

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

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

Mayor Spivey called the meeting to order. The invocation was offered by Pastor Nathaniel Hale, First Baptist Church. 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  
Tony Dover  
Paul Johns  
Lance Lee  
James Yates

Council Member Mary Esther Reed did not arrive until consideration of Item 6.i..

**1. Approval or Correction of Minutes of the March 11, March 13-14, March 17 and March 20, 2008 meetings.**

The Town Council first considered a motion by Council Member Tony Dover to approve the minutes of the March 11, 2008 regular session of the Town Council, the minutes of the March 13-14, 2008 worksession/retreat of the Town Council and Planning Commission, the minutes of the March 17, 2008 special worksession of the Town Council and the March 20, 2008 regular work session of the Town Council. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously.

**2. Correspondence/Communications.**

Larry A. Boris, NCC, Chief Petty Officer, United States Navy, addressed the Town Council regarding "Navy Week".

**3. Awards and Recognitions.**

There were no awards and 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, a contract with Yeary, Howell & Associates relative to annual financial audit for fiscal year ending June 30, 2008.
- b. Approval of the terms of, and authorization for the Mayor to execute, the Corps of Engineers' Special Event Permit Application for Boat Day.
- c. Approval of the terms of, and authorization for the Mayor to execute, Change Order #2 relative to 2006 Wastewater Treatment Plant Improvements.
- d. Approval of the terms of, and authorization for the Mayor to execute, a change order relative to Enon Springs Road West Widening Project.

Following discussion, Council Member James Yates made a motion to approve and adopt the Consent Agenda. 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 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 28, Parcel 66 and Tax Map 29, Parcels 15, 16.01, 16.02, 17.00, 17.01 and 17.02, comprising approximately 80.77 acres, (requested by Blanchard & Calhoun Commercial), to amend the approved PUD with regards to uses allowed. Properties are located on 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 the rezoning of property located on Tax Map 28, Parcel 66 and Tax Map 29, Parcels 15, 16.01, 16.02, 17.00, 17.01 and 17.02, comprising approximately 80.77 acres, (requested by Blanchard & Calhoun Commercial), to amend the approved PUD with regards to uses allowed. Properties are located on Industrial Boulevard. 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 5-1 on a roll call vote with Mayor Bob Spivey and Council Members H.G. Cole, Tony Dover, Paul Johns, and Lance Lee voting "yes" and Council Member James Yates 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 "2". (Ordinance #08-10).

- b. **PUBLIC HEARING:** Consideration of an ordinance relative to the rezoning of property located on Tax Map 33D, Group A, parts of Parcel 27, comprising approximately 2.8 acres (1.25 acres and 1.55 acres, respectively), (requested by Ray Zachary), from R-2 to C-4. Properties are located at the corner of 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, Group A, parts of Parcel 27, comprising approximately 2.8 acres (1.25 acres and 1.55 acres, respectively), (requested by Ray Zachary), from R-2 to C-4. Properties are located at the corner of 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 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 "3". (Ordinance #08-11).

- c. **PUBLIC HEARING:** Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 7 "Fire Protection and Fireworks", Chapter 6 "Automatic Sprinklers", Section 7-601 "Automatic

**fire sprinkler systems required” to amend the time period for requirement of the installation of automatic fire sprinkler systems. 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 amendment of Town of Smyrna Municipal Code, Title 7 “Fire Protection and Fireworks”, Chapter 6 “Automatic Sprinklers”, Section 7-601 “Automatic fire sprinkler systems required” to amend the time period for requirement of the installation of automatic fire sprinkler systems. 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 #08-12).

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 33, Parcel 44.02, comprising approximately 11.69 acres, (requested by Melvin Christmas), from R-3 to PRD. Property is located on Rocky Fork Road. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 44.02, comprising approximately 11.69 acres, (requested by Melvin Christmas), from R-3 to PRD. Property is located on Rocky Fork 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.

**b. Approval of the terms of, and authorization for the Mayor to execute, a permit with TDOT relative to work on SR 41-70 and Stroop Lane.**

The Town Council next considered a motion by Council Member Paul Johns to approve the terms of and authorize the Mayor to execute a permit with TDOT relative to

work on SR 41-70 and Stroop Lane. The motion was duly seconded by Council Member James Yates. Following discussion, the motion was approved unanimously on a roll call vote. A copy of said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5".

- c. Approval of the terms of, and authorization for the Mayor to execute, a lease with the Smyrna Rescue Squad.**

The Town Council next considered a motion by Council Member Paul Johns to approve the terms of and authorize the Mayor to execute a lease with the Smyrna Rescue Squad for nine years at a cost of \$1.00 per year. The motion was duly seconded by Council Member James Yates. Following discussion, the motion was approved 5-1 on a roll call vote with Mayor Bob Spivey and Council Members Tony Dover, Paul Johns, Lance Lee, and James Yates voting "yes" and Council Member H. G. Cole voting "no". 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, a contract with \_\_\_\_\_ relative to Enon Springs West Extension to I-24 engineering services.**

The Town Council next considered a motion by Council Member H. G. Cole to defer consideration of this item to next month. The motion was duly seconded by Council Member James Yates. Following discussion, the motion was approved unanimously.

- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with \_\_\_\_\_ relative to annual asphalt paving.**

The Town Council next considered a motion by Mayor Spivey to defer consideration of this item to next month. The motion was duly seconded by Council Member Tony Dover. Following discussion, the motion was approved unanimously.

- f. Approval of the terms of, and authorization for the Mayor to execute, an interlocal agreement between the Town of Smyrna, the City of Murfreesboro and Consolidated Utility District relative to water withdrawals from J. Percy Priest Reservoir.**

The Town Council next considered a motion by Mayor Spivey to defer consideration of this item to next month. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously.

- g. Consideration of a resolution relative to the approval and authorization of the acquisition of property by negotiation or condemnation for the purpose of carrying out the Town of Smyrna**

**Rock Springs Road Improvement Project, as specifically related to the laying of a water line across Tract 55.**

The Town Council next considered a resolution relative to the approval and authorization of the acquisition of property by negotiation or condemnation for the purpose of carrying out the Town of Smyrna Rock Springs Road Improvement Project, as specifically related to the laying of a water line across Tract 55. Following discussion, Council Member Paul Johns made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Lance Lee. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7". (Resolution #08-04).

**h. Consideration of the declaration of surplus property.**

The Town Council next considered a motion by Council Member Tony Dover 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 "8".

Town Council Member Mary Esther Reed arrived at the meeting.

**i. Other.**

**i. Approval of the terms of, and authorization for the Mayor to execute, a contract with Pyro Shows relative to 2008 Town of Smyrna Fireworks Show.**

The Town Council next considered a motion by Council Member James Yates to approve the terms of and authorize the Mayor to execute a contract with Pyro Shows relative to 2008 Town of Smyrna Fireworks Show. The motion was duly seconded by Council Member Tony Dover. 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 "9".

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

**7. Status Reports.**

Town Manager Mark O'Neal updated the Council as to the Enon Springs Road and Rock Springs Road Projects and reminded the general public about the speed limits in the construction zones.

**8. Announcements.**

Town Manager Mark O'Neal reminded the public of the Special Census. He also announced that there would be some road closures for the Air Show.

Council Member H. G. Cole reminded the public to drive carefully around the parks.

Council Member James Yates announced the birth of his new daughter. He also announced that flag football is being on Sunday at Sharp Springs Park.

Council Member Paul Johns announced that U. S. Bank and Demos' are planning to locate in Smyrna.

Council Member Mary Esther Reed announced that her son, Parker, had won a 1<sup>st</sup> place award in 4-H.

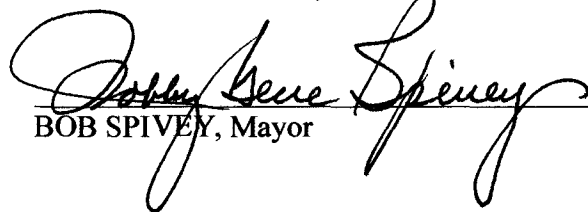
Mayor Spivey reported on his trip to San Diego, California, aboard the USS Ronald Reagan on March 31<sup>st</sup>. He also read a resolution proclaiming April 6-April 13, 2008 as "Navy Week".

Council Member Paul Johns recognized Retired Admiral Jimmy Taylor, a citizen of Smyrna, as a former commander of the Blue Angels.

Council Member Lance Lee announced the Smyrna Senior Citizen's Golf Tournament scheduled for May 9<sup>th</sup>.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
BOB SPIVEY, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk