

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON MAY 11, 2021**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on May 11, 2021 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Chaplain Bill Hunter, Smyrna Police Department. The pledge of allegiance was led by Director of Parks and Recreation Mike Moss.

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
Racquel Peebles
Gerry Short
Steve Sullivan

Council Member Tim Morrell was not in attendance.

1. Approval or Correction of Minutes of the April 12, 2021, April 13, 2021, and April 29, 2021 meetings.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the April 12-13 Council Retreat, April 13, 2021 regular session of the Town Council, April 29, 2021 special called meeting of the Town Council, and the April 29, 2021 regular worksession of the Town Council. The motion was duly seconded by Council Member Gerry Short. 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.

Mayor Mary Esther Reed next presented a proclamation to members of Carpe Artista designating June 12, 2021 as "Carpe Artista 10th Anniversary Celebration Day".

Mayor Mary Esther Reed next recognized the Stewarts Creek High School's winning entries for the public service announcements for the Town of Smyrna's *Love Where You Live* campaign. The following winners were: Sophomore Mackenzie Jones, Junior JJ Monk, and Senior Nathan Surratt. The overall winner was JJ Monk.

Mayor Mary Esther Reed next reported that she and Members of the Town Council attended the Senior Activity Center's 50th anniversary kick-off celebration with lunch at the Event Center today. She presented founding member Patsy Brown a certificate for her service to the Town of Smyrna.

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 Pyro Shows relative to the 2021 Independence Day Fireworks Show.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Servant Fire Protection relative to fire extinguisher services.
- c. Approval of the terms of, and authorization for the Mayor to execute, a Memorandum of Understanding with Motlow College relative to Emergency Medical Responder Refresher Classes.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with S & W Contracting Company, Inc. relative to the purchase and installation of three street lights on Katherine Grace Drive.
- e. Approval of the terms of, and authorization for the Mayor to execute, contract Amendment #2 with ITRON relative to the AMI Project.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with Charles DeWeese Construction relative to the Lee Victory Recreational Park Entrance Project.

Following discussion, Council Member Steve Sullivan 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 Vice-Mayor Marc Adkins. 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 33 within the right-of-way of Interstate 24.

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 33 within the right-of-way of Interstate 24. 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 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 "2". (Resolution #21-11).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and R-1 with ESO zoning of property located on Tax Map 33 containing approximately 1.75 acres. 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-1 with ESO zoning of property located on Tax Map 33 containing approximately 1.75 acres. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member H. G. Cole 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 #21-13).

- c. Consideration of a resolution in memorandum of Ordinance #21-13 relative to the annexation and R-1 with ESO zoning of property located on Tax Map 33 containing approximately 1.75 acres.

The Town Council next considered a resolution in memorandum of Ordinance #21-13 relative to the annexation and R-1 with ESO zoning of property located on Tax Map 33 containing approximately 1.75 acres. Following discussion, Vice-Mayor Marc Adkins 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 "4". (Resolution #21-12).

- d. **PUBLIC HEARING:** 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 requested to be rezoned contains approximately .66 acre and is located on Seven Oaks Boulevard. 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 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 requested to be rezoned 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 Gerry Short made a motion on second and final reading to approve and adopt said ordinance. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 5-1 with Council Member Racquel Peebles voting "no". 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 #21-16).

- e. 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. Town Planner Kevin Rigsby noted that all conditions have been addressed with the exception of #4 being reviewed by TDEC. Following discussion, Council Member Steve Sullivan made a motion to approve and adopt said ordinance on first reading pending the outcome of #4. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved 5-1 with Council Member Gerry Short 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 "6". (Ordinance #21-14).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the annexation and PUD zoning of property located on Tax Map 55, Parcel 29.02, requested by Larry Davis containing approximately 37 acres. Property is located at 3545 Almadillo Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the annexation and PUD zoning of property located on Tax Map 55, Parcel 29.02, requested by Larry Davis containing approximately 37 acres. Property is located at 3545 Almadillo Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions: 1) the uses within the 5 commercial buildings are limited to uses as allowed in the C-4 zoning district with the additional allowed uses of wine sales and wine tasting, 2) events are required to end at 10 p.m. with the exception that events occurring indoors can extend to 11 p.m. on Friday and Saturday nights, 3) the townhomes are required to be a for sale product and owner occupied, 4) show the 100-year floodplain elevation, 5) all townhomes are required to have a double width driveway in addition to the garage, and 6) a traffic study for the entire development is required to be submitted with the first site plan submittal. Following discussion, Council Member Steve Sullivan made a motion to approve said ordinance, with the conditions, 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 on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7". (Ordinance #21- 17).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 50C, Group A, Parcel 26.00, from R-1 to PRD, requested by Scott Butler, containing approximately 2.2 acres. Property is located on Tarrytown Drive. First Reading.

This item was withdrawn.

- iii. Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 17.00, requested by Shawn Collins on behalf of James E. Parker, containing approximately 10.24 acres. Property is located at 8965 Rocky Fork Almaville Road. 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 54, Parcel 17.00, requested by Shawn Collins on behalf of James E. Parker, containing approximately 10.24 acres. Property is located at 8965 Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member H. G. Cole 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 5-0-1 with Vice-Mayor Marc Atkins 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 "8". (Ordinance #21-19).

- iv. Consideration of a request to obtain a public easement for purposes of extension of a natural gas main on property owned by the Smyrna/Rutherford County Airport Authority.

The Town Council next considered a motion by Vice-Mayor Marc Adkins to approve a request to obtain a public easement for purposes of extension of a natural gas main on property owned by the Smyrna/Rutherford County Airport Authority. 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. **Consideration of an ordinance to amend the Town of Smyrna Municipal Code, Title 14 "Zoning and Land Use Control", Chapter 6 "Storm Water Management Ordinance". First Reading.**

The Town Council next considered on first reading an ordinance relative amending the Town of Smyrna Municipal Code, Title 14 "Zoning and Land Use Control", Chapter 6 "Storm Water Management Ordinance". Following discussion, Council Member Gerry Short made a motion to approve and adopt 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 "9". (Ordinance #21-20).

d. Consideration of an ordinance adopting the property tax rate for fiscal year 2021-2022. First Reading.

The Town Council next considered on first reading an ordinance adopting the property tax rate of \$.7007 for fiscal year 2021-2022. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt 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 #21-21).

e. Consideration of an ordinance adopting the budget for fiscal year 2021-2022. First Reading.

The Town Council next considered on first reading an ordinance adopting the budget for fiscal year 2021-2022. Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt said ordinance on first 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 approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11". (Ordinance #21-22).

f. 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) Freedom Playground grand opening May 26th at 3:00 pm, 2) Memorial Day Service May 31st at 11:00 am at the Kuss Memorial, and 3) Justice Center and Depot are lit blue for National Police Week May 9th through 15th.

Attorney Jeff Peach stated he will conduct new board and committee member training.

The Mayor and Council Members acknowledged Patsy Brown as a founding member of the Senior Activity Center of Smyrna and Carpe Artista for their 10th Anniversary Celebration Day on June 12th. Condolences were offered to the Gary Howse family.

Council Member Gerry Short wished a "Happy Birthday" to Smyrna resident Janette Gwynne. He recognized Kenneth "Coon" Victory on receiving the "Good Scouting Award" by the Boys Scouts. He noted over \$10,000 was raised by Smyrna citizens for the scouts.

Vice-Mayor Marc Adkins recognized the great job the Police and Fire Departments do. He also acknowledged all the teachers.

Mayor Mary Esther Reed stated registration is open for the Top Gun Night Run. She commented on the great Mother's Day buffet. She wished a "Happy Birthday" to her niece Mary Leigh.

Council Member Gerry Short stated Smyrna High School will dedicate their auditorium on Wednesday in memory of the late Shannon Williams.


Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



DIANNE WALDRON, Town Clerk