

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON SEPTEMBER 6, 2022**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on September 6, 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 and pledge of allegiance were led by Town of Smyrna Police Chief, Kevin Arnold.

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

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

Council Member Tim Morrell was not present at this meeting.

3. Approval or correction of the minutes of the August 9 regular meeting and August 25, 2022 works session meeting of the Town Council.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the August 9, 2022 regular meeting and August 25, 2022 work session meeting of the Town Council. The motion was duly seconded by Council Member Racquel Peebles. 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.

At this time, Mayor Reed, on behalf of the Town Council, presented a proclamation to Dr. Carol G. Puryear recognizing her retirement and commending her longstanding service to education with the Tennessee Board of Regents.

Next, Mayor Reed, on behalf of the Town Council, recognized and presented various County Commissioners with framed photos of the Depot to thank them for their service during office to the Smyrna community.

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 contract with RJ Young to provide a high volume printer for the Waste Water Treatment Plant.
- b. Approval of the terms of, and authorization for the Mayor to execute, the Rock Springs Road Tank Rehab Change Order #1.
- c. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Cleary Construction, Inc. for the repair and/or replacement of sewer mains in basin A8 & A9.
- d. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Adapts Electronic Monitoring LLC to provide alcohol monitoring services for the probation department.
- e. Approval of the terms of, and authorization for the Mayor to execute, the Annual Report to TDEC to meet the requirements of the NPDES Phase II MS4 Program.
- f. Approval of the terms of, and authorization for the Mayor to execute, Change Order #2 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, Amendment #4 with TDOT for the Lowry Street Phase 1 Streetscapes Project.
- h. Approval of the terms of, and authorization for the Mayor to execute, the contract with Cleary Construction, Inc. for the Spring Hill Extension project.

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 Vice-Mayor Marc Adkins, 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, 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 second and final 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 Planning Commission recommended approval of this item.

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 Steve Sullivan 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 #22-28)

- b. **PUBLIC HEARING:** 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 second and final 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.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. Two individuals spoke pertaining to the item as follows:

Ms. Helen E. Horner, 2204 Rigden Mill Dr., Smyrna, addressed the council in opposition to this agenda item. She expressed worry about parking and access into/from the development.

Ms. Chandler Walker, Senior Design Engineer, Catalyst Design Group, 5100 Tennessee Avenue, Nashville, spoke in favor of the project. She is the engineer on the project. Ms. Walker

spoke as to the revisions made to the design based upon recommendations of council and addressed the concerns of Ms. Horner who spoke previous to her.

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 5-1 with Marc Adkins voting against said approval. 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 #22-30)

- c. **PUBLIC HEARING:** Consideration of an ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IV, Section 4.010.1.A regarding minimum required parking for certain residential uses.

The Town Council next considered on second and final reading an Ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IV, Section 4.010.1.A regarding minimum required parking for certain residential uses. The recommendation of the Planning Commission was that the Town Council approve the amendment.

At this time, Mayor Reec 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 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 #22-31)

8. **New Business:**

a. **Planning Commission Report:**

- 1. 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 first 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.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said ordinance on first reading, incorporating Staff comments from planning. Council Member Steve Sullivan seconded the motion. 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 "5." (Ordinance #22-35)

2. 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 first 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.

Following discussion, Council Member Gerry Short 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 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 "6." (Ordinance #22-36)

3. 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 first 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.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said ordinance on first reading incorporating the recommendations. 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 first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7." (Ordinance #22-37)

4. 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 first reading 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 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.

Following discussion, Council Member Gerry Short made a motion to approve said ordinance on first reading incorporating the recommendations. 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 first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8." (Ordinance #22-38)

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.

c. 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 first 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.

Following discussion, Council Member H.G. Cole 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 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 #22-32)

d. 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 first 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.

Following discussion, Vice-Mayor Marc Adkins 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 "10." (Ordinance #22-33)

e. Consideration of an Ordinance amending Ordinance No. 21-22 to adopt the Fiscal Year End 2022 budget amendments.

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

Following discussion, Council Gerry Short 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. The Ordinance, as approved on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11." (Resolution #22-34)

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 July Local and State Shared Tax numbers.

11. Announcements.

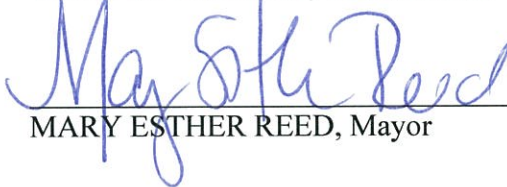
Town Manager Brian Hercules shared praise notes recognizing several Town employees for a job well done.

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 and other Council members spoke of many upcoming community events such as Rotary Fish Fry, Top Gun Night Run 6k, Smyrna Depot Days event, and events taking place at SOAC. She encouraged citizens to get out and enjoy these events.

Without objection, the meeting was adjourned at 6:26 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk