

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

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

Mayor Reed called the meeting to order at 5:00 p.m. The invocation was led by Smyrna Police Department Chaplain, Tim York, and the Pledge of Allegiance was led by Police Chief Jason Irvin.

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 February 7, 2023 regular meeting and the February 23, 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 February 7, 2023 regular meeting and February 23, 2023, work session meeting of the Town Council. The motion was duly seconded by Council Member Tim Morrell. 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.

There were no awards and recognitions to be presented 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, an agreement with Pyro Shows for the 2023 Independence Day Fireworks Show.**
- b. **Approval of the terms of, and authorization for the Mayor to execute, a professional services proposal for SEC Engineering relative to the lead service line inventory required by the EPA.**
- c. **Approval of the terms of, and authorization for the Mayor to execute, Amendment #3 with TDOT for the Sam Ridley Widening Project.**
- d. **Approval of the terms of, and authorization for the Mayor to execute, the General Maintenance Agreement with TDOT for the Ramp Improvements on I-24 Ramp at SR-266 (EXIT 66, Sam Ridley Parkway).**
- e. **Approval of the terms of, and authorization for the Mayor to execute, the General Maintenance Agreement with TDOT for the Ramp Improvements: I-24 at SR-102 (EXIT 70, Almaville Road).**
- f. **Approval of the terms of, and authorization for the Mayor to execute, the contract agreement with CESO for the design of two Gateway Signs for the Town of Smyrna.**
- g. **Approval of a list of surplus items to be sold through online auction with GovDeals.**

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 an Ordinance relative to amendment of Municipal Code Title 18 "Water and Sewer," Chapter 3 "Water and Wastewater Tap Fee and Rate Schedule," Section 304 "Special Assessment Zone."**

The Town Council next considered on second and final reading an Ordinance relative to amendment of Municipal Code Title 18 "Water and Sewer," Chapter 3 "Water and Wastewater Tap Fee and Rate Schedule," Section 304 "Special Assessment Zone.

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, Vice-Mayor Marc Adkins made a motion to approve said ordinance. 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 second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2." (Ordinance #23-6)

b. PUBLIC HEARING: Consideration of an Ordinance to amend Municipal Code Title 10 "Animal Control," Chapter 2 "Dogs and Cats," Section 209 "Sale of Dogs and Cats."

The Town Council next considered on second and final reading an Ordinance to amend Municipal Code Title 10 "Animal Control," Chapter 2 "Dogs and Cats," Section 209 "Sale of Dogs and Cats."

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 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 7-0. 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 #23-7)

c. PUBLIC HEARING: Consideration of a Resolution relative to a Plan of Services for property located on Tax Map 54, part of Parcel 8.02.

The Town Council next considered a Resolution relative to a Plan of Services for property located on Tax Map 54, part of Parcel 8.02. 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 further discussion, Council Member Tim Morrell made a motion to approve said resolution. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion 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 "4." (Resolution #23-3)

d. PUBLIC HEARING: Consideration of an ordinance relative to the annexation and R-1 zoning of property located on Tax Map 54, part of Parcel 8.02 requested by Lindsey Sadler containing approximately 3 acres. Property is located on Rocky Fork Almaville Road.

The Town Council next considered on second and final reading an Ordinance relative to the annexation and R-1 zoning of property located on Tax Map 54, part of Parcel 8.02 requested by Lindsey Sadler containing approximately 3 acres. 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 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 7-0. 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 #23-8)

e. Consideration of a Resolution in memorandum of Ordinance #23-8 relative to the annexation and R-1 zoning of property located on Tax Map 54, Part of Parcel 8.02.

The Town Council next considered a Resolution in memorandum of Ordinance #23-8 relative to the annexation and R-1 zoning of property located on Tax Map 54, part of Parcel 8.02.

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 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 #23-4)

f. PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 50, part of Parcel 12.02, from PCD to C-2 requested by John McCleskey. The property requested to be rezoned contains approximately 1.05 acres and is located on Lee Victory Parkway.

The Town Council next considered on second and final reading an Ordinance relative to the rezoning of property located on Tax Map 50, part of Parcel 12.02, from PCD to C-2 requested by John McCleskey. The property requested to be rezoned contains approximately 1.05 acres and is located on Lee Victory Parkway. 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 further discussion, Council Member Tim Morrell made a motion to approve said ordinance. 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 second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7." (Ordinance #23-9)

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 73, Parcels 13.00, 13.01, 13.03, 13.04, and 16.00, as well as Tax Map 54, Parcel 57.02 requested by Matt Huff with Gamble Design Collaborative on behalf of the six property owners containing 67.68 acres. Property is located on Rocky Fork Almaville Road and Briley Road.**

The Town Council next considered on first reading an ordinance relative to the annexation and PRD zoning of property located on Tax Map 73, Parcels 13.00, 13.01, 13.03, 13.04, and 16.00, as well as Tax Map 54, Parcel 57.02 requested by Matt Huff with Gamble Design Collaborative on behalf of the six property owners containing 67.68 acres. Property is located on Rocky Fork Almaville Road and Briley Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. A traffic study is required. Any improvements recommended by the traffic study must be completed by the developer.
- ii. The required width of Briley Road is 24'. This development would be required to upgrade the road to at least this width, which may require the dedication of additional right-of-way.
- iii. Increases the proposed residential driveway width from 16' to 18'.

Following discussion, Council Member Tim Morrell made a motion to approve said ordinance on first reading incorporating staff's recommendations. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 5-1-1 with Vice-Mayor Marc Adkins abstaining from the vote and Council Member Racquel Peebles voting against said ordinance. 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 #23-10)

- 2. Consideration of an ordinance relative to the rezoning of property located on Tax Map 54, Parcels 8.05 and 19.00 from R-3 to PRD requested by Owen Hosay. The property requested to be rezoned contains 77.1 acres and is located on Rocky Fork Almaville Road.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 54, Parcels 8.05 and 19.00 from R-3 to PRD requested by Owen Hosay. The property requested to be rezoned contains 77.1 acres and is located on Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. A traffic study is required. Any improvements recommended by the traffic study must be completed by the developer.
- ii. Revise Note 1. The last part of the note should be removed and added to the note regarding the required fire flow pressure.

- iii. The Fire Department has concerns maneuvering the truck through the cul-de-sacs and roundabout. Please provide details on the truck used on the auto-turn, and revisions to the design may be needed.

Following discussion, Council Member Tim Morrell made a motion to approve said ordinance on first reading incorporating staff's recommendations. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 6-0-1 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 "9." (Ordinance #23-11)

3. Consideration of an ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IX, Floodplains.

The Town Council next considered on first reading an ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IX, relative to Floodplains. 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 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 "10." (Ordinance #23-12)

4. Consideration of an ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IV, Section 4.030.G regarding Mobile Food Vendors.

The Town Council next considered on first reading an ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IV, Section 4.030.G regarding Mobile Food Vendors. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Council Member Racquel Peebles made a motion to approve said ordinance on first reading. The motion was duly seconded by Council Member Gerry Short. 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 "11." (Ordinance #23-13)

5. Consideration of granting a permanent access easement on Rock Springs Road to Bison Construction and Equipment, LLC

The Town Council next considered upon mandatory referral the granting of a permanent access easement on Rock Springs Road to Bison Construction and Equipment, LLC. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve granting the permanent access easement. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 7-0. A copy of the easement access map,

as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “12.”

b. Packaged Liquor Board Report:

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

c. Consideration of Appointments to Boards and Committees:

- 1. Appointment of five (5) members to the Construction Board of Adjustments and Appeals. Two (2) members shall serve a one-year term ending in 2024, two (2) members shall serve a two-year term ending in 2025, and one (1) member shall serve a three-year term ending in 2026.**

Town Manager, Brian D. Hercules nominated five (5) members to the Construction Board of Adjustment and Appeals; Steve Steele and Scott Butler to serve a one-year term ending in 2024, Jim Thompson and Dow Smith to serve a two-year term ending in 2025, and Mike Allen to serve a three-year term ending in 2026. Following discussion, Vice-Mayor Marc Adkins made a motion to appoint the board members as nominated by Brian D. Hercules. Council Member Tim Morrell seconded the motion and it was subsequently approved 7-0.

- 2. Mayor to appoint three (3) members to the Planning Commission to serve two-year terms ending in 2025.**

Mayor Mary Esther Reed next appointed Amy Wise, Charles Scurr, and Miranda Swift to the Planning Commission to serve two-year terms ending in 2025, in addition to reappointing Vice-Mayor Marc Adkins as her representative for the term of his office.

- 3. Appointment of three (3) members to the Citizens for Sister City Relations Committee to serve a three-year term ending in 2026.**

Mayor Mary Esther Reed next nominated Sherica Clark, Barbara Ibarra and Melody Villalobos for the Citizens for Sister City Relations Committee. Following discussion, said nominations were confirmed by unanimous Council vote.

- 4. Appointment of one (1) member to the Beer Board to serve a four-year term ending in 2027 one (1) member to serve an unexpired term ending in 2025, and one (1) member to serve an unexpired term ending in 2026.**

The Town Council next accepted nominations for the Beer Board. Council Member Tim Morrell nominated Stephen Cramer to serve a four-year term ending in 2027. Council Member H.G. Cole nominated Jerica Blair to serve an unexpired term ending in 2025 and Council Member Racquel Peebles nominated Ben Franklin to serve an unexpired term ending in 2026. Following discussion, said nominations were confirmed by unanimous Council vote.

- 5. Appointment of one (1) Council Member representative to Smyrna Charity Assistance board to serve a one-year term ending in 2024 and two (2) members to serve unexpired terms ending in 2024.**

The Town Council next accepted nominations for Smyrna Charity Assistance. Council Member Steve Sullivan nominated Racquel Peebles to serve as Council Member representative for a one-year term ending in 2024. Council Member Racquel Peebles then nominated Derek Francis and Monique Drago to serve unexpired terms ending in 2024. Following discussion, said nominations were confirmed by unanimous Council vote.

- 6. Appointment of two (2) members to the Board of Zoning Appeals to serve a three-year term ending in 2026.**

The Town Council next accepted nominations for the Board of Zoning Appeals. Council Member Steve Sullivan nominated Scott Demonbreun for reappointment. Council Member Gerry Short nominated Vanessa Haley. Both members of the Board of Zoning Appeals are to serve a three-year term ending in 2026. Following discussion, said nominations were confirmed by unanimous Council vote.

- 7. Mayor to appoint two (2) members to the Historic Zoning Commission to serve a five-year term ending in 2028.**

Mayor Mary Esther Reed next appointed Cecil "Roger" Thomas and Carren Leckie Reecer to the Historic Zoning Commission to serve five-year terms ending in 2028. Following discussion, said appointments were confirmed by unanimous Council vote.

- 8. Appointment of one (1) member to Project Assistance to serve a three-year term ending in 2026.**

The Town Council next accepted nominations for one member to Project Assistance to serve a three-year term ending in 2026. Council Member Tim Morrell nominated to reappoint Linda McNeill. Following discussion, said nominations were confirmed by unanimous Council vote.

- 9. Mayor to appoint four (4) voting members residing within Town limits and one (1) non-voting member that resides outside of Town limits to the Parks Advisory Board to serve two-year terms ending in 2025.**

Mayor Mary Esther Reed next appointed Nicole Green, Mark Hardy, Ashley Sanders Lester, and Clay Phillips to serve as voting members of the Parks Advisory Board for two-year terms ending in 2025. Mayor Reed also appointed a non-voting member, Eli Thomas Victory, which resides outside of Town limits to serve a two-year term ending in 2025. Following discussion, said appointments were confirmed by unanimous Council vote.

- 10. Appointment of two (2) members to the Packaged Liquor Board to serve a four-year term ending in 2027.**

The Town Council next accepted nominations for two (2) members to the Packaged Liquor Board to serve a four-year term ending in 2027. Vice-Mayor Marc Adkins nominated to

reappoint Doug Brown. Council Member H.G. Cole nominated Jennifer Brittain. Following discussion, said nominations were confirmed by unanimous Council vote.

11. Mayor to appoint one (1) member to the Smyrna Housing Authority to serve a five-year term ending in 2028.

Mayor Mary Esther Reed next re-appointed Smyrna Housing Authority member, Paul Lamb, to serve a five-year term ending in 2028.

12. Appointment of four (4) members to serve two-year terms ending in 2025 and one (1) member to serve an unexpired term ending in 2024 to the Storm Water Advisory Committee.

The Town Council next accepted nominations for four (4) members to serve two-year terms ending in 2025 and one (1) member to serve an unexpired term ending in 2024 on the Storm Water Advisory Committee. For the two year terms ending in 2025, Council Member Steve Sullivan nominated to reappoint Doug Brown, Council Member Gerry Short nominated to reappoint Rhett Kimble, Council Member Tim Morrell nominated re-appointment of Bradley Heilwagen and Council Member H.G. Cole nominated to reappoint Natashia Floyd. For the unexpired term ending in 2024, Vice-Mayor Marc Adkins nominated William Shackelford. Following discussion, all nominations were confirmed by unanimous Council vote.

d. Consideration of a Resolution to request the return of funds for unclaimed property held by the State of Tennessee.

The Town Council next considered a resolution to request the return of funds for unclaimed property held by the State of Tennessee.

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 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 "13." (Resolution #23-5)

e. Announcement of Submission of Public Debt Notice to the Comptroller of the Treasury.

Assistant Town Manager and Director of Finance, Rex Gaither, next made an announcement in our public meeting as to the submission of Public Debt Notice to the Comptroller of the Treasury relative to two CT-0253's for the Inflow & Infiltration Correction Project.

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

9. Other.

At this time, Mayor nominated herself and Council Member H.G. Cole for reappointment to the Parks Board due to their recent re-election. The reappointments were approved unanimously by council vote.

10. Status Reports.

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

11. Announcements.

Town Manager Brian Hercules recognized various Town employees for a job well done.

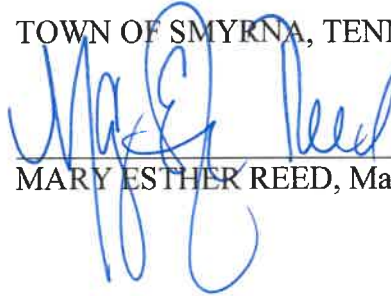
Town Manager Brian Hercules spoke of upcoming community events.

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.

Without objection, the meeting was adjourned at 6:25 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk