

**MINUTES OF MEETING OF THE REGULAR SESSION OF
THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON AUGUST 11, 2009**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 6:00 p.m. on August 11, 2009 at Town Hall with the Honorable Tony Dover, Mayor, presiding.

Mayor Dover called the meeting to order. The invocation was offered by Council Member Paul Johns. The pledge of allegiance was led by Town Planner Kevin Rigsby.

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

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

1. Approval or Correction of Minutes of the July 14 and July 30, 2009 meetings.

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the July 14, 2009 regular session of the Town Council and the July 30, 2009 regular work session of the Town Council. The motion was duly seconded by Council Member Mary Esther Reed. Following discussion, the motion was approved unanimously.

2. Correspondence/Communications.

There was no correspondence or communications to be presented to the Town Council at this time.

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 amendment to the health insurance plan.
- b. Approval of the terms of, and authorization for the Mayor to execute, the annual report for the NPDES Phase II, MS4 Program.
- c. Approval of the terms of, and authorization for the Mayor to execute, amended TDOT contract relative to the funding for the Jefferson Springs Greenway Extension.

Following discussion, Council Member Paul Johns made a motion to approve and adopt the Consent Agenda and to authorize the Mayor to execute said documents. The motion was duly seconded by Council Member Mary Esther Reed. 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 to amend Ordinance No. 09-21, adopting the 2009-2010 Fiscal Year Budget, specifically the 2009-2010 Fee Schedule. Second Reading.**

At this time, 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 to amend Ordinance No. 09-21, adopting the 2009-2010 Fiscal Year Budget, specifically the 2009-2010 Fee Schedule. 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 H. G. Cole. 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 #09-25).

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

6. New Business

a. Planning Commission Report:

- i. Consideration of a request for approval of a subdivision utilizing a septic system by Warren Garner comprising of approximately 1.7 acres located on Chicken Pike.**

The Town Council next considered a request for approval of a subdivision utilizing a septic system by Warren Garner comprising of approximately 1.7 acres located on Chicken Pike. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Council Member Lance Lee made a motion to approve the request. The motion was duly seconded by Council Member Mary Esther Reed. Following further discussion, the motion was approved unanimously.

- ii. Consideration of an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance relative to adding an option of a dog walk for one of the required amenities for multi-family developments, specifically Article IV, Section 4.170 B.4.c. First Reading.**

The Town Council next considered on first reading an ordinance to amend the text of the Smyrna Municipal Zoning Ordinance relative to adding an option of a dog walk for one of the required amenities for multi-family developments, specifically Article IV, Section 4.170 B.4.c. 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 Paul Johns. Following discussion, the motion was approved unanimously.

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 33D, Group A, Parcels 27.03, 27.04 and 27.05, comprising approximately 8.58 acres, (requested by Southern Property Ventures), from PRD to PUD. Property is located on Mason Tucker Drive. First Reading.**

Town Planner Kevin Rigsby reported that this request was withdrawn by the developers. Following discussion, Council Member Lance Lee made a motion to allow Item 8a.iii. to be withdrawn. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously.

b. Packaged Liquor Board Report:

- i. Consideration of an application for a Certificate of Compliance for a packaged liquor store from Durga Inc. (Discount Liquors), located at 11473 Old Nashville Highway.**

The Town Council next considered an application for a Certificate of Compliance for a packaged liquor store from Durga Inc. (Discount Liquors), located at 11473 Old Nashville Highway. The recommendation of the Packaged Liquor Board was that the Town Council deny the application for a certificate of compliance based on 1) it is less than 500' from Dance with Stacy and 2) the building does not meet design review. Following discussion, Council Member Paul Johns mad a motion to deny the application. The motion was duly seconded by Council Member Lance Lee. Following further discussion, the motion was approved unanimously. A copy of said application is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3".

- c. Approval of the terms of, and authorization for the Mayor to execute, professional services agreement amendment #2 relative to additional design work by Barge Waggoner Sumner & Cannon, Inc. regarding Town Centre Project.**

The Town Council next considered a motion by Council Member H. G. Cole to approve the terms of and authorize the Mayor to execute professional services agreement amendment #2 with Barge Waggoner Sumner & Cannon, Inc. relative to Town Centre Project. The motion was duly seconded by Council Member Mary Esther Reed. Following discussion, the motion was approved 5-1, with Council Member Tim Morrell voting "no". A copy of said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4".

- d. Consideration of a resolution relative to "Guns in Parks".**

The Town Council next considered a resolution to prohibit handguns in Smyrna municipal parks, natural areas, historic parks, nature trails, campgrounds, forests, greenways, waterways or other similar public places. Following discussion, Council Member Paul Johns made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Lance Lee. 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 "5". (Resolution #09-12).

- e. Consideration of a resolution authorizing and providing for the financing of the construction of a wastewater facilities project, including authorizing the execution of applications, contractual agreements, and other necessary documents, and making certain representations, certifications, and pledges of certain revenue in connection with such financing.**

The Town Council next considered a resolution authorizing and providing for the financing of the construction of a wastewater facilities project, including authorizing the execution of applications, contractual agreements, and other necessary documents, and making certain representations, certifications, and pledges of certain revenue in connection with such financing. Following discussion, Council Member Paul Johns made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Tim Morrell. 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 "6". (Resolution #09-13).

f. Approval of the terms of, and authorization for the Mayor to execute, an engineering consultant agreement with Highers, Koonce & Associates relative to design services on the water reuse project.

The Town Council next considered a motion by Council Member H. G. Cole to approve the terms of and authorize the Mayor to execute an engineering consultant agreement with Highers, Koonce & Associates relative to design services on the water reuse project. The motion was duly seconded by Council Member Mary Esther Reed. 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 "7".

g. Consideration of the declaration of surplus property.

The Town Council next considered a motion by Council Member Lance Lee to declare certain items as surplus property. The motion was duly seconded by Council Member Mary Esther Reed. 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 "8".

h. Consideration of an ordinance to amend the Packaged Liquor Ordinance. First reading.

The Town Council next considered a motion by Mayor Dover to defer consideration of this item to the next workshop. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously.

i. Consideration of appointment of Vice-Mayor.

The Town Council next considered a motion by Mayor Dover to appoint Council Member Mary Esther Reed as Vice-Mayor. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously.

j. Consideration of appointment of member to the Town Council to fill unexpired term.

The Town Council next considered a motion by Mayor Dover to appoint Marc Adkins as a member to the Town Council to fill unexpired term. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously.

k. 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.

Council Member Paul Johns commented on the Smyrna bridge dedicated to fallen soldier, Spc. Raymond Mitchell III.

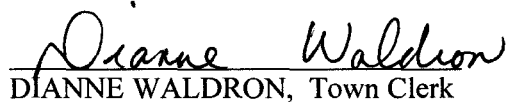
Vice-Mayor Mary Esther Reed announced that the groundbreaking for the new Boys and Girls Club will be September 2, 2009 at 4:00 p.m.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE


TONY DOVER, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk