

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

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on February 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 Chaplain Amos Howard, Smyrna Police Department. The pledge of allegiance was led by Assistant Town Manager Todd Spearman.

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 January 7, 2020 and January 30, 2020 meetings.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the January 7, 2020 regular session of the Town Council, the January 30, 2020 special called session of the Town Council, and the January 30, 2020 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.

There were no awards and 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, a Memorandum of Understanding between the Smyrna Police Department and the Tennessee Bureau of Investigation (TBI) relative to the creation of a drug overdose task force.
- b. Approval of the terms of, and authorization for the Mayor to execute, the Special Event Application to the U.S. Army Corps of Engineers relative to Boat Day-WaterFest at the Jefferson Springs Recreation Area.
- c. Approval of the terms of, and authorization for the Mayor to execute, a sole-source Private-Public Partnership contract with the CLEAR Institute of Middle Tennessee State University relative to the permit required once per five year water quality monitoring.
- d. Approval of the terms of, and authorization for the Mayor to execute, an addendum with Jones Bros., Inc. relative to the hauling of excess fill material from Enon Springs West Extension Project to help with the construction of the firing range at the airport for the Police Department.
- e. Approval of the terms of, and authorization for the Mayor to execute, a Performance Agreement with MIXTAPE Band relative to music at the Top Gun Night Run 6K Race.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with MegaTrax Production Music, Inc. relative to Channel 3 background music.
- g. Approval of the terms of, and authorization for the Mayor to execute, an acceptance letter relative to .gov Internet Domain Registration.
- h. Approval of the terms of, and authorization for the Mayor to execute, Change Order #2 with Boatman Construction relative to the Taylor Farms Sewer Upsizing Project.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with Pyro Shows relative to 2020 Independence Day Fireworks Show.
- j. Approval of the terms of, and authorization for the Mayor to execute, an amended contract with Itron/United Systems relative to gas meter reading modules, installation and maintenance.

- k. Approval of the terms of, and authorization for the Mayor to execute, a Letter of Agreement with Larry Tolbert, Esq. relative to acquisition services for the Stormwater Master Plan.

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 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 a resolution relative to a Plan of Services for property located on Tax Map 32, part of Parcel 19.01.

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 a resolution relative to a Plan of Services for property located on Tax Map 32, part of Parcel 19.01. The recommendation of the Planning Commission was that the Town Council approve the Plan of Services. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Gerry Short. 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 #20-05).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01, containing approximately .12 acre (requested by JM Byrnes, LLC on behalf of John Mitchell Byrnes). Property is located at 3791 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. 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 R-3 zoning of property located on Tax Map 32, part of Parcel 19.01, containing approximately .12 acre (requested by JM Byrnes, LLC on behalf of John Mitchell Byrnes). Property is located at 3791 Rock Springs 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 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 #20-01).

- c. Consideration of a resolution in memorandum of Ordinance #20-01 relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01.

The Town Council next considered a resolution in memorandum of Ordinance #20-01 relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01. Following discussion, Council Member Steve Sullivan made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Gerry Short. 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 #20-06).

There was no further Old Business for the Town Council to consider at this time.

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the rezoning of properties located on Tax Map 28E, Group A, Parcel 16.00 from R-5 to PRD, as well as Tax Map 28E, Group A, part of Parcels 18.00 and 19.00, and Tax Map 28, Parcel 33.00 from R-4 to PRD (requested by Joe Epps). Properties contain 21.95 acres and are located on Rock Springs Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of properties located on Tax Map 28E, Group A, Parcel 16.00 from R-5 to PRD, as well as Tax Map 28E, Group A, part of Parcels 18.00 and 19.00, and Tax Map 28, Parcel 33.00 from R-4 to PRD (requested by Joe Epps). Properties contain 21.95 acres and are located on Rock Springs 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 with four conditions: 1) submit a traffic study in compliance with the Zoning Ordinance, 2) minimum square footage for the units is 1,400 square feet, 3) utilities are

required to be extended to adjoining properties, and 4) a fence is required as a part of the buffer between this development and Tax Map 28, Parcel 31.01. 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 "5". (Ordinance #20-02).

- ii. Consideration of an ordinance relative to the rezoning of properties located on Tax Map 54, Parcels 14.01 and 14.02, containing approximately 19.47 acres (requested by Shawn Collins), from R-3 to PRD. Properties are located on Morton Lane. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of properties located on Tax Map 54, Parcels 14.01 and 14.02, containing approximately 19.47 acres (requested by Shawn Collins), from R-3 to PRD. Properties are located on 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 with five conditions: 1) submit a traffic study to ensure proper site distance at the new entrance along Morton Lane, 2) development is required to comply with the Housing for Older Persons Act, 3) minimum front setback for corner lots is required to be 35' for both street frontages, 4) provide additional examples of proposed housing elevations, and 5) each unit will have at least 2 bedrooms on the first floor. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 6-0-1 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 "6". (Ordinance #20-03).

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 Town of Smyrna Municipal Code, Title 2 "BOARDS AND COMMISSIONS, ETC.", Chapter 8 "Mandatory Attendance", Sections(s) 8-101 "Scope" and 8-102 "Attendance". First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 2 "BOARDS AND COMMISSIONS, ETC.", Chapter 8 "Mandatory Attendance", Sections(s) 8-101 "Scope" and 8-102 "Attendance". Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said ordinance on first reading with Town Attorney Jeff Peach's recommendation and to add Historic 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 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 #20-04).

- d. Approval of the terms of, and authorization for the Mayor to execute, a development agreement with Suncrest Real Estate & Land relative to road impact fee offsets for the Gwynne Farms Development.**

The Town Council next considered a motion by Council Member Gerry Short to defer this item for one month. The motion was duly seconded by Council Member Racquel Peebles. Following discussion, the motion was approved unanimously.

- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with Boozer & Company, P.C. relative to review appraisal services for the Master Storm Water Project.**

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 Boozer & Company, P.C. relative to review appraisal services for the Master Storm Water Project. The motion was duly seconded by Vice-Mayor Marc Adkins. Following discussion, the motion was approved unanimously. A copy of said contract is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8".

- f. Appointment of Council Member to the Sister City Funding Sub-Committee to serve a term ending in 2022.**

Mayor Mary Esther Reed next opened the floor for nominations for a Council Member to the Sister City Funding Sub-Committee to serve a term ending in 2022. Vice-Mayor Marc Adkins nominated Council Member Gerry Short. With no other nominations, the nomination was approved unanimously.

- g. Appointment of Council Member to the Memorial Maintenance and Special Projects Sub-Committee to serve a term ending in 2022.**

Mayor Mary Esther Reed next opened the floor for nominations for a Council Member to the Memorial Maintenance and Special Projects Sub-Committee to serve a term ending in 2022. Council Member Tim Morrell nominated Council Member Steve Sullivan. With no other nominations, the nomination was approved unanimously.

- h. Other.**

- i. Approval of the terms of, and authorization for the Mayor to execute, a Settlement Agreement for Cox v. Town of Smyrna.**

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve the terms of and authorize the Mayor to execute a Settlement Agreement for Cox v. Town of Smyrna. 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 "9".

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

7. Status Reports.

Town Manager Brian Hercules announced the following: Volunteer of the Year Banquet February 21st at the Smyrna Event Center, Mapleview Cemetery Cleanup February 15th through March 1st, Town Hall offices will be closed President's Day February 17th, and budget hearings completed and will be given to Town Council two weeks prior to Budget Retreat. He read thank-you cards from the Lannom and Davis families. A note of thanks to Town Manager Brian Hercules and Vice-Mayor Marc Adkins from Leadership Rutherford was also read. He stated Assistant Town Manager Todd Spearman is attending the Transportation Leadership Academy. Town Manager Brian Hercules has been appointed to the Stonecrest Board of Directors.

8. Announcements.

Utility Director Mike Strange announced an emergency purchase of \$70,250 for a sewer line replacement due to a sewer pipe burst on Ridley Street.

Town Attorney Jeff Peach thanked Senator Shane Reeves for the timely response of getting him information on a piece of legislation.

Council Member Racquel Peebles commented on the Rutherford County Chamber of Commerce Business at Its Best Luncheon. She also attended the Capitol Connection hosted by the Chamber.

Council Member H. G. Cole commented on the Volunteer of the Year Banquet announcing Rusty Boguskie as the recipient of the Lifetime Service Award and Breanna Evans the Young Leader Award. He wished all ladies a "Happy Valentine's Day".

Council Member Tim Morrell thanked Chaplain Howard for the prayer at today's meeting. He thanked all the chaplains for the work they do.

Council Member Gerry Short read to the children at the Boys and Girls Club in Smyrna. He announced the Sister City Committee Chili Supper is February 22nd at the Senior Activity Center of Smyrna.

Council Member Steve Sullivan also commented on the Capitol Connection. He thanked Town Manager Brian Hercules for his quick response to a citizen's concern.

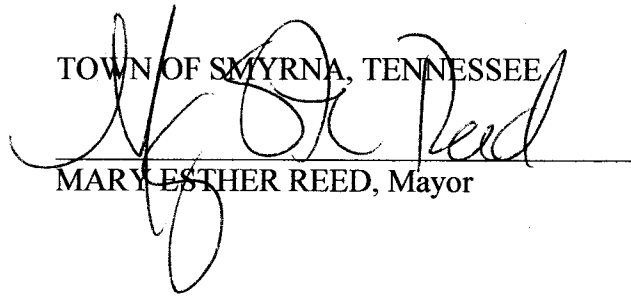
Vice-Mayor Marc Adkins thanked Conner Williams, student with Sister City, for delivering his sponsorship tickets for the Chili Supper. He offered condolences to the

Bolyard family on the passing of Sherrill. He announced early voting begins February 12th. Thanks were given to those donating to the Kuss Memorial Fund. Happy Valentine's Day wishes were sent to his wife.

Mayor Mary Esther Reed announced the Smyrna Outdoor Adventure Center will host a Parents Night Out on February 15th from 6 to 10 p.m. Applications are now being taken for positions on Town Boards and Committees and are due by March 9th. Early Voting is February 12th through February 25th at Town Hall and First Free Methodist Church on Hazelwood Drive. Registration for the May 29th Top Gun Night Run 6K ends May 28th at 11:59 p.m.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

A handwritten signature in cursive script, appearing to read "Mary Esther Reed", written over a horizontal line.

MARY ESTHER REED, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk