

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

Public Hearing

Public hearings were held on the following ordinances that were advertised in the February 26th, 2007 edition of the *Williamson AM* newspaper:

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

Mayor Heron opened the public hearing.

Kevin Guenther with Design Resource reviewed the plan as the representative for Graceland Community Church Development. He pointed out that all the proposed uses were allowed under the County's Suburban zoning prior to being annexed. The plan is to have the church campus in the 'heart' of the development with approximately 45% being left in open space; phase one will be the church, and implement the rest of the plan as the church grows. Mr. Guenther referenced the 'neighborhood meeting' last week, with the main issue seeming to be the connection of Watkins Road to Lewisburg Pike, adding that they would like to be part of the solution; as well as a contributor to the solution relating to the sewer issue.

Roger Revette of 1601 Callie Way Drive in Callie Subdivision, and also Vice President of the Board of Directors for Hillview Baptist Church located across the road from Callie Subdivision, listed a few concerns to be addressed as follows:

- a feasibility study on the traffic flow from the proposed church and a light if needed;
- sewer disposal, plans for a pumping station, and environmental concerns; and
- the high density and appropriateness of townhomes.

Mayor Heron pointed out that when the Planning Commission approved to recommend these two (2) public hearing items to the Board, it was contingent on the developers performing traffic studies in coordination with the Town's traffic consultant and TDOT prior to moving forward; and another condition that studies be provided to determine how sewer service will be provided; noting that there are several contingencies to be addressed before either proposal could move forward.

Michael Butler, 1801 Susan Court in Callie Subdivision, expressed concern that this project not be allowed to move forward until the traffic issues have been addressed; and respectfully asked that the Town keep their neighborhood in mind when considering these issues.

Ralph Duncan, minister of Graceland Community Church, noted his appreciation of the opportunity to meet with the residents of Callie Subdivision last Saturday. He would like to be a part of, and an asset, to the community. Pastor Duncan referenced the concerns regarding traffic and noted that the church is presently a new, small congregation of approximately 100 attending worship service. He asked if the traffic study will be based on the current attendance and a 250 seat sanctuary, or on projected growth in attendance.

Mayor Heron responded that it is based on both the short term as well as the ultimate proposed uses that will include commercial. Mr. Langeliers stated that to be accurate, along with predicted growth in the entire area.

Pastor Duncan asked that should this re-zoning be turned down by this body tonight, what would the zoning be on the noted parcels. Mr. Langeliers replied that it would remain High Intensity. Pastor Duncan noted that they are asking for less than is allowed under Plan Specific zoning, but asked the difference should the parcels remain High Intensity. Mr. Langeliers stated that if this was not re-zoned to Plan Specific, the uses allowed by right under the High Intensity zoning is three (3) residential units per acre and no non-residential, pointing out that it would be less rights under the High Intensity zone than under the County's Suburban zoning.

Pastor Duncan noted that a church would be allowed under the County's Suburban zoning, but what about in the Town of Thompson's Station. Mr. Langeliers replied that it would not be allowed, stating that churches / non-residential are not allowed anywhere in the Town without a re-zoning.

Noreen and Joseph Rector, 1762 Jameson Drive in Callie Subdivision, are the home owners at Miller Drive and reiterated the traffic concerns, suggesting a frontage road be considered rather than going through Callie Subdivision. She noted the following concerns:

- a time-line for the construction, sewer, etc.;
- confirmation that no development will begin until road and sewer issues are taken care of;
- that the "large cross referenced in a newspaper" be re-considered;
- commercial on the proposed church property when other churches in the area do not have it; and
- what funding is available to the church for these issues.

Mr. Rector noted that between the stop sign at Jameson Drive and Watkins Road to the future stop sign at Watkins Road and Lewisburg Pike is only a few hundred feet, and when approximately 250 people leave church, they'll be backed up through their neighborhood and past his house.

Mr. Langeliers stated that the Planning Commission applied several stipulations to this project, noting that a preliminary plat will not be accepted until there are answers to the issues regarding sewer (when, how, capacity, etc.), along with the required traffic studies. A preliminary plat must be approved, along with grading and construction plans, prior to the issuance of a grading permit and any activity being allowed on the project. He noted that, should this proposal remain dormant, after two (2) years it will revert back to the High Intensity zone. Mr. Langeliers stated that the maximum height for a sign is ten (10) feet, so a variance would have to be granted through the Board of Zoning Appeals should the church request a "large cross", and public notices and signs would be distributed for public notification should that occur.

Roman Kickirillo, 1621 Callie Way Drive in Callie Subdivision, referenced the 250-seat church and what precautions will be taken so that they are not cutting through their neighborhood.

Mr. Langeliers pointed out that both projects are subject to the conditions on the original road plan of the Callie Subdivision and the connection of Watkins Road to Lewisburg Pike; and he is aware of no intention of routing traffic through the subdivision.

Randall McPherson, 1799 Jamison Drive, referenced the zoning overlay being good for two (2) years and at that time, if the project was not started, would they have to come back to the Planning Commission and / or the Board of Mayor and Aldermen to request an extension or present a modification to their plan. Mr. Langeliers stated that to be correct.

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

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

Mayor Heron opened the public hearing.

Tom King with Clifton and King, representing the applicants Conrad and Randolph Matthews, made a brief presentation. He referenced the neighborhood meeting held with the residents of Callie Subdivision and the good questions and concerns they proposed, hoping he was able to address some of their concerns. Mr. King explained how the project began with the County, the traffic issues, three (3) different nodes (commercial, residential, townhomes), with the Floor Area Ratio being far below the Town's requirements, natural buffers by existing trees, etc. He pointed out the four (4) large estate lots that will remain in the Matthews family and are not marketable; and they will use a common driveway that currently serves an existing tower on the hill. Mr. King stated that they are aware of the road and sewer issues that must be addressed before consideration of a preliminary plat submittal. He did note that they have begun research on the sewer, stating that they would like to consider coming straight down Lewisburg Pike with, possibly, a pump station on the corner of

Lewisburg Pike and SR 840; adding that TDOT will allow them to go under the bridge if that is agreeable with the Town.

Roger Revette, 1601 Callie Way Drive in Callie Subdivision, wanted clarification regarding townhomes not being allowed in the County's Suburban zoning, but are allowed under Thompson's Station zoning. Mr. Langeliers stated, to the best of his recollection, that the County's Suburban zone allowed three (3) units per acre, which is what is being proposed; the Suburban zone allowed multi-family but generally speaking, at three (3) units per acre, it is difficult to make the numbers work for multi-family so the County saw very few of these proposals. The County's Suburban zone allowed three (3) units per acre, small lots, multi-family, commercial, retail, offices, churches, etc. - all the uses that are being proposed on both projects were allowed. The biggest issue, and a limiting factor, would be if they could be allowed without sewer and the answer would be probably not without the septic to support the uses.

Mr. Revette also expressed concern with the watershed if these projects should begin at the same time; and again the density and traffic flow.

Michael Butler, 1801 Susan Court in Callie Subdivision, stated that he is not opposed to Mr. Matthews project and appreciates his development of Callie Subdivision. However, he does have a concern about the traffic and how it will be addressed. He noted that if Plan Specific is to approve the plan exactly as drawn, he would like to request this be delayed until the distance from the existing residents can be re-visited and the height of the homes on the hill not tower over the current homes.

Rick Fredette, 1764 Jamison Drive in Callie Subdivision, referenced concerns with the following:

- damages, if sustained, from blasting and their recourse;
- construction times and weekend restrictions;
- construction vehicles through the neighborhood;
- construction debris / mud and dirt; and
- tree-line to buffer the view of the 2 - 3 story townhomes behind them.

Mr. Langeliers stated that the Town's Engineer has the authority to require a pre-blast survey after reviewing the construction plans, or require Letters of Credit or evidence of insurance from the blasting companies. Construction times have been discussed before and this will be addressed in the new Subdivision Regulations, along with more detail on the road protection bonding. The Town does require that binder be down on developments to reduce the amount of mud and dirt brought onto the roads, and the storm water regulations are being reviewed to ensure less erosion, less stream pollution, etc.

Pete Falte, 1780 Jamison Drive in Callie Subdivision, asked what assurances they have that a McDonalds will not move into the proposed restaurant area. He is concerned about a 3-story building looking over them; and the also the drainage into a retention pond that could get blocked causing water in their homes.

Mr. Langeliers stated that there is nothing to prevent a McDonalds from going in there, except that an ordinance has been passed to establish a Design Review Commission, and they will have the authority to limit the design and it may not look like a McDonalds. If this would create a major change in the footprint of the master plan proposed here, the Planning Commission would (at the Site Plan stage) have the authority to say that this is not consistent with the Plan Specific zone overlay that was attached by the Board of Mayor and Alderman, and would have to go through the process for a major revision.

The Town's Engineer is looking into incorporating a set of storm water regulations, other than relying on Tennessee Department of Economic Conservations regulations, that he will be able to enforce for the Town; but still defer to TDEC when needed. Mr. Langeliers stated that we will do our best to make sure that the best practices are implemented for storm water management, erosion control, development detention, and that the post-development run-off is consistent with the pre-

development run-off. The Town will work diligently to ensure that any development, not only here but anywhere in Thompson's Station, is consistent with the best practices and has the least adverse impact possible.

Randall McPherson, 1799 Jamison Drive in Callie Subdivision, addressed the following concerns:

- erosion control;
- buffers along new extension on Miller Drive;
- buffer 3-story townhomes; and
- characterization issues between the two (2) developments.

He expressed his appreciation to the developers for the opportunity to meet with them; and to the Board for this chance to speak.

Noreen Rector, 1762 Jamison Drive in Callie Subdivision, asked what the restrictions will be on the signs and lighting in the commercial and if it could go closer to the highway rather than closer to Callie Subdivision. She opposes the 3-story townhomes in her back yard and would like a guarantee that there will not be another phase of townhomes on the remaining property.

Randolph Matthews, 1669 Lewisburg Pike, stated that the plans presented for the Boards approval are well within the guidelines as set forth by the Town of Thompson's Station; the residents of Callie Subdivision were informed of the potential for further development as recorded in each deed as well as the restrictive covenants; therefore, she respectfully requests your approval of this Plan Specific zoning.

There being no other 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 8:11 p.m. on the 13th day of March, 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; and Lisa Stewart, Town Clerk.

Pledge of Allegiance

Minutes

The minutes of the February 13th, 2007 meeting were previously submitted and were approved unanimously upon a motion by Alderman Napier and second by Alderman Benson.

Announcements / Town Administrator's Report

Planning Commission on 2/26/07

A rezoning request for the Grove at Littlebury development was deferred to next month's meeting. The Commission approved two final plats in the Tollgate development and approved the site plan for the condo units also in that development. The Planning Commission also enacted a six (6) month moratorium on new re-zoning requests; however, they exempted the pending Grove at Littlebury request.

Mr. Langeliers noted the first meeting of the Finance Committee was on February 20th, 2007, and they discussed pressing issues, primarily the funding of a portion of the collection system. There appeared to be a general consensus that the Town may need to seek short term financing sources to create an initial fund balance by which to channel pass-through funds and to provide for any shortfall in revenue that may result in building excess capacity into the collection system. The Public Works Committee was in agreement with this also. Staff would recommend that the Board authorize the Mayor to enter into the agreements needed to secure necessary funding.

Public Works Committee on 3/07/07

Alderman Benson, Chair of the Public Works Committee, stated that they discussed speeding and a way to address it through more enforcement with an appellate process to enforce the speed limits.

The Committee recommended that the Town Administrator follow-up on the recommendations to police and enforce speed limits.

Alderman Benson referenced the Committees discussion regarding the issues with Middle Tennessee Electric Membership Corporation (MTEMC) and continuing to pursue a solution.

Mr. Langeliers stated that he and Mayor Heron did meet with MTEMC representatives and they gave them some assurances that they may not need the sub-station on Critz Lane; and are willing to work with the Town to try to limit the feeder lines to one side of the road. If they are on both sides of the road, it could be temporary until they work toward removing the lesser of the two (2) lines.

Alderman Benson made a motion, seconded by Alderman Napier, that the Town Administrator pursue the need of additional police enforcement and the availability of a Judge for the Town to better enforce the speed limits. The motion passed by unanimous vote.

Mr. Langeliers referenced the copy of the letter of resignation included in the packets from the Town's legal counsel. Staff recommends that the resignation be accepted by the Mayor and Board and that action be taken to obtain new counsel as soon as possible.

Mayor Heron stated that Mr. Larry Craig has been the Town Attorney since its inception in 1990 and served this Town over and above the call of duty.

Alderman Napier made a motion to accept Mr. Craig's letter of resignation. Alderman Benson seconded the motion, which passed unanimously.

Mr. Langeliers referenced a proposal received by other legal counsel, who has been interviewed, and Staff would recommend to accept the proposal if it is the will of the Board.

Mayor Heron stated that the Town has been in communication with Mr. Todd Moore in Franklin, TN, and he was interviewed by himself and the Town Administrator. He noted that Mr. Moore comes highly recommended from the legal community and municipality community.

Mr. Todd Moore stated that he has been practicing since 1992 with extensive municipal experience in small cities and large. He spent approximately two (2) years in the legal department of the City of Knoxville; represented towns north of Nashville; grew up in Goodlettsville and started representing them; several years with UT advising municipalities through them; currently for the last four to five years have handled all the condemnations for the City of Brentwood; and currently represent as Town Attorney the Town of Chapel Hill, the Town of Cornersville, and Marshall County; and has served for the last four to five years, as an outside legal consultant for the Tennessee Municipal League Risk Management Pool. He said he feels qualified for the position and looks forward to working with and helping the Town during this exciting time should the Board so choose.

After discussion, Alderman Napier made a motion, seconded by Alderman Benson, to approve Staff's recommendation to accept Mr. Moore's proposal and engage him as the Town Attorney. The motion passed by unanimous vote.

Old Business

Mayor Heron reminded the Board of the discussion at the last meeting regarding a moratorium and the consensus of all that it was a prudent suggestion. It was determined that this Board does not have the authority to declare a moratorium, therefore it was deferred to the Planning Commission's February meeting.

Mr. Langeliers stated that at the February 26th, 2007, meeting of the Planning Commission, they voted unanimously to enact a six (6) month moratorium on any new re-zoning to be effective immediately and not to extend past August 20th, 2007. The purpose is for the Town to complete a comprehensive sewer plan / sewer assessment.

Alderman Benson added that the Town has been empowered by the legislature to establish a Design Review Commission, and the guidelines and by-laws for that committee need to be completed; as well as determining the members of that Commission. She also noted that overall road designs, along with the Critz Lane project, need to be addressed.

Mr. Langeliers pointed out that we have several who have expressed an interest in serving on the Design Review Commission; and that list will be distributed for the Board's consideration. He also reminded the Board that two (2) replacements are needed on the Board of Zoning Appeals; and hopes that recommendations for both committees can be made at next month's Board meeting.

Alderman Napier, Chair of the Finance Committee, requested that the Public Works Committee have a list of the priorities to be considered for next years budgeting.

Mr. Langeliers informed the Board that at last night's Williamson County Board of Commissioners meeting, they voted to increase the privilege tax / impact fee by \$1.00 per square foot (an increase from \$1.00 up to \$2.00) with a caveat that approximately 30 cents of that going to the municipalities, but that the municipalities return the 30 cents to go back into the schools budget. He understands this will be implemented on July 1st, 2007, so this is something the Board needs take under consideration. Mr. Langeliers pointed out that for an average 3,000 square foot house, it would generate a \$3,000 impact fee; and June will most likely bring a lot of building permits.

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

Alderman Napier stated that he is still not convinced, with either project, that we're where we need to be with either plan, and will be withholding his vote on both items tonight. He feels we are sending a message that may be premature and frankly thinks the Town has a little more work to do. Alderman Napier said he hears a lot of collaboration, talk from the neighbors, and a lot of concerns; and he feels there should be more conversation and fleshing out of these plans, then come back with a re-zoning request.

Alderman Benson reiterated her previous comments as to the decision made by the Planning Commission, and this plan would comply with the previous County zoning; and was sent to this Board with many considerations that have to dealt with before the plan can move forward. Some of the caveats were the traffic and sewer issues, otherwise this project can not proceed.

Alderman Napier stated that he is not against the projects in their entirety, but asked what could be lost in another month from now with all the community discourse and significant issues; items he's still not sure about - townhomes backing up to and towering over other homes, an isolated restaurant site in the middle of a residential area. Alderman Napier said he knows there are a lot of things the Planning Commission can address relating to the commercial and residential buildings, the slopes, and green space; but would like more communication and cohesion.

Alderman Benson stated that the Planning Commission recommended that these two (2) entities work together; and feels that the Planning Commission can be relied upon to deal with these issues.

Mayor Heron added that the Planning Commission approved both proposals with many conditions, that both developers were aware of and agreed to.

Alderman Napier suggested these be referred back to Planning Commission to do more work on the project as it relates to the neighborhood input; then back to this Board.

Alderman Benson stated that she thinks the Planning Commission has the faith that they have the ability to produce, out of both projects, what is desired overall.

Mr. Langeliers pointed out that they will be subject to the Design Review Commission at the point of submittal for the townhomes, and if this body gets too far into the design criteria in the first stages of a re-zoning request, then the body that will review it specifically for design standards later will not have a purpose or job. He explained the re-zoning to be first step in the process where, generally speaking, you decide if the project is acceptable, and not the step where all the details are ironed out; with the understanding that further into the project, sinkholes, etc., could be found that would totally modify the plan, which generally does not happen until the preliminary plat stage. That is why Planning Commission has predicated all the contingencies and conditions to be presented and proved prior to a preliminary submittal.

Mr. Langeliers also indicated the reference of commercial and a restaurant at the concept stage and can be verified in the prior Planning Commission minutes. He noted that had the research been done, via deeds and master plans through the County, then the residents of Callie Subdivision would have been aware that there was a possibility of not only townhomes behind them, but also office buildings, under the County zoning that would have allowed by right a greater intensity.

Mr. Langeliers stated that it was Staff's recommendation to the Planning Commission that these were acceptable plans, which they agreed and approved to recommend re-zoning to send to this body. He said that he's not sure what would be accomplished should this be deferred another month since the details and issues are items that are contingent upon and / or are reviewed at the preliminary plat stage.

After discussion, Alderman Benson made a motion to accept and approve upon second reading Ordinance 07-003 to re-zone Graceland Community Church Development to the Plan Specific zoning district. Mayor Heron seconded the motion.

Mr. Langeliers pointed out that any change and / or modification that is not viewed as an intensification in use, a minor modification or moving of the footprint, generally speaking, those are considered minor modifications to the plan and in some cases can be approved by Staff; but in Thompson's Station, they would have to go through Planning Commission for a determination, with a recommendation from Staff, if it is a minor modification that can approved at Planning Commission. Should they determine it exceeds the intensity originally proposed, then it would go back through the legislative process.

Mr. Langeliers also wanted to make this Board aware that, even though they are voting on the first ordinance, this and the next ordinance on the agenda for The Reserve at Callie are not un-connected. He pointed out that should something happen that Miller / Watkins Road is not extended out to Lewisburg Pike, the Planning Commission, in his opinion, would not approve the church to be routed through the subdivision. Therefore, in that regard, the two (2) projects have a connectivity that is not easy to separate.

Mayor Heron expressed concern in relation to the connectivity of these two (2) projects and what rights / recourse the church would have should The Reserve at Callie not come to fruition. Mr. Langeliers replied that it is well within the purview of the Planning Commission to say that the current road is considered a local road, and until the road required to serve the church becomes a collector that is connected to an arterial (Lewisburg Pike), it is ill-advised that it be used for commercial or institutional traffic. Planning Commission would then have the authority to require that the road be extended to become a collector, or they can not approve the preliminary or site plan submitted.

The motion passed 2 - 1, with Alderman Napier voting no.

Second 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.

Mayor Heron expressed concerns regarding the product type relating to the townhome area, their height, proximity to other residents, and de-value of others property. He asked if the Planning Commission will have control of the height issues and closeness to existing residents. Mr. Langeliers stated that the height of the structures and architectural components are limited under the ordinance, and will also be taken into consideration by the Design Review Commission.

Mayor Heron commended both developers for meeting with the neighbors at the urging of the Planning Commission and asked for a continued assurance that the same spirit of cooperation will continue by working with the residents, minimizing visual impacts, and addressing traffic issues.

After further discussion, Alderman Benson made a motion, seconded by Mayor Heron, to accept and approve upon second reading Ordinance 07-004 to re-zone The Reserve at Callie to the Plan Specific zoning district. The motion passed 2 - 1, with Alderman Napier voting no.

Other New Business

Alderman Napier referenced a letter received from Littlejohn Engineering, and Mr. Langeliers noted that he is working on setting up a meeting with them.

Community Input and Concerns

Don Vizi, of 4746 Columbia Pike adjacent to the proposed Grove at Littlebury, complimented the Planning Commission for the two (2) work sessions held to look at this project. He is opposed to the proposed project for the following reasons:

- it will become a commercial piece of property;
- it goes against the purpose of the Town's Comprehensive Plan, quoting from same;
- for the purpose of selling some of the property to pay for building the church;
- the increase rather than decrease of commercial from the first to second community meeting after the residents complained of too much commercial at the first meeting;
- the lack of interest to move more of the commercial toward the back of the property; and
- the height and density proposed and the effect on the already traffic problems.

He urged this body, should the project go before them, to not approve this proposed development; also adding that he supports the Planning Commission in their declaration of a six (6) month moratorium.

There being no further business, the meeting was adjourned at approximately 9:18 p.m.

Leon Heron, Mayor

Attest: _____
Douglas G. Goetsch, Town Recorder