

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON OCTOBER 14, 2008**

---

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 7:00 p.m. on October 14, 2008 at Town Hall with the Honorable Bob Spivey, Mayor, presiding.

Mayor Spivey called the meeting to order. The invocation was offered by John Gary Michael, President, Smyrna High School FFA. The pledge of allegiance was led by John Gary Michael, President, Smyrna High School FFA and other members of the FFA.

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  
Mary Esther Reed  
James Yates

Council Member Lance Lee was not in attendance.

**1. Approval or Correction of Minutes of the September 9 and September 30, 2008 meetings.**

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the September 9, 2008 special called executive session of the Town Council, the September 9, 2008 regular session of the Town Council and the September 30, 2008 regular work session of the Town Council. The motion was duly seconded by Council Member James Yates. 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 Robert L. Raikes for his 50 years of service at Smyrna High School. Following discussion, Council Member

James Yates made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Tony Dover. 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 #08-17).

Town Manager Mark O'Neal announced that the Town of Smyrna's Comprehensive Plan won an award for "Outstanding Planning Award for a Comprehensive Plan" by the Tennessee Planning Association. The following members of the Comprehensive Plan Citizens Advisory Committee were present: Rhonda Allen, Steven Barnes, Paul Lamb and John Moore.

He also announced that Channel 3 won a second place award for the documentary "A Call to Lead – A History of Smyrna's Mayors" by the National Association of Telecommunications Officers and Advisors.

#### **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 Morton Salt relative to annual road salt purchase.
- b. Approval of the terms of, and authorization for the Mayor to execute, the amendment to the 08/09 Tennessee Department of Transportation Right-of-Way Maintenance Contract.
- c. Approval of the terms of, and authorization for the Mayor to execute, a change order relative to the Weakley Lane Lift Station.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Horizon Health relative to Employee Assistance Program.
- e. Approval of health plan recommendations from Insurance Committee.
- f. Approval of the terms of, and authorization for the Mayor to execute, a grant agreement through the Governor's Highway Safety Office relative to a Network Coordinator Program in the Police Department.
- g. Approval of the terms of, and authorization for the Mayor to execute, contract amendments to the Gas Supply Portfolio III Contract and Base Membership Contract with the Municipal Gas Authority of Georgia.
- h. Approval of the terms of, and authorization for the Mayor to execute, a contract and agreement with Greenway Title, Inc. relative to the provision of title opinions.

- i. Approval of the terms of, and authorization for the Mayor to execute, a change order on the construction of the Waste Water Head Works Project relative to odor control within the project.

Following discussion, Council Member Tony Dover made a motion to approve and adopt the Consent Agenda. The motion was duly seconded by Council Member Mary Esther Reed. 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 "2".

## 5. Old Business.

- a. **PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 27I, Group D, Parcel 4, comprising approximately 18.58 acres, (requested by NDG Properties), from C-2 to PCD. Property is located at 87 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 27I, Group D, Parcel 4, comprising approximately 18.58 acres, (requested by NDG Properties), from C-2 to PCD. Property is located at 87 South Lowry 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 second and final reading. The motion was duly seconded by Council Member James Yates. Following further discussion, Council Member H. G. Cole made a motion to amend the motion to request that the traffic signal be placed at Sam Davis Road. The motion failed for lack of a second. Following further discussion, the original motion was approved 5-1 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 "3". (Ordinance #08-30).

- b. **PUBLIC HEARING: Consideration of an ordinance relative to the rezoning of property located on Tax Map 27P, Group B, Parcel 18, comprising approximately .7 acre, (requested by Kevin Arnold), from R-1 with H-1 Overlay to R-2 with H-1 Overlay. Property is located at 100/102 Hazelwood 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 27P, Group B, Parcel 18, comprising approximately .7 acre, (requested by Kevin Arnold), from R-1 with H-1 Overlay to R-2 with H-1 Overlay. Property is located at 100/102 Hazelwood Drive. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Following discussion, Council Member James Yates made a motion to approve and adopt said ordinance on second and final 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 second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4". (Ordinance #08-35).

- c. **PUBLIC HEARING: Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Zoning Ordinance Article IX "Floodplains", Section 9.100 "Statutory Authorization", Subsection E. "General Provisions", Sub-section 2. "Basis for Establishing the Areas of Special Flood Hazard" related to the effective date of applicable maps. 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 Zoning Ordinance Article IX "Floodplains", Section 9.100 "Statutory Authorization", Subsection E. "General Provisions", Sub-section 2. "Basis for Establishing the Areas of Special Flood Hazard" related to the effective date of applicable maps. 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 "5". (Ordinance #08-36).

- d. **PUBLIC HEARING: Consideration of an ordinance to amend Ordinance No. 08-14, adopting the 2008-2009 Fiscal Year Budget relative to Town Attorney and staff operating expenses. 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 Ordinance No. 08-14, adopting the 2008-2009 Fiscal Year Budget relative to Town Attorney and staff operating expenses. 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 Tony Dover. 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 #08-37).

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 Map 32D, Group B, Parcel 1.00, comprising approximately 2.75 acres, (requested by Summit Hospitality) from C-2 to C-2 with an H-2 Overlay. Property is located on Highwood Boulevard and Breslin Avenue. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28L, Group B Parcel 1.00, comprising approximately 2.75 acres, (requested by Summit Hospitality), from C-2 to C-2 with an H-2 Overlay. Property is located on Highwood Boulevard and Breslin Avenue. 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 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 #08-38).

- ii. **Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, Parcels 56.03, 57.15 and 57.16, comprising approximately 26.14 acres, (requested by Capital Development International), from C-2 to PCD. Properties are located on Genie Lane and Wolverine Trail. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, Parcels 56.03, 57.15 and 57.16, comprising approximately 26.14 acres, (requested by Capital Development International), from C-2 to PCD. Properties are located on Genie Lane and Wolverine Trail. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Following discussion, Council Member James Yates made a motion to deny and reject said ordinance on first reading. The motion was duly seconded by Council Member H. G. Cole. Following further discussion, the motion was approved 4-2 with Council Members H. G. Cole, Tony Dover, Mary Esther Reed and James Yates voting "no" and Mayor Spivey and Council Member Paul Johns voting "no". Mayor Spivey then suspended the rules to allow Architect Michael Hindman and Management Director Jim Brady to address the Town Council. Following further discussion, Mayor Spivey made a motion to approve and adopt said ordinance on first reading and the development as submitted with the exception to allow 19 x 91/2 feet wide parking spaces. The motion was duly seconded by Council Member Paul Johns. Following further discussion, the motion was approved 5-1 on a roll call vote with Mayor Spivey and Council Members H. G. Cole, Tony Dover, Paul Johns and James Yates voting "yes" and Council Member Mary Esther Reed 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 "8". (Ordinance #08-39).

- iii. **Consideration of the calling of the letter of credit for Greentree, LLC for the Greentree Subdivision, Section II, Phase II.**

The Town Council next considered a motion by Council Member Paul Johns to call the letter of credit for Greentree, LLC for the Greentree Subdivision, Section II, Phase II. The motion was duly seconded by Council Member Tony Dover. The recommendation of the Planning Commission was that the Town Council approve the calling of the letter of credit. Following discussion, the motion was approved unanimously.

- b. **Appointment of one (1) member to the Beautification Committee to serve until March of 2009.**

The Town Council next considered a motion by Council Member Tony Dover to defer consideration of this appointment to the March 2009 Town Council meeting. The motion was duly seconded by Council Member James Yates. Following discussion, the motion was approved unanimously.

**c. Consideration of initial resolution for issuance of general obligation bonds.**

The Town Council next considered an initial resolution for issuance of general obligation bonds. Following discussion, Council Member Tony Dover made a motion to approve and adopt said resolution. 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 resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9". (Resolution #08-18).

**d. Consideration of initial resolution of issuance of water and sewer revenue and tax bonds.**

The Town Council next considered an initial resolution for issuance of water and sewer revenue and tax bonds. Following discussion, Council Tony Dover made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously on a roll call vote. A copy of said resolution is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "10". (Resolution #08-19).

**e. Consideration of declaration of surplus property.**

The Town Council next considered a motion by Council Member Paul Johns to declare certain items as surplus property and to include the 8' cargo trailer to the list. The motion was duly seconded by Council Member Tony Dover. Following discussion, the motion was approved unanimously. A description of said surplus property is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11".

**f. Other.**

**i. Consideration of an ordinance to amend the 2007-2008 budget relative to Drug Fund and Impact Fee Fund. First Reading.**

The Town Council next considered on first reading an ordinance to amend the 2007-2008 budget relative to Drug Fund and Impact Fee Fund. 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 H. G. Cole. 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 "12". (Ordinance #08-40).

**ii. Consideration of a resolution to transfer budget appropriation between departments.**

The Town Council next considered a resolution to transfer budget appropriation between departments. Following discussion, Council Member Paul Johns made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Tony Dover. 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 "13". (Resolution #08-20).

**iii. Approval of the terms of, and authorization for the Mayor to execute, Change Order #4 relative to Rock Springs Road Project.**

The Town Council next considered a motion by Council Member James Yates to approve the terms of and authorize the Mayor to execute Change Order #4 relative to Rock Springs Road Project. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously. A copy of said change order is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "14".

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

**7. Status Reports.**

Town Manager Mark O'Neal gave an update on road projects. He also announced that the Town-owned property on Mason Tucker Drive was purchased by Habitat for Humanity.

**8. Announcements.**

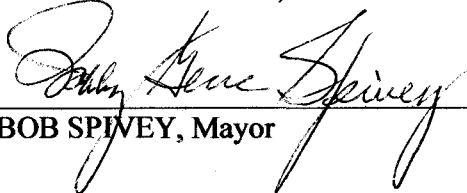
Town Manager Mark O'Neal announced "Halloween in the Park" is October 25<sup>th</sup> at Sharp Springs Natural Area from 3 pm to 8 pm. Town Manager Mark O'Neal announced the Fire Open House.

Council Member Paul Johns commented on the downtown landscaping.

Town Manager Mark O'Neal reported that Attorney Michele Elliott's team for the American Cancer Society Making Strides Against Breast Cancer walk is currently in 1<sup>st</sup> place in Middle Tennessee.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
BOB SPIVEY, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk