

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON JULY 9, 2019**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on July 9, 2019 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 Randy Richardson, Art Crawl winner.

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 June 11 and June 27, 2019 meetings.**

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the June 11, 2019 regular session of the Town Council, the June 27, 2019 special called meeting of the Town Council, and the June 27, 2019 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.**

Mayor Mary Esther Reed and Council Member Racquel Peebles presented certificates to the following Art Crawl winners: Roth Priebe – elementary school

division, Kenyon Dietz – middle school division, Christian Young – high school division, and Randy Richardson – adult division.

#### **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 Rockwell relative to technical support for Water Treatment Plant Programmable Logic Controllers.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Clark Engineering and Utility Solutions relative to cathodic protection survey/troubleshooting for the Gas Department.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Dan Weaver Services relative to water leak survey.
- d. Approval of the terms of, and authorization for the Mayor to execute, the following contracts relative to materials for gas, water and sewer:
  - Water and Sewer Vendors
    - i. Core & Main
    - ii. National Meter Automation
    - iii. Southern Pipe
    - iv. G & C Supply
    - v. United Systems & Software
    - vi. Ferguson Waterworks
    - vii. Fortiline
  - Gas Vendors
    - i. Kerotest
    - ii. Equipment Controls
    - iii. G & C Supply
    - iv. Honeywell/Elster American Meter (Ed Young Sales)
    - v. Chris George Sales
    - vi. United Systems & Software
    - vii. Richards Manufacturing
    - viii. Experitec
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with Judy Construction Company relative to Wastewater Treatment Plant expansion.
- f. Approval of the terms of, and authorization for the Mayor to execute, Change Order No. 1 with Rawso Constructors, LLC relative to the Potomac Place Extension Project.

- g. Approval of the terms of, and authorization for the Mayor to execute, Change Order No. 2 with Rawso Constructors, LLC relative to the Potomac Place Extension Project.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with Randy Button and Associates relative to appraisal services for Phase 1 and 2 of the Master Storm Water Project.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with SEC Engineering relative to engineering design services for the Genie Lane Extension Project.
- j. Approval and authorization of check signers for the Town's public funds accounts with First Tennessee Bank.
- k. Consideration of the declaration of surplus items.

Mayor Mary Esther Reed asked that Item 6e be removed from the Consent Agenda. Following discussion, Vice-Mayor Marc Adkins 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 Gerry Short. 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".

Utility Director Mike Strange gave a presentation relative to the Wastewater Treatment Plant Expansion Project. Engineer Jerome Dempsey was also present to answer questions. Following discussion, Council Member H. G. Cole made a motion to approve and adopt Item 6e. The motion was duly seconded by Council Member Steve Sullivan. 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 "2".

## 5. Old Business.

- a. **PUBLIC HEARING:** Consideration of a resolution relative to a Plan of Services for property located on Tax Map 54, Parcel 14.02.

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 14.02. 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 Racquel Peebles. 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 "3". (Resolution #19-17).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 14.02, containing approximately 13.81 acres (requested by Shawn Collins on behalf of Jim W. and Linda McClamroch). Property is located at 4200 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 on second and final reading an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 14.02, containing approximately 13.81 acres (requested by Shawn Collins on behalf of Jim W. and Linda McClamroch). Property is located at 4200 Morton 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 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 "4". (Ordinance #19-29).

- c. Consideration of a resolution in memorandum of Ordinance #19-29 relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 14.02.

The Town Council next considered a resolution in memorandum of Ordinance #19-29 relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 14.02. 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 "5". (Resolution #19-18).

- d. **PUBLIC HEARING:** Consideration of a resolution relative to a Plan of Services for properties located on Tax Map 20, Parcels 19.01, 37.00, 38.00, 40.00, 41.00, 43.00, 46.01, 48.00, and 52.00 and Tax Map 26, Parcels 18.00, 20.00, 22.00, 22.01, 23.00, and 24.01 as well as approximately 2.4 miles of existing right-of-way of West Jefferson Pike.

Mayor Mary Esther Reed asked Town Planner Kevin Rigsby to give a review of the entire project.

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: Steve Steele, Michael Tackett, Robert Nigherbon, Jane Eady, Madison Savage, and Jeff Hollingshead.

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 20, Parcels 19.01, 37.00, 38.00, 40.00, 41.00, 43.00, 46.01, 48.00, and 52.00 and Tax Map 26, Parcels 18.00, 20.00, 22.00, 22.01, 23.00, and 24.01 as well as approximately 2.4 miles of existing right-of-way of West Jefferson Pike. 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 "6". (Resolution #19-19).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and PUD zoning of properties located on Tax Map 20, Parcels 19.01, 37.00, 38.00, 40.00, 41.00, 43.00, 46.01, 48.00, and 52.00 and Tax Map 26, Parcels 18.00, 20.00, 22.00, 22.01, 23.00, and 24.01, containing approximately 396 acres (requested by Michael Hollingshead). Properties are all along West Jefferson Pike and Hickory Grove Road. Planning Commission also recommended the annexation of approximately 2.4 miles of the existing right-of-way of West Jefferson Pike. 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 on second and final reading an ordinance relative to the annexation and PUD zoning of properties located on Tax Map 20, Parcels

19.01, 37.00, 38.00, 40.00, 41.00, 43.00, 46.01, 48.00, and 52.00 and Tax Map 26, Parcels 18.00, 20.00, 22.00, 22.01, 23.00, and 24.01, containing approximately 396 acres (requested by Michael Hollingshead). Properties are all along West Jefferson Pike and Hickory Grove Road. Planning Commission also recommended the annexation of approximately 2.4 miles of the existing right-of-way of West Jefferson Pike. 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 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 #19-30).

- f. Consideration of a resolution in memorandum of Ordinance #19-30 relative to the annexation and PUD zoning of properties located on Tax Map 20, Parcels 19.01, 37.00, 38.00, 40.00, 41.00, 43.00, 46.01, 48.00, and 52.00 and Tax Map 26, Parcels 18.00, 20.00, 22.00, 22.01, 23.00, and 24.01 and the right-of-way of West Jefferson Pike.

The Town Council next considered a resolution in memorandum of Ordinance #19-30 relative to the annexation and PUD zoning of properties located on Tax Map 20, Parcels 19.01, 37.00, 38.00, 40.00, 41.00, 43.00, 46.01, 48.00, and 52.00 and Tax Map 26, Parcels 18.00, 20.00, 22.00, 22.01, 23.00, and 24.01 and the right-of-way of West Jefferson Pike. Following discussion, Vice-Mayor Marc Adkins 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 "8". (Resolution #19-20).

- g. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 54, Parcel 14.01, containing approximately 6.14 acres (requested by Shawn Collins), from R-1 to R-3. Property is located at 4150 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 on second and final reading an ordinance relative to the rezoning of property located on Tax Map 54, Parcel 14.01, containing approximately 6.14 acres (requested by Shawn Collins), from R-1 to R-3. Property is located at 4150 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 Racquel Peebles. 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 "9". (Ordinance #19-32).

- h. PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 39.00, containing approximately 2.82 acres (requested by Jim Davis), from R-3 to C-2. Property is located at 11819 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: Mary Adolfson, Ignacio Martinez, Mark Crawford, Tammy Meyer, Kathy Marsh, Betty Guffey, Doris Mitchell, Fred Mitchell, Monty Turner, Michael Tacket, and Bo Campsey.

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 33, Parcel 39.00, containing approximately 2.82 acres (requested by Jim Davis), from R-3 to C-2. Property is located at 11819 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 based on concerns of the neighbors. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved unanimously. 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 "10". (Ordinance #19-33).

- i. PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 27P, Group B, Parcel 29.00, containing approximately .55 acre (requested by Justin Granstaff), from R-1 to C-4. Property is located at 400 Hazelwood Drive. 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 individual spoke concerning the item: Jerome Dempsey.

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 27P, Group B, Parcel 29.00, containing approximately .55 acre (requested by Justin Granstaff), from R-1 to C-4. Property is located at 400 Hazelwood Drive. 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. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was 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 "11". (Ordinance #19-34).

**6. New Business:**

**a. Planning Commission Report:**

- i. Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01, containing approximately 24.81 acres (requested by Tim Byrnes on behalf of John Byrnes). Property is located at 3791 Rock Springs Road. 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, containing approximately 24.81 acres (requested by Tim Byrnes on behalf of John Byrnes). Property is located at 3791 Rock Springs 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 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 "12". (Ordinance #19-35).

- ii. Consideration of an ordinance relative to the rezoning of properties located on Tax Map 54, Parcels 53.00, 54.00, 55.00, and 56.01, Tax Map 29.01, 31.00, 31.01, and 31.02, and Tax Map 73, Parcel 14.00, containing approximately 66.79 acres (requested by Shawn Collins), from R-3 to PRD. Properties are located on Rocky Fork Almaville Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of properties located on Tax Map 54, Parcels 53.00, 54.00, 55.00, and 56.01, Tax Map 29.01, 31.00, 31.01, and 31.02, and Tax Map 73, Parcel 14.00, containing approximately 66.79 acres (requested by Shawn Collins), from R-3 to PRD. Properties are located on Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following



conditions: 1) minimum house size in the development will be 1,600 square feet, and 2) Antique Avenue is not required to extend into the development. Following discussion, Council Member Tim Morrell made a motion to approve the request with the conditions. The motion was duly seconded by Council Member H. G. Cole. Following further discussion, the motion was approved 4-2-1 with Mayor Mary Esther Reed and Council Members H. G. Cole, Tim Morrell and Gerry Short voting “yes”; Council Members Racquel Peebles and Steve Sullivan voting “no”; and Vice-Mayor Marc Adkins abstaining. 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 #19-36).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 54, Parcel 15.00, containing approximately 47.72 acres (requested by NVR dba Ryan Homes on behalf of Shawn Collins ), from R-3 to PRD. Property is located at 8916 Rocky Fork Almaville Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 54, Parcel 15.00, containing approximately 47.72 acres (requested by NVR dba Ryan Homes on behalf of Shawn Collins), from R-3 to PRD. Property is located at 8916 Rocky Fork Almaville Road. 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 first reading. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was denied 6-0-1 with Vice-Mayor Marc Adkins abstaining. 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 “14”. (Ordinance #19-37).

**b. Packaged Liquor Board Report:**

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

**c. Consideration of a resolution approving funding for non-profit organizations for fiscal year 2019-2020.**

The Town Council next considered a resolution approving funding for non-profit organizations for fiscal year 2019-2020. Following discussion, Council Member Gerry Short 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 “15”. (Resolution #19-21).

**d. Consideration of a resolution to reimburse expenses from a future debt issue.**

The Town Council next considered a resolution to reimburse expenses from a future debt issue. Following discussion, Council Member Steve Sullivan made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member H. G. Cole. 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 "16". (Resolution #19-22).

**e. Appointment of one (1) member to the Sister City Committee to serve an unexpired term ending in 2022.**

Mayor Mary Esther Reed next appointed Reuben Gomez to the Sister City Committee to serve an unexpired term ending in 2022. Following discussion, the appointment was approved unanimously.

**f. Consideration of an ordinance to amend the Town of Smyrna Municipal Code by adding language to Title 15 "Motor Vehicles, Traffic and Parking", Chapter 1 "Miscellaneous", specifically renumbering Section 15-126 "Violation and Penalty" to Section 15-127, in its entirety, as it reads, and adding a new Section 15-126 pertaining to "Prohibited Use of Wireless Telecommunication Devices". First Reading.**

The Town Council next considered on first reading an ordinance to amend the Town of Smyrna Municipal Code by adding language to Title 15 "Motor Vehicles, Traffic and Parking", Chapter 1 "Miscellaneous", specifically renumbering Section 15-126 "Violation and Penalty" to Section 15-127, in its entirety, as it reads, and adding a new Section 15-126 pertaining to "Prohibited Use of Wireless Telecommunication Devices". Following discussion, Council Member H. G. Cole 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 "17". (Ordinance #19-38).

**g. Other.**

- i. Approval of the Condemnation Settlement Agreement for tracts 31, 33, 34, and 35 relative to the Enon Springs Road Expansion Project and to allow Town Attorney Jeff Peach to negotiate 5f.

The Town Council next considered a motion by Council Member Tim Morrell to approve the Condemnation Settlement Agreement for tracts 31, 33, 34, and 35 relative to the Enon Springs Road Expansion Project and to allow Town Attorney Jeff Peach to negotiate 5f. 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 "18".

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 reported citizens that have concerns about feral cats can call PAWS of Rutherford County at 615-878-7740. He thanked the Fire, Police, Parks, and Streets Departments for their hard work during the 4<sup>th</sup> of July event. He announced the Seafood Buffet at the Event Center will be July 26<sup>th</sup> from 5 to 8 p.m. Reservations are encouraged.

Town Manager Brian Hercules congratulated Officer James Bailey on his retirement of 40 years of service with the Smyrna Police Department.

The Mayor and Council Members all commented on the great 4<sup>th</sup> of July celebration.

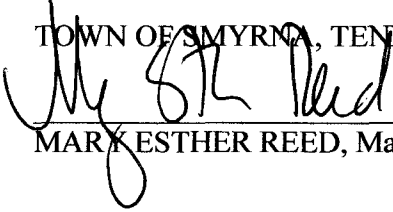
Council Member Gerry Short wished his wife a "Happy 34<sup>th</sup> Anniversary". He and Patty are proud grandparents of a new grandson.

Council Member Steve Sullivan also congratulated Officer Bailey on his retirement.

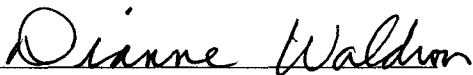
Vice-Mayor Marc Adkins wished his grandson Noah a "Happy Birthday".

Mayor Mary Esther Reed commented on the addition to the finale at the Fireworks show. She thanked all the citizens that attended. She reported a special council meeting was held today on the review of the court system. Update meetings are planned.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE  
  
MARY ESTHER REED, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk