

**MINUTES OF MEETING OF THE REGULAR SESSION OF  
THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON FEBRUARY 9, 2010**

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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 February 9, 2010 at Town Hall with the Honorable Tony Dover, Mayor, presiding.

Mayor Dover called the meeting to order. The invocation was offered by Council Member Lance Lee. The pledge of allegiance was led by Dianne Waldron, Town Clerk/Treasurer.

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 January 12, January 21 and January 28, 2010 meetings.**

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the January 12, 2010 regular session of the Town Council, the January 21, 2010 special called meeting of the Town Council and the January 28, 2010 regular work session of the Town Council. The motion was duly seconded by Vice-Mayor Mary Esther Reed. Following discussion, the motion was approved unanimously.

**2. Correspondence/Communications.**

John Lanza gave an overview of the National 2010 Census.

**3. Awards and Recognitions.**

Mayor Dover recognized Mayor Bob Spivey's award for Business Legend of the Year at the Chamber of Commerce Banquet.

#### 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 with RDP, Inc. relative to providing indemnification for the Town on RDP, Inc.'s supply of equipment for the water treatment plant.
- b. Approval of the terms of, and authorization for the Mayor to execute, Change Order #3 relative to Mayfield Drive Sidewalk Project.
- c. Approval of utility customer accounts write-off as bad debt.
- d. Approval of the terms of, and authorization for the Mayor to execute, the Special Event Application to the U.S. Army Corps of Engineers relative to 2010 Boat Day/WaterFest at Stewart Creek Recreation Area.
- e. Approval and authorization for Town Manager to execute a contract with the Tennessee Wildlife Resources Agency relative to 2010 Riparian Tree Planting Grant.
- f. Approval of the terms of, and authorization for the Mayor to Approve, reimbursement to property owner relative to repurified water system.

Following discussion, Council Member Lance Lee 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 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 27, Parcels 37.01 and 37.02, comprising approximately 18 acres, (requested by Richard McClary, Jr. on behalf of the McClary Family Real Estate Partnership), from I-2 to I-1. Properties are located north of Enon Springs Road, East. 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 27, Parcels 37.01 and 37.02, comprising approximately 18 acres, (requested by Richard McClary, Jr. on behalf of the McClary Family Real Estate Partnership), from I-2 to I-1. Properties are located north of Enon Springs Road, East. 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 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 "2". (Ordinance #10-01).

- b. PUBLIC HEARING: Consideration of an ordinance to amend the Town of Smyrna Municipal Code, Title 7 "Fire Protection and Fireworks", Chapter 6 "Automatic Sprinklers", Section 7-601 "Automatic Sprinkler Systems Required". 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 individual spoke regarding the agenda item: Attorney Jeff Reed.

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 7 "Fire Protection and Fireworks", Chapter 6 "Automatic Sprinklers", Section 7-601 "Automatic Sprinkler Systems Required". 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 and upon recommendation by Town Attorney Doug Berry, Vice-Mayor Mary Esther Reed made a motion to defer consideration of this item for one month. The motion was duly seconded by Council Member Paul Johns. Following further discussion, the motion was approved unanimously.

## **6. New Business**

- a. Planning Commission Report:**

- i. Consideration of an ordinance relative to the amendment of the approved Planned Unit Development for Lenox of Smyrna. The property requested to be rezoned contains approximately**

**68.89 acres and is located west of Old Nashville Highway south of Stewart Valley Drive. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment of the approved Planned Unit Development for Lenox of Smyrna. The property requested to be rezoned contains approximately 68.89 acres and is located west of Old Nashville Highway south of Stewart Valley Drive. 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 Lance Lee. 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 "3". (Ordinance #10-03).

- ii. Consideration of a request for approval of a subdivision utilizing a septic system by Beecher Frasier. Request is for a two lot subdivision on 5.04 acres on Rock Springs Road in the R-1 zone.**

The Town Council next considered a request for approval of a division utilizing a septic system by Beecher Frasier. Request is for a two lot subdivision on 5.04 acres on Rock Springs Road in the R-1 zone. The recommendation of the Planning Commission was that the Town Council approve the request. Following discussion, Vice-Mayor Mary Esther Reed made a motion to approve the request. The motion was duly seconded by Council Member Tim Morrell. 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. Consideration of an ordinance to amend Ordinance No. 09-21, adopting the 2009-2010 Fiscal Year Budget relative to insurance casualty premiums. First Reading.**

The Town Council next considered on first reading an ordinance to amend Ordinance No. 09-21, adopting the 2009-2010 Fiscal Year Budget relative to insurance casualty premiums. Following discussion, Vice-Mayor Mary Esther Reed made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Paul Johns. 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 "4". (Ordinance #10-04).

- d. **Consideration of a recommendation by the Town Manager to forego the consideration of a merit pay increase for the Town Manager for fiscal year 2009-2010.**

The Town Council next considered a motion by Council Member Lance Lee to approve the recommendation by the Town Manager to forego the consideration of a merit pay increase for the Town Manager for the fiscal year 2009-2010. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously.

- e. **Approval and authorization for the Mayor to execute, Consent Order and Final Judgment relative to Town of Smyrna v. Adrienne Martin, condemnation litigation from the Rock Springs Road Project.**

The Town Council next considered a motion by Council Member Marc Adkins to approve and authorize the Mayor to execute Consent Order and Final Judgment relative to Town of Smyrna v. Adrienne Martin, condemnation litigation from the Rock Springs Road Project. 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 "5".

- f. **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 copy of said surplus property is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "6"

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 that the Kenneth "Coon" Victory Lifetime Award banquet is scheduled for February 19<sup>th</sup>.

Council Member Marc Adkins expressed condolences to the family of the late Dr. Ken Hubbard.

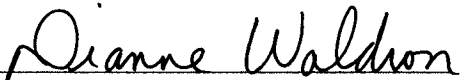
Council Member Paul Johns thanked the Street Department for doing a great job on snow removal.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
TONY DOVER, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk