

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

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on March 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 Rex Gaither, Assistant Town Manager/Finance Director. The pledge of allegiance was led by Charles King, Town Engineer.

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

Council Member Steve Sullivan was not in attendance.

**1. Approval or Correction of Minutes of the February 9, 2021 and February 25, 2021 meetings.**

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the February 9, 2021 special called meeting of the Town Council, the February 9, 2021 regular session of the Town Council, the February 25, 2021 special called worksession of the Town Council and Planning Commission, and the February 25, 2021 regular worksession of the Town Council. The motion was duly seconded by Council Member Racquel Peebles. 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 Garland/DBS, Inc. to replace the existing gutters, downspouts, and fascia board at Fire Station #2, 644 Fitzhugh Boulevard.
- b. Approval of the terms of, and authorization for the Mayor to execute, contract amendment #3 with TDOT relative to the SR-1 (US-41, US-70S, South Lowry Street/North Lowry Street) from Jackson Street to Sam Davis Road.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Miracle Recreation for the installation of a new playground at Sharp Springs Natural Area.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Miracle Recreation for the installation of a new playground at Pioneer Park.

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 Gerry Short. 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 49, Parcels 39.01.

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 49, Parcel 39.0. 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 "2". (Resolution #21-06).

- b. **PUBLIC HEARING:** 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. This property is also referenced by 1294 South Lowry Street. 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 individual spoke concerning the item: Calvia Hill.

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 49, Parcel 39.01, requested by RHB, LLC, containing approximately 13.16 acres. This property is also referenced by 1294 South Lowry Street. The recommendation of the Planning Commission was that the Town Council approve the request. The recommendation of Staff is upon development of this parcel that the access to South Lowry Street be eliminated. Public Works Director Tom Rose addressed the issue of water run-off from the property. 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 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 "3". (Ordinance #21-05).

- c. Consideration of a resolution in memorandum of Ordinance #21-05 relative to the annexation and R-3 zoning of property located on Tax Map 49, Parcel 39.01, comprising approximately 13.16 acres.

The Town Council next considered a resolution in memorandum of Ordinance #21-05 relative to the annexation and R-3 zoning of property located on Tax Map 49, Parcel 39.01, comprising approximately 13.16 acres. 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 "4". (Resolution #21-07).

- d. **PUBLIC HEARING:** 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. 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 Waldron and Greg Waldron.

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 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 with one condition: 1) a maintenance agreement with the POA for maintenance of landscaped areas within public right-of-ways will be required by the Town. Following discussion, Council Member Tim Morrell made a motion on second and final reading to approve and adopt said ordinance with the condition 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 "5". (Ordinance #21-06).

- e. **PUBLIC HEARING:** 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. 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 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, 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 "6". (Ordinance #21-07).

- f. **PUBLIC HEARING:** 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". 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 8 "ALCOHOLIC BEVERAGES", Chapter 2 "BEER", Section 8-214 (1)(2)(4) and (5) "Permits for certain premises prohibited". 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 H. G. Cole. 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 #21-08).

- g. **PUBLIC HEARING:** Consideration of an ordinance amending Title 2, Chapter 1 of the Smyrna Municipal Code relative to Arts Commission. 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 amending Title 2, Chapter 1 of the Smyrna Municipal Code relative to Arts Commission. 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 "8". (Ordinance #21-09).



**6. New Business:**

**a. Planning Commission Report:**

- i. Consideration of an ordinance relative to the annexation and PRD zoning of properties located on Tax Map 51, Parcels 16.00 and 18.03, requested by John Byrnes, containing approximately 32.59 acres. Properties are located on Lee Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the annexation and R-3 zoning of properties located on Tax Map 51, Parcels 16.00 and 18.03, requested by John Byrnes, containing approximately 32.59 acres. Properties are located on Lee 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 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 "9". (Ordinance #21- 10).

- ii. Consideration of an ordinance relative to the rezoning of properties located on Tax Map 33, part of Parcel 6.00 and Tax Map 33B, Group B, Parcel 3.01, from R-1 to R-3, requested by Sam Coleman on behalf of Ronald S. Patterson et al and Mary Ridley Livesay et al, containing approximately 72 acres. Properties are located at the terminus of Spring Hill Drive. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of properties located on Tax Map 33, part of Parcel 6.00 and Tax Map 33B, Group B, Parcel 3.01, from R-1 to R-3, requested by Sam Coleman on behalf of Ronald S. Patterson et al and Mary Ridley Livesay et al, containing approximately 72 acres. Properties are located at the terminus of Spring Hill Drive. 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 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 #21-11).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 54, Parcel 15.24, from R-3 to PRD requested by Shawn Collins, containing approximately 13.3 acres. Property is located at 8964 Rocky Fork Almaville Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 54, Parcel 15.24, from R-3 to PRD requested by



Shawn Collins, containing approximately 13.3 acres. Property is located at 8964 Rocky Fork Alnaville 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 said ordinance on first reading. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved 5-0-1, with Vice-Mayor Marc Adkins abstaining. 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 #21-12).

- iv. Consideration of a request for approval of a subdivision utilizing septic systems by Michael's Homes. Request is for a two lot subdivision on 2.51 acres located on West Jefferson Pike in the R-1 zone.

The Town Council next considered a request for approval of a subdivision utilizing septic systems by Michael's Homes. Request is for a two lot subdivision on 2.51 acres located on West Jefferson Pike in the R-1 zone. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) the minimum fire flow requirement is 1,750 GPM at 20 PSI if the covered roof area of the house exceeds 3,600 feet. If 1,750 GPM cannot be achieved, the house would be required to be sprinkled; 2) Lot 28 does not currently have adequate fire flow. Adequate fire flow on West Jefferson Pike will be required in order to obtain a building permit. The house will be required to be less than 3,600 square feet and sprinkled if the building permit is to be obtained before the utility upgrades are completed as a part of the TDOT Jefferson Pike widening project; and 3) the current fire flow available is 600 GPM at 20 PSI. Following discussion, Council Member Tim Morrell made a motion to approve the request. The motion was duly seconded by Council Member H. G. Cole. Following further discussion, the motion was approved 4-0-2, with Vice-Mayor Marc Adkins and Council Member Gerry Short abstaining. A copy of said request is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "12".

- v. Consideration of a resolution authorizing the acquisition of property by negotiation or condemnation for the purpose of carrying out the utility portion of the Spring Hill Drive extension project.

The Town Council next considered a resolution authorizing the acquisition of property by negotiation or condemnation for the purpose of carrying out the utility portion of the Spring Hill Drive extension 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 "13". (Resolution #21-08).

**b. Packaged Liquor Board Report:**

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

**c. Consideration of Submission of Public Debt Notices to the Comptroller of the Treasury.**

Assistant Town Manager/Finance Director Rex Gaither reported on the submission of Public Debt Notices to the Comptroller of the Treasury. No Council action was required.

**d. Consideration of appointments to Boards and Committees.**

**i. Appointment of two (2) members to the Beer Board to serve four (4) year terms ending 2025.**

The Town Council next considered nominations from Mayor Mary Esther Reed to reappoint Amanda Newbern and to appoint Michael Forrest to the Beer Board to serve four (4) year terms ending 2025. Following discussion, Vice-Mayor Marc Adkins made a motion to approve the nominations. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously.

**ii. Mayor to appoint three (3) members to the Planning Commission to serve two (2) year terms ending 2023.**

Mayor Mary Esther Reed next reappointed Andrew Atkins, III and Tony Dover and appointed Amy Wise to the Planning Commission to serve two (2) year terms ending 2023.

**iii. Appointment of one (1) member to the Board of Zoning Appeals to serve a three (3) year term ending 2024.**

The Town Council next considered a nomination from Council Member Gerry Short to reappoint Council Member Steve Sullivan to the Board of Zoning Appeals to serve a three (3) year term ending 2024. Following discussion, the nomination was approved unanimously.

**iv. Mayor to appoint one (1) member to the Historic Zoning Commission to serve a five (5) year term ending 2026.**

Mayor Mary Esther Reed next reappointed Lynn Arnold to the Historic Zoning Commission to serve a five (5) year term ending 2026. Following discussion, the appointment was approved unanimously.



- v. Appointment of two (2) members to the Smyrna Industrial Development Board to serve six (6) year terms ending 2027.

Mayor Mary Esther Reed next reappointed Kedrick Rutz and appointed Kelsey Dempsey to the Smyrna Industrial Development Board to serve six (6) year terms ending 2027. Following discussion, the appointments were approved unanimously.

- vi. Appointment of two (2) members to Project Assistance to serve three (3) year terms ending 2024.

The Town Council next considered nominations from Vice-Mayor Marc Adkins to reappoint Michael Williams and Harrison Woodard to Project Assistance to serve three (3) year terms ending 2024. Following discussion, the appointments were approved unanimously.

- vii. Appointment of two (2) members to the Citizens for Sister City Relations Committee to serve three (3) year terms ending 2024.

Mayor Mary Esther Reed next reappointed Marc Michaelson and Mary Ann Rogers to the Citizens for Sister City Relations Committee to serve three (3) year terms ending 2024 and reappointed Council Member Gerry Short as the council representative. Following discussion, the reappointments were approved unanimously.

- viii. Mayor to appoint four (4) members to the Parks Advisory Board to serve two (2) year terms ending 2023 and one (1) non-voting member, outside city, to serve unexpired term ending 2022.

Mayor Mary Esther Reed next reappointed Ernie Felts and appointed Carl Boyd, Clay Phillips, and Charles Scurr to the Parks Advisory Board to serve two (2) year terms ending 2023. She also appointed Eli Victory as a non-voting member, outside city, to serve unexpired term ending 2022. Following discussion, the appointments were approved unanimously.

- ix. Appointment of one (1) member to the Packaged Liquor Board to serve a four (4) year term ending 2025.

The Town Council next considered a nomination from Council Member Tim Morrell to reappoint Rhett Kimble to the Packaged Liquor Board to serve a four (4) year term ending 2025. Following discussion, the nomination was approved unanimously.

- x. Mayor to appoint one (1) member to the Smyrna Housing Authority to serve a five (5) year term ending 2026.

Mayor Mary Esther Reed next reappointed Tommy Francis to the Smyrna Housing Authority to serve a five (5) year term ending 2026.

- xi. Appointment of four (4) members to the Storm Water Advisory Committee to serve two (2) year terms ending 2023 and one (1) member to serve unexpired term ending 2022.

The Town Council next considered a motion by Council Member H. G. Cole to reappoint Doug Brown, Rhett Kimble and Daniel Newbern and to appoint Natasha Floyd to the Storm Water Advisory Committee to serve two (2) year terms ending 2023. The motion was duly seconded by Vice-Mayor Marc Adkins. Following discussion, the motion was approved unanimously. Council Member Tim Morrell next made a motion to appoint Shawna Forrest to serve an unexpired term ending 2022. The motion was duly seconded by Vice-Mayor Marc Adkins. Following discussion, the motion was approved unanimously.

- xii. Appointment of three (3) members to serve three (3) year terms to the Charity Assistance Board ending in 2024 and one (1) member of the Town Council to serve a one (1) year term ending 2022.

The Town Council next considered a nomination from Vice-Mayor to reappoint Kay Reynolds, Council Member Racquel Peebles nominated Barbara Ibarra, and Council Member H. G. Cole nominated Matt Ford to serve three (3) year terms to the Charity Assistance Board ending in 2024. Following discussion, the nominations were approved unanimously. Mayor Mary Esther Reed next reappointed Council Member Racquel Peebles as the Council Designee.

- xiii. Mayor to appoint one (1) member to serve a three (3) year term to the Memorial Sub-Committee ending 2024.

Mayor Mary Esther Reed next reappointed Jerome Dempsey to serve a three (3) year term to the Memorial Sub-Committee ending 2024.

- xiv. Appointment of one (1) member to the Sister City Sub-Committee to serve a two (2) year term ending 2023.

There were no applications to consider at this time.

e. Other.

- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with E-Z-Go Golfcarts through Omni Partners relative to the replacement of 80 golf carts.

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve the terms of and authorize the Mayor to execute a contract with E-Z-Go Golfcarts through Omni Partners relative to the replacement of 80 golf carts. 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 "14".

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 wished Marty Luffman, a local insurance agent, a speedy recovery following an auto accident. He announced the following: 1) VITA (Volunteer Income Tax Assistance) is offering free tax service to citizens with an income of less than \$66,000 at the rear of Town Hall through April 14, 2021; 2) spring forward this weekend for Daylight Savings Time; 3) the Event Center is offering an Easter Buffet on April 4<sup>th</sup> from 11:00 a.m. – noon and 1:00 p.m.- 2:00 p.m.; and 4) the Town has a "Love Where You Live" campaign to help stop littering. He read an email thanking Officer Justin Hayden for his assistance and kindness during a traffic accident.

Council Member Racquel Peebles welcomed Donna Shelton back in the audience.

Council Member H. G. Cole offered condolences to the Dan Fraley family. He offered birthday wishes to his granddaughter, her dad, and his grandson.

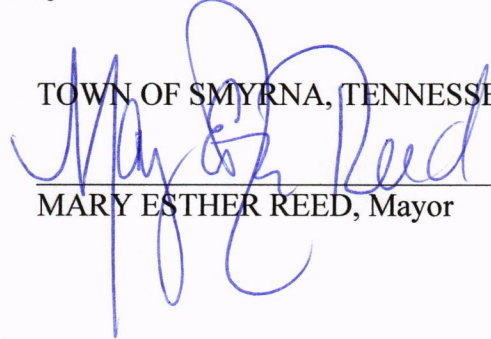
Council Member Gerry Short commented on the recent Awards Banquet. He recognized Ed Gleason on receiving the Lifetime Award. Thanks were given to Parks Director Mike Moss and his staff for their work in preparation of the event. He sent birthday wishes to his granddaughter.

Vice-Mayor Marc Adkins also commented on the banquet and congratulated Jerome Dempsey and his business for receiving an award. He thanked Police Chief Kevin Arnold for the patrols on Florence Road. He commented on the need for 55+ communities in Smyrna.

Mayor Mary Esther Reed announced the banquet award recipients. She congratulated Sandra Kamel on receiving the Young Leader Award. She stated the Top Gun Night Run is planned for the fall. Mayor Reed read a letter from United Way of Rutherford and Cannon County congratulating the Town as a recipient of the 2020 Local Government Award in Economic Development and Youth and Recreation Engagement. She wished her son, his girlfriend, and her husband happy birthdays.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk