

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON JANUARY 10, 2023**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on January 10, 2023, at Town Hall with the Honorable Mayor Mary Esther Reed presiding.

Prior to calling the meeting to order, citizens' comments were heard from Smyrna residents LeAnn Riley (119 Bonifay Drive) and Jennifer Ervin (117 Bonifay Drive) relative to the unfinished connection road from St. Francis to Enon Springs West.

Mayor Reed called the meeting to order at 5:14 p.m. The invocation was led by Smyrna Police Department Chaplain, Tim York, and the pledge of allegiance was led by Town Attorney, Jeffrey L. 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
Vice-Mayor Marc Adkins
Mayor Mary Esther Reed

3. Approval or correction of the minutes of the December 6, 2022 regular meeting and December 22, 2022 special-called and work session meetings of the Town Council.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the December 6, 2022 regular meeting and December 22, 2022 special-called and work session meetings of the Town Council. The motion was duly seconded by Vice-Mayor Marc Adkins. 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.

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 new operating protocol from Pall Corporation for the membrane filtration system at the Water Treatment Plant.**
- b. **Approval of the terms of, and authorization for the Mayor to execute, a renewal of the 24/7 telephone technical support with Pall Corporation for the membrane filtration process at the Water Treatment Plant.**
- c. **Approval of the terms of, and authorization for the Mayor to execute, a contract extension with Thomas and Hutton for Olive Branch CEI services.**
- d. **Approval of the terms of, and authorization for the Mayor to execute, State Revolving Loan Application and Authorizing Resolution for an increase in loan amount for the I & I Project.**
- e. **Approval of the terms of, and authorization for the Mayor to execute, the capital project contract with Charlie Irwin Painting, LLC, relative to the Water Treatment Plant Valve and Raw Water Intake Pipe Painting.**
- f. **Approval of the terms of, and authorization for the Mayor to execute, a lease renewal with the U.S. Corps of Engineers for Sharp Springs Park.**
- g. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with the Science Center for the rental of the "From Here to There" exhibit at the Smyrna Outdoor Adventure Center.**
- h. **Approval of the terms of, and authorization for the Mayor to execute, a rental agreement with the Betty Brinn Museum for the "Some Assembly Required" exhibit.**
- i. **Approval of the terms of, and authorization for the Mayor to execute, a 3-year renewal agreement with CDW-G for the Town's Google Workspace Licensing.**
- j. **Consideration and authorization of a list of items to be auctioned through online surplus sale with GovDeals.**
- k. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with Duncan Associates to complete an update to the Town of Smyrna impact fee study.**

Following discussion, Council Member Tim Morrell 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.

There were no 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 on Tax Map 28, Parcel 103.01, from R-3 to PRD requested by Chandler Walker. The property requested to be rezoned contains approximately 42.87 acres and is located on Williamsport Drive.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property on Tax Map 28, Parcel 103.01, from R-3 to PRD requested by Chandler Walker. The property requested to be rezoned contains approximately 42.87 acres and is located on Williamsport Drive. The recommendation of the Planning Commission was that the request be DENIED.

At this time, and following discussion, Mayor suspended the rules of the meeting with the agreement of Council to allow applicant, Caleb Spearing (103 Maple Street), to address the Council relative to the project.

Following further discussion, Vice-Mayor Marc Adkins made a motion to DENY said ordinance on first reading in order to maintain consistency with surrounding R-3 zoning. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion to DENY was approved 6-1, with Council Member Gerry Short voting against said denial. 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 "2." (Ordinance #23-1)

- 2. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28L, Group C, Parcel 16.01 from R-2 to C-1 requested by Jeremy Byrd. The property requested to be rezoned contains approximately .4 acre and is located at 102 Wright Street.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28L, Group C, Parcel 16.01 from R-2 to C-1 requested by Jeremy Byrd. The property requested to be rezoned contains approximately .4 acre and is located at 102 Wright Street. 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 Steve Sullivan. 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 "3." (Ordinance #23-2)

3. Consideration of an ordinance relative to the rezoning of property located on Tax Map 27P, Group B, Parcel 19.00 from R-1 with H-1 to C-4 with H-1 requested by Sandra Elias. The property requested to be rezoned contains .32 acre and is located at 104 Hazelwood Drive.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 27P, Group B, Parcel 19.00 from R-1 with H-1 to C-4 with H-1 requested by Sandra Elias. The property requested to be rezoned contains .32 acre and is located at 104 Hazelwood Drive. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Council Member Tim Morrell 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 "4." (Ordinance #23-3)

4. Consideration of an ordinance amending the PID on property located on Tax Map 35, Parcel 92.02 requested by Sean Saunders. The property requested to be amended contains 3.23 acres and is located at 7085 Florence Road.

The Town Council next considered on first reading an ordinance amending the PID on property located on Tax Map 35, Parcel 92.02 requested by Sean Saunders. The property requested to be amended contains 3.23 acres and is located at 7085 Florence Road. The recommendation of the Planning Commission was that the request be DENIED.

Following discussion, Council Member Tim Morrell made a motion to DENY said ordinance on first reading due to the abutting residential zoning. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion to DENY was approved 7-0. 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 "5." (Ordinance #23-4)

5. Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 58.00 from R-1 to PRD requested by Clay Wallace. The property requested to be rezoned contains approximately 23.13 acres and is located on Fortitude Trail.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 58.00 from R-1 to PRD requested by Clay Wallace. The property requested to be rezoned contains approximately 23.13 acres and is located on Fortitude Trail. The recommendation of the Planning Commission was that the request be approved with the requirement that the proposed stub street into Woodmont be connected.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said ordinance on first reading to include the commission's requirement. 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 "6." (Ordinance #23-5)

b. Packaged Liquor Board Report:

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

c. Consideration and approval of a Resolution to accept two (2) surplus microwave antennas from Rutherford County Emergency Management Services.

The Town Council next considered a resolution authorizing Mayor to accept two (2) surplus microwave antennas from the Rutherford County Emergency Management Services.

Following discussion, Council Member Tim Morrell made a motion to approve said resolution authorizing Mayor to accept two (2) surplus microwave antennas from the Rutherford County Emergency Management Services. Council Member Racquel Peebles seconded the motion. Following further discussion, the motion was approved 7-0.

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

9. Other.

At this time, Mayor Reed asked that Town Attorney, Jeff Peach, address an online question from a citizen relative to why the Town cannot force the developer to complete the connection at St. Francis and Enon Springs West. Town Attorney, Jeff Peach, and Town Planner, Kevin Rigsby, explained that no final plat showing road completion had ever been recorded and therefore no bond was required. For these reasons, the Town does not have the authority to force a developer to complete something on private property.

10. Status Reports.

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

11. Announcements.

Town Manager Brian Hercules recognized various Town employees for a job well done, including but not limited to, several utilities workers, streets department employees, and first responders in the recent frigid and inclement weather conditions.

Town Manager Brian Hercules recognized Law Enforcement Appreciation Week and specifically our Town Police officers.

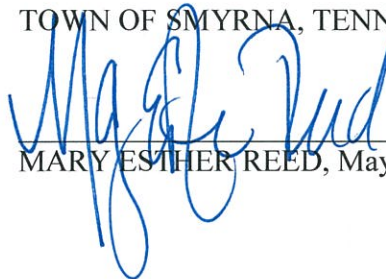
Town Manager Brian Hercules encouraged citizens to continue participating in the Town's Love Where You Live campaign to assure the community remains free from unnecessary litter.

Mayor Reed and other Council members spoke of attendance at various community events.

Mayor Reed shared statistics from the Town's 2022 police department responses and also recognized our Town's fire department in their extraordinary efforts in maintaining our ISO rating. She thanked both Chiefs for outstanding work within their departments.

Without objection, the meeting was adjourned at 6:21p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk