

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON DECEMBER 10, 2013**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 6:00 p.m. on December 10, 2013 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Chaplain Charles Welchance, Smyrna Police Department. The pledge of allegiance was led by Eagle Scout Benjamin D. Reid, Boy Scouts of America, Troop 227.

The roll was called by the Town Clerk and the following Town Council Members were present:

Mayor Mary Esther Reed
Vice- Mayor Marc Adkins
H. G. Cole
Paul Johns
Tim Morrell
Rick Wise

Council Member Lance Lee was not in attendance.

1. Approval or Correction of Minutes of the November 12 and November 25, 2013 meetings.

The Town Council first considered a motion by Council Member Rick Wise to approve the minutes of the November 12, 2013 regular session of the Town Council and November 25, 2013 regular work session of the Town Council. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously.

2. Correspondence/Communications.

Town Manager Harry Gill gave an update on the Street Department's monitoring of roads during the recent icy conditions. He thanked the various departments and Roseanne Peppers for coordinating the Lighting Ceremony and Christmas parade.

3. Awards and Recognitions.

The Town Council next considered a resolution expressing appreciation and gratitude to Mayor Tony Dover for his service and contributions to Smyrna as committee

member, Council Member, Vice-Mayor and Mayor. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Rick Wise. Following further discussion, the motion was approved unanimously. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "1". (Resolution #13-30).

Mayor Mary Esther Reed next presented Hunter Carney of Stewarts Creek Middle School a Certificate of Achievement in recognition of his placing third at the World Karate & Kickboxing Championship in Taranto, Italy.

Mayor Mary Esther Reed next presented the following Christmas parade entries with certificates and money: Best Use of Theme – Trinity Christian Church; Best Christmas Spirit – Cub Scout Pack #380; Most Creative – Smyrna Girls Fast Pitch League; and Mayor's Cup – Lancaster Christian Academy.

4. Consent Agenda.

The following Consent Agenda items were next presented for consideration by the Town Council:

- a. Approval of the terms of, and authorization for the Mayor to execute, an agreement with LifePoint Church relative to practice field area.
- b. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Tennessee Rehab Center relative to practice field area.
- c. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with CIGNA as the third party administrator for the Town of Smyrna's employee health insurance and reinsurance plans.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with First Tennessee Bank relative to banking services.

Following discussion, Council Member Rick Wise made a motion to approve and adopt the Consent Agenda and to authorize the Mayor to execute said documents. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved unanimously. A copy of said documents referenced on the Consent Agenda is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2".

5. Old Business.

- a. **PUBLIC HEARING:** Consideration of a resolution relative to a Plan of Services for property located on Tax Map 32, part of Parcel 19.01.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered a resolution relative to a Plan of Services for property located on Tax Map 32, part of Parcel 19.01. The recommendation of the Planning Commission was that the Town Council approve the Plan of Services. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Paul Johns. Following further discussion, the motion was approved unanimously. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3". (Resolution #13-31).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01, comprising approximately .3 acre, (requested by Oliver Constable). Second Reading.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01, comprising approximately .3 acre, (requested by Oliver Constable). The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Rick Wise made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4". (Ordinance #13-21).

- c. **PUBLIC HEARING:** Consideration of an ordinance to amend the approved Planned Unit Development at 729 Rock Springs Road and rezone a separate parcel from R-3 to PUD, (requested by Rock Springs Church). Property requested for amendment contains approximately 10.85 acres and is located on Tax Map 28F, Group A, Parcel 29.01. Parcel requested to be rezoned from R-3 to PUD contains approximately 12.76

acres and is located on Tax Map 28F, Group A, Parcel 47.06. Second Reading.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance to amend the approved Planned Unit Development at 729 Rock Springs Road and rezone a separate parcel from R-3 to PUD, (requested by Rock Springs Church). Property requested for amendment contains approximately 10.85 acres and is located on Tax Map 28F, Group A, Parcel 29.01. Parcel requested to be rezoned from R-3 to PUD contains approximately 12.76 acres and is located on Tax Map 28F, Group A, Parcel 47.06. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5". (Ordinance #13-22).

- d. **PUBLIC HEARING:** Consideration of an ordinance to amend the PRD on property located on Tax Map 33, Parcel 44.02, comprising proximately 11.57 acres, (requested by Theresa Dinardo). Property is located on Rocky Fork Road. Second Reading.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance to amend the PRD on property located on Tax Map 33, Parcel 44.02, comprising approximately 11.57 acres, (requested by Theresa Dinardo). Property is located on Rocky Fork Road. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Rick Wise made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "6". (Ordinance #13-23).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 46.03, comprising approximately .87 acre, (requested by Genie Place, LLC), from C-2 to PCD. Property is located at 450 Sam Ridley Parkway, West. Second Reading.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 46.03, comprising approximately .87 acre, (requested by Genie Place, LLC), from C-2 to PCD. Property is located at 450 Sam Ridley Parkway, West. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7". (Ordinance #13-24).

- f. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 18, Parcel 6.08, comprising approximately 28.9 acres, (requested by David Lowry), from I-3 to PUD. Property is located at 211 Threet Industrial Boulevard. Second Reading.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the rezoning of property located on Tax Map 18, Parcel 6.08, comprising approximately 28.9 acres, (requested by David Lowry), from I-3 to PUD. Property is located at 211 Threet Industrial Boulevard. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Rick Wise made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Paul Johns. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto

and incorporated herein by reference as if set forth at length verbatim as Exhibit "8". (Ordinance #13-25).

- g. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment to the text of the Smyrna Municipal Zoning Ordinance to amend Article V, Section 5.053.3 regarding height limitation in the I-3 Heavy Industrial District. Second Reading.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the amendment to the text of the Smyrna Municipal Zoning Ordinance to amend Article V, Section 5.053.3 regarding height limitation in the I-3 Heavy Industrial District. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Paul Johns. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9". (Ordinance #13-26).

- h. **PUBLIC HEARING:** Consideration of an ordinance to amend Ordinance No. 13-10, adopting the 2013-2014 Fiscal Year Budget relative to Alcohol Enforcement Grant for Police Department. Second Reading.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance to amend Ordinance No. 13-10, adopting the 2013-2014 Fiscal Year Budget relative to Alcohol Enforcement Grant for Police Department. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Rick Wise. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10". (Ordinance #13-27).

- i. **PUBLIC HEARING:** Consideration of an ordinance to amend Ordinance No. 13-10, adopting the 2013-2014 Fiscal Year Budget relative to reclassification of one Deputy Court Clerk from part-time to full-time. Second Reading.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance to amend Ordinance No. 13-10, adopting the 2013-2014 Fiscal Year Budget relative to reclassification of one Deputy Court Clerk from part-time to full-time. Following discussion, Vice-Mayor Marc Adkins made a motion to defer consideration of this item for one month. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously.

6. New Business.

a. Planning Commission Report:

There were no items for the Town Council to consider at this time.

b. Packaged Liquor Board Report:

There were no applications for the Town Council to consider at this time.

c. Consideration of a resolution relative to the purpose of providing funds to make a loan to the Smyrna/Rutherford County Airport Authority not to exceed \$1,700,000 of general obligation bonds of the Town of Smyrna for improvements at the airport.

The Town Council next considered a resolution relative to the purpose of providing funds to make a loan to the Smyrna/Rutherford County Airport Authority not to exceed \$1,700,000 of general obligation bonds of the Town of Smyrna for improvements at the airport. Following discussion, Council Member Paul Johns made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11". (Resolution #13-32).

d. Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 15 "Motor Vehicles, Traffic and

Parking”, Chapter 1 “Miscellaneous”, Section 15-125 “Cutting through private property”. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 15 “Motor Vehicles, Traffic and Parking”, Chapter 1 “Miscellaneous”, Section 15-125 “Cutting through private property”. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Rick Wise. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “12”. (Ordinance #13-29).

e. Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 11 “Municipal Offenses”, Chapter 13 “Aggressive Panhandling Prohibited”. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 11 “Municipal Offenses, Chapter 13 “Aggressive Panhandling Prohibited”. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “13”. (Ordinance #13-30).

f. Approval of the terms of, and authorization for the Mayor to execute, contracts with Munich Re and Travelers relative to 2014 property and casualty insurance and Safety National relative to workers’ comp excess insurance.

The Town Council next considered a motion by Council Member Tim Morrell to approve contracts with Munich Re and Travelers relative to 2014 property and casualty insurance and Safety National relative to workers’ comp excess insurance. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously. A copy of said documents are attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “14”.

g. Consideration of a resolution to set dates and times for the 2014 Council Meetings and Work Sessions.

The Town Council next considered a resolution to set dates and times for the 2014 Council Meetings and Work Sessions. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Rick Wise. Following discussion, the motion was approved unanimously. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “14”. (Resolution #13-33).

h. Other.

There was no further New Business to be considered by the Town Council.

7. Status Reports.

Town Manager Harry Gill reported that the Employee Handbook revisions would be on the next workshop agenda. He also gave updates on the Jefferson Pike Road Project and the Rocky Fork Interchange.

8. Announcements.

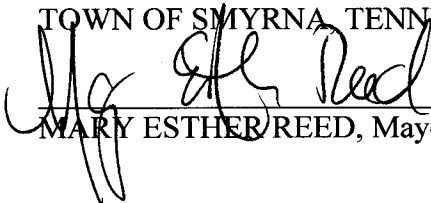
The Town Council wished all the citizens a "Merry Christmas and a Happy New Year". Condolences were sent to the family of the late Sara Hale.

Town Manager Harry Gill announced that John Lanza will be conducting interviews with various citizens relative to the history of the Town of Smyrna. These will be aired on Channel 3.

Mayor Mary Esther Reed reminded the Council of the employee luncheon on December 13th and Special Called Workshop on December 19th.

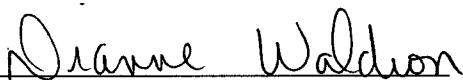
Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



DIANNE WALDRON, Town Clerk