

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON OCTOBER 12, 2021**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on October 12, 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 Tom Rose, Director of Public Works.

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 September 14, 2021 and September 30, 2021 meetings.

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the September 14, 2021 regular session of the Town Council and the September 30, 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 Nissan Smyrna with a proclamation on their recognition by J.D. Power as one of the top automotive plants for vehicle quality in the United States.

Town Manager Brian Hercules congratulated Assistant Town Manager/Finance Director Rex Gaither and his staff on receiving a certificate from the Tennessee Comptroller of the Treasury for having a balanced budget.

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 American Melody Carriages for carriage rides at the Front Street Christmas Celebration in the Depot District.
- b. Approval of the terms of, and authorization for the Mayor to execute, Change Order #2 with Judy Construction Company relative to the WWTP Expansion Project.
- c. Approval of the terms of, and authorization for the Mayor to execute, a three year enterprise license agreement with ESRI relative to GIS mapping.
- d. Approval of the terms of, and authorization for the Mayor to execute, a change order with Stansell Electric relative to the ITS Phase I and II Project.
- e. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Stansell Electric Co., Inc. relative to the purchase and installation of 32 street lights on Lowry Street.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with Global Payments Direct, Inc. relative to the Court Clerk's Office accepting online payments for court costs.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Universal Linen relative to the Event Center's annual linen service.
- h. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Kimley-Horn and Associates, Inc. relative to professional services for the Rocky Fork Road/McEwen Drive Project.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with Anderson Yards relative to mowing parcels/lots that are in violation of Smyrna Municipal Code 13-104 Overgrown and Dirty Lots for the 2021-2022 fiscal year.
- j. Consideration of the declaration of surplus items.

- k. Approval of the terms of, and authorization for the Mayor to execute, a water storage agreement between the Department of the Army and the Town of Smyrna.

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 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, Council Member Steve Sullivan made a motion to defer this item. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved unanimously.

- b. **PUBLIC HEARING:** 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. 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. The following individual spoke concerning the item: Jason Lloyd.

The Town Council next considered on second and final 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 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 4-3, on a roll call vote, with Mayor Mary Esther Reed, Vice-Mayor Marc

Adkins, and Council Members H. G. Cole and Tim Morrell voting "yes" and Council Members Racquel Peebles, Gerry Short, and Steve Sullivan 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 "2". (Ordinance #21-39).

- c. **PUBLIC HEARING:** 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. 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 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, 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 Steve Sullivan. Following further discussion, the motion was approved 4-2-1, on a roll call vote, with Mayor Mary Esther Reed, Vice-Mayor Marc Adkins, and Council Members H. G. Cole and Steve Sullivan voting "yes", Council Members Racquel Peebles and Gerry Short voting "no", and Council Member Tim Morrell 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 "3". (Ordinance #21-40).

- d. **PUBLIC HEARING:** 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. 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 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 Gerry Short 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 "4". (Ordinance #21-41).

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

The Town Council next considered 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 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 "5". (Ordinance #21-42).

6. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 27, part of Parcel 6.00, from R-1 to C-2 requested by Matt Taylor on behalf of the Sam Davis Memorial Association. The property requested to be rezoned contains approximately 4.02 acres and is located at the corner of Nissan Drive and Sam Davis Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 27, part of Parcel 6.00, from R-1 to C-2 requested by Matt Taylor on behalf of the Sam Davis Memorial Association. The property requested to be rezoned contains approximately 4.02 acres and is located at the corner of Nissan Drive and Sam Davis 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 Steve Sullivan. Following further discussion, the motion was approved 6-1 with Council Member H. G. Cole 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- 43).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 19, Parcel 12.02 from R-1 to PRD requested by Randy Sexton. The property requested to be rezoned contains approximately 6.5 acres and is located on Sharp Springs Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 19, Parcel 12.02 from R-1 to PRD requested by Randy Sexton. The property requested to be rezoned contains approximately 6.5 acres and is located on Sharp Springs Road. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Steve Sullivan 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- 44).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 55, Parcel 11.04 from C-2 to C-5 requested by Pooyan Harbehband. The property requested to be rezoned contains approximately 8.83 acres and is located on Almaville Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 55, Parcel 11.04 from C-2 to C-5 requested by Pooyan Harbehband. The property requested to be rezoned contains approximately 8.83 acres and is located on Almaville Road. The recommendation of the Planning Commission was that the Town Council deny the request based on the majority of this property currently lies within the floodway. Following discussion, Vice-Mayor Marc Adkins made a motion to deny 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 on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8". (Ordinance #21-45).

- iv. Consideration of an ordinance relative to the amendment of the approved PUD for property located on Tax Map 57A, Group A, Parcel 24.01, requested by Clyde Rountree on behalf of Ed Freeman. The property requested contains approximately 9.47 acres and is located at 5916 New Nashville Highway. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of the approved PUD for property located on Tax Map 57A, Group A, Parcel 24.01, requested by Clyde Rountree on behalf of Ed Freeman. The property requested contains approximately 9.47 acres and is located at 5916 New Nashville Highway. The

recommendation of the Planning Commission was that the Town Council approve the request with the following condition: 1) revise the exterior elevations to meet the requirements of Design Review. 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 "9". (Ordinance #21-46).

- v. 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 Clyde Rountree on behalf of Scott Butler. The property requested contains approximately 2.2 acres and is located on Tarrytown Drive. First Reading.

The Town Council next considered on first reading 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 Clyde Rountree on behalf of Scott Butler. The property requested contains approximately 2.2 acres and is located on Tarrytown 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 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 "10". (Ordinance #21- 47).

b. Packaged Liquor Board Report:

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

- c. **Consideration of an ordinance amending Ordinance 21-22, adopting the 2021-2022 Fiscal Year Budget specifically the Fee Schedule relative to municipal code violation. First Reading.**

The Town Council next considered on first reading an ordinance amending Ordinance 21-22, adopting the 2021-2022 Fiscal Year Budget specifically the Fee Schedule relative to municipal code violation. 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 "11". (Ordinance #21- 48).

d. Other.

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

7. **Status Reports.**

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

8. **Announcements.**

Town Manager Brian Hercules introduced the following new employees: Information Services Director Carl Wilson and Safety and Risk Manager Henry Urbina. He also commented on the Police Department's National Night Out, the Fire Department's Open House, and the State of the Town 2021 held on October 8th. He announced the Veteran's Day Ceremony will be November 11, 2021 at the Kuss Memorial at 11:00 a.m.

Mayor Mary Esther Reed and the Town Council also welcomed Carl Wilson and Henry Urbina. They also conveyed condolences to the Harrell and Vinson families on their recent loss of a family member.

Council Member H. G. Cole encouraged citizens to "Shop Local".

Council Member Tim Morrell stated his grandson, Tyler Hankins, is in boot camp training in Okinawa, Japan.

Council Member Gerry Short congratulated all the new Smyrna High School Fall Inductees to the Hall of Fame.

Vice-Mayor Marc Adkins wished his daughter Amber a "Happy Birthday".

Town Manager Brian Hercules noted that the Rutherford County Convenience Center will be relocating. More details will be given later.

Mayor Mary Esther Reed announced the following: Haunting on Front Street October 15th and 16th, Halloween in the Park October 23rd at Sharp Springs Park, Top Gun Night Run November 5th at 7:00 p.m. at Lee Victory Recreation Park, Christmas Parade December 5th at 2:00 p.m. with a food drive to benefit Nourish Food Bank, and the Fire Department's 20th Annual Firefighters for Food Food Drive November 13th 9:00 a.m. to 4:00 p.m. at Walmart.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE


MARY ESTHER REED, Mayor

ATTEST:

Dianne Waldron
DIANNE WALDRON, Town Clerk