

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON FEBRUARY 12, 2008**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 7:00 p.m. on February 12, 2008 at Town Hall with the Honorable Bob Spivey, Mayor, presiding.

Mayor Spivey called the meeting to order. The invocation was offered by Pastor Ron Anderson, Smyrna River of Life. The pledge of allegiance was led by Dianne Waldron, Town Clerk.

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

Mayor Bob Spivey
H. G. Cole
Paul Johns
Lance Lee
Mary Esther Reed

Council Members Tony Dover and James Yates were not in attendance.

1. Approval or Correction of Minutes of the January 8, January 17-18 and January 31, 2008 meetings.

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the January 8, 2008 regular session of the Town Council, January 17-18, 2008 work session/retreat of the Town Council and the January 31, 2008 regular work session of the Town Council. The motion was duly seconded by Council Member Lance Lee. 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 recognizing the Smyrna High School Bulldogs Football Team as State Class 5A champions. Following discussion, Council Member Mary Esther Reed 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 #08-01).

The Town Council next considered a resolution acknowledging the late Mr. Silas Coleman's contribution to the Town of Smyrna and its citizens. Following discussion, Council Member Paul Johns 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 "2". (Resolution #08-02).

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 contract with H.T.E. relative to Police Department software purchase for the IBM AS400 mainframe tower.
- b. Approval and adoption of the Town of Smyrna Land Disturbance Management Guidelines for Areas Under One Acre.
- c. Approval and authorization for the Mayor to execute the Notice of Intent for MS-IV Program and Letter of Extension.
- d. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Tennessee Rehab Center relative to use of athletic field area by Smyrna Parks Department.
- e. Approval of the declaration of bad debts for utility customer accounts.

Following discussion, Mayor Spivey made a motion to remove Items 6b and 6d from the Consent Agenda. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously.

Following discussion, Mayor Spivey made a motion to approve and adopt the remainder of the Consent Agenda. 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 with the exception of Items 6b and 6d is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3".

Following discussion, Mayor Spivey made a motion to approve Item 6b to allow the addition of "for which a grading permit is required". The motion was duly seconded

by Council Member 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 "4".

Following discussion, Council Member Lance Lee made a motion to approve Item 6d contingent that language in 4a "Insurance" is removed. The motion was duly seconded by Council Member H. G. Cole. Following further discussion, the motion was approved unanimously. A copy of each document referenced on the Consent Agenda with the exception of Items 6b and 6d is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5".

5. Old Business.

- a. **PUBLIC HEARING: Consideration of 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. 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 33D, Parcel 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. 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 Mary Esther Reed. Following further discussion, the motion was approved 4-1 with Council Member H. G. Cole voting "no". 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 #08-01).

- b. **PUBLIC HEARING: 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. 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 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 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 "7". (Ordinance #08-02).

c. PUBLIC HEARING: Consideration of an ordinance to amend the Town of Smyrna Municipal Zoning Ordinance amending Article V, Section 5.055 A-1 Airport District. 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 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 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 "8". (Ordinance #08-03).

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 27P, Group A, Parcel 8.01, comprising approximately .19 acre, (requested by James Rust), from R-1**

to C-4. Property is located at 101 Dudley Street. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 27P, Group A, Parcel 8.01, comprising approximately .19 acre, (requested by James Rust), from R-1 to C-4. Property is located at 101 Dudley Street. The recommendation of the Planning Commission was that the Town Council deny the rezoning request. Following discussion, Council Member Paul Johns made a motion to deny and reject said ordinance on first reading. The motion was duly seconded by Council Member Lance Lee. Following further discussion, the motion was approved unanimously.

ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 55, part of Parcel 11.01, comprising approximately 4.8 acres, (requested by Hyun Shin), from C-2 to I-1. Property is located off Almaville Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 55, part of Parcel 11.01, comprising approximately 4.8 acres, (requested by Hyun Shin), from C-2 to I-1. Property is located off Almaville Road. The recommendation of the Planning Commission was that the Town Council deny the rezoning request. Following discussion, Council Member Paul Johns made a motion to deny and reject said ordinance on first reading. The motion was duly seconded by Council Member Lance Lee. Following further discussion, the motion was approved unanimously.

iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 27, Parcel 20.02, comprising approximately 15.89 acres, (requested by Gentry Partners), from R-1 to R-2. Property is located at 10113 Florence Road. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 27, Parcel 20.02, comprising approximately 15.89 acres, (requested by Gentry Partners), from R-1 to R-2. Property is located at 10113 Florence 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 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 "9". (Ordinance #08-04).

b. Consideration of an ordinance relative to the amendment of the Town of Smyrna Municipal Code, Title 14 "Zoning and Land Use Control", Chapter 6 "Storm Water Management Ordinance", Section 14-606

“Storm water design or BMP manual” as related to policies and manuals adopted by the Town of Smyrna for storm water purposes. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of the Town of Smyrna Municipal Code, Title 14 “Zoning and Land Use Control”, Chapter 6 “Storm Water Management Ordinance”, Section 14-606 “Storm water design or BMP manual” as related to policies and manuals adopted by the Town of Smyrna for storm water purposes. 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 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 “10”. (Ordinance #08-05).

- c. **Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 12 “Building, Utility, Etc. Codes”, Chapter 6 “International Residential Code”, Section 12-602 “Modifications” as related to landings at doors and exceptions related thereto. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 12 “Building, Utility, Etc. Codes”, Chapter 6 “International Residential Code”, Section 12-602 “Modifications” as related to landings at doors and exceptions related thereto. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance on first 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 first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “11”. (Ordinance #08-06).

- d. **Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 7 “Fire Protection and Fireworks”, Chapter 1 “Fire Code”, Section 7-103 “Modifications” and Town of Smyrna Municipal Code, Title 12 “Building, Utility, Etc. Codes”, Chapter 1 “Building Code”, Section 12-102 “Modifications” as related to clarification of the exception to the requirement of the installation of automatic fire sprinkler systems. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 7 “Fire Protection and Fireworks”, Chapter 1 “Fire Code”, Section 7-103 “Modifications” and Town of Smyrna Municipal Code, Title 12 “Building, Utility, Etc. Codes”, Chapter 1 “Building Code”, Section 12-102 “Modifications” as related to clarification of the exception to the

requirement of the installation of automatic fire sprinkler systems. Following discussion, Council Member 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 4-1 with Council Member Lance Lee 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 "12". (Ordinance #08-07).

- e. **Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 12 "Building, Utility, Etc. Codes", Chapter 8 "International Property Maintenance Code", Section 12-802 "Modification of designated official, conflict" as related to specification of miscellaneous provisions to the jurisdiction. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 12 "Building, Utility, Etc. Codes", Chapter 8 "International Property Maintenance Code", Section 12-802 "Modification of designated official, conflict" as related to specification of miscellaneous provisions to the jurisdiction. Following discussion, Council Member Mary Esther Reed 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 "13". (Ordinance #08-08).

- f. **Consideration of a resolution to authorize and fund an actuarial study of the costs associated with participation in the Tennessee Consolidated Retirement Fund.**

The Town Council next considered a resolution to authorize and fund an actuarial study of the costs associated with participation in the Tennessee Consolidated Retirement Fund. Following discussion, Council Member Mary Esther Reed made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Paul Johns. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "14". (Resolution #08-03).

- g. **Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 7 "Fire Protection and Fireworks", Chapter 6 "Automatic Sprinklers" to clarify the exception for fire sprinklers and to address the requirement for installation of key boxes in existing buildings. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 7 "Fire Protection and Fireworks", Chapter 6 "Automatic Sprinklers" to clarify the exception for fire sprinklers

and to address the requirement for installation of key boxes in existing buildings. Following discussion, Council Member Mary Esther Reed 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 "15". (Ordinance #08-09).

h. Approval of the settlement with Fairmont Specialty relative to the blast damage at the waste water plant.

Consideration of this item was postponed.

i. Consideration of the declaration of surplus property.

The Town Council next considered a motion by Council Member Paul Johns to declare certain items as surplus property. The motion was duly seconded by Mayor Spivey. Following discussion, the motion was approved unanimously. A list of said surplus property is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "16".

j. Other.

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

7. Status Reports.

Town Manager Mark O'Neal updated the Town Council on the upcoming special census. He also updated the Town Council on the Enon Springs Road and Rock Springs Road Projects and the engineering on Enon Springs Parkway.

8. Announcements.

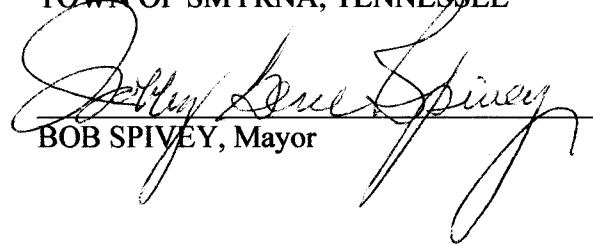
Town Manager Mark O'Neal announced that the Volunteer of the Year Dinner will be held February 22, 2008 at 6:30 p.m. at the Town Centre. He also congratulated Stonecrest Medical Center on the new addition planned for their facility.

Council Member H. G. Cole congratulated Richard Thomas for being named volunteer of the year. He also congratulated Council Member Paul Johns and his wife, Joy on their 50th wedding anniversary.

Council Member Lance Lee congratulated Richard Thomas for being named volunteer of the year. He also thanked David King, Director of Public Works and staff for the 4-way stop on Rock Springs Road implementation.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE


BOB SPIVEY, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk