

Minutes of the Regular Meeting
Of the Board of Mayor and Aldermen
Of the Town of Thompson's Station, Tennessee
February 13, 2007

Public Hearing

Public hearings were held on the following ordinances that were advertised in the January 29th, 2007 edition of the *Williamson AM* newspaper:

- A. Ordinance 07-001 Amending the Budget for July 2006 – June 2007.
Mr. Goetsch reviewed the changes made since the first reading last month.

Mayor Heron opened the public hearing.

There being no persons wishing to speak, the public hearing was closed.

- B. Ordinance 07-002 Creating a Design Review Commission.

Mr. Craig explained the authority of the Town to establish this commission; and that a set of by-laws will need to be established and adopted for this commission, similar to those of the Municipal Planning Commission.

Mr. Langeliers stated that an individual has been contacted with the background and expertise to assist in creating this commission, and will be presenting a proposal for the contracted service for the Town's consideration. This person will help in creating this commission and providing the framework which will be the basis the Design Review Commission will work from to make their decisions.

Mayor Heron opened the public hearing.

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 at approximately 7:11 p.m. on the 13th day of February, 2007, at the Thompson's Station Community Center with the required quorum. Members and staff in attendance were: Leon Heron, Mayor; Sarah Benson, Alderman; Corey Napier, Alderman; Greg Langeliers, Town Administrator; Doug Goetsch, Town Recorder; Larry Craig, Town Attorney; and Lisa Stewart, Town Clerk.

Pledge of Allegiance

Minutes

The minutes of the January 9th, 2007 meeting were previously submitted and were approved unanimously upon a motion by Alderman Benson and second by Alderman Napier.

Announcements

Mr. Langeliers reminded everyone that the February Planning Commission meeting has been moved to February 26th due to a holiday conflict; and submittal deadline for the March Planning Commission will be February 21st.

The Finance Committee will have its first meeting on Tuesday, February 20th, 2007, at 6:00 p.m. at the Town Hall.

Should Ordinance 07-002 pass to create the Design Review Commission, members will be needed to serve on that commission.

Mr. Langeliers reminded the commissioners and aldermen of the upcoming continuing education opportunity on Planning and Zoning at the Ag Expo Center on April 5th.

He noted that the work session held for The Grove at Littlebury went reasonably well, with input from the community and Staff; and modifications are expected on their next submittal.

Mr. Langeliers distributed a spreadsheet he created to address questions and concerns relating to the various developments being proposed and the impact on the capacity of the sewer treatment facility. He provided four (4) different scenarios of the developments in progress and proposed, showing a Gallons Per Day (GPD) usage in increments ranging from 200 GPD to 350 GPD. In projecting the build-out of the developments over the next ten (10) years, Mr. Langeliers noted that the Town is possibly a year away from a request to TDEC to increase the permit. Under the most conservative scenario, it reflects a timeframe of approximately five (5) years before deciding whether to request an increase in capacity and modify the current permit.

Alderman Benson asked how much capacity the high school would need if they decided to tie in and the effect it would have on the facility. Mr. Langeliers stated it would have a marginal impact on the facility with an estimated 30,000 GPD, which is equivalent to approximately 90 units.

Mr. Langeliers stated that the spreadsheets indicate that there is currently enough capacity to handle the projects and developments proposed to almost complete build-out.

Alderman Napier asked if the Public Works Committee is analyzing the option of developers pledging land for their sewer capacity. Mr. Langeliers stated that it was discussed briefly at last week's Public Works Committee meeting, and some issues will need to be worked out. He noted that it may not always be in the best interest of the Town, in some cases, to bring water back to certain subdivisions; so it should be at the Town's discretion whether soils should be provided on the developers' site or the funds be provided for the Town to find soils elsewhere. Mr. Langeliers stated that this is covered in the sewer regulations, which may need to be reviewed and modified. Mayor Heron pointed out that Smith, Seckman, and Reid has been contracted to assist with the sewer plan and this will be one of the exercises they will address, but that it is critical to identify the consideration of establishing fees or funds-in-lieu-of irrigation areas.

Alderman Benson reported on the Public Works Committee meeting, noting that they were updated on the sewer and where it currently stands and discussed future considerations.

Mayor Heron suggested priorities be established relating to the road work and repairs that may be necessary for the upcoming year; and determine, with the help of consultants Collier Engineering, a procedure to follow.

Old Business

Alderman Napier asked for a follow-up on his comment last month regarding noise abatement on the weekends. Mr. Langeliers stated that Staff is working on getting that into the Subdivision Regulations as it relates to work schedules of the developers. He plans to have the modified regulations for this Boards review at the March or April meeting.

Mayor Heron reported on a meeting regarding Highway 31 (Columbia Pike) called by Senator Johnson and State Representative Casada. All the mayors in attendance encouraged the representatives to push this issue; however, it was commented that nothing would be done on Hwy. 31 this year. One reason being, the Governor has diverted funds from the gas tax (highway fund) into the general fund for the last few years; however, he has agreed to begin putting in to the gas tax / highway fund again. He said that Commissioner Nicely did state that SR-840 will be completed in

the appropriate amount of time. Mayor Heron noted that a letter will be sent to the TDOT commissioner from the attending mayors stating the urgency and need to prioritize the widening of Interstate 65 from Highway 96, SR-840 to at least Saturn Parkway. He stated an interchange will be pushed for in the Duplex Road area in Spring Hill.

Mayor Heron said that he has been asked for an update on the library and he stated that the County's architect and land planner have been out on a site on Critz Lane that has been suggested as an alternative site. The report from them was fairly positive, but the big issue is the contribution of \$3 million that the County will provide for the project, and if it will be sufficient for the library hoped for by the Library Board and residents. It is still being considered and looked in to.

Mayor Heron reminded the Board that two (2) members of the Board of Zoning Appeals need to be replaced. Millie Halverson and George Ross have been appointed to the Planning Commission, so he would like suggestions for new BZA members.

Mayor Heron informed the Board that Collier Engineering has been engaged to engineer the Critz Lane improvements, and RPM Transportation Consultants to provide a comprehensive traffic study of the Columbia Highway / Critz Lane / Thompson's Station Road East corridors. The Town will have our own independent consultant to review all proposed projects, inform the Town what the impact will be, and advise how to address any road concerns. He also added that Smith, Seckman, and Reid have been engaged to address sewer transmission lines and are addressing the more immediate need to reach the two (2) developments on Critz Lane.

First Reading of Ordinance 07-003 Requesting Re-Zone to Plan Specific for Graceland Community Church Development located off Watkins Road.

Mr. Langeliers stated that this plan was reviewed at the January Planning Commission and they approved the recommended re-zoning to this Board.

The applicant, Kevin Guenther with Design Resource, was present to address any questions or concerns.

Alderman Benson pointed out that the recommendation from the Planning Commission did have some issues to be addressed. Mr. Langeliers agreed, stating that contingencies were actually based on the preliminary plat stage; and that Planning Commission could not accept a preliminary plat submittal until service use issues were addressed and answered, such as sewer, transmission lines, roads, etc. He said that this applicant, as well as the adjoining applicant / project (The Reserve at Callie), are aware of the issues and costs involved, and it has been suggested they work together on the utility / service concerns.

Mr. Langeliers noted that these parcels do differ from others annexed by the Town in that they were zoned "Suburban" under the County's regulations, and all of the uses being proposed were allowed uses by right under the County's Suburban zoning. The uses and intensities are consistent with what was allowed under the County's zoning, therefore there has not been an increase in the proposed uses.

Alderman Benson made a motion, seconded by Alderman Napier, to approve Ordinance 07-003 on first reading. The motion passed by unanimous vote.

Mayor Heron set a public hearing for the ordinance's second reading to be March 13th, 2007, at 7:00 p.m. at the Community Center.

First Reading of Ordinance 07-004 Requesting Re-Zone to Plan Specific for The Reserve at Callie located on Lewisburg Pike, Jameson Drive, and Miller Drive.

Mr. Langeliers explained that this project shares some property boundaries with the previous agenda item (Graceland Community Church) and was recommended for re-zoning from the Planning Commission with the same contingencies as the previous item.

Alderman Napier made a motion to accept and approve on first reading Ordinance 07-004. Alderman Benson seconded the motion, which passed unanimously.

Mayor Heron set a public hearing for the second reading to be March 13th, 2007, at 7:00 p.m. at the Community Center.

Second Reading of Ordinance 07-001 Amending the Budget for July 2006 – June 2007.

This ordinance was subject to public hearing earlier this evening with no one coming forward to speak.

Mr. Goetsch reviewed the ordinance, noting there are three (3) minor changes since the first reading. He distributed copies to indicate the changes in the numbers, but stated that the text will remain the same.

After reviewing the changes, Alderman Napier made a motion to amend the budget as presented. Alderman Benson seconded the motion, which passed unanimously.

Alderman Napier made a motion, seconded by Alderman Benson, to accept and approve on second reading, as amended, Ordinance 07-001. The motion passed by unanimous vote.

Second Reading of Ordinance 07-002 Creating a Design Review Commission.

This ordinance was subject to public hearing earlier this evening with no one coming forward to speak.

Alderman Benson made a motion to accept and approve this ordinance on second reading. Alderman Napier seconded the motion, which passed unanimously.

Other New Business

Alderman Napier expressed concern that the Town may have reached a 'tipping point' as a community and wanted to discuss the consideration of a moratorium to address infrastructure needs, sewer issues, etc. With all the projects being presented and proposed, he stated the following as concerns that he would like to see resolved:

- the Design Review Commission is not established yet to review these agenda items;
- there are no traffic studies and a plan for Critz Lane;
- funding for sewer has not been determined for the proposed projects, as well as any properties being annexed;
- three-phase electrical lines are being installed by MTEMC along Pantall Road without the courtesy and respect to notify anyone with the Town; therefore, Subdivision Regulations are not being enforced;
- the Finance Committee, Public Works Committee, and Design Review Commission should be functioning to assist with issues relating to compliance with the Town's Zoning Ordinance and Subdivision Regulations, etc.
- the development community should have a clear understanding of what our expectations are to save their time and money, as well as the Town's.

Alderman Napier proposed the consideration of a six (6) month moratorium on any new plats and / or new development proposals to be effective in March and continue through August of this year.

Alderman Benson stated that she did not disagree with the suggestion and when moratoriums have been discussed before, the Town Attorney indicated limited reasons to declare a moratorium and would like counsel to comment. She pointed out that a brief moratorium was declared when the

zoning ordinance was being prepared, and she agrees it could help and should be discussed.

Mayor Heron agreed substantially with Alderman Napier's comments. He agreed that there is a lot going on and Staff is working tirelessly to address everything brought to their attention. Mayor Heron stated that several pieces are in place with the design standards, the new Design Review Commission, and the Finance Committee; and would like to see better documentation with the development community. He realizes they have a lot at stake financially and are willing to work with them. He doesn't have a problem with a moratorium, but would defer to legal counsel. He would suggest there be a three (3) month review with Staff and the Board.

Mr. Craig stated that generally whenever a moratorium is declared, you have to have a fact finding and a nexus as to the functional equivalent of an emergency and what that emergency is and spell that out as to how it is necessary to protect the citizens as a whole and not take away ones right to existing laws to develop property and not to become the functional equivalent of the taking of a property right.

Mayor Heron commented that this is not a construction moratorium, so the plats previously approved can be built on and any approved at this month's Planning Commission meeting can move forward. From an administrative point of view, Mayor Heron noted that, in order to protect the citizens of Thompson's Station, it is this Boards and Staffs job to ensure that work is being done in accordance with the ordinances, that the new developments are paying their share for the impact they're creating, and that the residents do not have to pay for it.

Alderman Napier stated that we are all stewards with a stake in what happens in the Town, and we are not too far along to stop and address problems and concerns with a great effort to make this Town what we all envision it to be.

Mr. Langeliers added that it was discussed at the Public Works meeting to release Collier Engineering to begin the preliminary design and the survey for Critz Lane showing all the existing utility lines, and determine the rights-of-way needed; then, it was planned to meet with the utility companies to have the utilities placed within those rights-of-way. He stated that an additional power line was not anticipated on Pantall Road, and he is currently working with legal counsel on how to enforce the note on the plat stating all utilities will be underground and to determine who is in violation of the Subdivision Regulations.

Discussion continued regarding the moratorium and Mr. Craig stated that whatever the will of the Board is, you are obligated not to act in an arbitrary and capricious manner.

Mayor Heron stated that there is not any intention of inhibiting or rescinding anyone's vested rights; however, it is the Boards' obligation to protect the citizens of the Town.

Alderman Benson noted that this moratorium would involve finishing the erosion control plan and adopt an erosion control ordinance, allow for a master sewer plan to be put in place, and address other infrastructure issues. She also added that it is their obligation as elected officials to protect the Town and its citizens.

Alderman Napier stated that it not only benefits the current residents, but the future residents as well that would have to live with mistakes and bad decisions made today.

Mayor Heron stated that this will be deferred and considered at the next Board meeting.

Community Input and Concerns

Brian Moore, of 1794 Jameson Drive in Callie Subdivision, stated that he did not know what the proposed development (The Reserve at Callie) looked like, that he is aware that there will be growth and is not trying to stop growth; but is concerned about how this development will effect Callie's image. He noted that Callie and their by-laws were created by Conrad Matthews and it has a good

image and he feels like this proposal is going against that image and in the long run will effect the value of their homes. Mr. Moore stated that they are aware in their by-laws that these parcels do not fall under the Callie Subdivision, but feel they will be directly affected.

Mitch Hoffman, 1804 Susan Court (Callie Subdivision), thanked Alderman Benson for her concern that she had not been contacted by anyone regarding the proposal, stating that they just learned about this submittal. He stated that they are concerned and would like this not be re-zoned. Mr. Hoffman agreed with Mr. Moore that it will be out of character, but he is more concerned about the risk to their children. He noted that it is a neighborhood of families, with most of the children growing up there, and playing in the streets since there is little traffic. Mr. Hoffman referenced the thousands of cars that will come through their neighborhood should the proposed church be approved; and with immediate access to SR 840, should a townhouse be rented to an un-trustworthy individual, they would only be seconds from being gone with a kidnapped child. He is very worried about strangers that could be drawn in to the church and its proposed activities that would be driving by looking at their children every day. Mr. Hoffman commented that blasting may occur during construction and expressed concern regarding the damage that could be caused to one of their homes.

Noreen and Joseph Rector, 1762 Jameson Drive (Callie Subdivision), has concerns that when the property was annexed, the neighbors were not talked to regarding whether they wanted to be annexed. She said she talked with someone at the Williamson County Highway Department today and they have not been contacted about this growth or the use of county roads, and she suggested an access road along the highway. Mr. Rector suggested that the people making the money on this project should put in a frontage road along SR 840 to connect to Highway 431, rather than through Callie Subdivision. He also does not care for the idea of looking at commercial outside his front door.

Mayor Heron stated that at the Planning Commission meeting, the applicants of both projects were asked that the multi-family homes be built for sell and not be rented. They also agreed that the multi-family units will have fire sprinklers installed.

Mr. Langeliers pointed out that these parcels were annexed at the request of the owners who had contacted the Town. He noted that the original sketch plan for Callie Subdivision that was submitted to the County shows the proposed road. Mr. Langeliers explained that the ordinance encourages clustering to leave open space and avoid a large amount of grading. He also stated that all the uses proposed were allowed uses under the Suburban zoning in the County when it was initially divided, and that the ten (10) acres up front would be commercial at some point. Mr. Langeliers referenced a section in the deeds, upon transfer, that relates to the potential for commercial. He thinks it is a good place for the high intensity because of the location at / near SR 840 and I-65; and the issues of traffic, sewer, and water will be addressed at the appropriate time.

Conrad Matthews stated that he gave a copy of the presentation booklet to the president of the Callie Homeowners Association prior to having submitted to the Town's Planning Commission.

Pastor Ralph Duncan stated that they do not want an adversarial role with anyone. He reminded everyone that a public hearing was held across the street from Callie Subdivision, before they purchased the property approximately five (5) years ago, to consider re-zoning and it was decided by the County to keep the zoning as is. Pastor Duncan said they are happy to be part of Thompson's Station and want to be an asset to this Town.

Mayor Heron suggested that both applicants try to meet with the community and address some of their concerns.

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

Leon Heron, Mayor

Attest: _____
Douglas G. Goetsch, Town Recorder

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