

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON MAY 14, 2019**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on May 14, 2019 at Town Hall with the Honorable Marc Adkins, Vice-Mayor, presiding.

Vice-Mayor Adkins called the meeting to order. The invocation was offered by Tim York, Chaplain Smyrna Police Department. The pledge of allegiance was led by Tom Rose, Public Works Director.

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

Vice-Mayor Marc Adkins  
H. G. Cole  
Tim Morrell  
Racquel Peebles  
Gerry Short  
Steve Sullivan

Mayor Mary Esther Reed was not in attendance.

**1. Approval or Correction of Minutes of the April 9, April 8-9, and April 25, 2019 meetings.**

The Town Council first considered a motion by Council Member Gerry Short to approve the minutes of the April 9, 2019 regular session of the Town Council, the April 8-9, 2019 workshop retreat, the April 25, 2019 special called session, and the April 25, 2019 work session of the Town Council. The motion was duly seconded by Council Member Racquel Peebles. 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.**

Vice-Mayor Marc Adkins presented a proclamation to the Legionnaires of American Legion Post 288 of Smyrna proclaiming May 14, 2019 as American Legion Centennial Day.

Vice-Mayor Marc Adkins next presented a proclamation to the U. S. Coast Guard proclaiming May 18-24, 2019 as Safe Boating Week.

Kathy Ferrell of the American Red Cross gave a presentation on the recent “Sound the Alarm” event in Smyrna. She thanked Town Manager Brian Hercules, Fire Chief Bill Culbertson, Public Works Director Tom Rose, and Media Services Manager John Lanza for their partnership in this event.

### **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 Neel-Schaffer, Inc. relative to construction engineering inspection services for the Intelligent Transportation Phase I and II Project.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Gresham Smith relative to design services for the Sam Ridley Parkway at Old Nashville Highway Intersection Improvement Project.
- c. Approval of the terms of, and authorization for the Mayor to execute, an extension contract with CMS Uniforms relative to Fire Department uniforms.
- d. Approval of the terms of, and authorization for the Mayor to execute, an extension contract with Pye Barker relative to Fire Department fire extinguisher service.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with Cummins Crosspoint relative to generator maintenance at Fire Station 4.
- f. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Cummins Crosspoint relative to generator maintenance for Fire Stations 1, 2, 3, 5, 6 and Moore’s Hill radio tower site.

- g. Approval of the terms of, and authorization for the Mayor to execute, a Memorandum of Understanding between the Town of Smyrna Police Department and the Domestic Violence Program.
- h. Approval of the terms of, and authorization for the Mayor to execute, a change order with Experitec relative to the Gas SCADA Upgrade Project at Rock Springs Gate Station.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with United Systems relative to Gas AMI Metering Upgrade Project.
- j. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Bush Construction relative to gas continuing construction.
- k. Approval of the terms of, and authorization for the Mayor to execute, a contract with Synagro relative to Water Treatment Plant lagoon sludge removal.
- l. Approval of the terms of, and authorization for the Mayor to execute, contracts with the following relative to chemicals for the Water and Waste Water Treatment Plants:
  - Water Treatment Plant
    - i. Chemtrade – Polyaluminum Hydroxychloride
    - ii. Gulbrandsen – Aluminum Chlorohydrate
    - iii. Dycho – Sodium Hypochlorite
    - iv. SNF PolyDyne – Cationic Polymer
    - v. Univar – Sodium Chloride
    - vi. Nexair – Carbon Dioxide
    - vii. ADC – Hydrogen Peroxide
    - viii. Calgon Carbon – Powder Activated Carbon
    - ix. ADC – Sodium Hydroxide
  - Waste Water Treatment Plant
    - i. SNF Polydyne – Emulsion Polymer
- m. Approval of the terms of, and authorization for the Mayor to execute, renewal contracts with the following relative to chemicals for the Water and Waste Water Treatment Plants:
  - Water Treatment Plant
    - i. Pennco – Hydrofluorosilicic Acid
    - ii. ADC – Calcium Thiosulfate, Sodium Permanganate, Sodium Ortho/Poly Phosphate (AquaMag), and Potassium Permanganate
    - iii. Carneuse – Calcium Oxide (Lime)
    - iv. Hawkins – Citric Acid

Waste Water Treatment Plant

- i. NichChem – Liquid Aluminum Sulfate.
- n. Approval of the terms of, and authorization for the Mayor to execute, a contract with Sciencenter relative to the rental of the TreeHouses Exhibit at the Smyrna Outdoor Adventure Center.

Following discussion, Council Member Steve Sullivan 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 Tim Morrell. 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, part of Parcel 62.01.

At this time, Vice-Mayor Marc Adkins 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, part of Parcel 62.01. 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 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 #19-12).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and PRD zoning of property located on Tax Map 54, part of Parcel 62.01, containing approximately 1.79 acres (requested by Land Solutions Company on behalf of John Hill). Property is located west of Rocky Fork Almaville Road and north of Briley Road. Second Reading.

At this time, Vice-Mayor Marc Adkins 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 PRD zoning of property located on Tax Map 54, part of Parcel 62.01, containing approximately 1.79 acres (requested by Land Solutions Company on behalf of John Hill). Property is located west of Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) show common area amenities in compliance with Section 4.071 C.10 of the Zoning Ordinance, 2) show proposed utility extensions into the project, 3) road improvements at Morton Lane and Rocky Fork Almaville Road intersection must be constructed as a part of Phase I, 4) no building permits will be issued until the fire flow requirement of 1,000 GPM can be met, 5) include fire truck turn arounds at the end of all dead end streets, 6) extend 10" sewer to serve the site, 7) provide fire rating on the materials to be used on the side of the homes, 8) add 14 parking spaces (7 on either end) of the townhouses near units 87 and 124, 9) HVAC units are required to be located to the rear of the houses, and 10) CUD issued a Will Serve Letter on 3/23/19 stating that CUD can only serve domestic water at this time to 270 single family lots. Fire flow requirements cannot be met until the CUD CIP "Rocky Fork Phase 2 Water Main Replacement Project) is complete (estimated completion date of spring 2021). Following discussion, Council Member Gerry Short made a motion to approve and adopt said ordinance on second and final reading with the conditions. 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 "3". (Ordinance #19-22).

- c. Consideration of a resolution in memorandum of Ordinance #19-22 relative to the annexation and PRD zoning of property located on Tax Map 54, part of Parcel 62.01.

The Town Council next considered a resolution in memorandum of Ordinance #19-22 relative to the annexation and PRD zoning of property located on Tax Map 54, part of Parcel 62.01. 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 #19-13).

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the existing PRD for property located on Tax Map 54, Parcels 47.00 and 62.00, containing approximately 107.15 acres (requested by Land Solutions Company). Property is located on Rocky Fork Almaville Road. In addition, request includes rezoning 2.44 acres of Parcel 62.00 from PRD to R-1. Second Reading.

At this time, Vice-Mayor Marc Adkins 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 existing PRD for property located on Tax Map 54, Parcels 47.00 and 62.00, containing approximately 107.15 acres (requested by Land Solutions Company). Property is located on 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 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 "5". (Ordinance #19-23).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the text of the Smyrna Municipal Zoning Ordinance to amend Article IV, Section 4.075 "Building Spacing". Second Reading.

At this time, Vice-Mayor Marc Adkins 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 IV, Section 4.075 "Building Spacing". 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 "6". (Ordinance #19-24).

**6. New Business:**

**a. Planning Commission Report:**

- i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 49, Parcels 2.00 and 2.02, containing approximately 3.03 acres (requested by Ayoub Eshak), from R-1 to PRD. Properties are 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 49, Parcels 2.00 and 2.02, containing approximately 3.03 acres (requested by Ayoub Eshak), from R-1 to PRD. 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 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 further discussion, the motion was denied 2-4, with Council Members H. G. Cole, Racquel Peebles, Gerry Short, and Steve Sullivan 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 “7”. (Ordinance #19-25).

- ii. Consideration and approval of a subdivision utilizing a septic system requested by Shawn Collins. Request is for a two lot subdivision on 12.29 acres located at 8320 and 8286 Rocky Fork Almaville Road in the R-3 zone.

The Town Council next considered a request by Shawn Collins for approval of a subdivision utilizing a septic system Request is for a two lot subdivision on 12.29 acres located at 8320 and 8286 Rocky Fork Almaville Road in the R-3 zone. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Steve Sullivan made a motion to approve the request. The motion was duly seconded by Council Member H. G. Cole. Following further discussion, the motion was approved 5-0-1, with Vice-Mayor Marc Adkins abstaining.

Council Member H. G. Cole had to leave the meeting.

- iii. Consideration of an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance to add Article V, Section 5.059, Enon Springs Gateway Overlay District. 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 V, Section 5.059, Enon Springs Gateway Overlay District. The recommendation of the Planning Commission was that the Town Council approve the amendment. 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 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 “8”. (Ordinance #19-26).

**b. Packaged Liquor Board Report:**

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

**c. Consideration of an ordinance adopting the budget for fiscal year 2019-2020. First Reading.**

The Town Council next considered on first reading an ordinance adopting the budget for fiscal year 2019-2020. 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 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 #19-27).

**d. Consideration of an ordinance adopting the property tax rate for fiscal year 2019-2020. First Reading.**

The Town Council next considered on first reading an ordinance adopting the property tax rate of seventy point zero seven cents (.7007) on each one hundred dollars (\$100.00) of assessed taxable property. 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 “10”. (Ordinance #19-28).

**e. Consideration of the Initial Resolution authorizing the issuance of not to exceed twenty million dollars (\$20,000,000) of General Obligation Bonds for road related capital projects.**

The Town Council next considered a resolution relative to the Initial Resolution authorizing the issuance of not to exceed twenty million dollars (\$20,000,000) of General Obligation Bonds for road related capital projects. 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 “11”. (Resolution #19-14).



**f. Consideration of the Detailed Resolution for the issuance of debt not to exceed twenty million dollars (\$20,000,000) and contracts with a Financial Advisor and Bond Counsel.**

The Town Council next considered a resolution relative to the Detailed Resolution for the issuance of debt not to exceed twenty million dollars (\$20,000,000) and contracts with a Financial Advisor and Bond Counsel. Following discussion, Council Member Gerry Short made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Racquel Peebles. 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 #19-15).

**g. Appointment of one (1) member to the Beer Board to serve an unexpired term ending in 2021.**

Vice-Mayor Marc Adkins next opened the floor for nominations for appointment of one (1) member to the Beer Board to serve an unexpired term ending in 2021. Council Member Steve Sullivan made a motion to nominate Amanda Newbern. The motion was seconded by Council Member Racquel Peebles. With no other nominations, the motion was approved unanimously.

**h. Other.**

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

**7. Status Reports.**

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

**8. Announcements.**

Town Manager Brian Hercules announced the Smyrna Band Bazaar will be June 22<sup>nd</sup>. The "Carry the Load" relay team will be coming through town on Friday, May 17<sup>th</sup> around 2:30 p.m. This is a non-profit dedicated to providing active, meaningful ways to honor and celebrate the sacrifices made by our nation's military.

Town Manager Brian Hercules congratulated Chef Anthony Beverly on winning the Best Entrée Award at the Taste of Smyrna Event. He announced 526 people attended the Mother's Day Buffet. He also noted the Event Center Restaurant received a score of 100 from the Tennessee Department of Health on their food service establishment inspection report.

He announced that The Town of Smyrna and Smyrna VFW will commemorate Memorial Day on Monday, May 27<sup>th</sup> at 11:00 a.m. at Smyrna Town Hall. The Smyrna Police Department was acknowledged by citizens for officer involvement in the

community with children and the RAD training. He noted that the police department won the Battle of the Badges sponsored by the American Red Cross.

Attorney Jeff Peach noted today is Lytle Hodge's 98<sup>th</sup> birthday.

Council Member Racquel Peebles announced the Smyrna Arts Commission Art Crawl is June 8<sup>th</sup> from 6 to 8 p.m. on Front Street.

Council Member Tim Morrell recognized County Commissioner Wayne Blair in the audience.

Council Member Gerry Short attended the military swearing-in at Stewarts Creek High School last Thursday.

Council Member Steve Sullivan commented on the Great Tennessee Airshow, Kuss Memorial Run, and the adult softball tournament.

Vice-Mayor Marc Adkins announced the following: Kid's Safety Day at the SOAC on May 18<sup>th</sup>, Top Gun Night Run May 31<sup>st</sup>, and Simply Smyrna Celebration June 1<sup>st</sup>. He offered a thank-you to Azteca for their great authentic food brought to Council Members. He wished all mothers a belated "Happy Mother's Day". He gave an update on the Mayor and Council's recent trip to Zama, Japan. Zama presented the town with pictures.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



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MARC ADKINS, Vice-Mayor

ATTEST:



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DIANNE WALDRON, Town Clerk