

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

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on March 10, 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 Tim York, 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:

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 February 11, 2020 and February 27, 2020 meetings.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the February 11, 2020 regular session of the Town Council and the February 27, 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 contract with Sessions Paving relative to intersection improvements on Montgomery Way at Lee Road.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Airgas USA, LLC relative to the lease of gas cylinders for oxygen, argon, and acetylene for welding and torch cutting.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Morton Building, Inc. relative to an addition to the Parks equipment shed.
- d. Approval of the terms of, and authorization for the Mayor to execute, contracts with Gadco Lawn Care relative to mowing of park properties and Barton Lawn Care for park optional properties.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with the Betty Brinn Children's Museum relative to *The Adventures of Mr. Potato Head* exhibit.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with the Betty Brinn Children's Museum relative to the Harley-Davidson exhibit.
- g. Approval of the terms of, and authorization for the Mayor to execute, Addendum #2 with Barge Solutions relative to construction administration and construction engineering services for the Nolan Drive Relocation Project.
- h. Approval of the terms of, and authorization for the Mayor to execute, a joint use agreement with MTEMC relative to the Itron Meter Reading System.
- i. Approval of the terms of, and authorization for the Mayor to execute, an amendment to the LaVergne Interlocal Agreement relative to adding sites for Gas AMI Connected Grid Routers.
- j. Approval of the terms of, and authorization for the Mayor to execute, a Professional Services Agreement with Larry Tolbert, Esq. relative to acquisition services for the Olive Branch Sewer Extension Project.

- k. Approval of the terms of, and authorization for the Mayor to execute, a contract with MG Group, P.C. relative to hotel/motel audit.
- l. Approval of the terms of, and authorization for the Mayor to execute, a contract with Agenda Quick Software relative to agenda management for meetings.
- m. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Barton Lawn Care relative to mowing of non-park properties.

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 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 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 approximately 21.95 acres and are located on 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 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 approximately 21.95 acres and are located on Rock Springs Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following 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) fence is required as a part of the buffer between this development and Tax Map 28, Parcel 31.01. 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 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 "2". (Ordinance #20-02).

- b. **PUBLIC HEARING:** 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. 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, 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 with the following 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 two bedrooms on the first floor. 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 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 "3". (Ordinance #20-03).

- c. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the Town of Smyrna Municipal Code, Title 2 "BOARDS AND COMMISSIONS, ETC.", Chapter 8 "MANDATORY ATTENDANCE", Section(s) 8-101 "Scope" and 8-102 "Attendance". 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 Town of Smyrna Municipal Code, Title 2 "BOARDS AND COMMISSIONS, ETC.", Chapter 8 "MANDATORY ATTENDANCE", Section(s) 8-101 "Scope" and 8-102 "Attendance". 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 "4". (Ordinance #20-04).

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 annexation of 2,870 linear feet of the existing right-of-way of Rocky Fork Almaville Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the annexation of 2,870 linear feet of the existing right-of-way of Rocky Fork Almaville 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 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 #20-05).

- ii. Consideration of an ordinance amending the text of the Smyrna Municipal Zoning Ordinance relative to Article II, Section 2.020 "Definitions"; Article V, Section 5.052.7 "C-5 Highway Service District"; Section 5.053.1 "I-1 Light Industrial District"; Section 5.053.2 "I-2 Light Industrial District"; and 5.053.3 "I-3 Heavy Industrial District" and to add Article IV, Section 4.200 "Supplemental Provisions for Auto Towing Services". First Reading.

The Town Council next considered on first reading an ordinance amending the text of the Smyrna Municipal Zoning Ordinance relative to Article II, Section 2.020 "Definitions"; Article V, Section 5.052.7 "C-5 Highway Service District"; Section 5.053.1 "I-1 Light Industrial District"; Section 5.053.2 "I-2 Light Industrial District"; and 5.053.3 "I-3 Heavy Industrial District" and to add Article IV, Section 4.200 "Supplemental Provisions for Auto Towing Services". 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 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 #20-06).

- iii. Consideration of a donation of right-of-way as a part of the improvements to Rock Springs Road required as a part of the Gwynne Farms Development.

The Town Council next considered a motion by Council Member Tim Morrell to accept the donation of right-of-way as a part of the improvements to Rock Springs Road required as a part of the Gwynne Farms Development. The motion was duly seconded by Council Member Steve Sullivan. Following discussion, the motion was approved unanimously.

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 Suncrest Real Estate & Land relative to road impact fee offsets for the Gwynne Farms Development.**

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve the terms of and authorize the Mayor to execute, a development agreement with Suncrest Real Estate & Land relative to road impact fee offsets for the Gwynne Farms Development. The motion was duly seconded by Council Member Tim Morrell. 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 "7".

- d. **Consideration of a resolution to request unclaimed balance of accounts remitted to the State Treasurer under Unclaimed Property Act.**

The Town Council next considered a resolution to request unclaimed balance of accounts remitted to the State Treasurer under Unclaimed Property Act. Following discussion, Council Member Gerry Short to approve and adopt said resolution. The motion was duly seconded by Council Member Racquel Peebles. 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 "8". (Resolution #20-07).

e. Approval of the changes to the Smyrna Police Department Towing Manual.

The Town Council next considered a motion by Council Member Steve Sullivan to approve the changes to the Smyrna Police Department Towing Manual. 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 "9".

f. Consideration of appointments to Boards and Committees:

- i. Appointment of one (1) member to the Packaged Liquor Board to serve a four (4) year term ending 2024.

The Town Council next considered a nomination from Mayor Mary Esther Reed to appoint Daniel Akpan to the Packaged Liquor Board to serve a four (4) year term ending 2024. Following discussion, the appointment was approved unanimously.

- ii. Appointment of two (2) members to the Board of Zoning Appeals to serve three (3) year terms ending 2023.

The Town Council next considered a nomination from Council Member Steve Sullivan to reappoint Scott Demonbreun and Troy Powell to serve three (3) year terms ending 2023 to the Board of Zoning Appeals. With no further nominations, Mayor Mary Esther Reed called for the nominations to cease. Following discussion the appointments were approved unanimously.

- iii. Appointment of three (3) members to the Citizens for Sister City Relations Committee to serve three (3) year terms ending 2023 and one (1) educator from a secondary school in North Rutherford County to serve unexpired term ending 2022.

Mayor Mary Esther Reed next reappointed Resha Oliphant, Fran Dunne and Melody Welshofer to the Citizens for Sister City Relations to serve three (3) year terms ending 2023. Following discussion, the nominations were approved unanimously. There were no applicants for the educator position at this time.

- iv. Appointment of two (2) members to the Parks Advisory Board to serve two (2) year terms ending 2022 and one (1) non-voting member, outside city, to serve a two (2) year term ending 2022.

Mayor Mary Esther Reed next reappointed Thomas Williams and Robert Poston to the Parks Advisory Board to serve two (2) year terms ending 2022 and appointed Jerry Bradley as a non-voting member, outside city, to serve a two (2) year term ending 2022. The appointments were unanimously approved.

- v. Appointment of two (2) members to the Planning Commission to serve two (2) year terms ending 2022.

Mayor Mary Esther Reed next reappointed Mike Allen and Ed Davenport to the Planning Commission to serve two (2) year terms ending 2022.

- vi. Appointment of one (1) member to Project Assistance to serve a three (3) year term ending 2023.

The Town Council next considered a nomination from Vice-Mayor Marc Adkins to reappoint Linda McNeill to Project Assistance to serve a three (3) year term ending 2023. With no further nominations, the nomination was approved unanimously.

- vii. Appointment of one (1) member to the Beer Board to serve a four (4) year term ending 2022.

Mayor Mary Esther Reed next appointed Daniel Akpan to the Beer Board to serve a four (4) year term ending 2022. With no further nominations, the appointment was approved unanimously.

- viii. Appointment of three (3) members to the Storm Water Advisory Committee to serve two (2) year terms ending 2022.

Mayor Mary Esther Reed next reappointed Abhi Patra and Katherine Green and appointed Charles Scurr to the Storm Water Advisory Committee to serve two (2) year terms ending 2022. With no further nominations, the appointment was approved unanimously.

- ix. Appointment of one (1) member to the Historic Zoning Commission to serve a five (5) year term ending 2025.

Mayor Mary Esther Reed next appointed Heather McGarry to the Historic Zoning Commission to serve a five (5) year term ending 2025. The appointments were approved unanimously.

- x. Appointment of three (3) members to the Arts Commission to serve two (2) year terms ending 2022.

Mayor Mary Esther Reed next appointed Hal Loflin, Pat Whittle and Yvonne Baynes to the Arts Commission to serve two (2) year terms ending 2022. The appointments were approved unanimously.

- xi. Appointment of one (1) member of the Town Council to serve one (1) year term ending 2021 to the Charity Assistance Board.

Mayor Mary Esther Reed next reappointed Council Member Racquel Peebles as the Town Council representative to serve a one (1) year term ending 2021 to the Charity Assistance Board.

- xii. Mayor to appoint one (1) member to the Smyrna Housing Authority to serve a five (5) year term ending 2025.

Mayor Mary Esther Reed next reappointed Glenn Foutch to the Smyrna Housing Authority to serve a five (5) year term ending 2025.

- xiii. Appointment of one (1) member to the Smyrna/Rutherford County Airport Authority to serve a five (5) year term ending 2025.

Mayor Mary Esther Reed next nominated Mike Woods to the Smyrna/Rutherford County Airport Authority to serve a five (5) year term ending 2025. The nomination was approved unanimously.

- xiii. Appointment of one (1) member to the Memorial Maintenance and Special Projects Sub-Committee to serve a two (2) year term ending in 2022.

Mayor Mary Esther Reed next nominated Kelly Goosetree to the Memorial Maintenance and Special Projects Sub-Committee to serve a two (2) year term ending in 2022. The nomination was approved unanimously.

g. Other.

- i. Approval of the terms of, and authorization for the Mayor to execute, Change Order #1 with Greenway of Nashville, LLC relative to Zama Park.

The Town Council next considered a motion by Council Member Gerry Short to approve the terms of and authorize the Mayor to execute Change Order #1 with Greenway of Nashville, LLC relative to Zama Park. The motion was duly seconded by Council Member Steve Sullivan. 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".

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 announced the Easter Sunday Buffet will be April 12th at the Event Center. He read a thank you note from Detective Krieb thanking the Town for the orchid he received on the loss of his mother. He also commented on the recent tornado that hit the area. He stated brush trucks and crew went to Mt. Juliet to help with the cleanup. Also some employees with the gas department helped. Police Chief Kevin Arnold stated eight officers signed up for relief in Putnam County.

The Mayor and Council Members offered prayers on behalf of tornado victims.

Council Member Racquel Peebles congratulated her son on his 1st place award in gymnastics.

Vice-Mayor Marc Adkins offered condolences to the Coop family on the loss of Jean. He thanked Town Manager Brian Hercules for all the updates during the tornado.

Mayor Mary Esther Reed announced the following: 1) ribbon cutting and dedication for Cedar Stone Community Park March 24th at 4:00 p.m.; 2) Easter Egg Hunt April 4th at Lee Victory Recreation Park at 1:00 p.m.; 3) summer camp registration is now open; and 4) signups for the Top Gun Night Run 6k are being accepted. She read to preschoolers at LifePoint Church this past week. She also presented the Mayor's Cup to Smyrna High's soccer team and attended the Governor's Address and Mayor's Caucus on transportation. She reported she had spoken to the Mayors of Nashville and Mt. Juliet concerning the tornado. An emergency meeting of all mayors was held regarding the coronavirus. She announced a ribbon cutting for Carpe Artista Arts Academy on Hazelwood Drive will be Thursday at 4:00 p.m. She wished her son and husband "Happy Birthdays".

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



DIANNE WALDRON, Town Clerk