

Minutes of the Regular Meeting
Of the Board of Mayor and Aldermen
Of the Town of Thompson's Station, Tennessee
May 9, 2006

Public Hearing

Before the meeting was called to order, a public hearing was held on Ordinance 06-002, amending the budget and establishing the property tax rate for the period of July 1, 2005 through June 30, 2006. The public hearing was advertised in the April 24th, 2006 edition of the *Williamson AM* newspaper. Town Recorder Goetsch explained the background of the ordinance, and the floor was opened for public comment. There being no persons wishing to speak, the public hearing was closed.

Call To Order

The regular meeting of the Board of Mayor and Aldermen of the Town of Thompson's Station was called to order on the 9th day of May 2006, at the Thompson's Station Community Center. Members and officials in attendance were: Cherry B. Jackson, Mayor; Sarah H. Benson, Alderman; Larry D. Craig, Town Attorney; Greg Langeliers, Town Administrator; Douglas G. Goetsch, Town Recorder; and Lisa Stewart, Town Clerk. Absent: Corey Napier, Alderman.

Minutes

The minutes of the April 11, 2006 meeting were previously submitted and were approved upon a motion by Alderman Benson and second by Mayor Jackson.

Announcements

Town Attorney Craig wanted to confirm that the Municipal Planning Commission meeting scheduled for May 15th, 2006, has been cancelled. Town Administrator Langeliers stated that to be correct, noting that one agenda item was to be an update on the status of the sewer system (which he e-mailed a report on today); and the other item was a modification request of the By-Laws regarding the deadline submittal date, which can be addressed at the next Planning Commission meeting.

Town Administrator's Report

Town Administrator Langeliers reported the following:

Public Works Committee:

The Public Works Committee met last Wednesday evening and reviewed / addressed several items. The committee agreed to propose monthly user rates for sewage at 100 % of the amount of the water bill plus 7.5 % for processing. They also recommended a minimum user rate for non-residential uses at \$108.00 per month. Additional components of the sewage service fee structure will be recommended as time progresses. Mr. Langeliers added that Town Attorney Craig has provided him with a rate structure ordinance that he will work on to present to this Board at next month's meeting in order to move forward with this fee structure.

The committee discussed repairing and repaving Pantall Road. It was generally agreed upon that the repair and repaving is necessary and wanted information regarding the County's proposal to do the work. Mr. Langeliers stated that he did check several sources, and it appears that the cost quoted by the County is a reasonable number for the amount of work to be done.

Plan Advisory Committee:

The Plan Advisory Committee met on the Thursday prior to the public input meeting held on April 25th, 2006, to prepare for that meeting. At the public input meeting, potential zoning districts, densities and land uses were discussed in general. Public concerns were noted and Staff is modifying and solidifying components of an ordinance that will be in sync with the direction of the plan as identified through our committee and public input process. Mr. Langeliers added that the public expressed concern with the intensity ranges, the 'clustering' component, and would also like a more visual presentation to provide a better idea of the various concepts.

Board of Mayor and Aldermen:

Tonight's agenda primarily deals with items relating to the annexation and zoning of parcels being incorporated via the recent referendum, which has been certified by the Williamson County Election Commission; and annexation requests on both the east (Downs property) and west (Morel property) sides of Town; and revising this years budget and adopting next years budget.

Old Business

Town Attorney Craig stated that he has tried getting in touch with the attorneys dealing with the recovery allocation capacity agreement, asking for them to contact him with any questions and / or comments, and he has not received any type of response from them.

Town Attorney Craig referenced the request for a pump and haul, and Mr. Langeliers stated that he, Town Recorder Goetsch, Dr. Sheaffer, and Bruce Meyer had a meeting with Tennessee Department of Environment and Conservation (TDEC) in regards to this request along with some other items. In regards to the pump and haul request, Mr. Langeliers thought that TDEC would not be likely to issue this permit until a more definite time frame could be provided as to when treatment will be available. The consideration to expand the permit was also discussed, and he noted that TDEC thinks they have an obligation to monitor the facility for a certain amount of time before they'll be comfortable entertaining the idea of an expansion. Mr. Langeliers stated that his impression was that TDEC would like to see the entire system operating before considering an expansion request.

Town Attorney Craig asked if there was an indication of a prohibition if the Board were to allow such; and Mr. Langeliers stated that there was no specific prohibition from TDEC. However, Mr. Langeliers did note that when the pump and haul request was brought before the Public Works Committee, they expressed an opinion that they would not support that option. They would prefer that the system be completed, become operational, and be transferred to the Town.

Second Reading of Ordinance 06-002

Ordinance 06-002 amends the budget and establishes the property tax rate for fiscal year 2005 - 2006. Mr. Goetsch noted that this was advertised as a public hearing in the April 24th, 2006 edition of the *Williamson AM*; and no one spoke for or against this item when the public hearing was opened earlier. Mr. Goetsch described the changes to line items for income and expenses. After discussion, Mayor Jackson made a motion to adopt on second reading. Alderman Benson seconded the motion and it was adopted unanimously.

First Reading of Ordinance 06-003

Mr. Goetsch explained this ordinance to adopt a budget and establish the property tax rate for the fiscal year 2006 – 2007. After discussion, Alderman Benson made a motion, seconded by Mayor Jackson, to adopt this ordinance on first reading; and was adopted unanimously.

Mayor Jackson made a motion to hold a public hearing on this ordinance on June 13th, 2006 at 7:00 p.m. at the Community Center. Alderman Benson seconded the motion, which passed unanimously.

First Reading of Ordinance 06-004

Mr. Langeliers explained this ordinance to annex and zone as Rural (R) the Morel property off Thompson's Station Road West. He stated that the Planning Commission has voted to recommend a plan of services for this property. After discussion, Alderman Benson made a motion to adopt on first reading. Mayor Jackson seconded the motion and it was adopted unanimously.

Mayor Jackson made a motion to hold a public hearing on this ordinance on June 13th, 2006 at 7:00 p.m. at the Community Center. Alderman Benson seconded the motion, which passed unanimously.

First Reading of Ordinance 06-005

This ordinance is to annex and zone as Suburban (S) the Downs property located off Pratt Road. Town Attorney Craig pointed out that the deed copy shows it listed as 2 D Investments, LLC, and Mr. Downs is the owner. Mr. Langeliers stated that to be correct, noting the book and page numbers to be referenced on the ordinance. After further discussion, Mayor Jackson made a motion to adopt, with the addition of the book and page information, on first reading. Alderman Benson seconded the motion and it was adopted unanimously.

Mayor Jackson made a motion to hold a public hearing on this ordinance on June 13th, 2006 at 7:00 p.m. at the Community Center. Alderman Benson seconded the motion, which passed unanimously.

First Reading of Ordinance 06-006

Mr. Langeliers explained this ordinance to annex and zone as Suburban (S) certain properties included in the annexation referendum as recommended by the Planning Commission. After discussion, Alderman Benson made a motion, seconded by Mayor Jackson, to adopt this ordinance on first reading; and was adopted unanimously.

Mayor Jackson made a motion to hold a public hearing on this ordinance on June 13th, 2006 at 7:00 p.m. at the Community Center. Alderman Benson seconded the motion, which passed unanimously.

First Reading of Ordinance 06-007

This ordinance is to annex and zone as Suburban Estate (SE) certain properties included in the annexation referendum as recommended by the Planning Commission. After discussion, Alderman Benson made a motion, seconded by Mayor Jackson, to adopt this ordinance on first reading; and was adopted unanimously.

Mayor Jackson made a motion to hold a public hearing on this ordinance on June 13th, 2006 at 7:00 p.m. at the Community Center. Alderman Benson seconded the motion, which passed unanimously.

Other New Business

Mr. Langeliers stated that the third Public Input meeting will be scheduled in June and hopes to have something to present at the June Planning Commission meeting.

Town Attorney Craig commented on the fee schedule for sewer as it relates to tap fees, connection fees, inspection fees, etc., and drafting an ordinance for these fees.

Town Attorney Craig suggested consideration be given whether or not to authorize and allow, under a sufficient contractual agreement, a pump and haul; as was allowed in Heritage Commons.

Mr. Goetsch noted that another review and audit of the impact fees has revealed approximately 24 permits issued inside the Town's limits that Williamson County did not pay impact fees to the Town. He has sent a letter to County Budget Director David Coleman asking him to research this and confirm the request of impact fees due to the Town.

Mayor Jackson stated that the library request was passed at the County Property Committee; and went to the County Budget Committee, where they agreed to proceed with a resolution from the commissioners to the County Commission.

Mayor Jackson referenced the pump and haul request for Tollgate, and Town Attorney Craig questioned the number of homes finished. Mr. Langeliers stated that there are two (2) homes close to completion that the developer would like to use for model homes. He noted that he was not sure as to which approval from TDEC would be required first. Mr. Langeliers pointed out again that the Public Works Committee voiced their opinion against allowing a pump and haul in Tollgate; and that a mistake could have been made in Heritage Commons relative to the language in the ordinance regarding it being deeded to the Town. Mr. Langeliers stated that Tollgate is willing to 'partially deed' the facility to the Town.

Town Attorney Craig questioned the deeding of the facility as opposed to the lines and drip areas; and Mr. Langeliers referenced information as to how this is handled in Metro. Mr. Langeliers stated that the issue is not so much a pump and haul request, but the issuance of Certificates of Occupancy, which is prohibited by the ordinance. Town Attorney Craig stated that as long as the Town is still holding the bonds, it is not an issue. Alderman Benson commented on the decision made at the Public Works meeting, and requested more time for clarification on the ordinance, certificates of occupancy, as well as the sewer agreement. She noted that she could not vote in favor of a pump and haul for only two (2) homes.

Town Attorney Craig confirmed the items needing clarification to be ownership of the system and / or partial deeding, sewer easements, and the sewer agreement.

Community Input

Mayor Jackson opened the floor for community input and concerns from the citizens, and no one came forward with comments.

Mayor Jackson pointed out that there are several meetings scheduled relating to the sewer issues and suggested a recess from this meeting, rather than adjourn, and reconvene this meeting when the questions and concerns are resolved.

Mr. Langeliers confirmed the meetings scheduled relating to the sewer agreement and stressed the urgency to work diligently together to resolve these issues.

Mayor Jackson made a motion, seconded by Alderman Benson, to recess this meeting and reconvene on Monday, May 22nd, 2006. The motion passed unanimously and the Board recessed at approximately 8:30 p.m.

The meeting of the Board of Mayor and Aldermen reconvened at 7:00 p.m., on the 22nd day of May 2006, at the Thompson's Station Community Center. Members and officials in attendance were: Cherry B. Jackson, Mayor; Sarah H. Benson, Alderman; Corey Napier, Alderman; Larry D. Craig, Town Attorney; Greg Langeliers, Town Administrator; Douglas G. Goetsch, Town Recorder; and Lisa Stewart, Town Clerk.

Mr. Langeliers explained the history of the sewer facility and related issues, pointing out the agreement distributed to the Board for their review tonight; noting that he feels this is a better agreement for the Town than what was previously submitted.

Mayor Jackson suggested the Board review the **Agreement Between the Town of Thompson's Station, Tennessee, and TS Basin Builders, LLC** by sections and address any questions or concerns as they progress through the document.

Discussion followed regarding the 'Definitions', then moved on to the 'Terms of Agreement'.

Alderman Napier expressed concern under item # 3 that indicates the letter of credit will be released and replaced by a written warranty for one (1) year. He is not comfortable with this on an entity that has no prior credit record and would like alternatives to a maintenance bond. Alderman Napier asked if this will be covered under the Town's insurance. Mr. Langeliers said that will have to be checked into and should be covered in the same manner as whenever the Town has assumed ownership of properties in the past.

After further discussion, James Carbine of TS Basin Builders, asked if it would be appropriate to adopt this agreement contingent on coverage by a satisfactory insurance or bonding agent.

Alderman Napier questioned the ability to insure or bond the facility without knowing the cost; and Town Attorney Craig indicated that would be determined by the insurance provider. Mr. Langeliers stated that he is comfortable with the number provided by the Town's consulting engineers of \$6 million to insure completion of the facility; therefore, \$2 million would typically be a standard acceptable amount to insure or bond.

Town Attorney Craig suggested that in item # 3 after "..... and replaced by a written warranty and," to insert 'insurable by a bond or insurance policy in an amount not less than \$2 million'

After further discussion, Mayor Jackson made a motion to ratify Resolution 05-002 to be supplanted / amended by the attached thereto May 22nd, 2006, agreement between the Town and TS Basin Builders approved by the Board, as amended orally in this meeting from the circulated written version, and authorizing the Mayor to execute same. Alderman Benson seconded the motion, and it passed unanimously.

There being no further business, the meeting was adjourned at approximately 8:50 p.m.

Cherry B. Jackson, Mayor

Attest: _____
Douglas G. Goetsch, City Recorder

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