

**MINUTES OF MEETING OF THE REGULAR SESSION OF  
THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON JUNE 9, 2009**

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The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 6:00 p.m. on June 9, 2009 at Town Hall with the Honorable Tony Dover, Vice-Mayor, presiding.

Vice-Mayor Dover called the meeting to order. The invocation was offered by Minister Janice Shipp. The pledge of allegiance was led by Town Clerk Dianne Waldron.

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

H. G. Cole  
Tony Dover  
Paul Johns  
Lance Lee  
Tim Morrell  
Mary Esther Reed

Mayor Spivey was not in attendance.

**1. Approval or Correction of Minutes of the May 12, May 28 and June 1, 2009 meetings.**

The Town Council first considered a motion by Council Member Mary Esther Reed to approve the minutes of the May 12, 2009 regular session of the Town Council, the May 28, 2009 regular work session of the Town Council and the June 1, 2009 special called work session of the Town Council. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously.

**2. Correspondence/Communications.**

Council Member Paul Johns requested that the Mayfield Sidewalk Project be put on the June workshop agenda for discussion.

**3. Awards and Recognitions.**

There were no awards or recognitions to be presented to the Town Council at this time.

**4. 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 extension agreement with Ken's Exterminating Company relative to Golf Course pest control service.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Ameripride Linen Service relative to Town Centre linen service.
- c. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Ashland Chemical relative to purchase of emulsion polymer for Wastewater Treatment Plant.
- d. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with IM&E relative to electrical/mechanical maintenance for Water Plant, Wastewater Plant and Distribution/Collection Systems.
- e. Approval of the terms of, and authorization for the Mayor to execute, various extension agreements for Water Treatment Plant chemicals:
  - i. DPC – Chlorine 1-Ton Cylinders and Sodium Hypochlorite
  - ii. Harcros Chemical – Powdered Activated Carbon
  - iii. General Chemical – Hyper Ion 4090
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with A&R Lawn Service relative to Codes annual mowing.
- g. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Greene's Military & Police relative to Police Department uniforms.
- h. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Terminix relative to pest control service.
- i. Approval of amendment to the Health Plan Document Section 4 – Special Enrollment Period of Article IV – Rules of Eligibility.
- j. Approval of the terms of, and authorization for the Mayor to execute, a contract with Toro Irrigation relative to Golf Course irrigation service.

- k. Approval of the terms of, and authorization for the Mayor to execute, a contract with TDOT relative to installation of a right turn lane from Bent Tree Drive onto State Route 102 (Nissan Boulevard).

Following discussion, Council Member Paul Johns made a motion to approve and adopt the Consent Agenda and to authorize the Mayor or Vice-Mayor to execute said documents. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of each document referenced on the Consent Agenda is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "1".

**5. Old Business.**

- a. **PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 34, Parcel 43.03, comprising approximately .86 acre, (requested by Tika Smith), from C-2 to PUD. Property is located at 717 South Lowry Street. Second Reading.**

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

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

The Town Council next considered on second and final reading an ordinance relative to the rezoning of property located on Tax Map 34, Parcel 43.03, comprising approximately .86 acre, (requested by Tika Smith), from C-2 to PUD. Property is located at 717 South Lowry Street. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2". (Ordinance #09-17).

- b. **PUBLIC HEARING: Consideration of an ordinance relative to the amendment to the Town of Smyrna Municipal Zoning Ordinance regarding Article V, Section 5.053.1 I-1, Light Industrial District, to add religious facilities as a use permitted as a special exception. Second Reading.**

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

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

The Town Council next considered on second and final reading an ordinance relative to the amendment of the Town of Smyrna Municipal Zoning Ordinance regarding Article V, Section 5.053.1 I-1, Light Industrial District, to add religious facilities as a use permitted as a special exception. The recommendation of the Planning Commission was that the Town Council approve the amendment. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Mary Esther Reed. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3". (Ordinance #09-18).

- c. **PUBLIC HEARING: Consideration of an ordinance relative to the amendment to the Town of Smyrna Municipal Zoning Ordinance regarding clarification of outdoor storage requirements, specifically Article V, Section 5.052.2 C-2 Highway Service District. Second Reading.**

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

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

The Town Council next considered on second and final reading an ordinance relative to the amendment to the Town of Smyrna Municipal Zoning Ordinance regarding clarification of outdoor storage requirements, specifically Article V, Section 5.052.2 C-2 Highway Service District. The recommendation of the Planning Commission was that the Town Council approve the amendment. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4". (Ordinance #09-19).

- d. **PUBLIC HEARING: Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 8 "Alcoholic Beverages", Chapter 2 "Beer", Sections 8-214 "Permits for certain premises prohibited"; 8-215 "Application for an issuance or refusal of permit"; 8-222 "Prohibited conduct or activities by beer permit holders"; 8-224 "Sales to minors prohibited; employment of ex-convicts prohibited"; and 8-226 "Penalties; violation", related to distance requirements, applicant/employee convictions, and internal signage. Second Reading.**

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

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

The Town Council next considered on second and final reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 8 "Alcoholic Beverages", Chapter 2 "Beer", Sections 8-214 "Permits for certain premises prohibited"; 8-215 "Application for an issuance or refusal of permit"; 8-222 "Prohibited conduct or activities by beer permit holders"; 8-224 "Sales to minors prohibited; employment of ex-convicts prohibited"; and 8-226 "Penalties; violation", related to distance requirements, applicant/employee convictions, and internal signage. Following discussion, Council Member H. G. Cole made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5". (Ordinance #09-20).

e. **PUBLIC HEARING: Consideration of an ordinance adopting the budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010. Second Reading.**

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

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

The Town Council next considered on second and final reading an ordinance adopting the budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance, as amended with changes from the First Reading, on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Vice-Mayor Dover noted for the record a conflict of interest due to the fact that his wife is an employee of the Town; however, he further declared that his argument and vote answered only to his conscience and obligation to his constituents and the citizens. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "6". (Ordinance #09-21). A copy of the document "Changes from First Reading" is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7".

f. **PUBLIC HEARING: Consideration of an ordinance establishing the property tax levy for the fiscal year beginning July 1, 2009 and ending June 30, 2010. Second Reading.**

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

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

The Town Council next considered on second and final reading an ordinance establishing the property tax levy for the fiscal year beginning July 1, 2009 and ending June 30, 2010. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance establishing the property tax levy at \$.86 for the fiscal year beginning July 1, 2009 and ending June 30, 2010 on second and final reading. The motion was duly seconded by Council Member Mary Esther Reed. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8". (Ordinance #09-22).

There was no other Old Business to be considered by the Town Council.

6. New Business.

a. **Planning Commission Report.**

i. **Consideration of an ordinance relative to the rezoning of property located on Tax Map 28M, Group G, Parcel 13.02, comprising approximately .35 acre, (requested by Rutherford County Habitat for Humanity), from R-6 to R-3. Property is located at 560 Mason Tucker Drive. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28M, Group G, Parcel 13.02, comprising approximately .35 acre, (requested by Rutherford County Habitat for Humanity), from R-6 to R-3. Property is located at 560 Mason Tucker Drive. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Mary Esther Reed. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9". (Ordinance #09-23).

- ii. **Consideration of an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance relative to changing the minimum lot size requirement for family daycare homes, specifically Article VII, Section 7.061.7 Special Conditions for Special Personal and Group Care Facilities. First Reading.**

The Town Council next considered on first reading an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance relative to changing the minimum lot size requirement for family daycare homes, specifically Article VII, Section 7.061.7 Special Conditions for Special Personal and Group Care Facilities. The recommendation of the Planning Commission was that the Town Council approve the amendment. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10". (Ordinance #09-24).

- iii. **Consideration of an ordinance to amend the text of the Smyrna Municipal Ordinance relative to changing the minimum lot size requirement for the R-6 High Density Residential District, specifically Article V, Section 5.051.6 D. Dimensional Regulations. First Reading.**

The Town Council next considered on first reading an ordinance to amend the Smyrna Municipal Ordinance relative to changing the minimum lot size requirement for the R-6 High Density Residential District, specifically Article V, Section 5.051.6 D. Dimensional Regulations. The recommendation of the Planning Commission was that the Town Council deny the amendment. Following discussion, Council Member Lance Lee made a motion to deny and reject said ordinance on first reading. The motion was duly seconded by Council Member H. G. Cole. Following discussion, the motion was approved unanimously.

- b. **Approval of the terms of, and authorization for the Mayor to execute, a contract with CBM Enterprises relative to Natural Gas Line Extension Project in LaVergne.**

The Town Council next considered a motion by Council Member Tim Morrell to approve the terms of and authorize the Mayor or Vice-Mayor to execute a contract with CBM Enterprises relative to Natural Gas Line Extension Project in LaVergne. The motion was duly seconded by Council Member Paul Johns. Following further discussion, the motion was approved unanimously. A copy of said document 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, a contract with CBM Enterprises relative to Natural Gas Line Extension Project for a TDOT project in LaVergne.**

The Town Council next considered a motion by Council Member Paul Johns to approve the terms of and authorize the Mayor or Vice-Mayor to execute a contract with CBM Enterprises relative to Natural Gas Line Extension Project for a TDOT project in LaVergne. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously. A copy of said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "12".

- d. Consideration of a resolution to reimburse expenses from a future utilities bond issue.**

The Town Council next considered a resolution to reimburse expenses from a future utilities bond issue. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Mary Esther Reed. Following further discussion, the motion was approved unanimously. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "13". (Resolution #09-06).

- e. Consideration of a resolution to reimburse expenses from a future public works bond issue.**

The Town Council next considered a resolution to reimburse expenses from a future public works bond issue. Following discussion, Council Member Mary Esther Reed made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member H. G. Cole. Following further discussion, the motion was approved unanimously. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "14". (Resolution #09-07).

- f. Consideration of a Resolution to amend and restate the Town of Smyrna Classification and Compensation Plans.**

The Town Council next considered a resolution to amend and restate the Town of Smyrna Classification and Compensation Plans. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said resolution as amended. The motion was duly seconded by Council Member Mary Esther Reed. Vice-Mayor Dover noted for the record a conflict of interest due to the fact that his wife is an employee of the Town; however, he further declared that his argument and vote answered only to his conscience and obligation to his constituents and the citizens. Following further discussion, the motion was approved unanimously. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "15". (Resolution #09-08).

**g. Consideration of the declaration of surplus property.**

The Town Council next considered a motion by Council Member Paul Johns to declare certain items as surplus property. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously. A description of said surplus property is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "16".

**h. Other.**

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

**7. Status Reports.**

There were no status reports to be reported to the Town Council at this time.

**8. Announcements.**

Town Manager Mark O'Neal announced the annual Fireworks Show will be held July 3rd and next "Movies in the Park" will be July 10<sup>th</sup>.

Council Member Paul Johns informed those individuals interested in the Mayfield Sidewalk Project that the next workshop will be held June 30<sup>th</sup>. He also asked that a resolution be prepared in honor of the late Michele Elliott and requested that the Town of Smyrna name something after her.

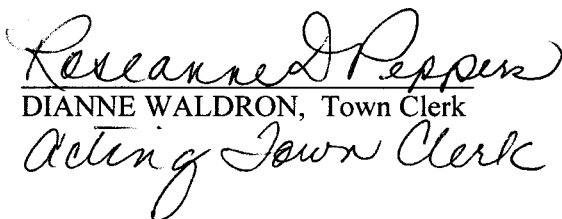
Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



TONY DOVER, Vice-Mayor

ATTEST:



DIANNE WALDRON, Town Clerk  
Acting Town Clerk