

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON MAY 13, 2014**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on May 13, 2014 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Chaplain Jim Diamond, Smyrna Police Department. The pledge of allegiance was led by Girl Scout Troop 279.

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 April 8, April 14-15, and April 29, 2014 meetings.**

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the April 8, 2014 regular session of the Town Council, the April 14-15, 2014 Council Retreat, and the April 29, 2014 regular work session of the Town Council. The motion was duly seconded by Council Member Rick Wise. Following discussion, the motion was approved unanimously.

**2. Correspondence/Communications.**

Town Manager Harry Gill stated that members of the Lowry Street Committee will be present at the next Council meeting to show tentative proposals. The ribbon cutting for the Depot will be June 13<sup>th</sup>. Ron Alley of Carpe Artista spoke regarding the Simply Smyrna Celebration.

**3. Awards and Recognitions.**

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve a proclamation proclaiming the week of May 11-17, 2014 as Police Week in

Smyrna. The motion was duly seconded by Council Member Rick Wise. Following discussion the motion was approved unanimously.

#### **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, a renewal contract with Galls Incorporated relative to Police Department uniforms.
- b. Approval of the terms of, and authorization for the Mayor to execute, contracts with the following relative to chemicals for Water and Wastewater Treatment Plants:
  - i. Carmeuse - Calcium Oxide
  - ii. ADC - Calcium Thiosulfate, Citric Acid, and Sodium Permanganate
  - iii. Chemtrade Chemicals - Polyaluminum Hydroxichloride
  - iv. Thatcher Company - Sodium Carbonate
  - v. Univar - Sodium Hydroxide
  - vi. Brenntag - Sodium Hypochlorite
  - vii. Norit Americas - Powder Activated Carbon
  - viii. SNF Polydyne - Emulsion Polymer
  - ix. Nich-Chem - Liquid Aluminum Sulfate
- c. Approval of the terms of, and authorization for the Mayor to execute, renewal contracts with the following relative to chemicals for Water Treatment Plant:
  - i. ADC - Sodium Ortho/Polyphosphate
  - ii. Univar - Potassium Permanganate and Sodium Chloride
  - iii. Continental Carbonic - Carbon Dioxide
  - iv. BASF - Cationic Polymer
  - v. Pencco - Hydrofluorosilicic Acid (Fluoride)
- d. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with IM&E and Stansell Electric relative to electrical/mechanical maintenance for Water and Wastewater Plants.
- e. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Pye Barker relative to fire extinguisher service.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with North Alabama Fire Equipment Company relative to Fire Department turnout gear.

- g. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Seelbach and Company relative to tree trimming.
- h. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Lojac Enterprises relative to paving.
- i. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with BAC Paving relative to pavement patching.
- j. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Kerr Bros. & Associates relative to street marking and striping.
- k. Approval of the terms of, and authorization for the Mayor to execute, a contract with ICA Engineers relative to engineering services for Weakley Lane/Swan Drive Project.
- l. Approval of the terms of, and authorization for the Mayor to execute, contracts with Dempsey, Dilling and Associates, P.C. relative to engineering services for the TDOT Jefferson Pike Widening Project for gas, water, and wastewater.
- m. Approval of the terms of, and authorization for the Mayor to execute, a contract with Cityworks (Burns & McDonnell) relative to permitting software for Codes and Planning Departments.
- n. Approval of the terms of, and authorization for the Mayor to execute, a sponsorship agreement between Academy Sports + Outdoors and the Town of Smyrna Parks and Recreation Department.
- o. Approval of the terms of, and authorization for the Mayor to execute, renewal contracts with Best Litter Receptacles and Mid-South Recreation, Inc. relative to park equipment.
- p. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Life Services EAP relative to the Town of Smyrna's employee assistance program.

Following discussion, Council Member H. G. Cole 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 Rick Wise. 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 "1".

## 5. Old Business.

- a. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28M, Group G, Parcels 27.01, 28, 29, 30, 31, 33, and 34, comprising approximately 8.3 acres, (requested by Ellen Mays), from R-2 to C-4 and R-6. Properties are located on Old Nashville Highway. 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 28M, Group G, Parcels 27.01, 28, 20, 30, 31, 33, and 34, comprising approximately 8.3 acres, (requested by Ellen Mays), from R-2 to C-4 and R-6. Properties are located on Old Nashville Highway. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member H. G. Cole made a motion to deny and reject 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 on a roll call vote. A copy of said ordinance, as denied and rejected on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2". (Ordinance #14-11).

- b. **PUBLIC HEARING:** 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. 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 amendment. 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 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 "3". (Ordinance #14-12).

- c. **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. Following discussion, Council Member Rick Wise made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Tim Morrell. 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 "4". (Resolution #14-11).

- d. **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 5.89 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 to relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01, comprising approximately 5.89 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 "5". (Ordinance #14-13).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the Town of Smyrna Zoning Ordinance, Section 5.053.2 C,

to add religious facilities as a use permitted as a special exception in the I-2 Light 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 of the Town of Smyrna Zoning Ordinance, Section 5.053.2 C, to add religious facilities as a use permitted as a special exception in the I-2 Light Industrial District. The recommendation of the Planning Commission was that the Town Council approve the amendment. 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 "6". (Ordinance #14-14).

- f. **PUBLIC HEARING:** Consideration of an ordinance to amend Fireworks Ordinance 7-410 to require fireworks tents to be a minimum of 50' from fuel dispensing pumps. 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 Fireworks Ordinance 7-410 to require fireworks tents to be a minimum of 50' from fuel dispensing pumps. 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 Lance Lee. 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 #14-15).

6. **New Business:**

a. **Planning Commission Report:**

- i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 85, comprising approximately 1

acre, (requested by Sharon Durham), from R-3 to C-2. Property is located at 13946 Old Nashville Highway. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28M, Parcel 85, comprising approximately 1 acre, (requested by Sharon Durham), from R-3 to C-2. Property is located at 13946 Old Nashville Highway. 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 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 "8". (Ordinance #14-16).

- ii. Consideration of an ordinance to amend the PUD for Lenox of Smyrna on property located on Tax Map 49, part of Parcel 108.00, comprising approximately 31.58 acres, (requested by Regent Homes/Lenox of Smyrna, LLC). Property is located west of Old Nashville Highway and south of Stewart Valley Drive. First Reading.

The Town Council next considered on first reading an ordinance to amend the PUD for Lenox of Smyrna on property located on Tax Map 49, part of Parcel 108.00, comprising approximately 31.58 acres, (requested by Regent Homes/Lenox of Smyrna, LLC). Property is located west of Old Nashville Highway and south of Stewart Valley Drive. 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 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 #14-17).

- iii. Consideration of an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance to amend Article III, Section 3.100 relative to residential detached accessory structure requirements. First Reading.

The Town Council next considered on first reading an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance to amend Article III, Section 3.100 relative to residential detached accessory structure requirements. The recommendation of the Planning Commission was that the Town Council approve the amendment. 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 "10". (Ordinance #14-18).

- iv. Consideration of a request for approval of a subdivision utilizing a septic system by Macye Davis Lester. Request is for a two lot subdivision on 6.8 acres on Almaville Road in the R-1 zone.

The Town Council next considered a motion by Council Member Rick Wise to approve the request of a subdivision utilizing a septic system by Macye Davis Lester. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously.

**b. Packaged Liquor Board Report:**

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

**c. Consideration of an ordinance relative to Town of Smyrna Municipal Code, Title 10 "Animal Control", Chapter 1, Section 10-102 "Keeping near a residence or business restricted". First Reading.**

The Town Council next considered on first reading an ordinance relative to Town of Smyrna Municipal Code, Title 10 "Animal Control", Chapter 1, Section 10-102 "Keeping near a residence or business restricted". 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 "11". (Ordinance #14-19).

**d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Consolidated Utility District relative to water sales.**

The Town Council next considered a motion by Council Member Paul Johns to defer consideration of this item to next month. The motion was duly seconded by Council Member Rick Wise. Following discussion, the motion was approved unanimously.

**e. Consideration of a resolution to designate a portion of downtown as the Depot District.**

The Town Council next considered a resolution to designate a portion of downtown as the Depot District. 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 "12". (Resolution #14-12).



**f. Consideration of an ordinance to amend Ordinance 13-10, adopting the 2013-2014 Fiscal Year Budget relative to capital projects. First Reading.**

The Town Council next considered on first reading an ordinance to amend Ordinance 13-10, adopting the 2013-2014 Fiscal Year Budget relative to capital projects. 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 Paul Johns. 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 #14-20).

**g. Consideration of a resolution authorizing the issuance of not to exceed one million eight hundred thousand dollars (\$1,800,000) of general obligation bonds of the Town of Smyrna, Tennessee.**

The Town Council next considered a resolution authorizing the issuance of not to exceed one million eight hundred thousand dollars (\$1,800,000) of general obligation bonds of the Town of Smyrna, Tennessee. Following discussion, Council Member Lance Lee made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Tim Morrell. 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 #14-13).

**h. Consideration of an ordinance adopting the budget for fiscal year 2014-2015. First Reading.**

The Town Council next considered on first reading an ordinance adopting the budget for fiscal year 2014-2015. 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 "15". (Ordinance #14-21).

**i. Consideration of an ordinance adopting a property tax rate for fiscal year 2014-2015.**

The Town Council next considered on first reading an ordinance adopting a property tax rate for fiscal year 2014-2015. 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 "16". (Ordinance #14-22).

**j. Consideration of a request for the Town to make a declaration of surplus property for property located at Lot 27, Meadow Brooke Subdivision, Section 1.**

The Town Council next considered a motion by Council Member Paul Johns to declare property located at Lot 27, Meadow Brooke Subdivision, Section 1 as surplus property. The motion was duly seconded by Vice-Mayor Marc Adkins. Following discussion, the motion was approved unanimously.

**k. Other.**

- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with Dillingham & Smith relative to HVAC additions to Justice Center.

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve the terms of and authorize the Mayor to execute a contract with Dillingham & Smith relative to HVAC additions to Justice Center. The motion was duly seconded by Council Member Rick Wise. Following further discussion, the motion was approved unanimously. A copy of said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "17".

Mayor Mary Esther Reed stated that Rachel Henry will be moving and leaving a vacancy on the Parks Advisory Board and Historic Zoning Commission. Appointments will be made to fill the vacancies at the June Town Council Meeting.

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

**7. Status Reports.**

There were no status reports to be reported to the Town Council at this time.

**8. Announcements.**

Council Member H. G. Cole reminded the citizens of the dodgeball tournament Saturday, May 17<sup>th</sup> at Sharp Springs Park to benefit Bark Springs Dog Park.

Council Member Tim Morrell thanked Town Manager Harry Gill and the department heads for their work preparing the budget.

Council Member Paul Johns thanked those in attendance at the meeting for expressing their opinion on the closing of the fitness center.

Council Member Lance Lee also thanked the directors and employees for work done on the budget. He thanked the library for the service they provide to the

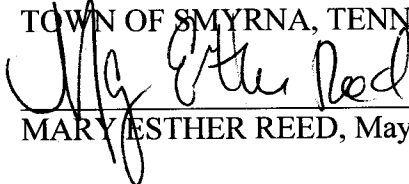
community. He thanked Mr. Sevier for speaking and expressing his concerns on the fitness center.

Vice-Mayor Marc Adkins thanked Carol Kersey for the library update. He thanked all teachers in the school system and congratulated those graduating from high school.

Mayor Mary Esther Reed attended the Peace Officers Memorial Day Service held earlier in the day. She will speak at the Young Marine's graduation on Saturday. She wished Annette Taylor and Janette Gwynne a "Happy Birthday" and wished all mothers a belated "Happy Mother's Day".

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
\_\_\_\_\_  
MARY ESTHER REED, Mayor

ATTEST:

  
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DIANNE WALDRON, Town Clerk