

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

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on December 14, 2021 at Town Hall with the Honorable Marc Adkins, Vice-Mayor, presiding.

Vice-Mayor Adkins called the meeting to order. The invocation was offered by Councilman Steve Sullivan. The pledge of allegiance was led by Fire Chief Bill Culbertson.

Karen Smith, on behalf of Carpe Academy, presented Council with a signed photo of the Air Force Thunderbirds from the 2021 Great Tennessee Airshow.

The roll was called by the Town Clerk and the following Town Council Members were present:

Vice-Mayor Marc Adkins
Tim Morrell
Racquel Peebles
Gerry Short
Steve Sullivan

3. Approval or Correction of Minutes of the November 9, 2021 and November 30, 2021 meetings.

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the November 9, 2021 regular session of the Town Council and the November 30, 2021 regular worksession of the Town Council. The motion was duly seconded by Council Member Steve Sullivan. Following discussion, the motion was approved unanimously.

4. Correspondence/Communications.

There was no correspondence/communications to be presented to the Town Council at this time.

5. Awards and Recognitions.

Councilwoman, Racquel Peebles, presented Marion Althea Appleton with a Certificate recognizing her 80th birthday.

Town Manager, Brian Hercules, next presented the 2021 Town of Smyrna Christmas Parade winners with certificates. The winners were as follows:

- Best Float Entry-Smyrna Baseball League
- Best Walking Entry-Debbie's School of Dance
- Best Vehicle Entry-Middle Tennessee Jeep Association
- Mayor's Cup-Tennessee Ghostbusters

Town Manager, Brian Hercules, also recognized the parade committee at this time for their efforts in organizing a successful parade.

Lastly, Town Manager, Brian Hercules, recognized two audience members from Leadership Rutherford, David and Angela.

6. Consent Agenda.

The following Consent Agenda items were removed prior to presenting the agenda:

- c. Approval of the terms of, and authorization for the Mayor to execute, the Authorizing Resolution for SRF Loan for the Sam Ridley Weakley Lane waterline project in the amount of \$2,500,000.00.
- d. Approval of the terms of, and authorization for the Mayor to execute, SRF loan documents for the Sam Ridley Weakley Lane Waterline project.

The following Consent Agenda items were next presented for consideration by the Town Council:

- a. Approval of the terms of, an authorization for the Mayor to execute, the Master Service Agreement with Waypoint Business Solutions, LLC. relative to the purchase of software, hardware and professional services.
- b. Approval of the terms of, and authorization for the Mayor to execute, Change Order #1 with John Bouchard & Sons Co. relative to the 4R sewer lift station.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with USIC Locating Services, LLC relative to locating all water, sewer and gas underground utilities when requested by Tennessee One Call.
- f. Approval of the terms of, and authorization for the Mayor to execute, the grant from the Tennessee Highway Safety Office. This year's grant is for \$50,000 and will assist in funding for overtime on DUI saturation, traffic enforcement, and for traffic safety equipment.
- g. Approval of the terms of, and authorization for the Mayor to execute, the contract with WSP USA Inc. for the Corridor Study of Almadillo Road (SR-102) Project.

- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with Regan-Smith-Associates, Inc. (Regan Smith) relative to the Construction Document Design Modifications, Additional Utility Coordination and Review, Additional Construction Engineering Inspection, and Project Closeout for the Lowry Street Phase I Project.
- i. Approval of the terms of, and authorization for the Mayor to execute a contract with New York Life for the Town's basic life insurance policies for employees, short term disability (STD), long term disability (LTD), and voluntary life insurance for the 2022 plan (calendar) year.
- j. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract for health, vision, and dental insurance as well as stop loss coverage with CIGNA for the 2022 calendar year.

Following discussion, Councilman Gerry Short, 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 Councilwoman Raquel Peebles. 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".

7. **Old Business.**

- a. **PUBLIC HEARING:** Consideration of a resolution relative to a Plan of Services for property located on Tax Map 54, Parcel 8.05. Second Reading.

The Town Council next considered on second and final reading a resolution relative to a Plan of Services for property located on Tax Map 54, Parcel 8.05. The recommendation of the Planning Commission was that the Town Council approve the Plan of Services.

At this time, Vice-Mayor Adkins recessed the meeting without objection, and a public hearing was opened related to the agenda item. No individuals spoke concerning the item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection. Councilman Tim Morrell made a motion to approve said resolution. The motion was duly seconded by Councilman Steve Sullivan and, after further discussion, approved 5-0. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2". (Resolution #21-25).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 8.05 requested by Shawn Collins on behalf of the Joe & Jean Spann Living Trust containing 9

acres. Property requested is located at 9351 Rocky Fork Almaville Road. Second Reading.

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 54, Parcel 8.05 requested by Shawn Collins on behalf of the Joe & Jean Spann Living Trust containing 9 acres. Property requested is located at 9351 Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the Town Council approve the request.

At this time, Councilman Tim Morrell recessed the meeting without objection, and a public hearing was opened related to the agenda item. No individuals spoke concerning the item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection. Councilman Gerry Short made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Councilman Steve Sullivan and, after further discussion, approved 4-0-1. Vice-Mayor Adkins abstained from the vote. A copy of said ordinance is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3." (Ordinance #21-49)

- c. Consideration of a resolution in memorandum of Ordinance #21-49 relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 8.05 comprising approximately 9 acres.

The Town Council next considered a resolution in memorandum of Ordinance #21-49 relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 8.05 comprising approximately 9 acres. The recommendation of the Planning Commission was that the Town Council approve the request.

Councilman Steve Sullivan made a motion to approve said resolution. The motion was duly seconded by Councilwoman Racquel Peebles and, after further discussion, approved 4-0-1. Vice-Mayor Adkins abstained from the vote. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4". (Resolution #21-26).

- d. **PUBLIC HEARING:** Consideration of an ordinance to amend Ordinance No. 20-12, adopting the 2020-2021 Fiscal Year Budget, relative to the General Fund, State Street Aid Fund, Drug Fund, Storm Water Fund and Capital Projects Fund. Second Reading.

The Town Council next considered on second and final reading an ordinance to amend Ordinance No. 20-12, adopting the 2020-2021 Fiscal Year Budget, relative to the General Fund, State Street Aid Fund, Drug Fund, Storm Water Fund and Capital Projects Fund. The recommendation of the Planning Commission was that the Town Council approve the request.

At this time, Vice-Mayor Marc Adkins recessed the meeting without objection, and a public hearing was opened related to the agenda item. No individuals spoke concerning the item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection. Councilman Tim Morrell made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Councilman Gerry Short and, after further discussion, approved 5-0. A copy of said ordinance is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5." (Ordinance #21-50)

8. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, Parcels 49.00, 51.00, 51.01, 51.02, and 51.03, and Tax Map 33B, Group B, Parcel 50.00, from R-1 and R-3 to C-2 and PRD requested by Matt Huff. The properties requested contain approximately 88.15 acres and are located on Enon Springs Road, West. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33, Parcels 49.00, 51.00, 51.01, 51.02, and 51.03, and Tax Map 33B, Group B, Parcel 50.00, from R-1 and R-3 to C-2 and PRD requested by Matt Huff. The properties requested contain approximately 88.15 acres and are located on Enon Springs Road, West. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions:

1. The road connection from the current termination of Percival Street on the school property north to Wildwood Drive would be constructed as a part of this development. The Town would work with the developer and the School Board regarding right-of-way for this extension with the developer to construct the road.
2. Before building permits can be issued for Phase 4, vehicular access must be available from Enon Springs Road, West and Spring Hill Drive/Tamland Avenue to meet the fire code.
3. The improvements as recommended by the traffic study would be required to be implemented if the development is approved.
4. It appears that a stormwater pond is shown on land owned by the Town of Smyrna in an existing TVA easement. Provide a formal agreement for maintenance of this area and the use of it as a stormwater pond.
5. The open space is required to be maintained by an HOA managed by a third party company.
6. A crosswalk at the road connection to Wildwood Drive from the townhome area may be required and will be reviewed in detail with the construction plans for Phase II as shown on Sheet C3.0 of the submitted plans.

Following discussion, Council Member Gerry Short 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. 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”.

- ii. Adoption of the update to the Town of Smyrna Comprehensive Plan.

The Town Council next considered a request by the Planning Department to adopt an update to the Town of Smyrna Comprehensive Plan. Following discussion, Council Member Tim Morrell made a motion to approve the adoption of the update. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 5-0. A copy of said documents are attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “7”.

b. Packaged Liquor Board Report:

- i. Smyrna Wine & Spirits, LLC

The Town Council next considered an application approved at the regularly scheduled Packaged Liquor Board meeting to issue an updated Certificate of Compliance to Smyrna Wine & Spirits, LLC. Town attorney Jeff Peach spoke as to the basis for the request. It was the recommendation of the Packaged Liquor Board that said certificate be approved.

Following discussion, Council Member Steve Sullivan made a motion to approve an updated Certificate of Compliance be issued to Smyrna Wine & Spirits, LLC. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 4-0-1. Council Member Tim Morrell abstained from the vote. A copy of said documents are attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “8”.

c. Consideration of an ordinance relative to amendments to Municipal Code 4-201, 202, 203 and 204 addressing the personnel structure for the Office of Safety/Risk Manager

The Town Council next considered on first reading an ordinance to amend Municipal Code 4-201, 202, 203 and 204 addressing the personnel structure for the Office of Safety/Risk Manager. Following discussion, Council Member Gerry Short 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 “9”.

d. Consideration of a resolution to approve the Opioid Abatement Agreement and the related settlement agreements.

The Town Council next considered a resolution to approve the Opioid Abatement Agreement and related settlement agreements. 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 “10”. (Resolution 21-27).

e. Authorization for the Mayor to execute an agreement of settlement in the Shane Prater v. Town of Smyrna case filed with the United States District Court in Nashville.

The Town Council next considered a request for authorization for the Mayor to execute an agreement of settlement in the Shane Prater v. Town of Smyrna case. Following discussion, Council Member Tim Morrell made a motion to approve said authorization. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved unanimously. A copy of said settlement agreement documents are attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “11”.

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

9. **Other.**

10. **Status Reports.**

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

11. **Announcements.**

Town Manager Brian Hercules announced partnership with the Toys for Tots Campaign and discussed details of how to participate. He also announced the Library “Fine Free December,” and encouraged those with outstanding books to return them this month without fine. In addition, Town Manager Brian Hercules spoke on the Love Where You Live campaign and encouraged citizens to refrain from littering.

Town Manager Brian Hercules recognized Dianne Waldron’s forty years with the Town of Smyrna. He congratulated her on her upcoming retirement and introduced Amber as Town Clerk and Jenny Davis as Treasury Manager. Each of the Council Members also extended congratulations.

Town Manager Brian Hercules went on to recognize Jeff Craig as United Way's Volunteer of the Month and thanked he and Mike Strange for their efforts with the campaign.

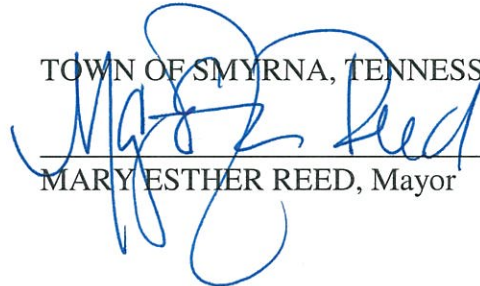
Town Manager Brian Hercules extended his thanks again to the parade committee, as well as the Police, Fire, Parks and Streets department for their efforts with the parade.

Town Manager and Council Members extended their prayers and well wishes to Marsha Southerland and Officer Jason Roberts. They went on to also extend the same to the victims of the recent storms in Kentucky. A moment of silence was held for the victims of the storms.

Lastly, Town Manager Brian Hercules spoke about the Town's Christmas on Front Street event being a success. He announced that the business offices would be closed in observance of the holiday on Thursday and Friday, December 23 & 24, 2021. Merry Christmas was wished to everyone by Town Manager and Council Members.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk