

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON FEBRUARY 9, 2021**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on February 9, 2021 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Council Member Gerry Short. The pledge of allegiance was led by Town Clerk Dianne Waldron.

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 12, 2021 and January 28, 2021 meetings.

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the January 12, 2021 regular session of the Town Council and the January 28, 2021 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.

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, a contract with Neel-Schaffer for Professional Services for the Jefferson Pike/Sam Ridley Parkway Intersection Project.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract agreement with TDOT for Highway-Rail Grade Crossing Improvement Project, Crossing 349-237S, Washington Street/Front Street at CSX Railroad.
- c. Approval and authorization for the Mayor and Council to approve Cleary Construction as the top ranked respondent to be Construction Manager at Risk for the Rotary Soccer Park Storm Water Project.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Demand Mechanical for replacement of heat exchanger coils, boilers, and pumps at the Town Event Center/SOAC.
- e. Consideration and approval for the Fire Department surrendering 51 outdated AED units to Coro Medical in exchange for 4 AED training units.

Council Member H. G. Cole asked that Item 6c be removed from the Consent Agenda. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt the remainder of the Consent Agenda and to authorize the Mayor to execute said documents. The motion was duly seconded by Council Member Racquel Peebles. 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".

Town Manager Brian Hercules explained the project bid process for Item 6c. Following discussion, Council Member H. G. Cole made a motion to approve and adopt Item 6c. 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 "2".

5. Old Business.

- a. **PUBLIC HEARING:** Consideration of a resolution relative to a Plan of Services for properties located on Tax Map 55, Parcels 4.01 and 5.02.

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 properties located on Tax Map 55, Parcels 4.01 and 5.02. 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 Vice-Mayor Marc Adkins. 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 "3". (Resolution #21-01).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and R-3 zoning of properties located on Tax Map 55, Parcels 4.01 and 5.02, requested by Sammy Said on behalf of Les Lazarus and Dan Heichelbech containing approximately .8 acre. Property is located at 6070 Seminary 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 properties located on Tax Map 55, Parcels 4.01 and 5.02, requested by Sammy Said on behalf of Les Lazarus and Dan Heichelbech containing approximately .8 acre. Property is located at 6070 Seminary 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 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 #21-01).

- c. Consideration of a resolution in memorandum of Ordinance #21-01 relative to the annexation and R-3 zoning of property located on Tax Map 55, Parcels 4.01 and 5.02, comprising approximately .8 acre.

The Town Council next considered a resolution in memorandum of Ordinance #21-01 relative to the annexation and R-3 zoning of property located on Tax Map 55, Parcels 4.01 and 5.02, comprising approximately .8 acre. 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 "5". (Resolution #21-02).

- d. **PUBLIC HEARING:** Consideration of a resolution relative to a Plan of Services for property located on Tax Map 54, Parcel 48.00.

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 54, Parcel 48.00. 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 "6". (Resolution #21-03).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 48.00 requested by Shawn Collins on behalf of Wael and Hilary S. Altaqi, containing approximately 4.8 acres. Property is located at 8706 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 annexation and R-3 zoning of property located on Tax Map 54, Parcel 48.00 requested by Shawn Collins on behalf of Wael and Hilary S. Altaqi, containing approximately 4.8 acres. Property is located at 8706 Rocky Fork Almaville 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 second and final reading. The motion was duly seconded by Council Member Tim Morrell. 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 "7". (Ordinance #21-02).

- f. Consideration of a resolution in memorandum of Ordinance #21-02 relative to the annexation and R-3 zoning for property located on Tax Map 54, Parcel 48, comprising approximately 4.8 acres.

The Town Council next considered a resolution in memorandum of Ordinance #21-02 relative to the annexation and R-3 zoning for property located on Tax Map 54, Parcel 48, comprising approximately 4.8 acres. Following discussion, Council Member Gerry Short 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 6-0-1 with Vice-Mayor Marc Adkins abstaining. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8". (Resolution #21-04).

- g. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 27O, Group D, Parcel 10.00, requested by Huddleston-Steele Engineering on behalf of Dr. Egbert Rebeiro from C-2 to PRD. The property requested to be rezoned contains approximately 2.14 acres and is located on Pinto 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 27O, Group D, Parcel 10.00, requested by Huddleston-Steele Engineering on behalf of Dr. Egbert Rebeiro from C-2 to PRD. The property requested to be rezoned contains approximately 2.14 acres and is located on Pinto Drive. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) a water line will have to be extended from Joyner Drive to serve the development, 2) gravity sewer will have to connect to the line on Joyner Drive near the proposed detention pond for the development and an easement will have to be obtained from the adjoining property owner to achieve this, and 3) a Type C buffer strip is required along all property lines other than along Pinto Drive. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance, with the conditions, 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 "9". (Ordinance #21-03).

- h. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of properties located on Tax Map 28, Parcels 116.00 and 117.00 from R-1 to C-2, requested by James Victory on behalf of Fruitwood Properties, LLC. The properties contain approximately 2.79 acres and are located at 1896 and 1907 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 rezoning of properties located on Tax Map 28, Parcels 116.00 and 117.00 from R-1 to C-2, requested by James Victory on behalf of Fruitwood Properties, LLC. The properties contain approximately 2.79 acres and are located at 1896 and 1907 Rock Springs Road. 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 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 "10". (Ordinance #21-04).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 49, Parcel 39.01, requested by RHB, LLC, containing approximately 13.16 acres. Property is referenced by 1294 South Lowry Street. First Reading.

The Town Council next considered on first reading an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 49, Parcel 39.01, requested by RHB, LLC, containing approximately 13.16 acres. Property is referenced by 1294 South Lowry Street. Staff recommends access to Lowry Street be eliminated. 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 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 on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11". (Ordinance #21- 05).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 44.07, from R-6 to PRD, requested by Greg Waldron, containing approximately 91.66 acres. Property is located on 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 28, Parcel 44.07, from R-6 to PRD, requested by Greg Waldron, containing approximately 91.66 acres. Property is located on Old Nashville Highway. The recommendation of the Planning Commission was that the Town Council approve the request. Town Engineer Charles King addressed access to the project. Matt Taylor of Site Engineering Consultants addressed elevators. 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 "12". (Ordinance #21-06).

- iii. Consideration of a request for the abandonment of a portion of the existing right-of-way of Morton Lane from Blakeney Partners, GP.

The Town Council next considered a request for the abandonment of a portion of the existing right-of-way of Morton Lane from Blakeney Partners, GP. 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 the request. The motion was duly seconded by Vice-Mayor Marc Adkins. 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 "13".

b. Packaged Liquor Board Report:

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

- c. Consideration of an ordinance to create Town of Smyrna Municipal Code, Title 6-401 to 6-405, relative to policy and procedure for distribution of Unclaimed Property by the Police Department. First Reading.

The Town Council next considered on first reading an ordinance to create Town of Smyrna Municipal Code, Title 6-401 to 6-405, relative to policy and procedure for distribution of Unclaimed Property by the Police Department. Following discussion, Council Member Gerry Short made a motion to approve said ordinance on first 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

approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "14". (Ordinance #21- 07).

- d. Consideration of an ordinance relative to the amendment of the Town of Smyrna Municipal Code, Title 8 "ALCOHOLIC BEVERAGES", Chapter 2 "BEER", Section 8-214 (1)(2)(4) and (5) "Permits for certain premises prohibited". First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of the Town of Smyrna Municipal Code, Title 8 "ALCOHOLIC BEVERAGES", Chapter 2 "BEER", Section 8-214 (1)(2)(4) and (5) "Permits for certain premises prohibited". Following discussion, Council Member Steve Sullivan made a motion to approve said ordinance on first 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 approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "15". (Ordinance #21- 08).

- e. Consideration and approval of an amendment to the Town's PTO Donation Policy included in the Employee Handbook.

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve an amendment to the Town's PTO Donation Policy included in the Employee Handbook. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously.

- f. Consideration of a resolution to adopt a Traffic Calming Policy to use as a guideline for evaluating the need and applicability for installation of speed humps with Town of Smyrna Rights-of-Way.

The Town Council next considered a resolution to adopt a Traffic Calming Policy to use as a guideline for evaluating the need and applicability for installation of speed humps with Town of Smyrna Rights-of-Way. Following discussion, Council Member H. G. Cole 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 "16". (Resolution #21-05).

- g. Consideration of an ordinance amending Title 2, Chapter 1 of the Smyrna Municipal Code relative to Arts Commission. First Reading.

The Town Council next considered on first reading an ordinance amending Title 2, Chapter 1 of the Smyrna Municipal Code relative to Arts Commission. Following discussion, Council Member Racquel Peebles made a motion to approve said ordinance on first 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 approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "17". (Ordinance #21- 09).

h. Other.

- i. Consideration and approval of the settlement of Rieves et al v. Town of Smyrna et al.

The Town Council next considered a motion by Council Member Steve Sullivan to approve the settlement of Rieves et al v. Town of Smyrna et al. The motion was duly seconded by Council Member Tim Morrell. Town Attorney Jeff Peach recommended the approval. Following further discussion, the motion was approved unanimously.

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 acknowledged the Codes Department for their work from a citizen building a new home. He offered condolences to Keith Weatherly on the loss of his brother and Jay Gill on the loss of his uncle. He stated Town Offices will be closed February 15th in observance of President's Day. United Way's Volunteer Income Tax Assistance (VITA) will be at the back of Town Hall and appointments are required.

The Mayor and Town Council extended condolences to the Weatherly and Gill families. They wished everyone a "Happy Valentine's Day".

Council Member Gerry Short announced Sister City will have a chili drive through on March 20th at the Senior Center.

Council Member Steve Sullivan stated military will be deployed to administer the COVID-19 vaccine.

Vice-Mayor Marc offered well wishes to Rex Gaither's grandson and Braxton Harrell, both are dealing with cancer.

Mayor Mary Esther Reed stated applications are being accepted for boards and committees. She commented on the Greater Regional Transportation Plan. She also thanked health care workers and the Health Department.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

MARY ESTHER REED, Mayor

ATTEST:

DIANNE WALDRON, Town Clerk