

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON AUGUST 10, 2021**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on August 10, 2021 at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order. The invocation was offered by Hal Loflin, Director of Golf. The pledge of allegiance was led by Dianne Waldron, Town Clerk.

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 July 13, 2021 and July 29, 2021 meetings.

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the July 13, 2021 executive session of the Town Council, the July 13, 2021 regular session of the Town Council, and the July 29, 2021 regular worksession 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/communications to be presented to the Town Council at this time.

3. Awards and Recognitions.

Mayor Mary Esther Reed and the Town Council next presented certificates to Golf Course employees Scott Merritt and Robert Booker and Golf Director Hal Loflin for twenty years of hosting the First Tee Program.

Town Manager Brian Hercules read a note from retired railroad employee Harold Grinder recognizing Chef Beverly, Police Officers Bart Myers and Andrew Manning, and Building Codes employee Mark Hardy for assistance during a choking incident at the Event Center.

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 Motorola relative to radio system maintenance for the Police Department.
- b. Approval of the terms of, and authorization for the Mayor to execute, Amendment #2 with TDOT relative to the Sam Ridley Parkway Widening Project.
- c. Approval of the terms of, and authorization for the Mayor to execute, Change Order #3 with Greenway of Nashville to construct the "Industry Gate" at Zama Park.
- d. Approval of the terms of, and authorization for the Mayor to execute, a Memorandum of Understanding with WGNS for application to FCC to place a radio transmitter for emergency information broadcast.
- e. Consideration of the declaration of surplus items.
- f. Approval of the terms of, and authorization for the Mayor to execute, a Professional Services Agreement with Tolbert Law to perform title work and closing services for the N. Lowry Waterline Project.

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 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 a resolution relative to a Plan of Services for property located on Tax Map 50, Parcels 23.00, 23.01, and part of Parcel 22.00.

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: Carolyn Conway and Dr. Kim Godwin.

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 50, Parcels 23.00, 23.01, and part of Parcel 22.00. 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 "2". (Resolution #21-20).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and PID zoning of property located on Tax Map 50, part of Parcel 22.00 as well as Parcels 23.00 and 23.01, requested by Prologis, L.P. on behalf of multiple property owners containing approximately 73.53 acres. Properties are located south and west of Almaville Road and I-24. 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: Rob Ferrell.

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 PID zoning of property located on Tax Map 50, part of Parcel 22.00 as well as Parcels 23.00 and 23.01, requested by Prologis, L.P. on behalf of multiple property owners containing approximately 73.53 acres. Properties are located south and west of Almaville Road and I-24. The recommendation of the Planning Commission was that the Town Council approve the request with four conditions: 1) the connection to the Olive Branch public sewer line is not allowed until completion of construction, 2) an ingress/egress easement is required to connect to the adjoining Southpark Development. Provide documentation of this easement prior to the site plan approval, 3) Parcel 23.00 is labeled incorrectly as Parcel 23.01 on the plans and need to be corrected, and 4) adequate fire flow as required by the adopted fire code must be provided prior to issuance of any building permits for the site. Josh Rowland of Kimley Horn addressed the Town Council concerning buffers. Following discussion, Council Member Gerry Short made a motion to approve and adopt said ordinance, with conditions, on second and final 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 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 #21-28).

- c. Consideration of a resolution in memorandum of Ordinance #21-28 relative to the annexation and PID zoning of property located on Tax Map 50, part of Parcel 22.00 as well as Parcels 23.00 and 23.01.

The Town Council next considered a resolution in memorandum of Ordinance #21-28 relative to the annexation and PID zoning of property located on Tax Map 50, part of Parcel 22.00 as well as Parcels 23.00 and 23.01. 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 “4”. (Resolution #21-21).

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 50, Parcel 54.00 from I-2 and C-2 to PID requested by Prologis L.P. The property requested to be rezoned contains approximately 9.9 acres and is located west of 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 rezoning of property located on Tax Map 50, Parcel 54.00 from I-2 and C-2 to PID requested by Prologis L.P. The property requested to be rezoned contains approximately 9.9 acres and is located west of 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 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 “5”. (Ordinance #21-29).

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 44.00 from R-6 to PRD requested by Alissa Sieben. The property requested to be

rezoned contains approximately 39.1 acres and is located on Sam Ridley Parkway, West and Motlow College Boulevard. Second Reading.

The Town Council next considered on second and final reading an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 44.00 from R-6 to PRD requested by Alissa Sieben. The property requested to be rezoned contains approximately 39.1 acres and is located on Sam Ridley Parkway, West and Motlow College Boulevard. The applicant requested that this item be deferred. Following discussion, Council Member Steve Sullivan made a motion to defer this item. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously.

- f. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 18, Parcel 6.00 from I-3 to I-1 requested by Frederick Grace containing approximately 8.5 acres. Property is located at the corner of North Lowry Street and Aviation Parkway. 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 18, Parcel 6.00 from I-3 to I-1 requested by Frederick Grace containing approximately 8.5 acres. Property is located at the corner of North Lowry Street and Aviation Parkway. 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 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 "6". (Ordinance #21-31).

- g. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 54, part of Parcel 50.01 and amend the approved PRD on Tax Map 54, Parcel 51.00, requested by Shawn Collins and Andre Jaeckle containing approximately 15.2 acres. Properties are located at 8162 and 8286 Rocky Fork Almadillo 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, part of Parcel 50.01 and amend the approved PRD on Tax Map 54, Parcel 51.00, requested by Shawn Collins and Andre Jaeckle containing approximately 15.2 acres. Properties are located at 8162 and 8286 Rocky Fork Almadillo 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 second and final reading. 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 "7". (Ordinance #21-32).

- h. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment to the text of the Smyrna Municipal Zoning Ordinance to amend Article II, Section 2.020 "Definitions" and Article III, Section 3.180 "Fences". 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 to the text of the Smyrna Municipal Zoning Ordinance to amend Article II, Section 2.020 "Definitions" and Article III, Section 3.180 "Fences". The recommendation of the Planning Commission was that the Town Council approve the amendment. Following discussion, Council Member H. G. Cole made a motion to approve and adopt said ordinance with Option 2 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 "8". (Ordinance #21-27).

- i. **PUBLIC HEARING:** Consideration of an ordinance relative to an amendment to the Town of Smyrna Municipal Code, Title 15 "Motor Vehicles, Traffic and Parking", Chapter 6 "Parking". 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 an amendment to the Town of Smyrna Municipal Code, Title 15 "Motor Vehicles, Traffic and Parking", Chapter 6 "Parking". 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 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 "9". (Ordinance #21-33).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the amendment of the approved PRD for properties located on Tax Map 54, Parcels 14.01 and 14.02, requested by Baily Neal with Legacy South Builders. The properties requested to be rezoned contain approximately 19.47 acres and are located on Morton Lane. First Reading.

The Town Council next considered on first reading an ordinance relative to the approved PRD for properties located on Tax Map 54, Parcels 14.01 and 14.02, requested by Baily Neal with Legacy South Builders. The properties requested to be rezoned contain approximately 19.47 acres and are located on Morton Lane. 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 H. G. Cole. Following further discussion, the motion was approved 6-0-1 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 "10". (Ordinance #21-34).

- ii. Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01, requested by JM Byrnes, LLC on behalf of John Mitchell Byrnes containing approximately .23 acre. Property is located south of Rock Springs 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 32, part of Parcel 19.01,

requested by JM Byrnes, LLC on behalf of John Mitchell Byrnes containing approximately .23 acre. Property is located south of 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 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 "11". (Ordinance #21- 35).

- iii. Consideration of an ordinance relative to the amendment of the Smyrna Design Review Manual regarding exterior materials, specifically Section 3.4 "Architectural Character" and the Zoning Ordinance Article V, Section 5.058 "Lowry Street Overlay District" and Section 5.059 "Enon Springs Gateway Overlay District". First Reading.

The Town Council next considered on first reading an ordinance relative to the Smyrna Design Review Manual regarding exterior materials, specifically Section 3.4 "Architectural Character" and the Zoning Ordinance Article V, Section 5.058 "Lowry Street Overlay District" and Section 5.059 "Enon Springs Gateway Overlay District". 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 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 #21-36).

- iv. Consideration of an ordinance relative to the amendment of the Town of Smyrna Zoning Ordinance to add a new section to Article III to be numbered 3.210 relative to the location of a building or structure entirely on a parcel. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of the Town of Smyrna Zoning Ordinance to add a new section to Article III to be numbered 3.210 relative to the location of a building or structure entirely on a parcel. The recommendation of the Planning Commission was that the Town Council approve the amendment. 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 "13". (Ordinance #21-37).

- v. **Consideration of a donation of property along Rock Springs Road by 1917, LLC.**

The Town Council next considered a motion by Council Member Gerry Short to approve the donation of property along Rock Springs Road by 1917, LLC. The motion was duly seconded by Council Member Tim Morrell. 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 a resolution between the Town of Smyrna and Rutherford County to provide maintenance for traffic signals at the ramps for I-840 and Jefferson Pike.**

The Town Council next considered a resolution between the Town of Smyrna and Rutherford County to provide maintenance for traffic signals at the ramps for I-840 and Jefferson Pike. 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 "14".

- d. **Other.**

Public Works Director Tom Rose announced a sole source repair on a Volvo Grater with Scott Equipment.

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 reported the golf scramble raised over \$56,000 to benefit United Way of Rutherford and Cannon Counties. He thanked all the employees who took part in the event. He stated the Police Department participated in the county wide traffic enforcement operation to keep students safe as school began. The Depot District BBQ Festival is August 14th from 6 to 9 pm. Four employees participated in the Adopt a Mile Program last week. The Fire Department received a certificate of appreciation for their commitment and training at the Tennessee Fire Academy. Firehouse Subs donated cases of water from their H2O for Hero's Event to the Fire Department. He wished Tom Rose a "Happy Birthday" and his wife Pat a "Happy 15th

Anniversary". He offered condolences to Lt. John Graves of the Smyrna Fire Department on the loss of his mother.

Council Member Racquel Peebles announced the Senior Activity Center's lunch/spaghetti dinner will be August 21st.

The Mayor and Council Members offered condolences to Lt. John Graves and the Martha Ann Morgan families.

Council Member Steve Sullivan gave an update on the Spiderz Softball Tournament.

Vice-Mayor Marc Adkins commented on Jeremy Byrd's building on Front Street.

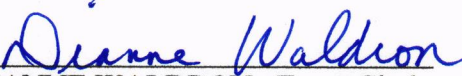
Mayor Mary Esther Reed stated registration is open for the Top Gun Night Run on November 5th. Also the Farmer's Market is every Saturday morning through September 19th at the Depot District.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE


MARY ESTHER REED, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk