

Minutes of the Special Called Meeting
Of the Board of Mayor and Aldermen
Of the Town of Thompson's Station, Tennessee
September 25, 2007

Public Hearings:

The following public hearings were advertised on the Town website, postings around Town, and in the September 16th, 2007 edition of the *Williamson AM* newspaper.

A. Ordinance 07-013 Regulating the Operation of Large Trucks Within the Town.

Mayor Heron opened the public hearing.

Robert Jenkins, 1791 Evergreen Road, voiced the following questions / concerns, asking if his remarks and the Board's answers will be in the record. Mayor Heron stated that the meeting is being recorded; and Town Attorney Moore added that this is a public hearing allowing public comments and not necessarily a question and answer procedure. Mr. Moore stated that he and Staff will answer / address any questions as so directed by the Board.

- Are any existing properly permitted projects going to be affected by this ordinance, and if so, how ?
- When referring to three (3) or more axle trucks, is that referring to all axles in contact with the ground ?
- Will this ordinance pertain to empty trucks or only to full trucks ?
- What is taken into consideration when determining whether the road base or foundation is inadequate ?
- In fact, if no reliable studies are present on which to base these assumptions, are we going to post signs restricting trucks without sufficient data to support this ordinance ?
- Will everyone building homes, paving driveways, or graveling a road be required to post a bond if more than one (1) truck per day is needed ?
- Is there an existing State or County statute requiring the posting of a bond in a similar situation and if so, is there a copy available ?
- How can the Town prove that the one posting the bond is responsible if the Town Engineer decides a road surface is damaged ?

Harry Castros, 4000 Randall Lane, asked if delivery trucks will be allowed to travel more than once a day to make deliveries ?

Mac Morel, 1890 Thompson's Station Road West, stated that this ordinance could affect his livelihood because he takes his trucks in and out of his residence. He asked if he would be as responsible for the roads as Civil Construction or the company hauling for SR 840 ?

John Wernet, 1797 Evergreen Road, asked if this will affect the trucks hauling groceries from Spring Hill to Franklin; and how this can be accomplished without interfering in everybody's lifestyle.

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

B. Ordinance 07-014 to Amend the Budget as Adopted in Ordinance 07-006.

Mayor Heron opened the public hearing.

John Wernet, 1797 Evergreen Road, asked the Board to consider how the previous ordinance would affect the Town's budget if you need to hire people to enforce the ordinance by tracking trucks, etc.

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

C. Ordinance 07-015 Regarding Road and Right-of-Ways Management Within the Town.

Mayor Heron opened the public hearing.

Robert Jenkins, 1791 Evergreen Road, asked if this was the first reading for this ordinance? He stated that he has not had time to read the ordinance and how it would affect businesses in Town; noting that he was not made aware of this ordinance earlier.

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

Call to Order:

The special called meeting of the Board of Mayor and Aldermen of the Town of Thompson's Station was called to order at approximately 7:18 p.m. on the 25th day of September, 2007, at the Old Thompson's Station Town Hall (1551 Thompson's Station Road West) 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; Todd Moore, Town Attorney; and Lisa Stewart, Town Clerk.

Second Reading of Ordinance 07-013 Regulating the Operation of Large Trucks Within the Town.

Mayor Heron stated that several questions were raised during the public hearing and are well-taken for consideration by the Board. He addressed the following issues and concerns.

- Fair treatment of everyone, regardless if a Town resident or not; and that the Town is not interested in impacting anyone's livelihood.
- Multiple instances of huge volumes of loaded trucks running through this particular part of Town, impacting the quality of the road, and are coming into Town to dispose of waste materials from construction projects some where else.
- As a Town, the residents and taxpayers of Thompson's Station should be properly protected by the posting of road bond.

Mayor Heron noted that this ordinance may need to be re-worked to possibly create a balance to be fair to everybody. He referenced the number of complaints he gets when the trucks are running through the Town, and the damage to the railroad crossing and the culverts on Thompson's Station Road West. Mayor Heron stated that this is a small town, with a Board that has an obligation to protect the taxpayers by not allow something to continue that may result in an increase in future taxes to maintain our roads.

Alderman Napier stated that he is in agreement with Mayor Heron, as well as points made in the public hearing. He thinks it is important to achieve a balance to prevent an abusive situation from continuing where the Town could be taken advantage of through infrastructure, etc.; while also considering the issues and concerns voiced in the public hearing. Alderman Napier stated that the Town is growing and the Board is mindful of decisions that will improve the quality of life for the Town.

Alderman Benson stated that she thinks most of those speaking against the ordinance are doing so because of their livelihoods; however, she stated that she thinks the reason for this ordinance is because the Town has been abused by the large trucking firms. This ordinance will help protect the roads and enforce the reduction of the truck traffic. Alderman Benson stated that she gets many complaints about the truck traffic and the taxpayers must be protected since they are the ones who would eventually pay for the road repairs; but the comments / questions raised here tonight are valid and she appreciates those being brought to the Boards attention.

Mayor Heron also noted that, in addition to the potential cost of road repairs, there is a fairly significant public safety issue to be considered as well. He indicated a local personal hauler that he has observed that generally obeys the speed limits; and noted an occasion when he personally was following another haulers truck, going at an excessive rate of speed, when it turned over.

Alderman Napier made a motion that the ordinance be reviewed by Staff and Counsel, taking into consideration the points made tonight.

Alderman Benson asked if another public hearing would be required, and Mr. Moore stated that if substantial changes are made to the ordinance, another public hearing would be required.

Mr. Moore addressed a few of the issues brought up, stating that it is not uncommon for Towns to have ordinances regulating trucks, either by gross vehicle weight or by number of axles. Small towns generally go by the number of axles because of the difficulty of enforcing gross vehicle weight. He noted that it was drafted in a manner to try to strike a balance to protect the roads while still allowing a once-daily type of delivery truck. Mr. Moore agreed to re-visit the ordinance for any changes suggested by this Board.

After further discussion, Mayor Heron seconded the motion, which passed by unanimous vote.

Second Reading of Ordinance 07-014 to Amend the Budget as Adopted in Ordinance 07-006.

Mr. Goetsch noted that there were no changes since the first reading of this ordinance.

Alderman Napier made a motion, seconded by Alderman Benson, that the ordinance, as presented, be adopted upon this second reading. The motion passed unanimously.

Second Reading of Ordinance 07-015 Regarding Road and Right-of-Ways Management Within the Town.

Mr. Langeliers noted that this ordinance is directed toward utility companies or other providers that want to work within the Town's right-of-ways and that they be required the necessary permitting.

Mr. Moore pointed out a typographical error in Section 4, stating "Any person that fails to comply with 16-203 . . . , should actually read "..... comply with Section 3 . . . ".

Alderman Benson made a motion that the ordinance, with the above noted typographic correction, be adopted upon this second reading. Alderman Napier seconded the motion, which passed unanimously.

There being no further business, the meeting was adjourned at approximately 7:42 p.m.

Leon Heron, Mayor

Attest: _____
Doug Goetsch, Town Recorder