

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON SEPTEMBER 10, 2019**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on September 10, 2019 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Stan Foster, Youth Minister at Highland Heights Church of Christ. The pledge of allegiance was led by Rex Gaither, Finance Director.

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 August 13 and August 29, 2019 meetings.

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the August 13, 2019 regular session of the Town Council, the August 29, 2019 special called work session of the Town Council, and the August 29, 2019 regular work session of the Town Council. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously.

2. Correspondence/Communications.

There was no correspondence or communications to be presented to the Town Council at this time.

3. Awards and Recognitions.

Mayor Mary Esther Reed presented a proclamation to Taylor Loyal of Second Harvest Food Bank of Middle Tennessee proclaiming September as "Hunger Action Month".

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 field trial agreement with Axon relative to testing of the Taser for the Police Department.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Tyler Technologies relative to the MyCivic app for the Police Department.
- c. Approval of the terms of, and authorization for the Mayor to execute, a professional services agreement with SEC, Inc. relative to Chevy Chase Drive Drainage Study.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Blink Network, LLC relative to installation of new electric vehicle charging stations at Town Hall and Smyrna Event Center parking lots.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with ATC Group Services, LLC relative to pavement recommendation for Fire Hall #4.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with Miracle Recreation relative to the installation of playground equipment and replacement parts at Lee Victory Recreation Park.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Miracle Recreation relative to the installation of Cedar Stone Park playground.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with Charles Watkins & Company relative to asphalt sealing and striping at Lee Victory Recreation Park, the Rotary Soccer Park, and Pioneer Park.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with United Communications relative to fiber network.

- j. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with MR Systems, Inc. relative to preventive maintenance and repair service for Water Treatment Plant instrumentation and controls, telemetry equipment, and SCADA software and hardware.
- k. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Taylor Farms to pay half of the costs relative to sewer upsizing.
- l. Approval of the terms of, and authorization for the Mayor to execute, a contract with Boatman Construction Company, Inc. relative to construction services for the Taylor Farms Sewer Upsizing Project.
- m. Approval of the terms of, and authorization for the Mayor to execute, a Representation Agreement with Kious, Rodgers, Barger, Holder & King relative to representation of the Town of Smyrna.
- n. Approval of the terms of, and authorization for the Mayor to execute, a contract with the Greater Nashville Regional Council relative to Arts Build Communities Grant from the Tennessee Arts Commission.
- o. Approval of the terms of, and authorization for the Mayor to execute, a contract with Corrections Software Solutions, LP (CSS) relative to data processing services for the in-house criminal probation department.
- p. Approval of the terms of, and authorization for the Mayor to execute, a contract with Tyler Technologies relative to court software.

Following discussion, Council Member Tim Morrell 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 H. G. Cole. 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 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. 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: Bob Gage.

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 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, 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 5-1-1 with Council Member Racquel Peebles voting "no" and Council Member Gerry Short 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 "2". (Ordinance #19-39).

- b. PUBLIC HEARING:** 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 Rock 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. The following individual spoke concerning the item: Joe Gourley.

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 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 Rock Fork Almadillo Road. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 5-1-1 with Council Member Racquel Peebles 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 "3". (Ordinance #19-40).

- c. **PUBLIC HEARING:** 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. 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: Kevin Gunther, Dan Epright, Joe Gourley, and Ron Alley.

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 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. 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 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 "4". (Ordinance #19-41).

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 67.01, containing approximately 18.57 acres (requested by Jarratt Bell), from C-2 to C-2 with an H-2 Overlay. Property is located on Potomac Place. 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 28, part of Parcel 67.01, containing approximately 18.57 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. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved unanimously. A copy of said

ordinance, as adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5". (Ordinance #19-42).

- e. **PUBLIC HEARING:** 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". 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 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, 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 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 #19-43).

- f. **PUBLIC HEARING:** 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. 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 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 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 "7". (Ordinance #19-44).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 34G, Group A, Parcel 1.00, containing approximately 1.45 acres (requested by Robert Latimer), from C-2 with LSO to PRD with LSO. 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 34G, Group A, Parcel 1.00, containing approximately 1.45 acres (requested by Robert Latimer), from C-2 with LSO to PRD with LSO. Property is located on South Lowry Street. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) approval to have a dog park as an amenity in lieu of the playground area and 2) requested density of 14.48 units per acre. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance, with conditions, 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 "8". (Ordinance #19-45).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 34, Parcel 23.00, containing approximately .52 acre (requested by Nicole Bird), from I-3 to R-1. Property is located on Wade Herrod Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 34, Parcel 23.00, containing approximately .52 acre (requested by Nicole Bird), from I-3 to R-1. Property is located on Wade Herrod Road. The recommendation of the Planning Commission was that the Town Council deny the request. Following discussion, Vice-Mayor Marc Adkins made a motion to deny and reject said ordinance on first reading based on surrounding zoning. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. 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 "9". (Ordinance #19-46).

- iii. Consideration of an ordinance relative to the rezoning of properties located on Tax Map 54, Parcels 12.01, 13.01, 15.01, 15.03, 15.04, 15.05, 15.06, 15.11, 15.12, and 15.22 and Tax Map 55A, Group B, Parcel 1.00, containing approximately 89.2 acres (requested by Jerry Butler), from R-3 to PRD. Properties are located between Jericho Street and Kedron Church 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 12.01, 13.01, 15.01, 15.03, 15.04, 15.05, 15.06, 15.11, 15.12, and 15.22 and Tax Map 55A, Group B, Parcel 1.00, containing approximately 89.2 acres (requested by Jerry Butler), from R-3 to PRD. Properties are located between Jericho Street and Kedron Church 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 first reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion failed on a roll call vote of 3-4, with Council Member Gerry Short, Vice-Mayor Marc Adkins, and Mayor Mary Esther Reed voting "yes" and Council Member H. G. Cole, Council Member Tim Morrell, Council Member Racquel Peebles, and Council Member Steve Sullivan voting "no". Mayor Mary Esther Reed next asked for a motion to deny. Council Member Racquel Peebles made a motion to deny and reject said ordinance on first reading based on concerns of the following: density, lot size, setbacks, Kedron Church Road, and parking. The motion was duly seconded by Council Member Steve Sullivan. Following discussion, the motion to deny was approved 4-3, with Council Member H. G. Cole, Council Member Tim Morrell, Council Member Racquel Peebles, and Council Member Steve Sullivan voting "yes" and Mayor Mary Esther Reed, Vice-Mayor Marc Adkins, and Council Member Gerry Short 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 #19-47).

- iv. Consideration of an ordinance relative to rezoning of properties located on Tax Map 49, Parcels 2.00 and 2.02, containing approximately 3.03 acres (requested by Ayoub Eshak), from R-1 to PUD. Properties are located on Old Nashville Highway. First Reading.

The Town Council next considered on first reading an ordinance relative to rezoning of properties located on Tax Map 49, Parcels 2.00 and 2.02, containing approximately 3.03 acres (requested by Ayoub Eshak), from R-1 to PUD. 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 Steve Sullivan made a motion to defer this item to next month to allow the developer to respond to Planning Commission concerns. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as deferred on first

reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11". (Ordinance #19-48).

- v. Consideration of an ordinance relative to the rezoning of properties located on Tax Map 27P, Group B, Parcel 22.00, from R-1 with H-1 to R-4 with H-1, and Parcel 23.00 from R-1 to R-4, containing approximately .66 acre and .4 acre, respectively, (requested by Andy Johns). Properties are located on Hazelwood Drive. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of properties located on Tax Map 27P, Group B, Parcel 22.00, from R-1 with H-1 to R-4 with H-1, and Parcel 23.00 from R-1 to R-4, containing approximately .66 acre and .4 acre, respectively, (requested by Andy Johns). Properties are located on 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 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 "12". (Ordinance #19-49).

- vi. Consideration of an ordinance relative to the rezoning of property located on Tax Map 32, Parcel 5.07, containing approximately 20.84 acres (requested by RHB, LLC), from R-1 to R-3. Property is located on Eugene Drive. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 32, Parcel 5.07, containing approximately 20.84 acres (requested by RHB, LLC), from R-1 to R-3. Property is located on Eugene Drive. 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 H. G. Cole. Following further discussion, the motion was approved 5-2, with Council Member Racquel Peebles and Council Member Gerry Short 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 "13". (Ordinance #19-50).

b. Packaged Liquor Board Report:

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

c. Consideration of an ordinance relative to the amendment of the Town of Smyrna Municipal Code Title 2, "Boards and Commissions", Chapter 1 "Arts Commission". First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of the Town of Smyrna Municipal Code Title 2, "Boards and Commissions", Chapter 1 "Arts Commission". Following discussion, Council Member Racquel Peebles 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 "14". (Ordinance #19-51).

d. Approval of revisions to the Towing Manual.

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve the revisions to the Towing Manual. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said revisions is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "15".

e. Other.

- i. Approval of the terms of, and authorization for the Mayor to execute, a performance agreement with The O'Donnell's relative to music at the 2019 Depot District Car Show.

The Town Council next considered a motion by Council Member Steve Sullivan to approve the terms of, and authorize the Mayor to execute, a performance agreement with The O'Donnell's relative to music at the 2019 Depot District Car Show. The motion was duly seconded by Council Member Racquel Peebles. Following discussion, the motion was approved unanimously. A copy of said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "16".

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 noted Utility Director Mike Strange was not present at the meeting due to the hospitalization of his mother. He then announced the Wings of Freedom Fish Fry is September 14th. He asked citizens to stop and thank our police and fire department employees during the 9/11 Remembrance. The Fire

Department's Honor Guard will participate in the Sheriff's 9/11 Remembrance Ceremony.

Council Member Racquel Peebles wished her daughter, Nora a "Happy 16th Birthday".

Council Member H. G. Cole also commented on 9/11 and the fish fry. He announced the car show and Depot Days will be September 27th and 28th. He wished his daughter-in-law and step-mother "Happy Birthdays".

A birthday wished was extended by Council Member Tim Morrell to his grandson.

Council Member Gerry Short announced Smyrna High School is recognizing all past homecoming queens at the Friday night football game. Inductions into Smyrna High's Hall of Fame is September 21st.

Council Member Steve Sullivan commented on how great the recent buffet was at the Event Center. He also wished his daughter "Happy Birthday".

Vice-Mayor Marc Adkins recognized Dr. Teresa Zyglewski in the audience. He offered condolences to the Joy Johns and A. C. Puckett families. He is giving away two tickets to the fish fry to a veteran couple or senior citizen couple.

Mayor Mary Esther Reed announced the following: Cruise-In Car Show September 27th, Depot Days September 28th, and Christmas Parade December 1st. She stated the farmers market will continue through September 21st. She commented on the 9/11 Ceremony at MTSU, Mayor's Caucus Execute Board meeting, and High-Five Friday at Stewartsboro Elementary School.

Mayor Mary Esther Reed announced this was John Lanza's last night of producing meetings. He has been with the Town of Smyrna for sixteen years. Best wishes on his future endeavors. Birthday wished were extended to Jerome Dempsey.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE


MARY ESTHER REED, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk