

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON AUGUST 11, 2020**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on August 11, 2020 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Rex Gaither, Assistant Town Manager and Finance Director. The pledge of allegiance was led by Mike Moss, Director of Parks and Recreation.

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 14, 2020 and July 30, 2020 meetings.**

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the July 14, 2020 regular session of the Town Council, the July 30, 2020 special called meeting of the Town Council, and the July 30, 2020 regular worksession of the Town Council. The motion was duly seconded by Council Member H. G. Cole. 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.**

A proclamation was read recognizing the American Payroll Association and its members and proclaiming the first full week in September 2020 as "Payroll Week".

**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, Change Order #1 with Judy Construction Company relative to Waste Water Treatment Plant Expansion Project.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Itron relative to AMI system implementation.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Rollins Excavating Company, LLC relative to storm water general construction and concrete work.
- d. Approval of the terms of, and authorization for the Mayor to execute, the 2019-2020 annual report relative to NPDES Phase II, MS4 Program.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract addendum with Jones Bros., Inc. relative to providing topsoil hauled, placed, and compacted for firing range.
- f. Approval of the terms of, and authorization for the Mayor to execute, a performance license agreement with Global Music Rights relative to music at town events.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Cummins, Inc. relative to fire department generator maintenance.
- h. Approval of the terms of, and authorization for the Mayor to execute, a Memorandum of Understanding with Motlow State Community College relative to emergency medical responder refresher training for the fire department.
- i. Approval of the terms of, and authorization for the Mayor to execute, a Professional Services Agreement with Boozer & Associates relative to appraisals review service for the Sam Ridley & Weakley Lane Water Line Project.
- j. Approval of the terms of, and authorization for the Mayor to execute, a contract with the Regional Transportation Authority (RTA) for 2020-2021.

- k. Approval of the terms of, and authorization for the Mayor to execute, a contract with Flock Safety relative to license plate recognition cameras for the police department.
- l. Approval of the terms of, and authorization for the Mayor to execute, a contract with Barge Design Solutions relative to professional services for the Lee Victory Recreational Park entrance road.
- m. Approval of the terms of, and authorization for the Mayor to execute, a contract with Ragan Smith Associates, Inc. relative to design and CEI services for the Lowry Street Phase II Project.
- n. Approval of the terms of, and authorization for the Mayor to execute, a CEI Supplement with Neel-Schaffer relative to the Enon Springs West Extension 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 49, Parcel 3.01 and Tax Map 34, Parcel 50.00 from R-1 to C-2 (requested by St. Luke's Catholic Church). Properties contain 14.6 acres and 5.4 acres, respectively, and are located at 10682 and 10768 Old Nashville Highway. 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 49, Parcel 3.01 and Tax Map 34, Parcel 50.00 from R-1 to C-2 (requested by St. Luke's Catholic Church). Properties contain 14.6 acres and 5.4 acres, respectively, and are located at 10682 and 10768 Old Nashville Highway. 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 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 #20-14).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28G, Group A, Parcel 1.00 from R-4 to C-2 (requested by Springhouse Worship and Arts Center). Property contains approximately 5.91 acres and is located at 14119 Old Nashville Highway. 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 28G, Group A, Parcel 1.00 from R-4 to C-2 (requested by Springhouse Worship and Arts Center). Property contains approximately 5.91 acres and is located at 14119 Old Nashville Highway. 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 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 #20-15).

- c. **PUBLIC HEARING:** Consideration of an ordinance relative to amending the existing PRD for property located on Tax Map 34, part of Parcel 52.04 (requested by Laws Bouldin). Property contains approximately 8.5 acres and is located on Legacy 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 amending the existing PRD for property located on Tax Map 34, part of Parcel 52.04 (requested by Laws Bouldin). Property contains approximately 8.5 acres and is located on Legacy 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 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 "4". (Ordinance #20-16).

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to amending the existing PUD for properties located on Tax Map 28F, Group A, Parcels 29.01 and 47.06 (requested by Stephen and Licia Burkett). Properties contain approximately 23.61 acres and are located at 729 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. The following individuals spoke concerning the item: Steve Burkett, Kirk Whitworth, Kim Thompkins, and Lyn Cutler.

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 amending the existing PUD for properties located on Tax Map 28F, Group A, Parcels 29.01 and 47.06 (requested by Stephen and Licia Burkett). Properties contain approximately 23.61 acres and are located at 729 Rock Springs Road. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member H. G. Cole made a motion to reject and deny said ordinance on second and final reading. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion failed 2-5 on a roll call vote with Council Members H. G. Cole and Gerry Short voting "yes" and Mayor Mary Esther Reed, Vice-Mayor Marc Adkins, and Council Members Tim Morrell, Racquel Peebles, and Steve Sullivan voting "no". Council Member Steve Sullivan next made a motion to approve and adopt said ordinance on second and final reading with the Planning Commission recommendations and all events to end at 10:00 p.m. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved 5-2 on a roll call vote with Mayor Mary Esther Reed, Vice-Mayor Marc Adkins, and Council Members Tim Morrell, Racquel Peebles, and Steve Sullivan voting "yes" and Council Members H. G. Cole and Gerry Short 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 #20-17).

## **6. New Business:**

- a. **Planning Commission Report:**



- i. 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 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, match the townhome elevations as to materials; 6) The Enon Springs Gateway Overlay District is extended to cover the multi-family and C-2 portions of the development. The developer requested that the townhome portion be required to meet the ESO with regards to landscaping, screening, and exterior materials, but not other requirements. Request to be evaluated by staff; and 7) staff is evaluating a request by developer to place HVAC units on the side 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 defer this item to the September council meeting. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved unanimously on a roll call vote. 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 "6". (Ordinance #20-18).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 33D, Group A, Parcel 27.02 from C-4 to C-2 (requested by Ketan Patel). Property contains approximately 1.55 acres and is located at the corner of Mason Tucker Drive and Enon Springs Road, West. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33D, Group A, Parcel 27.02 from C-4 to C-2 (requested by Ketan Patel). Property contains approximately 1.55 acres and is located at the corner of Mason Tucker Drive and Enon Springs Road, West. 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. 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 "7". (Ordinance #20-19).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 44.00 from R-6 to C-2 (requested by Kevin Waldron). Property contains approximately 3.62 acres and is located along Sam Ridley Parkway, West. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 44.00 from R-6 to C-2 (requested by Kevin Waldron). Property contains approximately 3.62 acres and is located along Sam Ridley Parkway, West. 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 "8". (Ordinance #20-20).

- iv. Consideration of an ordinance relative to the annexation of approximately 2,030 linear feet of the existing right-of-way of Hickory Grove Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the annexation of approximately 2,030 linear feet of the existing right-of-way of Hickory Grove Road. 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 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 "9". (Ordinance #20-21).

- v. Consideration of a resolution authorizing the acquisition of property by negotiation or condemnation for the purpose of carrying out the Genie Lane Project.

The Town Council next considered a resolution authorizing the acquisition of property by negotiation or condemnation for the purpose of carrying out the Genie Lane Project. 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 "10". (Resolution #20-17).

**b. Packaged Liquor Board Report:**

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

**c. Approval of the terms of, and authorization for the Mayor to execute, a development agreement with Blakeney Partners GP relative to road impact fee offsets.**

The Town Council next considered a motion by Council Member Steve Sullivan to approve the terms of and authorize the Mayor to execute a development agreement with Blakeney Partners GP relative to road impact fee offsets. The motion was duly seconded by Council Member Tim Morrell. 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 "11".

**d. Appointment of one (1) member to the Sister City Committee to fill unexpired term ending 2022.**

Mayor Mary Esther Reed next appointed Jonathan Wright to the Sister City Committee to fill unexpired term ending 2022. The Town Council confirmed the appointment unanimously.

**e. Other.**

**i. Approval of the terms of, and authorization for the Mayor to execute, Change Order #2 with Sessions Paving Company relative to the Weakley Lane/Swan Drive Intersection Project.**

The Town Council next considered a motion by Council Member Steve Sullivan to approve the terms of and authorize the Mayor to execute, Change Order #2 with Sessions Paving Company relative to the Weakley Lane/Swan Drive Intersection Project. The motion was duly seconded by Vice-Mayor Marc Adkins. 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 "12".

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

**7. Status Reports.**

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



**8. Announcements.**

Town Manager Brian Hercules stated he had received an e-mail from Ellen Grassman thanking the police department, paramedics, and ambulance driver during her brother's serious situation. He also received an e-mail from Mr. and Mrs. Switzer, new residents from Texas, wanting to donate a 55" television to the Town. The Smyrna Fire Department will use the television in their training room.

Town Attorney Jeff Peach wished his oldest daughter a "Happy Birthday".

Council Member Racquel Peebles thanked the Switzers for their generous donation. She thanked Trey Lee for his service on the Smyrna Planning Commission. She asked for prayers as students, teachers, and staff return to school.

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

Council Member Gerry Short asked for prayers for Dot Mullins who had recently broken her hip.

Council Member Steve Sullivan asked that all keep the Armed Forces in their prayers.

Vice-Mayor Marc Adkins asked for everyone to remember Police Officer Cole Lewis, who is deployed, and teachers and staff in their prayers. He thanked Information Services Manager Robert Kulp, Public Information Officer Kathy Ferrell, and Media Program Producer Brett Beauregard for their work with social media. He reported Town Council has a team in the United Way Golf Scramble.

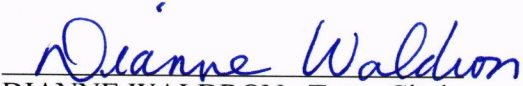
Mayor Mary Esther Reed announced that the Bar-B-Q Festival slated for August 15<sup>th</sup> has been cancelled. She encouraged citizens to complete the 2020 census. Depot Days has also been cancelled for 2020. She thanked Ed Davenport and Trey Lee for their service on the Planning Commission. She asked all to remember teachers, students, and staff as they return to school. She wished her parents a "Happy 53<sup>rd</sup> Anniversary".

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
MARY ESTHER REED, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk