

**MINUTES OF MEETING OF THE REGULAR SESSION OF THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON JANUARY 13, 2009**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 6:00 p.m. on January 13, 2009 at Town Hall with the Honorable Bob Spivey, Mayor, presiding.

Mayor Spivey called the meeting to order. The invocation was offered by Town Manager Mark O'Neal. The pledge of allegiance was led by Boy Scout Troop 422.

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 December 9 and December 30, 2008 meetings.

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the December 9, 2008 regular session of the Town Council and the December 30, 2008 regular work session of the Town Council. The motion was duly seconded by Council Member Tim Morrell. 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.

Town Manager Mark O'Neal announced that Hal Loflin was the recipient of the 2008 Horton Smith Award from the Professional Golf Association of America. Gene Bacon, Golf Course employee, was awarded the Jr. Golf Leader Award.

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, the Expedited Settlement Agreement relative to EPA audit of Water Treatment Plant.
- b. Approval of the terms of, and authorization for the Mayor to execute, a Professional Services Agreement with The Tennergy Corporation relative to engineering design services at the Airbase Regulator Station.
- c. Approval of the terms of, and authorization for the Mayor to execute, the release of claim against Pappy's Plumbing, LLC.
- d. Approval of the terms of, and authorization for the Mayor to execute, an agreement with Tennessee Rehab Center relative to use of recreation field area.
- e. Approval of the terms of, and authorization for the Mayor to execute, an Interlocal Agreement with Rutherford County relative to processing property tax freeze eligibility applications.
- f. Approval of the terms of, and authorization for the Mayor to execute, a Reconfiguration Implementation Phase Agreement relative to rebanding negotiations with Motorola.
- g. Approval of the terms of, and authorization for the Mayor to execute, a Frequency Reconfiguration Agreement relative to rebanding negotiations with Nextel.

Following discussion, Council Member Tim Morrell made a motion to approve and adopt the Consent Agenda. The motion was duly seconded by Council Member Paul Johns. 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 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. 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, 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, Council Member Tim Morrell 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 "2". (Ordinance #08-44).

b. 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 relative to rebate schedule for installation of natural gas appliances. 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 relative to rebate schedule for installation of natural gas appliances. Following discussion, Council Member Lance Lee 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 "3". (Ordinance #08-45).

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, Parcel 5.00, comprising approximately .8 acre, (requested by Paul E. Wisdom), from R-1 to R-3. Property is located on Todd Lane. 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, Parcel 5.00, comprising approximately .8 acre, (requested by Paul E. Wisdom), from R-1 to R-3. Property is located on Todd Lane. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. 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 "4". (Ordinance #09-01).

- ii. Consideration of an ordinance relative to the amendment of the Town of Smyrna Municipal Zoning Ordinance, Article II "Definitions", Section 2.02 "Parking Space" and Article IV "Supplementary Provisions Applying to Specific Districts", Section 4.010 "Off-street parking requirements", and Section 4.010.7. "Requirements for Design of Parking Lots", Subsection B. related to the size of parking spaces. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment of the Town of Smyrna Municipal Zoning Ordinance, Article II "Definitions", Section 2.02 "Parking Space" and Article IV "Supplementary Provisions Applying to Specific Districts", Section 4.010 "Off-street parking requirements", and Section 4.010.7. "Requirements for Design of Parking Lots", Subsection B. related to the size of parking spaces. The recommendation of the Planning Commission was that the Town Council approve the amendment. 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 Tim Morrell. Following further discussion, the motion was approved 5-2 with Council Members H. G. Cole and Tony Dover 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 "5". (Ordinance #09-02).

iii. Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Zoning Ordinance, Article V, "Zoning Districts", Section 5.052.1 "C-1, Central Business District", Subsection C. "Uses Permitted as Special Exceptions" related to day care centers. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Zoning Ordinance, Article V, "Zoning Districts", Section 5.052.1 "C-1, Central Business District", Subsection C. "Uses Permitted as Special Exceptions" related to day care centers. The recommendation of the Planning Commission was that the Town Council approve the amendment. 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 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 "6". (Ordinance #09-03).

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 fee increase for rezoning and annexation requests. 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 fee increase for rezoning and annexation requests. 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 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 #09-04).

c. Consideration of setting date for special workshop relative to liquor referendum.

The Town Council next considered a motion from Council Member Tony Dover to set January 26 and 27, 2009 at 5:00 p.m. as the date for a special workshop relative to liquor referendum. The motion was duly seconded by Council Member Mary Esther Reed. Following discussion, the motion was approved unanimously.

d. Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 15 "Motor Vehicles, Traffic and Parking", Chapter 6 "Parking", Section 15-605 "Motorized vehicles and residential property" and Section 15-609 "Prohibited parking on

certain surfaces” as related to modifications and exceptions. First Reading.

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 15 “Motor Vehicles, Traffic and Parking”, Chapter 6 “Parking”, Section 15-605 “Motorized vehicles and residential property” and Section 15-609 “Prohibited parking on certain surfaces” as related to modifications and exceptions. 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 Mary Esther Reed. Following further discussion, the motion was approved unanimously on a roll call vote. 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 #09-05).

e. Approval of and authorization for the Mayor to execute necessary documents relative to employee benefits plan changes.

The Town Council next considered a motion by Council Member Lance Lee to approve and authorize the Mayor to execute necessary documents relative to employee benefits plan changes. The motion was duly seconded by Council Member Tim Morrell. 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”.

f. Other.

i. Approval and authorization for the Mayor to execute Consent Judgment and Final Order related to Town of Smyrna v. Walter Sanford as to the Rock Springs Improvement Project.

The Town Council next considered a motion by Mayor Spivey to approve and authorize the Mayor to execute Consent Judgment and Final Order related to Town of Smyrna v. Walter Sanford as to the Rock Springs Road Improvement Project. The motion was duly seconded by Council Member Tony Dover. Following further 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 “10”.

Mayor Spivey next suspended the rules to allow Kay Davidson and Ginger Crawford of 214 Almaville Road to address the Town Council regarding the widening of Almaville Road.

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

7. Status Reports.

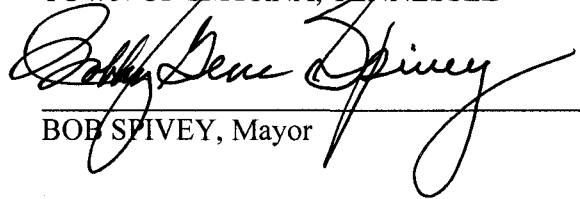
There were no status reports to be reported to the Town Council at this time.

8. Announcements.

Mayor Spivey reminded the Town Council of the upcoming retreat, January 15 and 16, 2009, at Fall Creek Falls State Park in Pikeville, Tennessee.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



BOB SPIVEY, Mayor

ATTEST:


DIANNE WALDRON, Town Clerk