MURFREESBORO CITY COUNCIL Workshop Meeting Agenda Airport Business Center – 11:30 AM April 10, 2025

Public Comment on Actionable Agenda Items

Action Items

- 1. Ordinance 23-O-30 Amending City Code, Chapter 4, Alcoholic Beverages (2nd Reading) (Finance)
- 2. MFRD Mobile Data Terminal Upgrades (Information Technology)
- 3. Resolution 25-R-12 Supporting the Central Tennessee Regional Solid Waste Planning Board (Council)

Workshop Items

- 4. City Schools Budget Preview (Schools)
- 5. Electronic Message Center-Sign Ordinance Update (Building Codes)
- 6. Water & Sewer Rate Design Review (Water Resources)
- 7. Solid Waste Fee Review (Administration)
- 8. Stormwater Fee Review (Administration)
- 9. General Fund Payroll Slippage Impact on Pro Forma (Administration)
- 10. CIP Transfers (Finance)
- 11. January & February 2025 Dashboard (Administration)

Board & Commission Appointments

Licensing

- 12. Beer Permit Revocation (Finance)
- 13. Beer Permits (Finance)

Payment of Statements

Other Business

Adjourn

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

 Item Title:
 Ordinance 23-O-30 Amending City Code, Chapter 4, Alcoholic Beverages (2nd Reading)

 Department:
 Finance

 Presented by:
 Erin Tucker, City Recorder/ Chief Financial Officer

 Requested Council Action:
 Ordinance Resolution

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Summary

Consider amending City Code Chapter 4, Alcoholic Beverages, including liquor, wine, and beer.

Motion

Direction

Information

Staff Recommendation

Approve Ordinance 23-O-30 on 2nd Reading, amending Murfreesboro City Code Chapter 4, Alcoholic Beverages, regarding certificates of compliance, deadlines for certificate holders and privilege tax.

Background Information

City staff recommends amendments to improve the administration of regulations imposed by Chapter 4 of the Murfreesboro City Code and to better align certain sections with Tennessee State law. Among other updates, this amendment creates a lottery system for awarding new certificates of compliance once a year as they are available, sets a deadline for certificate holders to apply for a State license, and updates provisions regarding the City's privilege tax. This amendment increase operational efficiency and clarify overall understanding for City staff and the general public. This ordinance was approved on first reading on October 17, 2024.

Council Priorities Served

Maintain public safety

The City's role in enforcing regulations regarding alcohol sales and consumption and consistency with Tennessee State law are supported with the City Code.

Fiscal Impact

Updates to the privilege tax are likely to generate a small increase in tax revenue.

Attachments

Ordinance 23-O-30

ORDINANCE 23-O-30 amending the Murfreesboro City Code, Chapter 4, Alcoholic Beverages, including liquor, wine and beer.

WHEREAS, City staff recommends several changes to improve the administration of the regulations imposed by Chapter 4, Alcoholic Beverages, of the Murfreesboro City Code; and,

WHEREAS, City staff recommends several non-substantive changes to Sections 4-2, 4-7, 4-10, 4-12, 4-15, 4-16, 4-17, 4-18, 4-19, 4-20, 4-22, 4-23, 4-31, 4-32, 4-34, 4-41, 4-42, 4-44, 4-53, 4-57, 4-58, 4-59, 4-60, 4-62, 4-63, 4-64, 4-65, 4-80, 4-81, 4-87, 4-88, 4-90 and 4-93 in order to make Chapter 4, Alcoholic Beverages, of the Murfreesboro City Code, more clear and accurate; and

WHEREAS, City Council finds that these recommendations are consistent with State law and the reasonable regulation of lawful economic activity.

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

<u>SECTION 1</u>. Chapter 4, Article I, Section 4-2 of the Murfreesboro City Code is amended at subsection (A), part (4) and (8), by deleting these parts in their entirety and in lieu thereof adopting the following:

Section 4-2 Terms defined.

- (A)(4) "Commission." The Tennessee Alcoholic Beverage Commission.
- (A)(8) "Place of Worship." A building with a principal use of regular religious worship that is maintained and controlled by a religious body organized to sustain public worship (e.g., church, mosque, temple, synagogue, and buildings of like description). This term shall not apply to any residence or any other property whose predominant use is commercial, office, or industrial in nature and has one or more spaces not used for regular religious worship, including, without limitation, horizontal property regimes, planned developments or other multi-tenant building or developments.

<u>SECTION 2</u>. Chapter 4, Article II, Section 4-7 of the Murfreesboro City Code is amended at subsections (C), (D), and (F) by deleting these subsections in their entirety and in lieu thereof adopting the following:

Section 4-7 Retail liquor certificate of compliance; initial application; approval.

- (C) To obtain a Retail Liquor Certificate of Compliance for any premises, whether the application be for the transfer of an existing license to a new location or for issuance of a new license, an applicant or applicant group must first:
 - (1) File a formal application with the City Recorder on a form provided by the City Recorder;
 - (2) Provide a criminal background history check, in the form required by the City Recorder on the following individuals:
 - (i) In the case of a sole proprietorship, partnership, limited liability company, or close corporation whose stock is not publicly traded, all individuals with at least a 5% ownership interest in the retail liquor store's business; or

- (ii) In the case of a publicly traded corporation, the executive officer responsible for the store's operations and each individual, if any, who owns at least 50% of the corporation's stock;
- (3) Provide proof to the City Recorder that the applicant has satisfied any and all applicable requirements that are now or may be imposed by the Commission on applicants for a retail liquor license:
- (4) Pay an inspection fee of \$100.00 to the City Recorder; and
- (5) Provide whatever additional and relevant information the City Recorder may reasonably require.
- (D) Applications for a Retail Liquor Certificate of Compliance shall be received and processed by the City Recorder as follows:
 - (1) Within a reasonably prompt time after making the report required by Section 4-10(D), the City Recorder shall publish online using the City website, and in a local newspaper of general circulation, for a period of three (3) consecutive calendar days, a notice that the City has an open certificate or certificates of compliance, equal to the total amount of retail liquor stores permitted by Section 4-10 less any previously approved certificates of compliance, for the operation of one or more retail liquor stores within the City, available to prospective applicants. The notice shall provide that prospective applicants may obtain a written application for a certificate of compliance from the City Recorder. The application form shall also be posted on the City website by the City Recorder for download by the public. The notice shall further provide that the City shall accept applications for a period of twenty (20) calendar days after the last date of publication of the notice, and no applications shall be accepted after that date for that application period.
 - (2) During the twenty (20) calendar days period specified above, the City shall accept all written applications for processing that are properly and fully completed and timely submitted during business hours at the City Recorder's office. It shall be the sole responsibility of the applicant to complete the application properly and fully and to timely submit the application.
 - Once an application has been submitted, the City Recorder shall review the criminal background history check and confer with the Murfreesboro Police Department and/or the City Attorney, as needed, to determine if the applicant has been convicted of a felony from any jurisdiction within a ten-year period immediately preceding the date of the application, and any other disqualifying factors as may be prescribed by state law. Any applications wherein the applicant has been found to have been convicted of same shall have their application denied and such applicant shall receive written notice of this finding and that their application has been denied by the City for that reason, or for any other reason prescribed by state law.
 - (4) The City Recorder shall refer the application to the Murfreesboro Planning Department, which shall conduct a review to determine if the applicant's proposed business location complies with the zoning, location, and distance restrictions for use as a retail liquor store. The results of the Planning Department zoning check shall be filed with the application and returned to the City Recorder for further processing.

- (5) If the number of applicants eligible for further processing after completion of the City Recorder's review is less than the number of open certificates of compliance that are available, then each applicant's application for a certificate of compliance shall be placed on the agenda by the City Recorder for the next regular meeting of the City Council to approve a certificate of compliance for each separate applicant location. At said next regular meeting the City Council shall consider each separate application which shall require a majority vote for approval.
- If the number of applicants eligible for further processing (6)exceeds the number of open certificates of compliance that are available, then each applicant's application for a certificate of compliance shall be considered based on a public lottery drawing. The City Recorder shall place on the agenda for the next regular meeting of the City Council an agenda item for a public lottery drawing pertaining to retail liquor store certificates of compliance, and listing the names of all applicants that are eligible for the public lottery drawing. Prior to said next regular session, the City Recorder shall prepare separate strips of paper of equal dimensions upon which the names of each applicant seeking a certificate of compliance is typed. Each strip of paper shall then be folded twice in the same manner for each strip of paper, and then placed into an opaque container from which the drawing shall be made. At the appropriate time at the next regular City Council meeting, the Mayor, or the Mayor's designee, shall draw from the opaque container without viewing the inside of the container a number of the strips of paper containing the typewritten names of the applicants that are equal to the number of open certificates of compliance that are available. Those applicants selected by public lottery shall then be the applicants accepted for consideration of the applicant's application for a certificate of compliance by the City Council.
- (7) In those circumstances where the provisions of subsection (D)(6) above applies, upon the conclusion of the public lottery drawing, each applicant selected during the public lottery drawing shall have their application for a certificate of compliance immediately considered at the same meeting as the public lottery drawing, by the City Council by separate vote for each selected applicant location, which shall require a majority vote for approval.
- (F) An applicant, once having fulfilled the requirements of this section and all other applicable laws and regulations entitling the applicant to have the application lawfully considered by Council, may be required to resubmit or further supplement the application in the event Council votes to defer action on the application to a later date; however, if Council denies or rejects the application, the applicant must submit a new application, pay another application fee, and otherwise comply with all terms of this section and all other applicable laws and regulations in order to have the applicant's request for a Retail Liquor Certificate of Compliance reconsidered by Council.

<u>SECTION 3</u>. Chapter 4, Article II, Section 4-8 of the Murfreesboro City Code is amended by deleting this section in its entirety and in lieu thereof adopting the following:

Section 4-8 Retail liquor certificate of compliance; term, expiration, continuing validity.

- (A) A certificate of compliance approved and issued in accordance with Section 4-7 shall expire and become void if the applicant to whom the certificate was granted fails to apply for a license from the Tennessee Alcoholic Beverage Commission by June 30 following the date of approval. The City Council may, upon written request of the applicant with a certification that the information contained in the application remains true and correct, extend the expiration date for one additional year, to the next July 31. If a certificate becomes void, no new certificate may be issued to the same applicant unless a new application is submitted, and all applicable requirements of this Article are met at the time the new application is received.
- (B) In the event an applicant whose application for a certificate has been approved, prior to obtaining their retail liquor store license from the Tennessee Alcoholic Beverage Commission, is subsequently convicted of any felony from any jurisdiction, said certificate shall automatically and immediate expire and become void.
- (C) Unless an expiration event occurs, a Retail Liquor Certificate of Compliance issued pursuant to Section 4-7 remains valid unless there is a change of ownership or location. If either of these events occurs, a new certificate must be obtained in compliance with the requirements of Section 4-7 prior to renewal of a state retail license.
- (D) Any certificate of compliance issued prior to November 1, 2024, shall remain valid until June 30, 2025. Any applicant holding a certificate issued prior to November 1, 2024, may request an extension in accordance with subsection (A), above.

<u>SECTION 4</u>. Chapter 4, Article II, Section 4-10 of the Murfreesboro City Code is amended at subsections (B) and (D) by deleting these subsections in their entirety and in lieu thereof, and adding new subsection (E), adopting the following:

Section 4-10 Retail liquor certificate of compliance; limited number.

- (B) Notwithstanding the limitation established in Section 4-10(A), the City Council shall issue one or more new certificates for purposes of facilitating the sale of any interest in any existing retail liquor store or the relocation of a retail liquor store's place of business within the City if the person or persons applying for any such certificate(s) satisfy the requirements of Section 4-7 and T.C.A. § 57-3-208.
- (D) Annually at the first meeting of City Council following the first day of July, the City Recorder shall report to City Council the total number of Retail Liquor Certificate of Compliance issued and the total number of Retail Liquor Certificate of Compliance available within the City as of that date.
- (E) In the event a certificate of compliance is surrendered, expires, is revoked, or otherwise becomes void, such certificate(s) shall not be considered available until such availability is reported by the City Recorder pursuant to subsection (D), above.

<u>SECTION 5</u>. Chapter 4, Article II, Section 4-12 of the Murfreesboro City Code is amended at subsections (C) and (D) by deleting these subsections in their entirety and in lieu thereof adopting the following:

Section 4-12 Wine certificate of compliance.

- (C) To obtain a Wine Certificate of Compliance for any premises, whether the application be for the transfer of an existing license to a new location or for issuance of a new license, an applicant or applicant group must first:
 - (1) File a formal application with the City Recorder on a form provided by the City Recorder;
 - (2) Provide a criminal background history, in the form required by the City Recorder on the following individuals:
 - (i) In the case of a sole proprietorship, partnership, limited liability company (except as provided in subsection (2)(iii)), or close corporation whose stock is not publicly traded, all individuals with at least a 10% ownership interest in the retail food store's business; or
 - (ii) In the case of a publicly traded corporation, the executive officer responsible for the store's operations and each individual, if any, who owns at least 50% of the corporation's stock; or
 - (iii) Notwithstanding subsection (2)(i), in the case of a limited liability company wholly owned (directly or indirectly) by one or more publicly traded corporations, the executive officer responsible for the store's operations;
 - (3) Pay an application fee of \$50.00 to the City Recorder, which fee shall be waived (or refunded) if the applicant also submits an application for a beer permit under Article III of this chapter within 60 days of applying for a Wine Certificate of Compliance; and
 - (4) Provide whatever additional and relevant information the City Recorder may reasonably require.
- (D) Upon receiving an application for a Wine Certificate of Compliance, the City Recorder shall review the application. Upon determining that the application meets the requirements of Section 4-10(C), the City Recorder shall present the application, along with the applicant's proposed Certificate of Compliance, to Council for consideration at the earliest possible meeting.

<u>SECTION 6</u>. Chapter 4, Article II, Section 4-15 of the Murfreesboro City Code is amended at subsection (A) by deleting this subsection in its entirety and in lieu thereof adopting the following:

Section 4-15 Full and accurate disclosure required.

(A) Each application for a Certificate of Compliance required pursuant to either Section 4-7 or Section 4-12 shall identify each individual who is to be in actual charge of the business and, if a corporation, each executive officer and each individual in control of the business. For the purposes of this section, an individual who owns at least 50% of the stock of a corporation is considered to be in control of the business.

SECTION 7. Chapter 4, Article II, Sections 4-16 and 4-17 of the Murfreesboro City Code are amended by deleting these sections in their entirety and in lieu thereof adopting the following:

Section 4-16 General restrictions on retailers and employees.

The restrictions and limitations on retailers and employees set forth in T.C.A. § 57-3-210 are incorporated in its entirety.

Section 4-17 Regulations for purchase and sale of alcoholic beverages.

It shall be unlawful for any person to violate T.C.A. §§ 57-3-404, 57-3-406, 57-3-412, 57-3-413, 57-3-807, 57-3-808, or 57-3-809, which are incorporated herein in their entirety.

<u>SECTION 8</u>. Chapter 4, Article II, Section 4-18 of the Murfreesboro City Code is amended at subsections (C) and (D) by deleting these subsections in their entirety and in lieu thereof adopting the following:

Section 4-18 Inspection fees.

- (C) Wholesalers making sales within the City shall collect the inspection fee from retail licensees at the time of sale or at the time any such retailer makes payment for the delivery of the alcoholic beverages or wine.
- (D) Each wholesaler making sales to a retail licensee within the City shall furnish the City Recorder on a monthly basis with a report containing the information required for such reports by T.C.A. § 57-3-503(a). The monthly report shall be furnished to the City Recorder within 20 days of the end of the month in which the sales were made. The inspection fees collected by the wholesaler from retail licensees within the City shall be paid to the City at the time the monthly report is made.

<u>SECTION 9</u>. Chapter 4, Article II, Sections 4-19, 4-20, 4-22 and 4-23 of the Murfreesboro City Code are amended by deleting these sections in their entirety and in lieu thereof adopting the following:

Section 4-19 Actions to recover unpaid fees.

Whenever any wholesaler fails to account for or pay the City Recorder any inspection fee imposed pursuant to Section 4-18, the City Recorder shall report the same to the City Attorney, and the City Attorney is hereby authorized to take appropriate action to recover such fee, including filing a civil action in Circuit or Chancery Court.

Section 4-20 Examination of books by city recorder.

The City Recorder is authorized to examine the books, papers and records of any licensee for the purpose of determining compliance with the provisions of this article and any provision of the Tennessee Code incorporated herein. Any refusal to permit the examination of any such books, papers, or records, or the investigation and examination of such premises, shall constitute sufficient reason for the revocation of a certificate of compliance.

Section 4-22 Articles not applicable to beer.

No provision of Article II or Ill of this chapter shall be considered or construed as in any way modifying, changing or restricting the rules and regulations governing the manufacture, sale, storage, transportation, or taxation of beer or other liquids regulated under Article IV of this chapter.

Section 4-23 Violations; penalty.

Any violation of the provisions of Article II shall constitute a misdemeanor and shall, upon conviction, be punishable as provided in City Code § 1-8. Upon conviction of any person under this article, it shall be mandatory for the City Judge to immediately certify said conviction whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission.

<u>SECTION 10</u>. Chapter 4, Article II, Section 4-24 of the Murfreesboro City Code is amended by adding a new subsection (D) to read as follows:

Section 4-24 Manufacture of alcoholic beverages allowed.

(D) The location restrictions set forth in Sections 4-11 and 4-31 of this Chapter shall not apply to the manufacturers of alcoholic beverages, including liquor, wine and high alcohol content beer.

<u>SECTION 11</u>. Chapter 4, Article III, Section 4-31 of the Murfreesboro City Code is amended at subsection (A) by deleting this subsection in its entirety and in lieu thereof adopting the following:

Section 4-31 Location restrictions.

(A) No business that sells any alcoholic beverages (other than beer as defined in Article I of this chapter) for consumption on the premises of the business shall be permitted where such business is physically located in any zone established by the City's Zoning Ordinance other than Commercial Local (CL) District; Commercial Fringe (CF) District, Highway Commercial (CH) District, Central Business District (CBD); Heavy Industrial (HI) District; Light Industrial (LI) District; Mixed Use (MU) District; Planned Commercial District (PCD); Planned Industrial District (PID); or Planned Unit District (PUD) with "restaurant" or "tavern" as a permitted use.

<u>SECTION 12</u>. Chapter 4, Article III, Sections 4-32, 4-33 and 4-34 of the Murfreesboro City Code are amended by deleting these sections in their entirety and in lieu thereof adopting the following:

Section 4-32 Regulations and prohibited practices.

It shall be unlawful for any person, firm or corporation holding a license to sell alcoholic beverages for consumption on the premises to violate the rules, regulations, and prohibited practices set forth in T.C.A. §§ 57-4-201 and 57-4-203, which are incorporated herein in their entirety.

Section 4-33 Privilege taxes.

- (A) Pursuant to T.C.A. § 57-4-301(b)(2), the City hereby levies the following privilege taxes, to be paid annually for municipal purposes as provided herein, upon any person who engages in the business of selling alcoholic beverages for consumption on the premises where such beverages are sold:
 - (1) Private club.....\$300.00
 - (2) Convention Center....\$500.00
 - (3) Premier type tourist resort.....\$1,500.00
 - (4) Historic performing arts center.....\$300.00
 - (5) Urban park center.....\$500.00
 - (6) Commercial passenger boat company.....\$750.00
 - (7) Historic mansion house site/Historic inn.....\$300.00
 - (8) Historic interpretive center....\$300.00
 - (9) Community theater....\$300.00
 - (10) Zoological institution....\$300.00
 - (11) Museum....\$300.00
 - (12) Establishment in a terminal building of a commercial air carrier airport.....\$1,000.00
 - (13) Commercial airline travel club.....\$500.00
 - (14) Public aquarium.....\$300.00
 - (15) Motor speedway.....\$1,000.00

- (16) Sports facility....\$1,000.00
- (17) Theater....\$300.00
- (18) Restaurant, according to seating capacity, on licensed premises:
 - (a) 40-74 seats.....\$650.00
 - (b) 75-125 seats....\$750.00
 - (c) 126-175 seats.....\$925.00
 - (d) 176-225 seats.....\$975.00
 - (e) 226-275 seats....\$1,100.00
 - (f) 275 seats and more.....\$1,200.00
- (19) Wine-only restaurant, according to seating capacity, on licensed premises:
 - (a) 40-125 seats....\$120.00
 - (b) 126-175 seats.....\$150.00
 - (c) 176-225 seats.....\$160.00
 - (d) 226-275 seats.....\$180.00
 - (e) 276 seats and more.....\$200.00
- (20) Caterers.....\$500.00
- (21) Hotels and motels.....\$1,000.00
- (22) Retirement center.....\$150.00
- (23) Civic arts center....\$150.00
- (24) Limited service restaurant, based on gross sales of prepared food:
 - (a) At least 30% of gross sales.....\$2,000.00
 - (b) At least 20% but not more than 30% of gross sales.....\$3,000.00
 - (c) At least 15% but not more than 20% of gross sales....\$4,000.00
 - (d) 0% but not more than 15% of gross sales.....\$5,000.00
- (25) Food hall.....\$1,250.00
- (26) Restricted retail business.....\$2,000.00
- (27) Commercial passenger bus.....\$1,250.00
- (B) A restaurant or hotel that also operates a catering business shall be required to pay both the caterer privilege tax and the restaurant or hotel privilege tax.
- (C) The taxes imposed pursuant to Section 4-33(A) shall be first payable on the date the Commission issues a liquor-by-the-drink license to the person engaging in the privilege and shall be prorated from said date of issuance until the next following October 1, at which time, a full year's taxes shall then be due and immediately payable.
- (D) If the initial privilege tax or any subsequent annual privilege tax is not paid within 30 days of when the tax is due, such tax shall be deemed delinquent, and interest on the amount due shall accrue at the rate of 1.5% per month until paid. Such interest shall accrue on the first day of each month following the date of delinquency.
- (E) All taxes and interest imposed by this section may be collected as other taxes payable to the City.
- (F) Should the licensee also hold a beer permit issued by the City, a failure to pay taxes under this section shall constitute grounds for suspension or revocation of the beer permit. Repeated violations of this section will constitute grounds for permanent revocation of a beer permit.
- (G) The terms used in this section shall have the meanings ascribed to them in Title 57 of the Tennessee Code, as such statutory definitions may be amended from time to time.

Section 4-34 Violations; penalty.

Any violation of the provisions of this article shall, upon conviction, be punishable as provided in City Code § 1-8. Upon conviction of any person under this article, it shall be mandatory for the City Judge to immediately certify said conviction, whether on appeal or not, directly to the Tennessee Alcoholic Beverage Commission.

<u>SECTION 13</u>. Chapter 4, Article IV, Division 1, Section 4-41 of the Murfreesboro City Code is amended at subsection (A), parts (9), (14) & (15) by deleting these parts in their entirety and in lieu thereof adopting the following:

Section 4-41 Definitions.

- (9) "Hearing Officer." An individual appointed by the City Council to adjudicate issues relating to the suspension or revocation of permits and/or the issuance of fines pursuant to this article.
- (14) "Responsible vendor." A vendor that has received certification from the Tennessee Alcoholic Beverage Commission pursuant to Title 87, Chapter 5, Part 6 of the Tennessee Code.
- (15) "Responsible vendor training program." A training program related to the responsible sale of beer for off-premises consumption that has met all the statutory and regulatory requirements set forth in Title 57, Chapter 5, Part 6 of the Tennessee Code and in the Tennessee Alcoholic Beverage Commission's rules and regulations.

<u>SECTION 14</u>. Chapter 4, Article IV, Division 1, Section 4-42 of the Murfreesboro City Code is amended at subsection (F) by deleting this subsection in its entirety and in lieu thereof adopting the following:

Section 4-42 Beer Board.

(F) Rules of procedure. The Board may adopt rules of procedure governing the applications for issuance of beer permits. Any hearing before the Board relating to the revocation or suspension of a permit or the imposition of a civil penalty shall be held in accordance with the requirements set forth in Division 3 of this article.

<u>SECTION 15</u>. Chapter 4, Article IV, Division 1, Section 4-44 of the Murfreesboro City Code is amended by deleting this section in its entirety and in lieu thereof adopting the following:

Section 4-44 Violations.

Except as otherwise provided in this article, any violation of this article or any provision of Title 57, Chapter 5 of the Tennessee Code shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under City Code § 1-8, in addition to or in lieu of any other penalty or remedy established in this article, including the suspension or revocation of a permit. Each day a violation shall be allowed to continue shall constitute a separate offense.

SECTION 16. Chapter 4, Article IV, Division 2, Section 4-51(A)(1) of the Murfreesboro City Code is amended by adding the following sentence to the end of the existing subsection: "This permit is subject to the applicable provisions set forth in the City's Zoning Ordinance."

SECTION 17. Chapter 4, Article IV, Division 2, Section 4-51(A)(3) of the Murfreesboro City Code is amended by adding the following sentence to the end of the existing subsection: "No off-premises retail permit shall be issued to a person who

holds, is in the process of obtaining or subsequently obtains, a limited-service restaurant license issued by the Tennessee Alcoholic Beverage Commission ("TABC"). The holder of an off-premises permit that subsequently obtains a limited-service restaurant license from TABC shall report the TABC license to the City and return the off-premises retail permit and submit the application for the appropriate beer permit; however, the City Recorder may waive the application fee."

SECTION 18. Chapter 4, Article IV, Division 2, Section 4-51(A)(5) of the Murfreesboro City Code is amended by adding the following sentence to the end of the existing subsection: "No combined retail permit shall be issued to any person unless the requirements for an off-premises and on-premises retail permit are met."

<u>SECTION 19</u>. Chapter 4, Article IV, Division 2, Section 4-51 of the Murfreesboro City Code is amended at subsection (A), part (6), by deleting this part in its entirety and in lieu thereof adopting the following:

Section 4-51 Classification of permits; permits restrictive as to class of beer business; grant of privilege.

- (A)(6) Special-event beer permit. A special-event beer permit authorizes a bona fide charitable or nonprofit organization to sell or distribute beer to be consumed on the premises of a public or private facility, only at such times at which the facility is either: (1) being leased or being used for entertainment or engagement by the organization for a special limited event; or (2) being used for a special fund-raising event which is by invitation only or for which an admission is charged.
 - (a) Each special-event beer permit shall set forth the specific date(s), time(s), and location(s) of the permitted sale or distribution of beer.
 - (b) Beer may not be sold or distributed between the hours of 12:00 A.M. and 8:00 A.M. on Saturdays and Sundays nor between the hours of 12:00 A.M. and 11:00 A.M. on all other days.
 - (c) No organization may receive a permit or a combination of specialevent beer permits covering more than 30 calendar days in a calendar year.
 - (d) One application may be used to obtain a permit for more than one event during the same calendar year if the application contains the information required for each event.

<u>SECTION 20</u>. Chapter 4, Article IV, Division 2, Section 4-52 of the Murfreesboro City Code is amended by deleting this section in its entirety and in lieu thereof adopting the following:

Section 4-52 Application for permit; fee.

- (A) The owner of any business or other entity desiring to sell, distribute, manufacture, or store beer within the City, or an authorized agent thereof, shall file a written application for the desired permit in person with the City Recorder. Applicants seeking multiple permits or multiple classes of permit must submit a separate application for each permit sought.
- (B) The written application shall be made on such form as the Board shall prescribe and furnish.
- (C) Each application for a permit, other than a special-event beer permit, shall be accompanied by a non-refundable application fee of \$250.00. Applications for special-event beer permits, including applications

- seeking a permit covering more than one event, shall be accompanied by a non-refundable application fee of \$50.00.
- (D) No completed application will be presented to the Board for consideration unless the City Recorder has had at least ten (10) days to review and process the application; provided, however, the Board may waive this requirement and consider a completed application if the Board deems such action appropriate under the circumstances.
- (E) The applicant shall certify that the applicant has read and is familiar with the provisions of this article.
- (F) An applicant shall disclose the following information in the application:
 - (1) Name of the applicant;
 - (2) Name of applicant's business;
 - (3) Location of business by street address or other geographical description to permit an accurate determination of conformity with the requirements of this section;
 - (4) If beer will be sold at two or more restaurants or other businesses at the same location pursuant to the same permit, a description of all such businesses;
 - (5) Persons having at least a 5% ownership interest in the applicant;
 - (6) Identity and address of a representative to receive annual tax notices and any other communication from the City;
 - (7) Whether any person having at least a 5% ownership interest in the applicant or any person to be employed in the distribution or sale of beer has been convicted or any violation of the laws regulating the possession, sale, manufacture, or transportation of beer or other alcoholic beverages or any crime involving moral turpitude within the past ten (10) years;
 - (8) The class of permit requested; and
 - (9) Such other relevant information as may be required by the City.
- (G) Any individual whose ownership interest in the applicant equal to or exceeding fifty percent (50%) must present proof that they are either: a citizen or lawful resident; of the United States; a foreign national authorized to work in the United States; or a foreign national authorized to invest in a bona fide enterprise in the United States. If no individual has an ownership interest in the applicant equal to or exceeding fifty percent (50%), then the applicant's manager must present proof that they are either: a citizen or lawful resident; of the United States; a foreign national authorized to work in the United States; or a foreign national authorized to invest in a bona fide enterprise in the United States. Applicants may satisfy this requirement by presenting any of the following official documents for inspection by the City Recorder: (1) a U.S. Passport or Passport Card; (2) a Permanent Resident Card ("Green Card"); (3) a birth certificate issued by: (a) the United States government; or (b) the government of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States, or (4) the appropriate visa document.
- (H) An applicant for an on-premises or combined retail permit must establish that the number of parking spaces on the applicant's premises meets or exceeds the applicable requirements established by the City's Zoning Ordinance.

- (I) An applicant for a special-event beer permit shall apply for a special event permit pursuant to City Code § 21-64 from the City at least sixty (60) days prior to the scheduled event.
- (J) The applicant shall authorize the City to conduct a background investigation of the applicant and shall waive any right the applicant may have to privacy concerning arrests reflecting on the moral character of the applicant.
- (K) An applicant shall amend or supplement the application promptly if prior to the Board's consideration of the application, a change in circumstances alters or otherwise affects the information contained in the application.
- (L) Any applicant whom the Board or Hearing Officer determines has made a false statement or misrepresented a material fact in any application with the intent to deceive the City or its officers and employees shall forfeit any permit issued to the applicant and shall not be eligible to receive any permit for a period of ten years.
- (M) Where the Board has denied a person's application three times, the person shall not be allowed to apply again for a permit on the same premises until after the expiration of one year from the date of the third denial.
- (N) The City Recorder may waive the fees imposed by this section where:
 - (1) A permit holder applies for a new permit based solely upon a change of the name under which the business operates with no change whatsoever in the ownership, type, or location of the business; or
 - (2) A permit holder applies for a new permit based solely upon a change of the permit holder's legal name, with no change whatsoever in the ownership, type, or location of the business,

provided that in either circumstance the change in name does not also require the permit holder to obtain a new certificate of occupancy from the City's Building and Codes Department. A permit holder applying for a new permit based solely upon a change of the permit holder's legal name shall present to the City Recorder, in the case of an individual, a court order changing the individual's legal name, or, in the case of a corporation, limited liability company, limited liability partnership, limited partnership, or partnership, a certified copy of the amendment form filed with the Tennessee Secretary of State changing the entity's legal name.

<u>SECTION 21</u>. Chapter 4, Article IV, Division 2, Section 4-53 of the Murfreesboro City Code is amended at subsection (A) by deleting this subsection in its entirety and in lieu thereof adopting the following:

Section 4-53 Applicant criminal background check.

(A) An applicant, along with any individual holding at least a 5% ownership interest in the applicant, must submit to a fingerprint-based criminal background check through the Tennessee Bureau of Investigation's Tennessee Application Processing Services (TAPS) program. The results of such checks shall be sent directly to the City as the originating agency as authorized by T.C.A. § 57-5-103.

<u>SECTION 22</u>. Chapter 4, Article IV, Division 2, Section 4-54 of the Murfreesboro City Code is amended by deleting this section in its entirety and in lieu thereof adopting the following:

Section 4-54 Applicant – Compliance with other provisions of City Code.

- (A) No beer permit shall be issued to any applicant for a specific location where there exists one or more signs that are in violation of the sign ordinance of the City.
- (B) No beer permit shall be issued to any applicant who occupies or proposes to occupy premises for the sale of beer where conditions exist on such premises that are in violation of the building, fire, electrical, mechanical, gas, and property maintenance codes adopted by the City, to the extent applicable under the circumstances; provided, however, the Board may conditionally approve an application subject to the condition that the premises pass all required building and code inspections before the City Recorder may issue the requested permit.
- (C) No beer permits shall be issued to any applicant for a specific location unless the proposed use complies with the City's Zoning Ordinance or the property owner has obtained a variance or special use permit for the proposed use.
- (D) If a particular event requires an applicant to obtain a permit issued pursuant to the City's special event ordinance or enter into a use agreement with the City, no special event beer permit shall be issued to any applicant for such event unless the applicant has first obtained a special event permit from the City Manager or entered into a use agreement with the City; provided, however, the Board may conditionally approve an application for a special event beer permit subject to the condition that the City Manager approves the special event permit.
- (E) This section shall not apply with respect to any applicant for an onpremises retail permit for state-owned property.

<u>SECTION 23</u>. Chapter 4, Article IV, Division 2, Section 4-55 of the Murfreesboro City Code is amended at subsections (D), (F) and (G) by deleting these subsections in their entirety and in lieu thereof adopting the following:

Section 4-55 Approval of application; denial of application; issuance of permit.

- (D) The Board shall not approve an application unless the applicant establishes to the satisfaction of a majority of the Board's members that:
 - (1) All individuals having at least a 50% ownership interest in the applicant are either citizens or lawful residents of the United States, foreign nationals authorized to work in the United States or foreign nationals authorized to invest in a bona fide enterprise in the United States at the time which the application is made to the City Recorder;
 - (2) No beer will be sold except at places where such sale will not cause congestion of traffic or interference with schools, places of worship, or other places of public gathering, or otherwise interfere with public health, safety, and morals;
 - (3) No sale of beer shall be made to any person under 21 years of age;
 - (4) No person having at least a 5% ownership interest in the applicant has been convicted within the past ten years of: (i) violating any federal, state, or local law the possession, sale, manufacture, or transportation of beer or other alcoholic beverages; or (ii) any crime involving moral turpitude;
 - (5) No person who is or will be employed by the applicant in the manufacture, storage, distribution, or sale of beer has been convicted within the past ten years of: (i) violating any federal,

- state, or local law the possession, sale, manufacture, or transportation of beer or other alcoholic beverages; or (ii) any crime involving moral turpitude; and
- (6) No sale shall be made for on-premises consumption unless the application so states.
- (F) In determining whether or not the applicant's proposed business will cause or be likely to cause congestion of traffic, interference with schools, places of worship, or other places of public gathering, or will interfere with or be likely to interfere with, injure or adversely affect the public health, safety and morals for the purposes of this section, the Board is expressly authorized and required to take into consideration all facts, conditions and circumstances that may be relevant to such the inquiry in a particular case.
- (G) No new permit shall be issued to permit the sale of beer on the same premises until after the expiration of one (1) year from the date the revocation becomes final and effective; provided, however, the Board, in its discretion, may determine that issuance of a new permit before the expiration of one year from such date is appropriate, if the person applying for such issuance is not the person that held the previously revoked permit or any family member who could inherit from such individual under the statute of intestate succession.

<u>SECTION 24</u>. Chapter 4, Article IV, Division 2, Section 4-57 of the Murfreesboro City Code is amended at subsections (A), (D) and (F) by deleting these subsections in their entirety and in lieu thereof adopting the following:

Section 4-57 Permit – Not transferrable; permitted locations for consumption; termination of business.

- (A) A permit shall remain valid for as long as the permit holder conducts business at the premises for which it was issued, provided that such permit is not revoked or suspended pursuant to Section 4-61 of this Chapter or the permit holder no longer conducts business at the premises for which the permit was issued.
- (D) A permit is valid only for a single location, except as provided in subsection (E) of this section and cannot be transferred to another location. A permit shall be valid for all decks, patios, and other outdoor serving areas that are contiguous to the exterior of the building in which the business is located and that are operated by the business.
- (F) A permit shall automatically expire upon termination of the business, a change in ownership, the relocation of the business, or a change in the name of the business. A permit holder must return the permit to the City Recorder within 15 days of termination of the business, a change in ownership, the relocation of the business, or a change in the name of the business; provided, however, failure to return the permit shall have no effect on the automatic expiration of the permit under such circumstances.

<u>SECTION 25</u>. Chapter 4, Article IV, Division 2, Section 4-58 of the Murfreesboro City Code is amended at subsection (A) by deleting this subsection in its entirety and in lieu thereof adopting the following:

Section 4-58 Permit – Caterers; notice requirements; location restrictions.

(A) A person holding a caterer permit must give advanced written notice to the City Recorder via email, facsimile, or U.S. mail at least five (5)

business days before each event catered by the permit holder for which beer will be sold and consumed. Such notice shall include the date, time, and location of the event and identify the person that has contracted with the permit holder to cater the event.

<u>SECTION 26</u>. Chapter 4, Article IV, Division 2, Section 4-59 of the Murfreesboro City Code is amended at subsections (A), (E), (M) and (O) by deleting these subsections in their entirety and in lieu thereof adopting the following:

Section 4-59 Prohibited activity.

- (A) Sale of beer to persons under the age of 21 prohibited.
- (E) Hours of sale. No permit holder nor any employee thereof shall sell beer or permit beer to be sold or consumed on the permit holder's premises between the hours of 3:00 A.M. and 10:00 A.M. on Sundays and between the hours of 3:00 A.M. and 6:00 A.M. on any other day. This subsection (E) shall not apply to beer sold pursuant to a special-event beer permit nor to beer sold by hotels via locked in-room units operated in accordance with T.C.A. § 57-5-107.
- (M) Failure to pay privilege tax. No permit holder shall fail to pay the privilege tax imposed pursuant to T.C.A. § 57-5-104 and Section 4-60 of this Chapter.
- (O) Failure to maintain required records. No permit holder shall fail to comply with recordkeeping requirements established by Code § 4-56 of this article or fail to make such records available for inspection by the City Recorder or the City Recorder's designee.

<u>SECTION 27</u>. Chapter 4, Article IV, Division 2, Section 4-60 of the Murfreesboro City Code is amended at subsection (B) by deleting this subsection in its entirety and in lieu thereof adopting the following:

Section 4-60 Privilege tax.

(B) The City Recorder shall mail written notice to each permit holder of the payment date of the annual tax at least 30 days prior to January 1. Notice shall be mailed to the address specified by the permit holder on the permit application. If a permit holder does not pay the tax by January 31 or within 30 days after written notice of the tax was mailed, whichever is later, the City Recorder shall notify the permit holder by certified mail that the tax payment is past due. If a permit holder does not pay the tax within ten (10) days after receiving notice of its delinquency by certified mail, then the Board may suspend or revoke the permit or impose a civil penalty in accordance with the procedures set forth in this article and T.C.A. § 57-5-108.

SECTION 28. Chapter 4, Article IV, Division 2, Sections 4-61, 4-62, 4-63 and 4-64 of the Murfreesboro City Code are amended by deleting these sections in their entirety and in lieu thereof adopting the following:

Section 4-61 Revocation or suspension of permit; civil penalties.

(A) Authority to revoke or suspend. The Board is granted the authority to revoke or suspend any beer permit, or to refer to a Hearing Officer to adjudicate issues relating to the suspension or revocation of a beer permit, where the permit holder: (1) has violated any of the provisions of Article III or IV of this chapter; (2) has been found guilty of violating one or more provisions of the Murfreesboro City Code, other than Article III or IV of this chapter, three or more times in a 12-month period; (3) is convicted of any violation of the laws of the United States or the state prohibiting or regulating the manufacture,

sale, possession, storage, or transportation of beer or other alcoholic beverages; or (4) is convicted of a crime involving moral turpitude.

- (B) Length of suspension; permanent revocation.
 - (1) Discretion of Board or Hearing Officer. Except as otherwise provided by this article or state law, the Board or Hearing Officer may exercise discretion in determining whether to suspend or revoke a permit and in determining the appropriate length of a suspension under the circumstances presented in each case. In making these determinations, the Board or Hearing Officer shall consider the effects of any sanction previously imposed against the permit holder.
 - (2) Minimum and maximum suspensions.
 - (a) First and second offense in a 12-month period.

 Notwithstanding subsection (B)(1) and except as otherwise provided in this section, no permit shall be suspended for more than ten (10) days, if the violation is by the permit holder or the permit holder's manager, or for more than five (5) days, if the violation is by a permit holder's non-managerial employee.
 - (b) Subsequent offenses in a 12-month period.

 Notwithstanding subsection (B)(1) and except as otherwise provided in this section, a permit shall be revoked or suspended for a minimum of three (3) days if either the permit holder, the permit holder's manager, or any of the permit holder's employees has committed more than two (2) violations of this article in the previous 12 months.
 - (3) Suspension of permit for failure to remit wholesale beer tax. Notwithstanding subsection (B)(2), the Board or Hearing Officer may suspend the permit of a permit holder engaged in the sale of beer at wholesale for up to 30 days for each violation of T.C.A. § 57-6-104.
 - (4) Revocation.
 - (a) Except as otherwise provided in this article, no permit may be revoked unless the permit holder has committed at least two violations of this article in a 12-month period.
 - (b) Except as otherwise provided by this article or state law, the Board or Hearing Officer shall revoke a permit holder's permit if either the Board or Hearing Officer finds that beer has been sold on the permitted premises to persons under the age of 18 on two or more occasions in a 12-month period or on three or more occasions in a 24-month period.
 - (c) The Board or Hearing Officer shall revoke all permits issued to a permit holder upon finding that the permit holder made a false statement or misrepresented a material fact in any application for a permit with the intent to deceive the City or its officers and employees.
- (C) Exception; sale by a responsible vendor's clerk to person under the age of 21.
 - (1) A permit shall not be revoked or suspended because of the sale of beer to a person under the age of 21 if, at the time of the sale: (a) the permit holder was a responsible vendor; and (b) the clerk who made the sale was a certified clerk or had been employed by the permit holder for 61 days or less.

- (2) Notwithstanding subsection (1), if the Commission revokes the permit holder's responsible vendor's certification pursuant to T.C.A. § 57-5-608(b) because the permit holder had knowledge of or should have known about the violation, or participated in or committed the violation, the permit holder shall be punished under this section as if the vendor were not certified as a responsible vendor at the time of the sale.
- (D) Exception; sale by vendor not certified as a responsible vendor to person between 18 and 21 years of age.
 - (1) A permit shall not be revoked because the permit holder or the permit holder's employee or agent sells beer to a minor over the age of 18 years, if such minor exhibits an identification, false or otherwise, indicating the minor's age to be 21 or over, if the minor's appearance as to maturity is such that the minor might reasonably be presumed to be of such age and the minor is unknown to such person making the sale.
 - (2) In the case of an illegal sale such as that described in subsection (D)(1), a permit holder's permit may be suspended for a period not to exceed ten days or a civil penalty up to \$1,500.00 may be imposed.
- (E) Civil penalty—responsible vendor. Notwithstanding subsection (C)(1), the Board or Hearing Officer may impose a civil penalty not to exceed \$1,000.00 for each offense of selling or permitting the sale of beer to a person under the age of 21 or for any other violation of this article or applicable state law. A penalty imposed under this subsection shall be paid within seven (7) days of the imposition of the penalty. Failure to pay the penalty within seven (7) days shall constitute a violation of this article subject to prosecution under Section 4-44 of this Chapter.
- (F) Civil penalty—Vendor not certified as a responsible vendor.
 - (1) The Board or Hearing Officer may, at the time it imposes a revocation or suspension, offer a permit holder the alternative of paying a civil penalty not to exceed \$2,500.00 for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed \$1,000.00 for any other offense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn. The permit holder's payment of a civil penalty shall not affect the holder's ability to seek review of the civil penalty pursuant to state law.
- (G) Hearing required. Unless the public hearing is waived by the permit holder, no permit shall be revoked, suspended or penalty imposed until a public hearing is held either before the Board or Hearing Officer after reasonable notice to all the known parties in interest.
- (H) *Initiation of proceedings*. The Chief of Police, the City Recorder, or any member of the Board may initiate revocation or suspension proceedings.

Section 4-62 Loss of Clerk's certification for sale to minor.

If the Board or Hearing Officer determines that a clerk of a permit holder certified as a responsible vendor sold beer to a minor, the City Recorder shall report the name of the clerk to the Commission within 15 days of determination of the illegality of the sale.

Section 4-63 Required notice to commission of suspension or revocation of manufacturer, on-premises retail, and combined retail permits.

As required in T.C.A. § 57-1-214(b), whenever the Board or Hearing Officer suspends or revokes a manufacturer, on-premises retail, or combined retail permit, the City Recorder or the City Recorder's designee shall notify the Commission's executive director by certified mail, return receipt requested, of the action taken by the Board or Hearing Officer. Such notice shall include the record of evidence and the determination made in suspending or revoking the permit.

Section 4-64 Required action upon notification by commission of suspension or revocation of license.

- (A) Upon the Board's receipt of a certified letter, return receipt requested, from the Commission providing notice that the Commission has suspended or revoked the license of an establishment located within the City for a violation of Chapter 4, Title 57 of the Tennessee Code, the City Recorder may temporarily suspend the establishment's beer permit(s) and shall:
 - (1) Schedule a hearing before a Hearing Officer or the Board to be held at least 14 days following the date the local beer board receives the certified letter to provide an opportunity for the permit holder to appear and show cause why the permit to sell beer on the premises should not be suspended or revoked for a violation or violations as provided in Chapter 4, Title 57 of the Tennessee Code, based on actions taken by the Commission; and
 - (2) Notify the individual or business entity, which is listed as the permit holder at the same location where the alcoholic beverage license had been suspended or revoked, of the date and time of the hearing.
- (B) If at such hearing, the Hearing Officer or Board finds that a sufficient violation or violations have occurred as provided in Chapter 4, Title 57 of the Tennessee Code, at such location, then the Hearing Officer or Board may suspend or revoke the permit to the same extent and at least for the same period of time as the Commission has suspended or revoked the license of the establishment.
- (C) If the permit holder fails to appear or decides to surrender the permit to the Board in lieu of appearing at the hearing, the permit may be suspended or revoked by the Board; provided, that if the permit is suspended or revoked, no permit to sell beer or malt beverages on the premises shall be issued by the Board to any person for the location where the commission had suspended or revoked the license for the period of time included in the decision of the Commission.
- (D) A decision of the Hearing Officer or Board made pursuant to this section is final, and any party aggrieved thereby may appeal the decision of the local beer board in accordance with T.C.A. § 57-5-108.

<u>SECTION 29</u>. Chapter 4, Article IV, Division 2, Section 4-65 of the Murfreesboro City Code is amended by deleting this section in its entirety and in lieu thereof adopting the following:

Section 4-65 Sale of beer via delivery service by breweries, restaurants, and taverns holding a city-issued beer permit.

Breweries, restaurants and taverns holding a manufacturer beer permit, an on-premises retail beer permit, or a combined retail beer permit issued by the City may sell beer within the City limits via delivery service, subject to the following regulations:

- (A) Any sale of beer under this section is for consumption off the premises of the brewery, restaurant, or tavern only. In the case of sale by a restaurant or tavern, beer may be sold pursuant to this section only if sold in conjunction with the sale of prepared food or other food products as part of the same order and only if the dollar value of the food portion of the sale constitutes at least 50% of the total dollar value of the order.
- (B) Beer sold under this section must be contained in a metal, glass or plastic container with a secure top affixed to the container to prevent consumption without removing or breaking the top.
- (C) Single servings of beer and multi-serving bottles or containers of beer normally sold by the brewery, restaurant, or tavern may be sold under this section.
- (D) A brewery, restaurant, or tavern selling beer under this section shall prominently post a warning in a manner reasonably calculated to provide notice to customers of open container laws, which must include the following language from T.C.A. § 55-10-416, as may be amended from time to time: "No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state."
- (E) An employee or contractor of a brewery, restaurant, or tavern providing or delivering beer to a customer under this section shall not provide or deliver such beverages to any person under 21 years of age and may not provide or deliver such beverages to a person who is visibly intoxicated. Any such employee providing or delivering beer shall visually inspect a valid government-issued document deemed acceptable to the permit holder that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase and confirms that the person is at least 21 years of age. In addition, delivery made pursuant to this section may be made only to the physical address indicated by the individual placing the delivery order, and the delivery must be documented by a verification of the delivery signed by the individual who placed the order. Any person denied delivery pursuant to this subsection (E) shall not be entitled to a refund of any delivery charge assessed for the purpose of such delivery.
- (F) A person delivering beer under this section shall be at least 21 years of age and must have a valid driver license.
- (G) Beer sold under this section may be sold only during the permitholder's normal operating hours and in accordance with the provisions of this Code regarding hours of service. In addition, beer sold under this section may be delivered only within the City's corporate limits.
- (H) For any order where the amount of beer delivered exceeds two gallons (256 fluid ounces), the permit holder shall maintain for inspection by any law enforcement official a copy of the customer's order indicating: (1) the name of the recipient of the beer; (2) the address where the beer was delivered; and (3) the amount of beer delivered. Such records must be maintained for six months.
- (I) For purposes of this section, "delivery service" includes, without limitation, delivery by a third-party delivery service licensed by the Tennessee Alcoholic Beverage Commission."

<u>SECTION 30</u>. Chapter 4, Article IV, Division 3, Section 4-80 of the Murfreesboro City Code is amended at subsection (A) by deleting this subsection in its entirety and in lieu thereof adopting the following:

Section 4-80 Pre-hearing conference.

(A) The Hearing Officer on the officer's own motion, or upon motion of one of the parties, may direct the parties and/or attorneys of the parties to appear before the Hearing Officer for a pre-hearing conference not less than three (3) days before the date of the hearing.

<u>SECTION 31</u>. Chapter 4, Article IV, Division 3, Section 4-81 of the Murfreesboro City Code is amended at subsection (A) by deleting this subsection in its entirety and in lieu thereof adopting the following:

Section 4-81 Subpoenas.

(A) At least five (5) working days prior to the date of the hearing, all parties shall provide the Clerk with a list of the individuals they wish to have subpoenaed to appear at the hearing. The Clerk has the discretion to determine whether any subpoenas not timely requested under this provision shall issue. It shall not be a basis for requesting a continuance that a witness subject to a subpoena requested in an untimely manner failed to appear at the hearing.

<u>SECTION 32</u>. Chapter 4, Article V, Section 4-87 of the Murfreesboro City Code is amended at subsections (B) and (D) by deleting these subsections in their entirety and in lieu thereof adopting the following:

Section 4-87 Nudity on premises where beer is offered for sale.

- (B) Any violation of this section shall constitute a civil offense and shall upon conviction, be punishable by a penalty under City Code § 1-8, in addition to or in lieu of any other penalty or remedy established in this article.
- (D) If the owner, operator, licensee, lessor, lessee, manager, employee, or any other person participating in the operation of a commercial establishment located within the City at which alcoholic beverages are offered for sale for consumption on the premises shall be convicted of any of the offenses designated in Section 4-87 as set forth herein, then the City Recorder shall notify the Tennessee Alcoholic Beverage Commission and request the liquor permit be revoked.

SECTION 33. Chapter 4, Article V, Section 4-88 of the Murfreesboro City Code is amended at subsections (C) and (G) by deleting these subsections in their entirety and in lieu thereof adopting the following:

Section 4-88 Sexually-explicit entertainment and conduct prohibited where beer is offered for sale.

- (C) No permit holder, either knowingly or through the negligent supervision of an employee or agent, shall allow any person on the permitted premises to:
 - (1) Engage in any sexual conduct as defined above;
 - (2) Simulate through the use of an artificial device or object any sexual conduct;
 - (3) Expose a person's genitals, anus, or pubic area to public view;
 - (4) Wear or use any device or covering that is visible to others and simulates the genitals, anus, pubic hair or any portion thereof; or
 - (5) Touch, caress, or fondle the breast, genitals, anus, or exposed buttocks of any other person.

These general prohibitions notwithstanding, the foregoing subsections (2), (3), (4), and (5) shall not apply to any artistic performance or exhibition that, when taken as a whole, expresses matters of serious literary, artistic, scientific or political value; is not in violation of state or federal law regarding pornography or obscenity; and occurs on a premises that is not predominantly used for sexually oriented adult entertainment.

A premises used predominantly for sexually oriented entertainment includes, without limitation, any location regulated as a sexually oriented business under Section 32 of the City's Zoning Ordinance.

(G) Any violation of this section shall constitute a civil offense and shall upon conviction, be punishable by a penalty under City Code § 1-8, in addition to or in lieu of any other penalty or remedy established in this article.

SECTION 34. Chapter 4, Article VI, Section 4-90 of the Murfreesboro City Code is amended by deleting this section in its entirety and in life thereof adopting the following:

Section 4-90 Beer, wine and other alcoholic beverages on City property.

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

In the absence of a resolution authorizing the possession, use or consumption of beer, wine or another alcoholic beverage on a specific City property, any such possession, use or consumption is unlawful.

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

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

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

<u>SECTION 35</u>. Chapter 4, Article VII, Section 4-93 of the Murfreesboro City Code is amended by deleting this section in its entirety and in lieu thereof adopting the following:

Section 4-93 Violations.

Except as otherwise provided in this chapter, any violation of this article shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under City Code § 1-8, in addition to or in lieu of any other penalty or remedy established in this chapter. Each day a violation shall be allowed to continue shall constitute a separate offense.

SECTION 36. The captions and headings of the sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions of this Ordinance. Such captions shall not affect the meaning or interpretation of this Ordinance.

SECTION 37. 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 st reading	
2 nd reading	
ATTEST:	APPROVED AS TO FORM:
	Signed by: Adam 7 Tucker 43A2035E51F9401
Erin Tucker City Recorder	Adam F. Tucker City Attorney

SEAL

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title:
MFRD Mobile Data Terminal Upgrades

Department:
Information Technology

Presented by:
Matt Jarratt, IT Director

Requested Council Action:
Ordinance □
Resolution □
Motion □
Direction □

Summary

Consider upgrade of Mobile Data Terminals (MDTs) for Murfreesboro Fire Rescue Department.

Staff Recommendation

Approval of contract with Insight Public Sector in the amount of \$143,089.

Information

Background Information

MFRD's existing mobile data terminals are due for replacement. This purchase provides 30 Panasonic Toughbook units, vehicle docking stations, and three-year accidental damage coverage. These ruggedized MDTs are used for dispatch communication, route mapping, and incident documentation. The procurement is through the OMNIA Partners contract #23-6692-03, ensuring competitive pricing and compliance with public procurement standards.

Council Priorities Served

Maintain Public Safety

Upgrading MDTs ensures continued field access to critical systems, enabling firefighters to respond quickly, communicate effectively, and access accurate data during emergencies.

Fiscal Impact

The expenditure of \$143,089 will be funded from FY25 CIP.

Attachments

Insight Public Sector Contract

CONTRACT BETWEEN CITY OF MURFREESBORO AND INSIGHT PUBLIC SECTOR, INC. FOR PANASONIC MDTS

This Contract consists of the following documents:

- This Contract
- Omnia Partners Cooperative Contract No. 23-6692-03 ("Omnia Agreement")
- Price Quotation #0227963077 dated November 20, 2024 ("Contractor's Proposal")
- Any properly executed amendments to this Agreement

In the event of conflicting provisions, all documents shall be construed according to the following priorities:

- * First, any properly executed amendment or change order to this Contract (most recent amendment or change order given first priority)
- * Second, this Contract
- * Third, Contractor's Omnia Partners Contract No. 23-6692-03("Omnia Agreement")
- * Price Quotation #0227963077 dated November 20, 2024 ("Contractor's Proposal").
- 1. <u>Duties and Responsibilities of Contractor</u>. Contractor agrees to provide, and City agrees to purchase the equipment set forth on Contractor's Proposal using the Omnia Agreement. Furthermore, the City may utilize this Contract to procure additional equipment from Contractor per the Omnia Agreement through the term of the contract. Such future procurements shall be executed through a Purchase Order after purchases exceeding \$50,000 have been approved by City Council.
- 2. <u>Term.</u> The term of this contract shall be from the Effective Date to the expiration of the Omnia Agreement on April 30, 2026, or as amended by Omnia Partners.
- 3. Contractor's performance may be terminated in whole or in part:
 - a. Upon 30-day prior notice, for the convenience of the City.
 - b. For the convenience of Contractor, provided that Contractor notifies the City in writing of its intent to terminate under this paragraph at least 30 days prior to the effective date of the termination.
 - c. For cause, by either party where the other party fails in any material way to perform its obligations under this Agreement. Termination under this subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefore, and the other party fails to remedy the problem within 15 days after receiving the notice.
 - d. Should Contractor fail to fulfill in a timely and proper manner its obligations under this Agreement or if it should violate any of the terms of this Agreement, the City has the right to immediately terminate the Agreement. Such termination does not relieve Contractor of any liability to the City for damages sustained by virtue of any breach by Contractor.
 - e. Should the appropriation for Contractor's work be withdrawn or modified, the City has the right to terminate the Agreement immediately upon written notice to Contractor.

4. Price; Compensation; Method of Payment.

- a. The price for the goods and other items to be provided under this Contract is set forth in Contractor's Proposals reflecting a **Total Purchase Price of One Hundred Forty-Three Thousand, Eighty-Eight Dollars and Ninety Cents (\$143,088.90).** Any compensation due Contractor under the Agreement shall be made upon submittal of an invoice after delivery and acceptance of the goods and/or services which each payment represents. The City agrees to pay Contractor after goods and/or services have been received, accepted, and properly invoiced as indicated in the Contract and/or purchase order. Invoices must bear the purchase order number. Final payment shall not be made until after performance is complete. All invoices must be submitted to accountspayable@murfreesborotn.gov with a copy to the Contact person listed below.
- b. Deliveries of all items shall be made within 2-4 weeks of order to: 220 NW Broad Street, Murfreesboro, TN 37130. Delivery Contact: Brian Schmahl (tel.: 629-201-5833, email: bschmahl@murfreesborotn.gov) must be notified of delivery date and time within two (2) calendar days prior to delivery. Deliveries shall be made during the normal working hours of the City, Monday through Friday.
- c. Deliveries of all items shall be made as stated in the Contract documents. Should the Contractor fail to deliver items on or before its stated date, the City reserves the right to cancel the order or contract. The Contractor shall be responsible for making any and all claims against carriers for missing or damaged items.
- d. Delivered items will not be considered "accepted" until an authorized agent for the City has, by inspection or test of such items, determined that they fully comply with specifications. The City may return, for full credit and at no expense to the City, any item(s) received which fail to meet the specifications as stated in the Contractor's Quote.
- e. All deliveries made pursuant to the contract must be made pursuant to the written purchase order of the City. The City assumes no liability for goods and/or services provided without a written purchase order from the City. Delivery and freight charges are to be prepaid and included in the bid price.
- 5. <u>Warranty</u>. Unless otherwise specified, every item provided shall meet the warranty requirements set forth by the manufacturer.

6. Indemnification.

- a. Contractor must indemnify, defend, and hold harmless the City, its officers, agents and employees from any claims, penalties, damages, costs and attorney fees ("Expenses") arising from injuries or damages resulting from, in part or in whole, the negligent or intentional acts or omissions of contractor, its officers, employees and/or agents, including its subcontractors or independent contractors, in connection with the performance of this Agreement, and, Expenses arising from any failure of Contractor, its officers, employees and/or agents, including its subcontractors or independent contractors, to observe applicable laws, including, but not limited to, labor laws and minimum wage laws.
- b. Pursuant to Tennessee Attorney General Opinion 93-01, the City will not indemnify, defend or hold harmless in any fashion Contractor from any claims arising from any failure, regardless of any language in any attachment or other document that Contractor may provide.
- c. Copyright, Trademark, Service Mark, or Patent Infringement.
 - i. Contractor, at its own expense, is entitled to and has the duty to defend any suit which may be brought against the City to the extent that it is based on a claim that the products or services furnished infringe a copyright, Trademark, Service Mark,

or patent. Contractor will indemnify, defend, and hold harmless the City against any award of damages and costs made against the City. The City will provide Contractor immediate notice in writing of the existence of such claim and full right and opportunity to conduct the defense thereof, together with all available information and reasonable cooperation, assistance and authority from the City in order to enable Contractor to do so. The City reserves the right to participate in the defense of any such action. Contractor has the right to enter into negotiations for and the right to effect settlement or compromise of any such action provided (1) any amounts due to effectuate fully the settlement are immediate due and payable and paid by Contractor; (2) no cost or expense whatsoever accrues to the City at any time; and (3) such settlement or compromise is binding upon the City upon approval by the Murfreesboro City Council.

- ii. If the products or services furnished under this Agreement are likely to, or do become, the subject of such a claim of infringement, then without diminishing Contractor's obligation to satisfy the final award, Contractor may at its option and expense:
 - 1. Procure for the City the right to continue using the products or services.
 - 2. Replace or modify the alleged infringing products or services with other equally suitable products or services that are satisfactory to the City, so that they become non-infringing.
 - 3. Remove the products or discontinue the services and cancel any future charges pertaining thereto; provided however, Contractor will not exercise this option until Contractor and the City have determined that each of the other options are impractical.
- iii. Contractor has no liability to the City if any such infringement or claim thereof is based upon or arises out of the use of the products or services in combination with apparatus or devices not supplied or else approved by Contractor, the use of the products or services in a manner for which the products or services were neither designated nor contemplated, or the claimed infringement in which the City has any direct or indirect interest by license or otherwise, separate from that granted herein.
- 7. <u>Notices.</u> Notice of assignment of any rights to money due to Contractor under this Contract must be mailed first class mail or hand delivered to the following:

If to the City of Murfreesboro: If to the Contractor:

City of Murfreesboro Attn: City Manager 111 West Vine Street Murfreesboro, TN 37130 Insight Public Sector Attn: Erica Falcheti 2701 E. Insight Way Chandler, AZ 737-247-3702

erica.falchetti@insight.com

8. <u>Taxes.</u> The City of Murfreesboro is exempt from State sales tax and will issue a tax exemption certificate to the Contractor as requested. City shall not be responsible for any taxes that are imposed on Contractor. Furthermore, Contractor understands that it cannot claim exemption from taxes by virtue of any exemption that is provided to City.

- 9. <u>Compliance with Laws</u>. Contractor agrees to comply with any applicable federal, state and local laws and regulations.
- 10. <u>Maintenance of Records</u>. Contractor shall maintain documentation for all charges against City. The books, records, and documents of Contractor, insofar as they relate to work performed or money received under the contract, shall be maintained for a period of three (3) full years from the date of final payment and will be subject to audit, at any reasonable time and upon reasonable notice by City or its duly appointed representatives. The records shall be maintained in accordance with the Generally Accepted Accounting Principles.
- 11. <u>Modification</u>. This Contract may be modified only by written amendment executed by all parties and their signatories hereto.
- 12. **Relationship of the Parties**. Nothing herein may in any way be construed or intended to create a partnership or joint venture between the parties or to create the relationship of principal and agent between or among any of the parties. None of the parties hereto may hold itself out in a manner contrary to the terms of this paragraph. No party becomes liable for any representation, act, or omission of any other party contrary to this section.
- 13. <u>Waiver</u>. No waiver of any provision of this contract shall affect the right of any party thereafter to enforce such provision or to exercise any right or remedy available to it in the event of any other default.
- 14. **Employment.** Contractor shall not subscribe to any personnel policy which permits or allows for the promotion, demotion, employment, dismissal or laying-off of any individual due to race, creed, color, national origin, age, sex, veteran status, or any other status or class protected under federal or state law or which is in violation of applicable laws concerning the employment of individuals with disabilities.
- 15. Non-Discrimination. It is the policy of the City not to discriminate on the basis of age, race, sex, color, national origin, veteran status, disability, or other status or class protected under federal or state law in its hiring and employment practices, or in admission to, access to, or operation of its programs, services, and activities. With regard to all aspects of this Agreement, Contractor certifies and warrants it will comply with this policy. No person may be excluded from participation in, be denied benefits of, be discriminated against in the admission or access to, or be discriminated against in treatment or employment in the City's contracted programs or activities, on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal or Tennessee State Constitutional or statutory law; nor may they be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of contracts with the City or in the employment practices of the City's Contractors. Accordingly, all proposers entering into contracts with the City may upon request be required to show proof of such nondiscrimination and to post in conspicuous places that are available to all employees and applicants, notices of nondiscrimination.
- 16. Gratuities and Kickbacks. It is a breach of ethical standards for any person to offer, give or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy or other particular matter, pertaining to any program requirement of a contract or subcontract or to any solicitation or proposal therewith. It is a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or a person associated therewith, as an inducement for the award of a subcontract or order. Breach of the provisions of this paragraph is, in addition to a breach of this Agreement, a breach of ethical standards which may result in civil or criminal sanction and/or debarment or suspension from being a contractor or subcontractor under the City contracts.

- 17. Assignment. The provisions of this Agreement inure to the benefit of and are binding upon the respective successors and assignees of the parties hereto. Except for the rights of money due to Contractor under this Agreement, neither this Agreement nor any of the rights and obligations of Contractor hereunder may be assigned or transferred in whole or in part without the prior written consent of the City. Any such assignment or transfer does not release Contractor from its obligations hereunder
- 18. <u>Integration</u>. This Contract and State contract set forth the entire agreement between the parties with respect to the subject matter hereof and govern the respective duties and obligations of the parties.
- 19. **Force Majeure.** No party has any liability to the other hereunder by reason of any delay or failure to perform any obligation or covenant if the delay or failure to perform is occasioned by force majeure, meaning any act of God, storm, fire, casualty, unanticipated work stoppage, strike, lockout, labor dispute, civil disturbance, riot, war, national emergency, act of public enemy, or other cause of similar or dissimilar nature beyond its control.
- 20. Governing Law and Venue. The validity, construction and effect of this Agreement and any and all extensions or modifications thereof are governed by the laws of the state of Tennessee regardless of choice of law doctrine or provision in any attachment or other document that Contractor may provide. Any action between the parties arising from this agreement may only be filed in the courts of Rutherford County, Tennessee.
- 21. <u>Severability</u>. Should any provision of this contract be declared to be invalid by any court of competent jurisdiction, such provision shall be severed and shall not affect the validity of the remaining provisions of this contract.
- 22. <u>Attorney Fees</u>. In the event any party takes legal action to enforce any provision of the Agreement, should the City prevail, Contractor will pay all expenses of such action including attorney fees, expenses, and costs at all stages of the litigation and dispute resolution.
- 23. <u>Iran Divestment Act of Tennessee</u>. By submission of the Contractor's Bid, Contractor certifies, under penalty of perjury, that to the best of its knowledge and belief that Contractor is not on the list created pursuant to Tenn. Code Ann. §12-12-106.
- 24. Non-Boycott of Israel. By submission of the Contractor's Bid, Contractor certifies, under penalty of perjury, that to the best of its knowledge and belief that each supplier is not boycotting Israel pursuant to Tenn. Code Ann. § 12-4-119 and will not boycott Israel during the term of contract. This applies to contracts of \$250,000 or more and to contractors with ten (10) or more employees.
- 25. <u>Effective Date</u>. This Contract shall not be binding upon the parties until signed by each of the Contractor and authorized representatives of the City and is thereafter effective as of the date set forth above.

IN WITNESS WHEREOF, the parties enter into this agreement as of the "Effective Date" first listed above.

CITY OF MURFREESBORO	Insight Public Sector, Inc.
	By: Enca Falcluti
By:	By: Enla Falcheti
Shane McFarland, Mayor	Erica Falchetti
	Senior SLED Capture Manager
APPROVED AS TO FORM:	
Signed by: Adam 7 Tucker	
Adam F. Tucker, City Attorney	



INSIGHT PUBLIC SECTOR, INC. 2701 E INSIGHT WAY CHANDLER AZ 85286-1930 Tel: 800-467-4448

Account name: 10183254

CITY OF MURFREESBORO

111 W VINE ST

MURFREESBORO TN 37130-3573

SHIP-TO

FIRE ADMIN

220 NW BROAD ST

MURFREESBORO TN 37130-3512

We deliver according to the following terms:

Payment Terms : Net 30 days

Ship Via : United Parcel Services/Ground

Terms of Delivery : FOB DESTINATION

Currency : USD

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Quotation Number: 0227963077 **Document Date**: 20-NOV-2024

PO Number PO Release

Sales Rep : Ashley McDonald

Email : ASHLEY.MCDONALD@INSIGHT.COM

Phone : +18004674448
Sales Rep 2 : Branden Maiorano

Email : BRANDEN.MAIORANO@INSIGHT.COM

Phone : +17372473702

Material	Material Description	Quantity	Unit Price	Extended Price
GJ-40LVDF0	Gamber-Johnson Vehicle Docking Station - Docking station OMNIA PARTNERS (COBB COUNTY) IT PRODUCTS A SERVICES(# 23-6692-03) List Price: 1277.99 Discount: 23.295%	30 ND	980.28	29,408.40
CF-SVCLTNF3YR	Panasonic Protection Plus - accidental damage coverage - 3 years - years: 1st - 3rd OMNIA PARTNERS (COBB COUNTY) IT PRODUCTS A SERVICES(# 23-6692-03) List Price: 329.99 Discount: 22.552%	30 NND	255.57	7,667.10
FZ-40EAAAXBM	Panasonic Toughbook 40 - 14" - Intel Core Ultra 5 135H - 16 GB RAM- 512 GB SSD OMNIA PARTNERS (COBB COUNTY) IT PRODUCTS A SERVICES(# 23-6692-03) List Price: 4196.99 Discount: 15.802%	30 NND	3,533.78	106,013.40
			Product Subtotal	135,421.80
			Services Subtotal TAX	7,667.10 0.00
			Total	143,088.90

Thank you for choosing Insight. Please contact us with any questions or for additional information about Insight's complete IT solution offering.

Sincerely,







Ashley McDonald +18004674448 ASHLEY.MCDONALD@INSIGHT.COM Fax +14807608991

Branden Maiorano +17372473702 BRANDEN.MAIORANO@INSIGHT.COM

To purchase under this contract, your agency must be registered withOMNIA Partners Public Sector.

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This purchase is subject to Insight's online Terms of Sale unless you have a separate purchase agreement signed by you and Insight, in which case, that separate agreement will govern. Insight's online Terms of Sale can be found at the "terms-and-policies" link below.

SOFTWARE AND CLOUD SERVICES PURCHASES: If your purchase contains any software or cloud computing offerings ("Software and Cloud Offerings"), each offering will be subject to the applicable supplier's end user license and use terms ("Supplier Terms") made available by the supplier or which can be found at the "terms-and-policies" link below. By ordering, paying for, receiving or using Software and Cloud Offerings, you agree to be bound by and accept the Supplier Terms unless you and the applicable supplier have a separate agreement which governs. https://www.insight.com/terms-and-policies

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: Resolution 25-R-12 supporting the Central Tennessee Regional

Solid Waste Planning Board

Department: City Council

Presented by: Shane McFarland, Mayor

Requested Council Action:

Ordinance □
Resolution □
Motion □
Direction □
Information □

Summary

Resolution 25-R-12 communicates the City Council's support of the Central Tennessee Regional Solid Waste Planning Board ("CTRSWPB") and calls on the Tennessee Department of Environment and Conservation and the Underground Storage Tanks and Solid Waste Disposal Control Board to enforce the flow-control measures adopted by the CTRSWB

Staff Recommendation

Adopt Resolution 25-R-12

Background Information

On April 25, 2022, in order to effectuate the Region's solid waste plan, the CTRSWPB unanimously approved Resolution 22-003 to restrict access, effective January 1, 2023, to any landfill or incinerator within the Central Tennessee Region by excluding waste originating with persons or entities outside the region. Nevertheless, BFI Waste Services of Tennessee, LLC ("BFI"), a subsidiary of Republic Services, Inc. and the owner and operator of Middle Point Landfill in Rutherford County, has continued to accept municipal solid waste at Middle Point Landfill from any county within Tennessee other than Cannon, Coffee, Rutherford, and Warren counties. Resolution 25-R-12 calls on TDEC and the Solid Waste Disposal Control Board to enforce the flow-control measures adopted by the CTRSWB in Resolution 22-003 to the fullest extent permitted by law.

Operational Issues

None

Fiscal Impact

None

Attachments

Resolution 25-R-12

RESOLUTION 25-R-12 supporting the actions of the Central Tennessee Regional Solid Waste Planning Board.

WHEREAS, Section 68-211-803 of the Tennessee Code declares that it is the policy of the State of Tennessee, "in furtherance of its responsibility to protect the public health, safety and well-being of its citizens and to protect and enhance the quality of its environment, to institute and maintain a comprehensive, integrated, statewide program for solid waste management, which will assure that solid waste facilities, whether publicly or privately operated, do not adversely affect the health, safety and well-being of the public and do not degrade the quality of the environment by reason of their location, design, method of operation or other means and which, to the extent feasible and practical, makes maximum utilization of the resources contained in solid waste"; and

WHEREAS, the Solid Waste Management Act of 1991, Tenn. Code Ann. §§ 68-211-891 et seq., required the establishment of regional boards such as the Central Tennessee Regional Solid Waste Planning Board ("CTRSWPB") to develop and implement plans aimed at, among other things, reducing the municipal solid waste generated within their respective regions, ensuring that there is sufficient capacity at solid waste management facilities within their regions to dispose of municipal waste generated within their region, and otherwise managing solid waste generated within their region; and

WHEREAS, the Central Tennessee Region includes Cannon, Coffee, Rutherford, and Warren counties; and

WHEREAS, Tenn. Code Ann. § 68-211-814(b)(1)(B) grants a regional board the authority to "restrict access to any landfills and incinerators which dispose of municipal solid waste by excluding waste originating with persons or entities outside the region in order to effectuate [its municipal solid waste] plan"; and

WHEREAS, the Tennessee Attorney General has opined that a regional board may exercise flow-control authority granted by Tenn. Code Ann. § 68-211-814(b)(1)(B) by excluding waste originating from other regions within Tennessee and by placing annual volume limitations on waste in a manner that does not discriminate between waste generated within the region and outside of Tennessee; and

WHEREAS, on April 25, 2022, the CTRSWPB unanimously approved Resolution 22-003 to restrict access, effective January 1, 2023, to any landfill or incinerator within the Central Tennessee Region by excluding waste originating with persons or entities outside the region in order to effectuate the Region's plan; and

WHEREAS, since January 1, 2023, BFI Waste Services of Tennessee, LLC ("BFI"), a subsidiary of Republic Services, Inc. and the owner and operator of Middle Point Landfill in Rutherford County, has, at a minimum, been prohibited from

accepting municipal solid waste at Middle Point Landfill from any county within Tennessee other than Cannon, Coffee, Rutherford, and Warren counties; and

WHEREAS, BFI's legal counsel, Waller, Lansden, Dortch & Davis, LLP (now Holland & Knight LLP), sent a letter on June 6, 2022, to former Rutherford County Mayor Bill Ketron acknowledging the Board's passage of Resolution 22-003; and

WHEREAS, pursuant to Tenn. Code Ann. § 68-211-814(b)(1)(C) provides that a party aggrieved by a final action of the Board, including the institution of flow-control measures, has thirty (30) days from the date of the action to appeal the action to chancery court; and

WHEREAS, nearly three years have passed since the CTRSWPB passed Resolution 22-003, and BFI has never appealed the CTRSWPB's decision to take that action; and

WHEREAS, BFI continues to accept municipal solid waste from counties outside the Central Tennessee Region; and

WHEREAS, pursuant to Tenn. Code Ann. § 68-211-107, the Tennessee Department of Environment and Conservation ("TDEC") exercises "general supervision over the operation and maintenance of solid waste processing facilities and disposal facilities or sites. Such general supervision shall apply to all the features of operation and maintenance which do or may affect the public health and safety or the quality of the environment and which do or may affect the proper processing and disposal of solid wastes"; and

WHEREAS, Tenn. Code Ann. § 68-211-107 further empowers the Underground Storage Tanks and Solid Waste Disposal Control Board ("Solid Waste Disposal Control Board") "to adopt and enforce rules and regulations governing the operation and maintenance" of solid waste facilities; and

WHEREAS, the Tennessee Solid Waste Act, Tenn. Code Ann. §§ 28-211-101 et seq., and the Solid Waste Management Act of 1991 delegate the authority to enforce various aspects of the CTRSWPB's Plan, including those related to flow control, to TDEC and/or the Solid Waste Disposal Control Board.

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

<u>SECTION 1</u>. The City of Murfreesboro hereby supports the efforts of the CTRSWPB and calls on TDEC and the Solid Waste Disposal Control Board to enforce the flow-control measures adopted on April 25, 2022, by the CTRSWB on in Resolution 22-003 to the fullest extent permitted by law.

<u>SECTION 2.</u> This Resolution shall be effective immediately, the public welfare and the welfare of the City requiring it.

Passed:	
	Shane McFarland, Mayor
ATTEST:	APPROVED AS TO FORM:
AllESI:	APPROVED AS TO FORM:
	Signed by:
	Adam F. Tucker
	43A2035E51F9401
Erin Tucker	Adam F. Tucker
City Recorder	City Attorney

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: City Schools FY26 Budget Preview

Department: City Schools

Presented by: Dr. Trey Duke, Director of Schools

Summary

Preview of City Schools revenue projections and budget for the 2025-2026 school year.

Background Information

Director of Schools, Dr. Trey Duke, will provide Council an update of the budget process for the 2025-2026 school year including anticipated revenues. Additionally, information will be presented on enrollment and the impact the movement of county property tax pennies away from education has had over the past three years.

Council Priorities Served

Responsible budgeting

Accurate revenue projections ensure appropriate use of funds in meeting the educational needs of students in Murfreesboro City Schools.

Establish strong City brand

The presence of a strong local school system contributes to the identity of the community as a desirable place to live, work, and do business.

Attachments

FY26 Budget Preview



City Schools Budget Preview 2025-2026

Murfreesboro City Council Workshop April 10, 2025

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Student Projections

Kinder - 6th PreK Total Percent Year **Enrollment Enrollment Enrollment** increase 2024-2025 8,925 9,321 396 (period 6) 9,046 2025-2026 394 9,440 1.27% (+228)(projected)

- Our growth has fluctuated over the past 6 years.
 - o 6-year average growth is 0.72%
 - Exclude COVID related dips/bumps = 1.42%

Murfreesboro City Schools



Weighted Full Time Equivalent ADA 2021-2022 2022-2023 2024-2025 2023-2024 2020-2021 85.06% 85.54% 85.47% **RCS** 85.55% 85.25% MCS 14.45% 14.75% 14.46% 14.53% 14.94% MCS WFTEADA 14.9 14.75 14.8 14.7 14.6 14.46 14.5 14.53 14.45 14.4 14.3 24-25 20-21 21-22 23-24 22-23

Enrollment has fluctuated over the past six years with an average increase annually in enrollment.
 Our weighted equivalent ADA has increased over the past two years, and we are at the highest point since 2020.
 Enrollment is becoming more difficult to project due to the changing nature of public education.



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Current Revenue Projections

	2024-2025	2025-2026 Projection	Difference
State Revenue	\$65,305,956	\$67,467,620	\$2,161,664

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Property Tax Projections



Year	Revenue	Pennies Moved	Difference from FY22
FY20	\$15,265,313		
FY21	\$15,243,616		
FY22	\$16,240,640		
FY23	\$14,952,361	7 pennies from Educ. to Educ. Capital Projects	\$(1,288,279)
FY24	\$13,337,976	10 pennies from Educ. to Debt Service	\$(2,902,664)
FY25	\$13,300,000 *est.	2 pennies from Educ. to Educ. Capital Projects	\$(2,940,640)
			\$ <mark>(7,131,583)</mark>

[•] Local property tax has gone from our 2nd to 3rd highest revenue source and is just under \$3 million dollars less than the peak in 2022 (assuming no growth).

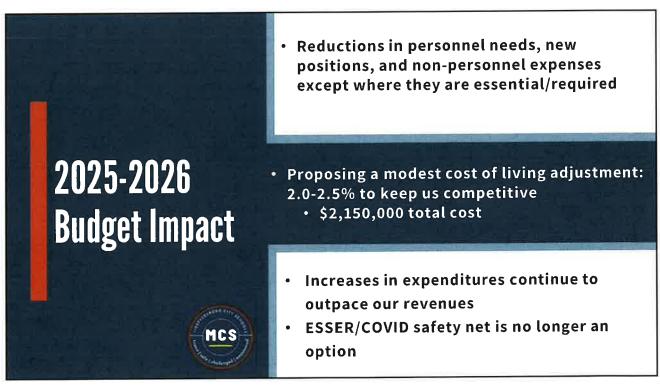
Current Revenue Projections

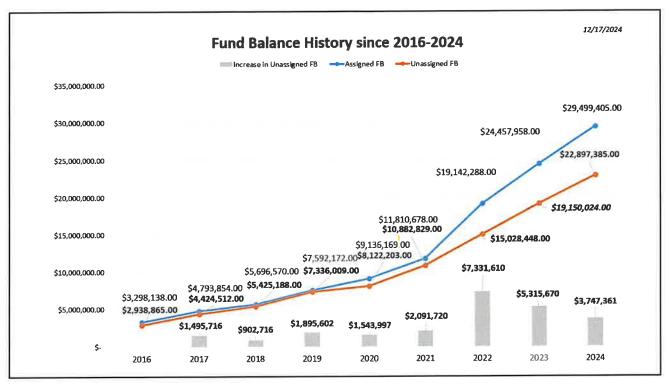


Light Hart	2024-2025	2025-2026 - Projection	Difference
State Revenue	\$65,305,956	\$67,467,620	\$2,161,664

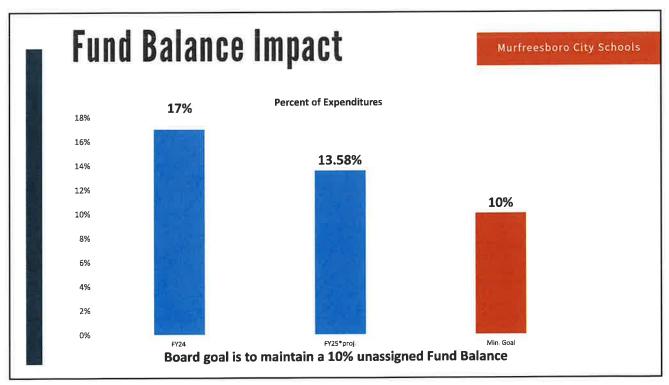
Year	Property Tax Revenue	Pennies Moved	Difference from FY22
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FY23	\$14,952,361	7 pennies from Educ. to Educ. Capital Projects	\$(1,288,279)
FY24	\$13,337,976	10 pennies from Educ. to Debt Service	\$(2,902,664)
FY25	\$13,300,000 *est.	2 pennies from Educ. to Educ. Capital Projects	\$(2,940,640)
			\$(7,131,583)

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Current Revenue Projections

A STATE OF THE STATE OF	2024-2025	2025-2026 - Projection	Difference
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FY25	\$13,300,000 *est.	2 pennies from Educ. to Educ. Capital Projects	\$(2,940,640)
17-19-7			\$(7,131,583)

18

Long Term Impact

- After three years of decreases to property tax, our City Schools' budget is feeling the year-over-year impact (approx. \$2.9 million annually).
- The loss in property tax is larger than the increase in our state funds (largest revenue source).
- Recurring and one-time personnel and non-personnel expenses continue to rise in cost.
- City Schools will need to find additional sources of revenue to offset decreases in property tax.



COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: Electronic Message Center- Sign Ordinance Update

Department: Building & Codes

Presented by: Teresa Stevens, Sign Administrator

Summary

Review and receive feedback on the possible use of Electronic Message Centers

Background Information

An Electronic Message Center is a sign that displays text, images or other information electronically and can be updated remotely or automatically. Electronic Message Centers (EMC) are currently not allowed. A new sign ordinance is being drafted to ease navigation and simplify current standards. We are also updating the Sign Ordinance to propose other types of signs. Staff is looking for valuable input and clear direction from Council and stakeholders as revisions are being crafted into the proposed new sign ordinance.

Council Priorities Served

Improve economic development

Potential changes or revisions to the sign ordinance may allow businesses to advertise in a manner that is currently not allowed. EMCs would also provide businesses with the ability to increase visibility, enhance communication, increase community engagement, provide flexibility and are cost effective for our customers.

Maintain public safety

Allowing an EMC could provide emergency alerts, public meetings notifications, traffic management, including road conditions and display safety messages.

Fiscal Impacts

No fiscal impact.

Attachments

1. EMC Presentation

SIGN DISCUSSION AGENDA

- 2nd Floor Sign Update (Look ahead to the next Council Meeting)
- Electronic Message CenterDiscussion
- Chad Gherke to discuss potential Airport Signage



2nd Floor On-Site Permanent Signs, Section 25.2-26

- This Ordinance Amendment will only affect the following zones or zone overlays, GDO-1, GDO-2, GDO-3, GDO-4 and PUD.
- Signs on the building front of a second-floor multi-tenant building will be allowed under this proposal.
- One sign per second-floor tenant that has at least twenty linear foot of exterior tenant wall along the building front.
- Maximum sign height is 30 inches; I.5 square foot per linear foot of tenant frontage with a maximum of 100 square feet; sign cannot exceed 75% of tenant frontage
- Limited to the second story of a commercial multi-tenant building.
- Illumination shall be push-thru style lighting; exposed neon tube or exposed LED light sources are prohibited.











ELECTRONIC MESSAGE CENTERS



TIME, PLACE & MANNER

- Where do we hope to see EMCs?
- •Are EMC type signs appropriate for government and school facilities; this may include residential zoning?
- •Can they fit in the surrounding areas of our institutional group assemblies; this may include residential zoning?
- What is the maximum size and height would we like to see?
- •How often should our message change?
- •We believe a masonry base or monument sign would be most attractive and be in keeping with Murfreesboro design standards in place now.



SIGN FACE AREA AND HEIGHT

Signs too high in overall height may be distracting and cause glare into adjacent businesses and home.

Signs too low to the ground may not be visible until a vehicle is directly upon the sign and not effective for relaying a specific message.

Currently for a freestanding wall sign, we allow a sign height of 16' in overall height. We believe this may be too high to be compatible with the vision for EMCs.

Examples shown with red border are 16' in overall height.

The photo on the right of the page is 10' and approx. 40 sf digital display



WHAT ABOUT ALL THE LIGHT THAT AN EMC MAY PRODUCE?

- EMC signs are mostly produced using LED technology. LEDs can produce significantly more brightness than traditional signs.
- Over-illuminating by setting them to maximum brightness on a sign can lead to excessive light and potentially impact night vision.
- With EMC signs, there is much discussion about ambient light. Ambient light is the general light that illuminates a space, creating a comfortable and inviting atmosphere.
- An EMC can be equipped with an ALS or ambient light sensor. This is a photodetector that measures the amount of light in a device's environment and adjusts the brightness of the device's screen to match the light conditions. We would require all signs to be equipped with an ALS

- Keeping the EMC height and square foot manageable will help reduce glare from the signs and be in keeping with existing design guideline practices established in Murfreesboro.
- Focusing on keeping the message simple, incorporate contrasting colors, having a static message, and a clean font selection will keep light issues to a minimum.
- The timing and manner in which a transition from message to message occurs can help create an aesthetically pleasing EMC as well.
- We would recommend a message change at 8 seconds and be an instant transition.



WHAT ARE OTHER COMMUNITIES SIMILAR IN POPULATION ALLOWING?

- We have found that what is allowed varies from community to community.
- Some communities allow these types of signs for schools, churches, and city facilities only.
- While others require a Planned Development approval.
- Nearly all, require some kind of illumination controls, such as an ambient light sensor.
- Several communities allow motion to display information, while others require a static display of information.

A QUICK OVERVIEW OF SELECT COMMUNITIES

	Mt. Juliet	Smyrna	Franklin	Brentwood	Hendersonville	Columbia	Chattanooga	Murfreesboro	
ALLOWED	yes	yes	no	no	yes	yes	yes	no	Proposed
TYPE	monument	perzone			ground	monument, pylon, marquee	ground		Monument
MAXHEIGHT	7ft	per zone			8'- 15' ft. by zone	6'-20' ft per zone	8'-30' ft per zone		
MAXSQFT	75% of the sign area, max sign area 32 sqft	per zone			80% of the sign area per zone allowance	50% of the tot al sign area allowed	must be secondary to main sign and cannot exceed the main sign size		32 S/F
CHANGING MESSAGE	yes	yes			yes	yes	yes		yes
HOW OFTEN?	8 seconds	8 seconds			15 minutes	8 seconds	9 seconds		8 seconds
OTHER RESTRICTIONS	only permitted for schools, churches and City Facilities Electronic signs for Fuel Stations are permitted in convenience neighborhood service and commercial districts for the sole purpose of displaying fuel pricing. All changeable copy signs other than gas price signs shall be freestanding signs. Gas Price Signs may be mounted on a canopy or freestanding when complying with all other requirements of this ordinance	one message at a time, ambient light, Planned Development approval,			no fading, ambient light, non conforming signs cannot convert,150'ft from re si dential	cannot be less than 100' from residential, instant transition between messages	me ssage change completion within 2 seconds		ambient light conditions,

Community	<u>Feedback</u>
	Anything you would change or complaints since allowing EMC
Mt. Juliet	No issues have come up, community has not complained.
Smyrna	Have had multiple violations for scrolling or moving signs. They believe they probably could have allowed larger gas station price signs, they max out at 20sqft.
Hendersonville	No issues have come up, community has not complained.
Columbia	No response
Chattanooga	No response
Lebanon	No issues but have had very few applications for them.



AIRPORT SIGN

- We've provided a proposed depiction of what the Airport sign with an LED changeable message could look like.
- The background on the LED display would be similar in color to the sign background material or as close as possible and still be legible.
- The sign would remain static for a minimum of 24 hours.
- LED provides an opportunity to change the font size, color, and message to meet the needs of the Murfreesboro Airport and provide a more professional appearance.
- On the next page there are three examples of the type of messages that may be displayed with a similar appearance.

A I R P O R T

Murfreesboro Aviation Learn to Fly Here 615-494-1900



A I R P O R T

STEAM FEST

Learn about flight Sat. Oct 19 9am - Ipm



A I R P O R T

Town Hall Meeting
Tuesday, July 17th 6
pm

Road Project Discussion



COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: Water & Sewer Rate Design Review

Department: Water Resources

Presented by: Valerie Smith/Doug Swann

Summary

Building from MWRD's biannual cost of service study (COSS) from FY23, along with its FY28 pro forma, review water and sewer 5-yr rate design to support the FY26 budget and associated cost recoveries.

Background Information

Jackson Thornton Utilities Consultants (JT) completed MWRD's biennial COSS FY23 and proforma FY28. The goal of the COSS has always been to align the Department's water and sewer rate structure with the actual cost of service and to allocate a overall revenue requirements (i.e., expenses) to the various customer classes it serves in a manner that reflects the relative costs of providing service to each customer class. Keeping with the projection from the FY23 COSS, the average increase is in small increments to keep our recovery a little over 100% in FY28. JT will be completing another COSS for MWRD this year.

MWRD Water/Sewer Rate Design (Assuming \$120M in Debt by FY28)

Fiscal Year		FY25 Current Rate	FY26 Proposed Rate	FY27 PF	FY28 PF	FY29 Projectd
Combined Recovery	FY23 COSS					
Avg Combined Water/Sewer Bill	\$69.44	\$70.24	\$71.01	\$72.84	\$74.94	\$76.04
% Increase			1.12%	2.56%	2.89%	1.47%
Combined Recovery			107.1%	104.1%	101.8%	
Combined Recovery (if No Rate Change)			105.6%	100.8%	96.5%	

These studies have shown that MWRD's minimum monthly fees have been lower than the COSS recommended. The Department knowingly kept the minimum monthly fees lower to have the least impact on low and fixed-income customers. However, based on FY23 COSS results and the FY28 pro forma, staff is recommending some minor adjustments to the rates.

Council Priorities Served

Responsible budgeting

Establishing a cost for service minimizes rate adjustments over time which allows customers to adjust their budgets appropriately for future water and sewer bills.

Fiscal Impact

Water fund revenues are estimated to increase by \$330,000; \$85,000 associated with customer growth and \$245,000 due to the proposed increase in the commodity charge for existing customers.

Sewer fund revenues are estimated to increase by approximately \$850,000 based upon growth in customer base and a \$0.25 increase in proposed minimum charge increase on existing customers.

Attachments

FY 26 Water and Sewer Rate Design Report

FY 26 Water and Sewer Rate Design Report

A cost-of-service study (COSS) was performed by JT for FY2023 as well as a pro forma for FY2028. Since MWRD started conducting cost-of-service studies, the goal has always been to align the Department's water and sewer rate structure with the actual cost of service results.

The primary purpose of a cost-of-service study is to allocate a utility's overall revenue requirements (i.e., expenses) to the various customer classes it serves in a manner that reflects the relative costs of providing service to each customer class.

The secondary purpose of the cost-of-service is to assign costs to the fixed cost portions of a utility's operation via minimum monthly fees and to the variable cost portions of a utility's operation via commodity fees. Fixed costs are costs which remain constant regardless of the volume of throughput and are predominately associated with capital investment in the utility system. Fixed costs include costs such as labor, asset repair and replacement, and debt. Variable costs are costs which vary with the volume of throughput, such as fuel, chemicals, and increased O&M expenses as the system expands.

As studies have shown, MWRD's minimum monthly fees have been lower than the cost-of-service study recommended. The Department knowingly kept the minimum monthly fees lower so as to have the least impact on low and fixed-income customers. However, based on FY23 cost-of-service study results and the FY28 pro forma, staff is recommending some minor adjustments to the Departments rate design.

The FY28 pro forma anticipates \$120M in debt service to construction the WRRF expansion as well as several other capital projects.

Table 1 below shows MWRD's rates from current FY25, proposed FY26 and future FY27-FY29. The table also shows the anticipated over/under recovery based on the rate design adjustments.

Table 1

MWPD Water/Sewer Pate Design (Assuming \$120M in Debt by EV28)

MWRD Water/Sewer Rate Design (Assuming \$120M in Debt by FY28)							
Fiscal Year	FY25 Current Rate	FY26 Proposed Rate	FY27 PF	FY28 PF	FY29 Projected		
Sewer							
Residential Min. Monthly Charge	\$11.00	\$11.25	\$11.75	\$12.25	\$12.75		
Commodity Charge (\$/kgal)	\$5.50	\$5.50	\$5.55	\$5.60	\$5.60		
Sewer Over/Under Recovery (Less Add'l Fees)		109.9%	105.6%	102.0%	102.0%		
Sewer Over/Under Recovery (if No Rate Change)		108.9%	103.0%	98.1%	98.1%		
Avg Sewer Bill @ 4,900 gal/month		\$38.20	\$38.95	\$38.69	\$39.69		
Water							
Residential Min. Monthly Charge	\$11.00	\$11.25	\$11.75	\$12.25	\$12.25		
Commodity Charge (\$/kgal)	\$3.70	\$3.75	\$3.85	\$4.00	\$4.00		

Water Over/Under Recovery (Less Add'l Fe	101.9%	101.2%	101.3%	101.3%		
Water Over/Under Recovery (if No Rate Change)				96.3%	93.3%	93.3%
Avg Water Bill @ 5,730 gal/month				\$33.89	\$35.25	\$35.25
Combined Recovery	FY23 COSS					
Avg Combined Water/Sewer Bill	\$69.44	\$70.24	\$71.01	\$72.84	\$74.94	\$76.04
% Increase			1.12%	2.56%	2.89%	1.47%
Combined Recovery			107.1%	104.1%	101.8%	
Combined Recovery (if No Rate Change)			105.6%	100.8%	96.5%	

Chart 1 below shows the magnitude of separation between water and sewer revenue recoveries over revenue requirements with and without the proposed rate changes. Without implementing rate changes, the sewer and water recoveries will be 98.1% and 93.3% respectively in FY28. By implementing the proposed rate changes, the sewer and water recoveries are estimated to be 102.0% and 101.3% respectively in FY28.

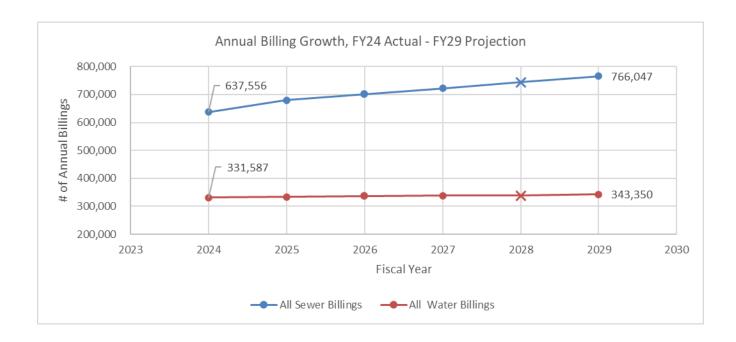
Chart 1

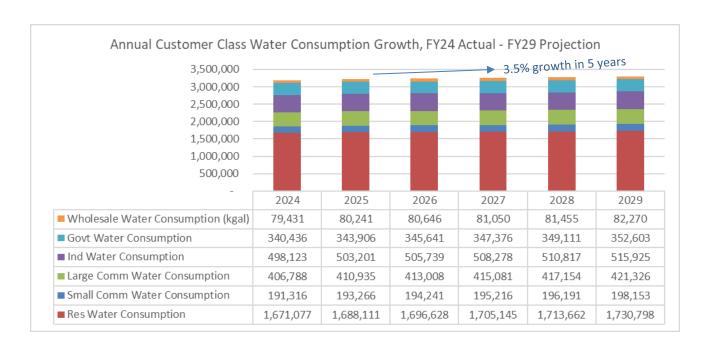




FY24 consumption and expenses and FY29Projections

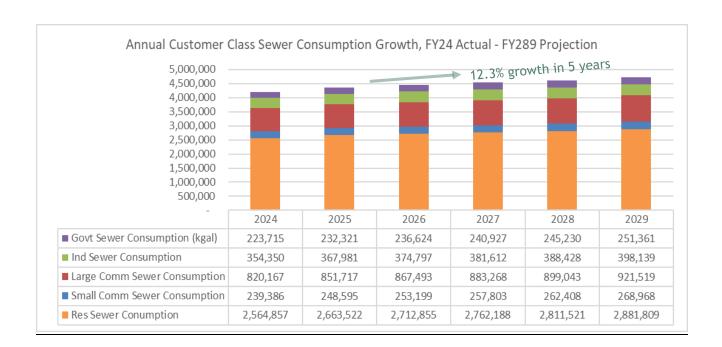
The following information projects annual billings from FY24 to FY29. FY29 projections continue trends created with Jackson Thornton's FY23 cost of service study and FY28 pro forma. Sewer growth is based on growth within Consolidated Utility Districts service area.





The proposed water rate for FY26 involves an increase in the minimum monthly fee for all meter sizes, an approximate 2.25% increase rounded to the nearest \$0.10. A minor commodity rate for water is being proposed, changing it from its current rate of \$3.70 per thousand gallons to \$3.75 per thousand gallons.

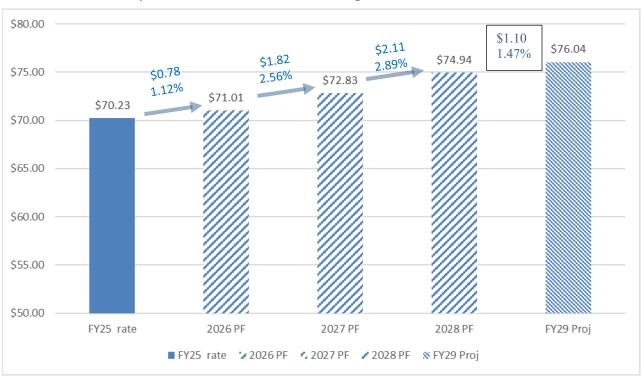
Meter Size (INCH)	FY25 minimum	FY26 Proposed minimum	Difference (Increase)	# of Accounts
5/8"	\$11.00	\$11.25	\$0.25	26,100
1"	\$23.04	\$23.60	\$0.56	575
1-1/2"	\$47.78	\$48.90	\$1.12	340
2"	\$74.66	\$76.40	\$1.74	445
3"	\$169.33	\$173.20	\$3.87	75
4"	\$338.66	\$346.30	\$7.64	23
6" >	\$705.55	\$721.50	\$15.95	15
	-		Total	27,573



The proposed sewer rate for FY26 involves an increase in the minimum monthly fee for all meter sizes, an approximate 2.25% increase rounded up to the nearest \$0.10. No proposed commodity rate for sanitary sewer is being proposed, keeping it at its current rate of \$5.50 per thousand gallons.

Meter Size (INCH)	FY25 minimum	FY26 Proposed minimum	Difference (Increase)	# of Accounts
5/8"	\$11.00	\$11.25	\$0.25	51,160
1"	\$28.82	\$29.50	\$0.68	1,045
-1/2"	\$63.76	\$65.20	\$1.44	377
2"	\$103.06	\$105.40	\$2.34	715
3"	\$260.28	\$266.20	\$5.92	81
4"	\$522.31	\$534.10 \$ 3	\$11.79	29
> 6"	\$1,090.05	\$1,114.60	\$24.55	67
			Total	53,474

The table below represents the combined average bill:



The combined monthly residential water and sewer bill is \$71.01. This falls between a 2- and 3-person family household and is well under the affordability indexes illustrated below (purple dots). The proposed FY24 rate design, when plotted against the combined recovery curves in Chart 5 below, demonstrates how the minimum fee is raised, and the commodity fee slope is reduced.

\$200.00 3 Persons \$180.00 2 Person \$160.50 5 persons 4 Persons \$160.00 \$142.67 \$178.17 \$192.50 1 Person \$140.00 \$124.83 \$120.00 \$ / month \$100.00 \$80.00 Proposed Rate Design FY26 Affordability HUD 2024 \$60.00 Cost of Service FY23 \$40.00 Pro Forma 2028 Rate Design \$20.00 \$-2000 4000 6000 8000 10000 12000 Gallons per Month

Residential Rate Design Curves – Existing, Proposed, COSS and Pro Forma

The above chart demonstrates that MWRD's current rate design meets the affordability index for 1-person through 5-person homes. In addition, the COSS pro forma for FY28 also meets the current 2024 HUD affordability indexes. Note however that the cost of service for FY23 and pro forma for FY28 do show the need to increase the minimum monthly fees rather substantially and flatten out the commodity charges.

The affordability limits above represent 4% of a very low-income earner (50% of median income) in Murfreesboro. The table below illustrates 2024 HUD housing limits. Median family income of 4 is established at \$106,900 per year, so 50% of median for a family of four is established as \$53,450 per year.

HUD Very Low Income	(50% Median) for 1-5	person households

	1 person	2 persons	3 persons	4 persons	5 persons
50% Median Family Income	\$37,450	\$42,800	\$48,150	\$53,450	\$57,750
4% annual	\$1,498	\$1,712	\$1,926	\$2,138	\$2,310
4% monthly	\$124.83	\$142.67	\$160.50	\$178.17	\$192.50

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: Solid Waste Fee Review

Department: Administration **Presented by:** Darren Gore

Summary

Review previously recommended solid waste fee increases and cost recovery for solid waste expenses.

Background Information

Council reviewed the solid waste fee structure proposal at their May 10, 2023, workshop. That review entailed an eight-year strategy to move the Solid Waste Department toward a self-supporting utility service. Year 1 and 2 of the rate adjustment plan has been implemented and the rate increases over the next six years is proposed as follows:

Fiscal Year	Residential Monthly Fee	Outside CCO Commercial Fee	Inside CCO Commercial Fee	Status
FY24	\$9.50	\$35.00	\$30.00	
FY25	\$11.50	\$40.00	\$30.00	Current
FY26	\$13.50	\$45.00	\$30.00	Proposed
FY27	\$15.50	\$50.00	\$30.00	Planned
FY28	\$18.00	\$55.00	\$30.00	
FY29	\$20.50	\$55.00	\$30.00	
FY30	\$23.00	\$55.00	\$30.00	
FY31	\$25.00	\$55.00	\$30.00	\

The attached report shows the proposed FY26 projected expenses and revenues for the solid waste department. As indicated the proposed scheduled increase of fees adjusts weekly residential curbside pickup) from \$11.50 to \$13.50 per month. It adjusts bi-weekly commercial curbside pickup outside the City Core Overlay (2370 carts) from \$40 to \$45 per month. The fee for commercial carts inside the City Core Overlay, approximately 780, remains at \$30 per month for bi-weekly pickup. The other items including charges for bulk item pick-up, loose grass clippings and larger volume brush and limb pickups, solid waste cart replacement, and special event service are not being proposed to change.

This long-planned increase moves the City solid waste utility service toward self-supporting operations. The process proposed for self-supporting operations is for a gradual fee increase over the next seven years. During the interim, the General Fund will continue to support this service. The current total solid waste fees generate \$8.15 million in revenue. The FY26 budget anticipates that the proposed fee adjustment will provide an additional \$1.5M in revenue to cover around 70% of the estimated

\$13.6M in solid waste expenses.

A solid waste fee adjustment resolution will be drafted and reflect the background information provided and will be forthcoming at a future regular Council meeting for consideration.

Council Priorities Served

Responsible Budgeting

Development and implementation of a viable plan for handling of solid waste is critical to responsibly budgeting for the future provision of this utility service to residents in a cost-effective manner.

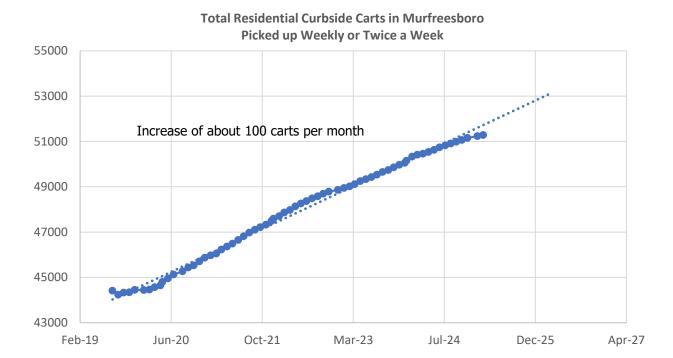
Fiscal Impacts

Revenue enhancement of approximately \$1.5 million.

Attachments

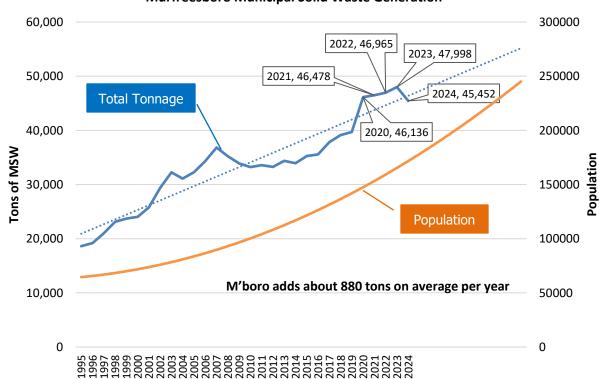
Solid Waste Fee Review Report

ATTACHMENT: SOLID WASTE FEE REVIEW REPORT



Residential: 49,179
Commercial (inside City Core Overlay): 782
Commercial (outside City Core Overlay): 2,367
TOTAL SOLID WASTE CARTS: 52,328

Murfreesboro Municipal Solid Waste Generation



Pro Forma - Monthly Rate Structure with Revenue and Expense Projections

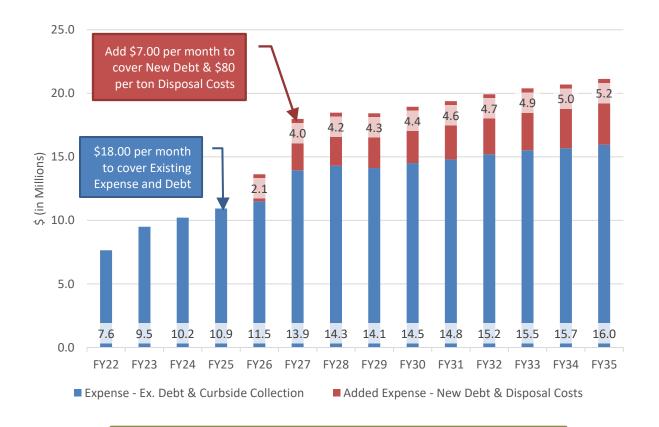
	Residential	Commercial				Recovery % (Rev to
Year	Rate	Rate	Revenue	Expense	Difference	Exp)
1-Jul-21	\$7.50	\$30.00	\$5,122,273	(\$7,643,497)	(\$2,521,224)	67.0%
1-Jul-22	\$7.50	\$30.00	\$5,247,919	(\$9,505,858)	(\$4,257,939)	55.2%
1-Jul-23	\$9.50	\$35.00	\$6,695,827	(\$10,222,145)	(\$3,526,318)	65.5%
1-Jul-24	\$11.50	\$40.00	\$8,156,919	(\$10,936,605)	(\$2,779,686)	74.6%
1-Jul-25	\$13.50	\$45.00	\$9,719,096	(\$13,625,985)	(\$3,906,889)	71.3%
1-Jul-26	\$15.50	\$50.00	\$11,363,722	(\$17,990,269)	(\$6,626,547)	63.2%
1-Jul-27	\$18.00	\$55.00	\$13,416,027	(\$18,473,987)	(\$5,057,961)	72.6%
1-Jul-28	\$20.50	\$55.00	\$15,436,629	(\$18,425,073)	(\$2,988,444)	83.8%
1-Jul-29	\$23.00	\$55.00	\$17,572,590	(\$18,947,077)	(\$1,374,488)	92.7%
1-Jul-30	\$25.00	\$55.00	\$19,476,503	(\$19,380,449)	\$96,053	100.5%
1-Jul-31	\$26.00	\$55.00	\$20,756,936	(\$19,927,283)	\$829,654	104.2%
1-Jul-32	\$26.00	\$55.00	\$21,350,097	(\$20,387,674)	\$962,423	104.7%
1-Jul-33	\$26.00	\$55.00	\$21,961,860	(\$20,699,925)	\$1,261,935	106.1%
1-Jul-34	\$26.00	\$55.00	\$22,592,809	(\$21,135,384)	\$1,457,425	106.9%



Major Pro Forma assumptions:

FY26 – 100% new debt of transfer station comes on-line

FY27 – 50,000 tons of tipping fees charged at \$80 per ton



Total per month per residential customer in FY31 proposed as \$25.00

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: Stormwater Fee Review

Department: Administration **Presented by:** Darren Gore

Summary

Review stormwater fee increases to fund anticipated capital improvement projects.

Background Information

The Murfreesboro stormwater fee was implemented in 2008. It is funded from revenue based on a user fee of \$3.25 per single family equivalent per month. The fund will be in its eighteenth year in FY26 with no rate increases. The fee generated approximately \$2,500,000 in 2010 and has steadily grown by approximately \$73,250 per year and generated approximately \$3,450,000 in 2024. The annual increases in stormwater revenue are wholly attributed to growth, which equates to the City adding approximately 150 acres of imperviousness annually. The fee has been used to fund significant capital improvement projects as well as cover engineering and streets activities related to storm water runoff control, inspection oversight, and maintenance of streets and storm drainage infrastructure.

The reserve balance for the stormwater fund has stayed around \$4,000,000 since 2017 through 2024 with no net increase. The stormwater fund policy states that the minimum working reserve balance must stay above three (3) months of operating expenses or approximately \$800,000 for FY26. That leaves approximately \$3,200,000 for upcoming capital projects. The current 5-yr capital improvements plan (CIP) for stormwater funding is around \$8,500,000. In the past, the City has deferred several projects to keep the reserve balance from dipping below the 12-month operating expense threshold; however, three significant projects coming up over the next two years are expected to drop the fund balance below the 3-month secured amount of \$800,000. Those projects are as follows:

- Old Fort Park Ballfield Renovations = \$374,000
- Town Creek Daylighting = \$2,250,000
- Mall Circle Drive Drainage Renovations = \$1,100,000
- TOTAL ESTIMATED PROJECT COSTS = \$3,724,000

Funding of these three projects alone will drop the stormwater fund balance to around \$276,000. Given this expectation, staff is recommending increasing the stormwater fee from \$3.25 per single family residential equivalent per month to \$3.50 in FY26 and \$3.75 in FY27. This is an increase of 7.6% and 7.1%, respectively and equate to \$0.25 per month or \$3 per year per residence for the next 2 years. These increases are projected to increase revenues by approximately \$340,000-\$350,000 annually

for the next 2 years, assuming future growth remains consistent with past growth.

The other options available are to modify the stormwater fund financial policies to eliminate a secured fund balance or allow the stormwater fund to incur debt for capital projects.

Council Priorities Served

Responsible Budgeting

Development and implementation of a viable plan for handling of upcoming stormwater funded projects is critical to responsibly budgeting for the future provision of this utility service to residents in a cost-effective manner.

Fiscal Impacts

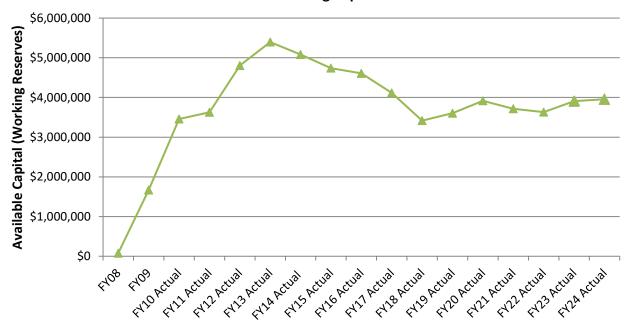
Adopting the fee increases as recommended would afford a revenue enhancement of approximately \$340,000 in FY26 and \$350,000 in FY27.

Attachments

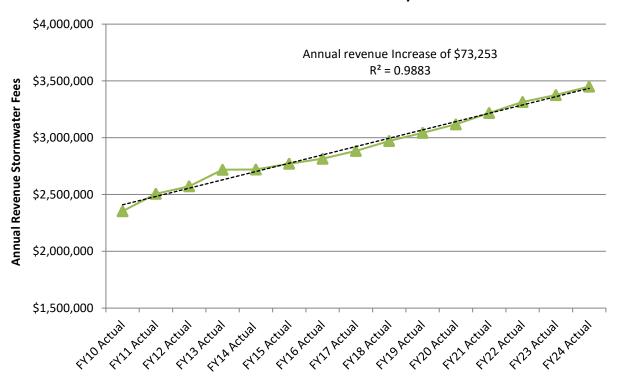
Stormwater Fee Review Report

ATTACHMENT: STORMWATER FEE REVIEW REPORT

Stormwater Working Capital Reserve Balance FY08-FY24



Stormwater Revenue History FY10-FY24



COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: General Fund Payroll Slippage Impact on Pro Forma

Department: Administration **Presented by:** Darren Gore

Summary

Review general fund pro forma from October 2024 council retreat and demonstrate sensitivity analysis associated with payroll slippage assumptions.

Background Information

At the October 24-25, 2024 city council retreat, a pro forma was reviewed in an attempt to account for the following revenues or savings and expenses, including new debt service. The categories that were factored into the pro forma are tabulated below:

REVENUE ITEMS EXPENSE ITEMS

New Employee Payroll Expense
Existing Employee Raises Expense
Projected Annual O&M Budget Expense Increase
Projected Annual O&M School Budget Expense Increase
Debt Service FY26-FY33

Projected Ops Expense Slippage Savings

The pro forma presented at the retreat, based on all the factors listed above showed a total revenue requirement of \$8,790,000 between FY26 and FY33.

Projected payroll slippage savings were assumed as approximately 2.5% in establishing this overall revenue requirement per the pro forma assumptions presented at the council retreat.

With the implementation of public safety pay raises and the general fund pay plan adjustment, projected payroll slippage savings are coming in below what was expected, thus reducing an anticipated revenue source. For the purpose of this review, staff is providing a sensitivity analysis to demonstrate how a 1.5%, 2.5% and 3.5% payroll slippage impacts the overall revenue requirement between FY26 and FY33, or 8-yrs.

DDELED PAYROLL IPPAGE SAVINGS	REVENUE REQUIREMENT UNDER PRO FORMA RETREAT ASSUMPTIONS (FY26-FY33; 8-YRS)	PROPERTY TAX IMPLICATIONS
1.5%	\$23,300,000	\$0.3106
2.5%	\$8,790,000	\$0.1171
3.5%	-\$5,735,000	-\$0.0765

In essence a 1% increase or decrease in payroll slippage has a \$14,500,000 impact over an 8-yr period currently projected.

Staff is continuing to enhance the pro forma to include other budgetary factors and fine-tune the assumptions involving future debt service and other sources of revenue.

Council Priorities Served

Responsible Budgeting

Development and implementation of a viable pro forma, to include retired debt service, new debt service, increased headcount, personnel raises, and other revenues and expenses over a projected number of years allows the Council to see a forecasted revenue surplus or deficit and thus provide continuing services to residents in a cost-effective manner.

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: CIP Transfers

Department: Finance

Presented by: Amanda DeRosia, Finance Director

Summary

Notification to Council of CIP transfers.

Background Information

Major capital investments are generally funded by debt. The funds secured are allocated annually with the CIP Budget process. The transfer of CIP funds is something that is necessary under certain circumstances, such as transfer of priorities, unanticipated project delays, etc.

Another circumstance requiring CIP funds transfer is the potential for arbitrage earnings, which result in IRS penalties. Arbitrage earnings result when the City's investment earnings on unexpended funds are greater than the interest that is paid for those funds. The unprecedented rapid rise in interest rates has recently created a risk of arbitrage earnings unless transfer of CIP funds is undertaken. Council has granted the Finance Department authority to transfer funds when necessary to avoid IRS penalties on arbitrage earnings.

The transfers shown in the attached schedule show the proposed transfer of funds between the Bond Fund and the General Fund. The amount of funding for the existing projects listed does not change, only the source of the funds to be expended.

Council Priorities Served

Responsible budgeting

Proper management of borrowed funds is required to maintain the funding's tax status and avoid undue penalties.

Fiscal Impacts

The transfer of CIP Funds will have no effect on the CIP Funds balance.

Attachments:

- 1. CIP Transfers Schedule
- 2.CIP Funds Transfer Request 2021 Bond/2025 CIP/General Fund

Total	Town Creek	Rucker Lane	Old Fort Park Parking Improvements	Old Fort Ballfield Improvement	Medical Center Parkway Phase 2	Land Acquisition/Contingencies	Dr. MLK Jr Blvd	Broad Street/Medical Center Pkwy Intersection	Blackman/Burnt Knob/ Manson	Funds Available by Loan After Reallocation March, 2025 Project	Total	Town Creek	Rucker Lane	Old Fort Park Parking Improvements	Old Fort Ballfield Improvement	Medical Center Parkway Phase 2	Land Acquisition/Contingencies	Dr. MLK Jr Blvd	Broad Street/Medical Center Pkwy Intersection	Blackman/Burnt Knob/ Manson	Funds Available by Loan Before Transfer April, 2025 Project
498,785	29,600	14,478				15,242			439,465	2021 Bond Available Funds	498,785			321,925	15,242	29,600		14,478	117,540		2021 Bond Available Funds
14,478							14,478			2022 Bond Available Funds	14,478		14,478								2022 Bond Available Funds
454,707			321,925	15,242				117,540		2025 CIP Available Funds	454,707						15,242			439,465	2025 CIP Available Funds
29,600					29,600					General Fund Available Funds	29,600	29,600									General Fund Available Funds
997,570	29,600	14,478	321,925	15,242	29,600	15,242	14,478	117,540	439,465	TOTAL Available Funds	997,570	29,600	14,478	321,925	15,242	29,600	15,242	14,478	117,540	439,465	TOTAL Available Funds



. . . creating a better quality of life

CIP Funds Transfer Request

Submitted for your approval is the following request to transfer CIP funds.

CIP Loan 2021 Bond/2025 CIP/General Fu	und									
Transfer CIP funds from:		Transfer CIP funds to:								
Medical Center Pkwy 2 (2021)	(29,600.00)	Town Creek (2021)	29,600.00							
Town Creek (General Fund)	(29,600.00)	Medical Center Pkwy 2 (General Fund)	29,600.00							
Old Fort Park Parking Imprv (2021)	(321,925.46)									
Broad St/MCP Intersection (2021)	(117,539.54)	Burnt Knob, Manson, Blackman (2021)	439,465.00							
		Old Fort Park Parking Imprv (2025)	321,925.46							
Burnt Knob, Manson, Blackman (2025)	(439,465.00)	Broad St/MCP Intersection (2025)	117,539.54							
Dr MLK Jr Blvd (2021)	(14,477.50)	Rucker Lane(2021)	14,477.50							
Rucker lane (2022)	(14,477.50)	Dr MLK Jr Blvd (2022)	14,477.50							
Old Fort Park Ballfield Improvement (2021)	(15,242.00)	Land Acquisition/Contingency (2021)	15,242.00							
Land Acquisition/Contingency (2025)	(15,242.00)	Old Fort Park Ballfield Improvement (2025)	15,242.00							
TOTAL TRANSFER	(997,569.00)	TOTAL TRANSFER	997,569.00							
Explanation: To facilitate spending down the	2021 Bond, it is re	equested that the above listed projects that are	funded							
with the General Fund and the 2025 CIP be s	wapped with the sa	ame projects in the 2021 Bond.								
Vichi Imassey		04/03/25								
Reviewed by Finance		Date								
Approved	Amando Finance Director	2 DeRosia								
Declined	04/04/20 Date	25								

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: January & February 2025 Dashboard

Department: Administration

Presented by: Erin Tucker, Budget Director

Summary

January & February 2025 Dashboard packet

Background Information

Dashboard information includes relevant Financial, Building & Codes, and Construction data.

Council Priorities Served

Responsible budgeting

Providing Council with assessable financial information on a regular-basis assists in critical decision-making about the fiscal affairs of the City.

Fiscal Impacts

None

Attachments:

- 1. January & February 2025 Dashboard
- 2. December Impact Fee Report
- 3. City Schools December Dashboard

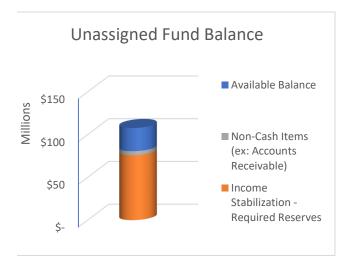
JANUARY/FEBRUARY 2025 DASHBOARD

FUND BALANCE

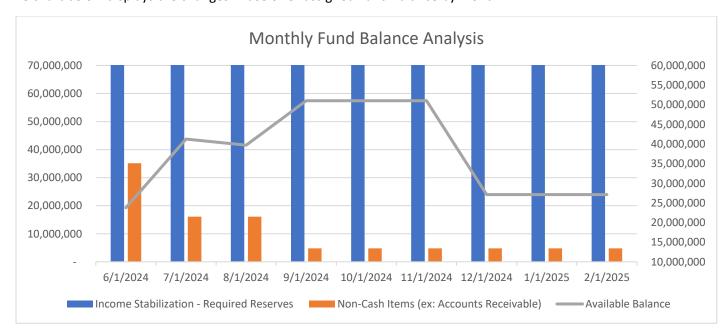
The City's Fund Balance policy requires a reserve of 15-30% of General Fund revenues. This reserve is maintained in the Unassigned Fund Balance within General Fund. Other components of this account include non-spendable assets, including Accounts Receivable. The remaining funds are available for use, generally for one-time, non-recurring expenses. Examples include economic development related expenses and capital spending for land, buildings and equipment.

The graph and chart below reflects the total Unassigned Fund Balance categorized by required reserves, non-cash items, and available balance. The maximum reserve (30% of General Fund operating revenues) is used. These amounts are unaudited.

	Unassigned Fund Balance
	2/28/2025
Available Balance	27,112,165
Non-Cash Items (ex: Accounts Receivable)	4,804,460
Income Stabilization - Required Reserves	75,900,000
	107,816,625



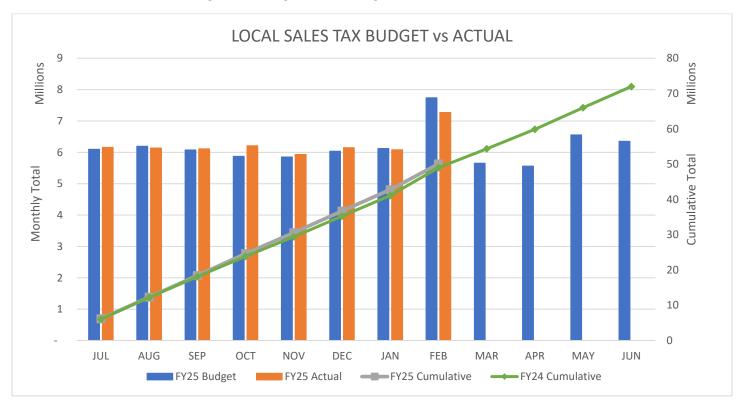
The chart below displays the changes in use of Unassigned Fund Balance by month.



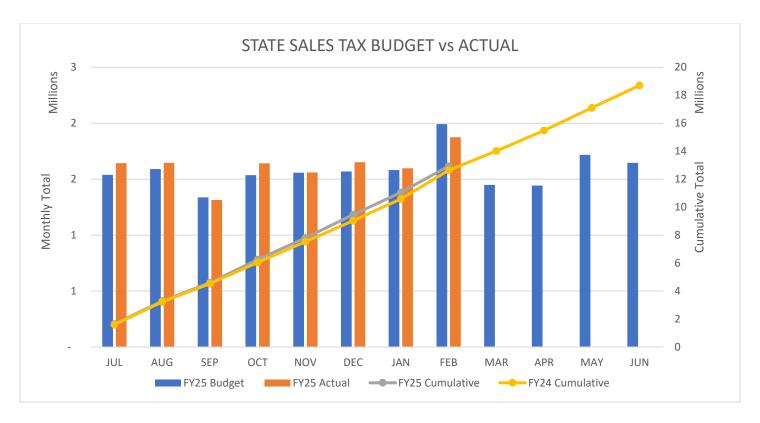
REVENUES



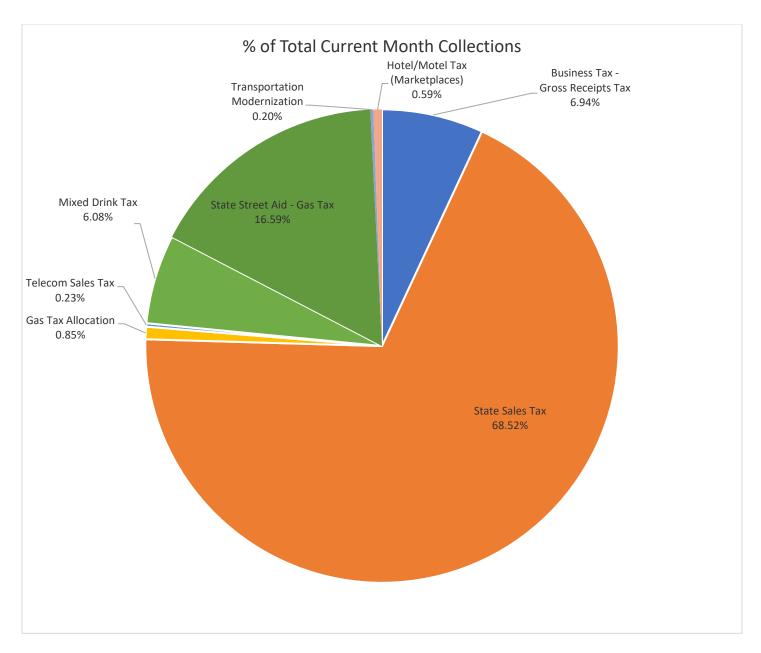
Property Tax notices were mailed in early October. The FY25 budget reflects a 3% increase over FY24, however actual results came in \$180k under budget, reflecting instead 2.8% growth over FY24.



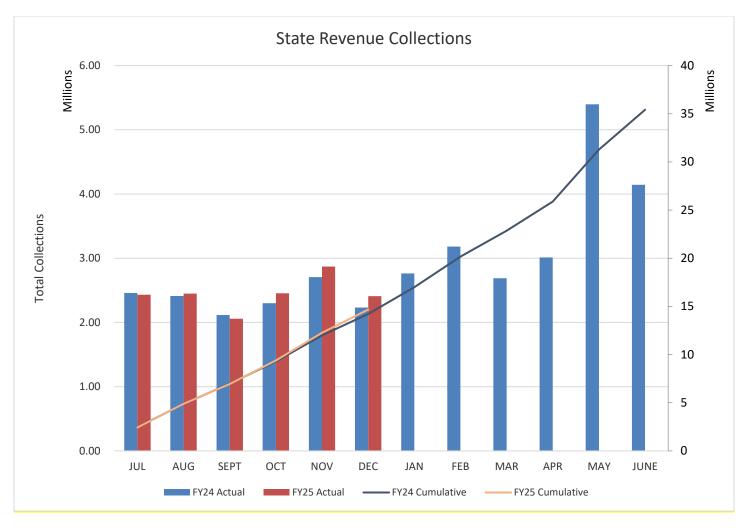
FY25 Local Sales Tax collections were budgeted flat with a 1.5% increase over FY24 projected results. In July, a revised budget was presented to Council that increased the projection by an additional 1.5% (\$1m). January 2025 receipts (reflecting November sales) reflect nearly \$260k more (4.5% increase) than January 2024 receipts. However, February receipts reflect the first significant drop in revenue this fiscal year — with an 8% drop compared to February 2024. This revenue shows a \$53k (0.1%) increase over budgeted projections.



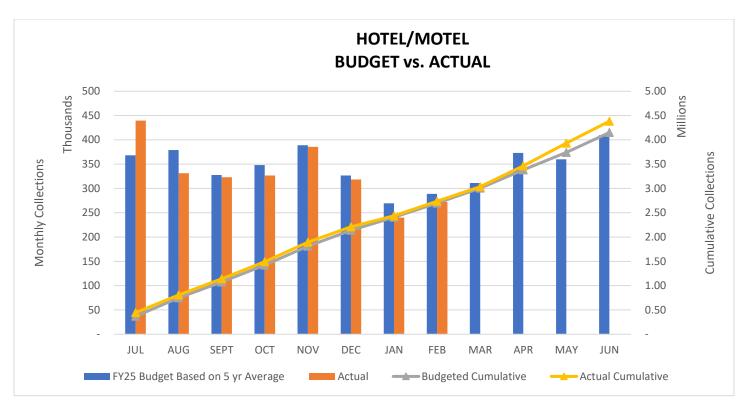
FY25 State Sales Tax collections were budgeted at 1% over FY24. In July, a revised budget was presented to Council that increased the projection by an additional 1% (\$190k). January receipts, for November sales, were up 3% compared to last year, but February receipts were down 8.9%. Cumulatively, this revenue is up 1.8% compared to budget and 2.3% compared to last year.



For December, Sales Tax made up 68% of State revenues. State Street Aid (restricted to road improvements) made up 17% of the month's receipts. Mixed Drink tax totaled 6% for the month. The remaining revenues were made up with other miscellaneous taxes, including telecom and miscellaneous gas tax revenues.

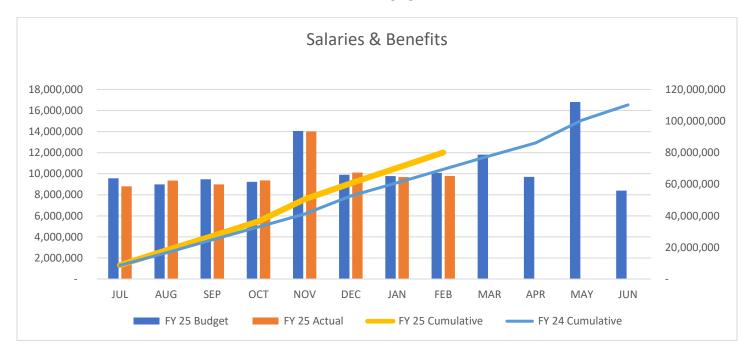


Overall, State Shared Revenue collections showed an 8% increase compared to January 2024 and a 10% decrease compared to February 2024. Business License (Gross Receipts) Taxes are up 113% (\$146k) for the January but down 49% for February. Cumulatively, results are up 12% and down 8% for January and February. While this tax can fluctuate depending on when returns are filed, there were also changes to the filing requirements that have impacted revenues. Mixed drink taxes were up 9% in January and down 2% in February. State Street Aid Gas Tax reflects 4% increase in January and flat results in February; this tax is up 1% cumulatively. These revenues are restricted and can only be spent on eligible roadway maintenance and construction projects.



Due to declining revenue forecasts, FY25 Hotel/Motel Taxes were budgeted 7% lower than the FY24 budget. January results reflect a 6% increase compared to last year for the month, while February reflects an 8% decrease. Cumulatively, there is a 1% budget deficit. The Finance Department will conduct an audit of the City's hotels and motels in the coming year to ensure accurate and timely reporting.

EXPENSES

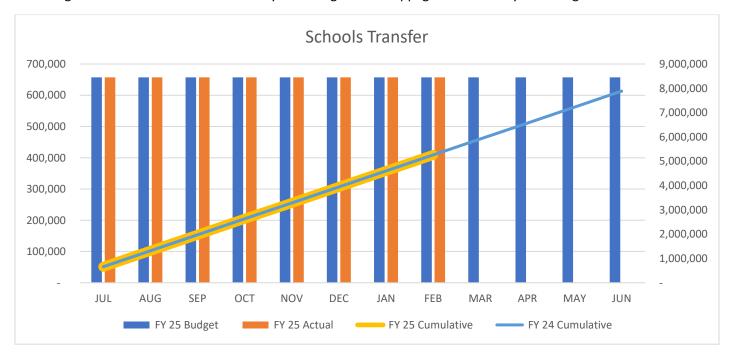


Salaries & Benefits make up 35% of General Fund's budget. The FY25 budget included 40 additional full-time positions, 22 of which are for public safety. Full-time approved positions increased from 1,104 to 1,146 positions.

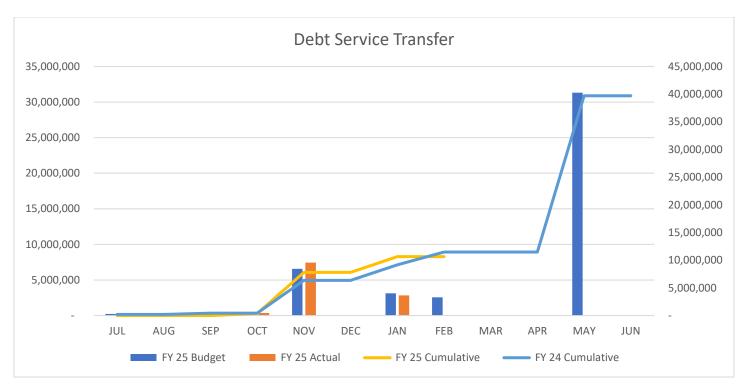
As of 1/31/25, there were 1,117 filled full-time positions and 29 vacancies. Police had 15 open positions at the end of January, including 9 sworn officer positions, down from 19 open in December.

As of 02/28/25, there were 1,099 filled full-time positions and 47 vacancies. Police had 19 open positions at the end of February, including 13 sworn officer positions, up from 9 open in January.

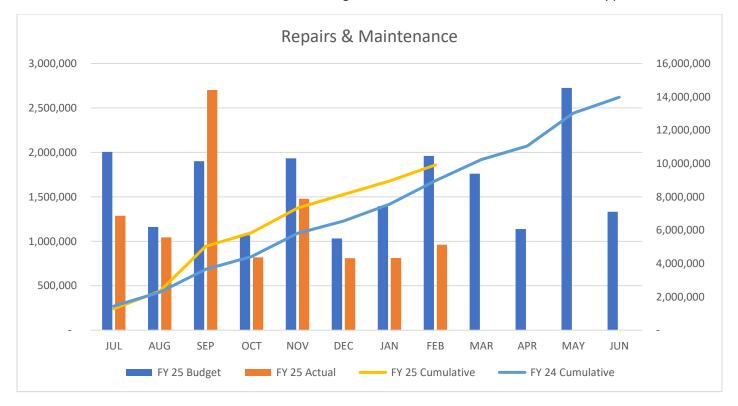
With the City Council's efforts to increase recruitment and retention City-wide, payroll savings (a.k.a. slippage) is steadily decreasing month over month – with January reflecting 0.9% in slippage and February reflecting 1.2%.



Transfers to City Schools makes up 2% of General Fund's budget. Budgeted Transfers to City Schools is budgeted at \$7.885M. This transfer is made in monthly increments evenly distributed throughout the year.

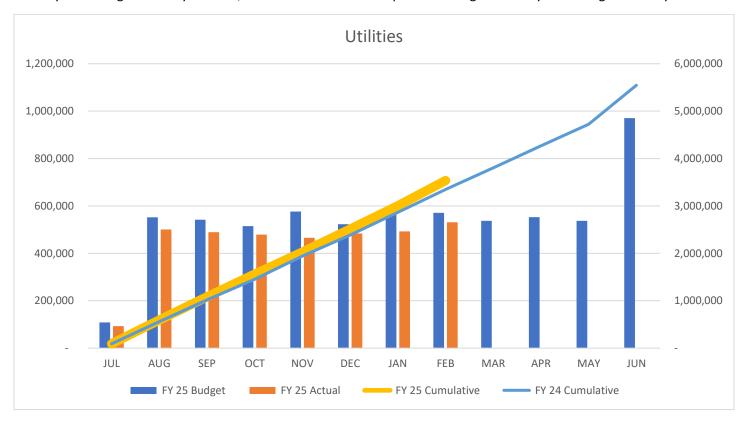


Budgeted Debt Service makes up 12% of General Fund's budget. Council approved a \$55m debt issuance in FY24 that has since been updated to a \$70m debt issuance which is expected to be issued in later in FY25 or possibly in FY26. The Debt Service budget totals \$44.1m which includes debt roll-off of \$4.4m and anticipated new debt service of \$5.9m for a net increase of \$1.5m. An additional \$1.5m will be budgeted in FY26 to account for the increased approved issuance.

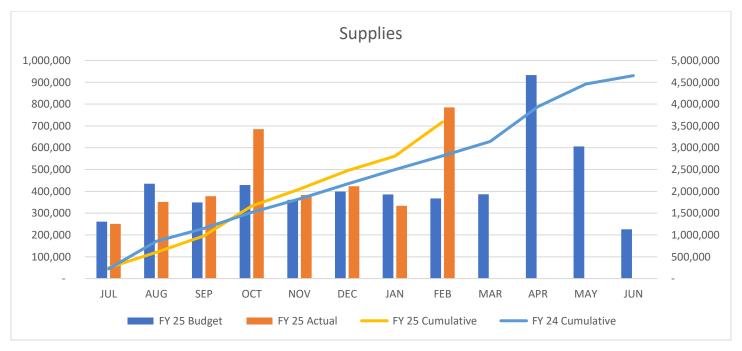


Repairs & Maintenance make up 5% of General Fund budgeted expenses. This includes technology maintenance (software, network & hardware) (\$3.5m), fleet services (\$4.6m), and Police R&M for radios, mobile data terminals, etc. (\$2.2m). State Street Aid R&M of streets, markings and right of way totals \$5.2m. While monthly budgeted amounts are based on last year's actual results, these expenses are seasonal and fluctuate depending on contract timing and timing

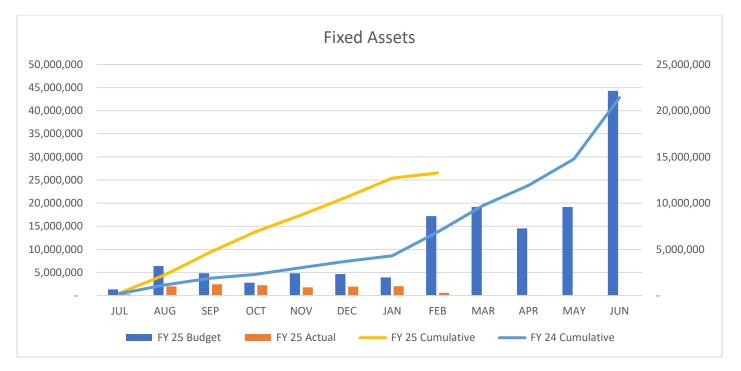
of repairs. Repair & Maintenance costs were up 18% compared to last year through January and are up 11% compared to last year through February. Overall, costs are down 20% compared to budget for the year through February.



Utilities make up 2% of General Fund's budget. Results are up 6% as compared to FY24 and are running \$418k (11%) under budget through February. These costs tend to fluctuate with fuel increases, so more fluctuations are anticipated this year.



Supplies make up 1% of General Fund's budget. Through February, expenses are running 20% over budget and are up 28% over last year. This is largely due to increased clothing & uniform expenses (up \$316k or 68% over last year) and vehicle parts (up \$270k or 29% over last year).



Fixed Assets make up 36% of General Fund's budget, totaling \$117M These items include:

- \$39.8m MED funded Roads
- \$6.5 MED funded Parks
- \$14.6m CIP swap
- \$13.1m FY24 CIP (General Fund funded)

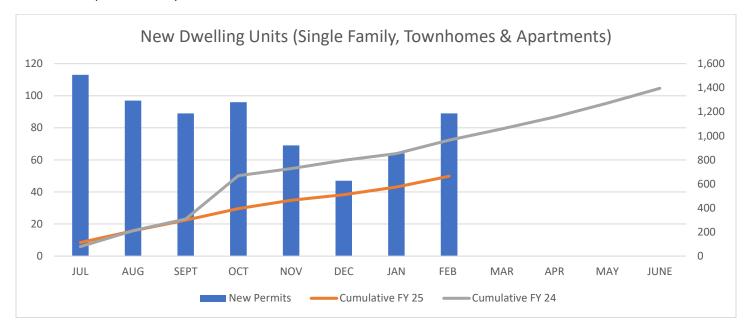
- \$14.3m ARPA funded projects
- \$7.2m Infrastructure for grant & MED funded road construction
- \$10m Transit Facility

The FY25 CIP included allocation of \$24m of Unassigned Fund Balance for CIP projects. In addition, several General Fund projects and expenses were swapped, using previous bond proceeds to facilitate accelerated spending of these proceeds. This resulted in projects being "swapped" from the Loan/Bond Fund with General Fund.

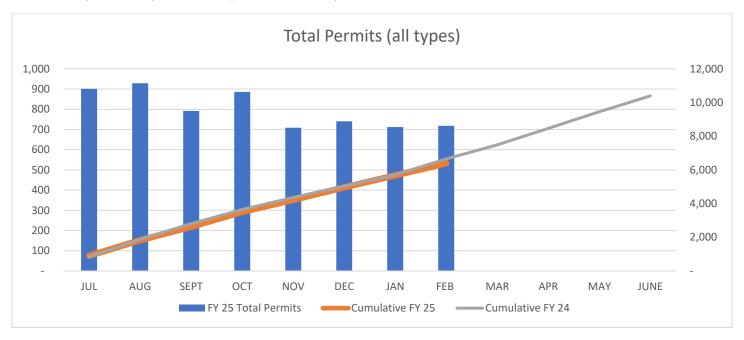
Like Repairs & Maintenance, timing on spending in Fixed Assets is also seasonal and can fluctuate based on the construction schedules and delivery of equipment. There are also several significant construction projects funded in the operating budget. Fixed asset spending was up 93% compared to last year's expenses through February but down 71% compared to budget.

BUILDING & CODES

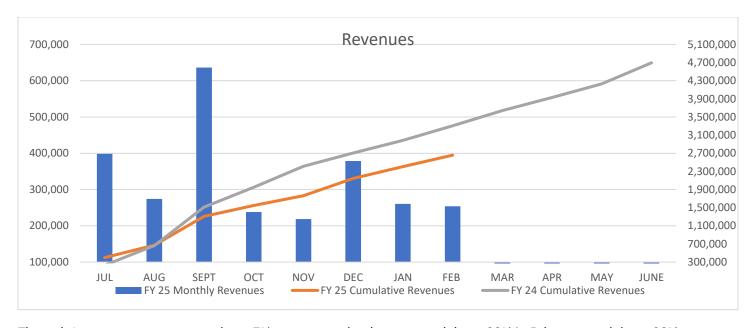
Building & Codes budgeted revenues reflect a 29% increase over the FY24 budget and reflect a 3% increase as compared to FY24's actual results. This is largely due to new commercial activity in FY24 and anticipated in FY25. Instead, revenues **dropped** for three consecutive months compared to last year, although December revenues reflected a healthy 29% increase compared to last year.



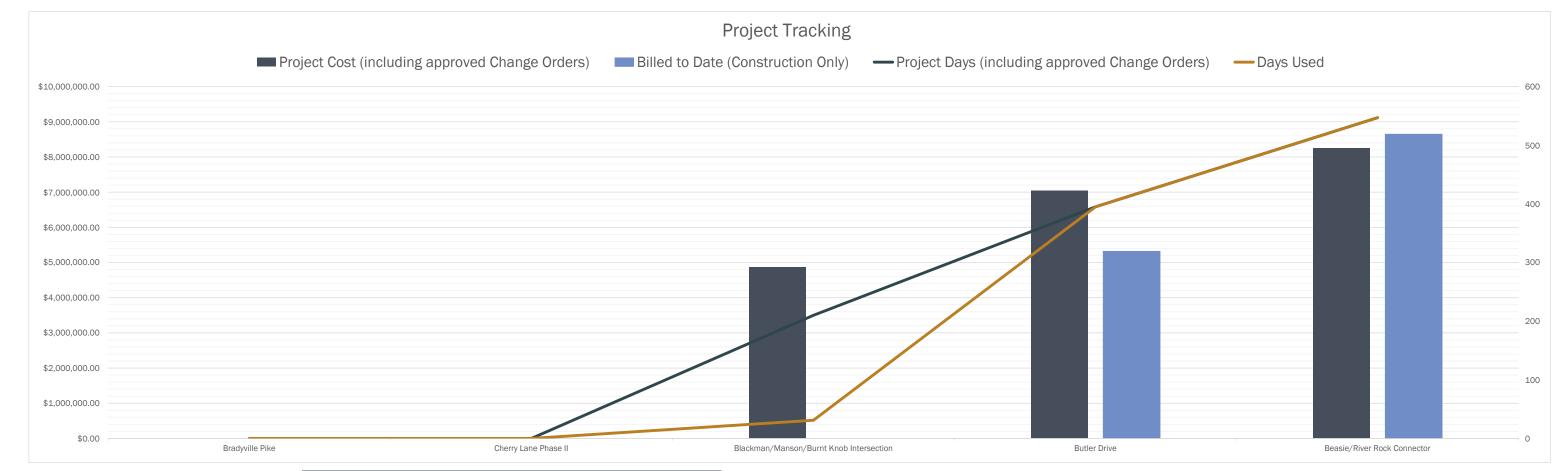
FY25 new dwelling permits reflect a 36% drop and 33% compared to last January and February, respectively. January results are up 14% compared to last year, but February results are down 20%.



Total permits were trending flat in January compared to last year and down 4% in February.



Through January, revenues were down 7% as compared to last year and down 20% in February, and down 20% cumulatively.



		Project Limits								
Project Name	From	То	Distance	Project Cost (including approved Change Orders)	Billed to Date (Construction Only)	Project Days (including approved Change Orders)	Days Used	Percent Days	Estimated Substantial Completion	N.T.P.
Bradyville Pike	SE Broad Street	S Rutherford Blvd	2.10 Miles	\$22,500,000 (Est Cost)	\$0.00	0	0	0%		
Cherry Lane Phase II	Siegel Soccer Park	Sulphur Springs Road	1.73 Miles	\$26,500,000 (Est Cost)	\$0.00	0	0	0%		
Blackman/Manson/Burnt Knob Intersection	N/A	N/A	N/A	\$4,865,978.00	\$0.00	210	31	15%	8/6/2025	2/9/2025
Butler Drive	1000 Butler Drive	Joe B Jackson	.88 Miles	\$7,039,011	\$5,318,692.09	395	395	100%	2/20/2025	1/22/2024
Beasie/River Rock Connector	River Rock	Beasie Rd	.3 Miles	\$8,244,535	\$8,646,881.04	547	547	100%	8/30/2024	4/7/2023
			Total	\$69,149,524	\$13.965.573	,				

	Project Status / Comments
Cherry Lane Phase II	Field reviews with TDEC and the Corps concerning the new alignment have taken place. Consultant has submitted updated TDEC permits. Corp of Engineers has requested stream and wetland credit reservation letters prior to permit issuance. Consultant and staff working on obtaining those credits.
Cherry Lane Phase III	City staff and Volkert working on certifying ROW. Utility coordination is ongoing for the project.
Butler Dr. Realignment	Contractor is currently constructing the tie-in with Old Butler. They are also installing final stabilization measures. Final topping and striping in scheduled to be installed this month.
	Notice to proceed was issued on 2/7/2025. Contractor has installed erosion control and is working on stripping topsoil and filling western and southern approach of intersection. Staff is working to finalize ROW acquisition.
Medical Center Phase 1	Contractor is completing the construction of third lane from Conference Center to I-24. Resurfacing of Medical Center scheduled for the Spring.
River Rock Beasie Connector	Final Change Order approved by Council on 2/27/2025. Project closed out.
Rutherford Blvd Extension	Construction plans are finalized and bid book is being drafted. Right of way acquisition underway.

Project	ROW Updates
Bradyville Pike	97% of ROW Acquisition completed.
Cherry Lane Phase III	Volkert continuing ROW acquisition. Order of possession received on final tract.
Rutherford Blvd Extension	3 out of 7 tracts obtained

Impact Fee Report for New Development in the City of Murfreesboro

Month of February 2025

Land Use Type	Total Impact Fee Assessed	Road Fee	Park Fee	Public Safety Fee	School Fee
Single-Family Residential	209,258.51	45,760.66	74,152.85	23,501.83	65,843.17
SFR-Townhomes	-	-	-	-	-
Multi-Family Residential	-	-	-	-	-
Retail/Commercial	-	-	-	-	-
Office	-	-	-	-	-
Public/Institutional	-	-	-	-	-
Industrial	-	=	-	-	-
Total	209,258.51	45,760.66	74,152.85	23,501.83	65,843.17

Fiscal Year 2025 to Date

Land Use Type	Total Impact Fee Assessed	Road Fee	Park Fee	Public Safety Fee	School Fee
Single-Family Residential	1,957,958.41	428,166.35	693,822.14	219,898.29	616,071.63
SFR-Townhomes	-	-	-	-	-
Multi-Family Residential	-	-	-	-	-
Retail/Commercial	107,229.54	70,797.23	-	36,432.31	-
Office	-	-	-	-	-
Public/Institutional	-	-	-	-	-
Industrial	-	-	-	-	-
Total	2,065,187.95	498,963.58	693,822.14	256,330.60	616,071.63



COUNCIL COMMUNICATION

Meeting Date: 4/10/2025

Item Title: January & February 2025 MCS Cash Flow Statement and Revenue

and Expenditure Budget Comparison Reports

Department: Murfreesboro City Schools

Presented by: Daniel Owens

Requested Council Action:

Ordinance
Resolution
Motion
Direction
Information

Summary

FY25 Cash Flow Statement (January 2025)

FY25 Revenue and Expenditure Budget Comparison Reports (January 2025)

FY25 Cash Flow Statement (February 2025)

FY25 Revenue and Expenditure Budget Comparison Reports (February 2025)

Background Information

The State has recommended the Schools provide a Cash Flow Statement to the City Council on a monthly basis to indicate enough cash reserves are forecasted to be available to pay monthly expenses. We also will be including Revenue and Expenditure Budget Comparison Reports, that is provided to the Murfreesboro City School Board each month. This information will be included in the Wednesday agenda each month. A formal presentation will not be made each month, however there will be an opportunity for questions and comments.

Council Priorities Served

Strong and Sustainable Financial and Economic Health

Fiscal Impact

None

Attachments

January 2025 MCS Cash Flow Statement

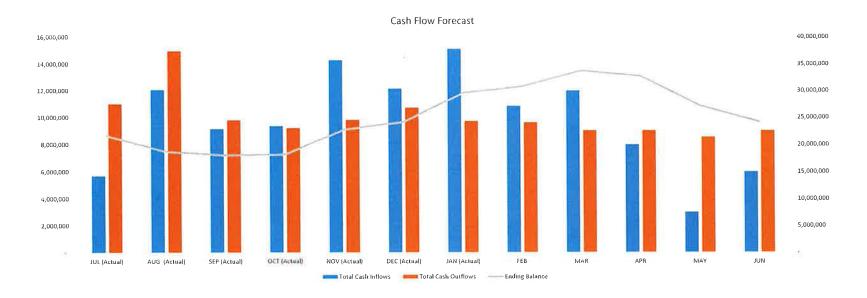
January 2025 MCS Revenue and Expenditure Budget Comparison Reports

February 2025 MCS Cash Flow Statement

February 2025 MCS Revenue and Expenditure Budget Comparison Reports

Cash Flow Forecast Schedule ** FY 2025-General Purpose	City	or Town of:			N	Aurfreesboro																		
Fund Name	J	UL (Actual)	Al	JG (Actual)		SEP (Actual)	0	CT (Actual)	NOV (Actu	al)	DEC (Actual)	JAN (Actual)		FEB		MAR		APR		MAY		JUN		TOTAL
Cash Receipts	\$	5,703,038	\$	12,080,205	\$	9,148,640	\$	9,368,898	\$ 14,317,2	69	\$ 12,159,214	\$15,131,087	\$	10,859,387	\$	12,000,000	\$	8,000,000	\$	3,000,000	\$	6,000,000	\$	117,767,738
Loan Proceeds				20				-										£		- 34				
Total Cash Inflows	1500	5,703,038	Ps.	12,080,205		9,148,640		9,368,898	14,317,2	69	12,159,214	15,131,087		10,859,387		12,000,000	١.,	8,000,000	80	3,000,000	-73	6,000,000		117,767,738
Beg Cash Bal	100	26,975,782	The second	21,643,385		18,724,876		18,064,895	18,224,4	52	22,726,722	24,156,989	50	29,562,046		30,793,963		33,778,412		32,762,861		27,216,321		
Available Cash		32,678,820		33,723,591		27,873,516		27,433,793	32,541,7	21	34,885,936	39,288,075		40,421,433		42,793,963		41,778,412	1	35,762,861		33,216,321		
Cash Payments	\$	11,019,884	\$	14,983,164	\$	9,793,070	\$	9,193,790	\$ 9,799,4	48	\$ 10,713,397	\$ 9,710,479	\$	9,611,919	\$	9,000,000	\$	9,000,000	\$	8,500,000	\$	9,000,000		120,325,149
Debt Service		-		*		8		•		24	*			3				-		-		2		41
Transfers Out		15,551		15,551		15,551		15,551	15,5	51	15,551	15,551		15,551		15,551		15,551		46,540		15,551	Ш	217,601
Total Cash Outflows	1111	11,035,435		14,998,715		9,808,621	J.	9,209,341	9,814,9	99	10,728,948	9,726,030		9,627,470	Je	9,015,551	7	9,015,551	1 5	8,546,540	100	9,015,551	112	120,542,750
Ending Balance		21,643,385		18,724,876		18,064,895		18,224,452	22,726,	22	24,156,989	29,562,046		30,793,963		33,778,412	113	32,762,861		27,216,321		24,200,770		
Cash Inflows - Outflows	\$	(5,332,397)	\$	(2,918,509)	\$	(659,981)	\$	159,557	\$ 4,502,	70	\$ 1,430,267	\$ 5,405,057	\$	1,231,917	\$	2,984,449	\$	(1,015,551)	\$	(5,546,540)	\$	(3,015,551)	S	(2,775,012)

^{**} This schedule is only required for certain funds. Please refer to the Information Tab to see if this schedule is required for your local government.



COMPARISON OF BUDGET TOTALS July 1, 2024 Through January 31, 2025

TOTAL INCOME 7/1/24 - 1/31/25	\$ 60,545,168
TOTAL EXPENSES 7/1/24 - 1/31/25	56,681,723
NET INCOME 1/31/25	\$ 3,863,445

YEAR-TO-DATE REVENUE COMPARISON

- 1	JANUART 2025						n. ————————————————————————————————————	lis .	
	BUDGET CLASS.	2023-24 BUDGET	2023-24 YTD REV.	2023-24 OVR/(UNDR) BUDGET	2023-24 % Received	2024-25 BUDGET	2024-25 YTD REV.	2024-25 OVR/(UNDR) BUDGET	2024-25 % Received
1	40110-Current Prop. Tax	15,000,000	2,811,564	(12,188,436)	18,7%	15,000,000	6,956,245	(8,043,755)	46.4%
2	40210-Local Option Sales Tax	14,300,000	7,139,918	(7,160,082)	49.9%	16,700,000	7,565,760	(9,134,240)	45.3%
3	40000-41110-Other County Rev	1,761,800	785,961	(975,839)	44.6%	1,972,000	674,029	(1,297,971)	34.2%
4	43300-44999-Other Local Revenue (Interest, Tuition)	1,175,926	598,076	(577,850)	50.9%	791,755	987,141	195,386	124.7%
	SUBTOTAL LOCAL REVENUE	\$ 32,237,726	\$ 11,335,518	\$ (20,902,208)		\$ 34,463,755	\$ 16,183,175		
5	46310-Project Diabetes Grant	93,900	120	(93,780)	0.1%	126,700		(126,700)	0.0%
6	46510-TISA	59,992,037	36,414,178	(23,577,859)	60.7%	63,477,651	38,737,590	(24,740,061)	61.0%
7	46515-Early Childhood Ed. (VPK Grant & SPED PK)	1,326,895	514,860	(812,035)	38,8%	1,500,605	623,683	(876,922)	41.6%
8	46590-Other State Education (Summer Learning Grant)	1,851,909	-	(1,851,909)	0.0%			¥	N/A
9	46596-Paid Parental Leave)70		-	N/A	120	79,339	79,339	N/A
10	46610-Career Ladder Program	57,146	36,640	(20,506)	64.1%	51,000	28,972	(22,028)	56.8%
11	46591-Coordinated School Health (ended FY23)	646			N/A	-	920	2	N/A
12	46595-Family Resource (ended FY23)	<u>.</u>	ā		N/A		.7	-	N/A
13	46800-46990-Safe Schools and Public School Security Grai	768,542	163,017	(605,525)	21.2%	150,000		(150,000)	0.0%
	SUBTOTAL STATE REVENUES	\$ 64,090,429	\$ 37,128,815	\$ (26,961,614)		\$ 65,305,956	\$ 39,469,584	\$ (25,836,372)	
14	47000- Federal Funds	274,582		(274,582)	0.0%	24,000	136,766	112,766	569.9%
	SUBTOTAL FEDERAL REVENUES	\$ 274,582	\$ -	\$ (274,582)		\$ 24,000	\$ 136,766	\$ 112,766	
15	49100-49800 Insurance Recovery/Indirect Costs	460,000	25,224	(434,776)	5.5%	195,000		(195,000)	0.0%
16	49810-City of Murfreesboro Allocation	7,885,103	4,599,643	(3,285,460)	58.3%	7,885,103	4,599,643	(3,285,460)	58.3%
17	49820-City TN All Corp Grant	165,435	165,435	(0)	100.0%	156,000	156,000		100.0%
	SUBTOTAL OPERATING TRANSFERS	\$ 8,510,538	\$ 4,790,302	\$ (3,720,236)		\$ 8,236,103	\$ 4,755,643	\$ (3,480,460)	
	TOTAL REVENUES	\$ 105,113,275	\$ 53,254,636	\$ (51,858,639)	50.7%	\$ 108,029,814	\$ 60,545,168	\$ (47,484,646)	56.0%

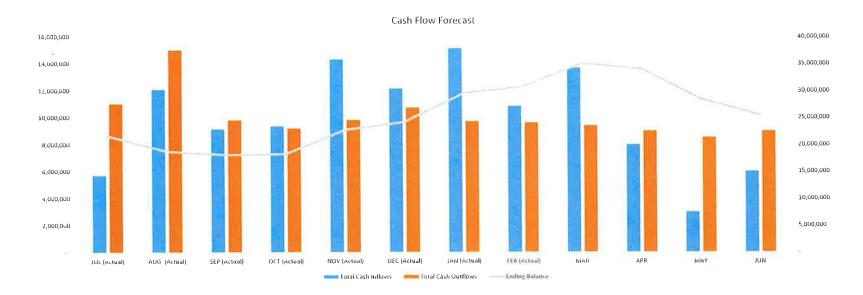
YEAR-TO-DATE EXPENDITURE COMPARISON

JANUARY 2025

		2023-24	2023-24	2023-24 OVR/(UNDR)	2023-24	2024-25	2024.05	2024-25	PAGE 1
	BUDGET CLASS.	BUDGET	YTD EXP.	BUDGET	%	BUDGET	2024-25 YTD EXP.	OVR/(UNDR) BUDGET	2024-25 %
1	71100-Reg. Instruction	57,249,035	27,773,230	(29,475,805)	48.5%	59,643,455	\$ 29,502,256	(30,141,199)	49.5%
2	71200-Sp. Ed. Instruction	12,674,470	5,932,728	(6,741,742)	46.8%	13,434,803	6,622,836	(6,811,967)	49.3%
3	71400-Student Body Ed.		-	i .	N/A	5 # 0	-	(~	N/A
4	72110-Attendance	160,965	88,363	(72,602)	54.9%	180,600	100,289	(80,311)	55.5%
5	72120-Health Services	1,098,216	443,434	(654,782)	40.4%	1,214,210	634,375	(579,835)	52.2%
6	72130-Guidance	3,623,785	1,833,051	(1,790,734)	50.6%	4,185,125	2,074,891	(2,110,234)	49.6%
7	72210-Reg. Instr. Support	2,548,064	1,304,153	(1,243,911)	51.2%	2,699,349	1,503,558	(1,195,791)	55.7%
8	72220-Sp. Ed. Support	1,999,863	911,307	(1,088,556)	45.6%	2,087,055	1,104,202	(982,853)	52.9%
9	72250-Technology	2,674,265	1,500,656	(1,173,609)	56.1%	2,630,490	1,642,445	(988,045)	62.4%
10	72310-Bd. Of Education	1,966,681	1,100,047	(866,634)	55.9%	2,051,595	1,290,774	(760,821)	62.9%
11	72320-Office of Supt.	440,109	223,467	(216,642)	50.8%	471,438	250,952	(220,486)	53.2%
12	72410-Office of Principal	5,703,089	2,996,638	(2,706,451)	52.5%	6,020,570	3,238,953	(2,781,617)	53.8%
13	72510-Fiscal Services	886,045	520,626	(365,419)	58.8%	861,755	527,236	(334,519)	61.2%
14	72520-Personnel Services	594,415	345,322	(249,093)	58.1%	596,835	351,219	(245,616)	58.8%
15	72610-Oper. Of Plant	6,402,482	3,039,581	(3,362,901)	47.5%	6,327,847	3,141,761	(3,186,086)	49.6%
16	72620-Maint. Of Plant	4,608,543	1,498,527	(3,110,016)	32.5%	3,259,108	1,427,303	(1,831,805)	43.8%
17	72710-Pupil Transp.	4,544,354	1,995,409	(2,548,945)	43.9%	5,096,885	2,343,869	(2,753,016)	46.0%
18	73300-Community Service	522,655	287,940	(234,715)	55.1%	495,605	247,788	(247,817)	50.0%
19	73400-Early Childhood Educ.	1,108,368	519,722	(588,646)	46.9%	1,142,547	544,464	(598,083)	47.7%
20	76100-Reg. Cap. Outlay	171,872	138,114	(33,758)	80.4%	222,919	23,695	(199,224)	10.6%
21	82130-Education Debt Serv.	-	•	1,90	N/A		-	_=,	N/A
22	99100-Operating Transfers	217,610	108,857	(108,753)	50.0%	217,601	108,857	(108,744)	50.0%
	TOTALS	109,194,886	52,561,173	\$ (56,633,713)	48.1%	112,839,792	56,681,723	\$ (56,158,069)	50.2%

Cash Flow Forecast Schedule ** FY 2025-General Purpose	City	or Town of:			N	lurfreesboro																		
Fund Name	J	UL (Actual)	AUC	G (Actual)	5	SEP (Actual)	0	CT (Actual)	NOV (Actual)	DI	EC (Actual)	JAN (A	ctual)	F	EB (Actual)	MAR		APR		MAY		JUN	1	TOTAL
Cash Receipts	\$	5,703,038	\$ 1:	2,080,205	\$	9,148,640	\$	9,368,898	\$ 14,317,269	\$	12,159,214	\$ 15,13	1,087	\$	10,846,576	\$ 13,694,315	\$	8,000,000	\$	3,000,000	\$	6,000,000	F 11	19,449,242
Loan Proceeds				-																				
Total Cash Inflows		5,703,038	1:	2,080,205	H	9,148,640		9,368,898	14,317,269	H	12,159,214	15,13	1,087		10,846,576	13,694,315		8,000,000	8	3,000,000		6,000,000	- 11	19,449,242
Beg Cash Bal		26,975,782	2	1,643,385		18,724,876		18,064,895	18,224,452		22,726,722	24,15	5,989		29,562,046	30,781,152		35,058,645		34,043,094		28,496,554		
Available Cash		32,678,820	3	3,723,591		27,873,516		27,433,793	32,541,721		34,885,936	39,28	8,075		40,408,622	44,475,467	T	43,058,645		37,043,094		34,496,554		
Cash Payments	\$	11,019,884	\$ 1	4,983,164	\$	9,793,070	\$	9,193,790	\$ 9,799,448	\$	10,713,397	\$ 9,71	0,479	\$	9,611,919	\$ 9,401,271	\$	9,000,000	\$	8,500,000	S	9,000,000	12	20,726,420
Debt Service		-		-		-		-			37		*									1.0		
Transfers Out		15,551		15,551		15,551		15,551	15,551		15,551	1	5,551		15,551	15,551		15,551		46,540		15,551		217,601
Total Cash Outflows		11,035,435	- 1	4,998,715		9,808,621		9,209,341	9,814,999	1	10,728,948	9,72	6,030		9,627,470	9,416,822		9,015,551		8,546,540		9,015,551	13	20,944,021
Ending Balance		21,643,385	1	8,724,876		18,064,895		18,224,452	22,726,722		24,156,989	29,56	2,046		30,781,152	35,058,645		34,043,094	П	28,496,554		25,481,003		
Cash Inflows - Outflows	S	(5,332,397)	\$ (2,918,509)	\$	(659,981)	\$	159,557	\$ 4,502,270	\$	1,430,267	\$ 5,40	5,057	\$	1,219,106	\$ 4,277,493	\$	(1,015,551)	S	(5,546,540)	\$	(3,015,551)	\$	(1,494,779)

^{**} This schedule is only required for certain funds. Please refer to the Information Tab to see if this schedule is required for your local government.



COMPARISON OF BUDGET TOTALS July 1, 2024 Through February 28, 2025

TOTAL INCOME 7/1/24 - 2/28/25	\$	70,618,688
TOTAL EXPENSES 7/1/24 - 2/28/25	_	65,626,568
NET INCOME 2/28/25	\$	4,992,119

YEAR-TO-DATE REVENUE COMPARISON

FEBRUARY 2025	157	III-IO-DATE IL	VENUE COMPARI	3014				
BUDGET CLASS.	2023-24 BUDGET	2023-24 YTD REV.	2023-24 OVR/(UNDR) BUDGET	2023-24 % Received	2024-25 BUDGET	2024-25 YTD REV.	2024-25 OVR/(UNDR) BUDGET	2024-25 % Received
40110-Current Prop. Tax	15,000,000	7,955,901	(7,044,099)	53.0%	15,000,000	7,976,285	(7,023,715)	53.2%
40210-Local Option Sales Tax	14,300,000	8,995,840	(5,304,160)	62.9%	16,700,000	9,358,284	(7,341,716)	56.0%
40000-41110-Other County Rev	1,761,800	888,784	(873,016)	50.4%	1,972,000	774,618	(1,197,382)	39.3%
43300-44999-Other Local Revenue (Interest, Tuition)	1,175,926	735,556	(440,370)	62,6%	840,936	1,086,339	245,403	129.2%
SUBTOTAL LOCAL REVENUE	\$ 32,237,726	\$ 18,576,080	\$ (13,661,646)		\$ 34,512,936	\$ 19,195,526	\$ (15,317,410)	
46310-Project Diabetes Grant	93,900	120	(93,780)	0.1%	126,700		(126,700)	0.0%
46510-TISA	59,992,037	42,336,153	(17,655,884)	70.6%	63,477,651	45,054,360	(18,423,292)	71.0%
46515-Early Childhood Ed. (VPK Grant & SPED PK)	1,326,895	600,711	(726,184)	45,3%	1,500,605	710,990	(789,615)	47.4%
46590-Other State Education (Summer Learning Grant)	1,851,909		(1,851,909)	0.0%				N/A
46596-Paid Parental Leave				N/A	*	79,339	79,339	N/A
0 46610-Career Ladder Program	57,146	36,640	(20,506)	64.1%	51,000	28,972	(22,028)	56.8%
1 46591-Coordinated School Health (ended FY23)				N/A				N/A
2 46595-Family Resource (ended FY23)		-		N/A				N/A
3 46800-46990-Safe Schools and Public School Security Gran	768,542	242,130	(526,412)	31.5%	150,000		(150,000)	0.0%
SUBTOTAL STATE REVENUES	\$ 64,090,429	\$ 43,215,754	\$ (20,874,675)		\$ 65,305,956	\$ 45,873,660	\$ (19,432,296)	
4 47000- Federal Funds	274,582		(274,582)	0.0%	145,766	136,766	(9,000)	93.8%
SUBTOTAL FEDERAL REVENUES	\$ 274,582	\$ -	\$ (274,582))	\$ 145,766	\$ 136,766	\$ (9,000)	
49100-49800 Insurance Recovery/Indirect Costs	460,000	25,224	(434,776)	5.5%	195,000		(195,000)	0.0%
49810-City of Murfreesboro Allocation	7,885,103	5,256,735	(2,628,368)	66.7%	7,885,103	5,256,735	(2,628,368)	66.7%
49820-City TN All Corp Grant	165,435	165,435	(0)	100.0%	156,000	156,000		100,0%
SUBTOTAL OPERATING TRANSFERS	\$ 8,510,538	\$ 5,447,394	\$ (3,063,144))	\$ 8,236,103	\$ 5,412,735	\$ (2,823,368)	
TOTAL REVENUES	\$ 105,113,275	\$ 67,239,229	\$ (37,874,046)	64.0%	\$ 108,200,761	\$ 70,618,688	\$ (37,582,073)	65.3%

YEAR-TO-DATE EXPENDITURE COMPARISON

PAGE 1

FEBRUARY 2025

	BUDGET CLASS.	2023-24 BUDGET	2023-24 YTD EXP.	2023-24 OVR/(UNDR) BUDGET	2023-24 %	2024-25 BUDGET	2024-25 YTD EXP.	2024-25 OVR/(UNDR) BUDGET	2024-25 %
1	71100-Reg. Instruction	57,249,035	32,062,814	(25,186,221)	56.0%	59,643,455	\$ 34,339,525	(25,303,930)	57,6%
2	71200-Sp. Ed. Instruction	12,674,470	7,056,115	(5,618,355)	55.7%	13,539,841	7,724,143	(5,815,698)	57.0%
3	71400-Student Body Ed.	-	-	(4)	N/A	:(•:			N/A
4	72110-Attendance	160,965	100,961	(60,004)	62.7%	180,600	115,009	(65,592)	63.7%
5	72120-Health Services	1,098,216	516,168	(582,048)	47.0%	1,214,210	717,827	(496,383)	59.1%
6	72130-Guidance	3,623,785	2,106,866	(1,516,919)	58.1%	4,188,625	2,398,335	(1,790,290)	57.3%
7	72210-Reg. Instr. Support	2,548,064	1,485,831	(1,062,233)	58.3%	2,699,349	1,667,308	(1,032,041)	61.8%
8	72220-Sp. Ed. Support	1,999,863	1,056,100	(943,763)	52.8%	2,087,055	1,280,877	(806,178)	61.4%
9	72250-Technology	2,674,265	1,641,524	(1,032,741)	61.4%	2,630,490	1,804,433	(826,057)	68.6%
10	72310-Bd. Of Education	1,966,681	1,245,063	(721,618)	63.3%	2,086,320	1,381,400	(704,920)	66.2%
11	72320-Office of Supt.	440,109	255,838	(184,271)	58.1%	471,438	285,717	(185,721)	60.6%
12	72410-Office of Principal	5,703,089	3,457,008	(2,246,081)	60.6%	6,020,570	3,730,944	(2,289,626)	62.0%
13	72510-Fiscal Services	886,045	580,804	(305,241)	65.6%	861,755	595,010	(266,745)	69.0%
14	72520-Personnel Services	594,415	383,687	(210,728)	64.5%	596,835	396,686	(200,149)	66.5%
15	72610-Oper. Of Plant	6,402,482	3,461,986	(2,940,496)	54,1%	6,327,847	3,575,723	(2,752,124)	56.5%
16	72620-Maint. Of Plant	4,608,543	1,940,323	(2,668,220)	42.1%	3,259,108	1,788,096	(1,471,012)	54.9%
17	72710-Pupil Transp.	4,544,354	2,345,586	(2,198,768)	51.6%	5,113,613	2,756,935	(2,356,678)	53.9%
18	73300-Community Service	522,655	317,117	(205,538)	60.7%	506,561	282,608	(223,953)	55.8%
19	73400-Early Childhood Educ.	1,108,368	605,973	(502,395)	54.7%	1,142,547	629,330	(513,217)	55.1%
20	76100-Reg. Cap. Outlay	171,872	138,114	(33,758)	80.4%	3,322,919	32,255	(3,290,664)	1.0%
21	82130-Education Debt Serv.		30	F.	N/A		-		N/A
22	99100-Operating Transfers	217,610	124,408	(93,202)	57.2%	217,601	124,408	(93,193)	57,2%
	TOTALS	109,194,886	60,882,286	\$ (48,312,600)	55.8%	116,110,739	65,626,568	\$ (50,484,171)	56.5%

No Items.

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: Beer Permits

Department: Finance

Presented by: Erin Tucker, City Recorder

Requested Council Action:

Ordinance	
Resolution	
Motion	\boxtimes
Direction	
Information	

Summary

TCA 57-5-103 delegates the authority to regulate the sale, distribution, manufacture, or storage of beer to the City where the business is located.

Staff Recommendation

The application from the following applicants was approved at the Council meeting on March 27, 2025, in error. The permit has not been issued, and it is recommended that the initial approval be revoked.

Regular Beer Permits

Name of Applicant	Name of Business	Address	Type of Permit	Type of Business	Reason
		1720 Old			
M633		Fort Pkwy	On-		Ownership
Group, LLC	Crab Fever	Ste C170	Premises	Restaurant	Change

Background Information

The applicant does not meet the requirements for issuing a beer permit per the City Code Chapter 4 Alcoholic Beverages.

Council Priorities Served

Maintain public safety

Controlling the sale of beer within the City provides enforcement tools by the City for restrictions as to where beer is sold, ability to obtain the right to sell beer, time of beer sales and onsite consumption.

COUNCIL COMMUNICATION

Meeting Date: 04/10/2025

Item Title: Beer Permits

Department: Finance

Presented by: Erin Tucker, City Recorder

Requested Council Action:

Ordinance □
Resolution □
Motion □
Direction □
Information □

Summary

TCA 57-5-103 delegates the authority to regulate the sale, distribution, manufacture, or storage of beer to the City where the business is located.

Staff Recommendation

The applications from the following applicants meet requirements and are recommended to be approved. The permits will only be issued once the permits are approved by the City Council (Beer Board) and building and codes final inspections are passed for regular beer permits or a special event permit is approved for special event beer permits.

Regular Beer Permits

Name of Applicant	Name of Business	Address	Type of Permit	Type of Business	Reason
Camino Real					
Mexican	Camino				
Restaurant	Maxican	2450 Old Fort			
#13, Inc.	Restaurant	Pkwy	On-Premises	Restaurant	New Location
		2333 Memorial			Ownership
Hank's, LLC	Hank's	Blvd	On-Premises	Restaurant	Change
	Middle				
Bingman	Ground	2476 Old Fort			
Hein, LLC	Brewing	Pkwy	Catering	Brewery	Catering
	Uncle	124A			
Robert	Maddio's	Wendelwood			Ownership
DelDuca	Pizza	Dr Ste A	On-Premises	Restaurant	Change
	Whisky and				
Blackmoney,	Sticks	630 NW Broad		Cigar	
LLC	Speakeasy	St	On-Premises	Lounge	New Location

Background Information

All applicants meet the requirements for issuing a beer permit per the City Code Chapter 4 Alcoholic Beverages with the exception of pending building and codes inspections for regular beer permits or pending special event permit for special event beer permits.

Council Priorities Served

Maintain public safety

Controlling the sale of beer within the City provides enforcement tools by the City for restrictions as to where beer is sold, ability to obtain the right to sell beer, time of beer sales and onsite consumption.

Attachments

Summaries of Request

Summary of information from the beer application:

Name of LLC Camino Real Mexican Restaurant #13, Inc.

Name of Business Camino Real Mexican Restaurant

Business Location 2450 Old Fort Pkwy

Type of Business Restaurant
Type of Permit Applied For On-Premises

Type of Application:

New Location X
Ownership Change
Name Change

Corporation or LLC X
Partnership
Sole Proprietor

5% or more ownership:

Name Raul Onate Sr

Age 75

Residency City/State Shelbyville, TN Race/Sex Hispanic/M

Background Check Findings

City of Murfreesboro: No indication of any record that may

preclude the applicant for consideration.

TBI/FBI: No indication of any record that may

preclude the applicant for consideration.

Name Cesar Salinas Sr

Age 55

Residency City/State Smyrna, TN

Race/Sex Hispanic/M

Background Check Findings

City of Murfreesboro: No indication of any record that may

preclude the applicant for consideration. No indication of any record that may

TBI/FBI: No indication of any record that may preclude the applicant for consideration.

Name Roman Fonseca

Age 51

Residency City/State Murfreesboro, TN

Race/Sex Hispanic/M

10 Year Background Check Findings

City of Murfreesboro: No indication of any record that may

preclude the applicant for consideration.

TBI/FBI: No indication of any record that may

preclude the applicant for consideration.

Application Completed Properly? Yes

Occupancy Application Approved? No

^{***}I request permission to issue the beer permit upon successful completion of all required building and codes inspections.

Summary of information from the beer application:

Name of Business Entity/Sole Proprietor Hanks LLC Name of Business Hank's

Business Location 2333 Memorial Blvd.

Type of Business Restaurant
Type of Permit Applied For On-Premises

Type of Application:

New Location
Ownership Change
Name Change
Permit Type Change

Corporation ______
Partnership ______
LLC _____X
Sole Proprietor

5% or more Ownership

Name Dale Clear

Age 51

Residency City/State Murfreesboro, TN

Race/Sex White/M

Background Check Findings

City of Murfreesboro: No indication of any record that may

preclude the applicant for consideration.

TBI/FBI: No indication of any record that may

preclude the applicant for consideration.

Application Completed Properly? Yes

Occupancy Application Approved? No

^{***}I request permission to issue the beer permit upon successful completion of all required building and codes inspections.

Summary of information from the beer application:

Name of Business Entity/Sole Proprietor Bingman Hein, LLC Name of Business Middle Ground Brewing **Business Location** 2476 Old Fort Parkway Type of Business Brewery/Tap Room Type of Permit Applied For Catering

Type of Application:

New Location Ownership Change Name Change **Permit Type Change** Corporation **Partnership** LLC Sole Proprietor

5% or more Ownership

Brandon Bingman Name Age

Residency City/State Murfreesboro, TN Caucasian/M Race/Sex

Background Check Findings

City of Murfreesboro: No indication of any record that may

preclude the applicant for consideration. TBI/FBI: No indication of any record that may preclude the applicant for consideration.

Name Kurstin Bingman 42

Age

Residency City/State Murfreesboro, TN

Race/Sex Caucasian/F

Background Check Findings

City of Murfreesboro: No indication of any record that may preclude the applicant for consideration.

TBI/FBI: No indication of any record that may

preclude the applicant for consideration.

Michael Hein Name

64 Age

Residency City/State Murfreesboro.TN Race/Sex Caucasian/M

TBI/FBI:

Background Check Findings

City of Murfreesboro: No indication of any record that may

preclude the applicant for consideration. No indication of any record that may preclude the applicant for consideration.

Judith Van Hein Name

Age 64

Residency City/State Murfreesboro, TN Race/Sex Caucasian/F

Background Check Findings

No indication of any record that may City of Murfreesboro: preclude the applicant for consideration.

TBI/FBI: No indication of any record that may preclude the applicant for consideration.

Application Completed Properly? Yes **Occupancy Application Approved?** No

^{***}I request permission to issue the beer permit upon successful completion of all required building and codes inspections.

Summary of information from the beer application:

Name of Business Entity/Sole ProprietorRobert DelDucaName of BusinessUncle Maddio's PizzaBusiness Location125A Wendelwood Dr Ste A

Type of Business Restaurant
Type of Permit Applied For On-Premises

Type of Application:

New Location
Ownership Change

Name Change
Permit Type Change

Corporation
Partnership
LLC
Sole Proprietor

X

5% or greater owners

Name Robert Del Duca

Age 65

Residency City/State Murfreesboro, TN

Race/Sex White/M

Background Check Findings

City of Murfreesboro: No indication of any record that may

preclude the applicant for consideration.

TBI/FBI: No indication of any record that may

preclude the applicant for consideration.

Application Completed Properly? Yes

Occupancy Application Approved? Yes

^{***}I request permission to issue the beer permit upon successful completion of all required building and codes inspections.

Summary of information from the beer application:

Name of Business Entity/Sole Proprietor Blackmoney, LLC

Name of Business Whisky and Sticks Speakeasy

Business Location630 NW Broad StType of BusinessCigar LoungeType of Permit Applied ForOn-Premises

Type of Application:

New Location X
Ownership Change
Name Change
Permit Type Change

Corporation

Partnership ______X
Sole Proprietor

Manager

Name Tanika J Jones

Age 50

Residency City/State Murfreesboro, TN

Race/Sex Black/F

Background Check Findings

City of Murfreesboro: No indication of any record that may

preclude the applicant for consideration.

TBI/FBI: No indication of any record that may

preclude the applicant for consideration.

Application Completed Properly? Yes

Occupancy Application Approved? No

^{***}I request permission to issue the beer permit upon successful completion of all required building and codes inspections.

No Items.