

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON SEPTEMBER 14, 2021**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on September 14, 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 Winfred Warren, Smyrna Police Department. The pledge of allegiance was led by Mike Moss, Parks & Recreation Director.

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 August 10, 2021, August 25, 2021, and August 26, 2021 meetings.

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the August 10, 2021 regular session of the Town Council, the August 25, 2021 special called session of the Town Council, and the August 26, 2021 regular worksession of the Town Council. The motion was duly seconded by Vice-Mayor Marc Adkins. 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 Fire Chief Bill Culbertson with a proclamation proclaiming October 3-9, 2021 as Fire Prevention Week.

Mayor Mary Esther Reed next allowed Len Creech of 3728 Henricks Hill to address the Town Council regarding speed humps on Montgomery Way.

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 TDOT for the extension of the ITS Phase 3, 4, and 5 Project.
- b. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Stansell Electric relative to the Traffic Signal Modifications Project.
- c. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Sessions Paving relative to roadway patching repairs.
- d. Approval of the terms of, and authorization for the Mayor to execute, the Annual Storm Water Report to TDEC.
- e. Approval of the terms of, and authorization for the Mayor to execute, an Engineering Services Proposal with Thomas & Hutton relative to sewer basins flow monitoring.
- f. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Wiser Consultants, LLC for Professional Services for the Tridon Bridge Replacement Project.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with the Minnesota Children's Museum for the rental of Dinosaurs: Land of Fire and Ice for the Smyrna Outdoor Adventure Center.
- h. Approval of the terms of, and authorization for the Mayor to execute, a performance agreement with The O'Donnell's relative to the 2021 Depot District Car Show.
- i. Approval of the terms of, and authorization for the Mayor to execute, an extension contract with Wayne's Pest Control relative to pest control service.
- j. Approval of the terms of, and authorization for the Mayor to execute, an updated agreement with Brenda Walsh for acquisition services for Genie Lane Project.

Council Member Racquel Peebles asked that Items 6b and 6c be removed from the Consent Agenda and be considered separately.

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 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".

Following discussion, Council Member Steve Sullivan made a motion to approve the terms of and authorize the Mayor to execute an agreement with Stansell Electric relative to the Traffic Signal Modifications Project. The motion was duly seconded by Council Member Racquel Peebles. 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".

Following discussion, Council Member Racquel Peebles made a motion to approve the terms of and authorize the Mayor to execute an Engineering Services Proposal with Thomas & Hutton relative to sewer basins flow monitoring. The motion was duly seconded by Council Member Gerry Short. 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 "3".

5. Old Business.

- a. **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.

Town Planner Kevin Rigsby stated the applicant requested that this item be deferred. Following discussion, Vice-Mayor Marc Adkins 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.

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the approved PRD for property 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. 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.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection. No one spoke for or against the agenda item.

The Town Council next considered on second and final reading an ordinance relative to the amendment of the approved PRD for property 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 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 "4". (Ordinance #21-34).

- c. **PUBLIC HEARING:** Consideration of a resolution relative to a Plan of Services for property located on Tax Map 32, part of Parcel 19.01.

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 32, part of Parcel 19.01. The recommendation of the Planning Commission was that the Town Council approve the Plan of Services. Following discussion, Council Member Gerry Short 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 "5". (Resolution #21-22).

- d. **PUBLIC HEARING:** 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. 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 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 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 #21-35).

- e. Consideration of a resolution in memorandum of Ordinance #21-35 relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01 comprising approximately .23 acre.

The Town Council next considered a resolution in memorandum of Ordinance #21-35 relative to the annexation and R-3 zoning of property located on Tax Map 32, part of Parcel 19.01 comprising approximately .23 acre. Following discussion, Council Member Tim Morrell 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 "7". (Resolution #21-23).

- f. **PUBLIC HEARING:** Consideration of an ordinance relative to the text of the Design Review Manual Section 3.4 "Architectural Character" and to the Zoning Ordinance Article V, Section 5.058 "Lowry Street Overlay District" and Section 5.059 "Enon Springs Gateway Overlay District". 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 text of the Design Review Manual Section 3.4 "Architectural Character" and to 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 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 "8". (Ordinance #21-36).

- g. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the text of the Zoning Ordinance to add Section 3.210 regarding location of a structure on a parcel. 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 text of the Zoning Ordinance to add Section 3.210 regarding location of a structure on a parcel. 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 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 "9". (Ordinance #21-37).

- h. 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. Second Reading.

The public hearing was held at the June 8, 2021 Town Council meeting.

The Town Council next considered on second and final 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 stated that all conditions have been addressed. He noted that TDEC had investigated the stream bed and has determined it is a wet weather conveyance and not a contributing stream. 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 6-1 with Council Member H. G. Cole 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 "10". (Ordinance #21-14).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the annexation and PRD zoning for properties located on Tax Map 50, Parcel 33.02 and part of Parcel 33.00, requested by Oliver Constable on behalf of Surrey Homes, LLC and John Mitchell Byrnes containing approximately 31.51 acres. Annexation would also include approximately 4,141 linear feet of the existing right-of-way of Lee Road. Properties are located at 4852 Rocky Fork Road and 4973 Lee Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the annexation and PRD zoning for properties located on Tax Map 50, Parcel 33.02 and part of Parcel 33.00, requested by Oliver Constable on behalf of Surrey Homes, LLC and John Mitchell Byrnes containing approximately 31.51 acres. Annexation would also include approximately 4,141 linear feet of the existing right-of-way of Lee Road. Properties are located at 4852 Rocky Fork Road and 4973 Lee Road. The recommendation of the Planning Commission was that the Town Council deny the request. Town Planner Kevin Rigsby noted that the Town is working with surrounding jurisdictions to establish a route for a roadway connection from I-24 and Rocky Fork Road to I-65 and McEwen Drive. Staff will have a recommendation for a consultant to do this study at the October Town Council meeting with an expected 6 month timeframe for completion of the study. This project lies within the study area of the road project. Following discussion, Council Member Tim Morrell made a motion to deny said ordinance 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 denied on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11". (Ordinance #21- 38).

- ii. Consideration of an ordinance relative to the rezoning of properties located on Tax Map 27N, Group C, part of Parcels 12.00 and 13.00 from R-4 to R-6 requested by Jason Lloyd. The properties requested to be rezoned contain approximately .24 acre and are located at 323 and 325 Lake Farm Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of properties located on Tax Map 27N, Group C, part of Parcels 12.00 and 13.00 from R-4 to R-6 requested by Jason Lloyd. The properties requested to be rezoned contain approximately .24 acre and are located at 323 and 325 Lake Farm 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 4-3 with Council Members H. G. Cole, Racquel Peebles, and 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 "12". (Ordinance #21- 39).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 67.14 from C-2 to PCD requested by Lance Kinerk. The property requested to be rezoned contains approximately .63 acre and is located on Chaney Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 67.14 from C-2 to PCD requested by Lance Kinerk. The property requested to be rezoned contains approximately .63 acre and is located on Chaney 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 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 "13". (Ordinance #21-40).

- iv. Consideration of a request for the abandonment of an existing drainage easement on Tax Map 28, Parcel 88.01.

The Town Council next considered a motion by Council Member Steve Sullivan to approve a request for the abandonment of an existing drainage easement on Tax Map 28, Parcel 88.01. The recommendation of the Planning Commission was that the Town Council approve the request. The motion was duly seconded by Council Member

Racquel Peebles. 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".

b. Packaged Liquor Board Report:

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

c. Consideration of an ordinance relative to amendments to Municipal Code 13-407, 408 and 409 addressing the storage and location of inoperable or unlicensed vehicles at automotive service and repair facilities. First Reading.

The Town Council next considered on first reading an ordinance relative to amendments to Municipal Code 13-407, 408 and 409 addressing the storage and location of inoperable or unlicensed vehicles at automotive service and repair facilities. 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 "15". (Ordinance #21- 41).

d. Approval of the terms of, and authorization for the Mayor to execute, the Golf Course Maintenance Lease with Smith Turf.

The Town Council next considered a motion by Council Member Steve Sullivan to approve the terms of and authorize the Mayor to execute the Golf Course Maintenance Lease with Smith Turf. The motion was duly seconded by Council Member H. G. Cole. Following discussion, the motion was approved unanimously. A copy of said document is attached hereto by reference as if set forth at length verbatim as Exhibit "16".

e. Consideration of an ordinance to amend the Smyrna Municipal Code, Title 2 "Boards and Commissions", Chapter 5 "Sister City Committee", Section 502 "Membership". First Reading.

The Town Council next considered on first reading an ordinance to amend the Smyrna Municipal Code, Title 2 "Boards and Commissions", Chapter 5 "Sister City Committee", Section 502 "Membership". 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 "17". (Ordinance #21- 42).

d. Other.

There was no further New Business to be considered by the Town Council.

7. Status Reports.

Town Manager Brian Hercules recognized a successful Wings of Freedom Fish Fry. First Responders were the honorees this year. The Smyrna Police Department honorees were Det. Sgt. Kevin Krieb, Det. James Scott, Lt. Earl Barnes, and Telecommunicator Megan Cox. The Fire Department honorees were Asst. Fire Chief James Lawrence, Capt. Shane Patterson, Ladder Driver Jeremy Stokes, and Driver Michael Mindigo.

8. Announcements.

Town Manager Brian Hercules announced the Christmas Parade's theme this year is "A Tennessee Christmas" and will be December 5th at 2:00 pm. He reminded everyone of the Town's litter campaign and to pick up trash. He stated the Classic Car Show is September 24th and Depot Days September 25th. Condolences were offered to Randy Roberts on the loss of his step-son and David Cutshaw on the loss of his brother.

The Mayor and Council Members offered condolences to Randy Roberts and David Cutshaw. They also commented on the fish fry.

Council Member Racquel Peebles welcomed Council Member Steve Sullivan back after a previous illness. She commented on the 20th year recognition of 9/11 and Stewarts Creek High School's memorial service. She wished her daughter Nora a "Happy Birthday".

Council Member H. G. Cole wished his daughter-in-law a "Happy Birthday". He encouraged all to shop local and be kind.

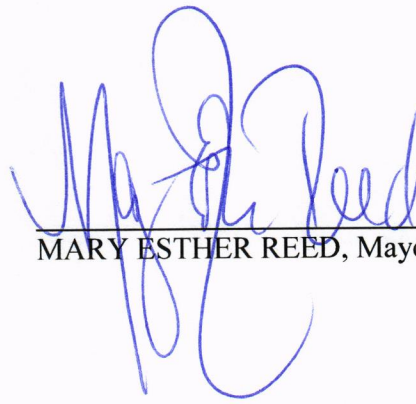
Council Member Steve Sullivan's son is home from the Marine Corps.

Vice-Mayor Marc Adkins congratulated Jeff and Katie Peach on the marriage of their daughter. He wished his wife Connie a "Happy 40th Anniversary".

Mayor Mary Esther Reed stated this Saturday morning is the last day for the Farmer's Market and registration is still open for the Top Gun Night Run. She attended Stewart Creek High School's flag retirement ceremony. She congratulated the Fire Department Honor Guard for participating in the 2021 Stair Climb honoring 9/11.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk