

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON JUNE 6, 2023**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on June 6, 2023, at Town Hall with the Honorable Mayor Mary Esther Reed presiding.

Prior to the calling the meeting to order, Mayor Reed and the Town Council presented Nissan with a proclamation and plaque in recognition of their 40th anniversary for the Smyrna Vehicle Assembly Plant. Immediately following, the Japanese Consul General Matsumoto addressed the council.

Next, Chris Clark, Director of Public Safety with Rutherford County EMA expressed thanks to the Council for their continued partnership in disaster relief and specifically the Town's fire department for their assistance with the recent tornadoes in Eagleville and Readyville.

Mayor Reed called the meeting to order at 5:18 p.m. The invocation was led by Smyrna Police Department Chaplain, Bob Horn, and the Pledge of Allegiance was led by the Town's 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
Steve Sullivan
Racquel Peebles
Vice-Mayor Marc Adkins
Mayor Mary Esther Reed

Council Member Tim Morrell was not present for this meeting.

3. Approval or Correction of Minutes of the May 9, 2023 regular meeting and the May 25, 2023 work session meeting of the Town Council.

The Town Council first considered a motion by Vice-Mayor Marc Adkins to approve the minutes of the May 9, 2023 regular meeting and the May 25, 2023 work session meeting of the Town Council. The motion was duly seconded by Council Member Steve Sullivan. Following discussion, the motion was approved 6-0.

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, an agreement with Cerdant to provide external security monitoring and management services.**
- b. **Approval of the terms of, and authorization for the Mayor to execute, Change Orders 1 & 2 for the Sewer Rehab Basins A8 & A9.**
- c. **Approval of the terms of, and authorization for the Mayor to execute, the material bid agreements for gas, water and sewer materials for the 2023-24 budget year.**
- d. **Approval of the terms of, and authorization for the Mayor to execute, change order #2 for Sam Ridley water line and change order #1 for Weakley Lane water line.**
- e. **Approval of the terms of, and authorization for the Mayor to execute, the Mechanical Maintenance Contract Renewal (2023-2024) for the Water and Wastewater Plant.**
- f. **Approval of the terms of, and authorization for the Mayor to execute, contract renewals for chemicals for the Water and Wastewater Treatment Plants for 2023-2024.**
- g. **Approval of the terms of, and authorization for the Mayor to execute, the 2023-2024 annual bid contracts for treatment chemicals at the Water Treatment Plant.**
- h. **Approval of the terms of, and authorization for the Mayor to execute, an annual contract for concrete repairs with Rollins Excavating Company, Inc.**
- i. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with Sweeping Corporation of America to clean town streets.**
- j. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with Neel Schaffer to provide CEI services for the ITS Phase 3, 4, 5 project.**
- k. **Approval of the terms of, and authorization for the Mayor to execute, Change Order #3 with Sessions Paving Company on the Lowry Street Phase 1 Streetscapes Project.**
- l. **Approval of the terms of, and authorization for the Mayor to execute, the Supplemental Agreement with Barge Design Solutions for the Lee Victory Recreation Park Road Project.**
- m. **Approval of the Classification and compensation plan for Town positions for Fiscal year 2023-24.**

- n. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with Ragan Smith to perform engineering design for the Lowry Street Phase 3 project.**

Following discussion, Council Member Gerry Short 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 Racquel Peebles, 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 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.

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 Racquel Peebles. Following further discussion, the motion 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 "2." (Ordinance #23-21)

- b. **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 Town's the text of the Smyrna Municipal Zoning Ordinance Article IX, Floodplains. The recommendation of the Planning Commission was that the ordinance 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. The motion was duly seconded by Council Member Steve Sullivan. Following further discussion,

the motion 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 "3." (Ordinance #23-23)

c. PUBLIC HEARING: 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 second and final 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.

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 Racquel Peebles. Following further discussion, the motion was approved 5-1, with Council Member Gerry Short voting against the 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 "4." (Ordinance #23-17)

d. PUBLIC HEARING: Consideration of a resolution relative to a Plan of Services for property located on Tax Map 50, Parcel 33.02 and part of Parcels 33.00 and 72.00.

The Town Council next considered a resolution relative to a Plan of Services for property located on Tax Map 50, Parcel 33.02 and part of 33.00 and 72.00. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. Rob Molchan with SEC spoke on behalf of the applicant and answered questions related to fire flow to the property. Mr. Molchan communicated the applicant's agreement to defer this item until such time that Council can meet with the planning commission to determine how the Town may partner with future developments in order to effectuate road improvements in developing areas.

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

Following discussion, Council Member Steve Sullivan made a motion to defer this agenda item to the July meeting in order to allow time for the above-referenced joint work session meeting between the Planning Commission and Town Council. The motion was duly seconded by Council Member Racquel Peebles.

Following further discussion, the motion to defer was approved 6-0.

- e. PUBLIC HEARING: 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 second and final reading 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 recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. In lieu of a traffic study, the developer will agree to add a turn lane on Lee Road.
- 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.

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. Citizen comments from Mr. Joseph Benedict residing at 5069 Lee Road were provided to Council via email and printed for review prior to the meeting.

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

Following discussion, Council Member Steve Sullivan made a motion to defer this agenda item to the July meeting in order to allow time for the above-referenced joint work session meeting between the Planning Commission and Town Council. The motion was duly seconded by Council Member Racquel Peebles.

f. Consideration of a resolution in memorandum of Ordinance #23-22 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.

The Town Council next considered a resolution in memorandum of Ordinance #23-22 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.

Following discussion, Council Member Steve Sullivan made a motion to defer this agenda item to the July meeting in order to allow time for the above-referenced joint work session meeting between the Planning Commission and Town Council. The motion was duly seconded by Council Member Racquel Peebles.

g. PUBLIC HEARING: Consideration of an ordinance adopting the budget for fiscal year 2023-2024.

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

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. 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, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5." (Ordinance #23-19)

h. PUBLIC HEARING: Consideration of an ordinance adopting the property tax rate for fiscal year 2023-2024.

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

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 Racquel Peebles 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. 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 #23-20)

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 48.01, owned and requested by Porfirio Alfaro containing 4.21 acres. Property is located at 8732 Rocky Fork Almaville Road.**

The Town Council next considered on first reading an ordinance relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 48.01, owned and requested by Porfirio Alfaro containing 4.21 acres. Property is located at 8732 Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the request be approved with the condition that the sides and rear of all buildings are required to be finished with cement siding.

Following discussion, Council Member Steve Sullivan made a motion to **DENY** said ordinance on first reading based upon the acreage and density of the development. The motion to **DENY** was duly seconded by Council Member Gerry Short. Following further discussion, the motion to **DENY** was approved 6-0. A copy of said ordinance, as **DENIED** on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7." (Ordinance #23-29)

- 2. Consideration of an ordinance relative to the amendment of the PRD for property located on Tax Map 49, Parcels 2.00 and 2.02 requested by Ayoub Eshak on behalf of Finyara Homes Company.**

The Town Council next considered on first reading an ordinance relative to the amendment of the PRD for property located on Tax Map 49, Parcels 2.00 and 2.02 requested by Ayoub Eshak on behalf of Finyara Homes Company. The recommendation of the Planning Commission was that the request be **DENIED**.

Following discussion, Vice-Mayor Marc Adkins made a motion to **DENY** said ordinance on first reading. The motion to **DENY** was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion to **DENY** was approved 6-0. A copy of said ordinance, as **DENIED** on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8." (Ordinance #23-30)

3. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcels 113.00 and 113.01 from R-3 to PRD requested by Josh Hooper on behalf of Beacon Properties/SOCAYR, Inc. The properties requested to be rezoned contain approximately 5.62 acres and are located south of Rock Springs Road.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcels 113.00 and 113.01 from R-3 to PRD requested by Josh Hooper on behalf of Beacon Properties/SOCAYR, Inc. The properties requested to be rezoned contain approximately 5.62 acres and are located south of Rock Springs Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. The Fire Department access drives and turnarounds are required to meet the requirements of the Fire Code.
- ii. No construction traffic would be allowed on Spring Hill Drive and Johnstown Drive for this project. The bridge will have to be constructed before construction can begin, and the connection to Addison Drive would be required to be kept closed until the completion of the construction on the apartment building.

Following discussion, Council Member Steve Sullivan made a motion to approve said ordinance on first reading incorporating staff comments. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 5-1, with Council Member Gerry Short voting against the item citing proximity to residential neighborhoods. 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 #23-31)

b. Packaged Liquor Board Report:

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

c. Consideration of an ordinance amending Town of Smyrna Municipal Code Title 2, Chapters 2, 4, 5 and 7 relative to board and committee terms and term limits.

The Town Council next considered on first reading an ordinance amending Town of Smyrna Municipal Code Title 2, Chapters 2, 4, 5 and 7 relative to board and committee terms and term limits.

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 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 "10." (Ordinance #23-24)

d. Consideration of an ordinance of an ordinance amending Town of Smyrna Municipal Code Title 8, Chapters 2 and 3 relative to board and committee terms and term limits.

The Town Council next considered on first reading an ordinance amending Town of Smyrna Municipal Code Title 8, Chapters 2 and 3 relative to board and committee terms and term limits.

Following discussion, Council Member Steve Sullivan 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 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 "11." (Ordinance #23-25)

e. Consideration of an Ordinance amending Town of Smyrna Municipal Code Title 14, Chapter 5 relative to board and committee terms and term limits.

The Town Council next considered on first reading an ordinance amending Town of Smyrna Municipal Code Title 14, Chapter 5 relative to board and committee terms and term limits.

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 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 #23-26)

f. Consideration of an Ordinance amending the Town's Municipal Code Title 12 "Building and Utility Codes," Chapter 6, "Residential Code," Sections 12-602, 603 and 604.

The Town Council next considered on first reading an Ordinance amending the Town's Municipal Code Title 12 "Building and Utility Codes," Chapter 6, "Residential Code", Sections 12-602, 603, and 604.

Following discussion, Council Member Gerry Short 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 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 #23-27)

g. Consideration of an Ordinance relative to a Budget Amendment for Fiscal Year 2023.

The Town Council next considered on first reading an Ordinance relative to a Budget Amendment for Fiscal Year 2023.

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 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 "14." (Ordinance #23-28)

h. Appointment of one (1) member to the Project Assistance Board to serve an unexpired term ending in 2024.

The Town Council next considered nomination and appointment of one member to the Project Assistance Board to serve an unexpired term ending in 2024.

Following discussion, Vice-Mayor Marc Adkins made a nomination to appoint Cherie Tuck to serve the unexpired term ending in 2024. There being no other nominations before the Council, Cherie Tuck was confirmed 6-0.

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, a contract with Lumen.

The Town Council next considered approval of the terms of, and authorization for the Mayor to execute, a contract with Lumen.

Following discussion, Council Member Steve Sullivan made a motion to approve the terms of said contract and authorize the Mayor to sign. The motion was duly seconded by Council Member Racquel Peebles. Following further discussion, the motion was approved 6-0. A copy of said contract, as approved, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "15."

At this time, Town Manager, Brian D. Hercules presented the Council with unresolved traffic flow and sidewalk issues following the Lowry Street TDOT project. He requested Council's blessing to move forward with a plan to change the traffic pattern of Sam Hagar Drive to a one-way coming off Lowry. In addition to completing the sidewalk alongside the Red Bicycle building on Sam Hagar to further allows walkability. He announced that this work would be completed by the Town of Smyrna. Council gave their blessing to move ahead.

10. Status Reports.

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

Parks Director, Mike Moss, announced that the Parks department intended to pursue a grant for an all-inclusive playground to be constructed at Hilltop Park.

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 7:05 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk