

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON MAY 9, 2023**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on May 9, 2023, at Town Hall with the Honorable Mayor Mary Esther Reed presiding.

Mayor Reed called the meeting to order at 5:01 p.m. The invocation was led by Smyrna Police Department Chaplain, Kevin Barker, and the Pledge of Allegiance was led by the Town's Director of Utilities, Michael Strange.

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 Minutes of the April 11, 2023 regular meeting, and April 27, 2023 work session and special-called meetings of the Town Council.**

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the April 11, 2023 regular meeting, and April 27, 2023 work session and special-called meetings 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 no awards or 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, a contract with Hellas Construction Inc. to resurface the tennis courts at Lee Victory Recreation Park.**
- b. **Approval of the terms of, and authorization for the Mayor to execute, the contract and addendum with SEC for the Meadowbrook Project.**
- c. **Approval of the terms of, and authorization for the Mayor to execute, contracts with ESource and Rye Engineering for Phases 1, 2 & 3 of the Water Loss Program.**
- d. **Approval of the terms of, and authorization for the Mayor to execute, a contract with CMS Uniforms & Equipment, Inc. relative to Fire Department Uniforms.**
- e. **Approval of the terms of, and authorization for the Mayor to execute, a contract with Ed M. Feld Equipment Co., Inc. for Fire Department Bunker Boots and Turnout Suspenders.**
- f. **Approval of the terms of, and authorization for the Mayor to execute, a contract with North Alabama Fire Equipment Company, Inc. for Turnout Coats, Turnout Pants and Fire Hoods.**
- g. **Approval of the terms of, and authorization for the Mayor to execute, a contract with Safe Industries for Fire Department Gloves and Helmets.**
- h. **Approval of the terms of, and authorization for the Mayor to execute, a contract for a 3D Laser Scanner Kit at the police department.**
- i. **Approval of the terms of, and authorization for the Mayor to execute, a contract for audit services for the fiscal year ending June 30, 2023.**
- j. **Approval of the terms of, and authorization for the Smyrna Police Department to adopt a new Standard Operating Procedure for "Promotions".**

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 Gerry Short, and after further discussion, approved unanimously. A copy of said documents referenced on the Consent Agenda are attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "1".

**7. Old Business.**

- a. **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 Vice-Mayor Marc Adkins made a motion to approve said ordinance on first reading incorporating planning staff comments. 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 "2." (Ordinance #23-17)

**b. PUBLIC HEARING: 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 second and final 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.

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. 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, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3." (Ordinance #23-14)

**c. PUBLIC HEARING: 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 second and final reading an ordinance amending Municipal Code Title 14 "Zoning and Land Use Control," Chapter 2 "Planning Department," Sections 14-201 and 14-202.

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 "4." (Ordinance #23-15)

- d. PUBLIC HEARING: 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 second and final 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.

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 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, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5." (Ordinance #23-16)

- e. PUBLIC HEARING: 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 second and final 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.

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. 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, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "6." (Ordinance #23-18)

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-1 zoning of property located on Tax Map 50, Parcel 33.02 and part of Parcels 33.00 and 72.00, requested by Oliver Constable on behalf of two different property owners containing 47.83 acres. Property is located on Lee Road and Rocky Fork Road.**

The Town Council next considered on first reading ordinance relative to the annexation and PRD and R-1 zoning of property located on Tax Map 50, Parcel 33.02 and part of Parcels 33.00 and 72.00, requested by Oliver Constable on behalf of two different property owners containing 47.83 acres. Property is located on Lee Road and Rocky Fork 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 minimum fireflow is 1,000 GPM at 20 PSI. As CUD has indicated that this fireflow cannot be met at this time, no subdivision plats could be approved until a timeline for improvements to correct this issue has been established.
- iii. Development of this property will require a hydrologic and hydraulic study to be submitted for review due to the proposed floodplain alterations. This would ultimately lead to a LOMR application to FEMA.
- iv. A landscape buffer is required between Lots 62-65 and the proposed Rocky Fork Road/McEwen Drive connector.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said ordinance on first reading incorporating staff's recommendations, but in lieu of a traffic study, the developer will agree to add a turn lane on Lee Road. 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 "7." (Ordinance #23- )

**2. 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, Floodplains. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Council Member Tim Morrell made a motion to approve this item upon 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 "8." (Ordinance #23- )

**3. Consideration of a request from Justin Crutchfield for a one lot subdivision.**

The Town Council next considered a request from Justin Crutchfield for a one lot subdivision. This subdivision is for 1.73 acres utilizing an onsite septic system instead of public sanitary sewer. The nearest sewer line is at Gwynne Farms, which is approximately 2,600 feet east of this site. The Subdivision Regulations require any subdivision which does not connect to the Town's sewer system to be reviewed by the Town Council in addition to the Planning Commission. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Council Member Gerry Short made a motion to approve said one lot subdivision. The motion was duly seconded by Council Member Racquel Peebles. 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 adopting the budget for fiscal year 2023-2024**

The Town Council next considered on first reading an ordinance adopting the budget for fiscal year 2023-2024.

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 "9." (Ordinance #23-19)

**d. Consideration of an ordinance adopting the property tax rate for fiscal year 2023-2024.**

The Town Council next considered on first reading an ordinance adopting the property tax rate for fiscal year 2023-2024.

Following discussion, Council Member Gerry Short 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 "10." (Ordinance #23-20)

**e. Consideration of an Ordinance amending Municipal Code Title 18, Chapter 4 relative to Cross Connection Control.**

The Town Council next considered on first reading an Ordinance amending Municipal Code Title 18, Chapter 4 relative to Cross Connection Control.

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 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 #23-21)

**f. Appointment of one (1) member to the Beer Board to serve an unexpired term ending in 2025.**

The Town Council next considered nomination and appointment of one member to the Beer Board to serve the unexpired term of Jerica Blair ending in 2025.

Following discussion, Council Member Steve Sullivan made a nomination to appoint Amy Harrison to serve the unexpired term ending in 2025. There being no other nominations before the Council, Amy Harrison was confirmed 7-0.

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

**9. Other.**

**~Approval of the terms of, and authorization for the Mayor to execute, the TDEC ARP grant documents relative to the Trunk Line A sewer rehab.**

The Town Council next considered approval of the terms of, and authorization for the Mayor to execute, the TDEC ARP grant documents relative to the Trunk Line A sewer rehab.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve the terms of said grant documents and authorize the Mayor to sign. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 7-0. A copy of said grant document, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "12."

**10. Status Reports.**

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

Rex Gaither also announced the achievement of the Town's Moody AAA rating.

**11. Announcements.**

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

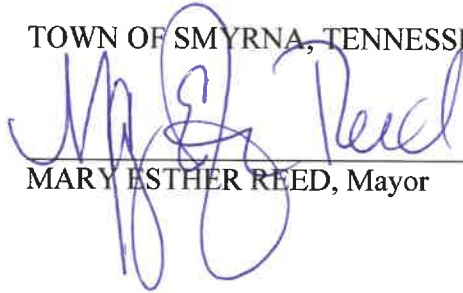
Town Manager Brian Hercules spoke of upcoming community events.

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 6:14 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:

  
AMBER HOBBS, Town Clerk