

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE  
TOWN COUNCIL  
OF THE TOWN OF SMYRNA  
ON NOVEMBER 6, 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 November 6, 2008 at Town Hall with the Honorable Bob Spivey, Mayor, presiding.

Mayor Spivey called the meeting to order. The invocation was offered by Hal Loflin, Community Services and Golf Director. 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  
Mary Esther Reed  
James Yates

**1. Approval or Correction of Minutes of the October 14 and October 28, 2008 meetings.**

The Town Council first considered a motion by Council Member James Yates to approve the minutes of the October 14, 2008 regular session of the Town Council, the October 28, 2008 special called executive session of the Town Council and the October 28, 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.**

Town Manager Mark O'Neal introduced Attorney Wendee Hilderbrand of Bass, Berry and Sims who was filling in for Attorney Michele Elliott.

He also announced the annual Lighting Ceremony is scheduled for November 23<sup>rd</sup> at the Town Centre beginning at 3:30 p.m.

**3. Awards and Recognitions.**

There were no awards or 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, an extension agreement with Pinnacle relative to banking services.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Smith Seckman Reid, Inc. relative to engineering services for design and project administration of the Town water plant emergency generators.

Following discussion, Council Member Lance Lee 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. **PUBLIC HEARING: 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 and H-2 Overlay. Property is located on Highwood Boulevard and Breslin Avenue. Second Reading.**

At this time, Mayor Spivey recessed the meeting without objection, and a public hearing was opened related to the agenda item. The following individuals spoke regarding the agenda item: Jeff Davenport, Karen Jeffries and Joe Malone.

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 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. 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 "2". (Ordinance #08-38).

**b. PUBLIC HEARING: 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. Second Reading.**

At this time, Mayor Spivey recessed the meeting without objection, and a public hearing was opened related to the agenda item. The following individuals spoke regarding the agenda item: Gary Richmond, Karen Jeffries, Lee Nettles, Brad Turner and Gabriel Benson.

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, 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. Mayor Spivey suspended the rules to allow Management Director Jim Brady to address the Town Council. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance on second and final reading to approve 9' wide parking spaces in the parking fields of JC Penney's, TJ Maxx, and Best Buy, the remainder of parking spots shall remain 9 ½' wide. The motion was duly seconded by Council Member Lance Lee. Following further discussion, the motion was approved 6-1 on a roll call vote with Mayor Spivey and Council Members H. G. Cole, Tony Dover, Paul Johns, Lance Lee and Mary Ester Reed 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 "3". (Ordinance #08-39).

The Town Council next considered a motion by Council Member Mary Esther Reed to review the parking space ordinance at the next workshop. The motion was duly seconded by Council Member Lance Lee. Following discussion, the motion was approved 5-2 with Mayor Spivey and Council Members Tony Dover, Paul Johns, Lance Lee and Mary Esther Reed voting "yes" and Council Members H. G. Cole and James Yates voting "no".

**c. PUBLIC HEARING: Consideration of an ordinance to amend the 2007-2008 budget relative to Drug Fund and Impact Fee Fund. 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 Drug Fund and Impact Fee Fund. 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 "4". (Ordinance #08-40).

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 33D, Group A, part of Parcel 27.03 and Parcel 27.04, comprising approximately 4.83 acres, (requested by PVS, LLC) from R-2 to PRD (Planned Residential District). Properties are located on 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, part of Parcels 27.03 and 27.04, comprising approximately 4.83 acres, (requested by PVS, LLC), from R-2 to PRD (Planned Residential District). Properties are located on Mason Tucker Drive. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Following discussion, Council Member Lane Lee made a motion to deny and reject said ordinance on first reading. The motion was duly seconded by Council Member James Yates. Following further discussion, Council Member Lance Lee withdrew his motion and Council Member James Yates withdrew his second. At this time, Mayor Spivey then suspended the rules to allow Builder Mike Campbell to address the Town Council. Following further discussion, Council Member Lance Lee made a motion to defer this item for thirty days. The motion was duly seconded by Council Member James Yates. Following further discussion, the motion was approved 6-1 with Mayor Spivey and Council Members H. G. Cole, Tony Dover, Lance Lee, Mary Esther Reed and James Yates voting "yes" and Council Member Paul Johns voting "no".

- ii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 31.00 and part of Parcel 33.00, comprising approximately 6.4 acres, (requested by Doris Richardson and Johnny Roper), from R-1 and C-4 to C-2. Properties are located on Old Nashville Highway. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 33, Parcel 31.00 and part of Parcel 33.00, comprising approximately 6.4 acres, (requested by Doris Richardson and Johnny Roper), from R-1 and C-4 to C-2. Properties are located on Old Nashville Highway. 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 first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "5". (Ordinance #08-41).

- iii. Consideration of an ordinance relative to the rezoning of property located on Tax Map 34, part of Parcel 38.00, comprising approximately 6 acres, (requested by Johnson & Spivey, dba BGS, Ltd), from C-2 to I-2. Property is located on Nissan Drive. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 34, part of Parcel 38.00, comprising approximately 6 acres, (requested by Johnson & Spivey, dba BGS, Ltd), from C-2 to I-2. Property is located on Nissan Drive. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Mayor Spivey recused himself from discussion of this item and participation in the vote and turned the meeting over to Vice-Mayor Tony Dover. 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 6-0-1 with Mayor Spivey abstaining. 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 "6". (Ordinance #08-42).

- iv. Consideration of an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 56.00, comprising approximately 10.6 acres, (requested by John Howard), from C-2 to R-6. Property is located on Old Nashville Highway. First Reading.**

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 28, part of Parcel 56.00, comprising approximately 10.6 acres, (requested by John Howard), from C-2 to R-6. Property is located on Old Nashville Highway. 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 failed on a roll call vote of 2-5 with Mayor Spivey and Council Member Paul Johns voting "yes" and Council Members H. G. Cole, Tony Dover, Lance Lee, Mary Esther Reed and James Yates voting "no".

**v. Consideration of calling of the cash held in escrow for Amnon Shreibman for the Wolverine Condominiums.**

The Town Council next considered a motion by Council Member Paul Johns to approve the calling of the cash held in escrow for Amnon Shreibman for the Wolverine Condominiums. The motion was duly seconded by Council Member Lance Lee. Following discussion, the motion was approved unanimously.

**vi. Consideration of the calling of the cash held in escrow for Ravi Duvursula for the Mt. Rushmore Landing development.**

The Town Council next considered a motion by Council Member James Yates to approve the calling of the cash held in escrow for Ravi Duvursula for the Mt. Rushmore Landing development. The motion was duly seconded by Council Member Lance Lee. Following discussion, the motion was approved 6-0-1 with Council Member H. G. Cole abstaining.

**b. Consideration of a resolution requesting the Tennessee Department of Transportation, Division of Multimodal Transportation Resources, to conduct a feasibility study to determine the public transportation needs of the citizens of the Town of Smyrna and to assist in funding a transportation system based on the findings of the study.**

The Town Council next considered a resolution requesting the Tennessee Department of Transportation, Division of Multimodal Transportation Resources, to conduct a feasibility study to determine the public transportation needs of the citizens of the Town of Smyrna and to assist in funding a transportation system based on the findings of the study. 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 "7". (Resolution #08-21).

- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Dempsey, Dilling & Associates relative to engineering services for the widening of Old Almaville Road from Old Nashville Highway to Lee Victory Parkway.**

The Town Council next considered a motion from Council Member Paul Johns to approve the terms of and authorize the Mayor to execute a contract with Dempsey, Dilling & Associates relative to engineering services for the widening of Old Almaville Road from Old Nashville Highway to Lee Victory Parkway. The motion was duly seconded by Council Member James Yates who then disclosed as per the Town of Smyrna Ethics Ordinance that Dempsey, Dilling & Associates was his client. 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 "8".

- d. Consideration of a resolution authorizing the issuance of general obligation bonds.**

The Town Council next considered a resolution authorizing the issuance of general obligation bonds. Following discussion, Council Lance Lee made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Tony Dover. 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 "9". (Resolution #08-22).

- e. Consideration of a resolution authorizing the issuance of water and sewer revenue and tax bonds.**

The Town Council next considered a resolution authorizing the issuance of water and sewer revenue and tax bonds. Following discussion, Council Member Tony Dover 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 "10". (Resolution #08-23).

- f. Consideration of an ordinance to amend Ordinance No. 08-14, adopting the 2008-2009 Fiscal Year Budget, specifically the 2008-2009 Fee Schedule to add fees related to the Water and Sewer Use Ordinance. First Reading.**

The Town Council next considered on first reading an ordinance to amend Ordinance No. 08-14, adopting the 2008-2009 Fiscal Year Budget, specifically the 2008-2009 Fee Schedule to add fees related to the Water and Sewer Use 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 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 #08-43).

**g. Other.**

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.

**8. Announcements.**

Mayor Spivey and other Town Council Members thanked Council Member James Yates for his service to the Town of Smyrna. Council Members Paul Johns and Mary Esther Reed were congratulated on their re-elections.

Council Member H. G. Cole wished everyone a happy Thanksgiving.

Council Member Mary Esther Reed commented on the large voting turnout. She also noted that "Books from Birth" had honored the Mayor's wives at Embassy Suites.

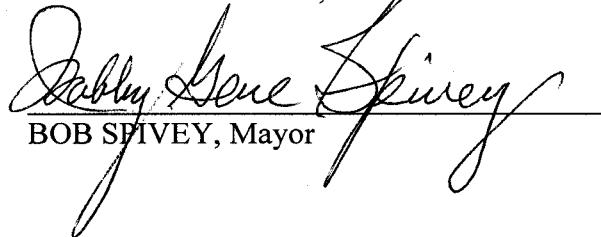
Council Member Tony Dover reminded the audience of the Lighting Ceremony, Sunday, November 23<sup>rd</sup> at 3:30 p.m.

Mayor Spivey also commented on the election and thanked the audience present at the meeting for their participation.

Council Member Paul Johns recognized the two scouts that attended the meeting.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE

  
BOB SPIVEY, Mayor

ATTEST:

  
DIANNE WALDRON, Town Clerk