

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

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on July 11, 2023, at Town Hall with the Honorable Mayor Mary Esther Reed presiding.

Mayor Reed called the meeting to order at 5:02 p.m. The invocation was led by Smyrna Police Department Chaplain, Jimmy Carver, and the Pledge of Allegiance was led by the Town's Fire Department Chief, Bill Culbertson.

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

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

Council Member H.G. Cole was not present for this meeting.

3. Approval or Correction of Minutes of the June 6, 2023 regular meeting and the June 22, 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 June 6, 2023 regular meeting and the June 22, 2023 work session and special-called meetings of the Town Council. The motion was duly seconded by Council Member Racquel Peebles. 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 Interlocal Agreement with Rutherford County relative to ambulance service.**
- b. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with TDOT for annual maintenance of state routes in Town limits.**
- c. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with HDR Engineering, Inc. to prepare construction drawings to include traffic calming elements along Front Street from College Street to Division Street.**
- d. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with Wayne's Pest Control to provide pest control services for Town facilities.**
- e. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with The Robins & Morton Group for construction of Fire Hall 4.**
- f. **Approval of the terms of, and authorization for the Mayor to execute, a contract with Veolia WTS Analytical Instruments, Inc., for a Total Organic Carbon (TOC) Analyzer for the Water Treatment Plant.**
- g. **Approval of the terms of, and authorization for the Mayor to execute, a proposal for professional services from SEC, Inc. for the upgrade of the Mason Tucker pump station.**
- h. **Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Dan Weaver Services relative to water leak detection services.**
- i. **Approval of the terms of, and authorization for the Mayor to execute, contracts with Boozer and Company, Randy Button and Associates and Brenda Walsh for the appraisals and easement negotiations for the Sewer Rehab Line A Project.**
- j. **Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Anderson Yards relative to annual mowing for the codes department.**

Following discussion, Council Member Racquel Peebles asked for items C, E, G, and I to be pulled from the consent agenda and voted on separately. Council Member Steve Sullivan made a motion to approve and adopt the remaining Consent Agenda items and to authorize the Mayor to execute said documents. Said motion was seconded by Council Member Tim Morrell, 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".

- c. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with HDR Engineering, Inc. to prepare construction drawings to include traffic calming elements along Front Street from College Street to Division Street.**

Following discussion, Council Member Racquel Peebles made a motion to approve this Consent Agenda item and to authorize the Mayor to execute said documents. Said motion was seconded by Council Member Steve Sullivan, and after further discussion, approved unanimously.

- e. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with The Robins & Morton Group for construction of Fire Hall 4.**

Following discussion, Council Member Racquel Peebles made a motion to approve this Consent Agenda item and to authorize the Mayor to execute said documents. Said motion was seconded by Council Member Steve Sullivan, and after further discussion, approved unanimously.

- g. **Approval of the terms of, and authorization for the Mayor to execute, a proposal for professional services from SEC, Inc. for the upgrade of the Mason Tucker pump station.**

Following discussion, Council Member Tim Morrell made a motion to approve this Consent Agenda item and to authorize the Mayor to execute said documents. Said motion was seconded by Council Member Steve Sullivan, and after further discussion, approved unanimously.

- i. **Approval of the terms of, and authorization for the Mayor to execute, contracts with Boozer and Company, Randy Button and Associates and Brenda Walsh for the appraisals and easement negotiations for the Sewer Rehab Line A Project.**

Following discussion, Council Member Racquel Peebles made a motion to approve this Consent Agenda item and to authorize the Mayor to execute said documents. Said motion was seconded by Council Member Gerry Short, and after further discussion, approved unanimously.

7. **Old Business.**

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

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 "2." (Ordinance #23-24)

b. PUBLIC HEARING: 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 second and final reading an ordinance amending Town of Smyrna Municipal Code Title 8, Chapters 2 and 3 relative to board and committee terms and term limits.

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 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 #23-25)

c. PUBLIC HEARING: 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 second and final reading an ordinance amending Town of Smyrna Municipal Code Title 14, Chapter 5 relative to board and committee terms and term limits.

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 Vice-Mayor Marc Adkins. 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 "4." (Ordinance #23-26)

d. PUBLIC HEARING: 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 second and final 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, 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 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 #23-27)

e. 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 Parcels 33.00 and 72.00.

Following discussion, 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. The motion was duly seconded by Council Member Steve Sullivan. 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 "6." (Resolution #23-10)

f. 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. A traffic study will be completed.
- 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. Mr. Richard Benedict, 5069 Lee Road, addressed the council with concerns related to his abutting farm property and requested that a tree line be left intact along his property and that a fence be erected at the developer's cost along his property line(s).

Next, Mr. Rob Molchan with SEC, Inc. spoke on behalf of the developer and stated that the developer agreed not to remove the tree line along Mr. Benedict's property, but that developer would not agree to erect a fence along the abutting property.

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

Following discussion, Mayor Mary Esther Reed stated that Mr. Richard Benedict requested to address the Council further and Council subsequently agreed to suspend the rules to allow him to do so. Following further discussion, Council Member Steve Sullivan made a motion incorporating staff recommendations and further including the following:

- v. That a landscape fill buffer also be required along Mr. Benedict's abutting property line(s).
- vi. That developer will provide a left turn lane from Lee Road.
- vii. Following any recommendations of the traffic study, that the developer be responsible for completing suggested upgrades or by providing adequate portion of funding to the Town for said upgrades.

The motion was duly seconded by Council Member Gerry Short to include all recommendations of staff and Council Member Steve Sullivan. Following further discussion, the motion 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 "7." (Ordinance #23-22)

- g. 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, Vice-Mayor Marc Adkins made a motion to approve the Resolution in memorandum of Ordinance #23-22. The motion was duly seconded by Council Member Steve Sullivan and subsequently 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 "8." (Resolution #23-11)

- h. PUBLIC HEARING: 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 second and final 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.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. Ms. Jetta Jernigan, 522 Johnstown Drive, addressed the Council pertaining to an existing tree line on her abutting property and requested that the developer not disturb the existing trees. Next, Rob Molchan with SEC, Inc. spoke on behalf of the developer and Mr. Josh Hooper with Beacon Properties spoke as to the development itself and confirmed that the existing tree lines on abutting properties would not be disturbed, as their existence on the property is beneficial to all parties.

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 recommendations. 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, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9." (Ordinance #23-31)

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 33D, Group A, Parcel 16.00 from R-2 to C-2 requested by Mecole Vaughn. The property requested to be rezoned contains .59 acre and is located at 12630 Old Nashville Highway.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33D, Group A, Parcel 16.00 from R-2 to C-2 requested by Mecole Vaughn. The property requested to be rezoned contains .59 acre and is located at 12630 Old Nashville Highway. 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 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 "10." (Ordinance #23-34)

- 2. Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 60.00, from R-1 to R-3 requested by Michael Daniel. The property requested to be rezoned contains 7.5 acres and is located at the end of Skinner Drive west of Patience Drive.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 60.00, from R-1 to R-3 requested by Michael Daniel. The property requested to be rezoned contains 7.5 acres and is located at the end of Skinner Drive west of Patience Drive. The recommendation of the Planning Commission was that the request be approved.

Following discussion, Council Member Steve Sullivan 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 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 #23-35)

- 3. Consideration of an ordinance relative to the rezoning of property located on Tax Map 50, Parcel 14.00, from C-2 to I-2 requested by Rasesh Shah. The property requested to be rezoned contains 9.88 acres and is located on Tridon Drive and Safari Drive.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 50, Parcel 14.00, from C-2 to I-2 requested by Rasesh Shah. The property requested to be rezoned contains 9.88 acres and is located on Tridon Drive and Safari Drive. 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 Council Member Steve Sullivan. Following further discussion, the motion was approved 5-1, with Council Member Gerry Short voting against the item. 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 #23-36)

4. Consideration of a resolution authorizing the acquisition of easements by negotiation or condemnation for the purpose of carrying out the Basins A and A-3 sewer project.

The Town Council next considered a resolution authorizing the acquisition of easements by negotiation or condemnation for the purpose of carrying out the Basins A and A-3 sewer project.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve the Resolution. The motion was duly seconded by Council Member Tim Morrell and subsequently 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 "13." (Resolution #23-13)

b. Packaged Liquor Board Report:

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

c. Consideration of a Resolution approving funding for non-profit organizations for fiscal year 2023-2024.

The Town Council next considered a resolution a Resolution approving funding for non-profit organizations for fiscal year 2023-2024.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve the Resolution. The motion was duly seconded by Council Member Steve Sullivan and subsequently 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 "14." (Resolution #23-12)

d. Consideration of an Ordinance amending the fee schedule in the 2023/2024 fiscal year budget for the adoption of new maximum impact fee rates.

The Town Council next considered on first reading an ordinance amending the fee schedule in the 2023/2024 fiscal year budget for the adoption of new maximum impact fee rates.

Following discussion, Council Member Gerry Short made a motion to approve said ordinance on first reading with an effective date of October 1, 2023. 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 "15." (Ordinance #23-32)

e. Consideration of an Ordinance amending the Town's Municipal Code, Title 5 "Municipal Finance and Taxation", Section 5 "Impact Fees."

The Town Council next considered on first reading an Ordinance amending the Town's Municipal Code, Title 5 "Municipal Finance and Taxation", Section 5 "Impact Fees."

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 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 "16." (Ordinance #23-33)

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

9. Other.

10. Status Reports.

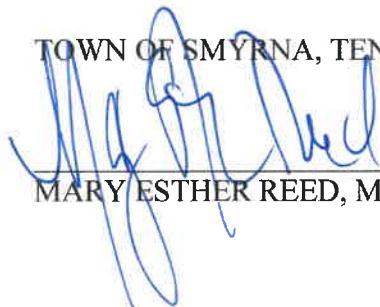
Assistant Town Manager and Finance Director, Rex Gaither, presented Council with May State Shared Tax and May Local Sales Tax numbers.

11. Announcements.

Mayor Reed and other Council members 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 6:46 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk