

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON OCTOBER 10, 2023**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on October 10, 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 Phoebe Fuller with Achieving a Better Life Experience (ABLE) in recognition of Down Syndrome Awareness Month.

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 September 12, 2023 regular meeting and the September 28, 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 September 12, 2023 regular meeting and the September 28, 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.**

There were no awards and 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. Consideration and authorization of a list of items to be auctioned through online surplus sale with GovDeals.
- b. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Preferred Glass Company for a sliding automatic entrance at the Town's Justice Center.
- c. Approval of the terms, and authorization for the Mayor to execute, the 2024 Tennessee Highway Safety Office (THSO) Grant.
- d. Approval of the terms of, and authorization for the Mayor to execute, Basin A8 & A9 Sewer Rehab Change orders 3 & 4 to include final adjustments.
- e. Approval of the terms of, and authorization for the Mayor to execute, an agreement with RaganSmith for drafting services and support for the Fall Creek Gas project.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with BH Holmes for Emergency Water Service Line replacements.
- g. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Hawkins and Price for the WTP's Lead Pipe Survey project required by the EPA.
- h. Approval of the terms of, and authorization for the Mayor to execute, the extension of sewer flow monitoring for another 12 months.
- i. Approval of the terms of, and authorization for the Mayor to execute, an agreement with the Federal Highway Administration for a \$300,000 planning grant for Safe Streets For All.
- j. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Waypoint to provide goods and services for the Town's Server Storage expansion.
- k. Approval of the terms of, and authorization for the Mayor to execute, a no-cost contract with TDOT to share access to their live video via CCTV.
- l. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Stansell Electric Company for traffic signal modifications.
- m. Approval of the terms of, and authorization for the Mayor to execute, the Scope and Fee proposal with Barge Design Solutions, Inc. for the Jefferson Pike at Nissan / Sam Ridley Intersection Improvements Project.

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 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. **PUBLIC HEARING**: Consideration of a resolution relative to a Plan of Services for property located on Tax Map 51, Parcels 8.07 and 8.18.

The Town Council next considered a Resolution relative to a Plan of Services for property located on Tax Map 51, Parcels 8.07 and 8.18. 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 Resolution for a Plan of Services. The motion was duly seconded by Council Member Steve Sullivan, and following further discussion, 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 "2." (Resolution #23-16)

**b. PUBLIC HEARING: 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 on second and final reading 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 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.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. The following individuals spoke concerning this item:

Howard Fitzcharles, 6586 Lee Road, Rutherford County, spoke neither for nor against this agenda item. Rather, he requested certain considerations from the developer.

Patrick Beauchene, 6614 Lee Road, Rutherford County, spoke in opposition to said development.

Stephen Taylor, 6620 Lee Road, Rutherford County, spoke in opposition to said development.

David Lowry with David Weekly Homes, the developer, 1613A Glen Echo Road, Nashville, spoke on behalf of the applicant and addressed the questions and concerns of neighbors and of the Council.

Teresa Fitzcharles, 6586 Lee Road, Rutherford County, spoke neither for nor against this agenda item. Rather, she requested certain considerations from the developer.

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 approve said Ordinance incorporating the conditions that the developer work with Town engineers to design and construct a right hand turn lane at the front of the subdivision, that developers block off the stub driveway that approaches adjoining property, that the developer continue to work with neighbors on buffering options, and that the developer work with a blasting company to ensure pre-blast surveys for water lines. The motion was duly seconded by Council Member Tim Morrell, and following further discussion, was approved 6-0-1, with Vice-Mayor Marc Adkins abstaining from the vote.

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 #23-40)

**c. Consideration of a Resolution in Memorandum of Ordinance #23-40 relative to the annexation and PRD Zoning of properties located on Tax Map 51, Parcels 8.07 and 8.18.**

The Town Council next considered a Resolution in Memorandum of Ordinance #23-40 relative to the annexation and PRD zoning of properties located on Tax Map 51, Parcels 8.07 and 8.18. This is a housekeeping item required to accompany approved annexations.

Following discussion, Council Member Tim Morrell made a motion to approve said Resolution. The motion was duly seconded by Council Member Steve Sullivan, and following further discussion, was approved unanimously.

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 #23-17)

**d. PUBLIC HEARING: Consideration of a resolution relative to a Plan of Services for property located on Tax Map 54, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00.**

The Town Council next considered a Resolution relative to a Plan of Services for property located on Tax Map 54, Parcels 40.00, 41.00, 44.00, 44.01, and 45.00. The recommendation of the Planning Commission was that the request be approved.

At this time, Mayor Reed announced that the applicant requested for this agenda item to be deferred to the November council meeting. She then 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 Steve Sullivan made a motion to DEFER this agenda item to the November council meeting. The motion was duly seconded by Council Member Racquel Peebles, and following further discussion, was approved unanimously.

- e. **PUBLIC HEARING: 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 on second and final reading 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.

At this time, Mayor Reed announced that the applicant requested for this agenda item to be deferred to the November council meeting. She then 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 Steve Sullivan made a motion to DEFER this agenda item to the November council meeting. The motion was duly seconded by Vice-Mayor Marc Adkins, and following further discussion, was approved unanimously.

- f. **Consideration of a Resolution in Memorandum of Ordinance #23-41 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.**

The Town Council next considered a Resolution in Memorandum of Ordinance #23-41 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. There was no action to take on this item due to the previous item being deferred. This agenda item will be added to the November agenda for consideration.

- g. **PUBLIC HEARING: Consideration of an Ordinance approving final budget amendments for Fiscal Year 2023.**

The Town Council next considered on second and final reading an Ordinance approving final budget amendments for Fiscal Year 2023.

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 this item.

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 approve said Ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell, and following further discussion, 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 "5." (Ordinance #23-38)

**h. PUBLIC HEARING: Consideration an Ordinance to amend Title 5, Chapter 9 of the Smyrna Municipal Code relative to the C-PACER Act.**

The Town Council next considered on second and final reading an Ordinance to amend Title 5, Chapter 9 of the Smyrna Municipal Code relative to the C-PACER Act.

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 this 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 on second and final reading. The motion was duly seconded by Council Member Steve Sullivan, and following further discussion, 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 "6." (Ordinance #23-37)

**i. PUBLIC HEARING: Consideration of an Ordinance relative to a Proposed Amendment to Article IX of the Town Charter and the Town Court.**

The Town Council next considered on second reading an Ordinance relative to a Proposed Amendment to Article IX of the Town Charter and the Town Court.

At this time, Mayor Reed reviewed the timeline of how the Court discussion and subsequent proposed charter amendment transpired. Mayor Reed then had Town Manager, Brian Hercules, review the most recent financials pertaining to the court for attendees of the meeting.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. The following individuals spoke in **opposition** to this agenda item:

- Anthony "Tony" Dover, 931 Stewart Valley Drive, Smyrna Town limits.
- Judge Brittany Stevens, 120 Buttonwood Drive, Smyrna Town limits.

- Court Clerk Lisa Brewer, 1006 Rosemont Terrace, Smyrna Town limits.
- Andrea Bessone, 403 Briarwood Lane, Smyrna Town limits.
- Becky Baxter, 107 Oshea Court, Rutherford County.
- Marquinta Richardson, 307 Annleeken Drive, Smyrna Town limits.
- Sergio Gutierrez, 202 Glen Valley Circle, Smyrna Town limits.
- Sherry Stevens, 121 Laurel Hill Drive, Smyrna Town limits.
- Danny Brewer, 1006 Rosemont Terrace, Smyrna Town limits.
- David Fielder, 7335 South Harpeth Road, Franklin Tennessee.
- Katie Clark, 101 Hager Drive, Smyrna Town limits.
- Tom Jennings, 112 Buttonwood Drive, Smyrna Town limits.

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

Following discussion and the public hearing, Council Member Steve Sullivan made a motion to DEFER a second vote on said agenda item in order to gather additional information on questions raised following the public hearing. The motion was duly seconded by Vice-Mayor Marc Adkins, and following further discussion, approved unanimously.

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 31.01, from R-1 to PRD requested by Jennifer Speich. The property requested to be rezoned contains 31.68 acres and is located at 602 and 604 Rock Springs Road.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, Parcel 31.01, from R-1 to PRD requested by Jennifer Speich. The property requested to be rezoned contains 31.68 acres and is located at 602 and 604 Rock Springs Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- Any improvements recommended by the traffic study must be completed by the developer.
- The required minimum fire flow is 1,000 GPM at 20 PSI. This is not currently attainable at this site. However, the Town has a waterline improvement project which should be completed in approximately one (1) year that should take care of any issues.
- Road G is shown connecting to Imperial Boulevard. As this road is not constructed to this property yet, in the interim, at turnaround compliant with the 2018 International Fire Code will be required in that area.

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 "7." (Ordinance #23-43)

**2. Consideration of an ordinance relative to the annexation and PRD zoning of property located on Tax Map 51, Parcel 3.00, requested by CSDG on behalf of the Naron Family Trust containing 45.79 acres. The property is located on Cooks Lane.**

The Town Council next considered on first reading an ordinance relative to the annexation and PRD zoning of property located on Tax Map 51, Parcel 3.00, requested by CSDG on behalf of the Naron Family Trust containing 45.79 acres. The property is located on Cooks Lane. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- Submit a traffic study. Any improvements recommended by the traffic study will be required to be constructed by the developer.
- Two entrances will be required to this development. The proposed connection to Gwynne Farms will serve as the second connection, but it must be constructed prior to construction of the 100<sup>th</sup> home in the development.
- Corner lots have two front setbacks. Show consistently throughout the plans.
- 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, Vice-Mayor Marc Adkins made a motion to approve said ordinance on first reading incorporating staff's conditions. 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 #23-44)

**3. Consideration of an ordinance relative to the rezoning of property located on Tax Map 49M, Group A, part of Parcel 9.00, from C-2 to I-1 requested by Robert McCormick. The property requested to be rezoned contains approximately 3.13 acres and is located on New Nashville Highway and Colonial Circle.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 49M, Group A, part of Parcel 9.00, from C-2 to I-1 requested by Robert McCormick. The property requested to be rezoned contains approximately 3.13 acres and is located on New Nashville Highway and Colonial Circle. The recommendation of the Planning Commission was that the request be DENIED.

Following discussion, Council Member Tim Morrell made a motion to DENY said ordinance on first reading. The motion was duly seconded by Council Member Gerry Short. Following further discussion, the motion to DENY was approved 7-0. A copy of the ordinance as denied on



first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9." (Ordinance #23-45)

**4. Consideration of a recommendation from the Planning Commission to call the money held in escrow for Lee Road Partners, LLC for the Creekstone Village development.**

The Town Council next considered a recommendation from the Planning Commission to call the money held in escrow for Lee Road Partners, LLC for the Creekstone Village development.

Following discussion, Council Member Tim Morrell made a motion to approve said calling of the bond held for this development. The motion was duly seconded by Vice-Mayor Marc Adkins. Following further discussion, the motion was approved 7-0.

**b. Consideration and authorization for the Mayor to execute a Resolution approving the Economic Impact Plan for the Sewart's Landing Development Area.**

The Town Council next considered a Resolution approving the Economic Impact Plan for the Sewart's Landing Development Area.

Following discussion, Vice-Mayor Marc Adkins made a motion to approve said resolution and authorize 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 the Resolution as approved is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10." (Resolution #23-20)

**c. Consideration of an Ordinance amending the Municipal Code Title 14 relative to Storm Water.**

The Town Council next considered an ordinance on first reading amending the Municipal Code Title 14 relative to Storm Water.

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 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 "11." (Ordinance #23-42)

**d. Mayor to appoint one (1) member to the Smyrna Housing Authority to serve an unexpired term ending in 2025.**

The Town Council next considered appointing one (1) member to the Smyrna Housing Authority to serve an unexpired term ending in 2025.

Following discussion, Mayor Reed appointed Maryanne VanDyke to the Smyrna Housing Authority to fulfill the unexpired term ending in 2025.

**e. Council to appoint one (1) member to the Project Assistance board to serve an unexpired term ending in 2025.**

The Town Council next considered an appointment of one (1) member to the Project Assistance Board to serve an unexpired term ending in 2025.

Following discussion, Vice-Mayor Marc Adkins made a motion to nominate Natalie Wilson for serve the unexpired term ending in 2025. The nomination was approved unanimously.

**f. Mayor to nominate one (1) member to serve an unexpired term on the Rutherford County Library System Board ending in 2024.**

The Town Council next considered an appointment of one (1) member to the Rutherford County Library System Board to serve an unexpired term ending in 2024.

Following discussion, Mayor Reed asked Council Member Steve Sullivan for a recommendation for her appointment, and after further discussion, Mayor Reed nominated Laurie Cantrell to serve the unexpired term ending in 2024. Said nomination was approved unanimously by the council.

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

**9. Other.**

**10. Status Reports.**

Assistant Town Manager and Finance Director, Rex Gaither, presented Council with August State Shared Tax and August 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 7:30 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk