

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON JANUARY 8, 2008**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 7:00 p.m. on January 8, 2008 at Town Hall with the Honorable Bob Spivey, Mayor, presiding.

Mayor Spivey called the meeting to order. The invocation was offered by Dr. John Michael Jones, Smyrna Methodist Church. The pledge of allegiance was led by Mike Moss, Director of Parks and Recreation.

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

Mayor Bob Spivey
H. G. Cole
Tony Dover
Paul Johns
Lance Lee
Mary Esther Reed
James Yates

1. Approval or Correction of Minutes of the December 11 and December 27, 2007 meetings.

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the December 11, 2007 regular session of the Town Council and the December 27, 2007 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.

Consideration of the resolution relative to the Smyrna High School Bulldogs Football Team State Class 5A Championship was deferred to the February meeting.

4. **Consent Agenda.**

There were no items on the consent agenda to consider at this time.

5. **Old Business.**

- a. **PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 77 regarding architectural elevations, comprising approximately 13.63 acres, (requested by Jerry Butler), amending the approved PRD. Property is located on Wildwood Drive and County Village Drive. Second Reading.**

At this time, Mayor Spivey 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 33, Parcel 77 regarding architectural elevations, comprising approximately 13.63 acres, (requested by Jerry Butler), amending the approved PRD. Property is located on Wildwood Drive and Country Village Drive. 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 second and final reading. The motion was duly seconded by Council Member James Yates. 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 "1". (Ordinance #07-48).

- b. **PUBLIC HEARING: Consideration of an ordinance relative to amendment of the Colonial Properties Trust PUD located on Tax Map 28, Parcels 65.01, 66 and part of 63 and Tax Map 29, Parcels 15, 16.01 and 17, comprising approximately 56.11 acres. Property is located off Industrial Boulevard. Second Reading.**

At this time, Mayor Spivey 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 amendment of the Colonial Properties Trust PUD located on Tax Map 28, Parcels 65.01, 66 and part of 63 and Tax Map 29, Parcels 15, 16.01 and 17, comprising approximately 56.11 acres. Property is located off Industrial Boulevard. The recommendation of the Planning Commission was that the Town Council approve the amendment. 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 James Yates. 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 #07-49).

- c. **PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 49, Parcel 42, comprising approximately 1.75 acres, (requested by Daniel Pope), from I-3 to C-2. Property is located at 1445 South Lowry Street. Second Reading.**

At this time, Mayor Spivey 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 49, Parcel 42, comprising approximately 1.75 acres, (requested by Daniel Pope), from I-3 to C-2. Property is located at 1445 South Lowry Street. 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 "3". (Ordinance #07-50).

- d. **PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, part of Parcel 5, comprising approximately 6.43 acres, (requested by John Lee), from R-1 to C-2. Property is located along Interstate 24 south of Rock Springs Road. Second Reading.**

At this time, Mayor Spivey 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 33, part of Parcel 5, comprising approximately 6.43 acres, (requested by John Lee), from R-1 to C-2. Property is located along Interstate 24 south of Rock Springs Road. Following discussion, Mayor Spivey made a motion to deny and reject said ordinance on second and final 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 denied and rejected on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4". (Ordinance #07-51).

- e. **PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 83.01, comprising approximately 1.29 acres, (requested by AG Properties), from R-1 to R-3. Property is located on Gambill Lane. Second Reading.**

At this time, Mayor Spivey 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 33, Parcel 83.01, comprising approximately 1.29 acres, (requested by AG Properties), from R-1 to R-3. Property is located on Gambill Lane. 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 James Yates. 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 #07-52).

- f. **PUBLIC HEARING: Consideration of an ordinance to amend the 2007-2008 Budget relative to Fitness Center renovation and addition engineering. Second Reading.**

At this time, Mayor Spivey 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 2007-2008 Budget relative to Fitness Center renovation and addition

engineering. Following discussion, Council Member H. G. Cole made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member 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 "6". (Ordinance #07-43).

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

6. New Business.

a. Planning Commission Report.

- i. Consideration of an ordinance relative to the rezoning of property located on Tax 33D, Group A, Parcels 33, 33.01 and 33.02, comprising approximately 3.78 acres, (requested by Brad Shanks), from R-1 to PUD. Property is located on Enon Springs Road, West and Mason Tucker Drive. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33D, Group A, Parcels 33, 33.01 and 33.02, comprising approximately 3.78 acres, (requested by Brad Shanks), from R-1 to PUD. Property is located on Enon Springs Road, West and Mason Tucker Drive. 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 James Yates. Following further discussion, the motion was approved 6-1 on a roll call vote with Mayor Spivey and Council Members Tony Dover, Paul Johns, Lance Lee, Mary Esther Reed and James Yates voting "yes" and Council Member H. G. Cole 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 "7". (Ordinance #08-01).

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 19, part of Parcel 24.01, comprising approximately .5 acre, (requested by Greg Prince and David Prince), from I-2 to C-2. Property is located at 124 and 126 Weakley Lane. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 19, part of Parcel 24.01, comprising approximately .5 acre, (requested by Greg Prince and David Prince), from I-2 to C-2. Property is located at 124 and 126 Weakley Lane. 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 Lance Lee. Following further discussion, the motion was approved unanimously on a roll call

vote. 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 #08-02).

iii. Consideration of an ordinance to amend the Town of Smyrna Municipal Zoning Ordinance amending Article V, Section 5.055 A-1 Airport District. First Reading.

The Town Council next considered on first reading an ordinance to amend the Town of Smyrna Municipal Zoning Ordinance amending Article V, Section 5.055 A-1 Airport District. The recommendation of the Planning Commission was that the Town Council approve the amendment. 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 Tony Dover. 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 "9". (Ordinance #08-03).

iv. Approval of amendment to the Design Guidelines for the Front Street Historic District.

The Town Council next considered an amendment to the Design Guidelines for the Front Street Historic District. The recommendation of the Planning Commission was that the Town Council approve the amendment. Following discussion, Council Member James Yates made a motion to refer this item back to the Historic Zoning Committee for further review. The motion was duly seconded by Council Member Paul Johns. Following further discussion, the motion was approved unanimously.

b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Kencorp relative to Lee Victory Park tennis court additions.

The Town Council next considered a motion by Council Member H. C. Cole to approve the terms of and authorize the Mayor to execute a contract with Kencorp relative to Lee Victory Park tennis court additions. The motion was duly seconded by Council Member Lance Lee. 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 "10".

c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Reynolds Electric relative to Lee Victory Park tennis court lighting system.

The Town Council next considered a motion by Council Member Mary Esther Reed to approve the terms of and authorize the Mayor to execute a contract with Reynolds Electric relative to Lee Victory Park tennis court lighting system. The motion

was duly seconded by Council Member H. G. Cole. 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 "11".

d. Other.

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

7. Status Reports.

Town Manager Mark O'Neal announced the Town Council Retreat scheduled for January 17 and 18, 2008 at Fall Creek Falls State Park.

8. Announcements.

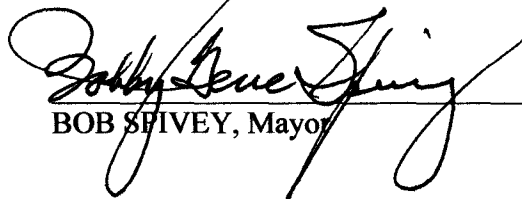
Town Manager Mark O'Neal announced that the Volunteer of the Year Dinner will be held February 22, 2008 at 6:30 p.m. at the Town Centre. The 2007 recipient of the Kenneth "Coon" Victory Lifetime Service Award is Richard Thomas. He also updated the Council on the upcoming special census. He reminded the Council that appointments to boards and committees will be made in March, and applications are available on the Town's website.

Council Member H. G. Cole congratulated Richard Thomas for being named volunteer of the year.

Council Member Paul Johns thanked the citizens for the calls and cards during his recent illness. He also discussed bus service for the Town of Smyrna.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE


BOB SPIVEY, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk