

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON OCTOBER 11, 2022**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on October 11, 2022, at Town Hall with the Honorable Mayor Mary Esther Reed presiding.

Prior to calling the meeting to order, the Council heard citizen comments from Samantha Czerwonka, 104 Griswold Court, Smyrna, pertaining to the benefits of being able to keep backyard chickens.

Mayor Reed then called the meeting to order at 5:05p.m. The invocation was led by Smyrna Police Department Chaplain, Tim York, and the pledge of allegiance was led by Mr. Richard Farrer, USMC of the VFW.

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

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

**3. Approval or correction of the minutes of the September 6, 2022 regular meeting and September 22, 2022 works session meeting of the Town Council.**

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the September 6, 2022 regular meeting and September 22, 2022 work session meeting of the Town Council. The motion was duly seconded by Council Member Steve Sullivan. Following discussion, the motion was approved 7-0.

**4. Correspondence/Communications.**

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

**5. Awards and Recognitions.**

At this time, Mayor Reed, on behalf of the Town Council, presented a proclamation to Mr. Richard Farrer, USMC, from the VFW relative to declaring Smyrna a Purple Heart Town.

**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, an agreement with Sessions Paving to perform roadway patching throughout town.
- b. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Jani-King for the Annual Janitorial Services Contract.
- c. Approval of the terms of, and authorization for the Mayor to execute, an agreement relative to the install of a new traffic signal at the intersection of Almadillo Road (SR102) and One Mile Lane.
- d. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Kimley Horn for NEPA and Design for the CRRSAA Grant project for upgrades to sidewalks along Old Nashville Highway from Enon Springs to Rock Springs Road.
- e. Approval of the terms of, and authorization for the Mayor to execute, Change Order #3 for the ITS Phase I and II Project.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with Blast Off, Inc. to repaint the aircraft at the Capt Jeff Kuss USMC Memorial.
- g. Approval of the terms of, and authorization for the Mayor to execute an Educational Service Agreement with Middle Tennessee State University.
- h. Approval of the terms of, and authorization for the Mayor to execute, the contract for the Tennessee Highway Safety Office Grant.
- i. Approval of the terms of, and authorization for the Mayor to execute, a renewal agreement with Motorola for the police department's radio system.
- j. Consideration and approval of modification to Smyrna Police Department Standard Operating Policy 5-7 "Handle with Care Program."

Following discussion, Council Member Racquel Peebles requested that Item "c" be pulled from the consent agenda and voted on separately. Following further discussion, Council Member Tim Morrell made a motion to approve and adopt the Consent Agenda items except for item "c" and to authorize the Mayor to execute said documents. Said motion was seconded by Council Member Steve Sullivan and after further discussion, approved unanimously.

The Council next discussed Item "c" of the consent agenda. Following Ms. Peebles questions and further discussion of this item, Council Member Steve Sullivan made a motion to approve said item and to authorize the Mayor to execute. Said motion was seconded by Council

Member Racquel Peebles and subsequently 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 an Ordinance amending Title 5 "Municipal Finance and Taxation", Section 806 "Advertising and Bidding" of the Municipal Code to allow an increase in bid limits.

The Town Council next considered on second and final reading an Ordinance amending Title 5 "Municipal Finance and Taxation", Section 806 "Advertising and Bidding" of the Municipal Code to allow an increase in bid limits.

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 Vice-Mayor Marc Adkins. Following further discussion, the motion was approved 7-0. 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 #22-32)

- b. **PUBLIC HEARING:** Consideration of an Ordinance amending Title 5 "Municipal Finance and Taxation", Section 815 "Contract Approval and Change Orders" of the Municipal Code to allow an increase in bid limits.

The Town Council next considered on second and final reading an Ordinance amending Title 5 "Municipal Finance and Taxation", Section 815 "Contract Approval and Change Orders" of the Municipal Code to allow an increase in bid limits.

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 7-0. 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 #22-33)

- c. **PUBLIC HEARING:** Consideration of an Ordinance amending Ordinance No. 21-22 to adopt the Fiscal Year End 2022 budget amendments.

The Town Council next considered on second and final reading an Ordinance amending Ordinance No. 21-22 to adopt the Fiscal Year End 2022 budget amendments.

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 Tim Morrell. Following further discussion, the motion was approved 7-0. 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 #22-34)

- d. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 72.00 from C-2 to PCD requested by Frank Malawski. The property requested to be rezoned contains approximately .71 acre and is located at the corner of President Place and Isabella Lane.

The Town Council next considered on second and final reading an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 72.00 from C-2 to PCD requested by Frank Malawski. The property requested to be rezoned contains approximately .71 acre and is located at the corner of President Place and Isabella Lane. 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 discussion, Council Member Tim Morrell made a motion to approve said ordinance on first reading. Council Member H.G. Cole seconded the motion. Following further discussion, the motion was approved 6-1 with Council Member Racquel Peebles voting against said item. 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 "5." (Ordinance #22-35)

- e. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 29, parcel 17.03 and part of Parcel 17.02 from

PUD to PUD with H-2 Height Overlay requested by Bob Hackel. The properties requested to be rezoned contain approximately 3.54 acres and are located north of Industrial Boulevard.

The Town Council next considered on second and final reading an ordinance relative to the rezoning of property located on Tax Map 29, parcel 17.03 and part of Parcel 17.02 from PUD to PUD with H-2 Height Overlay requested by Bob Hackel. The properties requested to be rezoned contain approximately 3.54 acres and are located north of Industrial Boulevard. 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 discussion, Council Member Steve Sullivan made a motion to approve said ordinance on first reading. The motion to approve was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion to was approved 7-0. 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 #22-36)

- f. **PUBLIC HEARING:** Consideration of a resolution relative to a Plan of Services for property located on Tax Map 55, Parcel 2.16.

The Town Council next considered a resolution relative to a Plan of Services for property located on Tax Map 55, Parcel 2.16. The recommendation of the Planning Commission was that the Town Council approve the resolution.

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 discussion, Council Member Tim Morrell made a motion to approve said resolution. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 7-0. A copy of said Resolution, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7." (Resolution #22-20)

- g. **PUBLIC HEARING:** Consideration of an ordinance relative to the annexation and PUD zoning of property located on Tax Map 55, Parcel 2.16 requested by Jennifer Speich on behalf of Leland Rex Wall containing 16.5 acres. Property is located at 3368 Almaville Road.

The Town Council next considered on second and final reading an ordinance relative to the annexation and PUD zoning of property located on Tax Map 55, Parcel 2.16 requested by Jennifer Speich on behalf of Leland Rex Wall containing 16.5 acres. Property is located at 3368 Almaville Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- The villa/zero-lot line portion of the development is required to comply with the Housing for Older Persons Act.
- The developer is required to submit the required H&H study for the alterations to the flood hazard area and a CLOMR to FEMA for review.
- The improvements recommended as part of the traffic study are required to be constructed.
- Redistribute the guest parking within the townhome portion of the development to better serve all of the proposed units.
- Eliminate the alley with direct access to Almaville Road and provide an alternate fire truck turnaround for that area, or construct a public street which meets Town standards in that location.

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 on first reading incorporating staff recommendations. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 7-0. 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 "8." (Ordinance #22-37)

The Town Council next considered a Resolution in memorandum of Ordinance #22-37 relative to the annexation and PUD zoning of property located on Tax Map 55, Parcel 2.16 requested by Jennifer Speich on behalf of Leland Rex Wall containing 16.5 acres. Property is located at 3368 Almaville Road. Town Attorney, Jeff Peach, announced the addition to the agenda, as required by statute to accompany the annexation of said property.

After discussion, Vice-Mayor Marc Adkins made a motion to approve the resolution presented at the meeting. Council Member Tim Morrell seconded the motion, and after further discussion, said motion was approved unanimously. A copy of said ordinance, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9." (Resolution #22-21)

- h. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of the approved PUD for Tax Map 55, Parcel 29.02 requested by Jennifer Speich. The property requested to be amended contains approximately 37 acres and is located at 3545 Almaville Road.

The Town Council next considered on second and final reading an ordinance relative to the amendment of the approved PUD for Tax Map 55, Parcel 29.02 requested by Jennifer Speich. The property requested to be amended contains approximately 37 acres and is located at 3545 Almaville Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- The villa/zero-lot line portion of the development is required to comply with the Housing for Older Persons Act.
- The developer is required to submit the required H&H study for the alterations to the flood hazard area and a CLOMR to FEMA for review.
- The improvements recommended as part of the traffic study are required to be constructed.
- Redistribute the guest parking within the townhome portion of the development to better serve all of the proposed units.
- Eliminate the alley with direct access to Almaville Road and provide an alternate fire truck turnaround for that area, or construct a public street which meets Town standards in that location.

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 on first reading incorporating staff recommendations. The motion was duly seconded by Council Member H.G. Cole. Following further discussion, the motion was approved 7-0. 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 "10." (Ordinance #22-38)

There were no further old business items for the Council to consider.

**8. New Business:**

**a. Planning Commission Report:**

1. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 78.00, from PUD to C-4 requested by Rock Springs, LLC. The property requested to be rezoned contains approximately .74 acre and is located at 1071 Rock Springs Road.

The Town Council next considered on first reading of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 78.00, from PUD to C-4 requested by Rock Springs, LLC. The property requested to be rezoned contains approximately .74 acre and is located at 1071 Rock Springs Road. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Vice-Mayor Marc Adkins 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 7-0. 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 "11." (Ordinance #22-39)

2. Consideration of an ordinance relative to the annexation and C-2 zoning of property located on Tax Map 28, Parcel 18 requested by Michael Hollingshead containing 4.03 acres. Property is located on W. Jefferson Pike and Hickory Grove Road.

The Town Council next considered on first reading of an ordinance relative to the annexation and C-2 zoning of property located on Tax Map 28, Parcel 18 requested by Michael Hollingshead containing 4.03 acres. Property is located on W. Jefferson Pike and Hickory Grove Road. The recommendation of the Planning Commission was that the request be approved.

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 7-0. 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 "12." (Ordinance #22-40)

3. Consideration of an ordinance relative to the rezoning of property located on Tax Map 19, Parcel 25.03 from I-2 to PUD requested by Camden Venture, LLC. The property requested to be rezoned contains approximately 6.3 acres and is located at 704 Swan Drive.

The Town Council next considered on first reading of an ordinance relative to the rezoning of property located on Tax Map 19, Parcel 25.03 from I-2 to PUD requested by Camden Venture, LLC. The property requested to be rezoned contains approximately 6.3 acres and is located at 704 Swan Drive. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Council Member Racquel Peebles requested to have questions about said agenda item answered by the property owner. At this time, Mayor Mary Esther Reed suspended the rules to allow the Operations Manager of Gateway Classic Cars, Sean Akbani, to address the Council. Following further 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 and subsequently approved 7-0. 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 "13." (Ordinance #22-41)

4. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28E, Group A, Parcel 16.01 from R-4 to C-2 requested by Barry Royal. The property requested to be rezoned contains approximately 20 acres and is located on Imperial Boulevard.

The Town Council next considered on first reading of an ordinance relative to the rezoning of property located on Tax Map 28E, Group A, Parcel 16.01 from R-4 to C-2 requested by



Barry Royal. The property requested to be rezoned contains approximately 20 acres and is located on Imperial Boulevard. The recommendation of the Planning Commission was that the request be approved.

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 7-0. 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 "14." (Ordinance #22-42)

There were no further planning items to consider.

**b. Packaged Liquor Board Report:**

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

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

**9. Other.**

**10. Status Reports.**

Assistant Town Manager and Finance Director, Rex Gaither, presented Council with August Local and State Shared Tax numbers.

**11. Announcements.**

Town Manager Brian Hercules announced the Town's Veteran's Day ceremony for November 11, 2022, along with the Jeep Plate Cruise In Event.

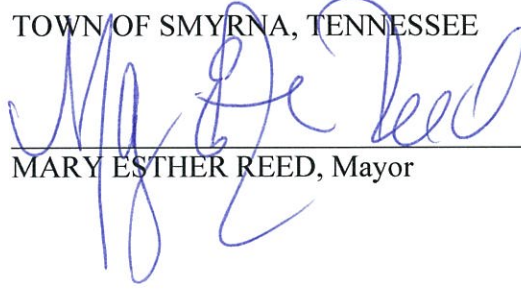
Town Manager Brian Hercules encouraged citizens to continue participating in the Town's Love Where You Live campaign by refraining from littering and getting involved in projects to assure the community remains free from unnecessary trash.

Mayor Reed informed citizens of early voting dates/times at Town Hall and encouraged citizens to vote.

Mayor Reed and other Council members spoke of many upcoming community events such as Smyrna Depot Days event, Haunting on Front Street, Halloween in the Park, Fire Department Open House, and the annual Tree Lighting and Christmas Parade event. She encouraged citizens to get out and enjoy these events.

Without objection, the meeting was adjourned at 6:25 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk