

**MINUTES OF MEETING OF THE REGULAR SESSION OF  
THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON JUNE 10, 2010**

---

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 6:00 p.m. on June 10, 2010 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 Hal Loflin, Community Service & Golf Director.

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 May 11 and May 27, 2010 meetings.**

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the May 11, 2010 regular session of the Town Council and the May 27, 2010 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.**

Town Manager Mark O'Neal noted a thank-you card was received from the Wann Family thanking those for help during the flood. He also reported the FEMA site at Town Hall will be open until July 6<sup>th</sup> from 8:00 a.m. to 7:00 p.m. Monday through Saturday to register those affected by the flood.

### **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, an agreement with Smith Turf and Irrigation relative to Golf Course maintenance equipment lease.
- c. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with North Alabama Fire Equipment Company (NAFECO) relative to Fire Department turnout coats, pants and suspenders.
- d. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Diversified Inspections relative to Fire Department ladder testing.
- e. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Heritage Fire relative to Fire Department turnout gloves and turnout helmets.
- f. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Koorsen relative to Fire Department fire extinguisher service.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Cummins Cumberland, Inc. relative to Fire Department emergency generator maintenance at Stations 1, 2, 3, 5, 6 and Moore's Hill Radio Tower sight.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with Seelbach and Co. relative to annual tree trimming.
- i. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Sweeping Corp. of America relative to street sweeping.

- j. Approval of the terms of, and authorization for the Mayor to execute, a contract with the Tennessee Department of Transportation (TDOT) relative to right-of-ways maintenance.
- k. Approval of the terms of, and authorization for the Mayor to execute, extension agreements for Water Treatment Plant chemicals with the following:
  - i. DPC- Chlorine 1-ton cylinders and Sodium Hypochlorite (bleach)
  - ii. Harcos Chemical – Powdered Activated Carbon
  - iii. General Chemical – Hyper Ion 4090 (Polyaluminum Hydroxychloride)
  - iv. Brenn Tag – Potassium Permanganate
  - v. Key Chemical – Fluoride (Hydrofluorosilicic Acid)
  - vi. ADC – Aqua Mag (Sodium Orthophosphate)
- l. Approval of the terms of, and authorization for the Mayor to execute, a contract with Highers, Koonce & Associates relative to engineering professional services for sewer interceptor project.
- m. Approval of the terms of, and authorization for the Mayor to execute, a contract with Galls Incorporated relative to Police Department uniforms.
- n. Approval of the terms of, and authorization for the Mayor to execute, the Project WET Interagency contract with Rutherford County.
- o. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Ashland Hercules Water Technologies relative to WWTP emulsion polymer.
- p. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Nich-Chem relative to WWTP liquid aluminum sulfate.
- q. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Industrial Maintenance and Engineering Corporation for two months relative to WWTP and WTP electrical/mechanical service work.
- r. Approval of the terms of, and authorization for the Mayor to execute, an extension agreement with Terminix relative to pest control services.
- s. Approval of the terms of, and authorization for the Mayor to execute, a contract with Aramark relative to uniform services.

- t. Approval of the terms of, and authorization for the Mayor to execute, an agreement with the Regional Transportation Authority for the Relax and Ride Service FY 2010-11.

Mayor Dover noted for the record that Town Attorney Doug Berry requested that Items G and L be removed and consider separately. Following discussion, Council Member Marc Adkins 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.

The Town Council next considered a motion by Council Member Paul Johns to approve Item G with contract amendments as recommended by Town Attorney Doug Berry. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously.

The Town Council next considered a motion by Council Member Tim Morrell to approve Item I with contract amendments as recommended by Town Attorney Doug Berry. The motion was duly seconded by Council Member Paul Johns. 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 the Town of Smyrna Municipal Code, Title 12 "Building, Utility, Etc., Codes", Chapter 10 "Construction Board of Adjustment and Appeals", Section 12-1002 "Membership" and 12-1003 "Terms and Removal of Members". 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 and ordinance to amend the Town of Smyrna Municipal Code, Title 12 "Building, Utility, Etc., Codes", Chapter 10 "Construction Board of Adjustment and Appeals", Section 12-1002 "Membership" and 12-1003 "Terms and Removal of Members". 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 "2". (Ordinance #10-07).

- b. **PUBLIC HEARING: Consideration of an ordinance to amend Ordinance No. 09-21, adopting the 2009-2010 Fiscal Year Budget relative to Rotary Soccer Park concession stand and restrooms. 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 and ordinance to amend Ordinance No. 09-21, adopting the 2009-2010 Fiscal Year Budget relative to Rotary Soccer Park concession stand and restrooms. 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 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 "3". (Ordinance #10-08).

- c. **PUBLIC HEARING: Consideration of an ordinance adopting the budget for fiscal year 2010-2011. 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 adopting the budget for fiscal year 2010-2011. Following discussion, Council Member Tim Morrell 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 Vice-Mayor Mary Esther Reed. Vice-Mayor Reed noted for the record that she was on the board of three non-profits requesting funding. 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 "4". (Ordinance #10-09). 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 "5".

d. **PUBLIC HEARING: Consideration of an ordinance adopting the property tax rate for fiscal year 2010-2011. 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 adopting the property tax rate for fiscal year 2010-2011. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance establishing the property tax levy at \$.7595 for the fiscal year beginning July 1, 2010 and ending June 30, 2011 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 "6". (Ordinance #10-10).

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

6. **New Business**

a. **Planning Commission Report:**

There were no Planning Commission items to be presented to the Town Council at this time.

b. **Packaged Liquor Board Report:**

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

c. **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, Vice-Mayor Mary Esther Reed made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Marc Adkins. 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 "7". (Resolution #10-05).

**d. Consideration of a resolution to issue three year capital outlay notes.**

The Town Council next considered a resolution to issue three year capital outlay notes. 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 "8". (Resolution #10-06).

**e. Approval of the terms of, and authorization for the Mayor to execute, a contract with Cox Consulting to administer the requirements of the Davis-Bacon Act relative to repurified water improvements.**

The Town Council next considered a motion from Vice-Mayor Mary Esther Reed to approve the amount and services and have Ms. Cox of Cox Consulting sign town's contract to administer the requirements of the Davis-Bacon Act relative to repurified water improvements. 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 "9".

**f. Consideration of a resolution to authorize the Town Manager to act as Applicant Agent for the Town of Smyrna for the purpose of applying for grants or funds related to damages and expenses as a result of the May 2010 flooding and/or for the purpose of acting as contact person with the Tennessee Emergency Management Agency (TEMA) and Federal Emergency Management Agency (FEMA) with respect to such funds.**

The Town Council next considered a resolution to authorize the Town Manager to act as Applicant Agent for the Town of Smyrna for the purpose of applying for grants or funds related to damages and expenses as a result of the May 2010 flooding and/or for the purpose of acting as contact person with the Tennessee Emergency Management Agency (TEMA) and Federal Emergency Management Agency (FEMA) with respect to such funds. 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 #10-07).

- g. Appointment of one (1) member to the Storm Water Advisory Committee to fill a vacancy for a two (2) year term ending 2012.**

The Town Council next considered a motion by Mayor Dover to appoint Tim Musgrave to the Storm Water Advisory Committee to fill a vacancy for a two (2) year term ending 2012. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously.

- 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 that "Music at the Mill" is scheduled for June 11<sup>th</sup> at Gregory Mill Park.

Council Member H. G. Cole asked that discussion regarding the house at 111 Division Street be placed on the June workshop agenda. Council Member Paul Johns also commented on this item.

Council Member Marc Adkins commented on the "Taste of Smyrna" event.

Vice-Mayor Mary Esther Reed wished Diane Stockard, former Director of the Boys and Girls Club in Smyrna, well on her new job with the Boys and Girls Club in Memphis. She also announced that the Sister City Committee will be having a car wash on Saturday at Smyrna Automotive.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
TONY DOVER, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk