

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON AUGUST 8, 2017**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on August 8, 2017 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Chaplain Tim York, Smyrna Police Department. The pledge of allegiance was led by Zama Sister City Committee students.

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
Tim Morrell
Lori North
Racquel Peebles
Steve Sullivan

1. Approval or Correction of Minutes of the July 11 and July 27, 2017 meetings.

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the July 11, 2017 regular session of the Town Council, the July 27, 2017 special called session of the Town Council, and the July 27, 2017 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.

Town Manager Harry Gill congratulated Police Chief Kevin Arnold on being named the new president of the Tennessee Association of Police Chiefs.

3. Awards and Recognitions.

Mayor Mary Esther Reed introduced Mayor Endo of Zama, Japan. Smyrna Sister City student David Seat and Zama student Io Sawada addressed the Town Council. Smyrna Sister City Committee President Marc Michaelson stated Zama is going to purchase a stone for the Jeff Kuss memorial.

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 EZ GO relative to golf cart purchase.
- b. Approval of the terms of, and authorization for the Mayor to execute, an inter-local cooperation and mutual aid agreement with all law enforcement agencies in Rutherford County.
- c. Approval of the terms of, and authorization for the Mayor to execute, the annual report for the NPDES Phase II, MS4 Program.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Rollins Excavating Company, LLC relative to storm water general construction and concrete work.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with Barge, Waggoner Sumner & Cannon relative to open end general engineering and environmental services.
- f. Approval of the terms of, and authorization for the Mayor to execute, a performance agreement with The O'Donnell's relative to the Smyrna Parks Cruise In.
- g. Approval of the terms of, and authorization for the Mayor to execute, a performance agreement with The O'Donnell's relative to the BBQ Fest.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract extension with the Tennessee Department of Transportation relative to Jefferson Springs Greenway.

Council Member Tim Morrell asked that item 6e be removed from the Consent Agenda. Following discussion, Council Member Steve Sullivan made a motion to approve and adopt the remainder of the Consent Agenda and to authorize the Mayor to execute said documents. The motion was duly seconded by Council Member Racquel Peebles. 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".

The Town Council next considered a motion by Council Member H. G. Cole to approve the terms of and authorize the Mayor to execute a contract with Barge, Waggoner Sumner & Cannon relative to open end general engineering and environmental services. The motion failed for lack of a second. Following further discussion, Council Member Steve Sullivan made a motion to approve the terms of and authorize the Mayor

to execute a contract with Barge, Waggoner Sumner & Cannon relative to open end general engineering and environmental services. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion failed on a roll call vote of 2-5 with Council Members H. G. Cole and Steve Sullivan voting “yes” and Mayor Mary Esther Reed, Vice-Mayor Marc Adkins, and Council Members Tim Morrell, Lori North and Racquel Peebles voting “no”.

5. Old Business.

- a. **PUBLIC HEARING:** Consideration of a resolution to a Plan of Services for property located on Tax Map 54, Parcels 47.00 and 62.00.

At this time, Mayor Mary Esther 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 to a Plan of Services for property located on Tax Map 54, Parcels 47.00 and 62.00. 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 Steve Sullivan. 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 “2”. (Resolution #17-16).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcels 47.00 and 62.00, containing approximately 109.5 acres, as well as approximately 1,900 linear feet of Morton Lane and approximately 1,200 linear feet of Rocky Fork Almaville Road, (requested by Shawn Collins). Properties are located along and west of Rocky Fork Almaville Road. Second Reading.

At this time, Mayor Mary Esther Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. The following individuals spoke concerning the item: Kenneth Shepard, Ron Reed and Shawn Collins.

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 reading an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcels 47.00 and 62.00, containing approximately 109.5 acres, as well as approximately 1,900 linear feet of Morton Lane and approximately 1,200 linear feet of Rocky Fork Almaville Road,

(requested by Shawn Collins). Properties are located along and west of Rocky Fork Almaville 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 second and final reading. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as 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 #17-28).

- c. Consideration of a resolution in memorandum of Ordinance #17-28 relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcels 47.00 and 62.00, containing approximately 109.5 acres, as well as approximately 1,900 linear feet of Morton Lane and approximately 1,200 linear feet of Rocky Fork Almaville Road.

The Town Council next considered resolution in memorandum of Ordinance #17-28 relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcels 47.00 and 62.00, containing approximately 109.5 acres, as well as approximately 1,900 linear feet of Morton Lane and approximately 1,200 linear feet of Rocky Fork Almaville Road. Following discussion, Council Member Steve Sullivan 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 "4". (Resolution #17-17).

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28M, Group G, Parcel 26.00, containing approximately .53 acre, (requested by GVHR, LLC), from C-4 to C-2. Property is located at 12914 Old Nashville Highway. Second Reading.

At this time, Mayor Mary Esther 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 an ordinance relative to the rezoning of property located on Tax Map 28M, Group G, Parcel 26.00, containing approximately .53 acre, (requested by GVHR, LLC), from C-4 to C-2. Property is located at 12914 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 second and final reading. The motion was duly seconded by Council Member Lori North. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as 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 #17-29).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 83.00, containing approximately 1 acre, (requested by Edward Clark), from R-1 to C-2. Property is located at 14001 Old Nashville Highway. Second Reading.

At this time, Mayor Mary Esther Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. The following individuals spoke concerning the item: Edward Clark and Rebecca Hudgins.

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

The Town Council next considered an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 83.00, containing approximately 1 acre, (requested by Edward Clark), from R-1 to C-2. Property is located at 14001 Old Nashville Highway. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Vice-Mayor Marc Adkins made a motion to deny and reject said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was denied on a roll call vote of 2-5 with Council Member H. G. Cole and Vice-Mayor Marc Adkins voting "yes" and Mayor Mary Esther Reed and Council Members Tim Morrell, Lori North, Racquel Peebles, and Steve Sullivan voting "no". 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 "6". (Ordinance #17-30).

- f. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 270, Group C, Parcel 3.00, containing approximately .34 acre, (requested by Howard L. Spain, Jr.), from P&O-1 to C-4. Property is located at 411 Enon Springs Road, East. Second Reading.

At this time, Mayor Mary Esther 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 an ordinance relative to the rezoning of property located on Tax Map 270, Group C, Parcel 3.00, containing approximately .34 acre, (requested by Howard L. Spain, Jr.), from P&O-1 to C-4. Property is located at 411 Enon Springs Road, East. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Lori North

made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as 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 #17-31).

- g. PUBLIC HEARING:** Consideration of an ordinance to amend Ordinance No. 17-23, adopting the Fiscal Year Budget relative to fee schedule within the Utility Department. Second Reading.

At this time, Mayor Mary Esther 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 an ordinance to amend Ordinance No. 17-23, adopting the Fiscal Year Budget relative to fee schedule within the Utility 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 Vice-Mayor Marc Adkins. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as 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 #17-32).

- h. PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the Town of Smyrna Municipal Code, Title 8 "Alcoholic Beverages", Chapter 3 "Retail Sales of Alcoholic Beverages", Section 317(e) and (g), "Restrictions". Second Reading.

At this time, Mayor Mary Esther 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 an ordinance relative to the amendment of the Town of Smyrna Municipal Code, Title 8 "Alcoholic Beverages", Chapter 3 "Retail Sales of Alcoholic Beverages", Section 317(e) and (g), "Restrictions". Following discussion, Council Member Steve Sullivan made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as 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 #17-33).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28L, Group C, Parcel 16.01, containing approximately .54 acre, (requested by Phyllis Campbell), from R-2 to C-2. Property is located at 102 Wright Street. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28L, Group C, Parcel 16.01, containing approximately .54 acre, (requested by Phyllis Campbell), from R-2 to C-2. Property is located at 102 Wright Street. The recommendation of the Planning Commission was that the Town Council deny the request. Following discussion, Council Member Tim Morrell made a motion to deny and reject said ordinance on first reading. The motion was duly seconded by Council Member Lori North. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as denied and reject on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10". (Ordinance #17-34).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 32, part of Parcel 9.00, containing approximately 5.77 acres, (requested by Greg Gamble), from R-1 to PRD. Property is located on Blair Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 32, part of Parcel 9.00, containing approximately 5.77 acres, (requested by Greg Gamble), from R-1 to PRD. Property is located on Blair Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: (1) HVAC units are required to meet the minimum building setbacks and (2) staff to review the submitted traffic study and any recommended improvements are required to be made. Following discussion, Council Member Steve Sullivan 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 "11". (Ordinance #17-35).

- iii. Consideration of an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance to amend Article IV, Section 4.020 F relative to temporary sales of food or retail merchandise. 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 IV, Section 4.020 F relative to temporary sales of food or retail merchandise. 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 Lori North. 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 #17-36).

b. Packaged Liquor Board Report:

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

- c. **Consideration of a resolution authorizing the issuance of General Obligation refunding bonds to retire General Obligation Bonds and Water & Sewer Revenue and Tax Bonds and to enter a contract with Bass, Berry and Sims and Stephens.**

The Town Council next considered a resolution authorizing the issuance of General Obligation refunding bonds to retire General Obligation Bonds and Water & Sewer Revenue and Tax Bonds and to enter a contract with Bass, Berry and Sims and Stephens. Following discussion, Council Member H. G. Cole 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 "13". (Resolution #17-18).

- d. **Consideration of an ordinance to amend the Town of Smyrna Municipal Code, Title 5 "Municipal Finance and Taxation", Chapter 5 "Impact Fees". First Reading.**

The Town Council next considered on first reading an ordinance to amend the Town of Smyrna Municipal Code, Title 5 "Municipal Finance and Taxation", Chapter 5 "Impact Fees". Following discussion, Council Member Steve Sullivan made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Racquel Peebles. 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 #17-37).

- e. Consideration of an ordinance to amend Ordinance No. 17-23, adopting the Fiscal Year Budget relative to impact fees. First Reading.**

The Town Council next considered on first reading an ordinance to amend Ordinance No. 17-23, adopting the Fiscal Year Budget relative to impact fees. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on first reading with the rate of 70% for roads, 70% for parks and 70% for public safety. The motion was duly seconded by Council Member Steve Sullivan. 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 #17-38).

- f. Consideration of an ordinance to amend Ordinance No. 17-23, adopting the Fiscal Year Budget relative to convenience fee for credit/debit cards. First Reading.**

The Town Council next considered on first reading an ordinance to amend Ordinance No. 17-23, adopting the Fiscal Year Budget relative to convenience fee for credit/debit cards. 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 "16". (Ordinance #17-39).

- g. Consideration of an ordinance to amend the Town of Smyrna Municipal Code, Title 7 "Fire Protection and Fireworks", Chapter 4 "Fireworks", Section 7-415 "Permissible dates and times of discharge". First Reading.**

The Town Council next considered on first reading an ordinance to amend the Town of Smyrna Municipal Code, Title 7 "Fire Protection and Fireworks", Chapter 4 "Fireworks", Section 7-415 "Permissible dates and times of discharge". 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 Steve Sullivan. 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 "17". (Ordinance #17-40).

- h. Other.**

- i. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Middle Tennessee State University for Leadership Training Academy.**

The Town Council next considered a motion by Council Member Tim Morrell to approve the terms of and authorize the Mayor to execute, an agreement with Middle Tennessee State University for Leadership Training Academy. The motion was duly seconded by Council Member Racquel Peebles. 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 "18".

- ii. **Approval of the terms of, and authorization for the Mayor to execute, an inter-local agreement with Rutherford County government and the Town of Smyrna relative to collection of taxes.**

The Town Council next considered a motion by Council Member Lori North to approve the terms of and authorize the Mayor to execute an inter-local agreement with Rutherford County government and the Town of Smyrna relative to collection of taxes. The motion was duly seconded by Council Member Steve Sullivan. 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 "19".

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

7. Status Reports.

Town Manager Harry Gill stated staff is working on updating road projects. This will be presented later at a special called workshop. He thanked Finance Director Rex Gaither for his work to refinance loans to save the Town of Smyrna \$700,000. He also gave an update on improvements completed at The Depot.

8. Announcements.

Council Member Racquel Peebles announced a Solar Eclipse Party will be held at the Smyrna Outdoor Adventure Center on August 21st from 12 to 2 p.m. She also reported the Senior Citizens will have their annual Spaghetti Dinner on August 25th.

Parks and Recreation Director Mike Moss stated the Cruise In is August 11th and the Depot District BBQ Fest is August 19th from 6 to 9 p.m.

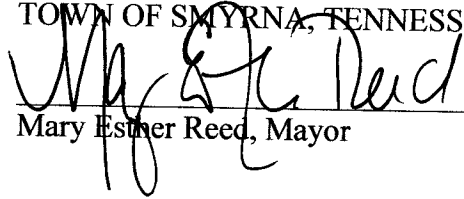
The Mayor and Town Council congratulated Chief Arnold on his appointment as President of the Tennessee Association of Police Chiefs.

Mayor Mary Esther Reed stated the Night Out Against Crime had over 500 in attendance. She congratulated her husband who will graduate Saturday from MTSU with his Master's Degree. That same day her parents will be celebrating their 50th wedding anniversary. She then offered condolences to Nashville Mayor Megan Barry on the loss of her son.

Vice-Mayor Marc Adkins wished his son a "Happy Birthday".


Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



Mary Esther Reed, Mayor

ATTEST:



DIANNE WALDRON, Town Clerk