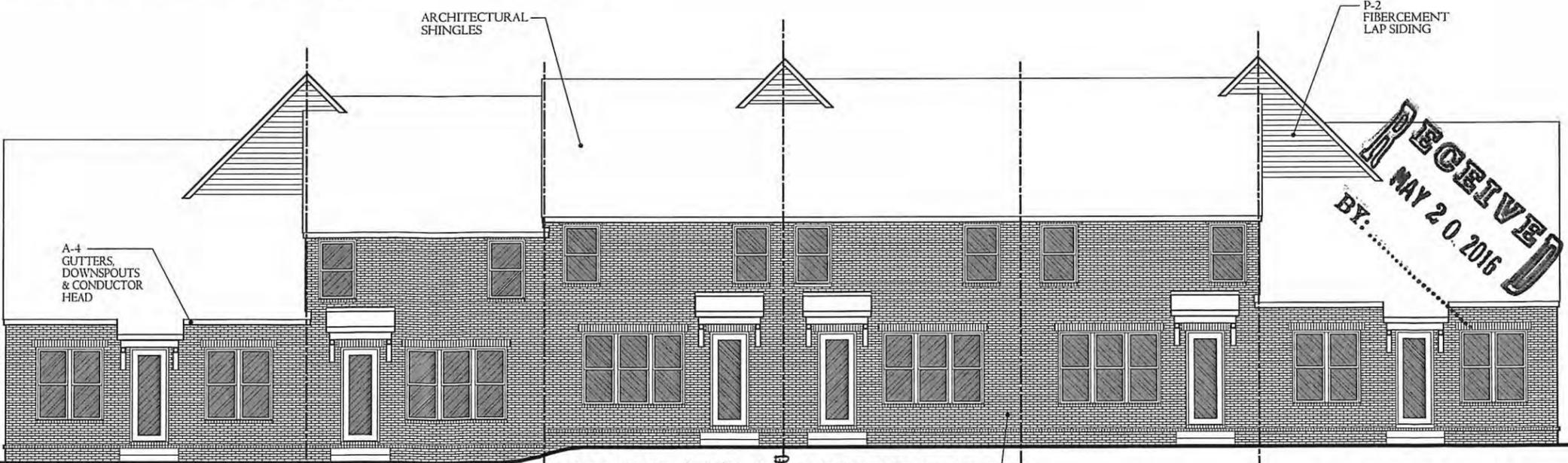
TOTAL FACADE AREA:	3011 SQ.FT.
AREA OF WINDOWS AND DOORS:	870 SQ.FT.
TOTAL WALL AREA FOR MATERIAL CALCULATIONS:	2141 SQ.FT.
BRICK MATERIAL:	1793 SQ.FT.
FIBERCEMENT MATERIAL (SIDING / PANELS):	348 SQ.FT.
REQUIRED BRICK/STONE/FIBER CEMENT: COMMERCIAL AND MIXED-USES (X .75)=	2258 SQ.FT.

BUILDING SEGMENT RATIO	SEGMENTS / UNITS 2 - 5: Height:32'-2" Width: 21'-0"
BUILDING SEGMENT RATIO	SEGMENTS / UNITS 1 and 6: Height:28'-10" Width: 26'-6"
WINDOW AND DOOR RATIO: VARIES	
GARAGE DOORS:	Height:7' Width: 8'
ENTRY DOORS:	Height:8' Width: 3'
FIRST FLOOR WINDOWS:	Height:4' Width: 2'
SECOND FLOOR WINDOWS:	Height:5' Width: 3'



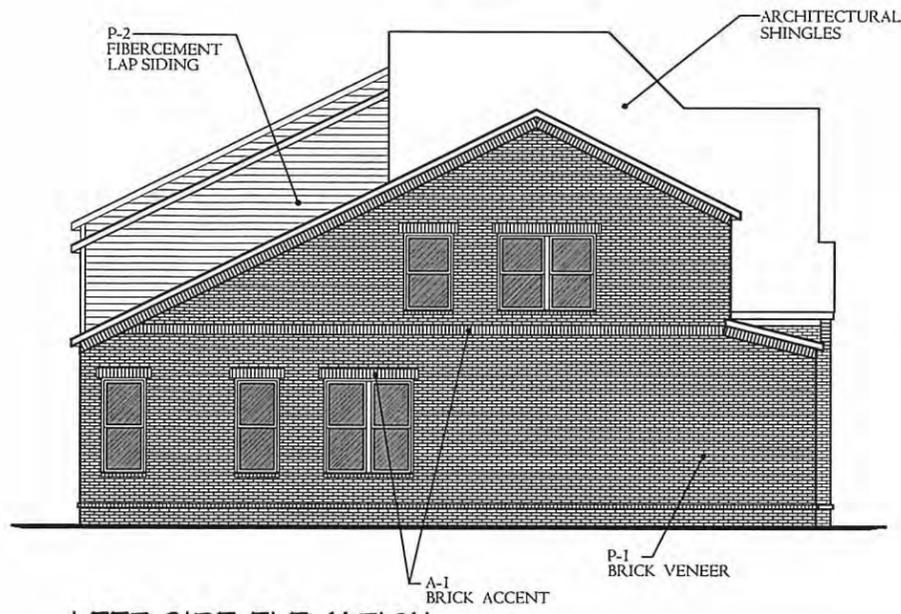
SEGMENT / UNIT 6  
P-1 BRICK VENEER  
A-1 BRICK ACCENT

**RIGHT SIDE ELEVATION**



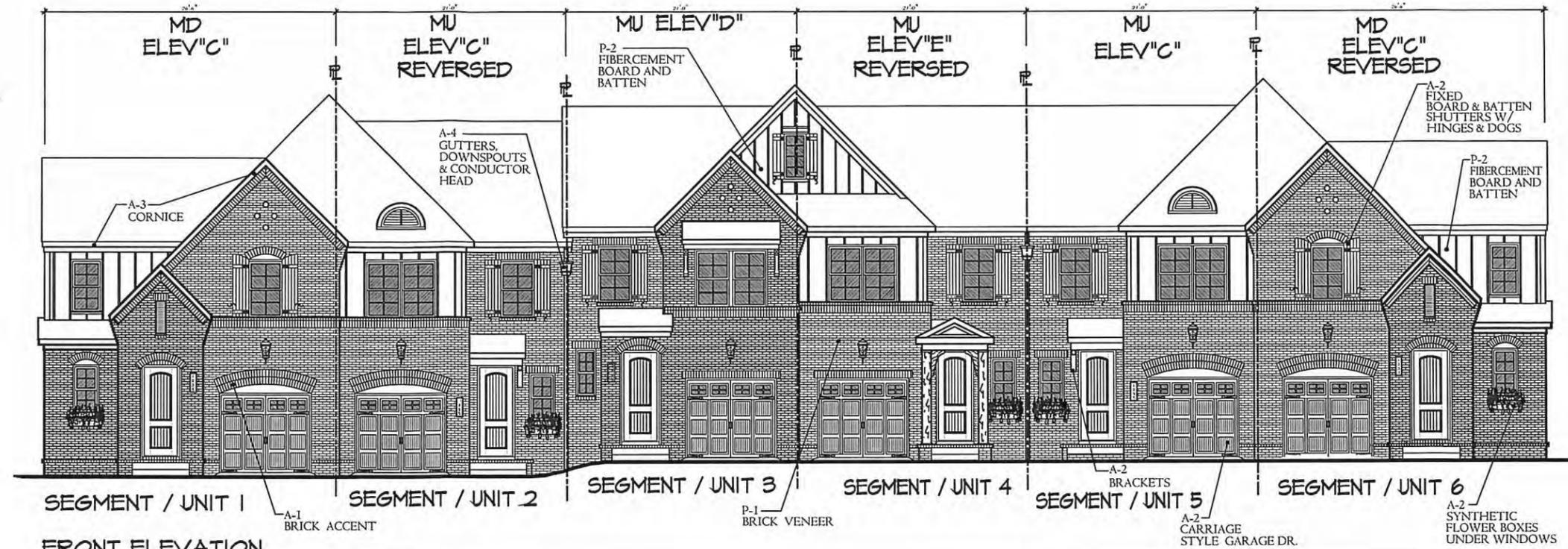
SEGMENT / UNIT 6  
SEGMENT / UNIT 5  
SEGMENT / UNIT 4  
SEGMENT / UNIT 3  
P-1 BRICK VENEER  
SEGMENT / UNIT 2  
SEGMENT / UNIT 1

**REAR ELEVATION**



LEFT SIDE ELEVATION

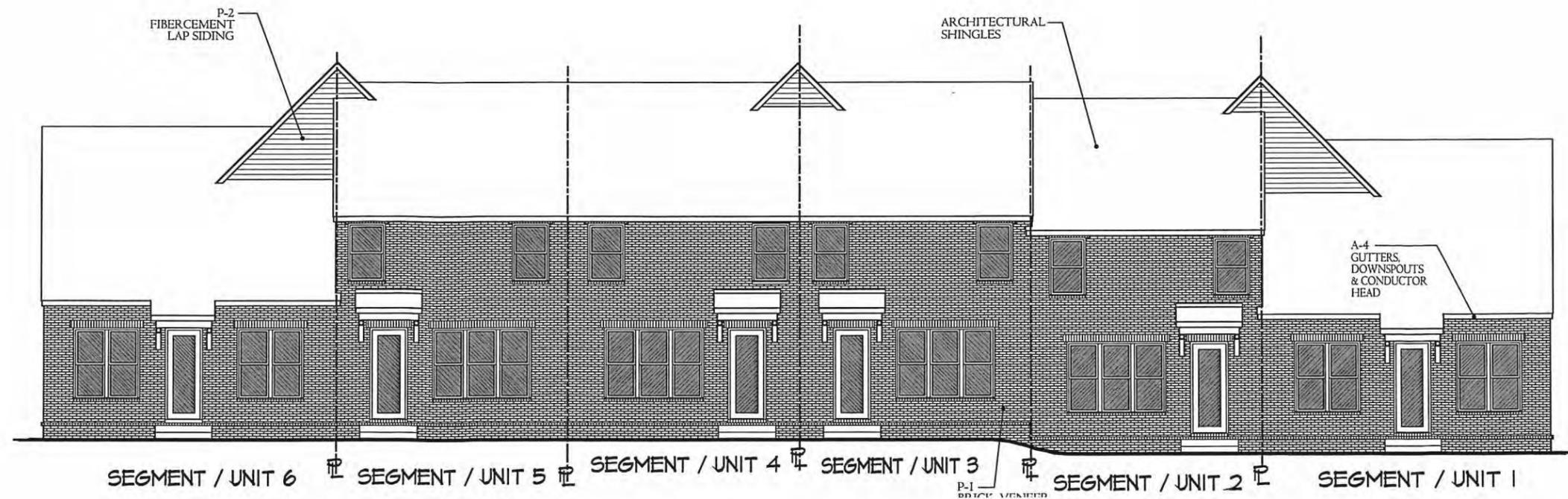
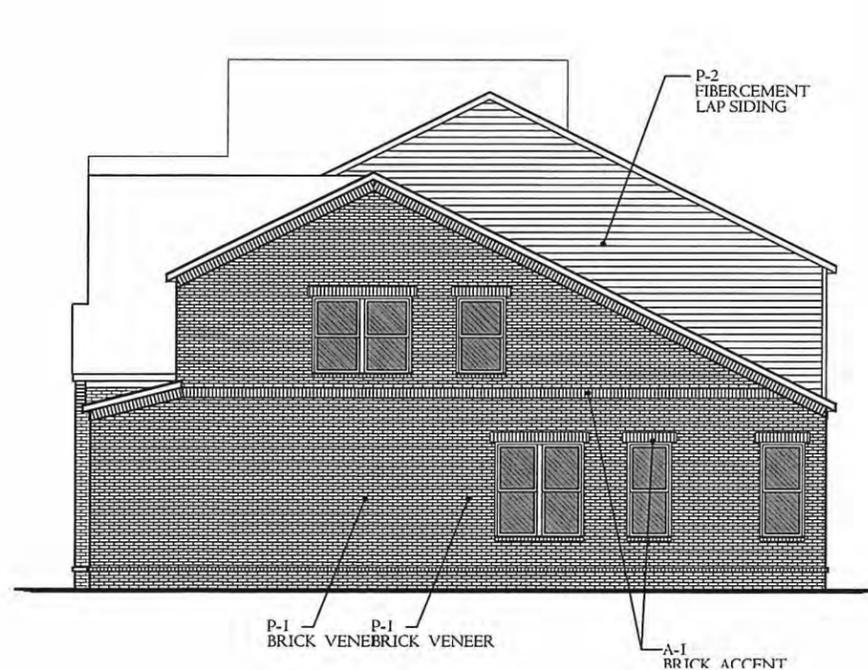
TOTAL FACADE AREA:	1186 SQ.FT.
AREA OF WINDOWS AND DOORS:	127 SQ.FT.
TOTAL WALL AREA FOR MATERIAL CALCULATIONS:	1059 SQ.FT.
BRICK MATERIAL:	928 SQ.FT.
FIBERCEMENT MATERIAL (SIDING / PANELS):	131 SQ.FT.
REQUIRED BRICK/STONE/FIBER CEMENT: COMMERCIAL AND MIXED-USES (X .75)=	890 SQ.FT.



FRONT ELEVATION

TOTAL FACADE AREA:	3011 SQ.FT.
AREA OF WINDOWS AND DOORS:	870 SQ.FT.
TOTAL WALL AREA FOR MATERIAL CALCULATIONS:	2141 SQ.FT.
BRICK MATERIAL:	1793 SQ.FT.
FIBERCEMENT MATERIAL (SIDING / PANELS):	348 SQ.FT.
REQUIRED BRICK/STONE/FIBER CEMENT: COMMERCIAL AND MIXED-USES (X .75)=	2258.25 SQ.FT.

BUILDING SEGMENT RATIO	SEGMENTS / UNITS 2 - 5: Height:32'-2" Width: 21'-0"
BUILDING SEGMENT RATIO	SEGMENTS / UNITS 1 and 6: Height:28'-10" Width: 24'-6"
WINDOW AND DOOR RATIO: VARIES	
GARAGE DOORS:	Height:7' Width: 8'
ENTRY DOORS:	Height:8' Width: 3'
FIRST FLOOR WINDOWS:	Height:4' Width: 2'
SECOND FLOOR WINDOWS:	Height:5' Width: 3'



# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

been provided for the Planning Commission's review. It indicates that the City will be able to provide services to the subject property upon annexation. In addition to the requested parcel, the right-of-way of Veterans Parkway in front of the subject parcel as well as the right-of-way in front of the two developments to the west has been included. The entire study area, including the Veterans Parkway right-of-way, totals approximately 13.4 acres. The zoning application to have the requested property zoned RM-12 (Multi-Family Residential District 12) simultaneous with annexation.

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

**Mr. Kirt Wade made a motion to approve the annexation petition and plan of services, seconded by Mr. Tom Clark. The motion carried by unanimous vote in favor.**

**Zoning application [2016-421] for approximately 9.9 acres located along Veterans Parkway east of Cason Lane to be zoned RM-12 simultaneous with annexation, Green Trails, LLC**

**applicant.** Mr. Matthew Blomeley began by describing the subject property located along the north side of Veterans Parkway just east of the intersection of Veterans Parkway and Cason Lane. Veterans Parkway was recently reconstructed in front of the subject property and, according to the Engineering Department, the construction is substantially complete. The subject parcel totals approximately 9.9 acres. There is an existing single-family residence on the subject property as well as an outbuilding. The property owner has requested annexation in order for future development on the property to benefit from City services, including sanitary sewer.

A request has been made to zone the property RM-12 (Multi-Family Residential District 12) simultaneous with annexation. The RM-12 zone permits multi-family residential uses at a maximum density of twelve (12) dwelling units per acre. At 9.9 acres, the property has the potential to yield approximately 118 dwelling units. (It should be noted, though, that density

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

bonuses for additional units could be granted based on amenities provided.) The applicant has a contract on the subject property. He wishes to construct a residential condominium development on the subject property. A conceptual site plan and conceptual architectural elevations of the proposed buildings had been included with the agenda materials. However, it should be noted that, because the proposed zoning is not a planned development, the development plan and elevations submitted are for informational purposes only and are not binding.

The subject property is bordered on its west side by a self-storage development that is zoned PCD (Planned Commercial District). Further to the west and to the north is the Three Rivers PRD (Planned Residential District). The southern portion of the Three Rivers subdivision is comprised of small single-family detached residential lots. To the south, across Veterans Parkway, is agricultural land located in the unincorporated County. Directly to the east of the subject property are two large single-family residential parcels in the unincorporated County as well as the Barfield Meadows single-family residential subdivision, which is also located in the unincorporated County. It should be noted that the subject property is located just outside of the boundaries of the *Salem Pike Land Use Plan*.

The applicants and their team hosted a neighborhood meeting regarding this request on July 26th. Members of the Planning staff and approximately three (3) neighboring property owners were also in attendance.

Mr. Matt Taylor was in attendance to represent the applicant. Mr. Taylor explained this is a concept plan to show their intent being for sale, owner occupied, townhome units. This development will not be apartments.

Chairman Bob Lamb opened the public hearing.

**Mr. Brent Ogles 1530 Veterans Parkway** – stated both he and his sister own 38 acres of land that joins this property. Their property has drainage issues that increased with the development

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 3, 2016

of Three Rivers. Mr. Ogles wanted to make known their concerns about their existing drainage issues before this property is ever developed.

Chairman Bob Lamb closed the public hearing.

Mr. Sam Huddleston commented on the existing drainage concerns making known city staff had meet with the applicant and his team to identify areas where drainage is occurring on the Ogles property. Staff has shared this information with the Ogles. The Ogles have followed up in discussion with Mr. Matt Taylor, SEC and Mr. Bill Huddleston, Huddleston Steele Engineering. There are alternatives for Ogles property that joins this rezoning request property. The Ogles property does not have any existing drainage system. The drainage from Three Rivers is managed very well, it is very restrictive and discharges at a very low point. Mr. Matt Taylor made known they are currently working on an alternative design to address Mr. Ogles property by lowering an existing property line and dig a ditch that would lower the design for a future pond in Three Rivers Section 8.

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

**Zoning application [2016-435] for property located along Veterans Parkway to be rezoned from RM-16 to RS-8 (approximately 0.77 acres) RM-16 to CF (approximately 0.41 acres), and CF to RM-16 (approximately 1.6 acres), Cornerstone Development, LLC developer.**

Mr. Matthew Blomeley began by addressing the subject property located along the south side of Veterans Parkway just east of Saint Andrews Drive. It was originally annexed into the City and zoned as a PRD (Planned Residential District) called Kimbro Place in 2005. In 2008, it was rezoned from PRD to PUD (Planned Unit District) for a mixed-use development called Indigo. The Indigo PUD included provisions for commercial uses along Veterans Parkway and then transitioned to multi-family residential and single-family residential south of the commercial. The original Indigo vision never came to fruition. In 2012, 68.67 acres of the Indigo PUD was rezoned

**ORDINANCE 16-OZ-38** 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 acre along Bradyville Pike from Local Commercial (CL) District (0.42 acres) and Single-Family Residential Ten (RS-10) District (0.59 acres) to Commercial Fringe (CF) District; Christini Carey, applicant [2016-433].

**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 second 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 \_\_\_\_\_

\_\_\_\_\_

Shane McFarland, Mayor

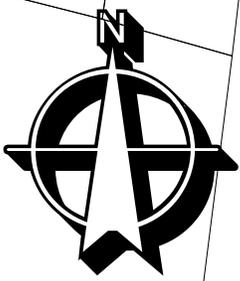
ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL



Area  
Rezoned from  
RS-10 and CL  
to CF

RESS DR

RS-10

CF

CL  
MINERVA DR

99

Bradyville Pike

PCD

CL

FOXDALE DR

GREERSON DR



Ordinance 16-OZ-38

**ORDINANCE 16-OZ-37** 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 0.8 acres along Reid Avenue from Duplex Residential (RD) District to Single-Family Residential Four (RS-4) District; James and Betty French, applicant [2016-429].

**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 Single-Family Residential Four (RS-4) 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 second 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 \_\_\_\_\_

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL



RS-4

E STATE ST

Area  
Rezoned from  
RD to RS-4

RD

REID AVE

S UNIVERSITY ST

SUN CIR

RS-4

E CASTLE ST

RM-16

P

Ordinance 16-OZ-37



**ORDINANCE 16-OZ-40** 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 property along Veterans Parkway from Residential Multi-Family Sixteen (RM-16) District to Single-Family Residential Eight (RS-8) District (approx. 0.77 acres), from Residential Multi-Family Sixteen (RM-16) District to Commercial Fringe (CF) District (approx. 0.41 acres) and from Commercial Fringe (CF) District to Residential Multi-Family Sixteen (RM-16) District (approx. 1.6 acres); Cornerstone Development, LLC, applicant [2016-435].

**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 Single-Family Residential Eight (RS-8) District, Commercial Fringe (CF) District, and 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 second 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 \_\_\_\_\_

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL



Area  
Rezoned from  
CF to RM-16

PRD

CF

VETERANS PKWY

Area  
Rezoned from  
RM-16 to CF

RM-16

Area  
Rezoned from  
RM-16 to RS-8

PITCHERS LN

MAGPIE LN

RS-8

Ordinance 16-OZ-40



**ORDINANCE 16-OZ-41** 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 amend the conditions applicable to approximately 78.4 acres in the Planned Residential Development (PRD) District (Purlingbrook PRD) located along Asbury Lane as indicated on the attached map; Beazer Homes, applicant [2016-432].

**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 modify the conditions of the Planned Residential Development (PRD) District, as indicated on the attached map, for the purpose of reducing the density, providing for single family detached units as well as for-sale townhome units, increasing the amount of cementitious siding required, allowing a trash dumpster and reducing the front set back to 20 feet.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and any additional conditions and stipulations set forth in the minutes of the Planning Commission and City Council relating to this zoning request. 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 second 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 \_\_\_\_\_

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL



Ordinance 16-OZ-41

DIXIE LN

PRD  
Amended

PRD

RIDGEFIELD DR

HOLIDAY DR

PRD

HALLMARK DR



ASBURY LN

BROOKRUN RD

RS-15

CL

RS-15

OVERALL CREEK

RS-15

I-24 W ENTRANCE RAMP

RM-16

RM-16

MANSON PIKE

BILL SMITH DR

CH

PRD

PUD

JOHN R RICE



**RESOLUTION 16-R-PS-42** to adopt a Plan of Services for approximately 13.4 acres along Veterans Parkway east of Cason Lane, Ardavan Afrakhteh, applicant. [2016-508]

**WHEREAS**, the Owner(s) of the territory identified on the attached map as the “Area to be Annexed” have either petitioned for annexation or given written consent to the annexation of such territory; and

**WHEREAS**, a proposed Plan of Services for such territory was prepared and published as required by T.C.A. §6-51-102 and T.C.A. §6-51-104; and

**WHEREAS**, the proposed Plan of Services was submitted to the Murfreesboro Planning Commission on August 3, 2016 for its consideration and a written report, at which time the Planning Commission held a public hearing and thereafter recommended approval of the Plan of Services to the City Council;

**WHEREAS**, a Public Hearing on the proposed Plan of Services was held before the City Council of the City of Murfreesboro, Tennessee, on October 13, 2016, pursuant to a Resolution passed and adopted by the City Council on August 18, 2016, and notice thereof published in The Murfreesboro Post, a newspaper of general circulation in said City, on September 26, 2016; and,

**WHEREAS**, the Plan of Services for the territory identified on the attached map as the “Area to be Annexed” establishes the scope of services to be provided and the timing of such services and satisfies the requirements of T.C.A. §6-51-102.

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

SECTION 1. That, pursuant to authority conferred by T.C.A. Sections 6-51-101, et seq., the Plan of Services attached hereto for the territory identified on the attached map as the “Area to be Annexed” is hereby adopted as it is reasonable with respect to the scope of services to be provided and the timing of such services.

SECTION 2. That this Resolution shall take effect upon the effective date of the Annexation Resolution with respect to the territory, **Resolution 16-R-A-42**, the public welfare and the welfare of the City requiring it.

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

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

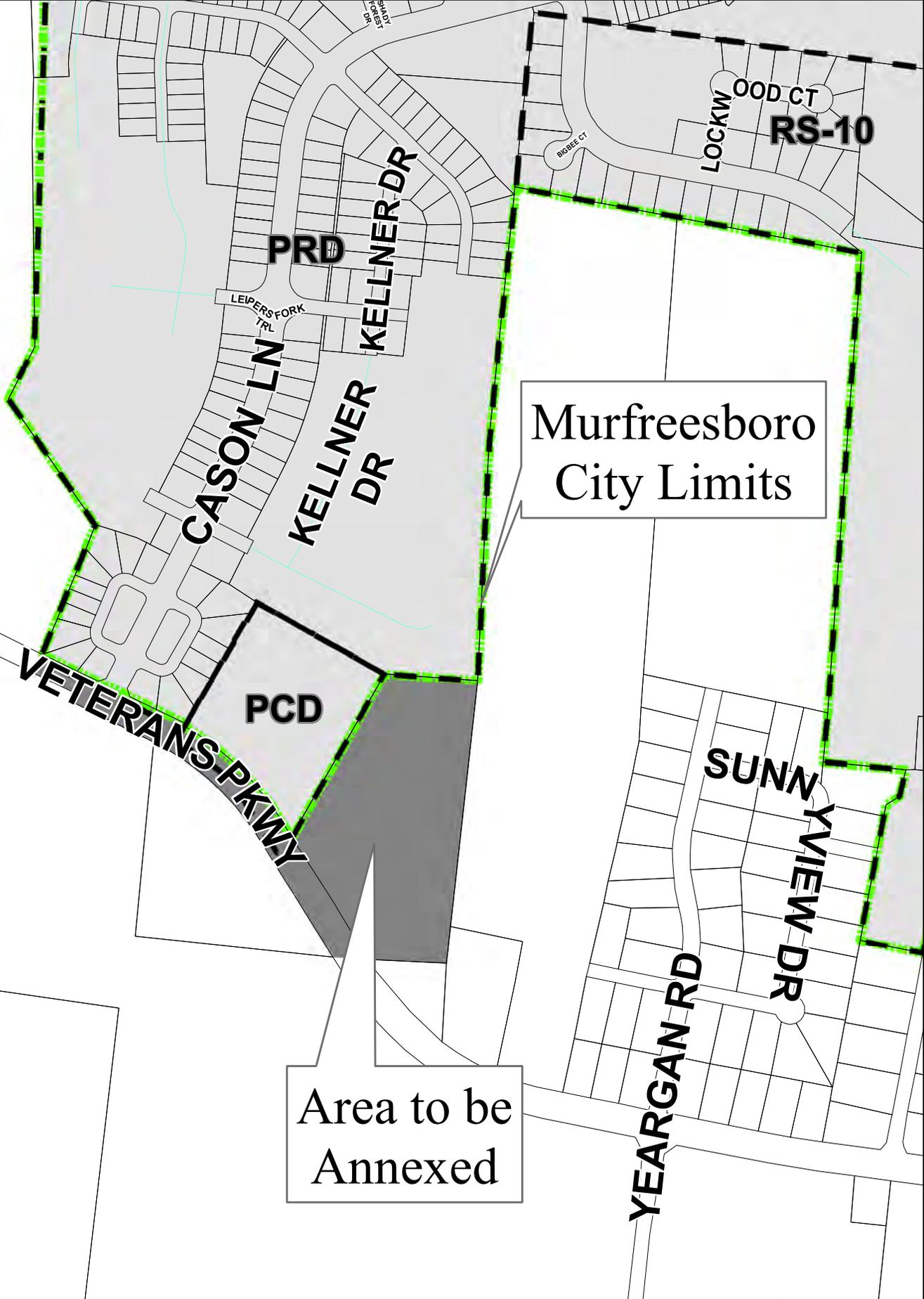
ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL



Murfreesboro  
City Limits

Area to be  
Annexed

Resolution 16-R-PS-42



**ANNEXATION REPORT FOR PROPERTY LOCATED AT  
1620 VETERANS PARKWAY  
INCLUDING PLAN OF SERVICES**



PREPARED FOR THE  
MURFREESBORO PLANNING COMMISSION  
August 3, 2016



Annexation Request for Property Along Veterans Parkway



Path: G:\planning\annex\Veterans\_ThreeRiversTownhomeortho.mxd



GIS Department  
 City Of Murfreesboro  
 111 West Vine Street  
 Murfreesboro, Tennessee 37138  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)

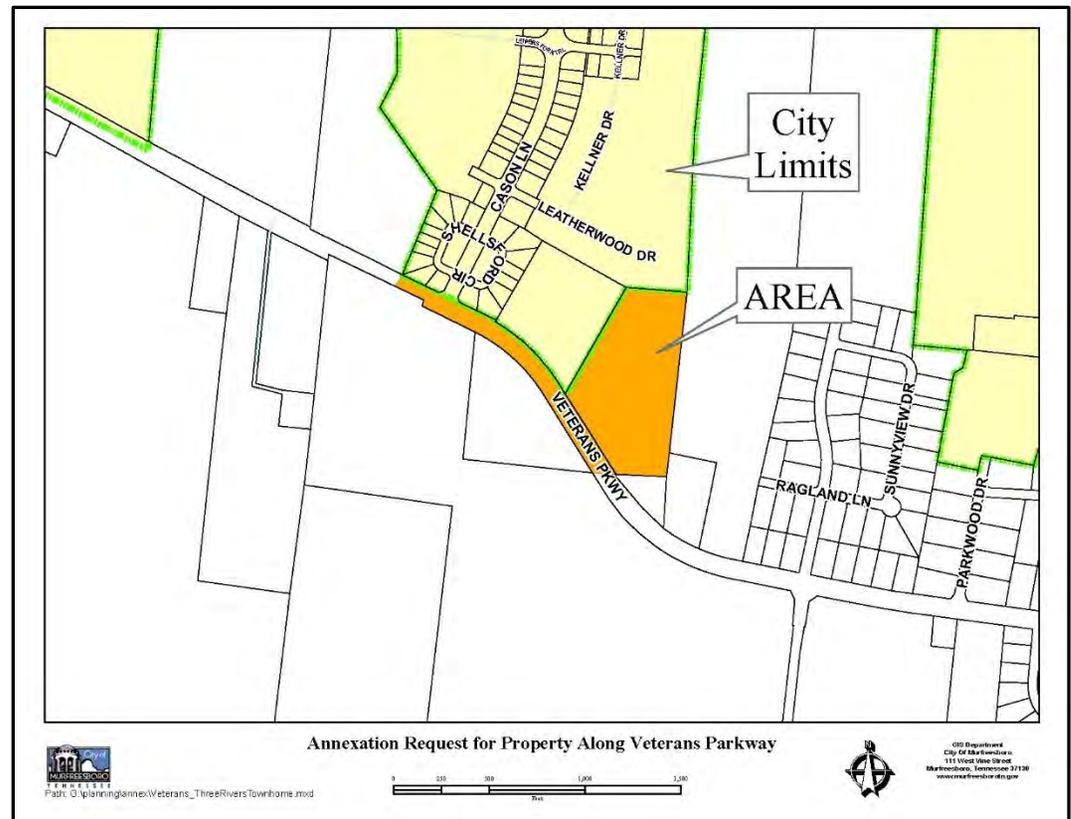
# **INTRODUCTION**

## OVERVIEW

The applicant, Matt Taylor of SEC, Inc., representing Ardavan Afrakhteh, has requested annexation of property located along the northwestern side of Veterans Parkway.

The area studied in this Plan of Services includes a 9.9-acre parcel (Tax Map 124, Parcel 5.01) and an adjacent 1,500-linear foot (approximately 3.5 acres) portion of right-of-way along Veterans Parkway.

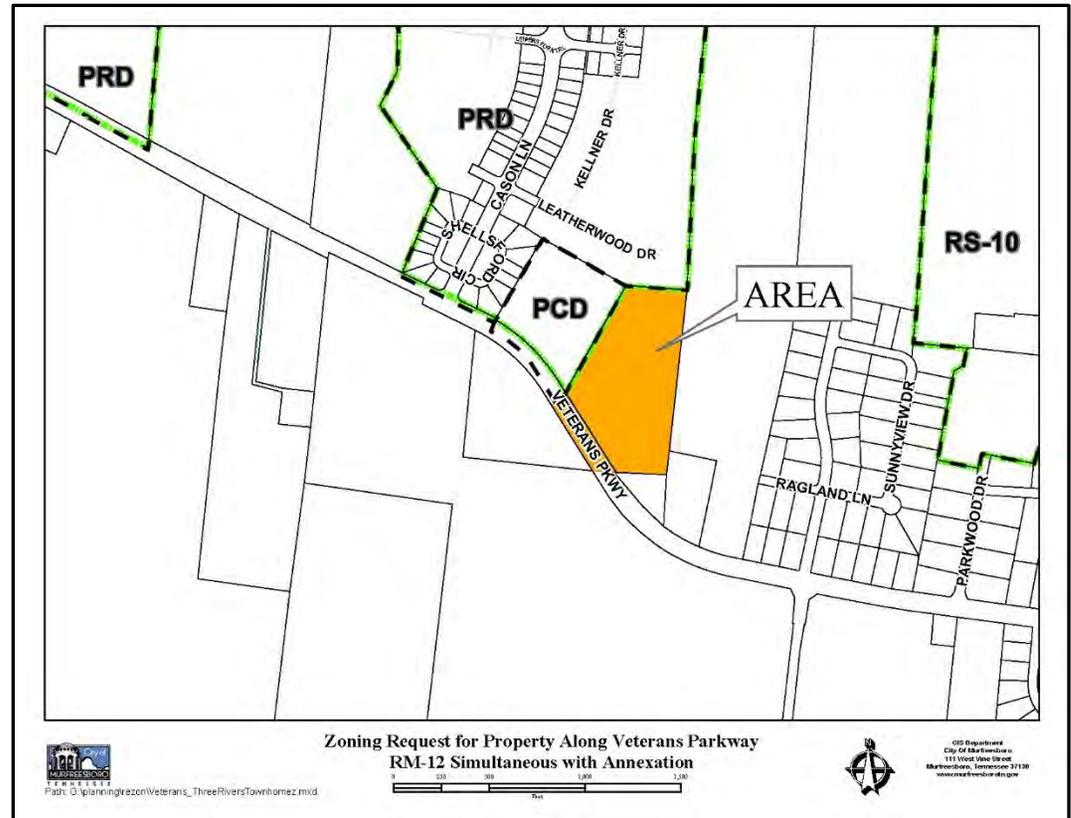
The entire study area lies within the City of Murfreesboro's Urban Growth Boundary and adjoins the City on its north and west sides. Adjacent areas to the east and south lie within the unincorporated County.



## CITY ZONING

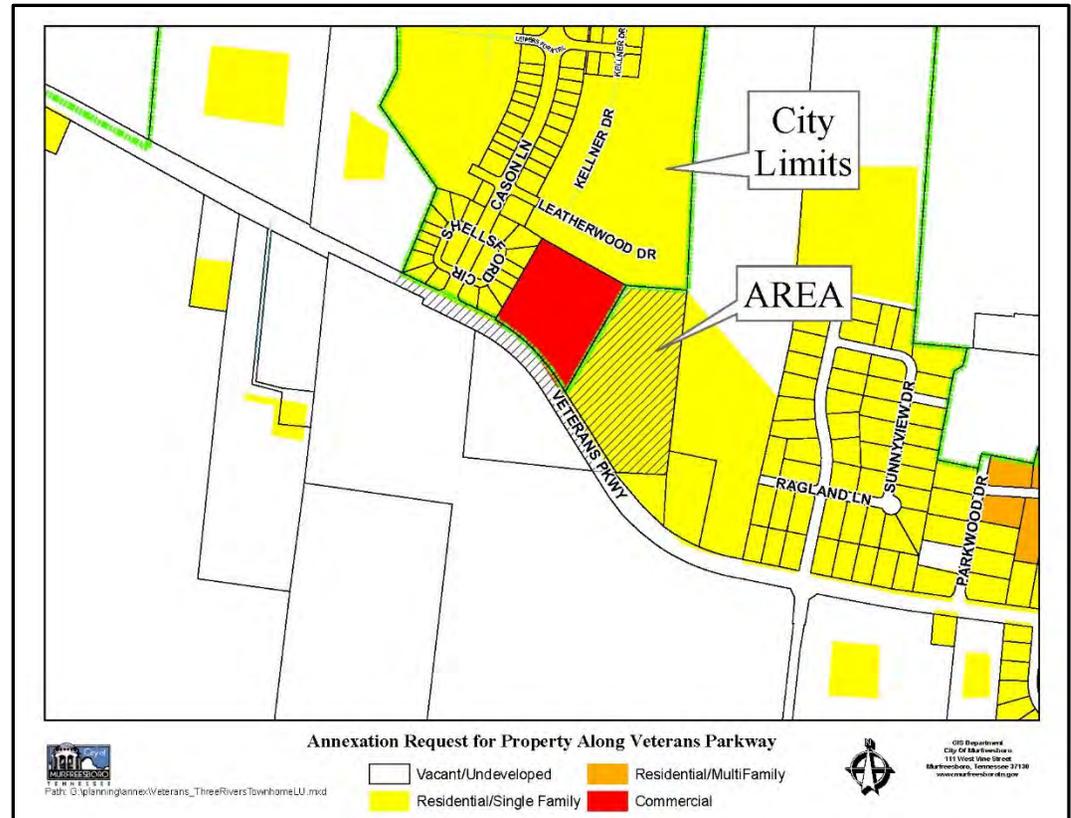
The applicant has requested rezoning to RM-12 (Multi-Family Residential) simultaneous with annexation. The entire study area is presently zoned RM (Residential – Medium Density) in the County.

The property lying adjacent to the study area on the west is zoned PCD (Planned Commercial Development). The adjacent property to the north of the study area is zoned PRD (Planned Residential Development). Adjacent properties to the east and south lie outside the City's boundaries and are zoned RM in the County.



## PRESENT AND SURROUNDING LAND USE

The 9.9-acre study area presently includes one single-family house. Surrounding land uses include the Three Rivers self-storage facility to the west, the Three Rivers residential subdivision to the north, and single-family residential properties to the east. Properties to the south are used primarily for agricultural purposes.



## **TAXES AND REVENUE**

The first City tax bill for all property annexed during the calendar year of 2016 will be due on December 31, 2017. City taxes are calculated upon the property appraisal and assessment of the Rutherford County Property Assessor's Office. The current tax rate for the City of Murfreesboro is \$1.2703/\$100.00 assessed value. Residential property is assessed at a rate of 25% of its appraised value, and commercial property is assessed at a rate of 40% of its appraised value. Table I below shows total assessment and estimated City taxes that would be collected if the property were to be annexed in its present state.

*Table I*  
*Estimated Taxes from Site*

<b>Owner of Record</b>	<b>Acres</b>	<b>Land Value</b>	<b>Improvements Value</b>	<b>Total Assessment</b>	<b>Estimated City Taxes</b>
Land Development.com Inc.	10.00	\$103,000	\$115,000	\$54,500	\$692.31

These figures are for the property in its current state.

# **PLAN OF SERVICES**

## **POLICE PROTECTION**

At present, the study area receives police service through the Rutherford County Sheriff's Department. If annexed, the Murfreesboro Police Department will begin providing services such as patrol, criminal investigation, community policing, traffic operations, canine, DARE and other community crime prevention programs to the subject parcels immediately upon the effective date of annexation. This annexation will have no negative impact on the Murfreesboro Police Department. No additional costs to the department are expected. This property is located in Police Zone #2.

## **ELECTRIC SERVICE**

The property is located within Murfreesboro Electric Department's (MED) service boundary. MED has facilities and capacity in place to serve the proposed development. The electrical infrastructure installed to serve the proposed development will be required to adhere to MED standards.

## **STREET LIGHTING**

According to MED, street lighting will be installed on the property if any future development on the property includes public streets.

## **STREETS AND ACCESS**

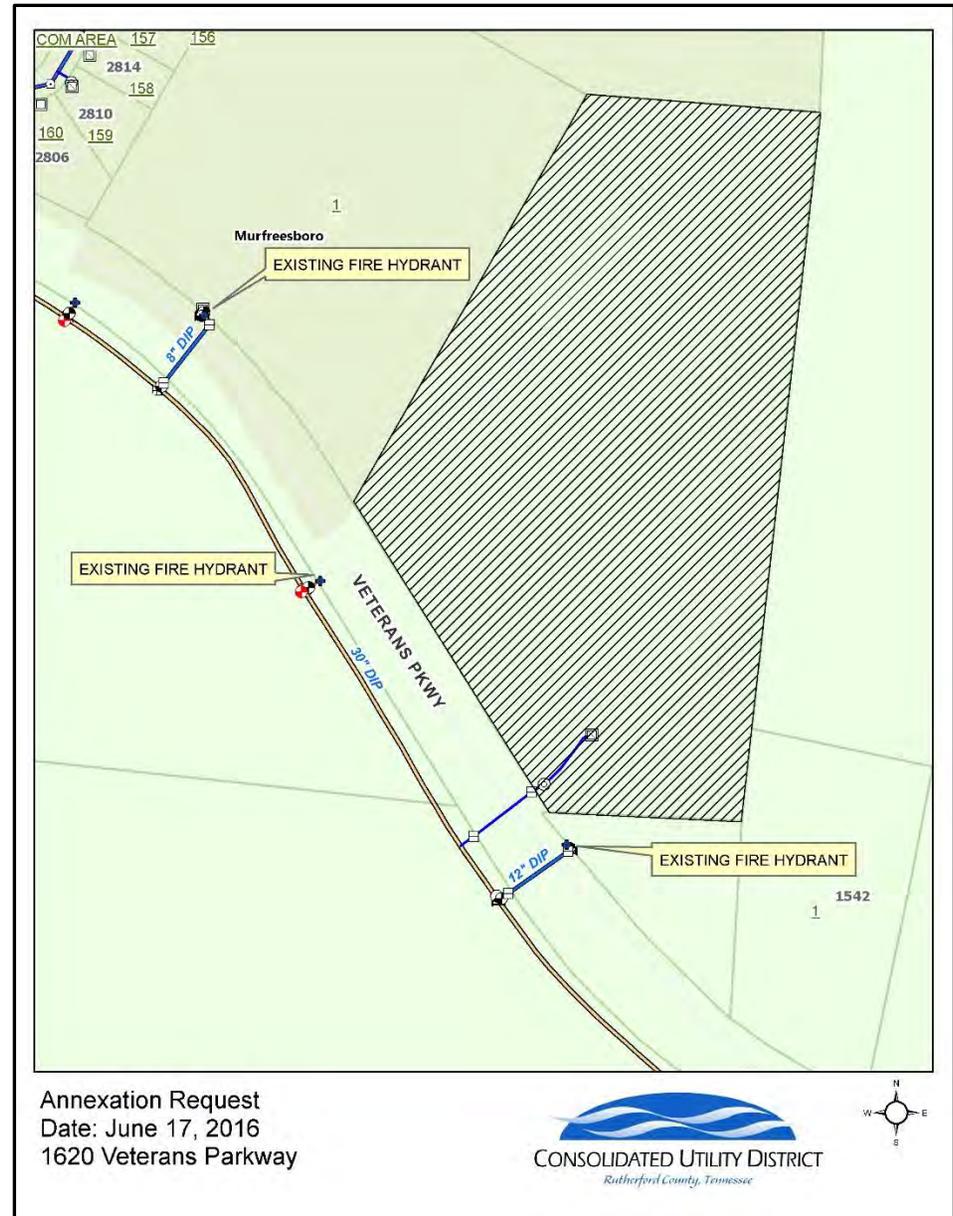
The study area has access to Veterans Parkway, a major arterial. The roadway was recently expanded to a five-lane section in this area. Under agreement with Rutherford County, the City is responsible for routine maintenance of the roadway. No significant change is anticipated as a result of this annexation.

New connections or modifications to Veterans Parkway must be reviewed and approved by the City Engineer. Any future public roadway facilities serving the study area must be constructed to City standards.

## WATER SERVICE

The study area lies within Consolidated Utility District's (CUD) service area. The study area is presently served by a 30-inch water line, which runs along the southern/western side of Veterans Parkway. Should any new uses be proposed on the property, the developer/owner shall submit a Water Availability Request to CUD.

The existing water lines are shown on the adjacent map. Any new water line development must be done in accordance with CUD's development policies and procedures.

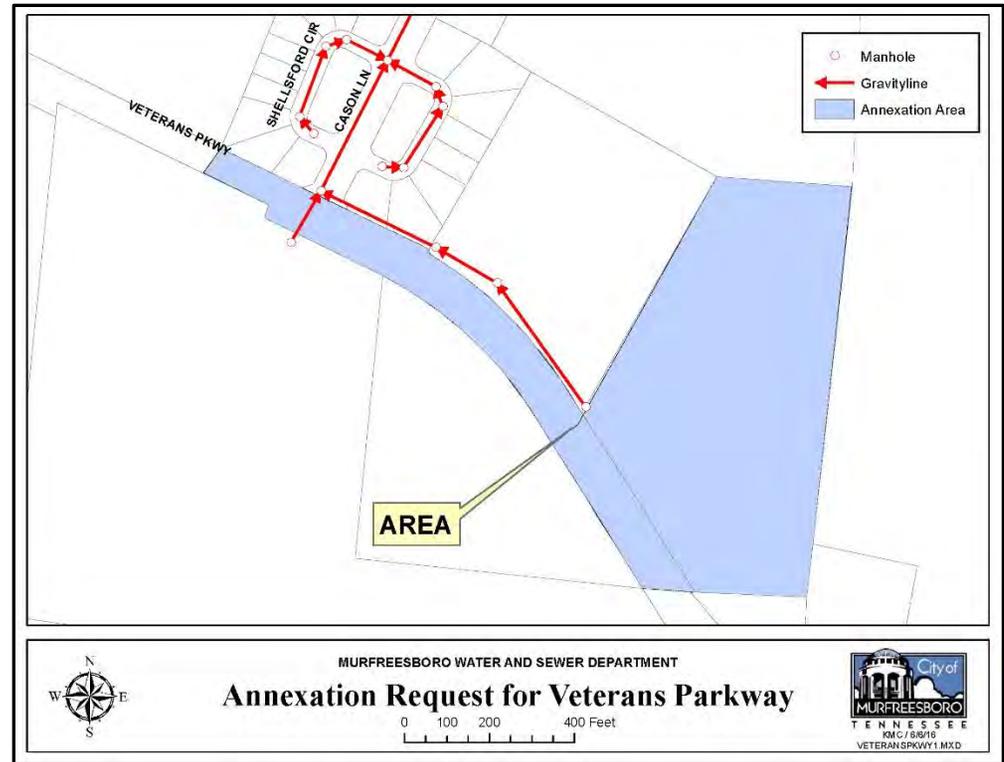


## SANITARY SEWER SERVICE

Sanitary sewer is currently available to serve the subject property, per the Murfreesboro Water and Sewer Department's (MWSD) definition of "available." Sewer service will be provided from an existing manhole located on the western side of the subject property. All sewer main improvements and easements needed to serve the subject property are to be acquired and installed by the developer in accordance with MWSD's development policies and procedures.

The existing sewer connects to the Salem/Barfield Assessment District. All developments that connect into this sewer system are assessed a \$750 fee per single-family unit or equivalent in addition to the current and standard connection fees.

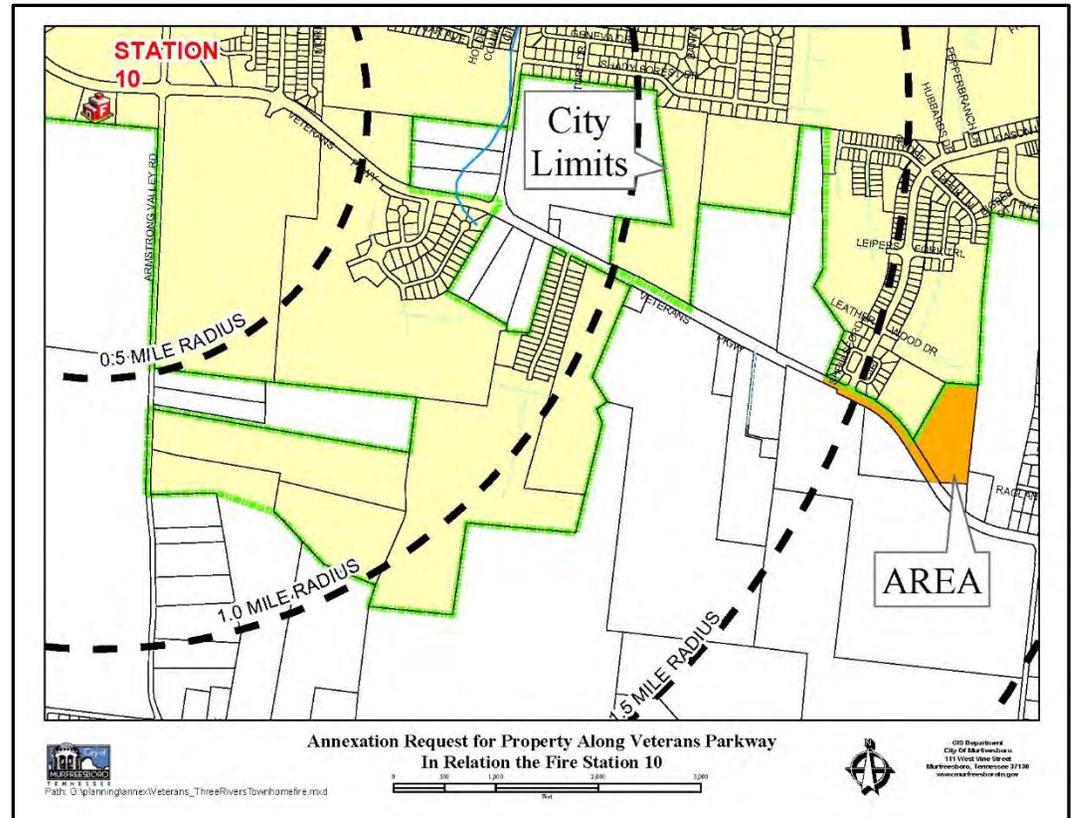
The red lines on the adjacent map represent existing sewer lines.



## FIRE AND EMERGENCY SERVICE

The annexation will have no negative impact on the Murfreesboro Fire and Rescue Department (MFRD). The MFRD will provide fire protection with a full-time, professional staff as well as medical first responder service. Any development on the site must provide adequate fire flows and install water lines and fire hydrants per the Consolidated Utility District (CUD) policies and procedures.

The closest fire stations to the subject tract are Fire Station #10, located at 2563 Veterans Parkway, which is 3.4 miles from the study area, and Station #9, located at 802 Cason Lane, which is 3.4 miles from the study area. The MFRD can provide ISO Class Two (2) fire protection. The dashed lines on the adjacent map represent linear distance ranges from the nearest fire stations.



## **SOLID WASTE COLLECTION**

The City will provide weekly curbside solid waste collection service immediately upon the effective date of annexation, as well as brush/debris removal every two to three weeks. In the property's current state, the Solid Waste Department will be responsible for providing one cart. This will cost the department \$75. The initial day of service will be Thursday. In its current state, no additional equipment or manpower will be needed to serve the study area.

## **BUILDING AND CODES**

The property will immediately come within the City's jurisdiction for code enforcement immediately upon the effective date of annexation. The City's Building and Codes Department will begin issuing building and construction permits and enforcing the codes and inspecting new construction for compliance with the City's construction codes immediately upon the effective date of annexation. The Building and Codes Department will also ensure that any new signs associated with the development of the property comply with the Sign Ordinance. No additional costs are expected.

## **RECREATION**

Murfreesboro's Parks and Recreation facilities will be immediately available to residents of the study area. Currently Murfreesboro has two multi-purpose facilities, one

community center, a wilderness facility, over 1,000 acres of parks, a network of greenways, and recreational sports. These facilities and programs are wholly funded by the Murfreesboro tax payers. Children who are residents of the City of Murfreesboro, attend Murfreesboro Elementary Schools, and receive free or reduced lunches also receive free or reduced recreational fees.

## **CITY SCHOOLS**

The Murfreesboro City School system serves grades kindergarten through sixth and is offered to students who are within the jurisdiction of the City of Murfreesboro. The study area is located in the Scales Elementary school zone. The school system anticipates opening a new elementary school to serve the study area and vicinity in 2018.

## **GEOGRAPHIC INFORMATION SYSTEMS**

The property is within the area photographed and digitized as part of the City's Geographic Information Systems (G.I.S.) program.

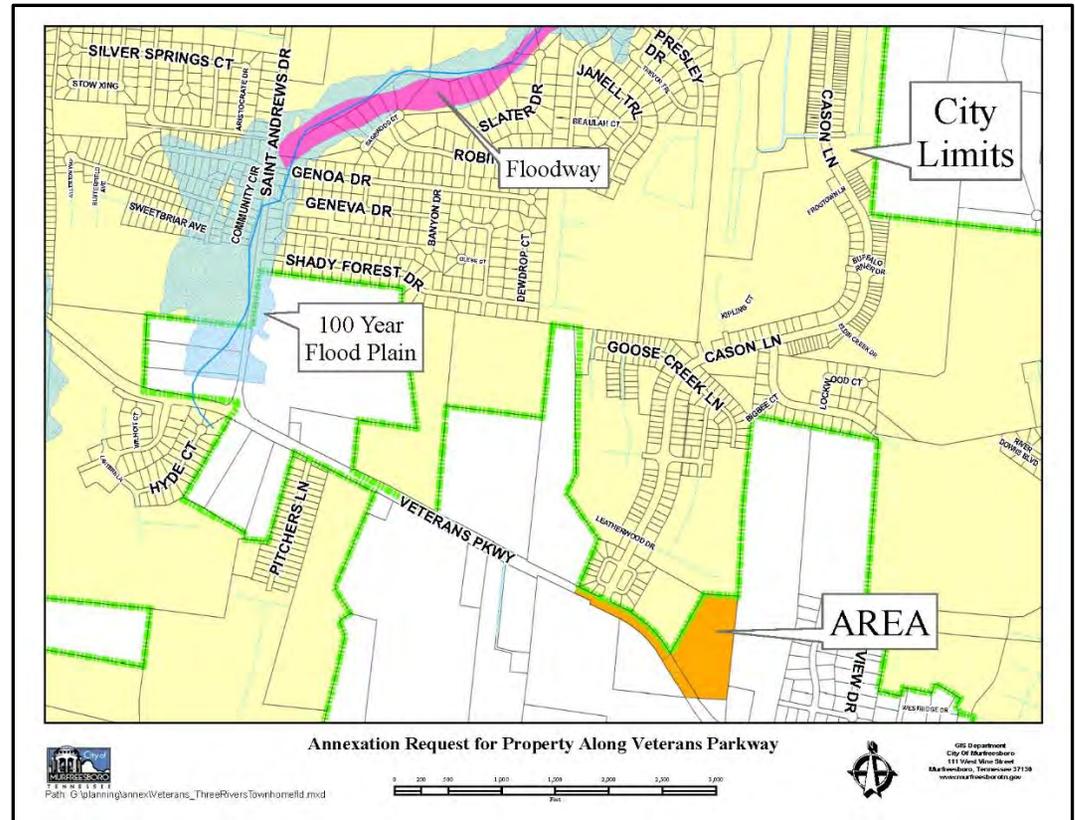
## **PLANNING, ENGINEERING, AND ZONING SERVICES**

The property will come within the City's jurisdiction for planning and engineering code enforcement immediately upon the effective date of annexation. As new development occurs, the Planning Commission will review all site plans, preliminary, and final plats. Among other duties, the Planning and Engineering Departments will inspect and monitor new construction of streets and drainage structures for compliance with the City's development regulations.

### **FLOODWAY**

The study area is not located within a floodway or 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA).

The adjacent map shows the floodway boundary in pink and the 100-year floodplain boundary in blue.

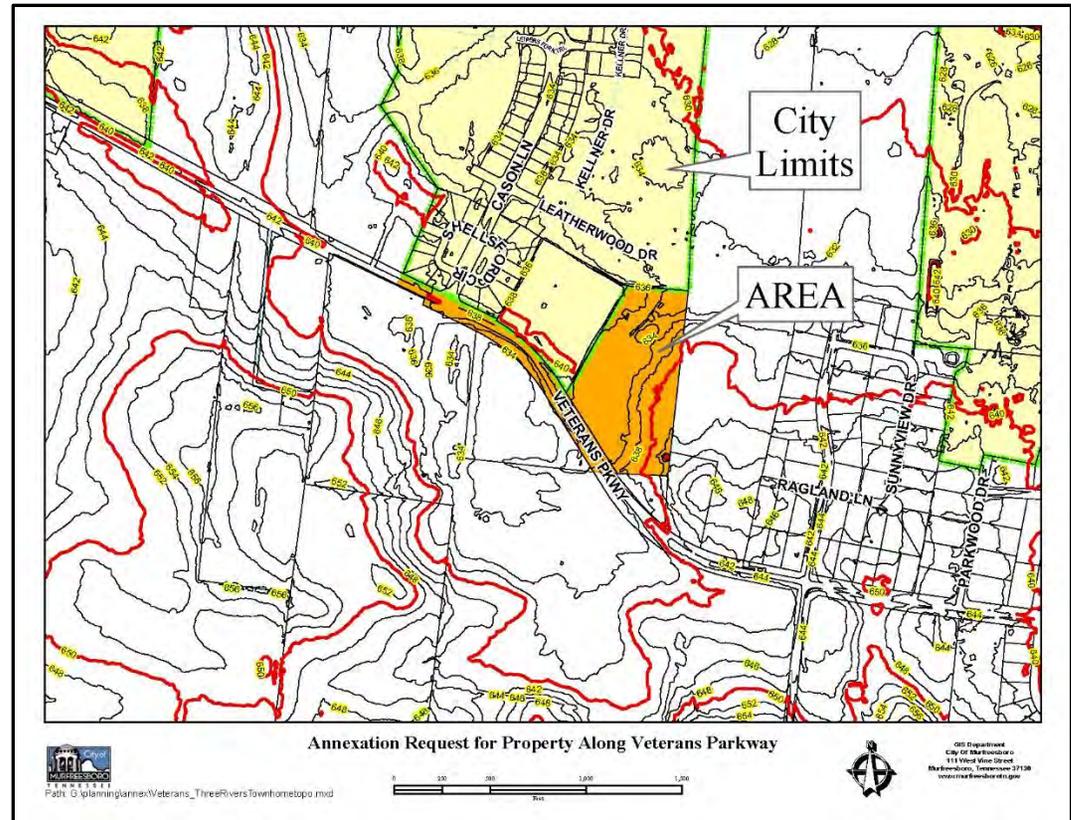


## DRAINAGE

The study area drains well from the southwest to the northeast through an existing drainage way from Veterans Parkway. Both the drainage way and a small pond located near the center of the study area should be reviewed for jurisdictional status as potential Waters of the State. Significant fill will be required to properly elevate new structures. The fill must include proper placement and compaction as well as documentation of the placement by qualified personnel and appropriate testing.

Public drainage facilities available in the study area include those on Veterans Parkway, which are the responsibility of the City under agreement with Rutherford County. An existing drainage way crosses the property from southwest to northeast; upon development, this drainage way should be included in a public drainage easement. Any new public drainage facilities proposed to serve the study area in the future must meet City standards.

New development on the property must also meet overall City of Murfreesboro Stormwater Quality requirements including water quality and detention. Future development in the study area will be subject to the Stormwater Utility Fee upon completion of construction. Based on the proposed residential land use and considering applicable credits, this property has the potential to generate \$1,500 in Stormwater Utility Fees annually upon full development. The red lines on the adjacent map represent ten-foot contours. The black lines represent two-foot intervals.



## **ANNEXATION FOLLOW-UP**

The Murfreesboro City Council will be responsible for ensuring that this property will receive City services described in this plan. According to Public Chapter 1101 passed by the Tennessee Legislature, six months following the effective date of annexation, and annually thereafter until all services have been extended, a progress report is to be prepared and published in a newspaper of general circulation. This report will describe progress made in providing City services according to the plan of services and any proposed changes to the plan. A public hearing will also be held on the progress report.

**RESOLUTION 16-R-A-42** to annex approximately 13.4 acres along Veterans Parkway east of Cason Lane, and to incorporate the same within the corporate boundaries of the City of Murfreesboro, Tennessee, Ardavan Afrakhteh, applicant [2016-508].

**WHEREAS**, the Owner(s) of the territory identified on the attached map as the “Area Annexed” have either petitioned for annexation or given written consent to the annexation of such territory; and

**WHEREAS**, a Plan of Services for such territory was adopted by **Resolution 16-R-PS-42** on October 13, 2016; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed annexation of such territory on August 3, 2016 and recommended approval of the annexation; and

**WHEREAS**, the annexation of such territory is deemed beneficial for the welfare of the City of Murfreesboro as a whole.

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

SECTION 1. That, pursuant to authority conferred by T.C.A. Sections 6-51-101, et seq., the territory identified on the attached map as the “Area Annexed” is hereby annexed to the City of Murfreesboro, Tennessee and incorporated within the corporate boundaries thereof.

SECTION 2. That this Resolution shall take effect upon the effective date of the Zoning Ordinance with respect to the annexed territory, **Ordinance 16-OZ-42**, the public welfare and the welfare of the City requiring it.

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

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

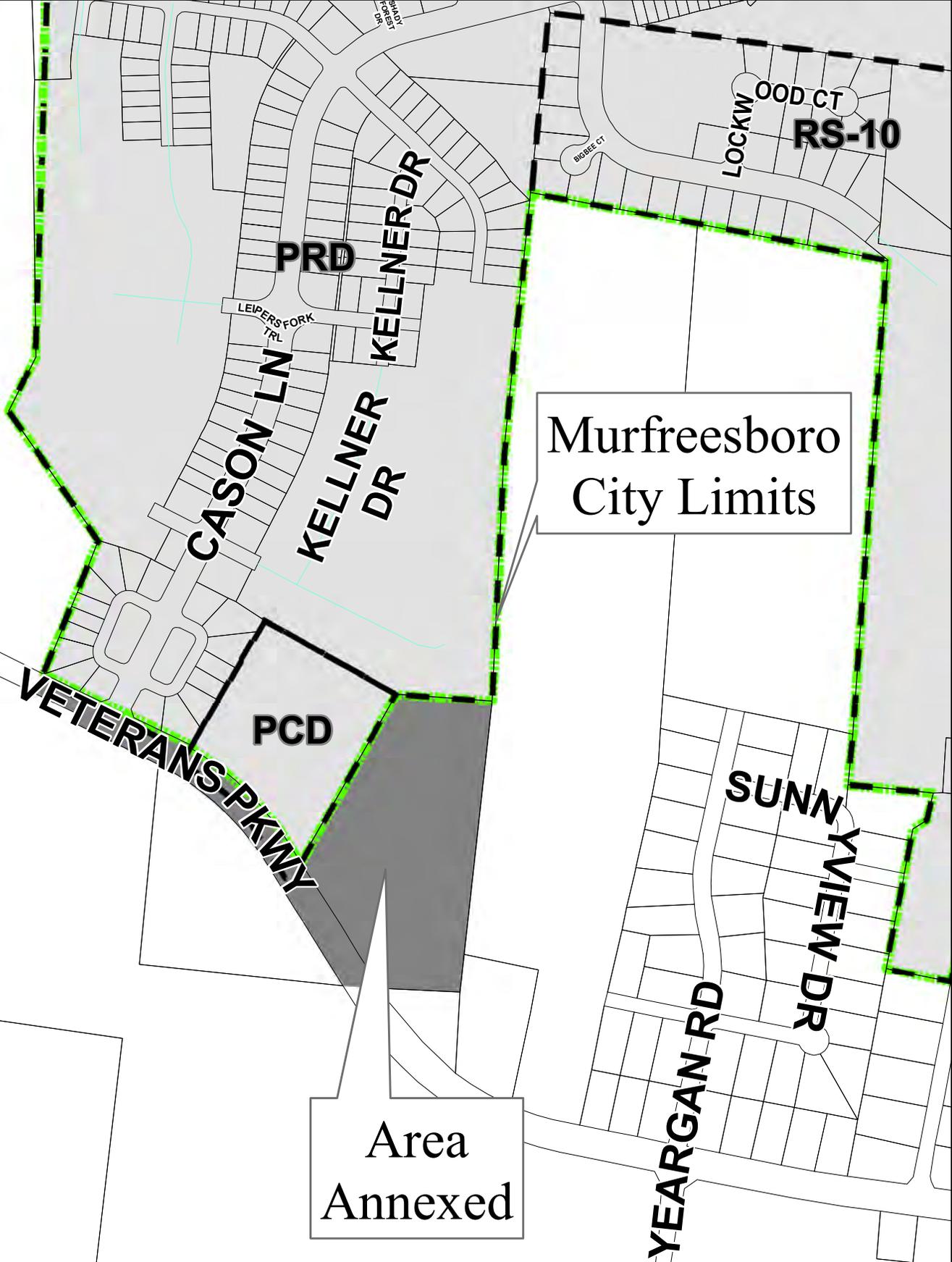
ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL



Resolution 16-R-A-42



**ORDINANCE 16-OZ-42** 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 zone approximately 9.9 acres along Veterans Parkway east of Cason Lane as Residential Multi-Family Twelve (RM-12) District, simultaneous with annexation; Green Trails, LLC, applicant. [2016-421]

**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 zone the territory indicated on the attached map.

SECTION 2. That from and after the effective date hereof the area depicted on the attached map 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 second 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 \_\_\_\_\_

\_\_\_\_\_

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Craig D. Tindall  
City Attorney

SEAL



CASON LN

KELLNER DR  
PRD

Murfreesboro  
City Limits

PCD

Area  
Zoned RM-12

VETERANS PKWY

YEARGAN RD



Ordinance 16-OZ-42



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

## **Regular Agenda**

---

**September 22, 2016**

**Honorable Mayor and Members of City Council**

**Re: Planning Commission recommendations**

### **Background**

During its regular meeting on September 7, 2016 the Planning Commission conducted a public hearing on the matter listed below. After the public hearing, the Planning Commission discussed the matter and then voted to defer action. During the following week, the applicant's representatives met with one of the neighboring property owners to discuss the matter further. Then, at its regular meeting on September 21, 2016, the Planning Commission discussed the matter under "Old Business" and voted to recommend its approval.

- a. Zoning application [2016-431] for approximately 5.7 acres located along Osborne Lane to be rezoned from RS-15 to CF and approximately 0.6 acres to be rezoned from OG to CF, Chuck Barnes applicant.

### **Recommendation**

It is recommended that the City Council schedule this matter for a public hearing.

### **Concurrences**

The Murfreesboro Planning Commission has studied and conducted a public hearing on this matter and recommends its approval.

### **Fiscal Impact**

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

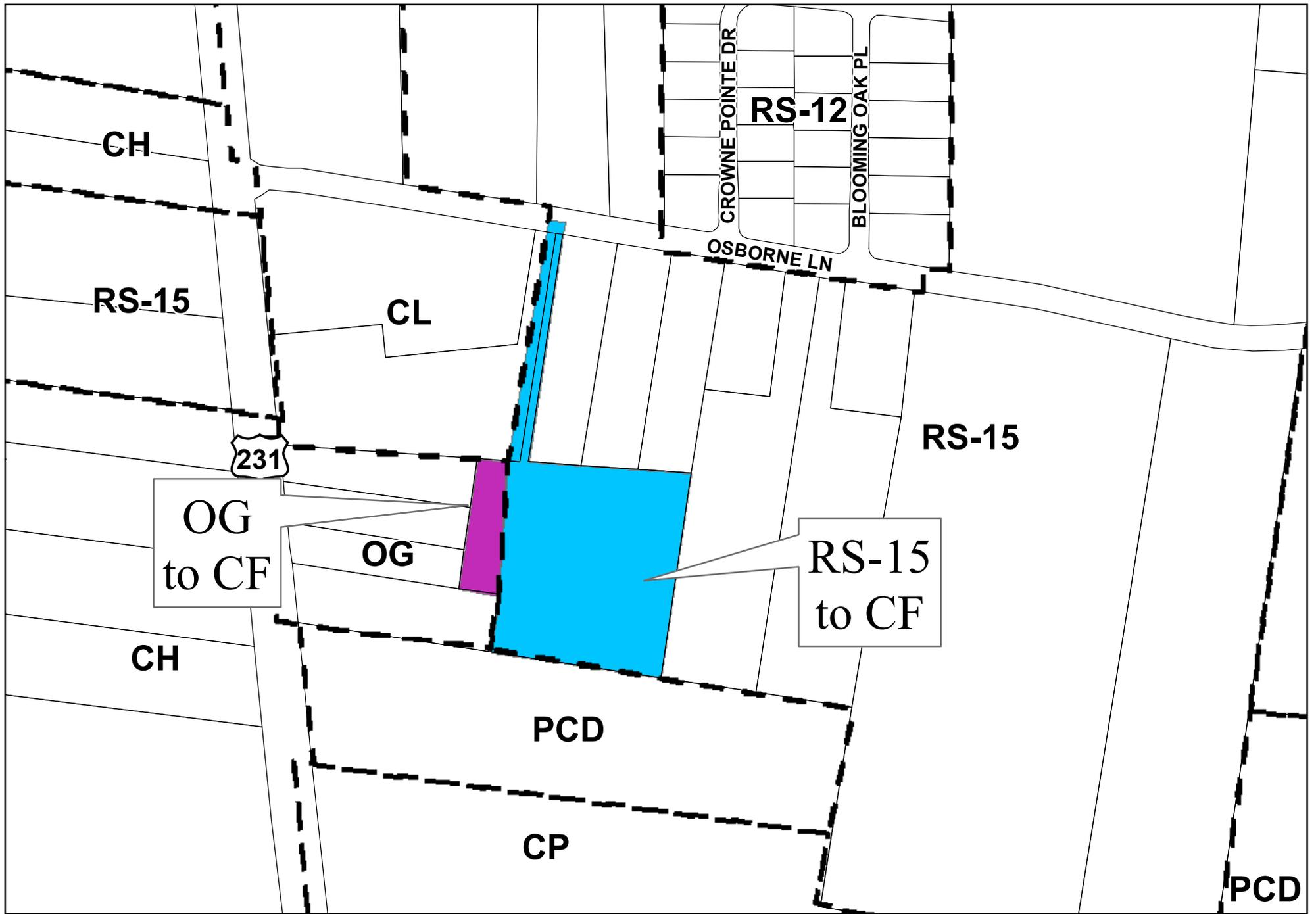
### **Attachments**

1. Illustration of the area.

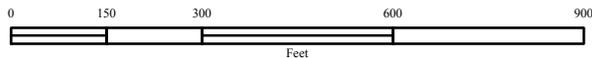
Respectfully Submitted,

Matthew T. Blomeley, AICP

Principal Planner



**Rezoning Request for Property Along Osborne Ln.  
from RS-15 to CF and OG to CF**



Path: G:\planning\rezon\osborneLnRS15\_CH.mxd



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



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

## **Regular Agenda**

---

**October 6, 2016**

**Honorable Mayor and Members of City Council**

**Re: Planning Commission recommendations for scheduling public hearings.**

### **Background**

During its regular meeting on October 5, 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 [2016-515] for approximately 236.8 acres located along South Rutherford Boulevard, Thomas Hoover, Elizabeth Clark, Etal. applicants.
- b. Zoning application [2016-446] for approximately 227.7 acres located along South Rutherford Boulevard to be zoned CH simultaneous with annexation, FedEx Ground applicant.
- c. Zoning application [2016-452] for approximately 6.6 acres located along Salem Creek Drive to be rezoned from OG to PRD (Ashton at Salem Creek), David Alcorn applicant.
- d. Annexation Plan of Services and annexation petition [2016-516] for approximately 21.5 acres located along West Thompson Lane, Diane & Grant Kelley applicants.
- e. Zoning application [2016-445] for approximately 21.5 acres located along West Thompson Lane to be zoned PRD simultaneous with annexation, to rezone approximately 1.5 acres from RS-15 to PRD and to rezone approximately 1.1 acres from CU to PRD (Caroline Farms), Steven Dotson applicant.

- f. Zoning application [2016-443] for approximately 0.72 acre located at 720 Old Salem Road to be rezoned from RM-12 to CH, John Rudd applicant.
- g. Annexation Plan of Services and annexation petition [2016-512] for approximately 77.1 acres located along Manchester Pike & Dilton Mankin Road, Mankin Family Limited Partnership applicant.
- h. Zoning application [2016-447] for approximately 77.1 acres located along Manchester Pike & Dilton Mankin Road to be zoned PRD (Mankin Pointe) simultaneous with annexation, Ole South Properties Inc. applicant.
- i. Zoning application [2016-451] for approximately 8 acres located along South Rutherford Boulevard to be rezoned from RS-10 to RZ, Swanson Development applicant.

### **Recommendation**

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

### **Concurrences**

The Murfreesboro Planning Commission has studied and conducted a public hearing on the matter and recommends their approval.

### **Fiscal Impact**

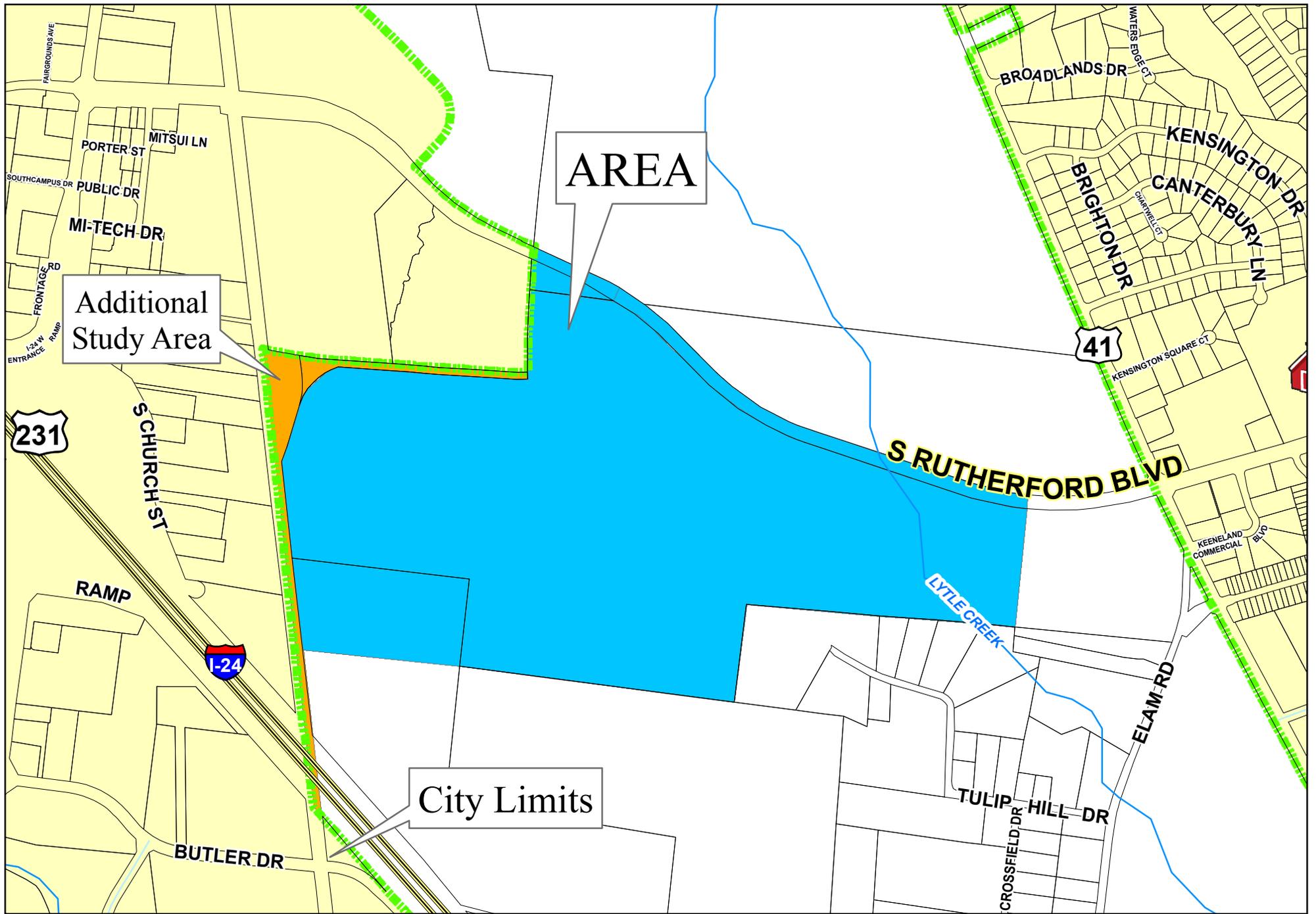
Staff is not aware of any fiscal impact that will result directly from this recommendation.

### **Attachments**

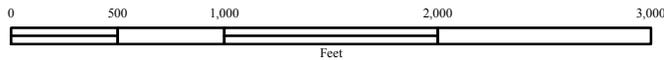
1. Illustrations of the areas.

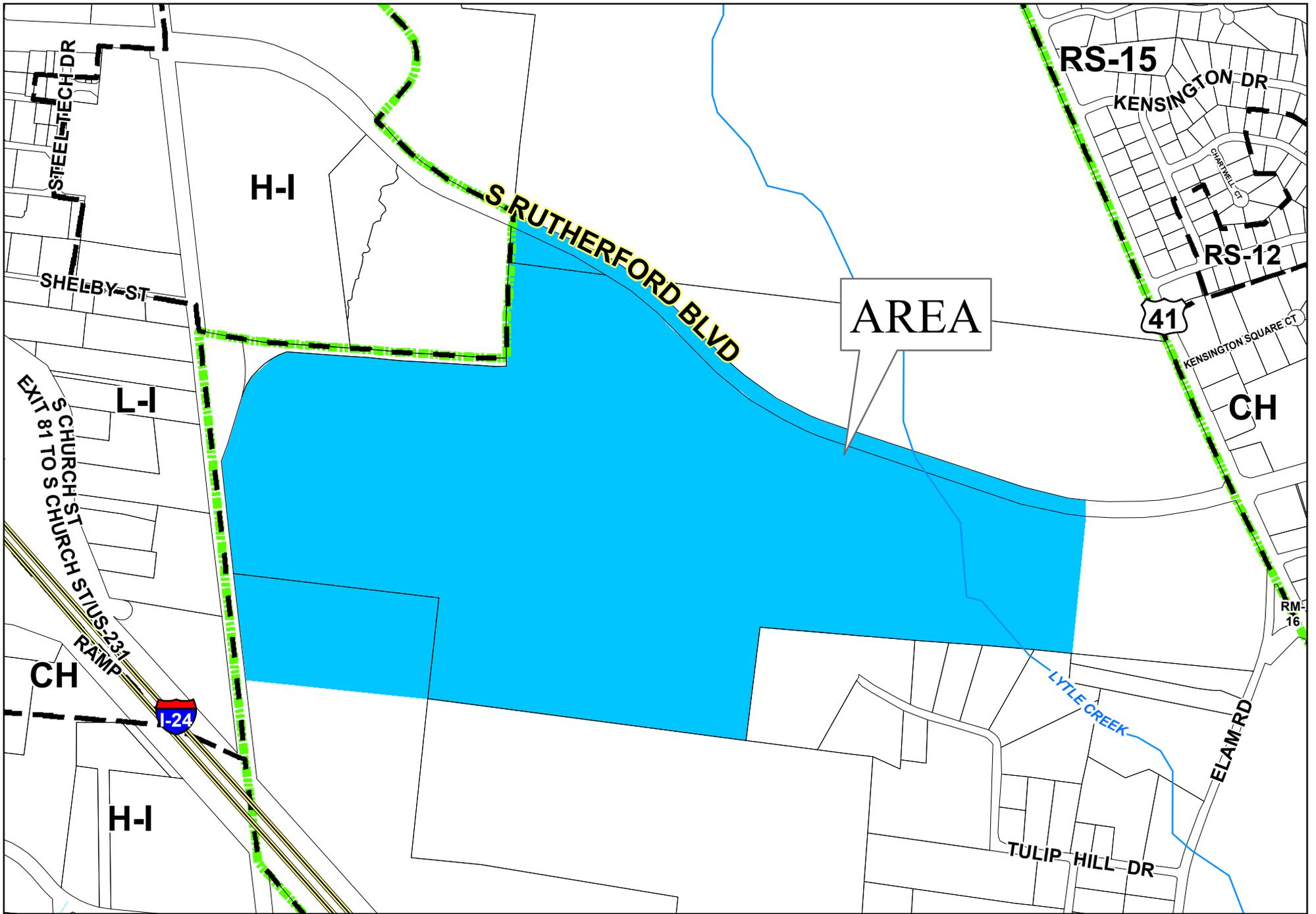
Respectfully Submitted,

Margaret Ann Green, AICP  
Principal Planner

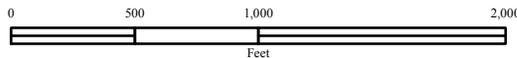


**Annexation Request for Property Along  
S. Rutherford Blvd.**



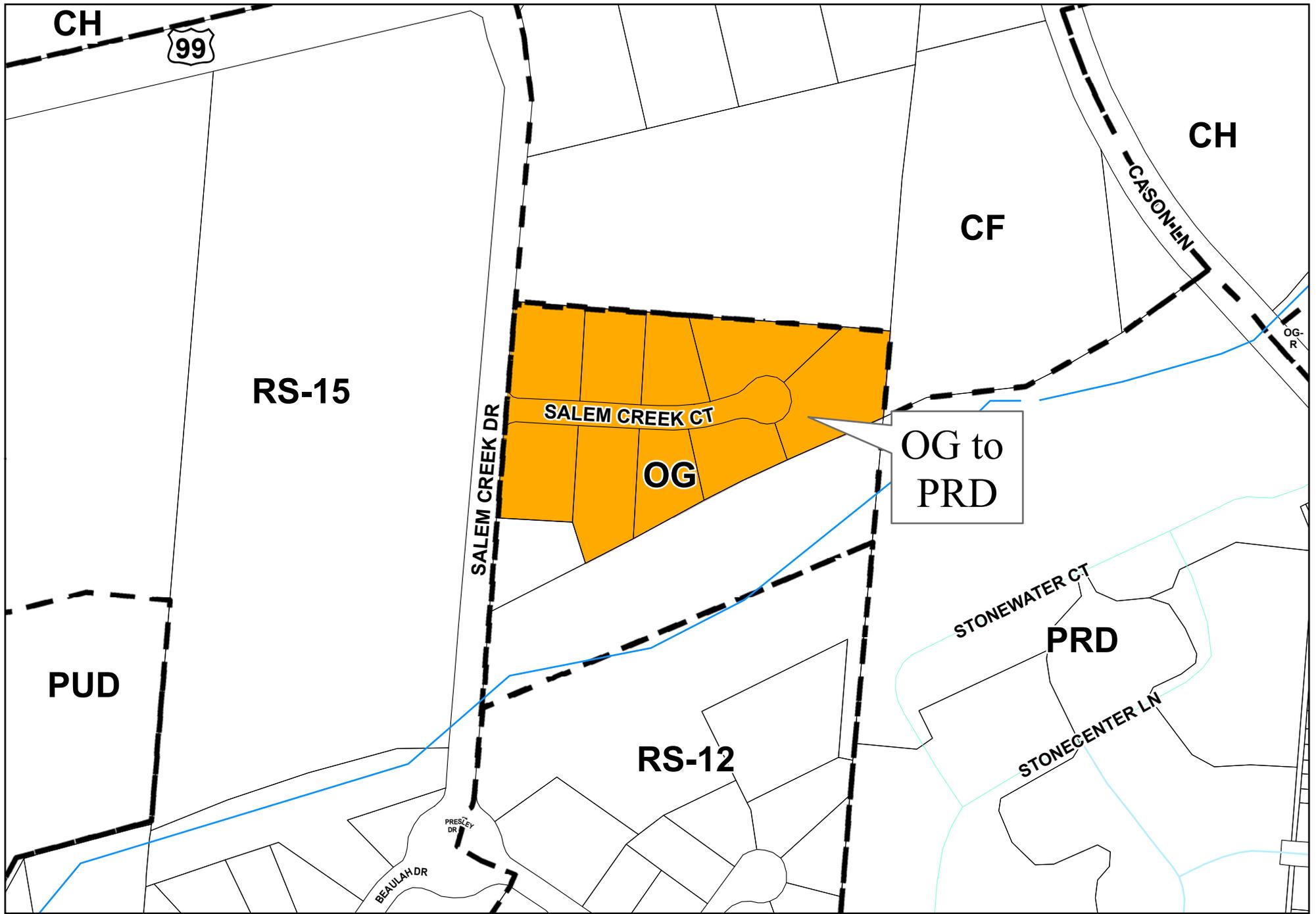


**Zoning Request for Property Along S. Rutherford Blvd.  
CH Simultaneous with Annexation**



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

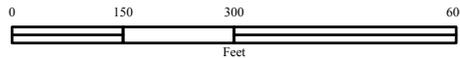




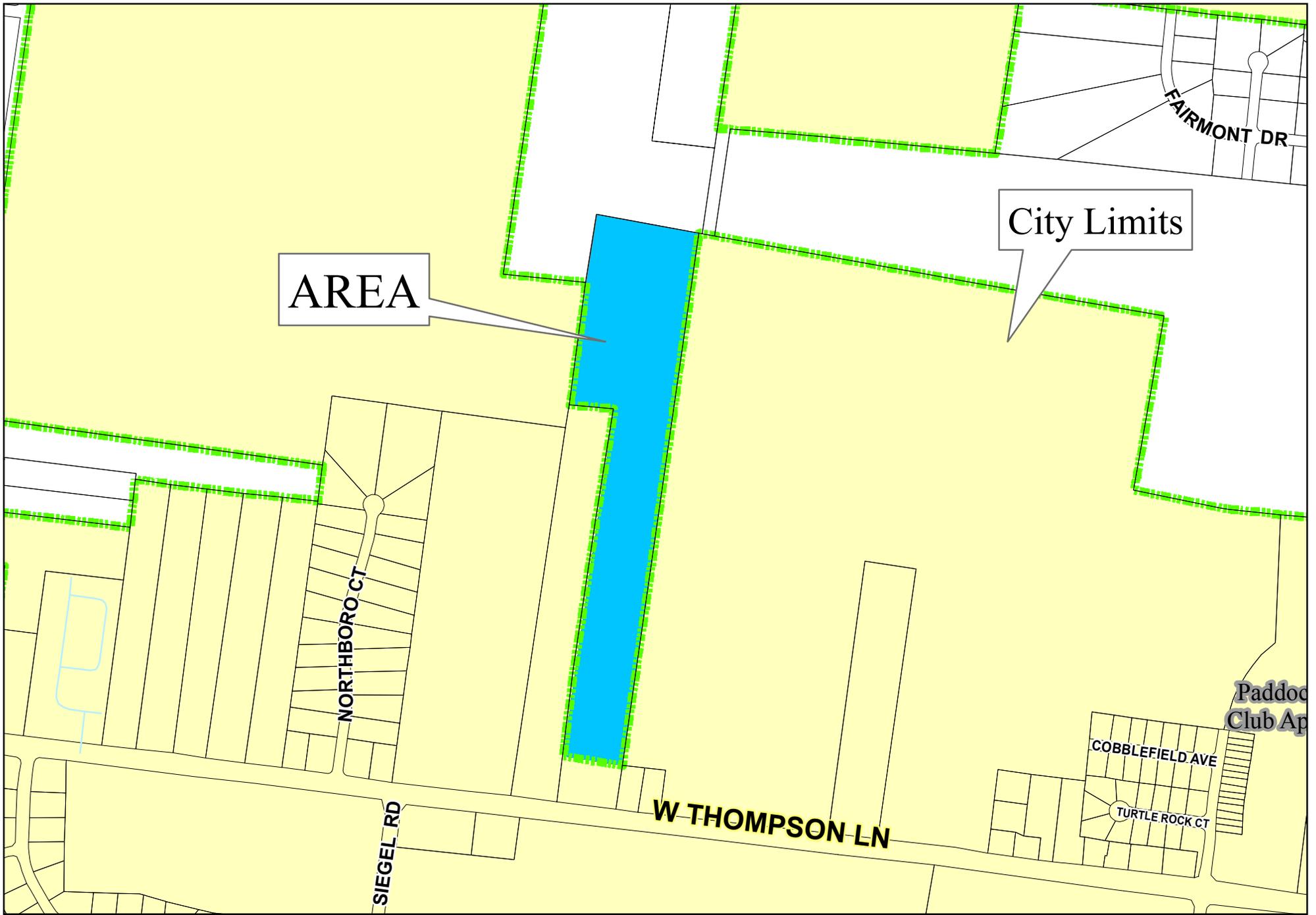
**Rezoning Request for Property Along Salem Creek Dr.  
from OG to PRD**



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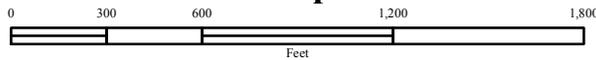
AREA

City Limits

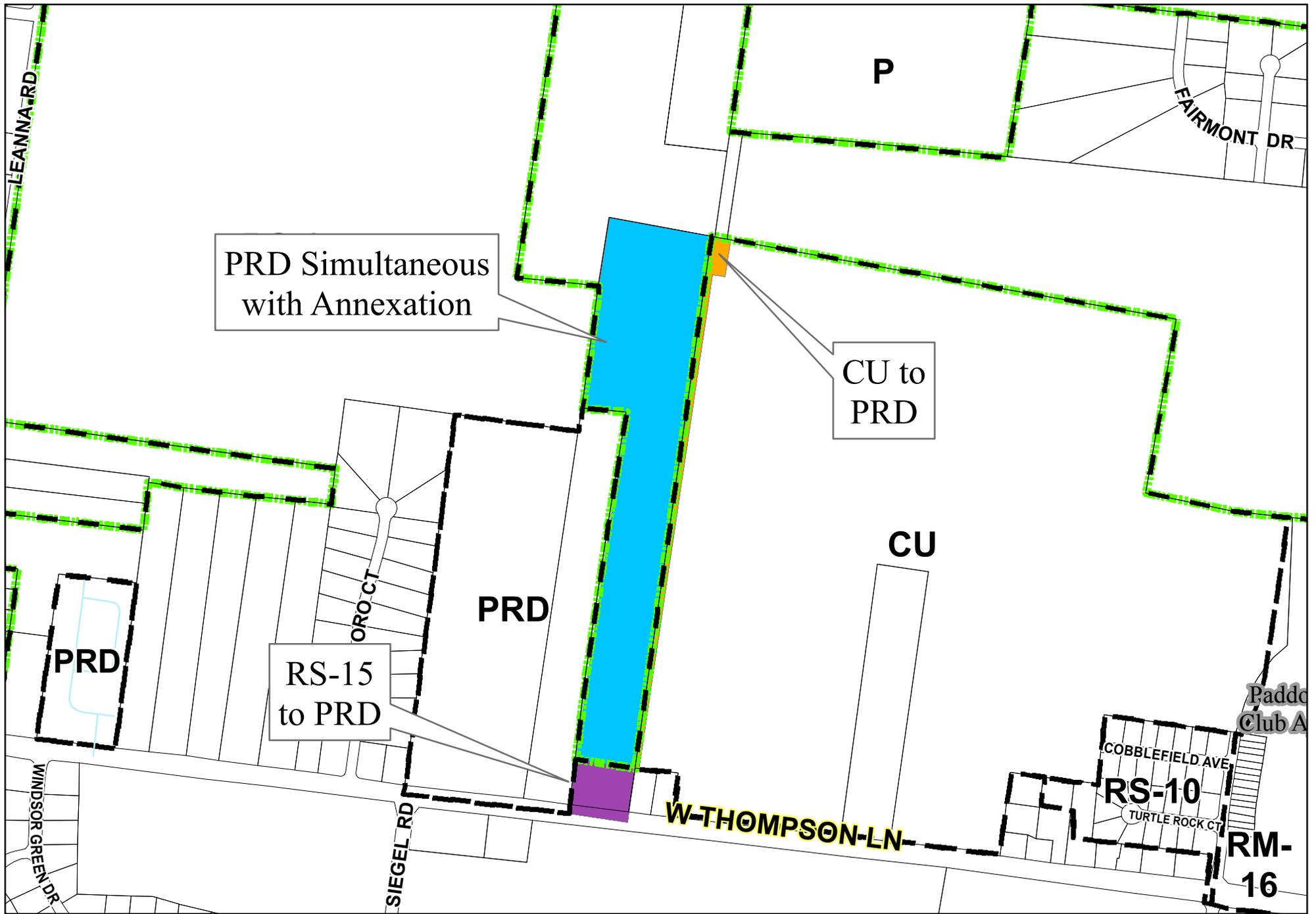


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**Annexation Request for Property Along  
W. Thompson Ln.**



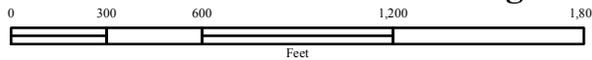
GIS Department  
City Of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130  
[www.murfreesboroTN.gov](http://www.murfreesboroTN.gov)



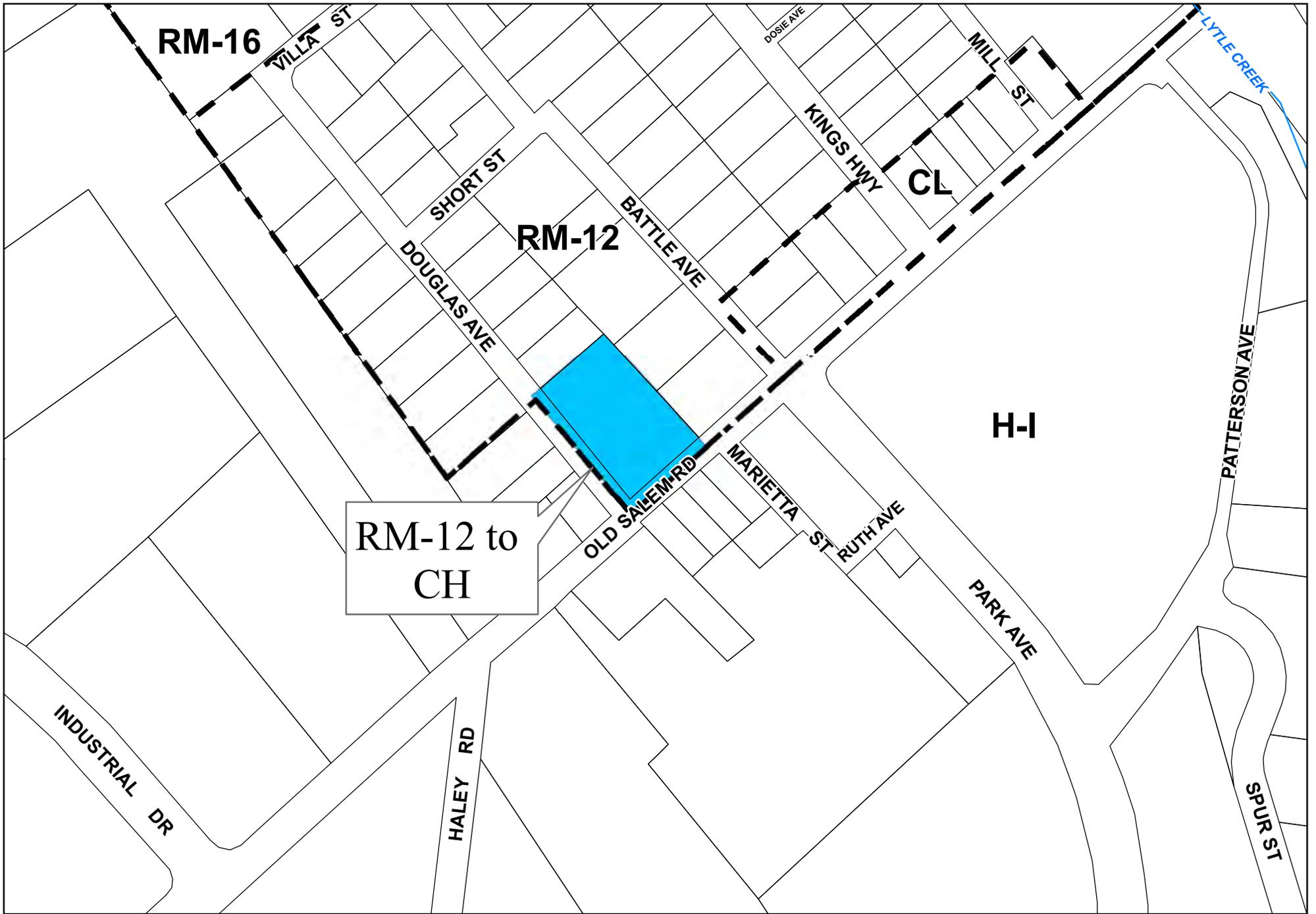
**Zoning Request for Property Along W. Thompson Ln.  
PRD Simultaneous with Annexation and Rezoning RS-15 and CU to PRD**



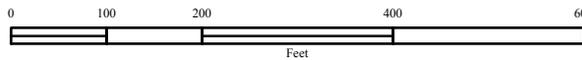
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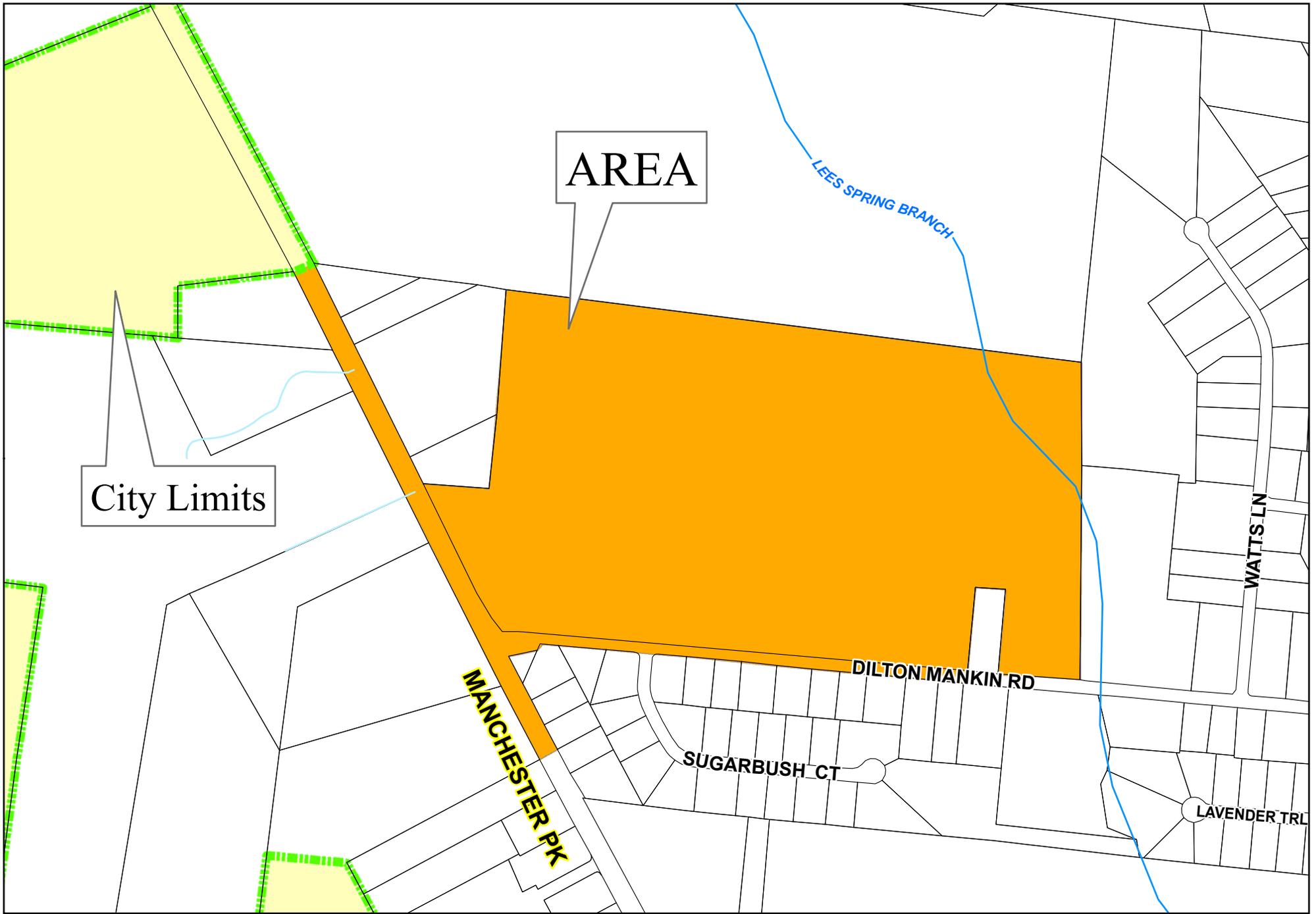


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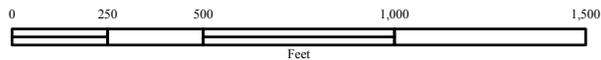


**Rezoning Request for Property Along Old Salem Rd.  
from RM-12 to CH**





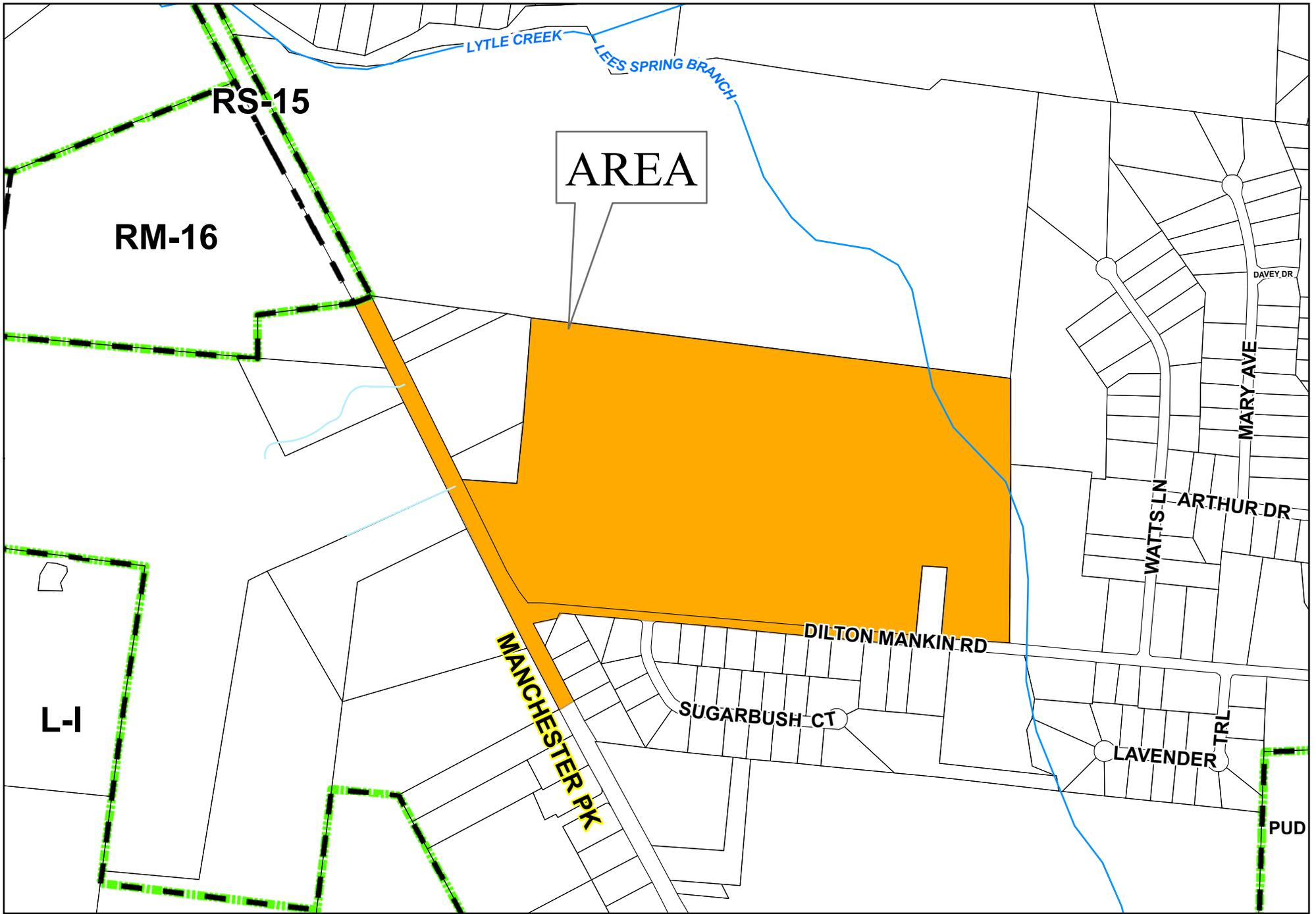
**Annexation Request for Property Along  
Manchester Pike**



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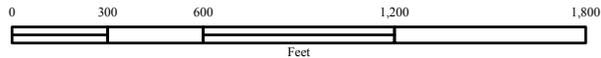
GIS Department  
City of Murfreesboro  
111 West Vine Street  
Murfreesboro, Tennessee 37130  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)



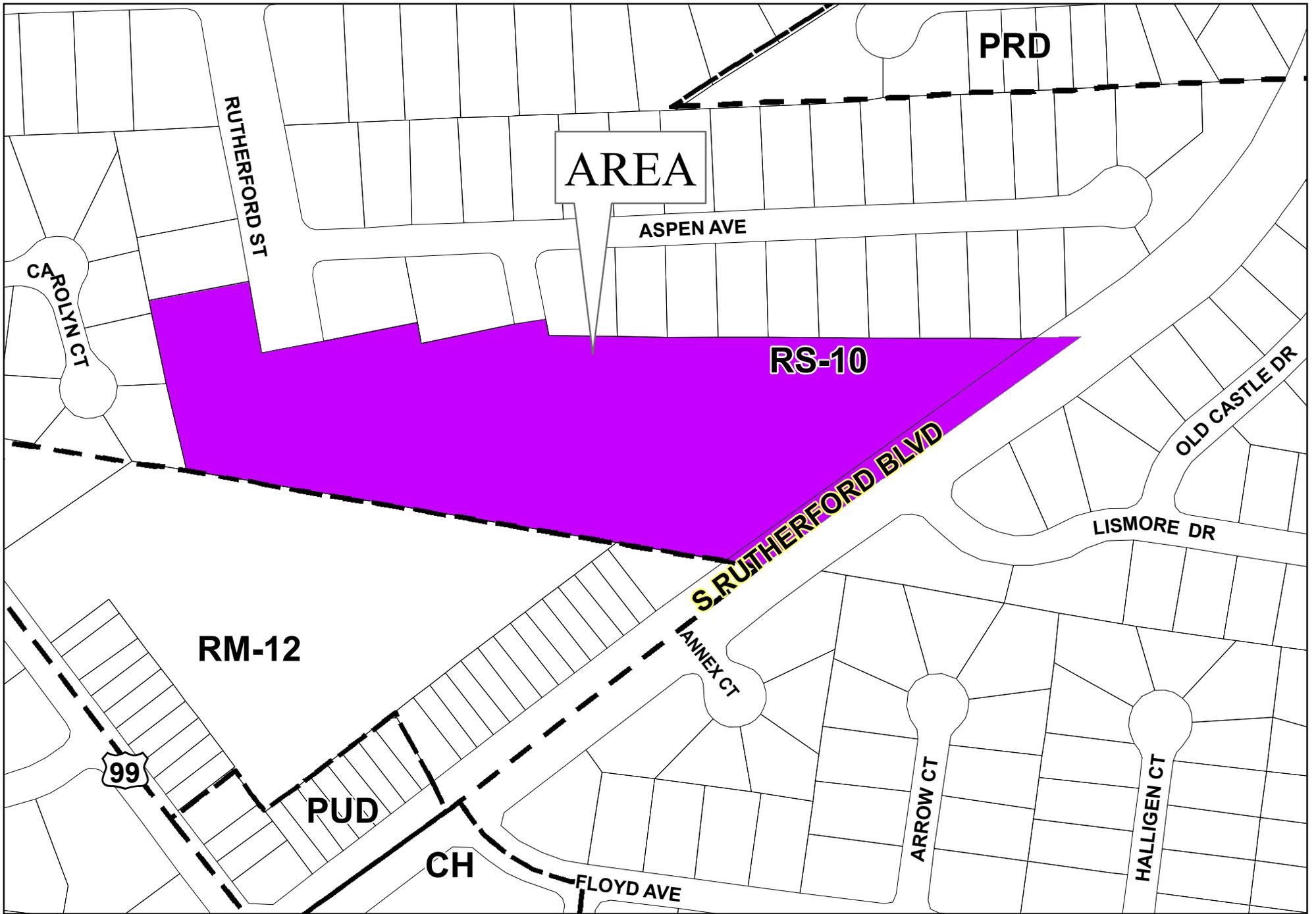
**Zoning Request for Property Along Manchester Pike  
PRD Simultaneous with Annexation**



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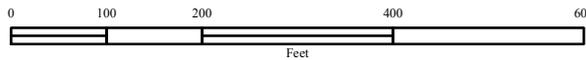
GIS Department  
City of Murfreesboro  
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Murfreesboro, Tennessee 37130  
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**Rezoning Request for Property Along S. Rutherford Blvd. from  
RS-10 to RZ**



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## **Regular Agenda**

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October 6, 2016

Honorable Mayor and Members of City Council

Re: Outside City Sewer Customer [2016-514] for approximately 41 acres located along Epps Mill Road.

### **Background**

During the regular meeting of September 21, 2016, the Planning Commission considered a request for an Outside the City Sewer Customer for property located along Epps Mill Road, just south of the intersection of Cliffside Drive and Dunbar Lane (Tax Map 157 Parcel 007.00). Frances Mosby and her family have requested the property either be annexed or served as an Outside the City Sewer Customer. The property is located outside of Murfreesboro's Urban Growth Boundary and is not contiguous with current city limits. As such, Murfreesboro cannot legally annex the properties and, because of the current separation, it is questionable whether the City could provide all services to the area at this time. Therefore, the owner has requested the property be served as an Outside the City Sewer Customer and has petitioned the City for annexation.

Recently the Murfreesboro Water and Sewer Board and the City Council revised the Policies, Procedures and General Design Guidelines regarding sewer availability to Outside City Customers prompted by revisions to the State of Tennessee law regarding annexation. Attached is a memo from the MWSD Director Darren Gore regarding this change that, in essence, eliminates the opportunity for outside the City properties to have sanitary sewer access, with the exclusion of the Buchanan/Elam special sanitary sewer assessment district. Also attached is a copy of the Farrer/Buchanan Sewer Contract. The first year that money was collected after construction of the Buchanan sewer was the 2004-2005 fiscal year. Therefore, the 20-year contract period will be for 2023-2024, effectively expiring on June 30, 2024.

### **Recommendation**

It is the recommendation of the Murfreesboro Planning Commission to approve the request to serve these properties as Outside the City Sewer Customers in accordance with the requirements of Murfreesboro City Code Section 33-2.1.1.

### **Concurrences**

The Murfreesboro Planning Commission considered the matter as an item of New Business the afternoon of September 21, 2016, and recommends this property be served as an Outside the City Sewer Customer.

### **Fiscal Impact**

The developer will be responsible for connecting sewer service to the properties in accordance with the Development Policies and Procedures of the MWSD and will pay the Buchanan and Elam Road Sanitary Sewer assessments. The property owner will be responsible for paying for the resulting usage fees. Staff is not aware of any fiscal impact that will affect the City.

### **Attachments**

1. Staff Comments from September 21<sup>st</sup> Planning Commission meeting
2. Memo from MWSD Director
3. Copy of Farrer Buchanan Sewer Contract

Respectfully Submitted

Margaret Ann Green, AICP  
Principal Planner

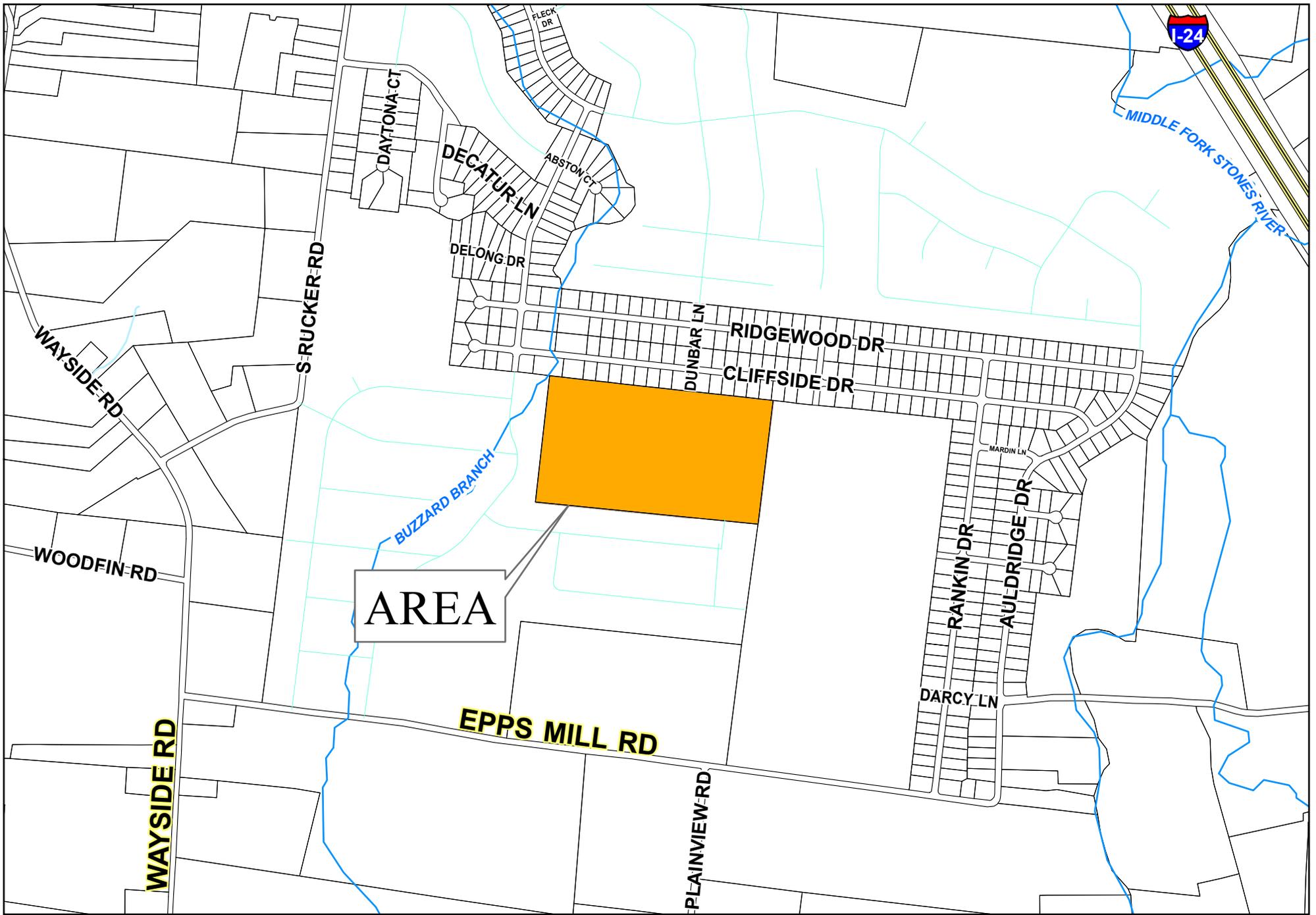
**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
AUGUST 17, 2016**

**7.c. Annexation Plan of Services and annexation petition [2016-514] or request for service as outside City Sewer Customer for approximately 41 acres located along Epps Mill Road, Frances Mosby, Frank Beard, Shirley Latham applicant.**

The subject property is located along Epps Mill Road, just south of the intersection of Cliffside Drive and Dunbar Lane. Sanitary sewer is available to the property and the owners desire to be able to hook onto the sanitary sewer to serve the subject area. Accordingly he has made a formal request for annexation. However, the property is not within the City's urban growth boundary and it is separated from the existing City Limits by several miles and numerous other properties. The City cannot legally annex the property and because of the current separation it is questionable whether the City could provide services to the area at this time.

The owner has requested that should the City determine not to annex his property he would request sewer service as an outside the City Sewer Customer. Should the City choose to annex the property at some future date they agree not to oppose the City's annexation.

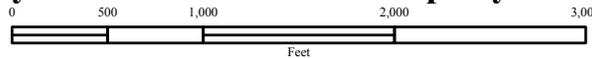
Planning Staff recommends approval of the property as an outside the City Sewer Customer in accordance with the requirements of Murfreesboro City Code Section 33-2.1.1. The City of Murfreesboro has recently modified the Murfreesboro Water & Sewer Procedural Guidelines (see attached). According to the MWSD director, this request is in conformance with the new procedural guidelines. The Planning Commission's recommendation will be forwarded to City Council.



**Annexation Request or Request for Sewer Services As An  
Outside the City Sewer Customer for Property Along Epps Mill Rd.**



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

## **Amendment No. 2**

### **to Section 1.3.1 Inquiry for Service to City of Murfreesboro Water & Sewer and 1.3.2 Approval Required for Utility Service Outside the Murfreesboro City Limits**

#### Portion of Section 1.3.1

- 1) Proposed site is inside MWSD's 201 Planned Service Areas and:
- a) Is the proposed site inside the Murfreesboro City Limits or favorable to Annex into the Murfreesboro City Limits? **Note: Consistent with current state law, a proposed site not currently within the Murfreesboro City Limits must either (i) be contiguous to current Murfreesboro City Limits, or (ii) all owners of all properties between the proposed site and current Murfreesboro City Limits must also consent.**
  - b) Is the proposed site inside the City's Urban Growth Boundary and favorable to be served as an outside the City Sewer Customer? **Note: The utility extension policy of the City of Murfreesboro does not afford outside the City properties service to sanitary sewer, except as described in Section 1.3.2.**

#### Portion of Section 1.3.2

Should annexation not be recommended service as an outside the city customer may be possible by written agreement **under the following utility extension policy:**

- 1) **Only properties within the Buchanan and Elam Road Interchanges Sanitary Sewer Assessment District, as defined in City Code Section 33-206 will be considered for outside the City sewer service, and**
- 2) **Only properties may be considered outside the City sewer customers where providing sewer services is deemed a higher benefit to the public than annexation affords (e.g., parks, schools, etc.).**



**LOCATION**

**Property Address** Epps Mill Rd  
Rutherford Cnty, TN

**Subdivision**

**County** Rutherford County, TN

**PROPERTY SUMMARY**

**Property Type** Agricultural

**Land Use** Agricultural

**Improvement Type**

**Square Feet**

**GENERAL PARCEL INFORMATION**

**Parcel ID/Tax ID** 157 007.00

**Alternate Parcel ID** 157 00700 00025157

**Account Number** R0083021

**District/Ward** 5

**2010 Census Trct/Blk** 407.02/1

**Assessor Roll Year** 2015



**CURRENT OWNER**

**Name** Beard Glen Jr Etal Rowena Turner Etal Frank Beard Etal Shirley Latham

**Mailing Address** Etal Frances Mosby 811 Wami Dr  
Murfreesboro, TN 37128

**SALES HISTORY THROUGH 08/26/2016**

Date	Amount	Buyer/Owners	Buyer/Owners 2	Instrument	No. Parcels	Book/Page Or Document#
12/31/2012		Beard Glen Jr Etal Rowena Turner Etal Frank Beard				1195/1369
8/13/1997		Halliburton Horace H Etux Beatrice			2	603/651
5/15/1997		Halliburton Horace H Etux Beatrice			2	597/353
7/30/1977		Beard Permelia			3	258/166

**TAX ASSESSMENT**

Appraisal	Amount	Assessment	Amount	Jurisdiction	Rate
Appraisal Year	2016	Assessment Year	2016		
Appraised Land	\$166,920	Assessed Land	\$6,200	Rutherford	2.68
Appraised Improvements		Assessed Improvements			
Total Tax Appraisal	\$166,920	Total Assessment	\$6,200		
		Exempt Amount			
		Exempt Reason			

**TAXES**

Tax Year	City Taxes	County Taxes	Total Taxes
2015		\$166.16	\$166.16
2014		\$154.18	\$154.18
2013		\$159.04	\$159.04

**MORTGAGE HISTORY**

No mortgages were found for this parcel.

**PROPERTY CHARACTERISTICS: BUILDING**

No Buildings were found for this parcel.

**PROPERTY CHARACTERISTICS: EXTRA FEATURES**

No extra features were found for this parcel.

**PROPERTY CHARACTERISTICS: LOT**

<b>Land Use</b>	Agricultural	<b>Lot Dimensions</b>	
<b>Block/Lot</b>		<b>Lot Square Feet</b>	1,785,953
<b>Latitude/Longitude</b>	35.725473°/-86.345002°	<b>Acreage</b>	41

**PROPERTY CHARACTERISTICS: UTILITIES/AREA**

<b>Gas Source</b>	None	<b>Road Type</b>	Private/None
<b>Electric Source</b>	Public	<b>Topography</b>	Rolling
<b>Water Source</b>	Individual	<b>District Trend</b>	Static
<b>Sewer Source</b>	Individual	<b>Special School District 1</b>	
<b>Zoning Code</b>		<b>Special School District 2</b>	
<b>Owner Type</b>	Private		

**LEGAL DESCRIPTION**

<b>Subdivision</b>		<b>Plat Book/Page</b>	
<b>Block/Lot</b>		<b>District/Ward</b>	5
<b>Description</b>			

**FLOOD ZONE INFORMATION**

<b>Zone Code</b>	<b>Flood Risk</b>	<b>Description</b>	<b>FIRM Panel ID</b>	<b>FIRM Panel Eff. Date</b>
X	Minimal	Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level.	47149C0401H	01/05/2007
X	Minimal	Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level.	47149C0402H	01/05/2007

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Information Deemed Reliable But Not Guaranteed.

SEND TAX NOTICE TO:

PERMELIA BEARD  
RT 6, BOX 224  
MURFREESBORO, TN. 37130

This instrument prepared by:  
William W. Burton, Attorney  
Murfreesboro, TN 37130

16

WARRANTY DEED

FOR AND IN CONSIDERATION of the love and affection I have for my daughter, Permelia Beard, I, BEATRICE HALLIBURTON BUTLER, have bargained and sold and by these presents do hereby transfer and convey unto PERMELIA BEARD, her heirs and assigns, forever, that certain tract or parcel of real estate situated in the 25th Civil District of Rutherford County, Tennessee, more particularly described as follows, to-wit:

PARCEL I: Being all of Parcel 13, Map 157, Tax Assessor's Office of Rutherford County, Tennessee, containing 25.5 acres, more or less.

PARCEL II: Being all of Parcel 7, Map 157, Tax Assessor's Office of Rutherford County, Tennessee, containing 41 acres, more or less.

Being the same property deeded to H. H. Halliburton, et ux., Beatrice M. Halliburton, at least 60 years ago. H. H. Halliburton died about 20 years ago, leaving his widow Beatrice Halliburton, now Beatrice Butler, as surviving tenant by the entirety. The deed was never recorded and burned when their house burned.

TO HAVE AND TO HOLD the said real estate, together with the appurtenances, estate, title and interest thereto belonging, unto the said grantee, her heirs and assigns, forever.

I covenant with the said grantee that I am lawfully seized and possessed of said real estate, have a good right to convey the same, and that it is unencumbered, except for the 1977 taxes which are assumed by the grantee

167

FOR AND IN CONSIDERATION of the love and affection I have for my daughter, Permelia Beard, I, BEATRICE HALLIBURTON BUTLER, have bargained and sold and by these presents do hereby transfer and convey unto PERMELIA BEARD, her heirs and assigns, forever, that certain tract or parcel of real estate situated in the 25th Civil District of Rutherford County, Tennessee, more particularly described as follows, to-wit:

PARCEL I: Being all of Parcel 13, Map 157, Tax Assessor's Office of Rutherford County, Tennessee, containing 25.5 acres, more or less.

PARCEL II: Being all of Parcel 7, Map 157, Tax Assessor's Office of Rutherford County, Tennessee, containing 41 acres, more or less.

Being the same property deeded to H. H. Halliburton, et ux., Beatrice M. Halliburton, at least 60 years ago. H. H. Halliburton died about 20 years ago, leaving his widow Beatrice Halliburton, now Beatrice Butler, as surviving tenant by the entirety. The deed was never recorded and burned when their house burned.

TO HAVE AND TO HOLD the said real estate, together with the appurtenances, estate, title and interest thereto belonging, unto the said grantee, her heirs and assigns, forever. ✓

I covenant with the said grantee that I am lawfully seized and possessed of said real estate, have a good right to convey the same, and that it is unencumbered, except for the 1977 taxes which are assumed by the grantee. 167

I further covenant and bind myself, my heirs and representatives, to forever warrant and defend the title to said real estate to the said grantee, her heirs and assigns, against the lawful claims of all persons whomsoever.

delivery of deed.

WITNESS my hand on this 30<sup>th</sup> day of July,  
1977.

Frank Bend  
Witness

X (Over mark)  
Beatrice Halliburton Butler

STATE OF TENNESSEE )  
                                  : SS:  
DAVIDSON COUNTY     )

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, the within named BEATRICE HALLIBURTON BUTLER, the bargainor, with whom I am personally acquainted, and who acknowledged that she executed the foregoing instrument (WARRANTY DEED) for the purposes therein expressed and contained.

WITNESS my hand and official seal at office in Nashville, Tennessee, this 30<sup>th</sup> day of July 1977.



RECORDING FEE 4.00  
STATE TAX 62.40  
REGISTER'S FEE .50  
TOTAL PAID 66.90  
RECEIPT NO. 49371

Mrs. Virginia Penkton  
NOTARY PUBLIC

My Commission Expires:

Nov. 13, 1977

STATE OF TENNESSEE  
COUNTY OF RUTHERFORD

I, OR WE, HEREBY SWEAR OR AFFIRM THAT THE ACTUAL CONSIDERATION FOR THIS TRANSFER OR VALUE OF THE PROPERTY TRANSFERRED, WHICHEVER IS GREATER, IS \$24,000.00, WHICH AMOUNT IS EQUAL TO OR GREATER THAN THE AMOUNT WHICH THE PROPERTY TRANSFERRED WOULD COMMAND AT A FAIR AND VOLUNTARY SALE.

William Butler  
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
THE 1<sup>ST</sup> DAY OF August, 1977.





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July 15, 2016

Mrs. Teresa Kidd  
Keller Williams Realty  
450 St. Andrews Drive  
Murfreesboro, TN 37128

Re: Beard Estate Property  
Tax Map 157, Parcel 7.00  
Will Serve Letter – Sewer Only

Dear Mrs. Kidd:

At your request, the Department is providing this Will Serve letter for the proposed residential development. It is our understanding that this development proposes 170 single family residences.

This site is within the Department's sewer service area, however, the water service will be provided by Consolidated Utility District. Per the Department's current definition of "available", sanitary sewer is not available to the property. However, there is a twelve (12) inch sanitary sewer main located approximately 280' linear feet west of the property which will require the developer to obtain a 30' sanitary sewer easement from the adjacent property owner and dedicate this easement to the City of Murfreesboro.

This property is within the Buchanan/Elam Sanitary Sewer Assessment District. Each single family dwelling will be assessed \$1000 per single family unit (SFU) in additional to the standard and current connection fees. These are subject to change July 1, 2017. The developer will also be required to execute an "Outside the City Sewer Agreement" with the Department which will require the Developer to build the subdivision to City standards.

At the time this property is developed, public sewer mains must be extended throughout the roadways to serve the entire development and possibly to the property lines at strategic locations so that other areas are able to connect to the sewer. All sewer improvements and off-site sewer easements needed to serve the subject property are to be installed and acquired by the Developers in accordance with the MWSD Policies, Procedures and General Design Requirements of the Murfreesboro Water & Sewer Department which can be found at the following address:

<http://www.murfreesborotn.gov/DocumentCenter/View/144>

Should you have any questions, or need additional information, please feel free to call 615-848-3200.

Sincerely,

Valerie H. Smith, PE  
Assistant Director

Pc: Darren Gore, MWSD  
Daniel Tribble, MWSD

Greg Harvey, MWSD

Water and Sewer Department

300 NW Broad Street \* P.O. Box 1477 \* Murfreesboro, TN 37133-1477 \* Office: 615 890 0862 \* Fax: 615 896 4259  
TTY 615 848 3214 \* [www.murfreesborotn.gov](http://www.murfreesborotn.gov)



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# MEMORANDUM

**DATE:** February 8, 2016  
**TO:** Water and Sewer Board  
**FROM:** Darren Gore  
**SUBJECT:** **Revisions to Policies, Procedures and General Design Guidelines – Section 1.3**  
Regarding Sewer Availability to Outside City Customers and State of Tennessee Law  
Regarding Annexation

---

## BACKGROUND

Attached are proposed revisions (in red) to Section 1.3 of MWSD's "Policies, Procedures and General Design Guidelines" (P&P) document that have come about as a consequence of the new State of Tennessee annexation law and how Murfreesboro manages providing sanitary sewer to properties outside the contiguous boundary of its City Limits. The State of Tennessee's new annexation law will only allow annexation to occur if either (i) the property requesting annexation is contiguous to current Murfreesboro City Limits, or (ii) all owners of all properties between the proposed site and current Murfreesboro City Limits also consent and request annexation. A property's ability to be annexed affects the City's position as to whether to provide sanitary sewer service to outside the City customers. The attached policy revisions address the City and Department's position on this issue more clearly to communicate to potential developers.

This issue came up as City staff started working with KKC through the Murfreesboro 2035 plan, and the question was posed whether MWSD had a formal or adopted utility extension policy. My answer was "yes", the Dept. had the referenced adopted P&P document that covers inquiry for service, expectations regarding easement acquisition and offsite improvements, approval requested within the City or as an outside the City customer, etc.

As the discussion continued to develop, the "Outside the City Customer" request came up under the backdrop of the new State of TN annexation law. I use the term "new" in light of the fact that this law has been enacted after the adoption of the referenced MWSD P&P document.

As we all contemplated the ramifications of the new state annexation law as it relates to sanitary sewer requests that typically occur for properties outside the contiguous boundary of the City Limits, the attached amendments were made to Section 1.3 of MWSD's P&P document. There are several outside the City properties that have sewer existing within their property boundary; however, they are realistically not going to be annexable in accordance with State law. Based on the value and limitations of MWSD's sewer system, these properties, under the proposed P&P revisions, will be denied sewer service until such time that a request is made for annexation and the property is capable of being annexed in accordance with State law.

The revisions to the P&P document does allow utilities to be extended to an outside City customer under special circumstances. Should annexation not be recommended, service as an outside the city customer may be possible by written agreement under the following utility extension policy:

**Water and Sewer Department**

300 NW Broad Street \* P.O. Box 1477 \* Murfreesboro, TN 37133-1477 \* Office: 615 890 0862 \* Fax: 615 896 4259  
TTY 615 848 3214 \* [www.murfreesborotn.gov](http://www.murfreesborotn.gov)

1. Only properties within the Buchanan and Elam Road Interchanges Sanitary Sewer Assessment District, as defined in City Code Section 33-206 will be considered for outside the City sewer service, and
2. Only properties may be considered outside the City sewer customers where providing sewer services is deemed a higher benefit to the public than annexation affords (e.g., parks, schools, etc.).

I anticipate this will bring into the forefront decentralized Septic Tank Effluent Pump (STEP) systems within MWSD's sewer service area. If conventional sewer service is denied, I expect developers to investigate and migrate towards STEP systems. I believe the Dept. should be ready to approve them and operate them as a treatment facility asset. There are currently a few STEP systems operated by Consolidated Utility District (CUD) in MWSD's sewer service area that were permitted and built without MWSD's knowledge; however, moving forward, I believe the Dept. should develop expertise in operating and maintaining these systems. I think a good path forward would be to learn and potentially contract with CUD until such time that MWSD is ready to operate and maintain these systems independently. Mr. William Dunnill, CUD's General Manager, has assured me that these systems are "easy" to operate and very low maintenance.

With the limitations on the East and West Fork Stones River as pertaining to future additional effluent discharges or flows, I have envisioned land application systems such as STEP in MWSD's future; independent of this current complication involving Tennessee's new annexation law. Limiting conventional sewer to outside the City customers will undoubtedly expedite MWSD's venture into this arena, but it shouldn't be an issue since these systems have now been operating successfully in Rutherford County for around 20 years.

#### **RECOMMENDATION**

Staff recommends the Board recommend to City Council approval of the revisions identified in Section 1.3 of MWSD's Policies, Procedures, and General Design Guidelines.

#### **FISCAL IMPACT**

The impact may affect system development charges (SDC's) in areas where sewer has been extended to properties that are determined to not be annexable. Based on the GIS map attached, there are approximately 400 acres of property (outside of the Buchanan/Elam sewer assessment area) that have sewer accessible but would be denied sewer service due to inability to be annexed into the City. This will disallow the ability to collect SDC's or in this case a special assessment. In case of the Buchanan/Elam special sanitary sewer district, the City is obligated to continue to allow connections to outside City customers due to the existing contractual obligation with the Farrer Brothers to credit them for special assessments for the next nine (9) years. There are approximately 2100 acres in this area that have sewer accessible, but will never be annexed. All of the 2100 acres will not develop in the next nine (9) years. So the immediate fiscal impact is not that significant currently, but will most likely increase when the contract with the Farrers expires. A good indicator will be the developing trend seen as the annual report generated for sanitary sewer special assessment districts in outlying service basins is published.

#### **ATTACHMENTS**

Section 1.3 of MWSD's Policies, Procedures and General Design Guidelines

Illustrations of property having existing sanitary sewer infrastructure but not being annexable under current State of Tennessee law



## CONTRACT

This Contract made and entered into on this the 5<sup>th</sup> day of December, 2000, by and between **CITY OF MURFREESBORO**, a municipal corporation located in Rutherford County, Tennessee, hereinafter referred to as "City" and **CHARLES FARRER and FRED FARRER**, citizens of Murfreesboro, Rutherford County, Tennessee, hereinafter referred to as "Farrer Brothers";

### WITNESSETH

**WHEREAS**, Farrer Brothers own property at the Buchanan Interchange at I-24 in Rutherford County, Tennessee ("Buchanan Interchange") and desire to develop their property to City standards with City sanitary sewer; and

**WHEREAS**, the City is interested in extending a sewer trunk line to the Buchanan Interchange so development between Elam Road Interchange and Buchanan Interchange will be on City sanitary sewer; and

**WHEREAS**, Farrer Brothers are willing to contribute to and guarantee the payment of a significant portion of the costs of extending a sewer trunk line to the Buchanan Interchange.

Now, therefore, for and in consideration of the mutual benefits accruing to the parties, the parties hereto agree to the following:

1. The City will extend the sanitary sewer trunk line from the proposed sewer pump station on the Stuart Maples' farm (associated with the development of sewer at the Elam Road Interchange) to the Buchanan Interchange and create a Buchanan Interchange Special Sanitary Sewer Assessment District ("BISSSA

District") providing for a minimum of One Thousand Dollars (\$1,000.00) per lot assessment fee.

2. Farrer Brothers agrees to the payment of Two Million Dollars (\$2,000,000.00) of the construction costs of the sewer trunk line from the Stuart Maples' sewer pump station to the Buchanan Interchange, to provide the necessary easements, and to provide a first lien Deed of Trust ("Deed of Trust") on approximately 130 acres of Farrer Brothers property known as the Lemon Farm to secure this obligation. The Two Million Dollar (\$2,000,000.00) guaranteed payment from Farrer Brothers will be for twenty (20) years and payable at a minimum of one hundred (100) lots One Hundred Thousand Dollars (\$100,000.00) per year. (See section 6 dealing with the two percent (2%) administration fee.) The Deed of Trust shall be in place before the City lets the contract for the construction of the sewer trunk line and shall remain during the Payment Period. The Payment Period shall begin with substantial completion of the construction of the Buchanan Interchange sewer trunk line. Should Farrer Brothers make payment of the One Thousand Dollar (\$1,000.00) assessment fee for more than one hundred (100) lots in any year, the overpayment shall be credited to the next year's obligation. The Farrer Brothers' assessment per lot shall be that established for the BISSSA District.
3. Should other developers/builders/owners connect to the BISSSA District sewer trunk line and pay the special assessment, the total amount of the BISSSA District assessment so paid shall be credited to the Farrer Brothers' obligation and shall reduce the amount due from Farrer Brothers at their next annual

installment. The BISSSA District shall be developed in the same manner as similar special sanitary sewer assessment districts.

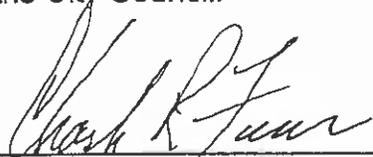
4. As payments are received from development in the BISSSA District, the acreage subject to the lien of the Deed of Trust may be reduced.
5.
  - a) At the end of the twenty (20) year Payment Period, and payment of Two Million Dollars (\$2,000,000.00) on the BISSSA District from all developers within the District, an analysis shall be made of the number of lots developed by Farrer Brothers and on which the BISSSA District assessment fee was paid by Farrer Brothers and should there be greater payments by Farrer Brothers than One Thousand Dollars (\$1,000.00) for each lot developed by Farrer Brothers, Farrer Brothers shall be reimbursed same after the twenty (20) year period as funds are collected from the BISSSA District for a period of an additional ten (10) years or until any overpayment is recouped by Farrer Brothers, whichever is sooner. Any recoupment by Farrer Brothers shall be paid semi-annually.
  - b) Overpayment is defined as payments by Farrer Brothers to the BISSSA District fund, less the number of lots developed by Farrer Brothers in the BISSSA District multiplied by One Thousand Dollars (\$1,000.00). Should Farrer Brothers develop two thousand (2,000) or more lots in the BISSSA District, there shall be no recoupment.
  - c) Any development by Farrer Brothers subject to the BISSSA District Assessment after the Payment Period and before the City has recouped all its investment in the BISSSA District, shall be subject to the same assessment fee as others in the BISSSA District at that time. If both the City and Farrer

Brothers have not recouped all due each, Farrer Brothers shall recoup their sum first, and then the City

d) For purposes of this agreement, it is understood that should Farrer Brothers develop commercial or industrial property in the BISSSA District, the assessment fee shall be based on the single family equivalency and this equivalency shall be used in all calculations.

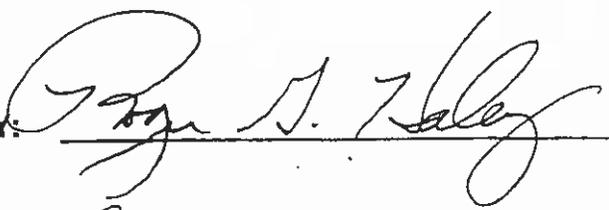
6. For purposes of payment and recoupment, Farrer Brothers shall not receive any credit for two percent (2%) administration fee of the BISSSA District assessment fees deducted by the Water and Sewer Department from the BISSSA fund. The two percent (2%) administration fee shall be paid to the City Water and Sewer Department for administration of the BISSSA District. The two percent (2%) administration fee shall be collected by the City on the per lot assessment fee, but not on the shortfall payment made by Farrer Brothers, if any.
- 7 a) Farrer Brothers agrees to cooperate with the City and exercise their best efforts to have their property incorporated into the City's Urban Growth Boundary and into the corporate limits of the City and hereby waives all rights to contest annexation and inclusion into the City's Urban Growth Boundary, and to obtain the written agreement of their successors and assigns. Farrer Brothers agrees to execute a short agreement suitable for recording encumbering their property located within the BISSSA District which is presently owned or later acquired, so subsequent owners will be informed of this agreement, which runs with the land.

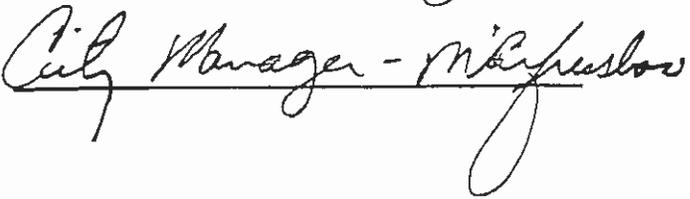
- b) Farrer Brothers understand that until the property is annexed into the City limits, the sewer rates are higher for out of City customers.
- 8. Farrer Brothers agrees to develop their property in the BISSSA District to City standards and in accordance with the City's subdivision regulations, as amended, prior to annexation into the City.
- 9. This Contract may be terminated by Farrer Brothers if (i) the engineering design contract is not executed within thirty (30) days; (ii) the job advertised within forty-five (45) days of completion of the design and receipt of all required review; (iii) the contract to construct entered within thirty (30) days of opening bids; and (iv) Notice to Proceed within fifteen (15) days of execution of Contract.
- 10. This Contract is binding upon the heirs, successors and assigns of the parties.
- 11. This Contract is subject to approval of the City Council.

  
\_\_\_\_\_  
Charles Farrer

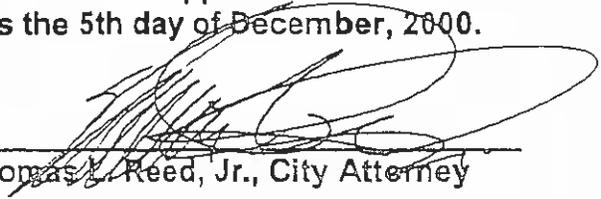
  
\_\_\_\_\_  
Fred Farrer

**CITY OF MURFREESBORO**

BY:   
\_\_\_\_\_

ITS:   
\_\_\_\_\_

This Contract approved as to form on  
this the 5th day of December, 2000.



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Thomas L. Reed, Jr., City Attorney



## REGULAR AGENDA

October 6, 2016

Honorable Mayor and Members of the City Council:

**RE: Approve Contract with Energy Systems Group (ESG) for Energy Conservation and Renovation Projects**

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### Summary Statement

The City is ready to enter a contract for the energy conservation retrofit of twenty-seven (27) City-owned buildings with Energy Systems Group (ESG) of Evansville, Indiana. The cost of the project is \$8,084,884 and is funded through the savings in energy costs in the various operating budgets for the 27 buildings. In addition to the payback of the energy saving improvements, further savings have been targeted for major building improvements. The largest project is the complete remodeling of the St. Clair Street Senior Center at over \$2,287,000, while the smallest is Fire Station 3 on Mercury Boulevard at \$26,400.

### Background

For over twenty years, school systems and local governments have been engaged in sustainable building projects aimed at energy conservation measures that are not only self-supporting, but provide additional dollars to improve the work and educational environment. Murfreesboro City Schools has now completed three such projects.

To begin an energy conservation project, the City issued a Request for Proposal (RFP) for firms engaged in this type of work. Nine different firms proposed, with staff choosing three finalists to interview for the engagement. From those three, staff recommended ESG to City Council in June 2015, with Council approving a contract to begin the process on September 17, 2015 (ESG is also the selected provider of the same service to City Schools).

During the following months, employees of ESG, accompanied by City staff, completed a detailed review of each building, its mechanical and plumbing systems and the energy bills for over a two-year period. From this, ESG prepared a detailed scope of work and costs for the project. The City's instructions to ESG were that the project should have approximately a ten-year payback and that several building improvements beyond energy savings were priorities. The detailed scope of work is attached to this letter and is incorporated as part of the contract between the City and ESG.

Improvements for energy efficiency fell into four broad categories: HVAC and Control Systems; Lighting; Water Conservation; and the Building Envelope.

Administration Department

111 West Vine Street \* PO 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)

HVAC and Control Systems	\$4,145,771
Lighting	\$1,732,846
Water Conservation	\$695,460
Building Envelope	\$1,510,807
	\$8,084,884

Significant projects on individual buildings include the energy savings retrofit and the complete remodeling of the St. Clair Senior Center. Many things were discovered about the Senior Center building during the analysis phase of the project. In 1982, the St. Clair opened as a newly constructed 5,000 sq. ft. facility at 325 St. Clair Street. The structure is a standard metal building with brick façade. Due to the steadily increasing numbers, programs, activities, and individuals served, two expansions have added an additional 24,200 sq. ft. of space to the facility: 3,200 sq. ft. in 1986 and 21,000 sq. ft. in 1999.

The budget for St. Clair Senior Center is \$2,287,000. Most significant is that the HVAC system, which is over 20 years old and at the end of its service life, did not incorporate outside air in the ventilation of the building and has inadequate controls over the system. Over \$1,658,000 of the budget goes to replace the HVAC equipment with state of the art Variable Refrigerant Flow (VRF) technology, install new ductwork and a modern control system which will allow individual rooms in the building to be temperature controlled based on that rooms use.

Additionally, new paint, wall coverings, flooring and furniture will present a “like new” appearance to the Center. The Registration Kiosk is being relocated to the entrance of the building with new gathering spaces at the front and in the center where the Registration Kiosk was previously located. There is also a new security system being installed that will provide positive control to the nearly 40 doors to the building.

Patterson Park Community Center is scheduled for \$1,266,400 in improvements to include a new Direct Digital Control system (DDC) that will allow for remote operation of the utility settings in the building, new energy efficient boilers for heating the pool, LED lighting throughout the building, the elimination of liquid chlorine use in the pool through installation of bleach system and other improvements.

City Hall and the Parking Garage are scheduled for LED lighting replacements throughout both buildings, replacement of most of the windows in City Hall with high-efficiency dual pane thermal glass, new DDC controls and other improvements at a budget of \$1,251,771.

The joint Fire Administration / Water-Sewer Engineering building is set for the replacement of the HVAC system with state of the art VRF equipment, new DDC controls, window replacement with high-efficiency dual pane thermal glass and some interior wall relocations at a budget of \$955,328.

Sports\*Com is targeted for \$779,161 in improvements through replacement of the elimination of liquid chlorine use in both the indoor and outdoor pools through installation of bleach generation systems, LED lighting throughout the building, installation of variable speed drives on the

pumps used for both pools, new energy efficient boilers for heating the pool and other improvements.

All ten Fire Stations and twelve other buildings are planned for improvements such as additional insulation, LED lights, control systems and water conservation measures.

### **Fiscal Impact**

The adopted Capital Improvement Plan (CIP) funded \$2,500,000 in the most recent bond issue for the beginning of the energy conservation projects. There is additional CIP funding for other project aspects such as the Senior Center remodeling (\$550,000) and Parks and Recreation buildings. ESG applied and the City has been awarded a grant from the Tennessee Valley Authority for over \$250,000 to complete the work. The additional \$5,700,000 funding required to complete all the projects would be budgeted in next year's CIP and bond issues.

The energy savings from the improvements will free up currently budgeted dollars for utilities to be used to pay for the additional principal and interest required to service the debt. Therefore, there is no direct budget impact from completing these improvements. Currently, the projects are conservatively projected to fully payback the investment in 12.4 years.

### **Recommendation**

It is recommended that City Council approve a contract with Energy Systems Group for energy conservation and other improvements to 27 City-owned buildings at a cost of \$8,084,884. Funding for the project is derived from the energy savings created through the improvements to building. The current CIP includes \$2,500,000 in the 2016 bond issue. The additional issuance of up to \$5,700,000 in bond financing will be required in the next bond issue.

Sincerely,

James H. Crumley  
Assistant City Manager

**City of Murfreesboro, TN - ECM Improvement List**

FACILITY SCOPE OF WORK	TOTAL	HVAC/ CONTROLS		LIGHTING		WATER/ POOLS		WINDOWS/ ENVELOP		TOTAL	SIMPLE
	BLDG COST	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	SVGS/ YR	PAYBACK
<b>Bradley Academy Museum</b>	<b>\$31,058</b>	\$17,977	\$1,183	\$7,124	\$950	\$5,957	\$718	\$0	\$0	\$2,850	10.9
LED Lighting Improvements											
Water Conservation Improvements											
Install New DDC control system											
<b>City Hall / Parking Garage</b>	<b>\$1,251,770</b>	\$190,816	\$12,554	\$595,120	\$79,349	\$30,667	\$3,695	\$435,167	\$18,439	\$114,037	11.0
LED Lighting Improvements											
Lighting Controls											
Water Conservation Improvements											
Ice Machine Heat Recovery											
New DDC Control System											
HVAC refrigerant system optimization											
Building Envelope – Door Seals											
Replace existing windows with new high efficiency commercial units											
UV Lighting for evaporator coil cleaning – (4) Systems											
<b>Fire Dept. Administration / Water &amp; Sewer Engineering</b>	<b>\$955,325</b>	\$549,336	\$36,141	\$22,171	\$2,956	\$8,377	\$1,009	\$375,441	\$15,909	\$56,014	17.1
LED Lighting Improvements											
Lighting Controls											
Water Conservation Improvements											
Install new VRF heat recovery HVAC System											
Install new dedicate outside air ventilation system											
Integrate VRF System Controls to central network											
DDC control of new dedicated outside air units											
Building Envelope – Door Seals											
Replace existing windows with new high efficiency commercial units											
<b>Fire Dept. HQ</b>	<b>\$49,840</b>	\$15,091	\$993	\$11,456	\$1,527	\$8,690	\$1,047	\$14,603	\$619	\$4,186	11.9
LED Lighting Improvements											
Water Conservation Improvements											
WIFI Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals includes overhead doors											
Reflective Window Film on West Facing Overhead Doors											
UV Lighting for evaporator coil cleaning – (2) Systems											
<b>Fire Dept. #2</b>	<b>\$51,512</b>	\$7,687	\$506	\$23,030	\$3,071	\$8,050	\$970	\$12,745	\$540	\$5,086	10.1
LED Lighting Improvements											
Water Conservation Improvements											
Ice Machine Heat Recovery											
WIFI Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
Reflective Window Film on East and West Facing Overhead Doors											
UV Lighting for evaporator coil cleaning – (2) Systems											
<b>Fire Dept. #3</b>	<b>\$26,456</b>	\$6,172	\$406	\$3,996	\$533	\$3,336	\$402	\$12,952	\$549	\$1,890	14.0
LED Lighting Improvements											
Water Conservation Improvements											
Ice Machine Heat Recovery											
WIFI Thermostats											
HVAC refrigerant system optimization											
Add insulation to minimize heat loss / gain in living area											
Building Envelope – Door Seals, includes overhead doors											
Reflective Window Film on Southeast Facing Overhead Doors											
UV Lighting for evaporator coil cleaning – (1) System											
<b>Fire Dept. #5</b>	<b>\$54,281</b>	\$7,687	\$506	\$34,070	\$4,543	\$5,686	\$685	\$6,838	\$290	\$6,023	9.0
LED Lighting Improvements											
Water Conservation Improvements											

**City of Murfreesboro, TN - ECM Improvement List**

FACILITY SCOPE OF WORK	TOTAL	HVAC/ CONTROLS		LIGHTING		WATER/ POOLS		WINDOWS/ ENVELOP		TOTAL	SIMPLE
	BLDG COST	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	SVGS/ YR	PAYBACK
WiFi Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
Reflective Window Film on South Facing Overhead Doors											
UV Lighting for evaporator coil cleaning – (2) Systems											
<b>Fire Dept. #6</b>	<b>\$37,169</b>	<b>\$9,177</b>	<b>\$604</b>	<b>\$15,811</b>	<b>\$2,108</b>	<b>\$4,610</b>	<b>\$555</b>	<b>\$7,571</b>	<b>\$321</b>	<b>\$3,588</b>	<b>10.4</b>
LED Lighting Improvements											
Water Conservation Improvements											
Ice Machine Heat Recovery											
WiFi Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
Building Envelope – Roof / Wall Joint sealing with spray foam											
UV Lighting for evaporator coil cleaning – (2) Systems											
<b>Fire Dept. #7</b>	<b>\$35,164</b>	<b>\$7,809</b>	<b>\$514</b>	<b>\$15,936</b>	<b>\$2,125</b>	<b>\$5,710</b>	<b>\$688</b>	<b>\$5,709</b>	<b>\$242</b>	<b>\$3,568</b>	<b>9.9</b>
LED Lighting Improvements											
Water Conservation Improvements											
WiFi Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
UV Lighting for evaporator coil cleaning – (2) Systems											
<b>Fire Dept. #8</b>	<b>\$36,354</b>	<b>\$7,809</b>	<b>\$514</b>	<b>\$16,412</b>	<b>\$2,188</b>	<b>\$6,915</b>	<b>\$833</b>	<b>\$5,218</b>	<b>\$221</b>	<b>\$3,756</b>	<b>9.7</b>
LED Lighting Improvements											
Water Conservation Improvements											
Ice Machine Heat Recovery											
WiFi Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
Reflective Window Film on Southeast Facing Overhead Doors											
UV Lighting for evaporator coil cleaning – (2) Systems											
<b>Fire Dept. #9</b>	<b>\$38,167</b>	<b>\$7,930</b>	<b>\$522</b>	<b>\$16,172</b>	<b>\$2,156</b>	<b>\$6,822</b>	<b>\$822</b>	<b>\$7,243</b>	<b>\$307</b>	<b>\$3,807</b>	<b>10.0</b>
LED Lighting Improvements											
Water Conservation Improvements											
WiFi Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
Reflective Window Film on South Facing Overhead Doors											
UV Lighting for evaporator coil cleaning – (2) Systems											
<b>Fire Dept. #10</b>	<b>\$46,473</b>	<b>\$7,930</b>	<b>\$522</b>	<b>\$25,747</b>	<b>\$3,433</b>	<b>\$6,890</b>	<b>\$830</b>	<b>\$5,906</b>	<b>\$250</b>	<b>\$5,035</b>	<b>9.2</b>
LED Lighting Improvements											
Water Conservation Improvements											
WiFi Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
Reflective Window Film on West Facing Overhead Doors											
UV Lighting for evaporator coil cleaning – (2) Systems											
<b>Fleet Services &amp; Solid Waste Campus</b>	<b>\$355,866</b>	<b>\$65,366</b>	<b>\$4,300</b>	<b>\$264,358</b>	<b>\$35,248</b>	<b>\$12,254</b>	<b>\$1,476</b>	<b>\$13,888</b>	<b>\$588</b>	<b>\$41,613</b>	<b>8.6</b>
LED Lighting Improvements											
Lighting Controls – Included Above											
Water Conservation Improvements											
Ice Machine Heat Recovery											
New DDC Control System Fleet Services											
New DDC Control System Solid Waste											
Building Envelope											
Building Envelope – Roof / Wall Joint sealing with spray foam											
UV Lighting for evaporator coil cleaning – (2) Systems – Solid Waste building only											
<b>McFadden Community Center</b>	<b>\$148,079</b>	<b>\$68,241</b>	<b>\$4,490</b>	<b>\$53,586</b>	<b>\$7,145</b>	<b>\$9,328</b>	<b>\$1,124</b>	<b>\$16,924</b>	<b>\$717</b>	<b>\$13,475</b>	<b>11.0</b>

**City of Murfreesboro, TN - ECM Improvement List**

FACILITY SCOPE OF WORK	TOTAL	HVAC/ CONTROLS		LIGHTING		WATER/ POOLS		WINDOWS/ ENVELOP		TOTAL	SIMPLE
	BLDG COST	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	SVGS/ YR	PAYBACK
LED Lighting Improvements											
Lighting Controls											
Water Conservation Improvements											
New DDC Control System											
Move the walk in cooler and freezer condensing units out of the occupied space and outside											
HVAC refrigerant system optimization											
Install (2) de-stratification fans in gym											
Building Envelope – Door Seals											
Building Envelope – Roof / Wall Joint sealing with spray foam											
UV Lighting for evaporator coil cleaning – (9) Systems											
<b>Old Fort Golf Course</b>	<b>\$166,542</b>	<b>\$105,531</b>	<b>\$6,943</b>	<b>\$43,360</b>	<b>\$5,781</b>	<b>\$9,663</b>	<b>\$1,164</b>	<b>\$7,988</b>	<b>\$338</b>	<b>\$14,227</b>	<b>11.7</b>
LED Lighting Improvements											
Lighting Controls											
Water Conservation Improvements											
WiFi Thermostats											
Replace (3) split system heat pumps and (1) packaged heat pump HVAC system											
Building Envelope – Door Seals											
Install Reflective Window Film											
UV Lighting for evaporator coil cleaning – (4) Systems for new HVAC equipment											
<b>Old Solid Waste Building (630 West Main)</b>	<b>\$49,788</b>	<b>\$3,067</b>	<b>\$202</b>	<b>\$23,820</b>	<b>\$3,176</b>	<b>\$18,083</b>	<b>\$2,179</b>	<b>\$4,818</b>	<b>\$204</b>	<b>\$5,761</b>	<b>8.6</b>
LED Lighting Improvements											
Water Conservation Improvements											
Building Envelope – Door Seals, includes overhead doors											
UV Lighting for evaporator coil cleaning – (2) Systems											
<b>Patterson Park Community Center</b>	<b>\$1,266,394</b>	<b>\$884,154</b>	<b>\$58,168</b>	<b>\$227,931</b>	<b>\$30,391</b>	<b>\$131,676</b>	<b>\$15,865</b>	<b>\$22,633</b>	<b>\$959</b>	<b>\$105,382</b>	<b>12.0</b>
LED Lighting Improvements											
Lighting Controls											
Water Conservation Improvements											
Sodium Hypochlorite Generator for Pool – Eliminate Liquid Chlorine											
Ice Machine Heat Recovery											
Full DDC Control System Replacement											
Replace existing building heating boilers with new condensing boilers											
Replace Cooling Tower Fan Motor											
Repair refrigerant leak in lower suction elbow of chiller											
Install new mini split HVAC unit for pool office											
Install (4) de-stratification fans in larger gym											
Install (4) de-stratification fans in smaller gym											
Building Envelope – Door Seals											
Building Envelope – Roof / Wall Joint sealing with spray foam – Included Above											
UV Lighting for evaporator coil cleaning – (9) Systems											
<b>Police Special Operations</b>	<b>\$134,688</b>	<b>\$118,783</b>	<b>\$7,815</b>		<b>\$0</b>	<b>\$4,933</b>	<b>\$594</b>	<b>\$10,972</b>	<b>\$465</b>	<b>\$8,874</b>	<b>15.2</b>
Water Conservation Improvements											
New DDC Control System											
Install new packaged HVAC unit for the workout area – Bay 2											
Install new heating system for vehicle storage – Bay 3 – Included Above											
Install backup mini split for armory room – Included Above											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
Building Envelope – Roof / Wall Joint sealing with spray foam – Included Above											
UV Lighting for evaporator coil cleaning – (4) existing systems and (1) new packaged unit											
<b>Senior Citizen Center</b>	<b>\$2,287,410</b>	<b>\$1,684,953</b>	<b>\$110,852</b>	<b>\$86,350</b>	<b>\$11,513</b>	<b>\$26,505</b>	<b>\$3,193</b>	<b>\$489,602</b>	<b>\$20,746</b>	<b>\$146,305</b>	<b>15.6</b>
LED Lighting Improvements											
Water Conservation Improvements											
Ice Machine Heat Recovery											
Install new VRF heat recovery HVAC system											
Install (2) new dedicated outside air ventilation systems – Included Above											
Integrate control of New VRF system in central network											
DDC control of dedicated outside air units – Included above											

**City of Murfreesboro, TN - ECM Improvement List**

FACILITY	TOTAL	HVAC/ CONTROLS		LIGHTING		WATER/ POOLS		WINDOWS/ ENVELOP		TOTAL	SIMPLE
SCOPE OF WORK	BLDG COST	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	SVGS/ YR	PAYBACK
Building Envelope – Door Seals											
Install Vestibule over South Entrance											
New Paint, Carpet, and Tile											
Install new security system											
Relocate Check in desk from central location to Main (North) entrance											
<b>Sports COM</b>	<b>\$779,158</b>	<b>\$259,385</b>	<b>\$17,065</b>	<b>\$157,725</b>	<b>\$21,030</b>	<b>\$349,861</b>	<b>\$42,152</b>	<b>\$12,187</b>	<b>\$516</b>	<b>\$80,763</b>	<b>9.6</b>
LED Lighting Improvement											
Water Conservation Improvements											
Sodium Hypochlorite Generator for outdoor Pool – Eliminate Liquid Chlorine											
Sodium Hypochlorite Generator for indoor Pool – Eliminate Liquid Chlorine											
Variable Speed Drives for pool circulation pumps – outdoor pool only											
Ice Machine Heat Recovery											
Replace the existing pool boiler with new condensing boiler											
HVAC refrigerant system optimization											
Install (4) de-stratification fans in gym											
Building Envelope – Door Seals											
UV Lighting for evaporator coil cleaning – (12) Systems											
Program schedule into existing DDC system											
<b>Star Plex</b>	<b>\$42,012</b>	<b>\$24,764</b>	<b>\$1,629</b>		<b>\$0</b>		<b>\$0</b>	<b>\$17,248</b>	<b>\$731</b>	<b>\$2,360</b>	<b>17.8</b>
HVAC refrigerant system optimization											
Add Insulation to minimize heat loss / gain											
Building Envelope – Door Seals											
UV Lighting for evaporator coil cleaning – (4) Systems											
New DDC Controls											
<b>Street Department</b>	<b>\$63,808</b>	<b>\$10,739</b>	<b>\$707</b>	<b>\$25,288</b>	<b>\$3,372</b>	<b>\$24,097</b>	<b>\$2,903</b>	<b>\$3,684</b>	<b>\$156</b>	<b>\$7,138</b>	<b>8.9</b>
LED Lighting Improvements											
Lighting Controls											
Water Conservation Improvements											
Replace water cooled ice machine with air cooled											
Ice Machine Heat Recovery											
WIFI Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
UV Lighting for evaporator coil cleaning – (1) System											
<b>Urban Environmental Campus</b>	<b>\$51,738</b>	<b>\$15,196</b>	<b>\$1,000</b>	<b>\$24,911</b>	<b>\$3,321</b>	<b>\$7,340</b>	<b>\$884</b>	<b>\$4,291</b>	<b>\$182</b>	<b>\$5,387</b>	<b>9.6</b>
LED Lighting Improvements											
Lighting Controls											
Water Conservation Improvements											
Ice Machine Heat Recovery											
WIFI Thermostats											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
UV Lighting for evaporator coil cleaning – (1) System											
<b>Water &amp; Sewer Administration (Billing)</b>	<b>\$74,896</b>	<b>\$44,529</b>	<b>\$2,930</b>	<b>\$23,727</b>	<b>\$3,164</b>		<b>\$0</b>	<b>\$6,640</b>	<b>\$281</b>	<b>\$6,374</b>	<b>11.7</b>
LED Lighting Improvements											
Lighting Controls											
New DDC Control System											
HVAC refrigerant system optimization											
Building Envelope – Door Seals											
Building Envelope – Roof / Wall Joint sealing with spray foam – Included Above											
UV Lighting for evaporator coil cleaning – (9) Systems											
<b>Water &amp; Sewer Operations</b>	<b>\$50,936</b>	<b>\$25,674</b>	<b>\$1,689</b>	<b>\$14,735</b>	<b>\$1,965</b>		<b>\$0</b>	<b>\$10,527</b>	<b>\$446</b>	<b>\$4,100</b>	<b>12.4</b>
LED Lighting Improvements											
Lighting Controls											
New DDC Control System											
HVAC refrigerant system optimization											
Building Envelope – Door Seals, includes overhead doors											
UV Lighting for evaporator coil cleaning – (2) Systems											

**City of Murfreesboro, TN - ECM Improvement List**

FACILITY	TOTAL	HVAC/ CONTROLS		LIGHITNG		WATER/ POOLS		WINDOWS/ ENVELOP		TOTAL	SIMPLE
SCOPE OF WORK	BLDG COST	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	COST	SVGS/ YR	SVGS/ YR	PAYBACK
	\$8,084,884	\$4,145,803	\$272,750	\$1,732,836	\$231,045	\$695,450	\$83,789	\$1,510,795	\$64,017	\$651,601	12.4



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

October 13, 2016

Members of City Council

**RE: Recommended Re-Appointment – Pension Committee**

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**Board Re-Appointment**

As an item for tonight's City Council agenda, I am recommending the re-appointment of Mark McCluskey to the Pension Committee.

Sincerely,

A handwritten signature in blue ink that reads "Shane McFarland".

Shane McFarland  
Mayor



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

October 13, 2016

Members of City Council

**RE: Recommended Appointment – Greenway Projects Committee**

**Appointment**

As an item for tonight's City Council agenda, I am recommending the appointment of Mr. Lamar Dixon to the Greenway Projects Committee to fill the vacancy of Dr. Martin McCullough.

Sincerely,

A handwritten signature in blue ink that reads "Shane McFarland". The signature is written in a cursive style with a small mark below the name.

Shane McFarland  
Mayor