

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON NOVEMBER 12, 2013**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 6:00 p.m. on November 12, 2013 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Larry Lee, Good Samaritan Home Care. The pledge of allegiance was led by Mike Moss, Director of Parks and Recreation.

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
Lance Lee
Tim Morrell
Rick Wise

1. Approval or Correction of Minutes of the October 8, October 29 and November 5, 2013 meetings.

The Town Council first considered a motion by Council Member Rick Wise to approve the minutes of the October 8, 2013 regular session of the Town Council, October 29, 2013 regular work session of the Town Council, and November 5, 2013 special called 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.

There was no correspondence or communications to be presented to the Town Council at this time.

3. Awards and Recognitions.

The Town Council next considered a resolution recognizing the life and accomplishments of the late Katherine Haynes Walkup. Following discussion, Council Member Paul Johns made a motion to approve and adopt said resolution. The motion was duly seconded by Vice-Mayor Marc Adkins. 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 #13-26).

4. Consent Agenda.

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

- a. Consideration of the declaration of surplus property.
- b. Approval of the terms of, and authorization for the Mayor to execute, contracts for Gas, Water and Sewer Department materials with the following: Advance Engineering, American Meter, Chris George Sales, G & C Supply, Experitec, Kerotest, United Utilities, HD Supply and Southern Pipe.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Dan Weaver Services relative to water leak survey.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with TDOT relative to SR266-Jefferson Pike Construction Project.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with Vision Internet relative to Town of Smyrna's website re-design.

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 Council Member Paul Johns. 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 Lance Lee. 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 #13-27).

- 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 3.44 acres, (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 3.44 acres, (requested by Oliver Constable). 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 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 #13-19).

- c. **PUBLIC HEARING:** Consideration of an ordinance to amend Ordinance No. 13-10, adopting the 2013-2014 Fiscal Year Budget relative to DUI trailer. 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 DUI trailer. 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 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 "5". (Ordinance #13-20).

6. New Business.

a. Planning Commission Report:

- i. 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). First Reading.

The Town Council next considered on first 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 Tim Morrell made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Lance Lee. 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 "6". (Ordinance #13-21).

- ii. 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. First Reading.

The Town Council next considered on first 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 Rick Wise made a motion to approve and adopt said ordinance on first 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 first reading, is attached hereto and

incorporated herein by reference as if set forth at length verbatim as Exhibit "7". (Ordinance #13-22).

- iii. Consideration of 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. First Reading.

The Town Council next considered on first 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 Tim Morrell 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 "8". (Ordinance #13-23).

- iv. 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. First Reading.

The Town Council next considered on first 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 first 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 first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9". (Ordinance #13-24).

- v. 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. First Reading.

The Town Council next considered on first 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 Tim Morrell made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Lance Lee. 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 "10". (Ordinance #13-25).

- vi. 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. First Reading.

The Town Council next considered on first 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 amendment. 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 "11". (Ordinance #13-26).

b. Packaged Liquor Board Report:

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

- c. **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. First Reading.**

The Town Council next considered on first 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 Paul Johns made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Lance Lee. 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 #13-27).

- d. **Approval of the terms of, and authorization for the Mayor to execute, a contract with _____ relative to Water Treatment Plant lagoon sludge removal.**

The Town Council next considered a motion by Council Member Rick Wise to defer consideration of this item to the December council meeting. The motion was duly

seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved unanimously.

e. Consideration of a resolution to adopt a Records Retention Policy in accordance with the Tennessee Public Records Act, codified under T.C.A. § 10-7-503 et seq.

The Town Council next considered a resolution to adopt a Records Retention Policy in accordance with the Tennessee Public Records Act, codified under T.C.A. § 10-7-503 et seq. 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 "13". (Resolution #13-28).

f. 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. First Reading.

The Town Council next considered on first 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, Council Member Paul Johns 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 "14". (Ordinance #13-28).

g. Consideration of a resolution approving an Interlocal Agreement between Wilson County School District and the Town of Smyrna relative to cooperative purchasing.

The Town Council next considered a resolution approving an Interlocal Agreement between Wilson County School District and the Town of Smyrna relative to cooperative purchasing. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Lance Lee. 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 "15". (Resolution #13-29).

h. Consideration of Town Manager appointment.

The Town Council next considered a motion by Council Member Paul Johns to offer Mr. Harry Gill a conditional offer of employment contingent upon a successful background check and employment agreement. The motion was duly seconded by

Council Member Tim Morrell. Following discussion, the motion was approved unanimously on a roll call vote.

i. Approval of the terms of, and authorization for the Mayor to execute, an employee agreement relative to Town Manager position.

The Town Council next considered a motion by Council Member Lance Lee to offer Mr. Harry Gill a conditional contract at a salary of \$120,000 per year. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously on a roll call vote. Mayor Reed noted that, if necessary, a special called meeting could be held at 5:30 p.m. prior to the workshop on November 25, 2013 to discuss the contract.

j. Other.

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

7. Status Reports.

Town Manager Mark O'Neal gave an update on the signage at The Summit Business Park.

8. Announcements.

The Town Council thanked all the veterans. They also thanked Town Manager Mark O'Neal for his dedication and work for the Town.

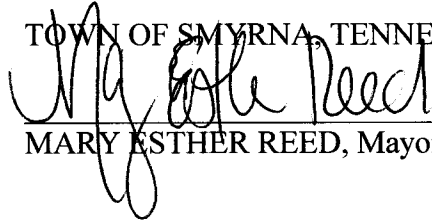
Mayor Mary Esther Reed thanked Mike Moss and the Parks Department on the recent Wilderness Walk. She also announced that a campfire cookout will be held November 15th at Sharp Springs Park and a Gingerbread House Workshop will be December 3rd. Applications are being taken for the Kenneth "Coon" Victory Lifetime Service Award and the Young Leader Award.

Council Member H. G. Cole reported that S.I.M.A. will be giving \$500 to the recipient of the Young Leader Award.

Mayor Mary Esther Reed announced that Kroger will be having a grand re-opening on Wednesday, November 13th at 8:00 a.m., the Fire Department is having a food drive for the Food Bank, and the Lighting Ceremony will be November 26th at 6:00 p.m. Condolences were extended to David King on the recent loss of his mother-in-law.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk