

June 30, 2022

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 6:00 p.m. on Thursday, June 30, 2022, with Mayor Shane McFarland present and presiding and with the following Council Members present and in attendance, to wit:

Madelyn Scales Harris  
Rick LaLance  
Ronnie Martin  
Bill Shacklett  
Kirt Wade  
Shawn Wright

The following representatives of the City were also present:

Craig Tindall, City Manager  
Adam Tucker, City Attorney  
Jennifer Brown, City Recorder/  
Finance Director  
Darren Gore, Assistant City Manager  
Sam Huddleston, Executive Director/  
Development Services  
Mark Foulks, Chief of Fire Rescue  
Erin Tucker, Budget Director  
Nate Williams, Parks and Recreation Director  
Matthew Blomeley, Assistant Planning Director  
Scott Elliot, Project Manager

Mayor Shane McFarland commenced the meeting with a prayer followed by the Pledge of Allegiance.

The Consent Agenda was presented to the Council for approval:

1. FY22 City Manager Approved Budget Amendments (Finance)
2. Community Investment Program Funds Transfer (Finance)
3. Retail Liquor Certificate of Compliance Beer & Liquor Depot Ownership Change (Finance)
4. Fox Collection Agency Amendment (Judicial)
5. Purchase of Westlaw Subscription from Thomson Reuters (Legal)
6. Approval of State Maintenance Contract for FY23 (Street)
7. Asphalt and Concrete Purchase Report (Street)
8. Task Order for Cityworks Asset Management System (AMS) Implementation (Water Resources)

(Insert letters from Finance (3), Judicial, Legal, Street (2),  
& Water Resources (3) Departments here.)

Mr. LaLance made a motion to approve the Consent Agenda. Mr. Wade seconded the motion and all members of the Council present voted "Aye".

The following letter from the Budget Director was presented to the Council:

(Insert letter dated June 30, 2022 here with  
regards to Fiscal Year 2023 Tax Rate Ordinance.)

An ordinance, entitled "ORDINANCE 22-O-12 providing for the levy and collection of a tax for the year 2022 upon all property, real, personal and mixed, within and subject to the jurisdiction of the City of Murfreesboro that is now taxable under the laws and

Constitution of the State of Tennessee and the Charter of said City, and for the interest and costs to be added to such taxes after certain dates,” which passed first reading on June 23, 2022, was read to the Council and offered for passage on second and final reading, upon motion made by Mr. Wright, 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  
Ronnie Martin  
Bill Shacklett  
Kirt Wade  
Shawn Wright  
Shane McFarland

Nay: None

(Insert ORDINANCE 22-O-12 here.)

The following letter from the Assistant Planning Director was presented to the Council:

(Insert letter dated June 30, 2022 here with regards to amending the Zoning Ordinance [2022-802].)

An ordinance, entitled “ORDINANCE 22-O-13 amending Murfreesboro City Code Appendix A—Zoning, Sections 2, 7, 24, Chart 4, Chart 1 and Chart 1 Endnotes, dealing with alcohol manufacturing, City of Murfreesboro Planning Department, applicant [2022-802],” which passed first reading on June 23, 2022, was read to the Council and offered for passage on second and final reading, upon motion made by Mr. Martin, seconded by Mr. Shacklett. Upon roll call said ordinance was passed on second and final reading by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Ronnie Martin  
Bill Shacklett  
Kirt Wade  
Shawn Wright  
Shane McFarland

Nay: None

(Insert ORDINANCE 22-O-13 here.)

The following letter from the Assistant Planning Director was presented to the Council:

(Insert letter dated June 30, 2022 here with regards to rezoning of approximately 13.8 acres located at the southwest corner of Medical Center Parkway and Robert Rose Drive [2022-403].)

Mr. Matthew Blomeley, Assistant Planning Director, presented the recommendation of the Planning Commission to approve removing approximately 13.7 acres along Medical Center Parkway, Robert Rose Drive, and Maplegrove Drive from Mixed Use (MU) District and

Gateway Design Overlay One (GDO-1) District to Planned Unit Development (PUD) District, Commercial Highway (CH) District and Gateway Design Overlay One (GDO-1) District (Vintage Apartments and TDK Office PUD), went into detail about what the developer was proposing, and stated that the ordinance was deferred on first reading on June 23, 2022.

Council discussed the impact the project could have to the areas water and sanitary sewer basin as well as restrictions to growth in the City based on sanitary sewer capacity, and traffic concerns and planned improvements in the area.

An ordinance, entitled "ORDINANCE 22-OZ-017 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 13.7 acres along Medical Center Parkway, Robert Rose Drive, and Maplegrove Drive from Mixed Use (MU) District and Gateway Design Overlay One (GDO-1) District to Planned Unit Development (PUD) District, Commercial Highway (CH) District and Gateway Design Overlay One (GDO-1) District (Vintage Apartments and TDK Office PUD); TDK Construction, applicant [2022-403]," was read to the Council and offered for passage on first reading upon motion made by Mr. Wade, seconded by Mr. Martin. Upon roll call said ordinance was passed on first reading by the following vote:

Aye: Madelyn Scales Harris  
Ronnie Martin  
Bill Shacklett  
Kirt Wade  
Shawn Wright

Nay: Rick LaLance

Abstain: Shane McFarland

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

(Insert letter dated June 30, 2022 here with regards to Ordinance 22-O-24 Removal of Accessible Sewer Charges.)

Mr. Darren Gore, Assistant City Manager, presented the recommendation of the Water Resources Board to approve amending the Murfreesboro City Code, Chapter 33, Water Resources, Section 33-1, Water Resources rates & charges, regarding accessible sewer charges.

An ordinance, entitled "ORDINANCE 22-O-24 amending the Murfreesboro City Code, Chapter 33, Water Resources, Section 33-1, Water Resources rates & charges, regarding accessible sewer charges," was read to the Council and offered for passage on first reading upon motion made by Mr. Martin, seconded by Mr. Wade. Upon roll call said ordinance was passed on first reading by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance

Ronnie Martin  
Bill Shacklett  
Kirt Wade  
Shawn Wright  
Shane McFarland

Nay: None

The following letter from the Fire Chief was presented to the Council:

(Insert letter dated June 30, 2022 here with regards to revision of the Rutherford County Hazard Mitigation Plan.)

The following RESOLUTION 22-R-20 was read to the Council and offered for adoption upon motion made by Mr. LaLance, seconded by Vice-Mayor Scales Harris. Upon roll call said resolution was adopted by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Ronnie Martin  
Bill Shacklett  
Kirt Wade  
Shawn Wright  
Shane McFarland

Nay: None

(Insert RESOLUTION 22-R-20 adopting the 2022 Revision of the Rutherford County Hazard Mitigation Plan.)

The following letter from the City Attorney was presented to the Council:

(Insert letter dated June 30, 2022 here with regards to Resolution Ratifying Charter Amendment to Create Community Investment Trust.)

The following RESOLUTION 22-R-19 was read to the Council and offered for adoption upon motion made by Mr. Shacklett, seconded by Mr. LaLance. Upon roll call said resolution was adopted by the following vote:

Aye: Madelyn Scales Harris  
Rick LaLance  
Ronnie Martin  
Bill Shacklett  
Kirt Wade  
Shawn Wright  
Shane McFarland

Nay: None

(Insert RESOLUTION 22-R-19 ratifying Chapter 62 of the Private Acts of 2022 enacted by the 112th Session of the Tennessee General Assembly.)

The following letter from the Planning Director was presented to the Council:

(Insert letter dated June 30, 2022 here with regards to sewer allocation variance – 285 North Rutherford Boulevard – Albion Residential.)

Mr. Matthew Blomeley, Assistant Planning Director, presented the request to approve Albion Residential's request for additional density above the sewer allocation ordinance's zoning allowance. He stated that the proposed development will use approximately 13.5 sfu's more than the ordinance allows, but staff views the advantages of reduced sanitary

sewer usage and the investment into an aging multi-family property of greater benefit than the requested additional number of units above what is allowed by the ordinance.

Mr. LaLance made a motion to approve Albion Residential's request for additional density above the sewer allocation ordinance's zoning allowance. Mr. Martin seconded the motion and all members of the Council voted "Aye".

The following letter from the Project Manager was presented to the Council:

(Insert letter dated June 30, 2022 here with regards to Contract Approval - for ADA Upgrades – City Hall Parking Garage Sprinkler Renovation Phase 2.)

Mr. Scott Elliot, Project Manager, presented the request to approve the Construction Contract with Rice Construction Co., LLC, in the amount of \$533,470, funded from the CIP and with the County reimbursing the City for 31.5% of the project cost, for Phase 2 of the City Hall Parking Garage Sprinkler Renovation.

Mr. Shacklett made a motion to approve the Construction Contract with Rice Construction Co., LLC, in the amount of \$533,470, funded from the CIP and with the County reimbursing the City for 31.5% of the project cost, for Phase 2 of the City Hall Parking Garage Sprinkler Renovation. Vice-Mayor Scales Harris seconded the motion and all members of the Council voted "Aye".

Mayor McFarland announced that Item No. 17 on the Agenda, Amendment to the Restated Agreement for Conveyance of Real Estate with M-Tek, Inc. (Kasai North America), was to be pulled.

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

(Insert letter dated June 30, 2022 here with regards to Lease Termination and Release – 2140 North Thompson Lane.)

Mr. Craig Tindall, City Manager, presented the request to approve the Lease Termination and Release with Kenneth Fuston, Sr. in the amount of \$127,500, funded from the General Fund's Unforeseen and Contingency Budget, for buyout of the sole lease at the recently purchased property at 2140 North Thompson Lane.

Mr. Martin made a motion to approve the Lease Termination and Release with Kenneth Fuston, Sr. in the amount of \$127,500, funded from the General Fund's Unforeseen and Contingency Budget, for buyout of the sole lease at the recently purchased property at 2140 North Thompson Lane. Mr. Shacklett seconded the motion and all members of the Council voted "Aye".

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

(Insert letter dated June 30, 2022 here with regards to Development Agreement with Notes Live, Inc.)

Mr. Craig Tindall, City Manager, presented the request to approve the Development Agreement with Notes Live, Inc. for development of a major restaurant and entertainment complex, with no direct Operating or CIP Budget impact.

Council discussed concerns regarding traffic and the proximity to the hospital, concert noise and the proximity to the hospital, consideration of other venue locations, losing out on property tax for the parking lot portion of the development, trading the property away versus selling, and enforcement of the performance standards of the Development Agreement.

Mr. Wade made a motion to approve the Development Agreement with Notes Live, Inc. for development of a major restaurant and entertainment complex, with no direct Operating or CIP Budget impact. Mr. Shacklett seconded the motion, Vice-Mayor Scales Harris, Mr. LaLance, and Mr. Wright voted "Nay", Mr. Martin voted "Abstain" and all remaining members of the Council voted "Aye", resulting in the item failing to pass.

The following letter from the Executive Director of Development Services was presented to the Council:

(Insert letter dated June 30, 2022 here with regards to  
Community Development Fiscal Year 2023 Annual Action Plan.)

Mr. Sam Huddleston, Executive Director of Development Services, presented the request to approve the Community Development 2022-2023 Annual Action Plan, with grants totaling \$1,476,630 funding the Community Development Department's Fiscal Year 2023 Budget.

Vice-Mayor Scales Harris made a motion to approve the Community Development 2022-2023 Annual Action Plan, with grants totaling \$1,476,630 funding the Community Development Department's Fiscal Year 2023 Budget. Mr. LaLance seconded the motion and all members of the Council voted "Aye".

The following letter from the Parks and Recreation Director was presented to the Council:

(Insert letter dated June 30, 2022 here with regards to  
ClearSpan Fabric Structures Change Order No. 2 for Soccer Park.)

Mr. Nate Williams, Parks and Recreation Director, presented the request to approve Change Order No. 2 to the contract with ClearSpan Fabric Structures International, LLC in the amount of \$28,357, funded through the CIP Budget, for Electrical Revisions at the Richard Siegel Soccer Complex.

Vice-Mayor Scales Harris made a motion to approve Change Order No. 2 to the contract with ClearSpan Fabric Structures International, LLC in the amount of \$28,357, funded through the CIP Budget, for Electrical Revisions at the Richard Siegel Soccer

Complex. Mr. Martin seconded the motion, Mr. Wade and Mr. Wright voted "Nay", and all remaining members of the Council voted "Aye".

The following letter from the Solid Waste Director was presented to the Council:

(Insert letter dated June 30, 2022 here with regards to Purchase of Roll-Off Truck.)

Mr. Russell Gossett, Solid Waste Director, presented the request to approve the Contract with Williamson County, in the amount of \$32,000, funded from the Solid Waste Fixed Assets Account, for purchase of a used Mack Granit Roll Off Truck.

Vice-Mayor Scales Harris made a motion to approve the Contract with Williamson County, in the amount of \$32,000, funded from the Solid Waste Fixed Assets Account, for purchase of a used Mack Granit Roll Off Truck. Mr. Wright seconded the motion and all members of the Council present voted "Aye".

The City Recorder/Finance Director stated that there was no licensing nor any statements to consider.

Upon recommendation of Mayor McFarland, Mr. Shacklett made a motion to reappoint Mr. Charles Apigan (term expires June 30, 2024) to the Parks and Recreation Commission and to reappoint Ms. Sandra Trail (term expires June 30, 2026) to the Water Resources Board. Mr. Wright seconded the motion and all members of the Council voted "Aye".

Council Member Bill Shacklett invited everyone to attend the City's fireworks show "Celebration under the Stars" at the Fountains on July 4th, 2022.

There being no further business, Mayor McFarland adjourned this meeting at 8:11 p.m.

ATTEST:

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SHANE MCFARLAND - MAYOR

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JENNIFER BROWN - CITY RECORDER