

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON NOVEMBER 10, 2020**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on November 10, 2020 at Town Hall with the Honorable Marc Adkins, Vice-Mayor, presiding.

Vice-Mayor Adkins called the meeting to order. The invocation was offered by Chief Kevin Arnold, Smyrna Police Department. The pledge of allegiance was led by Chief Bill Culbertson, Smyrna Fire Department.

The roll was called by the Town Clerk and the following Town Council Members were present:

Vice-Mayor Marc Adkins
H. G. Cole
Tim Morrell
Racquel Peebles
Gerry Short
Steve Sullivan

Mayor Mary Esther Reed was not in attendance.

1. Approval or Correction of Minutes of the October 13, 2020 and October 29, 2020 meetings.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the October 13, 2020 regular session of the Town Council and the October 29, 2020 regular worksession 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/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, an agreement with the Tennessee Rehabilitation Center relative to practice field area.
- b. Approval of the terms of, and authorization for the Mayor to execute, an agreement with LifePoint Church relative to practice field area.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Miracle Recreation relative to the installation of the new playground at Old Rock School/J.J. McWilliams Park.
- d. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Stansell Electric as the lowest responsive, responsible bidder for the ITS Phase I and II Project.
- e. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Garland/DBS, Inc. relative to the Streets/Vehicle Maintenance Building Roof Overlay Project using Tim Leeper Roofing.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with Thomas and Hutton relative to NEPA, Engineering Design, right-of-way acquisition support, and utility clearance for the Florence Road Sidewalk Project.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract addendum with James C. Hailey relative to the Sam Ridley/Weakley Lane water line upgrade.
- h. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with CIGNA relative to the Town's employee health, dental, vision, and stop loss coverages.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with Kurzynske and Associates Consulting Engineers to evaluate the HVAC load of the Event Center and SOAC and to prepare construction plans and specifications for bidding purposes.

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 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 properties located on Tax Map 50, Parcels 1.00, 2.00, and 4.00.

At this time, Vice-Mayor Marc Adkins 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 properties located on Tax Map 50, Parcels 1.00, 2.00, and 4.00. 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 #20-22).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and PRD zoning of properties located on Tax Map 50, Parcels 1.00, 2.00, and 4.00, containing approximately 197.1 acres, (requested by Brett Smith on behalf of Encompass Land Group and CPS Land). The recommendation also includes the annexation of approximately 3,400 feet of the existing right-of-way of Rocky Fork Road. Properties are located along Rocky Fork Road southwest of I-24. Second Reading.

At this time, Vice-Mayor Marc Adkins 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 PRD zoning of properties located on Tax Map 50, Parcels 1.00, 2.00, and 4.00, containing approximately 197.1 acres, (requested by Brett Smith on behalf of Encompass Land Group and CPS Land). The recommendation also includes the annexation of approximately 3,400 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 with the following conditions: 1) A traffic study will be required., 2) Elevations show “lap siding” and “board and batten siding”. These shall be fiber cement products., 3) The minimum square footage of the single family and villa units are 1400 square feet and the townhomes are 1200 square feet., 4) Brick or stone is required as an accent material on the townhome elevations., 5) The villa units are required to, at minimum, to match the townhome elevations as to materials., 6) The Enon Springs Gateway Overlay District is extended to cover the multi-family portions of the development. The townhome portion will be required to meet the ESO with regards to landscaping, screening, and exterior materials, but not other requirements., and 7) HVAC units will be placed on the side of every other house, with the HVAC units on the other houses to be located to the rear. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading with the conditions. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved 5-1 with Council Member Racquel Peebles voting “no”. 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 #20-27).

- c. Consideration of a resolution in memorandum of Ordinance #20-27 relative to the annexation and PRD zoning for properties located on Tax Map 50, Parcels 1.00, 2.00, and 4.00 as well as the annexation of approximately 3,400 linear feet of the existing right-of-way of Rocky Fork Road.

The Town Council next considered a resolution in memorandum of Ordinance #20-27 relative to the annexation and PRD zoning for properties located on Tax Map 50, Parcels 1.00, 2.00, and 4.00 as well as the annexation of approximately 3,400 linear feet of the existing right-of-way of Rocky Fork Road. Following discussion, Council Member Steve Sullivan 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 #20-23).

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and C-2 zoning of property located on Tax Map 50, Parcel 4.00, containing approximately 61 acres, (requested by Brett Smith on behalf of Encompass Land Group and CPS Land). The recommendation also includes the annexation of approximately 3,400 linear feet of the existing right-of-way of Rocky Fork Road. Property is located along Rocky Fork Road southwest of I-24. Second Reading.

At this time, Vice-Mayor Marc Adkins 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 C-2 zoning of property located on Tax Map 50, Parcel 4.00, containing approximately 61 acres, (requested by Brett Smith on behalf of Encompass Land Group and CPS Land). The recommendation also includes the annexation of approximately 3,400 linear feet of the existing right-of-way of Rocky Fork Road. Property is located along Rocky Fork Road southwest of I-24. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) a traffic study will be required and 2) The Enon Springs Gateway Overlay District is extended to cover C-2 portions of the development. Following discussion, Council Member Gerry Short made a motion to approve and adopt said ordinance on second and final reading with the conditions. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 5-1 with Council Member Racquel Peebles voting "no". 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 #20-27a).

- e. Consideration of a resolution in memorandum of Ordinance #20-27a relative to the annexation and C-2 zoning for property located on Tax Map 50, Parcel 4.00, containing approximately 61 acres as well as the annexation of approximately 3,400 linear feet of the existing right-of-way of Rocky Fork Road.

The Town Council next considered a resolution in memorandum of Ordinance #20-27a relative to the annexation and PRD zoning for property located on Tax Map 50, Parcel 4.00 containing approximately 61 acres as well as the annexation of approximately 3,400 linear feet of the existing right-of-way of Rocky Fork Road. Following discussion, Council Member Steve Sullivan 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 "6". (Resolution #20-24).

- f. **PUBLIC HEARING:** 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. Second Reading.

At this time, Vice-Mayor Marc Adkins 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 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) the 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 second and final reading with the conditions. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7". (Ordinance #20-28).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 87.04 (requested by Jaime Gonzalez), from R-3 to C-2. Property requested to be rezoned contains approximately 4.81 acres and is located at 815 Rock Springs Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 87.04 (requested by Jaime Gonzalez), from R-3 to C-2. Property requested to be rezoned contains approximately 4.81 acres and is located at 815 Rock Springs Road. The recommendation of the Planning Commission was that the Town Council deny the request. Following discussion, Council Member Tim Morrell made a motion to deny and reject said ordinance on first reading. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was 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 "8". (Ordinance #20-29).

- ii. Consideration of an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance relative to Article II, Section 2.030 "Definitions"; Article IV, Section 4.010 "Off-street Parking Requirements"; Article V, Sections 5.052.1 C and 5.052.2 C

“Conditions for Microbreweries, Microwineries, and
Microdistilleries”. First Reading.

The Town Council next considered on first reading an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance relative to Article II, Section 2.030 “Definitions”; Article IV, Section 4.010 “Off -street Parking Requirements”; Article V, Sections 5.052.1 C and 5.052.2 C “Conditions for Microbreweries, Microwineries, and Microdistilleries”. 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 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 on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “9”. (Ordinance #20-30).

b. Packaged Liquor Board Report:

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

c. Consideration of an ordinance to amend Ordinance #19-27, adopting the 2019-2020 Fiscal Year Budget. First Reading.

The Town Council next considered on first reading an ordinance to amend Ordinance #19-27, adopting the 2019-2020 Fiscal Year Budget. Following discussion, Council Member Tim Morrell made a motion to approve said ordinance on first reading. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “10”. (Ordinance #20-31).

d. 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 reported the following: 1) Town Hall will be closed November 11th for Veteran’s Day. A small ceremony will be in front of Town Hall that day., 2) the Food Drive to benefit Nourish Food Bank is underway, 3) the Smyrna Fire Department is also conducting a food drive and will be in front of Walmart on November 14th, 4) the Smyrna Court Clerk’s office is conducting a coat drive for children K-6th grade until November 30th, and 5) Town offices will be closed November 26th and 27th for Thanksgiving. He offered condolences to town employees Crystal Cole-

Zaragoza on the loss of her father, Beth Morris on the loss of her sister, and Dennis Johnson on the loss of his father-in-law. Condolences were also offered to Mike Hollingshead on the loss of his father.

Attorney Jeff Peach thanked all veterans for their service.

The Vice-Mayor and Council also extended thanks to the veterans and condolences to those who lost loved ones.

Council Member Racquel Peebles wished everyone a "Happy Thanksgiving" and thanked those who voted for her during the election.

Council Member H. G. Cole encouraged citizens to shop local. He announced that November 28th is "Small Business Saturday". He also extended condolences to the family of Billie Lee. He wished his grandson and mother happy birthdays.

Council Member Tim Morrell offered his gratitude to those who elected him for his fourth term as a council member.

Council Member Gerry Short congratulated his nephew Sam Short on being appointed CEO of Southern Bank.

Council Member Steve Sullivan also thanked citizens for their support during the election. He stated November 10th is the Marine Corps birthday.


Vice-Mayor Marc Adkins announced that the Virtual Christmas Lighting Ceremony is November 23rd at 6:00 pm and applications for the Lifetime Achievement Awards have been extended to December 10th. He congratulated Council Members Racquel Peebles, Tim Morrell and Steve Sullivan for their re-elections to the Town Council. Condolences and prayers were extended to Pat Hood on the loss of his father. He wished his father a happy birthday. He stated Mayor Mary Esther Reed is in quarantine with Covid-19.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE


MARC ADKINS, Vice-Mayor

ATTEST:


DIANNE WALDRON, Town Clerk