

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON MAY 13, 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 May 13, 2008 at Town Hall with the Honorable Bob Spivey, Mayor, presiding.

Mayor Spivey called the meeting to order. The invocation was offered by Council Member Paul Johns. 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

Council Member James Yates was not in attendance.

**1. Approval or Correction of Minutes of the April 8 and April 29, 2008 meetings.**

The Town Council first considered a motion by Council Member Tony Dover to approve the minutes of the April 8, 2008 regular session of the Town Council and the April 29, 2008 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.**

Town Manager Mark O'Neal expressed the town's sympathy to Fire Chief Jim Heath on the death of his wife.

**3. Awards and Recognitions.**

Town Manager Mark O'Neal thanked all the citizens of Smyrna for responding to the special census. He extended a special thank-you to Roseanne Peppers for heading up

the campaign and to all the departments involved in the census. He announced that the count was a little over 38,000.

Mayor Spivey thanked Town Manager Mark O'Neal and staff for the work done on the census. He also read a letter from the Professional Golfer's Association of America recognizing Hal Loflin for winning the "Horton Smith Award" for his work done in development and implementation of education opportunities.

#### **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 mutual aid agreement between the Town of Smyrna and the Tennessee Department of Agriculture, Division of Forestry.
- b. Approval of the terms of, and authorization for the Mayor to execute, Kaplan Higher Education Externship Affiliation Agreement relative to the use of paralegal externs.
- c. Approval of the terms of, and authorization for the Mayor to execute, a Letter Agreement between Crown Castle and the Town of Smyrna relative to a re-negotiation of the Hilltop cell tower lease.
- d. Approval of the terms of, and authorization for the Mayor to execute, a six month contract with Mountain States Contracting relative to asphalt paving.
- e. Approval of the terms of, and authorization for the Mayor to execute, a Subscriber Agreement with Thomson West relative to electronic legal research access.
- f. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Betty Jones relative to the Weakley Lane Sewer Lift Station Upgrade Project.
- g. Approval of the terms of, and authorization for the Mayor to execute, a contract with Dodd Construction relative to the upgrade of the Weakley Lane Lift Station.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract with Preferred Sandblasting & Painting, LLC relative to repainting of Hilltop Water Tank.
- i. Consideration of naming of community park on Morton Lane.

Following discussion, Council Member Paul Johns made a motion to approve and adopt the Consent Agenda. The motion was duly seconded by Council Member Tony Dover. 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. Approval of the terms of, and authorization for the Mayor to execute, a contract with Florence & Hutcheson, Inc. relative to Enon Springs West Extension to I-24 engineering services.**

The Town Council next considered a motion by Council Member Lance Lee to approve the terms of and authorize the Mayor to execute a contract with Florence & Hutcheson, Inc. relative to Enon Springs West Extension to I-24 engineering services. 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 "2".

- b. Consideration of settlement relative to the Town of Smyrna vs. U.S. Army Corps of Engineers.**

The Town Council next considered a motion by Council Member Paul Johns to approve the settlement relative to the Town of Smyrna vs. U.S. Army Corps of Engineers. 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 "3".

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 34, Parcel 52.01, comprising approximately 14.32 acres, (requested by Wei John Wang), from R-1 to PCD. Property is located on Old Nashville Highway and Lee Victory Parkway. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 34, Parcel 52.01, comprising approximately 14.32 acres, (requested by Wei John Wang), from R-1 to PCD. Property is located on Old Nashville Highway and Lee Victory Parkway. 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. Mayor Bob Spivey recognized the following individuals to speak regarding this matter: Enoch Jarrell and Jerome Dempsey. Following further discussion, the motion failed 6-0 on a roll call vote. Following further discussion, Mayor Spivey made a motion to refer this item back to Planning Commission for further review. The motion was duly seconded by Council Member Tony Dover. Following further discussion, the motion was approved unanimously.

- ii. **Consideration of 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. 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. 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. Mayor Bob Spivey recognized the following individual to speak regarding the matter: Jerome Dempsey. Following further discussion, the motion failed 6-0 on a roll call vote.

- iii. **Consideration of 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 PCD. 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 PCD. Property is located at 101 Dudley Street. 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 failed 6-0 on a roll call vote.

- b. **Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 14 "Zoning and Land Use Control" for purposes of renumbering the current Chapter 7 "Development Agreement" to reflect the chapter's placement as Chapter 8 "Development Agreement" and adding a new Chapter 7 "Storm Water Utility Ordinance" and amending Chapter 5 "Storm Water**

**Advisory Committee” as related to its duties under the Storm Water Utility Ordinance. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 14 “Zoning and Land Use Control” for purposes of renumbering the current Chapter 7 “Development Agreement” to reflect the chapter’s placement as Chapter 8 “Development Agreement” and adding a new Chapter 7 “Storm Water Utility Ordinance” and amending Chapter 5 “Storm Water Advisory Committee” as related to its duties under the Storm Water Utility Ordinance. 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 H. G. Cole. Following 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 #08-13).

**c. Consideration of the declaration of surplus property of Town-owned property located at 203-205 Front Street.**

The Town Council next considered a motion by Council Member Paul Johns to declare surplus property of Town-owned property located at 203-205 Front Street with a discounting of seventeen (17) feet of right-of-way with a minimum bid price of Appraiser W. Laughlin Youree’s readjusted appraisal price. The motion was duly seconded by Council Member Tony Dover. The recommendation of the Planning Commission was that the Town Council declare these properties as surplus property. Following discussion, Council Member H. G. Cole made a motion to amend the motion by removing the properties north and east of Front Street from the declaration of surplus until full appraisals are complete. The motion was duly seconded by Council Member Tony Dover. Following discussion, the motion to amend was approved unanimously. Following further discussion, the motion, as amended, 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 “5”.

**d. 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 Council Member Mary Esther Reed. 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 “6”.

**e. Approval of purchasing card agreement addendum.**

The Town Council next considered a motion by Council Member Tony Dover to approve the purchasing card agreement addendum. The motion was duly seconded by Council Member H. G. Cole. Following discussion, the motion was approved

unanimously. A copy of said agreement addendum is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7".

**f. Consideration of a resolution to reimburse expenses from a future bond issue.**

The Town Council next considered a resolution to reimburse itself in an approximate amount of \$14,000,000 for certain expenditures relating to utilities projects with the proceeds of bonds or other debt obligations to be issued by the Town of Smyrna. Following discussion, Council Member Lance Lee made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Mary Esther Reed. Following 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 #08-05).

**g. Consideration of an ordinance adopting the budget for the fiscal year beginning July 1, 2008 and ending June 30, 2009. First Reading.**

The Town Council next considered on first reading an ordinance adopting the budget for the fiscal year beginning July 1, 2008 and ending June 30, 2009. 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. Council Member Tony 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 first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9". (Ordinance #08-14).

**h. Consideration of an ordinance establishing the property tax levy for the fiscal year beginning July 1, 2008 and ending June 30, 2009. First Reading.**

The Town Council next considered on first reading an ordinance establishing the property tax levy for the fiscal year beginning July 1, 2008 and ending June 30, 2009. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance establishing the property tax levy at \$.86 for the fiscal year beginning July 1, 2008 and ending June 30, 2008. The motion was duly seconded by Council Member Lance Lee. Following 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 #08-15).

**i. Other.**

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

**7. Status Reports.**

There were no status reports to be presented to the Town Council at this time.

**8. Announcements.**

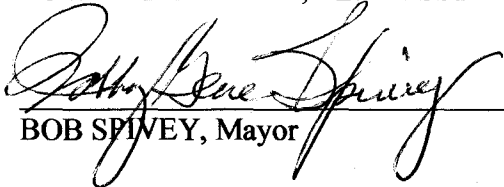
Town Manager Mark O'Neal reminded the public to drive carefully around the construction zones on Enon Springs Road and Rock Springs Road.

Council Member Paul Johns asked Town Manager Mark O'Neal to give a recommendation on a clock and three flag poles for the roundabout on Front Street for the next workshop.

Mayor Spivey read a letter from the State Department of Environment and Conservation regarding a request by Centennial Heart at Stonecrest Hospital for a radioactive material license.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
BOB SPIVEY, Mayor

ATTEST:

  
ROSEANNE PEPPERS, Assistant Town Clerk