

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON AUGUST 13, 2019**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on August 13, 2019 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Vice-Mayor Marc Adkins. 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 July 9 and July 25, 2019 meetings.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the July 9, 2019 special called meeting of the Town Council, the July 9, 2019 regular session of the Town Council, and the July 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.

There were no awards or recognitions to be presented to the Town Council at this time.

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 performance agreement with the Clayton Mann Band relative to the BBQ Festival.
- b. Approval of the terms of, and authorization for the Mayor to execute, an agreement with American Melody Carriages relative to Front Street Christmas Celebration.
- c. Approval of the terms of, and authorization for the Mayor to execute, a lease agreement with the Rutherford County Board of Education relative to practice field area behind Smyrna Elementary School.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with the Minnesota Children's Museum relative to rental of "The Amazing Castle" exhibit for the Smyrna Outdoor Adventure Center.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with the Minnesota Children's Museum relative to rental of the "Dinosaurs" exhibit for the Smyrna Outdoor Adventure Center.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with R&D Enterprises, Inc. relative to negotiation services for Phase 1 and 2 of the Master Storm Water Project.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Morton Salt Company relative to annual road salt purchase.
- h. Approval of the terms of, and authorization for the Mayor to execute, the annual report relative to the NPDES Phase II, MS4 Program.
- i. Approval of the terms of, and authorization for the Mayor to execute, a proposal with HDR relative to additional engineering design services for the Enon Springs West Extension Project.
- j. Approval of the terms of, and authorization for the Mayor to execute, a contract with Gresham Smith relative to additional engineering design services and survey services for the Master Storm Water Project.
- k. Approval of the terms of, and authorization for the Mayor to execute, a Professional Services Agreement with Brenda Walsh relative to professional consulting and acquisition services for the Olive Branch Sewer Extension Project.

- l. Approval of the terms of, and authorization for the Mayor to execute, a Professional Services Agreement with Randy Button & Associates relative to professional appraisal services for the Olive Branch Sewer Extension Project.
- m. Approval of the terms of, and authorization for the Mayor to execute, an agreement with the Regional Transportation Authority (RTA) relative to the Relax and Ride Services FY 19-20.
- n. Approval of the terms of, and authorization for the Mayor to execute, a contract with Kirkland's Pest Control relative to annual pest control service.

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 32, part of Parcel 19.01.

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 32, part of Parcel 19.01. 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 #19-23).

- b. **PUBLIC HEARING:** 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. 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 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, 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 Gerry Short. 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 #19-35).

- c. Consideration of a resolution in memorandum of Ordinance #19-35 relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01.

The Town Council next considered a resolution in memorandum of Ordinance #19-35 relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01. 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 "4". (Resolution #19-24).

- d. **PUBLIC HEARING:** 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 55, Parcels 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 Almadillo 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 on second and final 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 55, Parcels 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. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading 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. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved 4-2-1 with Council Members Racquel Peebles and Steve Sullivan voting “no” and 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 #19-36).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of 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”. 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 amendment of 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 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 #19-38).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 34G, Group C, Parcel 4.00, containing approximately 1.46 acres (requested by FS Smyrna, LLC), from C-2 to PCD. Property is located at 1021 Sgt. Asbury Hawn Way. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 34G, Group C, Parcel 4.00, containing approximately 1.46 acres (requested by FS Smyrna, LLC), from C-2 to PCD. Property is located at 1021 Sgt. Asbury Hawn Way. 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 approved 5-1-1 with Council Member Racquel Peebles voting “no” and Council Member Gerry Short 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 “7”. (Ordinance #19-39).

- ii. 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 properties 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 with the following conditions: 1) Section 4.071.C 10 requires playground space and two additional amenities. Revise plans to reflect these requirements., and 2) Sewer will come from offsite at Bankside through easements from property to east. No sewer lift station will be allowed. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on first reading with the conditions. 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 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 #19-40).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 27I, Group D, Parcel 4.00, containing approximately 18.57 acres (requested by Andrew Steffens), from PCD with LSO and H-1 to PRD with LSO and H-1. Property is located on South Lowry Street. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 27I, Group D, Parcel 4.00, containing approximately 18.57 acres (requested by Andrew Steffens), from PCD with LSO and H-1 to PRD with LSO and H-1. Property is located on South Lowry Street. The recommendation of the Planning Commission was that the Town Council approve the request. Mayor Mary Esther Reed opened the floor for any concerns and questions the Town Council might have. Town Manager Brian Hercules stated he had met with the developer on several occasions. He then asked Kevin Guenther of Ragan-Smith and Andrew Steffens of Wood Partners to address the Council and answer questions. Following discussion, Council Member H. G. Cole made a motion to approve and adopt said ordinance on first reading with the following concerns by Council noted: 1) elevators in all buildings, 2) connection to Soccer Park, 3) traffic study completed, 4) bus pickup, and 4) entrance design. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 5-2 on a roll call vote, with Vice-Mayor Marc Adkins and Council Member Racquel Peebles voting “no”. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “9”. (Ordinance #19-41).

- iv. Consideration of an ordinance relative to rezoning of property located on Tax Map 8, part of Parcel 67.01, containing approximately 2.83 acres (requested by Jarratt Bell), from C-2 to C-2 with an H-2 Overlay. Property is located on Potomac Place. First Reading.

The Town Council next considered on first reading an ordinance relative to rezoning of property located on Tax Map 8, part of Parcel 67.01, containing approximately 2.83 acres (requested by Jarratt Bell), from C-2 to C-2 with an H-2 Overlay. Property is located on Potomac Place. The recommendation of the Planning Commission was that the Town Council approve the request. Jarrett Bell of Skyline Hospitality addressed questions from the Council. 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 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 “10”. (Ordinance #19-42).

- v. Consideration of an ordinance relative to the amendment of the text of the Smyrna Municipal Zoning Ordinance to amend Article III, Section 3.100 “Accessory Use Regulations”. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of the text of the Smyrna Municipal Zoning Ordinance to amend Article III, Section 3.100 “Accessory Use Regulations”. 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 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 #19-43).

- vi. Consideration of an ordinance relative to the amendment of the text of the Smyrna Municipal Zoning Ordinance to amend Article II, Section 2.020 “Definitions” to change the definition of “Alternative financial services” by adding the words “industrial loan and thrift” to the definition. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of the text of the Smyrna Municipal Zoning Ordinance to amend Article II, Section 2.020 “Definitions” to change the definition of “Alternative financial services” by adding the words “industrial loan and thrift” to the definition. 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 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 #19-44).

- vii. Consideration of a resolution authorizing the acquisition of property by negotiation or condemnation for the purpose of carrying out the Olive Branch Sewer Extension Project.

The Town Council next considered a resolution authorizing the acquisition of property by negotiation or condemnation for the purpose of carrying out the Olive Branch Sewer Extension Project. The recommendation of the Planning Commission was that the Town Council approve the acquisition. Following discussion, Council Member Gerry Short made a motion to approve 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 “13”. (Resolution #19-25).

b. Packaged Liquor Board Report:

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

c. Announcement of submission of Public Debt Notice to the Comptroller of the Treasury.

Finance Director Rex Gaither next made an announcement of submission of Public Debt Notice to the Comptroller of the Treasury.

d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Premier Fence, LLC relative to the fence installation at 56 Lowry Street.

The Town Council next considered a motion by Council Member Steve Sullivan to approve the terms of and authorize the Mayor to execute a contract with Premier Fence, LLC relative to the fence installation at 56 Lowry Street. The motion was duly seconded by Council Member Racquel Peebles. 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 "14".

e. Appointment of one (1) member to the Arts Commission to serve an unexpired term ending in 2021.

Mayor Mary Esther Reed next opened the floor for nominations for one (1) member to the Arts Commission to serve an unexpired term ending in 2021. Council Member Racquel Peebles nominated Robin Blackwell. With no other nominations, the nomination was approved unanimously.

f. Other.

- i. Approval of the terms of, and authorization for the Mayor to execute, a Letter of Agreement with the State of Tennessee to accept a \$75,000 Community Grant relative to a playground for children with disabilities.

The Town Council next considered a motion by Council Member Tim Morrell to approve the terms of, and authorization for the Mayor to execute, a Letter of Agreement with the State of Tennessee to accept a \$75,000 Community Grant relative to a playground for children with disabilities. The motion was duly seconded by Council Member H. G. Cole. 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 "15".

- ii. Consideration and approval to negotiate property swap with BGS America, LLC.

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve Town Manager Brian Hercules and Town Attorney Jeff Peach to negotiate property swap with BGS America, LLC. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously

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 there will be an ADA Compliance meeting on August 27th from 5:30 p.m. to 7:30 p.m. at the Depot. He congratulated citizen Tim Slate on being named "Volunteer of the Month" for United Way. He reported Potomac Place is completed and mast arms have been ordered. A special called workshop will be held at 4:00 p.m. on August 29th at Town Hall regarding a road update. He also congratulated Police Chief Kevin Arnold for his 30 years of service with the Town of Smyrna.

Council Member H. G. Cole wished a "Happy Birthday" to Margie Hernandez.

Council Member Tim Morrell thanked those departments for work done during the storms.

Vice-Mayor Marc Adkins issued condolences to the family of the late Charles Huggins, long time resident of Smyrna. He commented on the ribbon cutting at Rocky Fork Elementary School.

Mayor Mary Esther Reed announced the following: Smyrna Senior Center will have a spaghetti dinner on August 17th, BBQ Fest is August 24th at the Depot, Christmas Parade will be December 1st with the theme of "A Tennessee Christmas", and the Smyrna Famers Market each Saturday from 8:00 a.m. to noon through September 14th.

Mayor Mary Esther Reed thanked the Town Council for helping with town affairs during her business's busy schedule. She commented on the recent Seafood Fest at the Event Center and the Employee Appreciation Cookout. She wished her parents a "Happy 52nd Wedding Anniversary".

Town Manager Brian Hercules challenged Mayor Reed on the canned goods collection in December for Nourish Food Bank. He gave an update on the Special Called Meeting relative to planning guidelines. He asked those council members having

problems with their iPads to bring them by his office. He stated Assistant Director of Utilities Mark Parker was representing Utilities Director Mike Strange who was absent due to his wife's surgery.

Without objection, the meeting was adjourned

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



DIANNE WALDRON, Town Clerk