

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON OCTOBER 8, 2019**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on October 8, 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 Bill Hunter, Smyrna Police Department. The pledge of allegiance was led by Chief Kevin Arnold, Smyrna Police Department.

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
Steve Sullivan

Council Member Gerry Short was not in attendance.

1. Approval or Correction of Minutes of the September 10, September 23, and September 26, 2019 meetings.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the September 10, 2019 regular session of the Town Council, the September 23, 2019 special called work session of the Town Council and Planning Commission, and the September 26, 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 and the Town Council were presented an autographed picture with the Blue Angels by Photographer Karen Smith.

4. Consent Agenda.

The following Consent Agenda items were next presented for consideration by the Town Council:

- a. Approval of the terms of, and authorization for the Mayor to execute, a lease with Rutherford County relative to practice field area located behind the Rutherford County Clerk's office.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Sessions Paving relative to roadway patching repairs.
- c. Approval of the terms of, and authorization for the Mayor to execute, a licensing agreement with Accessology Too, LLC relative to video recording ADA Trainings.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Jones Bros. Contractors, LLC relative to the construction of the Sam Ridley Widening Project.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with Kimley-Horn and Associates, Inc relative to grant writing for the Smyrna Public Works Department.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with CSX Railroad relative to the installation of fiber optic line under railroad tracks.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Quality Exteriors relative to Golf Course Clubhouse Roof Project.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with Motorola Solutions relative to Police Department radio maintenance.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with Pall Corporation relative to microfiltration maintenance support for the Water Treatment Plant.
- j. Consideration of the declaration of surplus items.

- k. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Universal Linen relative to Event Center linen services.
- l. Approval of the terms of, and authorization for the Mayor to execute, a contract with American Electronic Monitoring (AEM) relative to monitoring for defendants placed on probation.

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 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 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. 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 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. 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 "2". (Ordinance #19-45).

- b. **PUBLIC HEARING:** 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. 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 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 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 "3". (Ordinance #19-49).

- c. **PUBLIC HEARING:** 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. 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: Wayne Bain, Ruben Garcia, Paul Lewis, Pawel Zyglewski, Theresa Zyglewski, Jerard Bates, Jeremy Ethridge, and Glenn Dodd.

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 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 second and final reading. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion failed on a roll call vote 2-4 with Vice-Mayor Marc Adkins and Council

Member Tim Morrell voting “yes” and Mayor Mary Esther Reed and Council Members H. G. Cole, Racquel Peebles, and Steve Sullivan voting “no”. Following further discussion, Council Member Racquel Peebles made a motion to deny rezoning from R-1 to R-3 based on safety of one entrance in and out of property and the density. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved on a roll call vote 4-2 with Mayor Mary Esther Reed and Council Members H. G. Cole, Racquel Peebles and Steve Sullivan voting “yes” and Vice-Mayor Marc Adkins and Council Member Tim Morrell voting “no”. 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 “4”. (Ordinance #19-50).

- d. PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the Town of Smyrna Municipal Code Title 2, “Boards and Commissions”, Chapter 1 “Arts Commission”. 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 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 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 “5”. (Ordinance #19-51).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the annexation and R-3 zoning of properties located on Tax Map 54, part of Parcel 48.00, containing approximately .46 acre, and part of Parcel 14.00, containing approximately .01 acre (requested by Thomas Steffen on behalf of Wael Altaqi and Andrew Waddey). Properties are located at the intersection of Rocky Fork Almaville Road and Morton Lane. First Reading.

The Town Council next considered on first reading an ordinance relative to the the annexation and R-3 zoning of properties located on Tax Map 54, part of Parcel 48.00,

containing approximately .46 acre, and part of Parcel 14.00, containing approximately .01 acre (requested by Thomas Steffen on behalf of Wael Altaqi and Andrew Waddey). Properties are located at the intersection of Rocky Fork Almaville Road and 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 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 "6". (Ordinance #19-52).

- ii. Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 51.00, containing approximately 9.26 acres, (requested by Shawn Collins on behalf of Carmen Margaret Keisman). Property is located at 8162 Rocky Fork 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 54, Parcel 51.00, containing approximately 9.26 acres, (requested by Shawn Collins on behalf of Carmen Margaret Keisman). Property is located at 8162 Rocky Fork 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 Council Member Steve Sullivan. Following further discussion, the motion was approved 5-0-1 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 "7". (Ordinance #19-53).

- iii. Consideration of an ordinance relative to the annexation of the entirety of the existing right-of-way of Kedron Church Road, (requested by Staff). Right-of-way is approximately 1,400 feet long and connects Rocky Fork Road to Rocky Fork Almaville Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the entirety of the existing right-of-way of Kedron Church Road, (requested by Staff). Right-of-way is approximately 1,400 feet long and connects Rocky Fork Road to Rocky Fork Almaville 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 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 #19-54).

- iv. Consideration of an ordinance relative to 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 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 with the following conditions: 1) a traffic study submitted, 2) show details on the proposed realignment of the Rocky Fork Almadillo Road/Kedron Church Road intersection, 3) adequate water flow is not available from CUD at this time; however, an upgrade is under way to meet fire flow requirements, 4) typical lot and typical setback and easement detail are inconsistent as to the rear setback and needs to be corrected to show both as a 20' rear setback, and 5) development standards sheet in pattern book still references 3 spaces on each site outside of the 2 car garage and should be corrected to reflect current plan. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said ordinance on first reading the conditions listed. 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 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 #19-55).

- v. Consideration of an ordinance relative to the rezoning of property located on Tax Map 27H, Group G, Parcel 14.00, containing approximately .68 acre (requested by Jaime Gonzalez), from C-2 with LSO to C-5 with LSO. Property is located at 205 Monroe Street. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 27H, Group G, Parcel 14.00, containing approximately .68 acre (requested by Jaime Gonzalez), from C-2 with LSO to C-5 with LSO. Property is located at 205 Monroe Street. The recommendation of the Planning Commission was that the Town Council deny the request. Following discussion, Council Member Steve Sullivan made a motion to deny and reject said ordinance on first reading due to inconsistency with surrounding zoning. The motion was duly seconded by Council Member Racquel Peebles. 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 "10". (Ordinance #19-56).

- vi. 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 C-4 to PUD. Property is located at 400 Hazelwood Drive. First Reading.

The Town Council next considered on first 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 C-4 to PUD. Property is located at 400 Hazelwood 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 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 "11". (Ordinance #19-57).

- vii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 34, Parcel 19.00, containing approximately 12 acres (requested by Matthew Taylor), from I-3 to I-1. Property is located at 500 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 19.00, containing approximately 12 acres (requested by Matthew Taylor), from I-3 to I-1. Property is located at 500 Wade Herrod 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 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 #19-58).

- viii. Consideration of an ordinance relative to the amendment to the text of the Smyrna Municipal Zoning Ordinance to amend Article IV, Section 4.071C.10 "Common Space and/or Dedicated Cross-Easements" and Section 4.170 "Development standards as apply to multi-family dwellings". First Reading.

The Town Council next considered on first reading an ordinance relative to the Smyrna Municipal Zoning Ordinance to amend Article IV, Section 4.071C.10 "Common Space and/or Dedicated Cross-Easements" and Section 4.170 "Development standards as apply to multi-family dwellings". 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 "13". (Ordinance #19-59).

b. Packaged Liquor Board Report:

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

c. Appointment of one (1) new member to the Arts Commission to serve a two (2) year term ending 2021.

The Town Council next considered a nomination of John Grieve by Council Member Racquel Peebles to the Arts Commission to serve a two (2) year term ending 2021.. With no further nominations, the nomination was approved unanimously.

d. Consideration and approval of the naming of park property at 38 South Lowry Street.

The Town Council next considered a motion by Council Member H. G. Cole to approve the naming of the park property at 38 South Lowry Street as Zama Park. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously.

e. Consideration of an ordinance to amend Ordinance No. 18-17, adopting the 2018-2019 Fiscal Year Budget relative to General Fund and Capital Projects Fund. First Reading.

The Town Council next considered on first reading an ordinance to amend Ordinance No. 18-17, adopting the 2018-2019 Fiscal Year Budget relative to General Fund and Capital Projects Fund. 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 "14". (Ordinance #19-60).

f. Consideration of a resolution authorizing direction to the Mayor to make application for Transportation Alternative Grants through the Tennessee Department of Transportation.

The Town Council next considered a resolution authorizing direction to the Mayor to make application for Transportation Alternative Grants through the Tennessee Department of Transportation. 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 "15". (Resolution #19-26).

- g. Approval of the terms of, and authorization for the Mayor to execute, an agreement with BGS America, LLC relative to exchange of real property.**

The Town Council next considered a motion by Council Member Racquel Peebles to approve the terms of and authorize the Mayor to execute an agreement with BGS America, LLC relative to exchange of real property. The motion was duly seconded by Council Member H. G. Cole. 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 "15".

- h. Other.**

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

7. Status Reports.

Town Manager Brian Hercules reported the burn ban is still in place for outdoor burning.

8. Announcements.

Town Manager Brian Hercules read a thank-you card from Citizen Sandy Reed thanking the Smyrna Utility Department for helping resolve an issue. He also read an anonymous letter sent to Town Hall thanking the fire fighters and police officers for the work they do in the community and at various events. He also thanked the Parks and Recreation Department and Fire and Police Departments with their assistance at the car show and Depot Days.

Council Member Racquel Peebles commented on the recent "National Night Out" and Smyrna Police Department Open House. She was a judge at Smyrna Primary's "Amazing Shake Competition". Condolences were offered to the family of Bo Washington, who was a Smyrna Primary teacher.

Council Member Gerry Short commented on the Fire Department's open house.

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

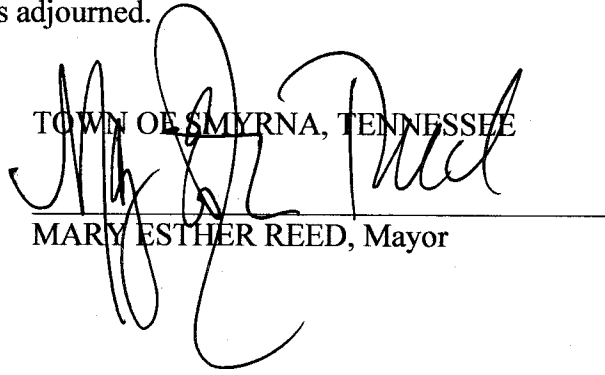
Vice-Mayor Marc Adkins enjoyed "Coffee with the Cops" at McDonald's on Lowry Street. He commented on the recent "Power of Ten Summit". Mayor Mary Esther Reed spoke during the panel discussion.

Mayor Mary Esther Reed announced the following: SOAC Fright Nights – October 11th and 12th at Smyrna Outdoor Adventure Center, Halloween in the Park – October 26th at Sharp Springs Park, Christmas Parade - December 1st on Lowry Street, and Mapleview Cemetery Cleanup – October 1st through October 15th.

Town Manager Brian Hercules stated that Rebecca Whitley's father passed away this week.

Mayor Mary Esther Reed challenged citizens to give non-perishable food items to the Nourish Food Bank.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE


MARY ESTHER REED, Mayor

ATTEST:



DIANNE WALDRON, Town Clerk