

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON NOVEMBER 13, 2018**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on November 13, 2018 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Chaplain Winfred Warren, Smyrna Police Department. The pledge of allegiance was led by Dianne Waldron, Town Clerk.

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
Racquel Peebles
Gerry Short
Steve Sullivan

1. Approval or Correction of Minutes of the October 9 and October 25, 2018 meetings.

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the October 9, 2018 regular session of the Town Council and the October 25, 2018 work session of the Town Council. The motion was duly seconded by Council Member Gerry Short. 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 Brian Hercules recognized members of Leadership Rutherford that were in attendance.

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 lease agreement with Mail Finance a Neopost USA Company relative to postage machine.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Porter Roofing Contractors, Inc. relative to Justice Center skylight renovations.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Site Engineering Consultants (SEC) relative to drainage study of McClary Road and Lawson Road area.
- d. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Tennessee Rehab Center relative to use of recreation field area by Parks and Recreation Department.
- e. Approval of the terms of, and authorization for the Mayor to execute, Change Order #2 relative to the Jefferson Springs Greenway Extension.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with Modern Day Wrecking relative to building demolition services for buildings at 38 South Lowry Street.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Pall Corporation relative to Pall Membrane Modules for the Water Treatment Plant.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with Parker-Hannifin Corporation relative to maintenance for the THM Analyzer at the Water Treatment Plant.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract relative to the purchase of property adjacent to Smyrna Event Center.
- j. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Century Link relative to data circuit for Police Department.

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 Steve Sullivan. 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 a resolution relative to a Plan of Services for property located on Tax Map 54, Parcel 52.00, and Parcel 52.01.

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 relative to a Plan of Services for property located on Tax Map 54, Parcel 52.00, and Parcel 52.01. 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 Steve Sullivan. Following further discussion, the motion was approved 6-0-1 with Vice-Mayor Marc Adkins abstaining. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2". (Resolution #18-29).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 52.00, and Parcel 52.01, containing approximately 44.9 acres, (requested by Thomas Steffen). Property is located northeast 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. 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 annexation and PRD zoning of property located on Tax Map 54, Parcel 52.00, and Parcel 52.01, containing approximately 44.9 acres, (requested by Thomas Steffen). Property is located northeast of Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Gerry Short 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 6-0-1 with Vice-Mayor

Marc Adkins abstaining. 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 #18-32).

- c. Consideration of a resolution in memorandum of Ordinance #18-32 relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 52.00, and Parcel 52.01.

The Town Council next considered a resolution in memorandum of Ordinance #18-32 relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 52.00, and Parcel 52.01. 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 "4". (Resolution #18-30).

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the PRD on land referenced by Tax Map 54, Parcel 49.00, containing approximately 77.1 acres, (requested by Thomas Steffen). Property is located south of Morton Lane. 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 PRD on land referenced by Tax Map 54, Parcel 49.00, containing approximately 77.1 acres, (requested by Thomas Steffen). Property is located south of Morton Lane. 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 6-0-1 with Vice-Mayor Marc Adkins abstaining. 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 #18-33).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the text of the Smyrna Municipal Zoning Ordinance to amend Article II, Sections 2.036.3 and Article V, Section 5.052.C regarding car washes. 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 text of the Smyrna Municipal Zoning Ordinance to amend Article II, Sections 2.036.3 and Article V, Section 5.052.C regarding car washes. 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 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 "6". (Ordinance #18-34).

- f. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the text of the Smyrna Municipal Zoning Ordinance to amend Article III, to add Section 3.200 Traffic Impact Studies. 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 text of the Smyrna Municipal Zoning Ordinance to amend Article III, to add Section 3.200 Traffic Impact Studies. 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 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 "7". (Ordinance #18-35).

- g. **PUBLIC HEARING:** Consideration of an ordinance to amend Chapter 7 "Temporary Sign Provisions", Section A "General Requirements" of the Town of Smyrna Sign Ordinance regarding banners. 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 Chapter 7 “Temporary Sign Provisions”, Section A “General Requirements” of the Town of Smyrna Sign Ordinance regarding banners. Following discussion, Council Member Gerry Short made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member H. G. Cole. 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 #18-36).

- h. PUBLIC HEARING:** Consideration of an ordinance to amend Ordinance #17-23, adopting the 2017-2018 Fiscal Year Budget. 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 #17-23, adopting the 2017-2018 Fiscal Year Budget. 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 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 #18-37).

6. New Business:

- a. Planning Commission Report:**

- i. Consideration of an ordinance relative to the rezoning properties located on Tax Map 33, Parcels 71.00 and 71.01, containing approximately 12.61 acres, (requested by Nathan Melson), from R-1 to PUD. Properties are located on Rocky Fork Road at Big Son Lane. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning properties located on Tax Map 33, Parcels 71.00 and 71.01, containing approximately 12.61 acres, (requested by Nathan Melson), from R-1 to PUD. Properties are located on Rocky Fork Road at Big Son Lane. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion,

Council Member Steve Sullivan made a motion to deny and reject said ordinance on first reading. The motion was made after discussion from Council Members Steve Sullivan and H. G. Cole, and Mayor Reed reciting their concern for the density of the proposed PUD in conjunction with the timing of the improvement and expansion to the Rocky Fork Road thoroughfare. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was denied 6-1 with Vice-Mayor Marc Adkins voting “no”. A copy of said ordinance, as denied and rejected on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “10”. (Ordinance #18-38).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 129.00, containing approximately 8.13 acres, (requested by Wendal Miller), from R-1 to C-2. Property is located at 2124 Stonecrest Parkway. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 129.00, containing approximately 8.13 acres, (requested by Wendal Miller), from R-1 to C-2. Property is located at 2124 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 first reading. The motion was duly seconded by Council Member Gerry Short. 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 #18-39).

b. Packaged Liquor Board Report:

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

c. Consideration of a resolution approving the updated 2016 Rutherford County Hazard Mitigation Plan.

The Town Council next considered a resolution approving the updated 2016 Rutherford County Hazard Mitigation Plan. Following discussion, Vice-Mayor Marc Adkins 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 “12”. (Resolution #18-31).

d. Consideration of an ordinance enacting a Code of Ordinances for the Town of Smyrna. First Reading.

The Town Council next considered on first reading an ordinance enacting a Code of Ordinances for the Town of Smyrna. 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 Steve Sullivan. Following 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 #18-40).

e. Consideration of an ordinance to amend the Smyrna Municipal Code relative to the adoption of the 2018 International Codes and the National Electric Code (NEC) 2017 ed. First Reading.

The Town Council next considered on first reading an ordinance to amend the Smyrna Municipal Code relative to the adoption of the 2018 International Codes and the National Electric Code (NEC) 2017 ed. 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 Raquel 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 #18-41).

f. Appointment of one (1) member to the Arts Commission Board to serve unexpired term ending 2019.

This item was removed from agenda.

g. Appointment of one (1) member to the Smyrna Charity Assistance Board to serve a term ending 2021.

Mayor Mary Esther Reed next opened the floor for nominations to the Smyrna Charity Assistance Board to serve a term ending 2021. Council Member Steve Sullivan nominated Jennifer Ray. With no further nominations, Jennifer Ray was appointed.

h. Other.

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

7. Status Reports.

Town Manager Brian Hercules reported the sign entering the Town from Murfreesboro has been cleaned and painted. He announced the Sunday Brunch is slated for November 18th at the Event Center. He thanked the Mayor and Town Council, Police and Fire Departments, Parks Department, VFW, Boy and Girl Scouts, and Stewarts Creek High Brass Choir for their participation in the 100th anniversary of Veteran's Day.

8. Announcements.

Town Manager Brian Hercules announced the following: Food Drive by Fire Department is November 12th through the 18th for Nourish Food Bank, Smyrna Court Clerk's Office Clerks for Coats Drive is November 1st through November 22nd, Codes enforcement officer will be working one Saturday a month, spoke at Thurman Francis Arts Academy on November 12th, and ribbon cuttings were held at Steak & Shake and Shabby2Chic.

Town Attorney Jeff Peach stated an Executive Session of the Town Council will be held prior to the November 29th worksession.

All the Town Council commented on the Veteran's Day Ceremony and thanked those who helped with the event and citizens that attended. They also wished everyone a "Happy Thanksgiving".

Council Member H. G. Cole congratulated the Mayor and Council Members on their re-elections.

Council Member Steve Sullivan celebrated Veteran's Day with his son who is in the Marines. He stated that November 10, 2018 was the Marine Corps' birthday.

Vice-Mayor Marc Adkins asked that everyone keep Braxton Harrell and Shannon Williams in their prayers. He thanked all the voters in the recent election. Condolences were offered for Chief Charles Vance and Alford Fann families. He is expecting a new grandchild on November 20th.

Council Member H. G. Cole wished Sally Walls and his grandson a "Happy Birthday".

Mayor Mary Esther Reed announced the following: the death of former employee Alford Fann, leaf collection service is in progress, applications are being accepted for the Lifetime Service Award and Young Leader Award, tree lighting on November 20th at 6:00 p.m., Town offices are closed November 22nd and 23rd, the 44th Annual Christmas Parade is December 2nd and bring non-perishable food items, and Gingerbread House Workshop is December 4th at 5:30 p.m. at the SOAC. She congratulated all new candidates. She also commented on Halloween in the Park and the 2020 Census. She attended the Veteran's Day celebration at Brown's Chapel School. She recognized Youth Leadership attendees in the audience.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

Mary Adkins
~~MARY ESTHER REED, Mayor~~

Marc Adkins, Vice-Mayor

ATTEST:

Dianne Waldron
DIANNE WALDRON, Town Clerk