

**MINUTES OF MEETING OF THE REGULAR SESSION OF  
THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON DECEMBER 8, 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 December 8, 2009 at Town Hall with the Honorable Tony Dover, Mayor, presiding.

Mayor Dover called the meeting to order. The invocation was offered by Hal Loflin, Community Service & Golf Director. The pledge of allegiance was led by Mark O'Neal, Town Manager.

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  
Lance Lee  
Tim Morrell  
Mary Esther Reed

**1. Approval or Correction of Minutes of the November 10 and November 24, 2009 meetings.**

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the November 10, 2009 regular session of the Town Council and the November 24, 2009 regular work session of the Town Council. The motion was duly seconded by Council Member Marc Adkins. 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.**

Mayor Dover next presented trophies to the winners of this year's Christmas Parade. The following received awards: Mayor's Cup – Best Over All, Ashbusters

Chimney Service; Best Christmas Spirit, StoneCrest Medical Center; Most Creative, Gray's Scrap Iron and Metal; and Best Use of Theme, Wilson Bank & Trust.

#### 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 agreement to accept the franchise to serve natural gas customers within the City of La Vergne.
- b. Approval of reimbursement to listed property owners as compensation for easements for the installation, operation and maintenance of water pipelines along the route of the repurified water system.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Midsouth Trenchless, Inc. relative to construction of the Sewer System Rehabilitation Project (Basin A).
- d. Approval of the terms of, and authorization for the Mayor to execute, an annual agreement with Tennessee Rehab Center allowing the Parks
- e. Approval of the terms of, and authorization for the Mayor to execute, a renewal agreement with Morpho Trak relative to service on the Motorola AFIS Livescan fingerprint scanning and submission console.

Following discussion, Council Member Tim Morrell 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 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 "1".

#### 5. Old Business.

- a. **PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 34G, Group C, part of Parcel 6.00, comprising approximately 16.6 acres, (requested by Smyrna Commons Development Partner, LLC ), from C-2 to R-6. Property is located south of Ken Pilkerton Drive. Second Reading.**

At this time, Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. The following individuals spoke regarding the agenda item: Steve Steele and Bob Butler.

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 34G, Group C, part of Parcel 6.00, comprising approximately 16.6 acres, (requested by Smyrna Commons Development Partners, LLC), from C-2 to R-6. Property is located south of Ken Pilkerton 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 second and final reading. The motion was duly seconded by Council Member Paul Johns. Following further discussion, the motion was approved 5-2 on a roll call vote. 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 #09-34).

b. **PUBLIC HEARING: Consideration of an ordinance to amend the Town of Smyrna Impact Fee Ordinance relative to maximum rates. 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 Impact Fee Ordinance relative to maximum rates. Following discussion, Council Member Marc Adkins 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 "3". (Ordinance #09-35).

c. **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 to adjust fees within the Water & Sewer Department. 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 to adjust fees within the Water & Sewer Department. 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 Lance Lee. 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 #09-36).

**d. PUBLIC HEARING: Consideration of an ordinance to amend Ordinance No. 09-21, adopting the 2009-2010 Fiscal Year Budget relative to natural gas capital projects. 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 relative to natural gas capital projects. 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 Vice-Mayor 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 "5". (Ordinance #09-37).

**6. New Business**

**a. Planning Commission Report:**

**i. Consideration of an ordinance to amend the Town of Smyrna Sign Ordinance relative to changeable copy signs for interstate signs. First Reading.**

The Town Council next considered on first reading an ordinance to amend the Town of Smyrna Sign Ordinance relative to changeable copy signs for interstate signs. 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 Marc Adkins. Following further discussion, the motion was approved unanimously.

**b. Packaged Liquor Board Report:**

There were no applications for the Town Council to consider at this time.

**c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Archer Western Contractors relative to construction of the expansion of the Water Treatment Plant.**

The Town Council next considered a motion by Council Member Tim Morrell to approve the terms of and authorize the Mayor to execute a contract with Archer Western Contractors relative to construction of the expansion of the Water Treatment Plant. The motion was duly seconded by Council Member Marc Adkins. 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 "6".

**d. Approval of the terms of, and authorization for the Mayor to execute, Change Order #1 relative to construction of the Water Treatment Plant.**

The Town Council next considered a motion by Council Member Paul Johns to approve the terms of and authorize the Mayor to execute Change Order #1 relative to construction of the Water Treatment Plant. 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 "7".

**e. Approval and authorization for the Mayor to sign necessary documents to continue the self insured program with CCMSI.**

The Town Council next considered a motion by Council Member Lance Lee to approve and authorize the Mayor to sign necessary documents to continue the self insured program with CCMSI. The motion was duly seconded by Council Member Marc Adkins. 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 "8".

**f. Approval and authorization for the Mayor to sign necessary documents for employee benefits coverage.**

The Town Council next considered a motion by Council Member Paul Johns to approve and authorize the Mayor to sign necessary documents for employee benefits coverage. The motion was duly seconded by Vice-Mayor Mary Esther Reed. 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 "9".

**g. Approval of the terms of, and authorization for the Mayor to execute, a contract with First Tennessee Bank relative to banking services.**

The Town Council next considered a motion by Council Member Paul Johns to approve the terms of and authorize the Mayor to execute a contract with First Tennessee Bank relative to banking services. The motion was duly seconded by Council Member Marc Adkins. Following discussion, the motion was approved 6-0-1 with Council Member Tim Morrell abstaining. A copy of said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10".

**h. Appointment of one (1) member to the Beer Board to serve term ending 2013.**

The Town Council next considered a motion by Mayor Dover to appoint Benjamin Franklin to the Beer Board to serve a term ending 2013. The motion was duly seconded by Council Member Marc Adkins. Following discussion, the motion was approved unanimously.

**i. Consideration of a resolution to set Council meeting dates for 2010.**

The Town Council next considered a resolution to set Council meeting dates for 2010. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Marc Adkins. 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 #09-17).

**j. Other.**

**i. Approval of the terms of, and authorization for the Mayor to execute, an Agreed Final Order with James R. Williams and Willie Sue Williams relative to Town of Smyrna's Rock Springs Road Project.**

The Town Council next considered a motion by Council Member Lance Lee to approve the terms of, and authorize the Mayor to execute an Agreed Final Order with James R. Williams and Willie Sue Williams relative to Town of Smyrna's Rock Springs Road Project. 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 "12".

**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 thanked everyone for their participation in the Christmas Parade and Lighting Ceremony. He also announced that nominations for the "Coon" Victory Lifetime Achievement Award are being accepted.

All of the Town Council wished everyone a "Merry Christmas".

Council Member Paul Johns asked staff to prepare a resolution for the late Johnny Hager for the January meeting.

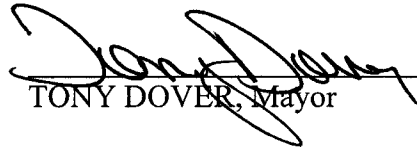
Council Member Lance Lee also commented on the life of Johnny Hager.

Vice-Mayor Mary Esther Reed congratulated MTSU on going to the New Orleans Bowl.

Mayor Dover thanked staff for their work on the Lighting Ceremony.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
TONY DOVER, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk