

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON APRIL 13, 2021**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on April 13, 2021 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Police Chief Kevin Arnold. The pledge of allegiance was led by Director of Public Works Tom Rose.

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 March 9, 2021 and March 25, 2021 meetings.

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the February 9, 2021 regular session of the Town Council and the March 25, 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.

Town Clerk Dianne Waldron next read a proclamation from the City of Mt. Juliet to the Town of Smyrna thanking them for assistance with the March 2020 tornado.

3. Awards and Recognitions.

Mayor Mary Esther Reed next presented a proclamation to the Senior Activity Center of Smyrna declaring May 1, 2021 as Senior Citizen Day in Smyrna. The Center will be celebrating their 50th anniversary this year with various activities.

Mayor Mary Esther Reed next presented a proclamation to 8 year old Eden Hummel congratulating her on becoming a published author and illustrator. The name of her book is *The Kid Who Had Covid-19*.

Mayor Mary Esther Reed next suspended the rules to allow Tomaka Johnson address the Town Council. Her topic was "Speed Limit on Old Nashville Highway".

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 Brenda Walsh as acquisition agent for utilities easements relative to the Spring Hill Road Extension Project.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Boozer & Company for review appraisal services for utilities easements for the Spring Hill Road Extension Project.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Randy Button & Associates for appraisal services for utilities easements for the Spring Hill Road Extension Project.
- d. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Randy Button & Associates for appraisal services for the Washington Street at CSX Railroad Sidewalk Project.
- e. Approval of the terms of, and authorization for the Mayor to execute, Change Order #4 with Jones Brothers Contractors, LLC relative to the Enon Springs West Extension Project.
- f. Approval of the terms of, and authorization for the Mayor to execute, FY22 Property, Casualty and Worker's Comp Excess Insurance renewal.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Thomas & Hutton for the Phase II design and engineering services of Cedar Stone Park.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with the Minnesota Children's Museum for the rental of "The Amazing Castle" exhibit for the Smyrna Outdoor Adventure Center.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with Yearly, Howell and Associates relative to audit services for the fiscal year ending June 30, 2021.

- j. Consideration of the declaration of surplus items.

Following discussion, Council Member Tim Morrell 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 51, Parcels 16.00 and 18.03.

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 51, Parcels 16.00 and 18.03. The recommendation of the Planning Commission was that the Town Council approve the Plan of Services. Following discussion, Council Member Steve Sullivan made a motion 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 "2". (Resolution #21-09).

- b. **PUBLIC HEARING:** 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. 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 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. The recommendation of the Planning Commission

was that the Town Council approve the request with one condition: 1) submit a traffic study in compliance with Section 3.200 of the Zoning Ordinance. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said ordinance, with the condition, 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 "3". (Ordinance #21-10).

- c. Consideration of a resolution in memorandum of Ordinance #21-10 relative to the annexation and PRD zoning of properties located on Tax Map 51, Parcels 16.00 and 18.03, comprising approximately 32.59 acres.

The Town Council next considered a resolution in memorandum of Ordinance #21-10 relative to the annexation and PRD zoning of properties located on Tax Map 51, Parcels 16.00 and 18.03, comprising approximately 32.59 acres. Following discussion, Council Member Gerry Short 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 "4". (Resolution #21-10).

- d. **PUBLIC HEARING:** 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. The properties contain approximately 72 acres and are located at the terminus of Spring Hill 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 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. The properties contain approximately 72 acres and 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 Tim Morrell made a motion on second and final reading to approve and adopt said ordinance. 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 "5". (Ordinance #21-11).

- e. **PUBLIC HEARING:** 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 Alnaville 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 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 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 "6". (Ordinance #21-12).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the annexation and R-1 with ESO zoning of property located within the existing right-of-way of Interstate 24 on Tax Map 33 containing approximately 1.75 acres. First Reading.

The Town Council next considered on first reading an ordinance relative to the annexation and R-1 with ESO zoning of property located within the existing right-of-way of Interstate 24 on Tax Map 33 containing approximately 1.75 acres. The recommendation of the Planning Commission was that the Town Council approve the annexation. Following discussion, Vice-Mayor Marc Adkins 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 "7". (Ordinance #21-13).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 41.00, from R-4 with ESO to PRD with ESO, requested by Janet Ibrahim, containing approximately 1.98 acres. Property is located at 2090 Rocky Fork Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 41.00, from R-4 with ESO to PRD with ESO, requested by Janet Ibrahim, containing approximately 1.98 acres. Property is located at 2090 Rocky Fork Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) show dimensions of the driveways for Lots 1 & 10. Move units 1 & 2 as close as possible to the front setback along Rocky Fork Road to increase the amount of room to park vehicles in the driveway. The Fire Department must approve the final layout of the plan. 2) show all of the internal setback details as proposed for the development; 3) provide the required and minimum square footages of open space and improved open space per Section 4.070 C of the current Zoning Ordinance; 4) storm water requirements must be met. Staff is concerned about the amount of fill in the northeastern corner of the site with regard to these requirements. In addition, a stream bed appears to cross the site in the same area. This needs to be investigated further and will need to be addressed when the site plan is submitted; 5) label the fire hydrant locations; 6) add a sidewalk along Rocky Fork Road; 7) show a Type C buffer between the units and Rocky Fork Road; 8) Show landscaping to meet Design Review; and 9) submit architectural elevations showing the percentage of brick to be used to be consistent with Page C1A. Following discussion, Council Member Tim Morrell made a motion to defer said ordinance on first reading to the next meeting to allow applicant to address the conditions. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved unanimously. 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 "8". (Ordinance #21-14).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 27N, Group B, Parcel 29.01, from C-2 to C-5 requested by Amir Roshan on behalf of Farhad and Mehrnoosh Davachi, containing approximately 1.35 acres. Property is located at 770 Nissan Drive. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 27N, Group B, Parcel 29.01, from C-2 to C-5 requested by Amir Roshan on behalf of Farhad and Mehrnoosh Davachi, containing approximately 1.35 acres. Property is located at 770 Nissan Drive. 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 "9". (Ordinance #21-15).

- iv. Consideration of an ordinance relative to the rezoning of property located on Tax Map 50, part of Parcel 7.03 from C-2 to PCD, requested by Rob Molchan on behalf of Bob Parks. The property contains approximately .66 acre and is located on Seven Oaks Boulevard. First Reading.

The Town Council next considered an ordinance relative to the rezoning of property located on Tax Map 50, part of Parcel 7.03 from C-2 to PCD, requested by Rob Molchan on behalf of Bob Parks. The property contains approximately .66 acre and is located on Seven Oaks Boulevard. 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 6-1, with Council Member Racquel Peebles voting "no". 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 #21-16).

- v. Consideration of a request for right-of-way abandonment and a land swap between the Town of Smyrna and Alcorn Properties, LLC.

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve a request for right-of-way abandonment and a land swap between the Town of Smyrna and Alcorn Properties, LLC. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously. A copy of said request and approved final plat is attached and incorporated herein by reference as if set forth at length verbatim as Exhibit "11".

b. Packaged Liquor Board Report:

1. Consideration of an application for a Certificate of Compliance for a packaged liquor store from Manish Patel, David Bohman, and John Austin Lee III (Smyrna Wine & Spirits) located at 830 Nissan Drive.

The Town Council next considered an application for a Certificate of Compliance for a packaged liquor store from Manish Patel, David Bohman, and John Austin Lee III (Smyrna Wine & Spirits) located at 830 Nissan Drive. The recommendation of the Packaged Liquor Board was that the Town Council approve the application. Following discussion, Council Member Steve Sullivan made a motion to approve the application. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 6-0-1 with Council Member Tim Morrell

abstaining. A copy of said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "12".

c. Other.

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 Hercules announced the following: 1) VITA (Volunteer Income Tax Assistance) free tax service to citizens with an income of less than \$66,000 has been extended through May 17, 2021; 2) April 11-17 is National Public Safety Telecommunicator Week; and 3) the Town is working on its "Love Where You Live" campaign to help stop littering. He offered condolences to Town Employee Bud Mabry of the Parks Department on the loss of his father. He read an e-mail sent to Fire Chief Bill Culbertson complimenting the Fire Department Color Guard on their presentation of the colors at two Nashville Predators' games. The Fire Department, Police Department, Streets Department and Parks Department were recognized for assisting in the recent tornado that damaged 77 homes in Smyrna and the flooding at the 8th Avenue Ballpark.

All the Council Members offered condolences to the Mabry family and commented on the recent budget retreat.

Council Member Racquel Peebles commented on the Easter Buffet enjoyed by her family.

Council Member Gerry Short also sent condolences to the Barnett family on the loss of Pam. He wished a "Happy Birthday" to his son Josh.

Council Member Steve Sullivan stated his son who is in the marines will be going to New Orleans to help with Covid-19 vaccinations.

Vice-Mayor Marc Adkins sent get well wishes to Town Employee Gary Barnes who is recovering from surgery.

Mayor Mary Esther Reed announced the following: 1) Smyrna Depot Farmer's Market will open on May 22nd; 2) registration is open for the Top Gun Night Run; and 3) the Event Center will offer a Mother's Day Buffet and reservations are required. She also offered condolences to the Barnett family and thanked staff for work done preparing the budget.

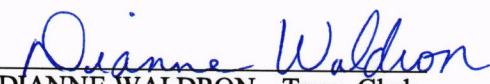
Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



DIANNE WALDRON, Town Clerk