

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON DECEMBER 12, 2023**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on December 12, 2023, at Town Hall with the Honorable Mayor Mary Esther Reed presiding.

Prior to calling the meeting to order, Mayor Reed presented several certificates in recognition of the 2023 Christmas Parade.

Mayor Reed called the meeting to order at 5:11 p.m. The invocation was led by Smyrna Police Department Chaplain, Tim York, and the Pledge of Allegiance was led by Director of Public Works, Tom Rose.

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

Steve Sullivan
Racquel Peebles
Gerry Short
Tim Morrell
Vice-Mayor Marc Adkins
Mayor Mary Esther Reed

Council Member H.G. Cole was not in attendance for this meeting.

3. Approval or Correction of Minutes of the November 7, 2023 regular meeting and the November 20, 2023 work session meeting of the Town Council.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the November 7, 2023 regular meeting and the November 20, 2023 work session meeting of the Town Council. The motion was duly seconded by Council Member Tim Morrell. 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.

There were no awards/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, a renewal contract with CIGNA Healthcare for the Employee Medical, Dental, and Vision Plans for the calendar year 2024.
- b. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Tennessee Rehabilitation Center relative to the recreation field area used by the Parks and Recreation Department.
- c. Approval of the terms of, and authorization for the Mayor to execute an agreement with United Communications to provide a new 1Gb Internet Service with DDOS protection at the Town Hall location.
- d. Approval of the terms of, and authorization for the Mayor to execute, Change Order #1 for the 1R Sewer Lift Station.
- e. Approval of the terms of, and authorization for the Mayor to execute, the final change orders for Sam Ridley and Weakley Lane water improvements.
- f. Approval of the terms of, and authorization for the Mayor to execute, Change Order #1 for North Lowry Waterline Phase 2A.
- g. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with USIC Location Services for locating water, sewer and gas underground utilities.
- h. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Kimley Horn for design of a sidewalk along Old Nashville Highway from St. Lukes to St Michaels.
- i. Approval of the terms of, and authorization for the Mayor to execute, Amendment Number 1 with TDOT relative to SR-266 (Sam Ridley Parkway), Intersection at Old Nashville Highway, Log Mile 1.5 in Smyrna.
- j. Approval of the terms of, and authorization for the Mayor to execute, the Scope and Fee proposal with Energy Land & Infrastructure for the Lee Road Improvements Project.
- k. Approval of the terms of, and authorization for the Mayor to execute, a Professional Services Agreement with Kious, Rodgers, Barger & Sanderson, PLLC for title and closing services in connection with the Trunk Line A Sewer Rehab Project.
- l. Approval of the terms of, and authorization for the Mayor to execute, a Professional Services Agreement with Kious, Rodgers, Barger & Sanderson, PLLC for title and closing services in connection with the Fall Creek Utility Easements Project.
- m. Approval of the terms of, and authorization for the Mayor to execute, a Professional Services Agreement with Kious, Rodgers, Barger & Sanderson, PLLC for title and closing services relative to the Rocky Fork/Almaville Rd. road improvement Project.
- n. Approval of the terms of, and authorization for the Mayor to execute, a contract with R&D Enterprises, Inc. for acquisition services in relation to right of way easements for the Rocky Fork/Almaville Rd. road project.

- o. Approval of the terms of, and authorization for the Mayor to execute, an Agreement between the Town of Smyrna, Freehill Ventures, LLC and Rutherford County regarding the installation of sanitary sewer in the county right-of way.**

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 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 a resolution relative to a Plan of Services for property located on Tax Map 54, Parcel 57.00.**

The Town Council next considered a resolution relative to a Plan of Services for property located on Tax Map 54, Parcel 57.00. 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 6-0.

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 #23-24)

- b. PUBLIC HEARING: 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 second and final 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:

- i. 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.**

- ii. Please add a note to the plans showing HOA ownership for the common open space administered by a third party.
- iii. Extend the sewer main to the end of the cul-de-sac.
- iv. Corner lots have two front setbacks. Show both front setbacks at a minimum of 20' with a minimum of 35' to the garage.
- v. Add a note to the plans that the HVAC units must be located to the rear of the houses.

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 Ordinance on second and final reading incorporating staff comments. The motion was duly seconded by Council Member Gerry Short, and following further discussion, was approved 5-0-1, with Vice-Mayor Marc Adkins abstaining from the vote.

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 #23-46)

c. Consideration of a Resolution in Memorandum of Ordinance #23-46 relative to property located on Tax Map 54, Parcel 57.00.

The Town Council next considered a Resolution in Memorandum of Ordinance #23-46 relative to property located on Tax Map 54, Parcel 57.00. This is a housekeeping item required to accompany approved annexations.

Following discussion, Vice-Mayor Marc Adkins 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 #23-25)

d. PUBLIC HEARING: 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 second and final 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.

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 agenda 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 Racquel Peebles, and following further discussion, was approved 6-0.

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 #23-48)

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

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, Vice-Mayor Marc Adkins made a motion to approve said Ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell, and following further discussion, 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 "6." (Ordinance #23-50)

- f. **PUBLIC HEARING 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 second and final 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.

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, Council Member Tim Morrell made a motion to approve said Ordinance on second and final reading. The motion was duly seconded by Council Member Racquel Peebles, and following further discussion, was approved 6-0.

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 #23-51)

g. PUBLIC HEARING: 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 Road and Lee Road.

The Town Council next considered on second and final 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 Road and Lee Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. 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.
- ii. 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.
- iii. The gas station use is limited to 1 of the 3 lots along Rocky Fork Road.

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, Council Member Tim Morrell made a motion to approve said Ordinance on second and final reading. The motion was duly seconded by Vice-Mayor Marc Adkins, and following further discussion, was approved 6-0.

A copy of said Ordinance, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8." (Ordinance #23-52)

- h. PUBLIC HEARING: 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 second and final 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.

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 Tim Morrell, 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 #23-53)

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 zoning of property located on Tax Map 54, Parcel 18.00, requested by Jared Cunningham with Catalyst Design Group on behalf of the Rose C. Neal Revocable Trust containing 28.42 acres. Property is located on Rocky Fork Almaville Road.**

The Town Council next considered on first reading relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 18.00, requested by Jared Cunningham with Catalyst Design Group on behalf of the Rose C. Neal Revocable Trust containing 28.42 acres. Property is

located on Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. Please coordinate with the adjoining subdivision (The Courtyards at Stewarts Creek) in regards to the street and utility connections, as well as finished contours.
- ii. Any house construction over 3,600 square feet in size requires additional fireflow requirements. This includes all building square footage including attached garages, porches, etc.
- iii. It appears that there would be significant grading as a part of this site. Critical lots would be identified at the preliminary plat stage.

Mayor Reed announced that the applicant requested to defer this item on first reading to the January council meeting in order to “continue to work through preliminary grading to better answer any questions that may arise.” Following discussion, Vice-Mayor Marc Adkins made a motion to defer this item on first reading to the January council meeting. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 6-0. A copy of the ordinance as deferred on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “10.” (Ordinance #24-3)

2. Consideration of a resolution authorizing the acquisition of easements and right-of-way by negotiation or condemnation for the purpose of carrying out the Rocky Fork Almaville Road widening project.

The Town Council next considered on first reading a resolution authorizing the acquisition of easements and right-of-way by negotiation or condemnation for the purpose of carrying out the Rocky Fork Almaville Road widening project. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said resolution. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 6-0. A copy of said resolution, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “11.” (Resolution #23-26)

b. Consideration of an Ordinance amending Title 4 of the Town's Municipal Code and establishing an updated Occupational Safety & Health Program Plan.

The Town Council next considered on first reading an Ordinance amending Title 4 of the Town's Municipal Code and establishing an updated Occupational Safety & Health Program Plan.

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 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 "12." (Ordinance #24-1)

c. Consideration of an Ordinance amending the Municipal Code, Title 2, § 704 relative to the Memorial Maintenance and Special Projects Sub-committee to codify powers, duties, and related matters pertaining to the Captain Jeff Kuss USMC, Scholarship Program.

The Town Council next considered on first reading an Ordinance amending the Municipal Code, Title 2, § 704 relative to the Memorial Maintenance and Special Projects Sub-committee to codify powers, duties, and related matters pertaining to the Captain Jeff Kuss USMC, Scholarship Program.

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 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 "13." (Ordinance #24-2)

d. Consideration of the appointment of one (1) member to the Beer Board to serve an unexpired term ending in 2027.

The Town Council next considered the appointment of one (1) member to the Beer Board to serve an unexpired term ending in 2027. There were three applications for consideration. Following discussion, Council Member Tim Morrell nominated Jason Surratt. The nomination was duly seconded by Vice-Mayor Marc Adkins. There being no other nominations, Jason Surratt was appointed to the Beer Board to fill the vacancy.

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

9. Other.

10. Status Reports.

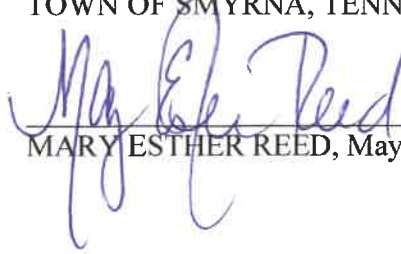
Finance Manager, Sierra Lowry, presented Council with October State Shared Tax and October Local Sales Tax numbers.

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 6:13 p.m.

TOWN OF SMYRNA, TENNESSEE

A handwritten signature in blue ink, appearing to read "Mary Esther Reed", written over a horizontal line.

MARY ESTHER REED, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Amber Hobbs", written over a horizontal line.

AMBER HOBBS, Town Clerk