

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON JUNE 7, 2022**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on June 7, 2022, at Town Hall with the Honorable Marc Adkins, Vice-Mayor, presiding.

Prior to calling the meeting to order, Vice-Mayor Adkins recognized and presented certificates to the Stewarts Creek Middle School Lady Falcon softball team for their achievement in becoming the 2022 TMSAA Class 2A Softball State Champions.

Vice-Mayor Adkins called the meeting to order at 5:07p.m. The invocation was offered by Smyrna Police Chaplain, Terry Frazier. 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:

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

Mayor Mary Esther Reed was not present at this meeting.

**3. Approval or Correction of Minutes of the May 10, 2022 regular meeting and May 26, 2022 special-called and worksession meetings of the Town Council.**

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the May 10, 2022 regular meeting and May 26, 2022 special-called and worksession meetings 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 were no correspondence/communications to be presented to the Town Council at this time.

**5. Awards and Recognitions.**

Council next presented proclamations for Men's Health Month and Alzheimer's and Brain Awareness Month.

**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 G&W Diesel/EVS for the Fire Department Self Contained Breathing Apparatus (SCBA) Annual Flow Testing.
- b. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Solitude Lake Management relative to annual maintenance for the pond at JJ McWilliams / Old Rock School Park.
- c. Approval of the terms of, and authorization for the Mayor to execute, an annual service agreement with BHT Resources relative to Park system concession stands.
- d. Approval of the terms of, and authorization for the Mayor to execute, a Performance Agreement with Mark Oliverius relative to music and sound for the 2022 Independence Day Celebration.
- e. Approval of the terms of, and authorization for the Mayor to execute, an agreement with TDOT for access to live video and information sharing as part of the closed caption television system along the I-24 Smart Corridor.
- f. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Sweeping Corporation of America for roadway sweeping.
- g. Approval of the terms of, and authorization for the Mayor to execute, an agreement with the Army Corps of Engineers for a drainage easement along the north side of Old Jefferson Pike to connect existing easements.
- h. Approval of the terms of, and authorization for the Mayor to approve the rankings of the selection committee for the Old Nashville Highway Sidewalk Improvements Project using a CRSSA Grant.
- i. Approval of the terms of, and authorization for the Mayor to approve the rankings of the selection committee for the Enon Springs Sidewalk Improvements Project using a TAP Grant.
- j. Approval of the terms of, and authorization for the Mayor to execute, a contract with EYE IN THE SKY to upgrade the camera system at the WTP.
- k. Approval of the terms of, and authorization for the Mayor to execute, annual bid documents from several suppliers relative to water, gas and sewer.

- l. Approval of the terms of, and authorization for the Mayor to execute, the Water Treatment Plant 2022-2023 annual bid contracts for chemicals.
- m. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Cerdant to provide Managed Firewall and Security Operations Center services.

Following discussion, Council Member Gerry Short 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 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 second and final reading an Ordinance relative to therezoning 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.

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.

Following further discussion, Council Member Tim Morrell made a motion to approve said ordinance. The motion was duly seconded by Council Member H.G. Cole. 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 #22-19)

- b. **PUBLIC HEARING:** Consideration of an Ordinance adopting the budget for fiscal year 2022-2023.

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

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.

Following further discussion, Council Member Steve Sullivan made a motion to approve said ordinance. 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 second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3." (Ordinance #22-16)

- c. **PUBLIC HEARING:** Consideration of an Ordinance relative to a budget amendment for Fiscal Year 2022.

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

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.

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 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 #22-17)

- d. **PUBLIC HEARING:** Consideration of an Ordinance adopting property tax rate for fiscal year 2022-2023.

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

At this time, Vice-Mayor Adkins recessed the meeting without objection, and a public hearing was opened related to the agenda item. Smyrna citizen, Dan Epright, 114 Seward Street, inquired as to the property tax rate for fiscal year 2021 and commented that he just wanted the two numbers stated within the same meeting for the record.

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. 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 second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5." (Ordinance #22-18)

**8. New Business:**

**a. Planning Commission Report:**

1. Consideration of an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 61.00 requested by Shawn Collins on behalf of Jamie L. Turner containing 1.1 acres. Property is located at 8269 Rocky Fork Almaville Road.

The Town Council next considered on first reading an ordinance relative to the annexation and R-3 zoning of property located on Tax Map 54, Parcel 61.00 requested by Shawn Collins on behalf of Jamie L. Turner containing 1.1 acres. Property is located at 8269 Rocky Fork Almaville 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 H.G. Cole. Following further discussion, the motion was approved 5-0-1, with Vice-Mayor Marc Adkins abstaining from the vote. 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 #22-20)

2. Consideration of an ordinance relative to the annexation and PRD and R-1 zoning of properties located on Tax Map 51, Parcels 8.07 and 8.11, requested by D. R. Horton, Inc. on behalf of James P. and Marilyn K. McHugh and Michael D. and Marie Burke containing 48.83 acres. Properties are located at 6304 and 6588 Lee Road.

The Town Council next considered on first reading an ordinance relative to the annexation and PRD and R-1 zoning of properties located on Tax Map 51, Parcels 8.07 and 8.11, requested by D. R. Horton, Inc. on behalf of James P. and Marilyn K. McHugh and Michael D. and Marie Burke containing 48.83 acres. Properties are located at 6304 and 6588 Lee Road. The recommendation of the Planning Commission was that the Town Council approve the request with the following condition:

- i. Submit a traffic study. Any recommendations for improvements that are made in the traffic study will be required to be constructed by developer.

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 5-1, 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 "7." (Ordinance #22-21)

3. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28G, Group A, Parcel 1.01 from R-4 to C-2 requested by John Lee. The property requested to be rezoned contains approximately 0.4 acre and is located south of Sam Ridley Parkway, West.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28G, Group A, Parcel 1.01 from R-4 to C-2 requested by John Lee. The property requested to be rezoned contains approximately 0.4 acre and is located south of Sam Ridley Parkway, West. The recommendation of the Planning Commission was that the Town Council approve the request with the following condition:

- i. Prior to the effective date of rezoning, a combination plat must be submitted, approved, and recorded with the Register of Deeds office.

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 "8." (Ordinance #22-22)

There were no further planning items to consider.

**b. Packaged Liquor Board Report:**

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

**c. Consideration of the Classification & Compensation plan for Town positions for Fiscal Year 2022-2023.**

The Town Council next considered the Classification & Compensation plan for Town positions for Fiscal year 2022-23.

Following discussion, Council Member Steve Sullivan made a motion to approve said the classification & compensation plan as presented. The motion was duly seconded by Council Member H.G. Cole. Following further discussion, the motion was approved unanimously. A copy of said Classification & Compensation plan for Town positions for Fiscal year 2022-23 is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9."

**d. Approval of a Resolution to adopt the 2022 revision of the Rutherford County Hazard Mitigation Plan.**

The Town Council next considered a Resolution adopting the 2022 revision of the Rutherford County Hazard Mitigation Plan.

Following discussion, Council Member Tim Morrell made a motion to approve 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 #22-13)

**e. Consideration of a change to the terms of the Smyrna Police Department Standard Operating Procedures relative to officers' facial hair.**

The Town Council next considered a change to the terms of the Smyrna Police Department Standard Operating Procedures relative to officers' facial hair.

Following discussion, Council Member Gerry Short made a motion to approve said change. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously. A copy of said changes, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11."

**f. Consideration of changes to the terms of the Smyrna Police Department Standard Operating Procedures regarding the storage of evidence on a temporary bases for the purpose of processing.**

The Town Council next considered changes to the terms of the Smyrna Police Department Standard Operating Procedures regarding the storage of evidence on temporary bases for the purpose of processing.

Following discussion, Council Member Tim Morrell made a motion to approve said change. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved unanimously. A copy of said changes, as approved, are 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.**

**a. Approval of the terms of, and authorization for the Mayor to execute, the Final Change Order for the AMI Project and SRF Funding.**

The Town Council next considered a Final Change Order for the AMI Project and SRF Funding.

Following discussion, Council Member Racquel Peebles made a motion to authorize Mayor to execute said change order. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said change

order, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "13."

- b. Consideration of a Resolution endorsing the continuance of utilizing the District Attorney's office for appearances at Smyrna General Sessions Court.

The Town Council next considered a Resolution endorsing the continuance of utilizing the District Attorney's office for appearances at Smyrna General Sessions Court.

Following discussion, Council Member Steve Sullivan made a motion to approve said resolution. The motion was duly seconded by Council Member Tim Morrell. 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 "14." (Resolution #22-14)

- c. Consideration of a Resolution endorsing the continuance of utilizing the Public Defender's office for appearances at the Smyrna General Sessions Court.

The Town Council next considered a Resolution endorsing the continuance of utilizing the Public Defender's office for appearances at Smyrna General Sessions Court.

Following discussion, Council Member Steve Sullivan made a motion to approve said resolution. The motion was duly seconded by Council Member Tim Morrell. 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 "15." (Resolution #22-15)

- d. Approval of the terms of, and authorization for the Mayor to execute, an agreement with TMPartners, PLLC relative to architecture services for Smyrna Fire Station.

The Town Council next considered an additional item brought under other by Town Manager, Brian Hercules, relative to seeking approval of the terms of and authorization for the Mayor to execute, an agreement with TMPartners, PLLC relative to the architecture services for Smyrna Fire Station.

Following discussion, Council Member Tim Morrell made a motion to authorize Mayor to execute said agreement. The motion was duly seconded by Council Member H.G. Cole. Following further discussion, the motion was approved unanimously. A copy of said agreement with TMPartners, PLLC is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "16."



**10. Status Reports.**

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

**11. Announcements.**

Town Manager Brian Hercules reminded citizens of Town of Smyrna Boat Day June 18, 2022 from 9:00a.m.-1:00p.m.

Town Manager Brian Hercules reminded citizens of the upcoming holiday, Juneteenth and announced that town offices will be closed in observance of the holiday on Monday, June 20, 2022, in observance.

Town Manager Brian Hercules announced details of the Town's annual Independence Day event on Friday, July 1, 2022.

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 6:24 p.m.

TOWN OF SMYRNA, TENNESSEE

  
\_\_\_\_\_  
MARC ADKINS, Vice-Mayor

ATTEST:

  
\_\_\_\_\_  
AMBER HOBBS, Town Clerk