

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON JANUARY 9, 2024**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 5:00 p.m. on January 9, 2024, at Town Hall with the Honorable Mayor Mary Esther Reed presiding.

Mayor Reed called the meeting to order at 5:00 p.m. The invocation was led by Smyrna Police Department Chaplain, Bob Horn, and the Pledge of Allegiance was led by Director of Public Works, Tom Rose.

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

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

3. Approval or Correction of Minutes of the December 12, 2023 regular meeting and the December 28, 2023 work session meeting of the Town Council.

The Town Council first considered a motion by Council Member Steve Sullivan to approve the minutes of the December 12, 2023 regular meeting and the December 28, 2023 work session meeting 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 were no correspondence/communications to be presented to the Town Council at this time.

5. Awards and Recognitions.

There were no awards/recognitions to be presented to the Town Council 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 a contract with The Covered Patio to install a shade canopy at Volunteer Park.**
- c. **Approval of the terms of, and authorization for the Mayor to execute, Stewarts Creek Basin Drone Survey Phases 1 & 2 proposals.**
- d. **Approval of the terms of, and authorization for the Mayor to execute, the EPA Facilities Plan report professional services agreement.**
- e. **Approval of the terms of, and authorization for the Mayor to execute, Change Order #2 for North Lowry Waterline Phase 2A.**
- f. **Approval of the terms of, and authorization for the Mayor to execute, an agreement with Pyro Shows relative to the Town's annual fireworks show for 2024.**
- g. **Approval of the terms of, and authorization for the Mayor to execute, the Scope and Fee proposal with Energy Land & Infrastructure for the Cooks Lane Improvements Project.**
- h. **Approval of the terms of, and authorization for the Mayor to execute, Change Order #2 with Brown Builders for the Tridon Bridge Replacement Project.**
- i. **Approval of the terms of, and authorization for the Mayor to execute, Change Order #2 and Change Order #3 with Cleary Construction for the Spring Hill Drive Extension Project.**
- j. **Approval of the terms of, and authorization for the Mayor to execute, Change Order #5 with Cleary Construction for the Genie Lane Extension Project.**
- k. **Approval of the terms of, and authorization for the Mayor to execute an agreement with Stansell Electric relative to construction of the ITS Phase 3, 4, 5 project.**
- l. **Approval of the terms of, and authorization for the Mayor to execute an agreement with AM Builders for a metal storage building to be constructed behind Fire Hall 3 on Enon Springs Road near Nissan.**
- m. **Approval of the terms of, and authorization for the Mayor to execute a contract for Financial Wellness services for employees.**
- n. **Approval of a revision to the Longevity Pay policy in the Town of Smyrna Employee Handbook.**
- o. **Approval of the terms of, and authorization for the Mayor to execute, a contract with Boozer & Company, P.C. for Real Estate Appraisal Services in connection with the Rocky Fork Almatville Rd. ROW project.**
- p. **Approval of the terms of, and authorization for the Mayor to execute, Change Order #1 with TMPartners, PLLC relative to the Fire Station #4 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 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.

- i. PUBLIC HEARING: Consideration of an Ordinance amending Title 4 of the Town's Municipal Code and establishing an updated Occupational Safety & Health Program Plan.**

The Town Council next considered on second and final reading, an Ordinance amending Title 4 of the Town's Municipal Code and establishing an updated Occupational Safety & Health Program Plan.

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 on second and final reading. The motion was duly seconded by Council Member Tim Morrell, and following further discussion, 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 "2." (Resolution #24-1)

- ii. PUBLIC HEARING: Consideration of an Ordinance amending the Municipal Code, Title 2, § 704 relative to the Memorial Maintenance and Special Projects Sub-committee to codify powers, duties, and related matters pertaining to the Captain Jeff Kuss USMC Memorial Scholarship Program.**

The Town Council next considered on second and final reading an Ordinance amending the Municipal Code, Title 2, § 704 relative to the Memorial Maintenance and Special Projects Sub-committee to codify powers, duties, and related matters pertaining to the Captain Jeff Kuss USMC Memorial Scholarship Program.

At this time, Mayor Reed recessed the meeting without objection, and a public hearing was opened related to the agenda item. Smyrna citizen, Dan Epright, 114 Seward Street, addressed the council with questions related to said agenda 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 on second and final reading. The motion was duly seconded by Council Member Racquel Peebles, and following further discussion, 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 #24-2)

There were no further old business items for the Town Council to consider at this time.

8. New Business:

a. Planning Commission Report:

- i. Consideration of an Ordinance relative to the annexation and PRD zoning of property located on Tax Map 54, Parcel 18.00, requested by Jared Cunningham with Catalyst Design Group on behalf of the Rose C. Neal Revocable Trust containing 28.42 acres. Property is located on 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 18.00, requested by Jared Cunningham with Catalyst Design Group on behalf of the Rose C. Neal Revocable Trust containing 28.42 acres. Property is located on Rocky Fork Almaville Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- Please coordinate with the adjoining subdivision (The Courtyards at Stewarts Creek) in regards to the street and utility connections, as well as finished contours.
- Any house construction over 3,600 square feet in size requires additional fireflow requirements. This includes all building square footage including attached garages, porches, etc.
- It appears that there would be significant grading as a part of this site. Critical lots would be identified at the preliminary plat stage.

Mayor Reed announced that the applicant requested to defer this item, again, for an additional month. Following discussion, Council Member Tim Morrell made a motion to defer this item on first reading to the February council meeting. The motion to defer was duly seconded by Council Member Steve Sullivan. Following further discussion, the motion was approved 7-0.

- ii. Consideration of an ordinance relative to the rezoning of Tax Map 27, Parcel 36.01, from R-1 to PRD requested by Kevin Gangaware. The property requested to be rezoned contains 13.03 acres and is located at 9800 Florence Road.**

The Town Council next considered on first reading an ordinance relative to the rezoning of Tax Map 27, Parcel 36.01, from R-1 to PRD requested by Kevin Gangaware. The property requested to be rezoned contains 13.03 acres and is located at 9800 Florence Road. The recommendation of the Planning Commission was that the request be approved with the following conditions:

- Any elevation fronting a road will be considered the primary façade and must meet the elevation requirements shown for the front of the home. If a lot has more

than one road frontage or is visible from Florence Road, this requirement would be applicable to all elevations facing a public roadway.

- Critical lots as defined in the Subdivision Regulations would be identified at the preliminary plat stage.
- TVA approval must be provided for the pond and sidewalk within the TVA easement. Please provide documentation prior to receiving a grading permit.

Following discussion, Council Member Tim Morrell 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 6-1, 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 "4." (Ordinance #24-5)

b. Consideration of an Ordinance amending Title 12 of the Municipal Code, specifically § 602 relative to the International Residential Code and § 702 relative to the International Energy Conservation Code.

The Town Council next considered on first reading an Ordinance amending Title 12 of the Municipal Code, specifically § 602 relative to the International Residential Code and § 702 relative to the International Energy Conservation Code.

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 said Ordinance as approved on first reading is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5." (Ordinance #24-4)

c. Consideration of a Resolution requesting the Rutherford state delegation to introduce legislation.

The Town Council next considered a Resolution requesting the Rutherford state delegation to introduce legislation.

Following discussion, Council Member H.G. Cole made a motion to approve said Resolution on first reading. 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 Resolution. 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 #24-3)

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

9. Other.

10. Status Reports.

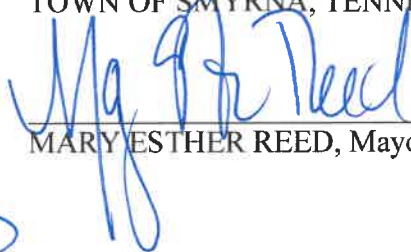
Finance Director and Assistant Town Manager, Rex Gaither, presented Council with November State Shared Tax and November Local Sales Tax numbers.

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 5:50 p.m.

TOWN OF SMYRNA, TENNESSEE



MARY ESTHER REED, Mayor

ATTEST:



AMBER HOBBS, Town Clerk