

Minutes of the Regular Meeting
Of the Board of Mayor and Aldermen
Of the Town of Thompson's Station, Tennessee
April 8, 2008

Public Hearing:

The following public hearings were advertised in the March 24th, 2008 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town.

- A. Ordinance 08-001 to Annex Certain Territory Generally Located South of Thompson's Station Road East and West of Lewisburg Pike, and to Incorporate Same Within the Corporate Boundaries of the Town.

Mayor Heron opened the public hearing.

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

- B. Ordinance 08-002 to Amend the Town's Zoning Map to Classify Certain Properties Proposed for Annexation in Ordinance 08-001 to Low Intensity Zoning.

Mayor Heron opened the public hearing.

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

- C. Ordinance 08-003 to Amend the Town's Budget for Fiscal Year 2007 – 2008.

Mayor Heron opened the public hearing.

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

- D. Ordinance 08-004 to Authorize the Williamson County Sheriff's Department to Enforce Ordinance Violations.

Mayor Heron opened the public hearing.

There being no one 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 7:04 p.m. on the 8th day of April, 2008, 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; Todd Moore, Town Attorney; Wendy Deats, Town Planner; and Lisa Stewart, Town Clerk.

Pledge of Allegiance.

Minutes:

The minutes of the March 11th, 2008 meeting were previously submitted and were approved unanimously upon a motion by Alderman Napier and second by Alderman Benson.

Announcements:

Mr. Langeliers made the following announcements:

- The April meeting of the Municipal Planning Commission has been cancelled due to a lack of submittals.
- A request that agenda item # 9 (Updated Design Review Guidelines) be withdrawn / deferred pending a review / response from the Planning Commission.

Town Administrator's Report:

Planning Commission on 3/25/08:

(next meeting: cancelled)

The Planning Commission, in a five (5) to one (1) vote, recommended the development plan and rezoning request for River Ridge Farms which is on this evening's agenda for first reading consideration.

They also approved a site plan locating two proposed structures on one of the Tollgate Village commercial lots. The Design Review Commission reviewed and approved architectural characteristics of the proposed structures.

Also, Staff has received no requests to be placed on the Planning Commission's agenda for the regularly scheduled April meeting, so that meeting has tentatively been canceled pending agreement by Commission members.

Other:

This agenda is relatively long although most of the items aren't likely to be contentious with the possible exception of the Planned Neighborhood request. This request was recommended for rezoning by the Planning Commission in a vote of five in favor and one against. That recommendation was based on the plan presented at their last meeting. Staff has included the pattern book for that development in this packet. Two items about this proposal have garnered some discussion: namely the application of impact fees to the proposed off site roadway improvements, and making the off site rights of way eligible from a discretionary density bonus standpoint.

Alderman Napier asked if there was a report on building permits and activity, and Mr. King (Town Building Codes Director) stated that there were no permits issued during the month of March.

Old Business:

Alderman Napier commented on the potholes on Critz Lane, and Mr. Langeliers noted that Williamson County Highway Department has been informed and will be taking care of those.

Mayor Heron referenced an e-mail relating to the park (ie: sandbox, toys, playground equipment). Mr. Langeliers acknowledged same, adding that the sand and mulch can be addressed immediately; however, funds may be requested to replace various playground equipment. It will be assessed and presented to the Board for their consideration.

Alderman Napier asked for an update on the sewer treatment facilities. Mr. Langeliers reported an issue being addressed at the main pump station relating to a manhole being installed too low that will need to be raised. The Heritage Commons flow meter has not reflected any big change. Mayor Heron suggested Mr. Bond (Town Wastewater Operator) prepare a report each month to keep the Board posted on both systems.

Alderman Napier asked the status of the culverts to be repaired / replaced on Thompson's Station Road West. Mr. Langeliers noted that the old bids will need to be reviewed for possible upgrades and will be let as soon as the weather allows.

Item 1 - Second Reading of Ordinance 08-001 to Annex Certain Territory Generally Located South of Thompson's Station Road East and West of Lewisburg Pike, and to Incorporate Same Within the Corporate Boundaries of the Town.

A public hearing was held earlier on this item with no one speaking for or against it.

Alderman Benson made a motion, seconded by Alderman Napier, to accept and approve this ordinance. The motion passed 2 - 0 - 1, with Mayor Heron recusing himself.

Item 2 - Second Reading of Ordinance 08-002 to Amend the Town's Zoning Map to Classify Certain Properties Proposed for Annexation in Ordinance 08-001 to Low Intensity Zoning.

A public hearing was held earlier on this item with no one speaking for or against it.

Mr. Langeliers explained that the default zone for newly annexed property is Low Intensity, unless there is a separate request for a different zoning. The zoning changes are minimal in comparison to the zoning through Williamson County.

Discussion continued relating to Riverbend Nursery and that use / function will be annexed and grandfathered in as approved by Williamson County.

Alderman Napier made a motion to accept and approve this ordinance upon second reading. Alderman Benson seconded the motion, which passed 2 - 0 - 1, with Mayor Heron recusing himself.

Item 3 - Second Reading of Ordinance 08-003 to Amend the Town's Budget for Fiscal Year 2007 – 2008.

A public hearing was held earlier on this item with no one speaking for or against it.

Mr. Goetsch noted there have been no revisions since the first reading of this ordinance, explaining the impact from the original budget due to the economy, withdrawal of Wal-Mart, and real estate market. He pointed out that this ordinance could be amended again before its effective date of July 1st, 2008.

Discussion continued regarding projected funds / fees, cash flow, sewer / impact fees, etc.

Alderman Napier made a motion, seconded by Alderman Benson, to accept and approve this ordinance. The motion passed by unanimous vote.

Item 4 - Second Reading of Ordinance 08-004 to Authorize the Williamson County Sheriff's Department to Enforce Ordinance Violations.

A public hearing was held earlier on this item with no one speaking for or against it.

Mr. Langeliers referenced this as a means of enforcing ordinance violations through the assistance of the Sheriff's Department.

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

Item 5 - First Reading of Ordinance 08-005 to Approve the Plan of Services and Annex Certain Territory Generally Located East of Fry Road and West of Cayce Springs Road and to Incorporate Same Within the Corporate Boundaries of the Town.

Mr. Langeliers explained this to be an over-sight from the first annexation, leaving out two (2) parcels and completely surrounding them forming an enclave of unincorporated properties.

After discussion, Alderman Napier made a motion to accept this ordinance on first reading. Alderman Benson seconded the motion, which passed unanimously.

Mayor Heron set the public hearing for this ordinance to be May 13th, 2008, at 7:00 p.m.

Item 6 - First Reading of Ordinance 08-006 to Amend the Town's Zoning Map to Classify Certain Properties Proposed for Annexation in Ordinance 08-005 to Agricultural Zoning.

Mr. Langeliers explained that, as stated previously, the default zoning is Low Intensity; however, the parcels proposed for annexation in this ordinance are surrounded by property in the Agricultural zone. The Agricultural zone allows for less density options, and is no change from the previous zoning under Williamson County.

Alderman Benson made a motion, seconded by Alderman Napier, to accept this ordinance upon first reading. The motion passed by unanimous vote.

Mayor Heron set the public hearing for this ordinance to be May 13th, 2008, at 7:00 p.m.

Item 7 - First Reading of Ordinance 08-007 to Revise Section 2402 "Specific Plan" of the Zoning Ordinance.

Mr. Langeliers explained this was previously adopted as a ten (10) acre minimum plan and this revision will make the minimum one (1) acre. He pointed out the following agenda item as to what brought this to the Planning Commission / Staff's attention; and also related it to a request from a church as well.

After discussion, Alderman Benson made a motion to accept this ordinance upon first reading. Alderman Napier seconded the motion, which passed unanimously.

Mayor Heron set the public hearing for this ordinance to be May 13th, 2008, at 7:00 p.m.

Item 8 - First Reading of Ordinance 07-017 to Re-Zone to "Specific Plan" for Forrest Landscape and Irrigation on 9.69 acres located at 1748 Lewisburg Pike.

Mr. Langeliers referenced the comments on the previous item to correct the zoning ordinance to include existing parcels under ten (10) acres. This was suggested by the Planning Commission to allow this request for the landscaping use on this parcel; and there are similar uses (electric business, a cabinet shop, etc.) around this property.

Alderman Benson noted that the applicant has talked with several of his neighbors and they are not opposed to this proposal. Mr. Langeliers added that he has received a few letters in favor of the request also.

Discussion continued regarding other commercial businesses in that area, hours of business, and existing homes. It was pointed out that this was also covered at the Planning Commission meeting.

Alderman Napier made a motion, seconded by Alderman Benson, to accept this ordinance upon first reading. The motion passed by unanimous vote.

Mayor Heron set the public hearing for this ordinance to be May 13th, 2008, at 7:00 p.m.

Item 9 - First Reading of Ordinance 08-008 to Adopt the Updated Design Review Guidelines.

Staff requested this item be deferred. Some of the illustrations have not been completed; and Staff is anticipating input from the Planning Commission, which will not be until their May meeting since the April Planning Commission meeting is cancelled.

Alderman Benson made a motion to defer this item until the next Board meeting.

Alderman Napier seconded the motion, which passed unanimously.

Item 10 - First Reading of Ordinance 08-009 to Re-Zone to "Planned Neighborhood" for River Ridge Farms located at 1780 Dean Road on 226.69 acres.

Mr. Langeliers stated that this item was recommended by a majority vote from the Planning Commission for re-zoning to this Board.

Alderman Napier referenced the comments made earlier in the Town Administrators Report ("... the application of impact fees to the proposed off site roadway improvements, and making the off site rights of way eligible from a discretionary density bonus standpoint."), noting that he would like those addressed at some point.

The applicant, Ron Lowery with E. Roberts Alley and Associates, was here to represent Cornerstone Development. He presented a rendering of the proposed concept plan, pointing out open space, lots and lot sizes, access points, and possible tree mitigation. Mr. Lowery added that this is a concept plan to be worked through and stated that they are well aware the lot count could decrease. He stated that they have also had meetings with the railroad regarding the proposed bridge crossing.

Mayor Heron referenced a number of e-mails he has received regarding this proposal, some in support and some against. He expressed a few of his concerns to be as follows:

- the proposed road connection to the existing Traders Way road in Heritage Commons;
- an upgrade possibly needed to the Heritage Commons treatment facility; and
- the substantial amount of infrastructure work that will be required by the developer.

He wanted the applicant to address his concerns, adding that the Town is not fiscally capable of taking over a project and finishing it should the developer not be able to complete it.

Mr. Lowery stated that generally, prior to any final plats, performance bonds must be posted in amounts that will cover any obligations that may not be covered.

Discussion continued regarding the liability of the Town relating to any easements being obtained, and Mr. Moore stated that the Town will not assume any responsibility until the road is complete and dedicated to the Town, presumably before any lots are developed and should be considered as a condition of the preliminary plat.

Alderman Napier referenced the Major Thoroughfare Plan in progress and how this would fit in. Mr. Langeliers stated that they are not to the point of evaluating new roadways that might be added to the road system. They are currently working on standard needs, such as culvert repairs and the Critz Lane re-alignment. They are beginning to compile information (accident data, traffic counts, etc.) to present to the Public Works Committee, then to Planning Commission with a recommendation to this Board.

Discussion continued regarding the following issues / concerns:

- the safety aspect of having another railroad crossing, the quality and esthetics of the bridge;
- a road connection to Traders Way (Heritage Commons) near the schools;
- a traffic study reviewed by a consultant / traffic engineer for the Town;
- costs to the developer; and no financial obligation from the Town;
- contingencies placed on this proposal in the Planning Commission's recommendation;
- possible expansion of the Heritage Commons sewer facility;
- appropriation of their impact fees;
- consideration of a development agreement with the Town; and
- number of lots and the discretionary density bonuses.

Mr. Moore stated that the conditions placed by the Planning Commission are primarily issues that will be dealt with as a preliminary plat is submitted and a development agreement is reached. He noted that it could be premature to enter into a development agreement before seeing a preliminary plat envisioning the final plat. Mr. Moore noted that it would probably be best to reserve any conditions that go beyond the intent to re-zone from Low Intensity to Planned Neighborhood until a preliminary plat is seen. He also explained that the Town can not assume responsibility of a private road until it is deeded to the Town, nor commit to any financial responsibility. Performance bonds / Letters of Credit are required from the developer for that insurance.

After further discussion, Mayor Heron asked the developer, Harry Mingi, about the options of a vote now or a deferral to next month. Mr. Mingi stated that there has been several concerns raised about the cost of this project and he would like a vote be taken on this tonight so that he might have some direction from this Board as to whether to move ahead or not.

Alderman Benson made a motion to approve this re-zoning ordinance on first reading, and a development agreement received prior to second reading. Mr. Moore clarified that this is a legislative act with an ordinance prepared for re-zoning certain parcels from Low Intensity to Planned Neighborhood.

Mayor Heron seconded the motion, reiterating the Board's issues of the applicant meeting with the concerned neighbors, and that a document be delineated between the developer and the Town before second reading of this ordinance. The motion passed 2 - 1, with Alderman Napier voting no.

Mayor Heron set the public hearing for this ordinance to be May 13th, 2008, at 7:00 p.m.

Item 11 - First Reading of Ordinance 08-010 to Approve the Plan of Services and Annex Certain Territory Generally Located South of State Route 840 and East of Highway 431 and to Incorporate Same Within the Corporate Boundaries of the Town.

Mr. Langeliers explained this to be a housekeeping item to include a parcel that was voted into the Town in the referendum, however was not included on the annexation ordinance when it was written up.

Alderman Napier made a motion, seconded by Alderman Benson, to accept this ordinance on first reading. The motion passed by unanimous vote.

Mayor Heron set the public hearing for this ordinance to be May 13th, 2008, at 7:00 p.m.

Item 12 - First Reading of Ordinance 08-011 to Amend the Town's Zoning Map to Classify Certain Properties Proposed for Annexation in Ordinance 08-010 to High Intensity Zoning.

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

Mayor Heron set the public hearing for this ordinance to be May 13th, 2008, at 7:00 p.m.

Other New Business:

Alderman Benson asked for an update on the Bryant situation. Mr. Moore stated that we are in the process of getting a formal appraisal of the property for a final settlement; but a tentative settlement has been reached that gives us right of possession and entry to the property and he hopes to have a settlement by the end of this month.

Alderman Napier suggested a consideration of protocol / procedure at a public hearing / second reading, that the applicant be prepared to make a presentation prior to the public hearing for anyone who may have missed any previous presentations.

Community Input and Concerns:

Steve Hockett, 1795 Thompson's Station Road West, would suggest the developer make a presentation since word-of-mouth has a tendency to perceive a development to have a negative impact on your community. He moved to the country to live in the country. He would like consideration of school safety and traffic issues, and maintaining the rural setting of Thompson's Station. We have ordinances in place to guarantee current land uses. There has been no information

on the size / price of the proposed houses that may not be affordable to most people, leaving empty houses or empty lots in the place of a beautiful, pristine country setting.

George Williams, 1741 Dean Road, has been at Dean Road for three (3) years and is involved in what he learned after 20 years in Brentwood - communications. The anxiety, anger, and animosity has been because of poor communications. It was underhanded and very sneaky with no input whatsoever. Communicate and talk to us. The preliminary traffic study said there will be 5,000 cars a day from this community and there is no physical way Heritage Commons can handle that.

Patty Williams, 1820 Cayce Springs Road, has issues with the size of the lots - they are way too small; and she has a problem with the houses being ten feet (10') away from each other.

Judy Russell, 1721 Dean Road, owns a farm that they have developed into a horse breeding and training facility, and has grave concerns about the water that will be coming off of this development site. Her main concern is about flooding and her property floods now when there is a significant amount of rain. She is also concerned about the chemical run-off and the effect on the waterway; and thinks this development will ruin her business. Ms. Russell has concerns about pollution, noise pollution, and traffic.

Brian Parnell, 1755 Dean Road, moved from Buckner Road when there were only two (2) developments and Spring Hill began clustering homes around them. He now has a great view and is not sure about the view and if the clustering is appealing to him. He also noted concern with the impact on the school system when they already have portables there.

Nathan Johnson, 2725 Standing Oak Drive, pointed out that he noticed some type of traffic study or traffic count was being conducted during spring break and he was curious as to why. Mr. Langeliers stated that it could be the City of Spring Hill since they are in the process of re-sequencing their traffic lights. TDOT has a count station located at the BP station that it could have been; and also a market study is being conducted for that corner area as well. Mr. Johnson stated that his concern is that the timing couldn't have been worse since the number of vehicles through there would be greatly different if school had still been in session.

Mr. Langeliers encouraged everyone to check the Town's website, referencing comments about making others aware of what's going on, lack of communication, more public hearings, etc., and he noted that the Town's meetings are part of that communication process and this is evidence that it is working. Most people affected / involved are showing up or calling, and there will be another opportunity where there will be signs posted for the next public hearing. He emphasized that the meetings need to be recognized as a part of that communication process.

There being no further business, the meeting was adjourned at approximately 9:40 p.m.

Leon Heron, Mayor

Attest: _____
Doug Goetsch, Town Recorder

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