

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON DECEMBER 9, 2008**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 7:00 p.m. on December 9, 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 Lance Lee. 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
Tim Morrell
Mary Esther Reed

1. Approval or Correction of Minutes of the November 6 and December 2, 2008 meetings.

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the November 6, 2008 regular session of the Town Council and the December 2, 2008 regular work session of the Town Council. The motion was duly seconded by Council Member Tony Dover. Following discussion, the motion was approved 6-0-1 with Council Member Tim Morrell abstaining.

2. Correspondence/Communications.

Mayor Spivey and Town Manager Mark O'Neal commented on the Town of Smyrna's recent bond rating.

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, a contract with Qore Property Sciences relative to geotechnical exploration services for the Town Water Plant expansion.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Mid-South Painting, Inc. relative to sandblasting and repainting of gas meters and regulators stations.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with Florence and Hutchison, Inc. relative to survey and design services on utilities portion of the Enon Springs West Extension Project.
- d. Approval of the terms of, and authorization for the Mayor to execute, Change Order #5 relative to Rock Springs Road Project.

Following discussion, Mayor Spivey asked that Item 6a be removed from the Consent Agenda.

Following further discussion, Council Member Tony Dover made a motion to approve and adopt the remainder of the Consent Agenda. The motion was duly seconded by Council Member Tim Morrell. 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".

Following further discussion, Council Member H. G. Cole made a motion to approve and authorize the Mayor to execute a contract with Qore Property Sciences relative to geotechnical exploration services for the Town Water Plant expansion. 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 "2".

5. Old Business.

- a. **PUBLIC HEARING: 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. 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 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 second and final reading. The motion was duly seconded by Council Member Tim Morrell. 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 #08-41).

b. PUBLIC HEARING: 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. Second Reading.

At this time, Mayor Spivey recused himself from discussion of this item and participation in the vote and turned the meeting over to Vice-Mayor Tony Dover.

At this time, Vice-Mayor Tony Dover 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 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. 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 6-0-1 with Mayor Spivey abstaining. 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 #08-42).

c. PUBLIC HEARING: 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. 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, specifically the 2008-2009 Fee Schedule to add fees related to the Water and Sewer Use Ordinance. 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 "5". (Ordinance #08-43).

d. Consideration of 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. 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. Properties are located on Mason Tucker Drive. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Following discussion, Mayor Spivey 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 6-1 with Council Member Paul Johns 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 "6". (Ordinance #08-44).

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

6. New Business.

a. Planning Commission Report.

There were no Planning Commission items to be presented to the Town Council at this time.

- b. Consideration of an ordinance to amend Ordinance No. 08-14, adopting the 2008-2009 Fiscal Year Budget, specifically the 2008-2009 Fee Schedule relative to rebate schedule for installation of natural gas appliances. 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 relative to rebate schedule for installation of natural gas appliances. Following discussion, Council Member H. G. Cole made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Tim Morrell. 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 "7". (Ordinance #08-45).

- c. Approval of the terms of, and authorization for the Mayor to execute, documents relative to 2009 employee benefits and funding levels.**

The Town Council next considered a motion from Council Member H. G. Cole to approve the terms of and authorize the Mayor to execute documents relative to 2009 employee benefits and funding levels. The motion was duly seconded by Council Member Mary Esther Reed. 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 discussion, the motion was approved unanimously. A copy of each said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8".

- d. Approval of the terms of, and authorization for the Mayor to execute, documents relative to 2009 Property, Liability and Worker's Comp Insurance.**

The Town Council next considered a motion by Council Member Tim Morrell to approve and authorize the Mayor to execute Option II documents relative to 2009 Property, Liability and Worker's Comp Insurance. The motion was duly seconded by Council Member Paul Johns. 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 discussion, the motion was approved unanimously. A copy of each said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "9".

- e. **Consideration of a resolution establishing the dates, times and places of the regular meetings and worksessions of the Town Council for calendar year 2009.**

The Town Council next considered a resolution establishing the dates, times and places of the regular meetings and worksessions of the Town Council for calendar year 2009. Following discussion, Council Member Mary Esther Reed made a motion to approve and adopt said resolution. The motion was duly seconded by Council Member Lance Lee. 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 #08-24).

- f. **Consideration of request for Planning Commission to consider modifications of the Smyrna Municipal Zoning Ordinance regarding minimum parking space size, specifically Article II, Section 2.020 Definitions, Article IV, Section 4.010 Off-street parking requirements, and Section 4.010.7 B Requirements for Design of Parking Lots.**

The Town Council next considered a motion by Council Member Paul Johns to request Planning Commission to consider modifications of the Smyrna Municipal Zoning Ordinance regarding minimum parking space size, specifically Article II, Section 2.020 Definitions, Article IV, Section 4.010 Off-street parking requirements, and Section 4.010.7 B Requirements for Design of Parking Lots. The motion was duly seconded by Council Member Mary Esther Reed. Mayor Spivey suspended the rules to allow Lee Greer of Cheddars to address the Town Council. Following further discussion, the motion was approved 5-2 on a roll call vote with Mayor Spivey and Council Members Paul Johns, Lance Lee, Tim Morrell and Mary Esther Reed voting "yes" and Council Members H. G. Cole and Tony Dover voting "no".

- g. **Approval of the terms of, and authorization for the Mayor to execute, an amendment to contract with Barge Waggoner Sumner & Cannon relative to Smyrna Parks Fitness Renovations and Addition Project.**

The Town Council next considered a motion by Council Member Mary Esther Reed to approve the terms of and authorize the Mayor to execute an amendment to contract with Barge Waggoner Sumner & Cannon relative to Smyrna Parks Fitness Renovations and Addition Project for full design, including adding options 2-5 at this time. The motion was duly seconded by Council Member H. G. Cole. Following further 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 "11".

- h. **Appointment of one member to Planning Commission.**

The Town Council next considered a motion by Council Member H. G. Cole to appoint Council Member Lance Lee as the Town Council representative on the Planning

Commission. The motion was duly seconded by Council Member Tony Dover. Following discussion, the motion was approved unanimously.

Mayor Spivey next appointed Rob White to the Planning Commission to replace Council Member Tim Morrell.

i. Appointment of Vice-Mayor.

The Town Council next considered a motion by Mayor Spivey to re-appoint Council Member Tony Dover as Vice-Mayor. The motion was duly seconded by Council Member Lance Lee. Following discussion, the motion was approved unanimously.

j. Other.

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

7. Status Reports.

Town Manager Mark O'Neal thanked all the departments for their work on the Christmas parade.

8. Announcements.

Mayor Spivey extended sympathy to Public Works Director David King on the loss of his mother.

Public Works Director David King gave an update on road projects.

Town Manager Mark O'Neal announced that applications are being taken for the Kenneth "Coon" Victory Lifetime Achievement Award by the Parks Department.

Council Member H. G. Cole wished everyone "Merry Christmas".

Council Member Tim Morrell thanked all employees for making him feel welcome.

Council Member Paul Johns asked that parking on the grass be discussed at the next workshop. He also thanked the citizens for giving him four more years to serve.

Council Member Lance Lee thanked the Town Council for putting him on the Planning Commission. He also welcomed Tim Morrell to the Town Council.

Council Member Mary Esther Reed wished the citizens of Smyrna a "Merry Christmas".

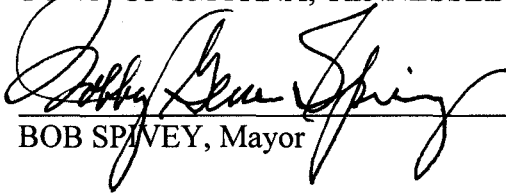
Council Member Tony Dover welcomed Tim to the Council and thanked Council for re-appointing him as Vice-Mayor. He also discussed setting a workshop for the liquor store ordinance.

Mayor Spivey also wished everyone a "Merry Christmas". He also commented on the employee Christmas luncheon.

Council Member Mary Esther Reed recognized Boy Scout Xavier Thompson who was in the audience. He is home-schooled and working on his Citizenship in the Community and Citizenship in the Nation Merit Badge.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE


BOB SPIVEY, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk