

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON APRIL 8, 2014**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on April 8, 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 Leonard Rader, Smyrna Police Department. The pledge of allegiance was led by Emily Large, David Youree Elementary School, 5<sup>th</sup> Grade.

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

Mayor Mary Esther Reed  
Vice- Mayor Marc Adkins  
Paul Johns  
Lance Lee  
Tim Morrell

Council Members H. G. Cole and Rick Wise were not in attendance.

**1. Approval or Correction of Minutes of the March 11 and March 27, 2014 meetings.**

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the March 11, 2014 regular session of the Town Council and the March 27, 2014 regular work session of the Town Council. The motion was duly seconded by Council Member Tim Morrell. 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.**

Town Manager Harry Gill thanked the Information Services Department for their work during the recent lightning damage to the Police Department. He also thanked the

Fire Department, Police Department, Streets, and Parks Department for work done after the past storms.

He reported that FootGolf opened on April 5<sup>th</sup> with a good turnout. He thanked Golf Director Hal Loflin on his work in getting this started.

**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 contract with SunGard relative to Police Department upgrade of operating software.
- b. Approval of the terms of, and authorization for the Mayor to execute, a performance agreement with the O'Donnell's relative to Music at the Mill concert series in June 2014.
- c. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Yearly, Howell and Associates relative to audit services.
- d. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with CMS Uniforms relative to Fire Department uniforms.
- e. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Diversified Inspections relative to Fire Department ladder testing.
- f. Approval of the terms of, and authorization for the Mayor to execute, contracts with Civil Infrastructure Associates, LLC relative to engineering for Jefferson Pike Widening Project.

Following discussion, Vice-Mayor Marc Adkins 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 "1".

**5. Old Business.**

- a. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 127.00, comprising approximately 2.41 acres, (requested by Donnie Williams), from C-2 to R-1. Property is located at 563 Stonecrest Parkway. 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, part of Parcel 127.00, comprising approximately 2.41 acres, (requested by Donnie Williams), from C-2 to R-1). Property is located at 563 Stonecrest Parkway. 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 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 "2". (Ordinance #14-08).

- b. **PUBLIC HEARING:** Consideration of an ordinance to amend Ordinance No. 13-10, adopting the 2013-2014 Fiscal Year Budget relative to mixed drink tax debt and in lieu of tax revenue. 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 mixed drink tax debt and in lieu of tax revenue. Following discussion, Council Member Lance Lee 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 #14-09).

- c. **PUBLIC HEARING:** Consideration of an ordinance to approve TDOT Proposal relative to improvement on Jefferson Pike. 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 approve TDOT Proposal relative to improvement on Jefferson Pike. 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 #14-10).

6. **New Business:**

a. **Planning Commission Report:**

- i. 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. Property is located on 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, 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. Property is located on 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 Council Member Lance Lee. Following further discussion, the motion was approved 4-1, with Vice-Mayor Marc Adkins voting "no". 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 "5". (Ordinance #14-11).

- ii. 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 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 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 "6". (Ordinance #14-12).

- iii. 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). 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 5.89 acres, (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 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 "7". (Ordinance #14-13).

- iv. Consideration of an ordinance relative to the amendment of 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. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of 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 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 "8". (Ordinance #14-14).

**b. Packaged Liquor Board Report:**

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

- c. **Approval of the terms of, and authorization for the Mayor to execute, a contract with Sessions Sealing and Maintenance relative to restriping Front Street round-a-bout and crosswalks.**

The Town Council next considered a motion by Council Member Paul Johns to approve the terms of and authorize the Mayor to execute, a contract with Sessions Sealing and Maintenance relative to restriping Front Street round-a-bout and crosswalks. The motion was duly seconded by Vice-Mayor Marc Adkins. Following 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 "9".

- d. **Consideration of a resolution to approve election of two year Council term as separate from a four year vacant Council-At-Large scheduled elections in November of 2014.**

The Town Council next considered a resolution to approve election of two year Council term as separate from a four year vacant Council-At-Large scheduled elections in November of 2014. 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 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 "10". (Resolution #14-10).

- e. **Consideration of offer of settlement as to Town of Smyrna vs. Brady & Brown, including authorization for the Mayor to execute necessary settlement documents related thereto.**

The Town Council next considered a motion by Council Member Paul Johns to approve the offer of settlement as to Town of Smyrna vs. Brady & Brown, including authorization for the Mayor to execute necessary settlement documents related thereto. The motion was duly seconded by Vice-Mayor Marc Adkins. Following 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 "11".

- f. **Discussion relative to the executed CT-0253 forms for Water and Sewer Bond and General Obligation Bond.**

Finance Director Rex Gaither announced that the CT-0253 forms for Water and Sewer Bond and General Obligation Bond have been executed.

**g. Other.**

- i. Consideration of an ordinance to amend Fireworks Ordinance 7-410 to require fireworks tents to be a minimum of 50' from fuel dispensing pumps. First Reading.

The Town Council next considered on first 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, 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 "12". (Ordinance #14-15).

- ii. Approval of the terms of, and authorization for the Mayor to execute, an Interlocal Agreement for sewer with LaVergne, Tennessee.

The Town Council next considered a motion by Council Member Paul Johns to approve the terms of and authorize the Mayor to execute, an Interlocal Agreement for sewer with LaVergne, Tennessee. The motion was duly seconded by Council Member Lance Lee. 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 "13".

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.**

Town Manager Harry Gill announced that the Council Retreat will be held Monday and Tuesday, April 14<sup>th</sup> and 15<sup>th</sup> at the Chamber of Commerce in Murfreesboro. He wished his mother a happy birthday.

Fire Chief Bill Culbertson announced a sole source purchase from Flowstop for hazmat pipe plugs in the amount of \$16,900.00. He also reminded the citizens that the Easter Egg Hunt will be Saturday, April 12<sup>th</sup> at Lee Victory Recreation Park at 1:00 p.m.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
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MARY ESTHER REED, Mayor

ATTEST:

  
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DIANNE WALDRON, Town Clerk