

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON APRIL 11, 2023**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on April 11, 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, Terry Frazier, and the Pledge of Allegiance was led by the Executive Director of the Smyrna Senior Activity Center, Fran Dunne.

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 March 7, 2023 regular meeting and the March 23, 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 March 7, 2023 regular meeting and March 23, 2023, work session meeting of the Town Council. The motion was duly seconded by Council Member Steve Sullivan. 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.

At this time, a proclamation was presented to the Senior Activity Center of Smyrna for Senior Citizens Day on May 1, 2023.

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 agreement with GOLFNOW, relative to the tee time and credit card vendor for the golf course.**
- b. **Approval of the terms of, and authorization for the Mayor to execute, an Agreement with Thomas and Hutton for limited Construction Administration on the Cedar Stone Park Restroom project.**
- c. **Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Solitude Lake Management relative to annual maintenance for the pond at JJ McWilliams / Old Rock School Park.**
- d. **Approval of the terms of, and authorization for the Mayor to execute a contract for the replacement of the storm-damaged SplashTown Food Court Canopy.**
- e. **Approval of the terms of, and authorization for the Mayor to execute, a contract with Beech Construction Services for the construction of a restroom building and associated utilities at Cedar Stone Park.**
- f. **Approval of the terms of, and authorization for the Mayor to execute, Sam Ridley and Weakley Lane Water Improvements Change Order #1.**
- g. **Approval of the terms of, and authorization for the Mayor to execute, a professional services proposal with MMS for the FOG (Fats, Oil and Grease) Inspection program.**
- h. **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, based on the bids, for the Waterline Replacement Project along Sam Ridley Parkway and Weakley Road.**
- i. **Approval of the terms of, and authorization for the Mayor to execute, a Change Order with TM Partners for additional schematic design services related to Fire Hall 4 on Jefferson Pike.**
- j. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with TDOT to extend the completion date of PIN 117493 (ITS Phase I and II) to complete the reimbursement request.**
- k. **Approval of the terms of, and authorization for the Mayor to execute Change Order 3 for the Fire Hall #1 Building Expansion Project.**
- l. **Approval of the terms of, and authorization for the Mayor to execute, the contract agreement with Wisser Consultants, LLC for the design of the Rock Springs Road Bridge over Harts Branch.**
- m. **Approval of the terms of, and authorization for the Mayor to execute, the contract agreement with Wisser Consultants, LLC for the Construction Engineering and Inspection (CEI) Services for the Tridon Bridge Replacement Project.**
- n. **Approval of the terms of, and authorization for the Mayor to execute, the Supplemental Agreement with Gresham Smith for the design of the Sam Ridley Parkway @ Old Nashville Highway Intersection Improvements Project.**

- o. **Approval of the terms of, and authorization for the Mayor to execute, the contract agreement with Brown Builders, Inc. for the Construction of the Tridon Bridge Replacement Project.**
- p. **Approval of the terms of, and authorization for the Mayor to execute, a lease renewal with T-Mobile South, LLC, relative to the Sam Griffin Rd. cell tower site.**
- q. **Consideration and Approval of a list of surplus items to be sold at online auction through 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 a resolution relative to a Plan of Services for property located on Tax Map 73, Parcels 13.00, 13.01, 13.03, 13.04, and 16.00, and Tax Map 54, Parcel 57.02.**

The Town Council next considered a Resolution relative to a Plan of Services for property located on Tax Map 73, Parcels 13.00, 13.01, 13.03, 13.04, and 16.00, and Tax Map 54, Parcel 57.02. The Planning Commission recommended approval of the Plan of Services.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. Bill Sweeney, 9055 Briley Road, spoke regarding the annexation and voiced concerns relative to his adjoining property and a creek and floodplain area.

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 H.G. Cole. 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 second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2." (Resolution #23-6)

- b. **PUBLIC HEARING: 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 second and final 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 Planning Commission recommended approval of this item 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 dedication of additional right-of-way.
- iii. Increase the proposed residential driveway width from 16' to 18'.

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 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 second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3." (Ordinance #23-10)

c. Consideration of a Resolution in memorandum of Ordinance #23-10 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.

The Town Council next considered a Resolution in memorandum of Ordinance #23-10 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. This is a housekeeping item required for annexation of property.

Following discussion, Council Member Gerry Short made a motion to approve said resolution. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 6-0-1, with Vice-Mayor Marc Adkins abstaining from the vote. 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 #23-7)

d. PUBLIC HEARING: 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 second and final 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.

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 Gerry Short. 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 second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5." (Ordinance #23-11)

e. PUBLIC HEARING: Consideration of an ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IX, Floodplains.

The Town Council next considered on second and final reading an Ordinance amending the text of the Smyrna Municipal Zoning Ordinance Article IX, Floodplains. The recommendation of the Planning Commission was to approve said amendment.

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. 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, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "6." (Ordinance #23-12)

f. PUBLIC HEARING: 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 second and final 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 to approve said amendment.

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 #23-13)

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 rezoning of property located on Tax Map 28, Parcel 75.00, to be rezoned from C-2 to PCD requested by Chris Slovan. The property requested to be rezoned contains 1.63 acres and is located on Rock Springs Road and Austin Lee Drive.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 75.00, to be rezoned from C-2 to PCD requested by Chris Slovan. The property requested to be rezoned contains 1.63 acres and is located on Rock Springs Road and Austin Lee Drive. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. The allowed use on this property is an automobile rental company where the rentals are on a temporary basis, as well as a car wash for use by the rental business which is not open to the public.
- ii. The rollup doors shown on the car wash building are required to be clear plexiglass or a similar material and not metal, as shown.
- iii. Landscape buffering will be required around the car wash building.

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 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 "8." (Ordinance #23-16)

- 2. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28L, Group C, Parcel 16.00 from R-2 to C-4 requested by Phyllis Campbell. The property requested to be rezoned contains 1.29 acres and is located at 106 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 16.00 from R-2 to C-4 requested by Phyllis Campbell. The property requested to be rezoned contains 1.29 acres and is located at 106 Wright Street. The recommendation of the Planning Commission was that the request be approved.

Following discussion regarding the potential for this property to be zoned within the historic district, Council Member Steve Sullivan made a motion to defer consideration of this item upon first reading to the May council meeting to allow time to further consider the historic zoning aspect. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 6-1 with Council Member H.G. Cole voting against the deferral.

- 3. Consideration of an ordinance relative to the rezoning of property located on Tax Map 18, part of Parcel 10.00 from C-2 to PUD requested by Gary Vogrin. The property requested to be rezoned contains approximately 40.94 acres and is located on Sam Ridley Parkway, West and Motlow College Boulevard.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 18, part of Parcel 10.00 from C-2 to PUD requested by Gary Vogrin. The property requested to be rezoned contains approximately 40.94 acres and is located on Sam Ridley Parkway, West and Motlow College Boulevard. 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 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 #23-18)

- 4. Consideration of a request from Scott Findlay to rename Prudential Drive to Top Gun Drive.**

The Town Council next considered a request from Scott Findlay with Tommy's Car Wash to rename Prudential Drive to Top Gun Drive. The Rutherford County Emergency Communications District has approved the name Top Gun Drive and the recommendation of the Planning Commission was that the request be approved, with Mr. Findlay being responsible to cover any costs associated with the name change.

Following discussion, Council Member Tim Morrell made a motion to approve said street name change from Prudential Drive to Top Gun Drive. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 7-0.

b. Packaged Liquor Board Report:

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

- c. Consideration of an Ordinance amending the Town's Municipal Code Title 12 "Building, Utility, Etc. Codes," Chapter 9, "Codes Enforcement and Inspection Division," Sections 12-901-904 and 12-1002-1014.**

The Town Council next considered on first reading an ordinance amending the Town's Municipal Code Title 12 "Building, Utility, Etc. Codes," Chapter 9, "Codes Enforcement and Inspection Division," Sections 12-901-904 and 12-1002-1014.

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 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 #23-14)

d. Consideration of an Ordinance amending Municipal Code Title 14 "Zoning and Land Use Control," Chapter 2 "Planning Department," Sections 14-201 and 14-202.

The Town Council next considered on first reading an ordinance amending Municipal Code Title 14 "Zoning and Land Use Control," Chapter 2 "Planning Department," Sections 14-201 and 14-202.

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 "11." (Ordinance #23-15)

e. Consideration of a Resolution authorizing the approval of joining the Amended Tennessee State Opioid Abatement Agreement and related settlements.

The Town Council next considered on first reading a Resolution authorizing the approval of joining the Amended Tennessee State Opioid Abatement Agreement and related settlements.

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 "12." (Resolution #23-8)

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

9. Other.

At this time, Town Manager, Brian D. Hercules, made a public announcement for the need to make an emergency purchase in the amount of \$300,000.00 for price increases relative to paving and milling within the Town.

10. Status Reports.

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

11. Announcements.

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

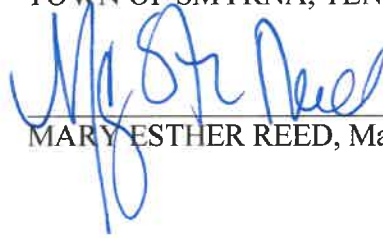
Town Manager Brian Hercules spoke of upcoming community events.

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 and also extended well wishes, congratulations and condolences to various individuals.

Without objection, the meeting was adjourned at 6:45 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk