

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON SEPTEMBER 12, 2023**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on September 12, 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, Bob Horn, and the Pledge of Allegiance was led by the Town's Assistant Town Manager, Rex Gaither.

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

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

3. Approval or Correction of Minutes of the August 8 regular meeting, the August 24 work session meeting and the August 29, 2023 special called meetings of the Town Council.

The Town Council first considered a motion by Council Member Tim Morrell to approve the minutes of the August 8 regular meeting, the August 24 work session meeting and the August 29, 2023 special called meetings of the Town Council. The motion was duly seconded by Vice-Mayor Marc Adkins. 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.

The Town Council next presented a Certificate in Recognition of Mr. Edwin M. Bell's 100th Birthday.

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 1 year contract for the purchase of 7 new cameras through Flock Safety.
- b. Approval of the terms of, and authorization for the Mayor to execute, an amendment to the contract for ITS Phases 3, 4, and 5 to extend the date of completion to December 31, 2024.
- c. Approval of the terms of, and authorization for the Mayor to execute, an agreement with S and W Contracting to relocate existing fiber lines.
- d. Approval of the terms of, and authorization for the Mayor to execute, the Annual Storm Water Report submission to TDEC.
- e. Approval of the terms of, and authorization for the Mayor to execute, Change Order #3 with Cleary Construction for the Genie Lane Extension Project.
- f. Approval of the terms of, and authorization for the Mayor to execute, the Scope and Fee proposal with Energy Land and Infrastructure for the Weakley Lane Improvements Project.
- g. Approval of the terms of, and authorization for the Mayor to execute, a development agreement with Blakeney Commons PropCo, LLC, relative to road impact fee offsets for the Blakeney Commons development.

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 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 second and final 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.

At this time, Town Planner, Kevin Rigsby, announced that the applicant formally requested to withdraw this request.

Following discussion, it was determined that due to applicant's withdrawal, there was no further action necessary by the Council.

A copy of said ordinance, as withdrawn, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2." (Ordinance #23-36)

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 properties located on Tax Map 51, Parcels 8.07 and 8.18, requested by Matt Huff on behalf of two different property owners containing 34.48 acres. Properties are located at 6554 and 6588 Lee Road.**

The Town Council next considered an ordinance on first reading relative to the annexation and PRD zoning of properties located on Tax Map 51, Parcels 8.07 and 8.18, requested by Matt Huff on behalf of two different property owners containing 34.48 acres. Properties are located at 6554 and 6588 Lee Road. The recommendation of the Planning Commission was that the request be approved, as well as the annexation of the Lee Road right-of-way with the following conditions:

- i. The road connection at Lee Road must be built with two exiting lanes. The requirement of the traffic study to improve Montgomery Way at its intersection with Rock Springs Road will not be required as this development is not creating the need for this improvement.
- ii. The required minimum fire flow is 1,000 GPM at 20 PSI. As CUD has indicated that this fire flow cannot be met at this time, no subdivision plats can be approved until a timeline for improvements to correct this issue has been established.

Following discussion, Council Member Tim Morrell made a motion to approve said ordinance on first reading incorporating staff's conditions. 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 the ordinance as approved on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3." (Ordinance #23-40)

- 2. Consideration of an ordinance relative to the annexation and PRD zoning of property located on Tax Map 54, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00, requested by Jennifer Speich on behalf of the property owners containing 39.65 acres. Properties are located at 8613 and 8675 Rocky Fork Almaville Road.**

The Town Council next considered an ordinance on first reading relative to the annexation and PRD zoning of property located on Tax Map 54, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00, requested by Jennifer Speich on behalf of the property owners containing 39.65 acres. Properties are located at 8613 and 8675 Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- i. Fire hydrants are required within 500' of all lots. All portions of the townhomes must be within 150' of the fire truck access. Place a fire hydrant at unit 96 near the road.
- ii. Sheet C2.0 and Sheet C6.0 are inconsistent as to the setbacks for townhomes. Please make these consistent, and Sheet C6.0 is shown correctly.
- iii. Porches are required to meet minimum building setbacks if the porch has a roof.
- iv. The required minimum fire flow is 1,000 GPM at 20 PSI.
- v. Critical lots would be identified at the preliminary plat stage.

Following discussion, Council Member Tim Morrell made a motion to approve said ordinance on first reading incorporating staff's conditions. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion was approved 7-0. A copy of the ordinance as approved on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4." (Ordinance #23-41)

3. Consideration of a resolution authorizing the acquisition of easements by negotiation or condemnation for the purpose of carrying out the Fall Creek Basin sewer project.

The Town Council next considered a Resolution authorizing the acquisitions of easements by negotiation or condemnation for the purpose of carrying out the Fall Creek Basin sewer project. The Planning Commission reviewed the obtaining of these easements and found it is consistent with the Comprehensive Plan of the Town and recommended approval.

Following discussion, Council Member Gerry Short 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 the Resolution as approved is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5." (Resolution #23-15)

b. Packaged Liquor Board Report:

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

c. PUBLIC HEARING: Consideration of a Resolution declaring the intent of the Town Council to consider the adoption of a Commercial Property Assessed Clean Energy and Resiliency Program.

The Town Council next considered a Resolution declaring the intent of the Town Council to consider the adoption of a Commercial Property Assessed Clean Energy and Resiliency Program.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. Citizen, Dan Epright, 114 Stewart Street addressed the Council with a question as to how this program may be beneficial to small businesses.

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 Vice-Mayor Marc Adkins. Following further discussion, the motion was approved 7-0. A copy of the Resolution as approved is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "6." (Resolution #23-14)

d. Consideration of an Ordinance to Amend Title 5, Chapter 9 of the Smyrna Municipal Code relative to the C-PACER Act.

The Town Council next considered an ordinance on first reading to Amend Title 5, Chapter 9 of the Smyrna Municipal Code relative to the C-PACER Act.

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 the 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 #23-37)

e. Consideration of an Ordinance approving final budget amendments for Fiscal Year 2023.

The Town Council next considered an ordinance on first reading approving final budget amendments 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 Tim Morrell. Following further discussion, the motion was approved 7-0. A copy of the 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 #23-38)

f. Consideration of a Proposed Amendment to Article IX of the Town Charter relative to the Town Court.

The Town Council next considered an ordinance on first reading approving a proposed Amendment to Article IX of the Town Charter relative to the Town Court.

Following discussion, Council Member H.G. Cole made a motion to approve said ordinance on first reading for the purposes of judicial economy and efficiency. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 6-1, with Council Member Racquel Peebles voting against said item. A copy of the 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 #23-39)

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

9. Other.

- a. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Global Synthetic Ice for the purchase of an ice rink.**

The Town Council next considered approval of the terms of, and authorization for the Mayor to execute, an agreement with Global Synthetic Ice for the purchase of a synthetic ice rink.

Following discussion, Council Member Gerry Short made a motion to approve said item and to authorize the Mayor to execute the agreement with Global Synthetic Ice. Said motion was seconded by Council Member Steve Sullivan, and after further discussion, approved unanimously. A copy of said agreement is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10".

- b. Announcement of approval of Change Order #2 relative to Cedar Stone Park Restroom.**

The Town Council next considered the announcement of Change Order #2 relative to the Cedar Stone Park Restroom. Director of Parks, Mike Moss, announced the need for the Change Order to be signed prior to the council meeting in order for work to begin promptly to address an emergent situation. Town Manager, Brian Hercules signed the change order and therefore, there was no action for the Council to take on this agenda item.

A copy of said change order is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11".

- c. Approval of the terms of, and authorization for the Mayor to execute, an agreement with G&W Diesel, Emergency Vehicle Specialists, Inc. relative to the purchase of various fire apparatus.**

The Town Council next considered approval of the terms of, and authorization for the Mayor to execute, an agreement with G&W Diesel, Emergency Vehicle Specialists, Inc. relative to the purchase of various fire apparatus.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said item and to authorize the Mayor to execute the agreement with G&W Diesel, Emergency Vehicle Specialists, Inc. Said motion was seconded by Council Member Tim Morrell, and after further discussion, approved unanimously. A copy of said agreement is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "12".

d. Approval of the terms of, and authorization for the Mayor to execute, a ground lease with the Senior Activity Center of Smyrna.

The Town Council next considered approval of the terms of, and authorization for the Mayor to execute, a ground lease with the Senior Activity Center of Smyrna.

Following discussion, Council Member Tim Morrell made a motion to approve said item and to authorize the Mayor to execute the ground lease with the Senior Activity Center of Smyrna. Said motion was seconded by Council Member Steve Sullivan, and after further discussion, approved unanimously. A copy of said lease is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "13".

10. Status Reports.

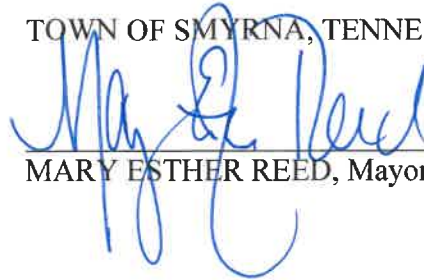
Assistant Town Manager and Finance Director, Rex Gaither, presented Council with July State Shared Tax and July Local Sales Tax numbers.

11. Announcements.

Mayor Reed and other Council members as well as Town Manager, Brian Hercules, 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 7:20 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk