

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON MAY 10, 2022**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on May 10, 2022, at Town Hall with the Honorable Mary Esther Reed, Mayor, presiding.

Mayor Reed called the meeting to order at 5:00p.m. The invocation was offered by Smyrna Police Chaplain, Bill Hunter. The pledge of allegiance was led by Town Attorney, Jeff Peach.

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
Mayor Mary Esther Reed
Vice-Mayor Marc Adkins

3. Approval or Correction of Minutes of the April 12, 2022 regular meeting and April 28, 2022 special-called and worksession meetings.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the April 12, 2022 regular meeting and April 28, 2022 special-called and worksession meetings of the Town Council. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously.

4. Correspondence/Communications.

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

5. Awards and Recognitions.

There were no awards and 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, an agreement with North Alabama Fire Equipment Company, Inc. relative to Fire Department Bunker Boots, Turnout Coats, Turnout Pants and Fire Hoods.
- b. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Safe Industries relative to Fire Department Fire Helmets and Turnout Suspenders.
- c. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Emergency Vehicle Specialists (EVS) relative to fire gloves for the Fire Department.
- d. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Safe Industries relative to Fire Department apparatus servicing.
- e. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Diversified Inspections/ITL, Inc., relative to Fire Department aerial and ladder testing.
- f. Approval of the terms of, and authorization for the Mayor to execute, an Emergency Generator Planned Maintenance Agreement for generators at Stations 1, 2, 3, 5, 6 and the Moore's Hill Radio Tower site.
- g. Approval of the terms of, and authorization for the Mayor to execute, a Memorandum of Understanding (MOU) with Motlow State Community College for Emergency Medical Responder (EMR) Class June 6-19, 2022.
- h. Approval of the terms of, and authorization for the Mayor to execute, a Memorandum of Understanding (MOU) with Motlow State Community College for Emergency Medical Responder (EMR) Refresher Class August 2-3, 2022.
- i. Approval of the terms of, and authorization for the Mayor to execute, a Memorandum of Understanding (MOU) with Motlow State Community College for Emergency Medical Responder (EMR) Refresher class December 6-7, 2022.
- j. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with J & B Tanker relative to WTP Lagoon Sludge Removal.
- k. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Dan Weaver Services for water leak detection services.

- l. Approval of the terms of, and authorization for the Mayor to execute, an agreement with I M & E for electrical & mechanical service for the WTP and WWTP.
- m. Approval of the terms of, and authorization for the Mayor to execute, an extension for the annual concrete contract between the Town and Rollins Excavating Co.
- n. Approval of the terms of, and authorization for the Mayor to execute, a contract with TDOT to provide a Federal CRSSA Grant totaling \$1,126,578 for the Old Nashville Highway ADA Sidewalk Improvements Project.
- o. Approval of the terms of, and authorization for the Mayor to execute, an Agreement with the Regional Transportation Authority (RTA).
- p. Approval of the terms of, and authorization for the Mayor to execute, a contract for audit services for the fiscal year ending June 30, 2022.

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 Gerry Short, 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 an Ordinance relative to the rezoning of property located on Tax Map 50, part of Parcel 12.02, from C-2 to PCD, requested by Rob Molchan. The property requested to be rezoned contains approximately 1.05 acres and is located on Lee Victory Parkway.

The Town Council next considered on second and final reading an Ordinance relative to the rezoning of property located on Tax Map 50, part of Parcel 12.02, from C-2 to PCD, requested by Rob Molchan. The property requested to be rezoned contains approximately 1.05 acres and is located on Lee Victory Parkway. 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 Tim Morrell. Following further

discussion, the motion was approved 5-2, with Council Member Racquel Peebles and Council Member H.G. Cole voting against said ordinance. 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 #22-10)

- b. PUBLIC HEARING: Consideration of an ordinance relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 14.00 requested by Jennifer Speich on behalf of Collins Corner Ventures, LLC containing 9.4 acres. Property is located at 4412 Morton Lane.

The Town Council next considered on second and final reading an ordinance relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 14.00 requested by Jennifer Speich on behalf of Collins Corner Ventures, LLC containing 9.4 acres. Property is located at 4412 Morton Lane. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions:

- i. Submit a traffic study. The developer is responsible for any improvements recommended by the traffic study.
- ii. The developer is required to improve three lane Morton Lane with a sidewalk and dedicate the right-of-way as required along Rocky Fork Almadillo Road with no construction required there due to the Town's improvement project.
- iii. Depending on the final uses for the commercial lots, additional parking may be required.
- iv. All buildings will be required to meet Design Review regardless of the materials shown on any renderings or pictures within the pattern book.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. Kevin Estes, 2925 Berry Hill Drive, Nashville, spoke on behalf of the development, and in favor of the agenda 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 6-0-1, with Vice-Mayor Adkins abstaining from the vote. 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 #22-11)

- c. PUBLIC HEARING: Consideration of a Resolution relative to a Plan of Services for property located on Tax Map 54, Parcel 14.00.

The Town Council next considered a Resolution relative to a Plan of Services for property located on Tax Map 54, Parcel 14.00. 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 without objection.

Council Member Tim Morrell made a motion to approve said resolution. The motion was duly seconded by Council Member Steve Sullivan and, after further discussion, approved 6-0-1, with Vice-Mayor Marc Adkins abstaining 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 #22-11).

- d. Consideration of a Resolution in memorandum of Ordinance #22-11 relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 14.

The Town Council next considered a Resolution in memorandum of Ordinance #22-11 relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 14. Following discussion, Council Member Steve Sullivan made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 6-0-1, with Vice-Mayor Marc Adkins abstaining 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 "5". (Resolution #22-12).

- e. PUBLIC HEARING: Consideration of an ordinance relative the rezoning of property located on Tax Map 54, Parcels 48.00, 48.03, and 50.02 from R-3 to PUD requested by Jennifer Speich. The properties requested to be rezoned contain approximately 5.92 acres and are located on Rocky Fork Almaville Road and Morton Lane.

The Town Council next considered on second and final reading an Ordinance relative to the rezoning of property located on Tax Map 54, Parcels 48.00, 48.03, and 50.02 from R-3 to PUD requested by Jennifer Speich. The properties requested to be rezoned contain approximately 5.92 acres and are located on Rocky Fork Almaville Road and Morton Lane. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions:

- i. Submit a traffic study. The developer is responsible for any improvements recommended by the traffic study.
- ii. The developer is required to improve three lane Morton Lane with a sidewalk and dedicate the right-of-way as required along Rocky Fork Almaville Road with no construction required there due to the Town's improvement project.
- iii. Depending on the final uses for the commercial lots, additional parking may be required.
- iv. All buildings will be required to meet Design Review regardless of the materials shown on any renderings or pictures within the pattern book.

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 6-0-1, with Vice-Mayor Marc Adkins abstaining from the vote. 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 "6." (Ordinance #22-12)

- f. PUBLIC HEARING: Consideration of an ordinance relative to the amendment of the approved PUD for property located on Tax Map 28, Parcel 72.07 requested by Allen Jones. The property requested to be rezoned contains approximately 1.76 acres and is located on Isabella Lane.

The Town Council next considered on second and final reading an Ordinance relative to the amendment of the approved PUD for property located on Tax Map 28, Parcel 72.07 requested by Allen Jones. The property requested to be rezoned contains approximately 1.76 acres and is located on Isabella Lane. The recommendation of the Planning Commission was that Council approve the request. Staff announced that updated plans, to include recommended sign package, was included in the packet.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. The following audience members spoke regarding this agenda item:

- Samantha Newsome, 412 Nightcap Lane, Murfreesboro, spoke on behalf of Champy's Chicken and in favor of the agenda item.
- Jessica Aubert, 7520 Blue Springs Road, Cleveland, TN, representing Studio 323 Architecture & Design, spoke in favor of the agenda 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 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 "7." (Ordinance #22-13)

- g. PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, part of Parcel 33.00 from C-2 to PRD

requested by Ayoub Eshak. The property requested to be rezoned contains 13.85 acres and is located on Todd Lane and Delacy Lane.

The Town Council next considered on second and final reading an Ordinance relative to an ordinance relative to the rezoning of property located on Tax Map 33, part of Parcel 33.00 from C-2 to PRD requested by Ayoub Eshak. The property requested to be rezoned contains 13.85 acres and is located on Todd Lane and Delacy Lane. The recommendation of the Planning Commission was that the Town Council approve the request with the following conditions:

- i. The 8 units on the west side of Mason Tucker Drive that have garages are to be flipped so that the front faces Old Nashville Highway/Mason Tucker Drive with parking in the rear.
- ii. Eliminate the 6 units facing Todd Lane east of Mason Tucker Drive and add playground space in that area.
- iii. All back patios are required to be fenced with a vinyl fence.
- iv. The minimum square footage of the townhomes is 1,350 square feet.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. The following audience members spoke regarding this agenda item:

- Chris McGuire, representing Huddleston Steele, engineer on the project, 2115 NW Broad Street, spoke in favor of the agenda item and offered to answer questions Council may have.
- Reed Graham, W Hutchison Drive, Smyrna, spoke on behalf of the neighbors in the area and against said agenda item.
- Marion Appleton, 421 Mason Tucker Drive, Smyrna, spoke on behalf herself and expressed that her questions and concerns had been addressed and that she was satisfied.
- Mike Sparks, 114 Woodland Drive, Smyrna, spoke on behalf of church members and citizens, and expressed that his questions and concerns were addressed by Council members.
- Valerie Shaffer, 316 W Hutchison Drive, Smyrna, had a question about water runoff and retention related to the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed.

Following further discussion, Council Member Steve Sullivan made a motion to approve said ordinance with the conditions recommended by the Planning Commission. In addition, the motion included a recommendation that the sidewalk tie into Delacey and Todd Lane, contingent upon nearby church approval for any space needed outside of existing right-of-way, for walkability to surrounding schools. 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 "8." (Ordinance #22-14)

- h. PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 55, Parcel 7.02 from I-2 to C-2 requested by Hardik Patel. The property requested to be rezoned contains approximately 2.94 acres and is located at the corner of Almaville Road, Poplar Wood Road, and Seminary Road. The recommendation also includes the rezoning of Parcel 7.01 owned by Consolidated Utility District from I-2 to C-2.

The Town Council next considered on second and final reading an ordinance relative to the rezoning of property located on Tax Map 55, Parcel 7.02 from I-2 to C-2 requested by Hardik Patel. The property requested to be rezoned contains approximately 2.94 acres and is located at the corner of Almaville Road, Poplar Wood Road, and Seminary Road. The recommendation also includes the rezoning of Parcel 7.01 owned by Consolidated Utility District from I-2 to C-2. 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. Claudia Belden, 115 Winchester Lane, Smyrna, spoke on behalf of herself and in opposition of the agenda 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 with the requirement of a traffic study regardless of the type of business that goes on the property. Following further discussion, the motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved 6-1, with Council Member Racquel Peebles voting against the agenda item. A copy of said ordinance, as approved on first, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8." (Ordinance #22-15)

8. New Business:

a. Planning Commission Report:

- i. Consideration of an ordinance relative to the rezoning of property located on Tax map 28, Parcel 83.00, from R-1 to C-2, requested by Edward Clark. The property requested to be rezoned contains approximately 1 acre and is located at 14001 Old Nashville Highway.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax map 28, Parcel 83.00, from R-1 to C-2, requested by Edward Clark. The property requested to be rezoned contains approximately 1 acre and is located at 14001 Old Nashville Highway. 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 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 "9." (Ordinance #22-19)

b. Packaged Liquor Board Report:

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

c. Consideration of an Ordinance adopting the budget for fiscal year 2022-2023.

The Town Council next considered on first reading an ordinance adopting the budget for fiscal year 2022-2023.

Following discussion, Council Member Steve Sullivan 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 #22-16)

d. Consideration of an Ordinance relative to a budget amendment for Fiscal Year 2022.

The Town Council next considered on first reading an ordinance relative to a budget amendment for Fiscal Year 2022.

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 #22-17)

e. Consideration of an Ordinance adopting property tax rate for fiscal year 2022-2023.

The Town Council next considered on first reading an ordinance adopting the property tax rate for fiscal year 2022-2023.

Following discussion, Council Member Steve Sullivan 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 "12." (Ordinance #22-18)

f. Mayor to appoint one (1) member to the Historic Zoning Commission to serve an unexpired term ending in 2025.

The Mayor next appointed Kelsey Dempsey to serve an unexpired term on the Historic Zoning Commission ending in 2025. Said nomination was confirmed by Council 7-0.

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

9. Other.

Utilities Director, Mike Strange, announced before the Council various emergency use fund allocations for necessary expenses at the Water Treatment Plant and Waste Water Treatment Plant.

10. Status Reports.

Finance Director, Rex Gaither, presented Council with March Shared Tax numbers.

11. Announcements.

Mayor Reed spoke of the Town's Kid's Safety Day in partnership with Tri-Star Stonecrest and thanked the community for attending the event.

Mayor Reed announced the 2022 Police and Fire Academy scheduled for June 6-9, 2022.

Mayor Reed spoke of the Stewarts Creek Military Enlistment event and the Stevens Aerospace and Defense Systems Open House on May 4, 2022.

Mayor Reed spoke of her visit with Bahamas Prime Minister, Philip Davis.

Mayor Reed announced the Town of Smyrna Boat Day June 18, 2022 from 9:00a.m.-1:00p.m.

Mayor Reed announced upcoming community events such as the Farmers Market and Simply Smyrna Celebration hosted by Carpe Artista.

Town Manager Brian Hercules recognized Firefighters for International Firefighters' Day and Police Officers for the upcoming National Police Week.

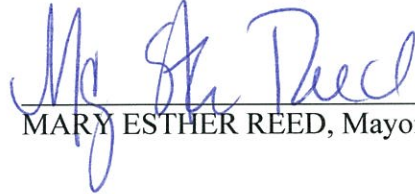
Town Manager Brian Hercules thanked Chef for a wonderful Mother's Day Brunch which was held May 8, 2022.

Town Manager Brian Hercules reminded citizens of the upcoming Memorial Day Ceremony on May 30, 2022 at 11:00 a.m. and announced that town offices will be closed in observance of the holiday on that date.

Lastly, 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.

Without objection, the meeting was adjourned at 7:12 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk