

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON NOVEMBER 7, 2023**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on November 7, 2023, at Town Hall with the Honorable Mayor Mary Esther Reed presiding.

Prior to calling the meeting to order, Mayor Reed presented a proclamation in recognition of Family Court Awareness Month. Next, the Council heard various citizen comments related to ongoing parking issues in the Woodmont subdivision, as well as speakers in opposition of removing the Town Court's general session jurisdiction back to Rutherford County.

After discussion, Town Manager, Brian D. Hercules, requested a Point of Personal Privilege that council engage a firm to conduct an independent investigation into recent claims made against him in an effort to clear his name. After further discussion, Council requested that the Town Attorney research firms and bring options to them at the December workshop meeting.

Mayor Reed called the meeting to order at 6:22 p.m. The invocation was led by Smyrna Police Department Chaplain, Tim York, and 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
Steve Sullivan
Racquel Peebles
Gerry Short
Tim Morrell
Vice-Mayor Marc Adkins
Mayor Mary Esther Reed

3. Approval or Correction of Minutes of the October 10, 2023 regular meeting and the October 26, 2023 work session meeting of the Town Council.

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the October 10, 2023 regular meeting and the October 26, 2023 work session meeting 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.

~Proclamation in Recognition of Family Court 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, the Web Services Sales Agreement contract with Revize LLC, aka Revize Software Systems, for development and hosting of the Town of Smyrna website.**
- b. **Approval of the terms of, and authorization for the Mayor to execute, the 2024 Exhibit Rental Agreement for SOAC: Life on the Edge, from Sciencenter.**
- c. **Approval of the terms of, and authorization for the Mayor to execute, a contract with Brenda Walsh for acquisition services in relation to Fall Creek utility easements.**
- d. **Approval of the terms of, and authorization for the Mayor to execute, an engagement letter with Boozer & Company, P.C. for appraisal services relating to the acquisition of utility easements for the Fall Creek project.**
- e. **Approval of the terms of, and authorization for the Mayor to execute, an engagement letter with CBRE, Inc. Valuation & Advisory Services, to provide the Town with review appraisal services in connection with the acquisition of utility easements for the Fall Creek project.**
- f. **Approval of the terms of, and authorization for the Mayor to execute, the Extension to Maintenance and Support Agreement for IDEMIA, relative to the AFIS machine used for fingerprinting and identification at the police department.**
- g. **Approval of the terms of, and authorization for the Mayor to execute, a change in the towing application period from June 1st through 30th to April 1st through 30th.**
- h. **Approval of the terms of, and authorization for the Mayor to execute an agreement with Premier Fence to install a fence and gates at the Justice Center.**
- i. **Approval of the terms of, and authorization for the Mayor to execute an agreement with Stansell Electric Company for the ITS Phase 3, 4, 5 project.**

Following discussion, Council Member Steve Sullivan 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 Tim Morrell, 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 a resolution relative to a Plan of Services for property located on Tax Map 54, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00.

The Town Council next considered a Resolution relative to a Plan of Services for property located on Tax Map 54, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00. The recommendation of the Planning Commission was that the request be approved.

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 for a Plan of Services. The motion was duly seconded by Vice-Mayor Marc Adkins, and following further discussion, 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 "2." (Resolution #23-18)

b. PUBLIC HEARING: Consideration of an Ordinance relative to the annexation and PRD zoning of property located on Tax Map 54, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00, requested by Jennifer Speich on behalf of the property owners containing 39.65 acres. Properties are located at 8613 and 8675 Rocky Fork Almadillo Road.

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, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00, requested by Jennifer Speich on behalf of the property owners containing 39.65 acres. Properties are located at 8613 and 8675 Rocky Fork Almadillo Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. Fire hydrants are required within 500' of all lots. All portions of the townhomes must be within 150' of the fire truck access. Place a fire hydrant at unit 96 near the road.
- ii. Sheet C2.0 and Sheet C6.0 are inconsistent as to the setbacks for townhomes. Please make sure these are consistent, and Sheet C6.0 is shown correctly.
- iii. Porches are required to meet minimum building setbacks if the porch has a roof.
- iv. The required minimum fire flow is 1,000 GPM at 20 PSI.
- v. Critical lots would be identified at the preliminary plat stage.

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 Gerry Short made a motion to approve said Ordinance on second and final reading. The motion was duly seconded by Council Member Steve Sullivan, and following further discussion, was approved 7-0.

A copy of said Ordinance, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3." (Ordinance #23-41)

c. Consideration of a Resolution in Memorandum of Ordinance #23-41 relative to the annexation and PRD zoning of property located on Tax Map 54, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00.

The Town Council next considered a Resolution in Memorandum of Ordinance #23-41 relative to the annexation and PRD zoning of property located on Tax Map 54, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00. This is a housekeeping item required to accompany approved annexations.

Following discussion, Council Member Tim Morrell made a motion to approve said Resolution. The motion was duly seconded by Council Member Steve Sullivan, and following further discussion, was approved unanimously.

A copy of said Resolution, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4." (Resolution #23-19)

d. PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 31.01, from R-1 to PRD requested by Jennifer Speich. The property requested to be rezoned contains 31.68 acres and is located at 602 and 604 Rock Springs Road.

The Town Council next considered on second and final reading an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 31.01, from R-1 to PRD requested by Jennifer Speich. The property requested to be rezoned contains 31.68 acres and is located at 602 and 604 Rock Springs Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. Any improvements recommended by the traffic study must be completed by the developer.
- ii. The required minimum fireflow is 1,000 GPM at 20 PSI. This is not currently attainable at this site. However, the Town has a waterline improvement project which should be completed in approximately one (1) year that should take care of any issues.
- iii. Road G is shown connecting to Imperial Boulevard. As this road is not constructed to this property yet, in the interim a turnaround compliant with the 2018 International Fire Code will be required in that area.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. Smyrna citizen, Robert Miller, 1215 Ledbury Drive, spoke in opposition of this agenda item and presented council with a petition in opposition containing 31 unverified signatures of neighboring citizens.

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

Following discussion, Council Member Racquel Peebles made a motion to approve said Ordinance on second and final reading to include a condition that the developer work with Town staff to determine a location(s) to incorporate solar speed indicators within the development. The motion was duly seconded by Council Member Tim Morrell, and following further discussion, was approved 7-0.

A copy of said Ordinance, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5." (Ordinance #23-43)

e. PUBLIC HEARING: Consideration of a resolution relative to a Plan of Services for property located on Tax Map 51, Parcel 3.00.

The Town Council next considered a Resolution relative to a Plan of Services for property located on Tax Map 51, Parcel 3.00. The recommendation of the Planning Commission was that the request be approved.

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 for a Plan of Services. The motion was duly seconded by Council Member Steve Sullivan, and following further discussion, 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 "6." (Resolution #23-23)

f. PUBLIC HEARING Consideration of an ordinance relative to the annexation and PRD zoning of property located on Tax Map 51, Parcel 3.00, requested by CSDG on behalf of the Naron Family Trust containing 45.79 acres. The property is located on Cooks 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 51, Parcel 3.00, requested by CSDG on behalf of the Naron Family Trust containing 45.79 acres. The property is located on Cooks Lane. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. Submit a traffic study. Any improvements recommended by the traffic study will be required to be constructed by the developer.

- ii. Two entrances will be required to this development. The proposed connection to Gwynne Farms will serve as the second connections, but it must be constructed prior to constructions of the 100th home in the development.
- iii. Corner lots have two front setbacks. Show consistently through the plans.
- iv. The required minimum fire flow is 1,000 GPM at 20 PSI. As CUD has indicated that this fire flow cannot be met at this time, no subdivision plats can be approved until a timeline for improvements to correct this issue has been established.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. No citizens spoke related to this agenda item.

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

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said Ordinance on second and final reading. The motion was duly seconded by Council Member Steve Sullivan, and following further discussion, was approved 7-0.

A copy of said Ordinance, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7." (Ordinance #23-44)

g. Consideration of a Resolution in Memorandum of Ordinance #23-44 relative to the annexation and PRD zoning of property located on Tax Map 51, Parcel 3.

The Town Council next considered a Resolution in Memorandum of Ordinance #23-44 relative to the annexation and PRD zoning of property located on Tax Map 51, Parcel 3. This is a housekeeping item required to accompany approved annexations.

Following discussion, Council Vice-Mayor Marc Adkins made a motion to approve said Resolution. The motion was duly seconded by Council Member Tim Morrell, and following further discussion, was approved unanimously.

A copy of said Resolution, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8." (Resolution #23-22)

h. PUBLIC HEARING: Consideration of an Ordinance amending the Municipal Code Title 14 relative to Storm Water.

The Town Council next considered on second and final reading an Ordinance amending the Municipal Code Title 14 relative to Storm Water.

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 this item.

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

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said Ordinance on second and final reading. The motion was duly seconded by Council Member Gerry Short, and following further discussion, 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." (Ordinance #23-42)

i. Consideration of an Ordinance relative to a Proposed Amendment to Article IX of the Town Charter and the Town Court.

The Town Council next considered on second reading an Ordinance relative to a Proposed Amendment to Article IX of the Town Charter and the Town Court.

At this time, Mayor Reed asked Town Manager, Brian Hercules, to present numbers from the police department relative to the effect of the removal of the general sessions portion of the Town Court back to Rutherford County. Town Manager, Brian Hercules, requested that Captain James Scott make said presentation to the Council.

There was no public hearing at the time of consideration of this item on second reading, as the public hearing was held prior to the deferral of this item on the October 10, 2023 meeting of the Town Council.

Following discussion, Council Member H.G. Cole made a motion to approve the Ordinance on second reading for the purposes of judicial economy and efficiency. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, Council Member Racquel Peebles called for a roll call vote. The motion passed 5-2 with Council Members Gerry Short and Racquel Peebles voting against said ordinance.

A copy of said Ordinance, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10." (Ordinance #23-39)

There were no further old business items for the Town Council to consider at this time.

8. New Business:

a. Planning Commission Report:

- 1. Consideration of an ordinance relative to the annexation and PRD and R-3 zoning of property located on Tax Map 54, Parcel 57.00, requested by CSDG on behalf of the property owner containing 3.59 acres. Property is located at 8673 Briley Road.**

The Town Council next considered on first reading an ordinance relative to the annexation and PRD and R-3 zoning of property located on Tax Map 54, Parcel 57.00, requested by CSDG on behalf of the property owner containing 3.59 acres. Property is located at 8673 Briley Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- Please show all building elevations to be finished with brick, stone, and/or concrete siding on all sides. The wording on sheet C3.00 is not consistent with what is required for PRDs.
- Please add a note to the plans showing HOA ownership for the common open space administered by a third party.
- Extend the sewer main to the end of the cul-de-sac.
- Corner lots have two front setbacks. Show both front setbacks at a minimum of 20' with a minimum of 35' to the garage.
- Add a note to the plans that the HVAC units must be located to the rear of the houses.

Following discussion, Council Member Tim Morrell made a motion to approve said ordinance on first reading incorporating staff's conditions. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 7-0. A copy of 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." (Ordinance #23-46)

2. Consideration of an ordinance relative to the rezoning of property located on Tax Map 27H, Group G, part of Parcel 28.00, from C-2 to PCD requested by Andrea Patty. The property requested to be rezoned contains approximately 1 acre and is located behind 63 N. Lowry St.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 27H, Group G, part of Parcel 28.00, from C-2 to PCD requested by Andrea Patty. The property requested to be rezoned contains approximately 1 acre and is located behind 63 N. Lowry St. 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. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was DENIED 7-0. A copy of the ordinance as denied on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "12." (Ordinance #23-47)

3. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28L, Group B, Parcel 9.00, from C-1 to R-4 requested by Carl Garrett. The property requested to be rezoned contains approximately .24 acre and is located at 105 Richardson Street.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28L, Group B, Parcel 9.00, from C-1 to R-4 requested by Carl Garrett. The property requested to be rezoned contains approximately .24 acre and is located at 105 Richardson Street. 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 Vice-Mayor Marc Adkins. Following further discussion, the motion to was approved 7-0. A copy of the 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 #23-48)

- 4. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28M, Group G, Parcel 34.00, from R-2 to R-6 requested by Ellen Mays. The property requested to be rezoned contains 4.8 acres and is located at 13016 Old Nashville Highway.**

The Town Council next considered on first reading of an ordinance relative to the rezoning of property located on Tax Map 28M, Group G, Parcel 34.00, from R-2 to R-6 requested by Ellen Mays. The property requested to be rezoned contains 4.8 acres and is located at 13016 Old Nashville Highway. The recommendation of the Planning Commission was that the request be **DENIED**.

Following discussion, Council Member Steve Sullivan made a motion to DENY said ordinance on first reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was DENIED 7-0. A copy of the ordinance as denied on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "14." (Ordinance #23-49).

- 5. Consideration of an ordinance relative to the rezoning of Tax Map 28M, Group B, Parcel 15.00, from R-2 to R-4 requested by Gayle Snoddy. The property requested to be rezoned contains approximately .5 acre and is located at 406 College Street.**

The Town Council next considered on first reading an ordinance relative to the rezoning of Tax Map 28M, Group B, Parcel 15.00, from R-2 to R-4 requested by Gayle Snoddy. The property requested to be rezoned contains approximately .5 acre and is located at 406 College 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 Racquel Peebles. Following further discussion, the motion was approved 7-0. A copy of the ordinance as approved on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "15." (Ordinance #23-50)

- 6. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcels 113.03, 113.04, 113.05, and 113.06, from C-4 to C-2 requested by Jyotheen Karam. The properties requested to be rezoned total 6.63 acres and are located on Rock Springs Road.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, Parcels 113.03, 113.04, 113.05, and 113.06, from C-4 to C-2 requested by Jyotheen Karam. The properties requested to be rezoned total 6.63 acres and are located on Rock Springs Road. 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 Vice-Mayor Marc Adkins. Following further discussion, the motion was approved 7-0. A copy of the ordinance as approved on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "16." (Ordinance #23-51)

7. Consideration of an ordinance relative to the rezoning of property located on Tax Map 51, Parcels 9.00, 9.01, and 28.00, from PRD to PUD requested by Ryan Hollingshead. The properties requested to be rezoned contain approximately 214.02 acres and are located on Rocky Fork.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 51, Parcels 9.00, 9.01, and 28.00, from PRD to PUD requested by Ryan Hollingshead. The properties requested to be rezoned contain approximately 214.02 acres and are located on Rocky Fork. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- Provide a new traffic study as the previously received study is over 5 years old and the proposed development increases density and adds commercial use as well. Any improvements recommended by the traffic study will be required to be installed by the developer.
- The required minimum fire flow for the commercial development will be 1,500 GPM as 20 PSI. The residential units would require at least 1,000 GPM at 20 PSI.
- The gas station use is limited to 1 of the 3 lots along Rocky Fork Road.

Following discussion, Council Member Tim Morrell 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 7-0. A copy of the ordinance as approved on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "17." (Ordinance #23-52)

8. Consideration of an ordinance relative to the amendment of the approved PUD for property located on Tax Map 50, Parcel 7.07 requested by Rob Molchan. The property requested to be amended contains approximately 4.48 acres and is located on Seven Oaks Boulevard.

The Town Council next considered on first reading an ordinance relative to the amendment of the approved PUD for property located on Tax Map 50, Parcel 7.07 requested by Rob Molchan. The property requested to be amended contains approximately 4.48 acres and is located on Seven Oaks Boulevard. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Council Member Steve Sullivan 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 7-0. A copy of the ordinance as approved

on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "18." (Ordinance #23-53)

b. Consideration of a Resolution establishing the date, time and place of the 2024 regular and work session meetings of the Town Council.

The Town Council next considered a Resolution establishing the date, time and place of the 2024 regular and work session meetings of the Town Council.

Following discussion, Council Member Steve Sullivan made a motion to approve said resolution, changing the November work session meeting to Monday, November 25, 2024, at 5:00p.m., and authorize Mayor to sign. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 7-0. A copy of the Resolution as approved is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "19." (Resolution #23-21)

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

9. Other.

10. Status Reports.

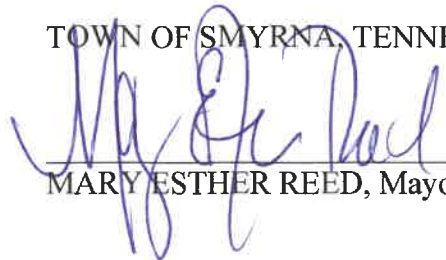
Finance Manager, Sierra Lowry, presented Council with September State Shared Tax and September Local Sales Tax numbers.

11. Announcements.

Mayor Reed and other Council members as well as Town Manager, Brian Hercules, recognized various Town employees for a job well done; spoke of attendance at various community events and also extended well wishes, congratulations and condolences to various individuals.

Without objection, the meeting was adjourned at 8:56 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk