

Minutes of the Regular Meeting
Of the Board of Mayor and Aldermen
Of the Town of Thompson's Station, Tennessee
August 11, 2009

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 7:00 p.m. on the 11th day of August, 2009, 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; Richard King, Building Codes Official; and Lisa Stewart, Town Clerk.

Pledge of Allegiance.

Minutes:

The minutes of the June 9th, 2009 meeting were previously submitted, and were approved unanimously upon a motion by Alderman Benson and second by Alderman Napier.

Announcements:

- Mr. Langeliers stated that we have been asked to agree to allow the contractor to close a portion of Thompson's Station Road West between Carters Creek Pike and Cayce Springs Road for construction on the bridge. They have talked to the property owners that will be affected and there doesn't seem to be any reason not to agree with them.

Alderman Benson asked if this road closing will be posted on the website; and Mr. Goetsch stated that it can be.

- Mr. Langeliers also pointed out that we have talked about windmill standards and some temporary events standards that we are planning to present to Planning Commission and probably back to this board the following month, as modifications to the Zoning Ordinance.

Town Administrator's Report. (copy in file)

Alderman Napier referenced a question raised at a BZA meeting regarding the methodology for applying for signage, discussing the process with the Town Administrator with various exceptions and variances to meet the standards that are set. He still has concerns that things are being done that are not going through the process and he prefers that we do not set a precedence by letting it go unacknowledged and remain out of compliance.

Mr. Langeliers stated that he is aware of signs that occur every weekend that are not permitted, and suggested a call or e-mail for Staff to check on. Alderman Napier stated that his concern is for the ones that are permanent and he'll contact Staff with those.

Alderman Napier also pointed out some settling where the sewer was installed under Thompson's Station Road West and asked if we are going to do anything to level it back out since this is a heavily traveled intersection. Mr. Langeliers replied that it will be looked into.

Alderman Napier referenced lot maintenance with absentee owners that are not getting their lots mowed, noting one in Pecan Hills. Mr. Langeliers noted that the lot owner in Pecan Hills is generally notified about twice a year, and they usually take care of it; however, he did point out that some letters went out this week regarding lot maintenance, with more to follow, based on the ordinance relating to this.

Old Business:

Mr. Langeliers stated that the culverts have been replaced on Thompson's Station Road West and we are awaiting the guardrails, hopefully to be installed in the very near future.

We have gotten the notice to proceed on the Safe Routes to Schools grant and there's a little bit of an issue as it relates to part of the plan, indicating the hand-out showing the plan.

The plan was to extend the walkway from the upper pavilion in the park, over the hill to be tied into the school property, connecting to the ballfields at the school.

The other portion, in two (2) sections, will be to connect the two (2) schools and put in the crosswalks.

When looking at the topography to get from the upper pavilion to the top of the hill, the slopes are pretty excessive. The easiest way would have been to go through an adjacent property. The property owner had been talked to early on, was optimistic to work something out, we had the plan drawn up that way, and since then, the property owner has indicated they are not interested in negotiating an easement or any access through their property. We did get an appraisal to find out what it would cost were we to get through there and to look at what our options might be. The appraisal of that was \$75,000, to which Mr. Langeliers noted the following:

1. He doesn't think we have the money;
2. He doesn't think the property is worth the money; and
3. It might not be a good idea.

Mr. Langeliers noted in the hand-out theoretically what our options are: to either go ahead with phase one (1) of the route that connects to the schools, bid that part, and get that part done. Then either see if we can re-design something to try to stay on the park property, which connects to this property in the back, but it might cost more than \$75,000 to do that (above and beyond what is in the

grant money) so it might not be possible. It may be that our option is to go ahead and do the first phase, then either wait for another time in the future or apply for another Safe Routes grant.

Mr. Langeliers pointed out the deadline is July of next year and the sooner we get the phase one complete, there may be enough time to figure out what we'd like to do in the next phase.

Alderman Benson asked if there may be other grants available and Mr. Langeliers replied that there probably are; however, with the tougher topography creating more costs to maintain in the future, there will be topography restrictions connected with any grant.

Staff has a meeting tomorrow with HMB (engineering consultants for the project) and will suggest getting through the park property without getting on the adjacent property; and go ahead and bid the front part to get it done, unless directed otherwise by this Board.

Alderman Napier commented that he would hate to spend the taxpayers money to go over the hill with the tougher terrain to connect to the park if it doesn't serve a purpose in the mean time.

Alderman Benson added that when the property was originally bought and designed for the park, there were thoughts of a more rigorous trail to be continued to the top of the hill; and this would fit into that idea.

After further discussion, Mayor Heron agreed that Staff move forward with the bidding of the front phase.

Item 1 - Second Reading of Ordinance 09-009 to Re-Zone Holmes, Dunn, and Simms Properties located on Lewisburg Pike to Planned Commercial.

Mrs. Deats reviewed the request.

- A. **Public Hearing for Ordinance 09-009** (as advertised in the July 27th, 2009 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town).

George Ross, 2808 Critz Lane, has the property to the west side of the property requesting the zoning change. He stated he does not have a problem with this and would like to see this go through. With as many accidents, several fatal, he knows we will eventually have a traffic signal there; making it a safer place. He also believes, based on the proposal, it is something that will make his community a nice area.

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

Alderman Napier noted that he has personal concerns with zoning property for the sake of re-zoning if there's not intent to use the property within short order. Given the economic slow-down, developments that are really struggling now, and the impact that it will potentially have on the taxpayers in the Town, raises several quality issues – water quality, quality of life, quality of roads without the last layer of asphalt – putting the Town and others at risk. He doesn't like to re-zone unless there are immediate plans, and referenced the Town's ordinance that if something is not done within a certain amount of time it will revert back to it's prior zoning.

Mr. Langeliers stated that Staff is in the process of amending that particular section, but yes, if there is no activity after the first year it is brought back before the Planning Commission; then reverts back after the second year. Staff is looking at amending it for Planning Commission's direction rather than an automatic reversion.

Mayor Heron shares Alderman Napier's concern, but is not bothered by this particular request since a parcel directly to the north has been zoned similarly and there are commercial elements to some of the properties across the street.

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

Item 2 - Second Reading of Ordinance 09-010 to Zone Parcels Annexed in the November 2008 Referendum to Planned Neighborhood.

Mrs. Deats reviewed the request.

- A. **Public Hearing for Ordinance 09-010** (as advertised in the July 27th, 2009 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town).

Lyman Black, in Harpeth Woods Subdivision, is in direct view of most of the property that is being referred to and wanted to make everyone aware of the following issues and concerns:

- a lot of the property is not being used in a consistent manner with which it is currently zoned;
- unsure about the proposed zoning with twenty percent (20%) commercial and how it would relate to the property in question, but if any is to be used in a commercial manner, that all the requirements and guidelines be put into effect; and
- a lot of the property is currently in violation based on rulings by Williamson County that has been forwarded to Town Staff.

Alderman Benson asked what Mr. Black is referring to, and Mr. Langeliers replied that, unbeknownst to Staff, when this referendum was presented, these parcels wanted to become part of Thompson's Station for a couple of reasons – one of those being the anticipation of sewer being made available to them. After some time, we learned that there was an action being taken for a

violation of Williamson County's regulations as it related to a residential business that was on one of the sites that was under the annexation referendum. There are two (2) properties in this area that have residential uses and non-residential uses – both of them having landscaping components. He stated that he does not think that the M & M Landscaping has ever been approved as a residential business, nor does he think it could be under the County's regulations. Mr. Langeliers said they will have the same issues with the Town and we will have inherited those issues. He explained that part of the reason Staff wanted to go with the Planned Neighborhood zoning was so that it wouldn't create non-conforming uses out there. Mr. Langeliers noted that we will have to contact the two (2) property owners, that he thinks Mr. Black is referring to, and make them provide evidence that they had an approved use under Williamson County for their existing use, or bring a site plan to Planning Commission and possibly our Board of Zoning Appeals. The Town will then have an obligation, regardless of the zoning, to bring it into compliance or require de-construction.

Mayor Heron pointed out that the public hearing is still open and asked if there were others wanting to address the Board. There being none, the public hearing was closed.

Mr. Langeliers stated that Staff has had preliminary discussions with the property owners and is anticipating that we'll be able to work with that entity to provide the buffer, work on any visual or noise impact, and impact on traffic on Lewisburg Pike.

Alderman Napier asked for clarification since it would appear M & M Landscaping would be considered 'grandfathered' since they have been operating for years. Mr. Langeliers stated that M & M had been operating in a little building adjacent to A & D Market, then moved over to a residential parcel. Then they constructed a rather large metal building that created the scale issue that he is referring to that will need to be dealt with; and he thinks the Planned Neighborhood zoning will give Staff the most room to bring this in to some sort of compliance and to try to work something out with minimum impact on the neighboring subdivision.

After further discussion, Alderman Napier made a motion to accept and adopt this ordinance. Alderman Benson seconded the motion, which passed unanimously.

Item 3 - Second Reading of Ordinance 09-011 to Modify Zoning to Recognize Property / Easement Dedication for Density / Intensity Bonuses.

Mr. Langeliers reviewed the request.

- A. **Public Hearing for Ordinance 09-011** (as advertised in the July 27th, 2009 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town).

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

Alderman Napier made a motion, seconded by Mayor Heron, to approve and adopt this ordinance. The motion passed 2 – 0 – 1, with Alderman Benson abstaining.

Item 4 - First Reading of Ordinance 09-012 for a Minor Revision to the Permitted Use Chart Regarding Religious Facilities.

Mrs. Deats reviewed the report, recommending this ordinance be moved to second reading.

Alderman Napier asked, with Kroger and CVS selling beer in proximity to the schools, what is the setback requirement if someone wants to open a liquor store in Heritage Commons. Will there be an issue because a church now meets there? Mr. Langeliers stated the separation requires three hundred feet (300') from building to building; however, that definition may need to be refined, especially if it's in a multiple-use building.

Alderman Benson asked if a separation applies from liquor stores to day cares / pre-schools, and Mr. Langeliers replied that he does not know if day cares / pre-schools are considered a commercial activity or is included in the definition of schools. Mr. Moore, Town Counsel, noted that he's not sure if it's defined that specifically in our ordinance.

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

Mayor Heron set the public hearing for this ordinance to be September 8th, 2009.

Item 5 - First Reading of Ordinance 09-013 to Re-Zone the Franks and Darby Properties located on Columbia Pike.

Mrs. Deats reviewed the report, recommending this ordinance be moved to second reading. She also noted that this is a historical site with a conservation easement on this property.

Mayor Heron clarified that the Franks' property is in a Land Trust while the Darby's is not.

Mr. Langeliers also added that a request has been made for the Franks' site and is on the next Planning Commission agenda.

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

Mayor Heron set the public hearing for this ordinance to be September 8th, 2009.

Item 6 - First Reading of Ordinance 09-014 regarding Codification of the Town's Municipal Ordinances.

Mr. Goetsch distributed the ordinance and reviewed the history of this request to MTAS.

Mr. Moore noted that this is basically a compilation of all the ordinances of a permanent and continuing nature that have been adopted since the Town's incorporation. He has reviewed the draft, adding that MTAS has done a very good job, with very few errors to be corrected (generally of a typographical nature) and one ordinance that was omitted. Mr. Moore will return his marked-up copy to MTAS, but is not sure what their turn-around time will be to consider the next review by this Board.

Alderman Napier asked if this should be reviewed by any of the other committees (BZA, Public Works, etc.), and Mr. Moore noted that it would be to our advantage to take the opportunity for any changes or updates being considered since any revisions submitted now are covered under the initial cost; and there is no urgency in passing this ordinance. Mr. Goetsch added that the initial cost was about \$3,400 and will be approximately \$400 per year for MTAS to keep the codification updated.

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

Mayor Heron set the public hearing for this ordinance to be September 8th, 2009.

Item 7 - Resolution 09-002 Supporting the General Motors Facility in Spring Hill, Tennessee.

Mr. Langeliers stated that this was at the request of one of the Williamson County Commissioners to show our concern for keeping this plant open.

Mayor Heron asked if this resolution is the wording provided to us by the County, and Mr. Langeliers stated that to be correct.

Mayor Heron said, based on the current situation with General Motors, he would suggest amending the resolution to state a copy also be submitted to the President of United States and his 'Car Czar' appointee Ronald Bloom. He whole-heartedly supports this resolution but thinks it appropriate to amend it.

Mayor Heron made a motion to approve the resolution with the above noted amendment. Alderman Napier seconded the motion, which passed unanimously.

Item 8 - Resolution 09-003 to Prohibit Handguns on Town Properties or Other Similar Public Places.

Mr. Moore reviewed the resolution to opt-out from the legislature passed this session.

Mayor Heron asked, if the Board were to opt-out as proposed by this resolution, at a later date, could we opt-in if we felt it was appropriate. Mr. Moore replied yes, that this resolution could be rescinded at some further date to fall under the general law.

Mayor Heron noted that typically resolutions are not subject to public comment, but if the Board has no objections, he would like to open this for anyone wanting to address the Board. All were in agreement, so Mayor Heron opened the floor.

George Ross, 2808 Critz Lane, stated that he is a firm believer of the second amendment rights and as a small town, we will probably not have any problem with drug dealers, robbers, etc.; however, he feels we are allowing too many of the smaller groups to override the feelings of others. He thinks the people of Thompson's Station should be allowed a notice that the Town is proposing this and get their feelings on it. Mr. Ross noted that he has no problem opting out for our small community at this time with a chance to opt-in if we want; but being a firm believer in the second amendment rights, a member of the armed forces for twelve years, and also having been a victim of being robbed at gun-point, he just feels we should be able to protect ourselves.

There were no others wishing to address the Board.

Mayor Heron stated that he will vote to opt-out of guns in our park, but commented that he has had a permit to carry, owning handguns and weapons – he believes our park is unique in that it is very passive, primarily utilized by moms with little kids and some senior citizens who use the walking path, and he totally respects an individuals right under the second amendment to bear arms. Mayor Heron pointed out that the Williamson County Sheriff's Department does a tremendous job in this Town and is in our park at least three (3) times a day – referencing an incident this past weekend. He stated even though a person may have a gun carry permit, it would not necessarily keep them from accidentally dropping a weapon and injuring someone else.

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

Other New Business:

Alderman Napier asked for a budget update in this tight economic time, indicating the information distributed, for the benefit of the public.

Mr. Goetsch noted that the Kroger Marketplace is doing well, we are now receiving their tax money – which is reflected in and helping the budget immensely, and we do not have any issues in the general fund. The wastewater fund, as expected, is tight and will probably continue as such throughout the year; however, the general fund and cash balances are strong.

Mayor Heron added that the tax revenues were up from last month's also.

Community Input and Concerns:

M. L. (Shorty) Pugh, 1778 Thompson's Station Road West with agricultural interests at 1784 Thompson's Station Road West, stated that his concern is the growing amount of bicycles on our roads that is presenting a safety issue. As the safety director at his place of business, safety is a big priority for him. He has witnessed bicyclers – four and five (4 & 5) abreast going down the road, obstructing people from passing on these winding, hilly roads. Mr. Pugh referenced this last week, on West Harpeth and Sedberry Road, he had two (2) bicyclers in front of him riding side by side taking up an entire lane going up a hill. He had a hill, a curve, and another hill up ahead and was watching for a chance to pass, and as soon as he took an opening to go around them, another set of bicyclers top the hill coming towards him. Fortunately, he was able to stop without an accident occurring. Mr. Pugh would like us to look into the possibility of some rules and regulations for bicyclers in the Town. He thinks the City of Brentwood has already adopted something. He suggested considering the width of the roads and the amount of shoulder on the roads. Mr. Pugh stated that he has no problem with a couple of local residents, that pay Town and County taxes, riding on our roads; but it is a problem when they come in from Nashville posing a hazard on our roads. This is still an agricultural community with tractors and more of a safety issue since tractors can't move as fast as a car. He does not want to see the Town involved legally because of an accident and would like to see it investigated for some kind of resolution.

Graham Russell, 1721 Dean Road, wanted to thank everyone for all that you do and all the hard work, and thinks the Town is well served by what has been done particularly in the last year with the downturn in the economy and the challenges in this Town – each and everyone, Town Staff and Elected Officials have done a great job and he appreciates it. Mr. Russell came tonight to talk about the bicycle issue as well and wanted to add a couple of things, not to overstate the obvious. The Town is on a list now, in published books, and on the internet of best bicycle routes in Middle Tennessee, and it is a growing concern. He referenced three (3) weeks ago when there was a bike ride with approximately 900 riders on the road and he, along with others, were moving hay that day, and it was also garage sale day. He offered a solution of information / education, noting one large bicycle club in Middle Tennessee that is the Harpeth group. Mr. Russell suggested signs as reminders, maybe at the park and one at the caboose, and offered to donate the money for the signs and offered anything he and his wife, Judy, could do to help.

Mr. Russell also wanted to point out that Dean Road is becoming almost un-drivable. It has been patched so much that he is afraid we could lose the road – there are areas washing that could be creating structural issues. He realizes these are tight times, but would ask that it be looked at.

Mayor Heron asked that Staff investigate the Brentwood regulation referenced by Mr. Pugh, and something brought back to this Board next month. He commented that any one frequenting this side of Town has run into this problem brought up by Mr. Pugh and Mr. Russell and most bicyclers are not local residents. He would like to communicate with the Harpeth Bicycle Club to try to accommodate everyone; but can not afford the risk to bicyclers, vehicle drivers, or Town residents.

Alderman Benson asked Staff if the ordinance that's being worked on relating to permits for special events have affected the 900 person bicycling event that occurred a few weeks ago, requiring a permit; noting it did seem to have a significant impact on our roads. Mr. Langeliers stated that it probably should have gone through the BZA as a special event, adding that another item to be brought before this Board will be to divide the special uses / events with deciding characteristics to be if it effects more than one (1) property and / or roadway(s). Staff noticed the sign and tent for the event, meeting after the event with representatives of the church, making them aware that that type of an event will probably need to go before the BZA next time.

Mayor Heron agreed that Dean Road is a problem and more than just a re-surfacing issue. Alderman Napier asked how long Dean Road is, and Mr. Russell said it is approximately 1900 feet from the Pewitt property to the Welch property.

There being no further business, the meeting was adjourned at approximately 8:27 p.m.

Leon Heron, Mayor

Attest: _____
Doug Goetsch, Town Recorder

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