

**MINUTES OF MEETING OF THE REGULAR SESSION OF  
THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON OCTOBER 13, 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 October 13, 2009 at Town Hall with the Honorable Tony Dover, Mayor, presiding.

Mayor Dover called the meeting to order. The invocation was offered by Lieutenant Bobby Moore. The Fire Department Honor Guard presented the colors. The pledge of allegiance was led by Fire Chief Bill Culbertson.

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

Mayor Tony Dover  
Marc Adkins  
H. G. Cole  
Paul Johns  
Tim Morrell  
Mary Esther Reed

Council Member Lance Lee was not in attendance.

**1. Approval or Correction of Minutes of the September 8 and September 29, 2009 meetings.**

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the September 8, 2009 regular session of the Town Council and the September 29, 2009 regular work session of the Town Council. The motion was duly seconded by Council Member Tim Morrell. 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.**

The Town Council next considered a resolution to express appreciation and gratitude to Bobby Gene Spivey for his service and contributions to the community as

Mayor. Following discussion, Mayor Dover 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 "1". (Resolution #09-14).

Mayor Dover next presented Former Mayor Spivey a plaque on behalf of the citizens and Town Council of the Town of Smyrna for his service as Mayor.

#### **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, a lease agreement with Smith Turf and Irrigation relative to golf course maintenance equipment.
- b. Approval of the terms of, and authorization for the Mayor to execute, a renewal contract with Level 3 Communications relative to voice and internet circuits.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with E. C. Mac, LLC relative to demolition of building at 1312 and 1314 Bolton Drive.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Pearson Safety Services relative to professional safety services for the Waste Water Treatment Plant.
- e. Approval of the terms of, and authorization for the Mayor to execute, Change Order #3 relative to sewer system rehabilitation in the Weakley Lane area.
- f. Approval of the terms of, and authorization for the Mayor to execute, a contract with Middle Tennessee Electric relative to electric service for the Water Plant.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Play Rite Sports Surfaces relative to tennis and basketball court resurfacing.

Following discussion, Town Manager Mark O'Neal requested that Item d. be removed from the Consent Agenda. Following further discussion, Council Member Tim Morrell made a motion to approve and adopt the remainder of the Consent Agenda and to authorize the Mayor to execute said documents. The motion was duly seconded by Vice-

Mayor 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 "2".

Following further discussion, Council Member Paul Johns made a motion to defer consideration of Item d. indefinitely. The motion was duly seconded by Council Member Marc Adkins. Following further discussion, the motion was approved unanimously.

**5. Old Business.**

- a. **PUBLIC HEARING: 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 R-2 and PRD to PUD. Properties are located on Mason Tucker Drive. 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 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 R-2 and PRD to PUD. Properties are located on Mason Tucker Drive. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. 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 Marc Adkins. 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 #09-26).

- b. **PUBLIC HEARING: Consideration of an ordinance to amend the Town of Smyrna Municipal Code, Title 8 "Alcoholic Beverages", Chapter 3 "Retail Sales of Alcoholic Beverages", Section 8-317 "Restrictions as to Location of Retailers". 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 the Town of Smyrna Municipal Code, Title 8 "Alcoholic Beverages", Chapter 3 "Retail Sales of Alcoholic Beverages", Section 8-317 "Restrictions as to Location of Retailers". Following discussion, Council Member Paul Johns 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 #09-27).

- c. **PUBLIC HEARING: Consideration of an ordinance to amend Ordinance No. 09-21, adopting the 2009-2010 Fiscal Year Budget. 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. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Marc Adkins. 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 #09-28).

## 6. **New Business**

- a. **Planning Commission Report:**
  - i. **Consideration of an ordinance relative to the rezoning of property located on Tax Map 27N, Group C, parts of Parcels 12.00 and 13.00 comprising approximately .24 acre, (requested by Jason Lloyd), from R-6 to R-4. Properties are located at 323 and 325 Lake Farm Road. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 27N, Group C, parts of Parcels 12.00 and 13.00, comprising approximately .24 acre, (requested by Jason Lloyd), from R-6 to R-4. The recommendation of the Planning Commission was that the Town Council approve

the rezoning request. Following discussion, Council Member Marc Adkins made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 5-1, with Council Member Paul Johns voting "no". 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 "6". (Ordinance #09-29).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 49, Parcels 30.02 and 30.06, comprising approximately 6.95 acres, (requested by Donald W. Shelton), from I-3 to R-3. Properties are located at 209 and 215 Mill Lane. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 49, Parcels 30.02 and 30.06, comprising approximately 6.95 acres, (requested by Donald W. Shelton), from I-3 to R-3. Properties are located at 209 and 215 Mill Lane. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Vice-Mayor 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 "7". (Ordinance #09-30).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcels 29.00 and 31.01, comprising approximately 33.3 acres, (requested by Bettye D. Thomson), from R-4 to R-1. Properties are located at 602 and 604 Rock Springs Road. First Reading.**

The Town Council next considered on first reading and ordinance relative to the rezoning of property located on Tax Map 28, Parcels 29.00 and 31.01, comprising approximately 33.3 acres, (requested by Bettye D. Thomson), from R-4 to R-1. Properties are located at 602 and 604 Rock Springs Road. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Marc Adkins. 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 "8". (Ordinance #09-31).

**b. Packaged Liquor Board Report:**

- i. Consideration of an application for a Certificate of Compliance for a packaged liquor store from John Austin Lee, Deborah**

**Sue Lee and Thomas Neal Tolleson (Smyrna Wine & Spirits),  
located at 440 Sam Ridley Parkway.**

The Town Council next considered an application for a Certificate of Compliance for a packaged liquor store from John Austin Lee, Deborah Sue Lee and Thomas Neal Tolleson (Smyrna Wine & Spirits), located at 440 Sam Ridley Parkway. The recommendation of the Packaged Liquor Board was that the Town Council approve the application for a certificate of compliance. Following discussion, Council Member Tim Morrell made a motion to approve the application. The motion was duly seconded by Vice-Mayor Mary Esther Reed. 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 "9".

**c. Consideration of a resolution approving the donation of surplus property to another governmental entity.**

The Town Council next considered a resolution approving the donation of surplus property to another governmental entity. Following discussion, Council Member Marc Adkins 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 "10". (Resolution #09-15).

**d. Consideration of a resolution authorizing transfer of budget appropriation between departments.**

The Town Council next considered a resolution authorizing transfer of budget appropriation between departments. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Paul Johns. 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 "11". (Resolution #09-16).

**e. Consideration of an ordinance to amend Ordinance No. 08-14, adopting the 2008-2009 Fiscal Year Budget. First Reading.**

The Town Council next considered on first reading an ordinance to amend Ordinance No. 08-14, adopting the 2008-2009 Fiscal Year Budget. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Marc Adkins. 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 "12". (Ordinance #09-32).

- f. Consideration of an ordinance to amend the Town of Smyrna Municipal Code, Title 15 “Motor Vehicles, Traffic and Parking”, Chapter 2 “Emergency Vehicles”, Section 15-203 “Following Emergency Vehicles” as related to the addition of the “move over law”. First Reading.**

The Town Council next considered on first reading an ordinance to amend the Town of Smyrna Municipal Code, Title 15 “Motor Vehicles, Traffic and Parking”, Chapter 2 “Emergency Vehicles”, Section 15-203 “Following Emergency Vehicles” as related to the addition of the “move over law”. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Vice-Mayor 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 “13”. (Ordinance #09-33).

- g. Consideration of a waiver conflict from Bass, Berry & Sims.**

This item was withdrawn.

- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with Gregory Peck & Associates for the appraisal for an easement acquisition relative to a natural gas line extension.**

The Town Council next considered a motion by Council Member Marc Adkins to approve the terms of, and authorize the Mayor to execute a contract with Gregory Peck & Associates for the appraisal for an easement acquisition relative to a natural gas line extension. The motion was duly seconded by Council Member Tim Morrell. 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 “14”.

- i. Consideration of the declaration of surplus property.**

The Town Council next considered a motion by Vice-Mayor Mary Esther Reed 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 as length verbatim as Exhibit “15”.

- j. Mayor to appoint one (1) member to the Historic Zoning Commission for term ending 2012.**

The Town Council next considered a motion by Mayor Dover to appoint Carolyn Peebles to the Historic Zoning Commission for term ending 2012. The motion was duly

seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously.

**k. Other.**

Town Manager Mark O'Neal announced a sole source purchase for organic carbon testing equipment for the Water Treatment Plant.

**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 "Halloween in the Park" on October 24<sup>th</sup>. He also commented on the Fire Department's open house.

Parks and Recreation Director Mike Moss updated the public on all the activities planned in October.

Council Member Paul Johns commented on "Depot Days" and announced he had a ring that was lost at the event.

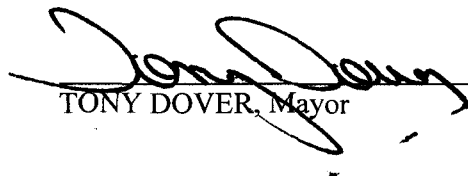
Council Member Marc Adkins extended condolences to the Hercules and Cartwright families on the loss of their loved ones.

Vice-Mayor Mary Esther Reed stated that this was her 20<sup>th</sup> Class Reunion and commented on the events planned to celebrate the occasion.

Mayor Dover announced the resignation of Rob White on the Planning Commission. He appointed Kathy Meadow to fill his term.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
TONY DOVER, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk