

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON AUGUST 9, 2022**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on August 9, 2022, at Town Hall with the Honorable Mayor Mary Esther Reed presiding.

Mayor Reed called the meeting to order at 5:00p.m. The invocation was offered by Smyrna Police Chaplain, Tim York. The pledge of allegiance was led by Assistant Town Manager, Todd Spearman.

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

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

Council Member H.G. Cole was not present at this meeting.

3. Approval or correction of the minutes of the July 12 regular meeting and July 28 worksession meeting of the Town Council.

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the July 12, 2022 regular meeting and July 28, 2022 work session meeting of the Town Council. The motion was duly seconded by Council Member Steve Sullivan. Following discussion, the motion was approved 6-0.

4. Correspondence/Communications.

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

5. Awards and Recognitions.

There were no awards or recognitions to be presented to the Town Council at this time.

6. 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 renewal contract with Cityworks relative to permitting software.
- b. Approval of the terms of, and authorization for the Mayor to execute, an agreement with SEC Engineering to provide survey, engineering design, bidding, and limited construction administration services for the Rock Springs Road Sidewalk project.
- c. Approval of the terms of, and authorization for the Mayor to execute, the annual TDOT contract for mowing, litter control, and roadway maintenance.
- d. Approval of the terms of, and authorization for the Mayor to execute, the contract with Cleary Construction Inc. for the Genie Lane Extension project.
- e. Approval of the terms of, and authorization for the Mayor to execute, the proposal with Energy Land and Infrastructure, LLC for Professional CEI Services for the Genie Lane Extension Project.
- f. Approval of the terms of, and authorization for the Mayor to execute, Change Order #1 with Sessions Paving Company on the Lowry Street Phase 1 Streetscapes Project.
- g. Approval of the terms of, and authorization for the Mayor to execute, the proposal with Energy Land and Infrastructure, LLC for Professional CEI Services for the Spring Hill Extension Project.
- h. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with the Town's Third Party Administrator, CCMSI.
- i. Approval of the terms of, and authorization for the Mayor to execute, a lease agreement with the Rutherford County Board of Education for the practice field area located behind Smyrna Elementary School.
- j. Approval of the terms of, and authorization for the Mayor to execute, a Performance Agreement with Missy Garnett to provide music and sound for the Top Gun Night Run 6K Race.
- k. Approval of the terms of, and authorization for the Mayor to execute, a Performance Agreement with the O'Donnell's for the 2022 BBQ Fest.
- l. Approval of the terms of, and authorization for the Mayor to execute, a Performance Agreement with Missy Garnett relative to music and sound for the 2022 Depot Days Car Show on September 23, 2022.

- m. Approval of the terms of, and authorization for the Mayor to execute, Change Order #3 for the WWTP Expansion.
- n. Approval of the terms of, and authorization for the Mayor to execute, a contract with Pall Corporation for the upgrade of the pneumatic manifolds for the membrane filtration system.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve and adopt the Consent Agenda items and to authorize the Mayor to execute said documents. Said motion was seconded by Council Member Steve Sullivan, and after further discussion, approved unanimously. A copy of said documents referenced on the Consent Agenda are 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 revision to the Sewer Use Ordinance Section 18-216 to include language requiring food service establishments to comply with the Town's Fats, Oil and Grease Management Policy.

The Town Council next considered on second and final reading an Ordinance relative to the Consideration of a revision to the Sewer Use Ordinance Section 18-216 to include language requiring food service establishments to comply with the Town's Fats, Oil and Grease Management Policy.

At this time, Mayor Reed 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.

Following further discussion, Council Member Gerry Short made a motion to approve said ordinance. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 6-0. A copy of said ordinance, as approved on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2." (Ordinance #22-21)

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28M, Group C, Parcel 6.00 from R-2 to R-4 requested by Gamil Kamel. The property requested to be rezoned contains approximately .33 acre and is located at 102 & 104 Weakley Street.

The Town Council next considered on second and final reading an Ordinance relative to the rezoning of property located on Tax Map 28M, Group C, Parcel 6.00 from R-2 to R-4 requested by Gamil Kamel. The property requested to be rezoned contains approximately .33

acre and is located at 102 & 104 Weakley Street. The recommendation of the Planning Commission was that the Town Council approve the request.

At this time, Mayor Reed 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.

Following further discussion, Council Member Tim Morrell made a motion to approve said ordinance. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 6-0. A copy of said ordinance, as approved on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3." (Ordinance #22-25)

- c. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 27I, Group B, Parcel 1.01 from C-2 with LSO to R-2 with LSO requested by Caleb Spearing. The property requested contains approximately .59 acre and is located at 103 Maple Street.

The Town Council next considered on second and final reading an Ordinance relative to the rezoning of property located on Tax Map 27I, Group B, Parcel 1.01 from C-2 with LSO to R-2 with LSO requested by Caleb Spearing. The property requested contains approximately .59 acre and is located at 103 Maple Street. The recommendation of the Planning Commission was that the Town Council approve the request.

At this time, Mayor Reed 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.

Following further discussion, Vice-Mayor Marc Adkins made a motion to approve said ordinance. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved 6-0. A copy of said ordinance, as approved on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4." (Ordinance #22-26)

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of a portion of Tax Map 33, Parcels 71.00 and 71.03 from R-1 with ESO to PUD with ESO, as well as the amendment of the approved PUD for Tax Map 33, Parcels 71.00, 71.01, and 71.03 requested by Nathan Melson. The properties requested to be rezoned and amended contain approximately 12.61 acres and are located on Enon Springs Road, West and Big Son Lane.

The Town Council next considered on second and final reading an ordinance relative to the rezoning of a portion of Tax Map 33, Parcels 71.00 and 71.03 from R-1 with ESO to PUD with ESO, as well as the amendment of the approved PUD for Tax Map 33, Parcels 71.00, 71.01, and 71.03 requested by Nathan Melson. The properties requested to be rezoned and amended contain approximately 12.61 acres and are located on Enon Springs Road, West and Big Son Lane. The recommendation of the Planning Commission was that the Town Council approve the request with the following condition:

- A traffic study will be required for a convenience store/gas station use within this development, and the developer will be required to make any improvements recommended by the traffic study.

At this time, Mayor Reed 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.

Following further discussion, Council Member Tim Morrell made a motion to approve 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 against approval of said agenda item. A copy of said ordinance, as approved on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5." (Ordinance #22-27)

8. New Business:

a. Planning Commission Report:

1. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 57.00, from R-4 to PRD requested by Rob Molchan. The property requested to be rezoned contains approximately 7.37 acres and is located on Chaney Road.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 57.00, from R-4 to PRD requested by Rob Molchan. The property requested to be rezoned contains approximately 7.37 acres 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. Council Member Steve Sullivan seconded the motion. Following further discussion, the motion was approved 6-0. 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." (Ordinance #22-28)

2. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28E, Group C, Parcel 4.00 from C-4 to R-3 requested by Sherif Fouad. The property requested contains approximately .24 acre and is located at 188 Moore Avenue.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28E, Group C, Parcel 4.00 from C-4 to R-3 requested by Sherif Fouad. The property requested contains approximately .24 acre and is located at 188 Moore Avenue. The recommendation of the Planning Commission was that the Town Council deny the request.

Following discussion, Council Member Steve Sullivan made a motion to deny said ordinance on first reading. The motion to deny was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion to deny was approved 6-0. 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 "7." (Ordinance #22-29)

3. Consideration of an ordinance relative to the rezoning of property located on Tax Map 49, Parcel 107.00 from C-4 to PRD requested by Petergaye Taylor. The property requested to be rezoned contains approximately 4.38 acres and is located at 10259 Old Nashville Highway.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 49, Parcel 107.00 from C-4 to PRD requested by Petergaye Taylor. The property requested to be rezoned contains approximately 4.38 acres and is located at 10259 Old Nashville Highway. The recommendation of the Planning Commission was unique as a motion to recommend approval failed for lack of a second. Further, a motion to recommend denial failed as the vote was 2 for, 2 against. With this vote, the request was not recommended by the Planning Commission since there was not an approved motion to recommend approval.

Following discussion, Council Member Tim Morrell made a motion to approve said ordinance on first reading. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved 5-1, with Vice-Mayor Marc Adkins voting against approval of said item due to the request not maintaining commercial frontage. 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 #22-30)

4. Consideration of an ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IV, Section 4.010.A regarding minimum required parking for certain residential uses.

The Town Council next considered on first reading of an ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IV, Section 4.010.A regarding minimum required parking for certain residential uses. 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 6-0. 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 "9." (Ordinance #22-31)

5. Consideration of the sale of land the Town owns on Sam Ridley Parkway, West and Motlow College Boulevard.

The Town Council next considered through mandatory referral the sale of land the Town owns on Sam Ridley Parkway, West and Motlow College Boulevard known as "The Summit." Said property is located on Tax Map 18, Parcel 10 and consists of approximately 41 acres. The Planning Commission found that the sale kept with the adopted comprehensive plan and therefore recommended approval.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said agenda item. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously.

There were no further planning items to consider.

b. Packaged Liquor Board Report:

- i. The Town Council next considered a Certificate of Compliance for Reyan, Inc. d/b/a Legacy Wine & Spirits.

The Town Council next considered a Certificate of Compliance for Reyan, Inc. d/b/a Legacy Wine and Spirits upon a change of ownership. The recommendation of the Packaged Liquor Board was to approve said request for Certificate of Compliance.

Following discussion, Council Member Tim Morrell made a motion to approve the Certificate of Compliance. The motion was duly seconded by Council Member Racquel Peebles and, following further discussion, approved unanimously.

c. Consideration of modifications to the Police Standard Operating Procedures relative to Assigned vehicles, accident matrix, and domestic violence investigations.

The Town Council next considered modifications to the Police Standard Operating Procedures relative to Assigned vehicles, accident matrix, and domestic violence investigations.

Following discussion, Council Member Tim Morrell made a motion to approve said revisions to the Police Standard Operating Procedures. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 6-0.

d. Consideration of a request for the Town to make a declaration of surplus relative to certain real property.

The Town Council next considered a request for the Town to make a declaration of surplus relative to certain real property. The surplus property is located at 2001 Motlow College Boulevard, Tax Map 18, Parcel 10, consisting of approximately 41 acres of unimproved land, more or less, and is known as "The Summit" property.

Following discussion, Vice-Mayor Marc Adkins made a motion to declare the property known as "The Summit" to be surplus property. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved unanimously. A copy of an exhibit depicting said surplus property is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10."

e. Consideration of a Resolution to allow the sale of Town property by negotiated contract.

The Town Council next considered a Resolution to allow the sale of Town property by negotiated contract. The surplus property is located at 2001 Motlow College Boulevard, Tax Map 18, Parcel 10, consisting of approximately 41 acres of unimproved land, more or less, and is known as "The Summit" property.

Following discussion, Council Member Tim Morrell made a motion to approve sale of the land known as "The Summit" property by negotiated contract. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved unanimously. The Resolution, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11." (Resolution #22-19)

f. Consideration and authorization for the Mayor to execute a Purchase and Sale Agreement with TD Holdings, LLC.

The Town Council next considered authorization for the Mayor to execute a Purchase and Sale Agreement with TD Holdings, LLC. The property subject to the Purchase and Sale Agreement is located at 2001 Motlow College Boulevard, Tax Map 18, Parcel 10, and consists of approximately 41 acres of unimproved land, more or less, known as "The Summit" property.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve the Purchase and Sale Agreement with TD Holdings, LLC and authorize Mayor to execute the same. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said agreement, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "12."

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

9. Other.

10. Status Reports.

Finance & Accounting Manager, Sierra Lowry, presented Council with June Local and State Shared Tax numbers.

11. Announcements.

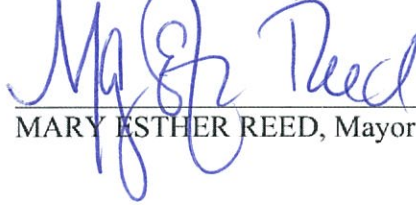
Town Manager Brian Hercules expressed condolences to Town employees for recent lost loved ones. Council Members also expressed deep condolences.

Town Manager Brian Hercules encouraged citizens to continue participating in the Town's Love Where You Live campaign by refraining from littering and getting involved in projects to assure the community remains free from unnecessary trash.

Mayor Reed spoke of many upcoming community events such as Top Gun Night Run 6k in September, Smyrna Depot Farmers Market, the Town's BBQ Fest on August 13, 2022, and Depot Days. She encouraged citizens to get out and enjoy these events.

Without objection, the meeting was adjourned at 6:05 p.m.

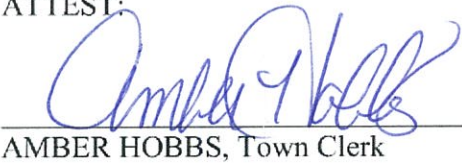
TOWN OF SMYRNA, TENNESSEE



Mary Esther Reed

MARY ESTHER REED, Mayor

ATTEST:



Amber Hobbs

AMBER HOBBS, Town Clerk