

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON OCTOBER 13, 2020**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on October 13, 2020 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 Charles King, Town Engineer.

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 September 8, 2020, September 24, 2020, and September 29, 2020 meetings.

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the September 8, 2020 regular session of the Town Council, the September 24, 2020 special called worksession, and the September 29, 2020 regular worksession of the Town Council. The motion was duly seconded by Council Member Steve Sullivan. Following discussion, the motion was approved unanimously.

2. Correspondence/Communications.

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

3. Awards and Recognitions.

Mayor Mary Esther Reed awarded Katelyn Carr of Stewarts Creek High School and Jose Cerritos Arevalo of Smyrna High School with Certificates of Achievement for being named National Merit Semi-Finalists.

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 grant from the Tennessee Highway Safety Office relative to Police Department overtime and equipment.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Central Square for software maintenance for the electronic citations.
- c. Approval of the terms of, and authorization for the Mayor to execute, a maintenance contract with Motorola relative to the Town's radio system.
- d. Approval of the terms of, and authorization for the Mayor to rank Thomas and Hutton first in the RFQ process for the Florence Road Sidewalk Project.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with SEC Engineering relative to engineering services to evaluate drainage issues within the vicinity of Rock Springs Road and I-24.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract amendment with TDOT relative to the SR-1 (US-41, US-70S, South Lowry/North Lowry Street), from Jackson Street to Sam Davis Road Project.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract amendment with TDOT relative to the Weakley Lane, Intersection at Swan Drive.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with Sessions Paving Company relative to construction of the SR-1 (US-41, US-70S, South Lowry Street/North Lowry Street to Sam Davis Road Project.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with Pall Aria Microfiltration System Service relative to Water Treatment Plant filtration equipment maintenance.
- j. Consideration of the declaration of surplus items.
- k. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Larry Tolbert relative to title opinions and closing services for the Genie Lane Project.

1. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Brenda Walsh relative to acquisition services for the Genie Lane Project.

Following discussion, Council Member Gerry Short 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 Vice-Mayor Marc Adkins. 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 properties located on Tax Map 54, Parcels 51.00 and part of Parcel 50.01 (requested by Shawn Collins), from R-3 to PRD. Properties contain approximately 15.4 acres and are located on Rocky Fork Almaville 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, Parcel 51.00 and part of Parcel 50.01 (requested by Shawn Collins), from R-3 to PRD. Properties contain approximately 15.4 acres and 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) front porch extensions must meet the front building setbacks if the porch is covered, 2) public street is proposed to have a landscaped area within the cul-de-sac and an agreement would be required between the Town of Smyrna and the HOA for maintenance on this area, and 3) project cannot start until the Morton Lift Station upgrade has been completed. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading with the three 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 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 #20-22).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 35, Parcel 94.00 (requested by Sean Saunders), from R-1 to PID. The property requested to be rezoned contains approximately 3.4 acres and is located at 7085 Florence 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 individuals spoke concerning the item: Angela Brown and Sean Saunders.

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 35, Parcel 94.00 (requested by Sean Saunders), from R-1 to PID. The property requested to be rezoned contains approximately 3.4 acres and is located at 7085 Florence Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following condition: 1) development of this parcel would require dedication of sufficient right-of-way to allow for future road widening as well as the proposed sidewalk extension from Rebel Road to Westfork Park. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said ordinance on second and final reading with the condition. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3". (Ordinance #20-23).

- c. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 34G, Group A, Parcel 27.00 (requested by Michael Lee), from C-2 to R-2. The property requested to be rezoned contains approximately .36 acre and is located at 203 Stewart 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 property located on Tax Map 34G, Group A, Parcel 27.00 (requested by Michael Lee), from C-2 to R-2. The property requested to be rezoned contains approximately .36 acre and is located at 203 Stewart Drive. The recommendation of the Planning Commission was that the Town Council approve the request. 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 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 "4". (Ordinance #20-24).

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 34, Parcel 24.03, (requested by Mike Breece), from I-3 to I-1. The property requested to be rezoned contains approximately .98 acre and is located at 555 Wade Herrod 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 property located on Tax Map 34, Parcel 24.03 (requested by Mike Breece), from I-3 to I-1. The property requested to be rezoned contains approximately .98 acre and is located at 555 Wade Herrod Road. 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 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 #20-25).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the text of the Smyrna Municipal Zoning Ordinance to amend Article IV, Section 4.030 "Temporary 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 IV, Section 4.030 "Temporary 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 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 "6". (Ordinance #20-26).

- f. Consideration of an ordinance relative to the annexation and C-2 and PRD zoning for properties located on Tax Map 50, Parcels 1.00, 2.00, and 4.00, containing approximately 252.6 acres, (requested by Brett Smith on behalf of Encompass Land Group). The recommendation also includes the annexation of approximately 3,400 linear feet of the existing right-of-way of Rocky Fork Road. Properties are located along Rocky Fork Road southwest of I-24. First Reading.

The Town Council next considered on first reading an ordinance relative to the annexation and C-2 and PRD zoning for properties located on Tax Map 50, Parcels 1.00, 2.00, and 4.00, containing approximately 252.6 acres, (requested by Brett Smith on behalf of Encompass Land Group). The recommendation also includes the annexation of approximately 3,400 linear feet of the existing right-of-way of Rocky Fork Road. Properties are located along Rocky Fork Road southwest of I-24. The recommendation of the Planning Commission was that the Town Council approve the request. Rob Pease of CPS Land, LLC and Land Innovations addressed the Town Council and answered questions. 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 5-2 with Council Members H.G. Cole and Racquel Peebles voting "no". A copy of said ordinance, as approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7". (Ordinance #20-27).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 39.00 (requested by Alcorn Properties, LLC), from R-3 to PRD. Property requested to be rezoned contains approximately 2.82 acres and is located at 11819 Old Nashville Highway. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 39.00 (requested by Alcorn Properties, LLC), from R-3 to PRD. Property requested to be rezoned contains approximately 2.82 acres and is located at 11819 Old Nashville Highway. The recommendation of the Planning Commission was that the Town Council approve the

request with the following conditions: 1) fiber cement/brick/stone materials are required to be utilized on all four elevations instead of vinyl siding on the side and rear elevations, 2) water line upgrades and fire hydrant locations are to be reviewed in detail at site plan review, and 3) Fire Department is to review the revised auto-turn plan for emergency response vehicles to ensure it meets requirements. Following discussion, Council Member Gerry Short 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 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 #20-28).

b. Packaged Liquor Board Report:

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

c. 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 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 "9". (Resolution #20-21).

d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Norris Brothers relative to the construction of the Olive Branch Sewer Main Extension and proposal with Thomas Hutton for CEI Services.

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 Norris Brothers relative to the construction of the Olive Branch Sewer Main Extension and proposal with Thomas Hutton for CEI Services. 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 "10".

e. Other.

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

7. Status Reports.

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

8. Announcements.

Town Manager Brian Hercules read a note from the Ray Jones' family. He also read an e-mail from a citizen thanking a gas department employee for taking time to explain his job to a child. The family of Bill Estes expressed appreciation to the police department during the funeral procession.

Town Manager Brian Hercules announced the expansion of Vi-Jon providing 200 additional jobs. He stated CSX will be closing McNickle Drive October 14th through October 17th for repairs.

Attorney Jeff Peach stated Early Voting is October 14th through October 29th.

Council Member Racquel Peebles announced that the Smyrna Senior Activity Center will re-open on October 21st. They will have a drive through spaghetti dinner on November 14th.

Council Member H. G. Cole encouraged citizens to shop local.

Council Member Steve Sullivan urged citizens to keep the Kuss Memorial free from trash. Condolences were issued for the Rick Bratcher family. His son is scheduled to come home for a visit.

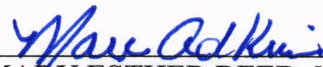
Vice-Mayor Marc Adkins issued condolences to the family of Bill Hayes.

Mayor Mary Esther Reed commented on early voting. She noted the library will host Halloween Bingo. Sharp Screams Haunted Trails will be at Sharp Springs Park on October 23rd and 24th. She announced applications are being accepted for the 2020 Kenneth "Coon" Victory Lifetime Service Award and Young Leader Award. She and Town Manager Brian Hercules were among those who hosted Tennessee Secretary of State Tre Hargett at the TCAT Smyrna Campus. She attended a ribbon cutting at The Sterling @Stonecrest. She wished her father a "Happy Birthday".

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

ATTEST:



MAYOR ESTHER REED, Mayor
Marc Adkins, Vice-Mayor



DIANNE WALDRON, Town Clerk