

**Minutes of the Meeting**  
**Of the Board of Mayor and Aldermen**  
**Of the Town of Thompson's Station, Tennessee**  
**September 14, 2010**

**Call to Order:**

The 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 14<sup>th</sup> day of September, 2010, at the Thompson's Station Community Center with the required quorum. Members and staff in attendance were: Corey Napier, Vice-Mayor; Sarah Benson, Alderman; Daryl Stevens, Alderman; Greg Langeliers, Town Administrator; 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 August 10<sup>th</sup>, 2010 meeting were previously submitted, and were approved unanimously upon a motion by Alderman Benson and second by Alderman Stevens.

**Announcements:**

Mr. Langeliers suggested the Board consider moving 'Community Input and Concerns' to be held after 'Announcements' since there are a number of people present that would like to address the Mayor and Board; and get that accomplished first.

---

Mr. Langeliers reminded everyone of the Town's Fall Festival on October 9<sup>th</sup>, 2010.

---

Mr. Langeliers informed everyone that TDOT notified the Town that we were again not selected for grant funding through the Transportation Enhancement Program.

**Community Input and Concerns:**

Mr. Langeliers suggested a spokesperson for the group, asking that there not be a great deal of repetition; noting that it may be that this Board listen, make notes, and go from there.

Vice-Mayor Napier noted his appreciation for the number of those present, and that he is aware of the concerns in Town. He asked that comments be limited to a few minutes in the interest of everyone's time.

Bob Cietek, 3061 Americus Drive in Tollgate Village, stated that the homeowners got together as a group, and then also met with Mr. Carbine regarding several issues and questions as follows:

- They have been told that the 43 acres of drip field is part of the litigation pending between the Town and Carbine and Associates. What amount of land is required based on the units built, including commercial, by deed or easement in the Tollgate community for drip fields?  
Mr. Langeliers stated that we do not know without checking the number of units.

- Is it based on the number of units that are built in that community ?  
Mr. Langeliers said not exactly. The amount of land is associated with the Town's permit to treat from the Tennessee Department of Environment and Conservation.

- Can it be an easement or does it have to be deeded?  
Mr. Langeliers stated that our regulations require that it be deeded.

- Is there any issue with the location of the drip fields? They have been told they're located behind their pool area in the flood zone.  
Mr. Langeliers said that is the correct location.

- Is this drip field for Tollgate Village only?  
Mr. Langeliers replied no, it is for the permit.

- What would be the process to look at an easement or move forward with the process of deeding the 43 acres? Their understanding from the developer is that land belongs to the Homeowners Association and they have the right to say if it is to given over to the Town.  
Mr. Langeliers stated that someone would have to research the deed to that property.

Chuck (Charles) Bistline, 3056 Americus Drive in Tollgate Village, stated that they hear things and are not sure what it accurate since communication is not that great, although he's told it's going to improve. He and his wife Linda have lived there for three (3) years without a topcoat, and the lot next to him was never mowed until it's recent purchase; but in spite of all that, they love Tollgate and the neighborhood-kind of environment. He said this was very helpful tonight to maybe separate fact from fiction. Why is the issue of whether land is deeded, or if there's an easement, being talked about now? Wasn't there some agreement on the front-end of this development that specified this?

Mr. Langeliers stated that when the developer brought this project to the Town, our sewer ordinance required that that be deeded. The reason it has not been deeded, to this point, is because we're still a long ways from having any water to put on it; and the developer had been reluctant to deed it.

Mr. Bistline said that they love their development, but do not want to be pawns in some kind of game going on between the developer and the Town. It's not fair to the homeowners, and it would seem that reasonable people could work this out.

Tisha Holden, 3077 Americus Drive in Tollgate Village, asked if the requirements mentioned for the drip fields are required of all the developments? Mr. Langeliers stated that it is required of all the developments that are on the sewer system.

Ms. Holden asked if the other developments – Bridgemoor Village, etc. - have deeded their drip fields? Mr. Langeliers replied that they have not.

Ms. Holden asked if they are in a lawsuit as well, and Mr. Langeliers stated that they are not, as of yet.

Doug Hertrich, 3833 Somers Lane in Tollgate Village, said that at this point, they feel they're in the middle of this. They've been told that building permits will not be issued in their development until this issue is resolved.

Alderman Benson noted that it is not only the drip field situation, but the failure of the bonds.

Mr. Hertrich stated that it is hurting them as residents of the Town, as well as their home values; and it is in everyone's best interest to be resolved. He noted that they have streets that are very poorly lighted, and the developer told them he would not be able to put lights in because he would need authorization from the Town.

Mr. Langeliers stated that has not been communicated to the Town and this is the first he's heard about it.

Mr. Moore, Town Attorney, stated that there is not an injunction or anything in the notice of suspension of the plat that would prohibit the developer from making any of those type of improvements.

Mr. Moore explained that the lawsuit pending includes claims for the Letters of Credit, as well as the drip field issue. He noted that it is his impression that the failure of the Letters of Credit and the inability of the developer to make good on those Letters of Credit, are what precipitated the lawsuit when it was being filed. Mr. Moore suggested they look at the pleadings and what has been involved in the lawsuit, and it may answer some of the questions regarding the dispute between the Town and Tollgate Village.

Mr. Moore went on to give a brief history of the suit and its status. He stated that the Town has been receptive all along to negotiations to try to reach a resolution, but our position is that any resolution would require that the improvements be completed or that the Letters of Credit be reinstated; and the Town has not received any positive feedback from the developer.

Jimmy Ferrell, 3060 Americus Drive in Tollgate Village, asked what improvements are required of the developer.

Mr. Langeliers stated that the developer is required to either build all of the infrastructure up front or put in a portion of it and put up irrevocable letters of credit to insure that the rest of it gets completed. Typically what they do is put the binder down, put in the drainage structures (that typically stick up 1 ½ inches because that's what the topcoat is supposed to be); then the irrevocable letters of credit are put up to insure that the topcoat is put down, and that any repairs are made to the binder that may be needed, repairs to broken curbing, or loose drainage structures, and the final topcoat is put down. This is all supposed to happen before the Town accepts the responsibility for the perpetual maintenance of these roadways. An evaluation of the work needed to be completed for all the sections that have the binder down came to approximately \$600,000 worth of work to be done. Mr. Langeliers added that it has also been discussed getting individual letters of credit from each one of the builders to insure any repairs needed that they may cause.

David McClendon, 2936 Americus Drive in Tollgate Village, asked if the dispute on the bond issue is between Mr. Carbine and the eleven banks that are holding up progress, or between the Town and both parties involved.

Mr. Moore stated that the developer is responsible for posting the letters of credit, and the Town does not have a direct connection with the investors.

Brad Wilson, 3064 Americus Drive in Tollgate Village, asked if the '80% build-out' is based on the entire subdivision or per section. Mr. Langeliers replied that it is based on per section, and also on how it is bonded.

Mr. Wilson asked if there may be some areas that the developer could be pushed to complete, and Mr. Langeliers noted that there probably are and the Town would welcome any movement from the development team. The Town is waiting on a response from them.

Mr. Wilson stated that, as homeowners they are of the understanding that a vast majority of the budget goes for the electricity for the street lights; and are being told by the developer that it is something the Town should have already acquired and be paying the electric bills. Mr. Langeliers stated that the electric issue is an equity issue. There has never been any movement on the part of the Town to agree to pay the electric bills in the subdivision. Some municipalities do, but the problem with the Town is that, of the approximately eight (8) other subdivisions, none have street lights. If the Town begins paying the bill for the street lights in Tollgate Village, then every taxpayer in Thompson's Station is helping to pay for those electric bills even though they don't have street lights themselves. There is really not a fair and equitable way for the Town to do that.

Debra Bender, 2960 Americus Drive in Tollgate Village, stated that she is assuming the tax payers money is going toward the lawyer the Town is using for the lawsuit against Tollgate; and she noted that the Town has other subdivisions that also should deed the Town land and have not done so but the Town has not filed a lawsuit against them. She asked how the Town is making the distinction to file against Tollgate but not some of the other subdivisions. Mr. Langeliers explained that the 43 acres in Tollgate were presented to the State (TDEC) by TS Basin Builders (which included the Tollgate Village developer) as property to be used as drip fields, enabling the permit to be obtained for the sewer facility. This distinguishes this drip field area from drip fields in other subdivisions. He also noted that the letters of credit in all the other subdivisions are current.

Cliff Goff, 3136 Natoma Circle in Tollgate Village, asked how long this could go on and what length of time the Town will hold the developer responsible. He asked, as a Home Owner Association member, should they pursue having representation and get legal counsel. Mr. Langeliers stated that he would never discourage it.

Graham Shepard, 3120 Natoma Circle in Tollgate Village, expressed concern over the amount of time this could take. He pointed out that the homeowners were told that they had the power over the 43 acres referenced for the drip fields, but since the Town is suing the developer rather than them, who really has the power to deed that property. Mr. Moore stated that to be a reason that would strongly suggest that the homeowners would need legal representation. Mr. Moore noted that he has not checked the title, but he does not believe that the 43 acres are titled in the name of the Home Owners Association. Mr. Langeliers also pointed out that, even if it is titled to the Home Owners Association, he believes that your homeowner documents state that the developer has the controlling vote until a reasonable build-out.

In closing, Bob Cietek asked that they have access to a copy of the lawsuit / pleas, the Town's regulations requiring the deeding of drip fields, and the plans submitted to the State identifying the 43 acres. As a more informed community, they will try to coordinate and facilitate between the parties involved.

---

Rebecca Wynd, Director of Outdoor Encounter, addressed the Board requesting permission of the Town to use the back section of the park for multi-use single track trails. Maps and the proposal was distributed and reviewed, allowing Outdoor Encounter access to the park property for this project. This will be the beginning of a community-wide trail system. The next step will be for a team to develop a proposal with a design and budget for this Board's review.

**After further discussion, Alderman Benson made a motion to authorize Outdoor Encounter access to the Town Park to explore the proposal of multi-use single track trails. Alderman Stevens seconded the motion, which passed unanimously.**

**Town Administrator's Report.** (copy in file)

Mr. Langeliers reviewed the report.

Mr. Langeliers referenced the Critz Lane signage plan with the speed limit recommendation of 35 miles per hour. After discussion and public input, all were agreed to post the speed limit on Critz Lane at 40 miles per hour.

**Old Business:**

Vice-Mayor Napier asked the status of the Fall Festival and Mrs. Deats noted that there is still a need for volunteers and / or sponsors. Vice-Mayor Napier suggested an itemized list of the various needs that can be distributed to those interested in helping.

**Item 1 - Resolution 10-003 to Establish an Employee Personnel Policy.**

Mrs. Deats distributed a revised copy for the Board to review. She noted that this includes a harassment policy per the suggestion of the TML group. Mrs. Deats stated that Staff has incorporated changes / comments from the Board and legal counsel.

Vice-Mayor Napier asked if there is a red-line copy to refer back to; and suggested they may need more time to review the newly inserted harassment policy section.

**Alderman Benson made a motion, seconded by Alderman Stevens, to defer this resolution to the next meeting. The motion passed by unanimous vote.**

**Item 2 - Resolution 10-004 to Allow Property Owners Affected by the Flood of 2010 to make Application to the County Property Assessor for Prorated Property Assessment.**

Mr. Moore explained this to be an amendment to the statute passed by the General Assembly to allow for persons with damage relating to the May flood event to apply for a proration of their taxes; and this will allow the Town to opt-in through the Williamson County Property Assessor's office.

**Alderman Benson made a motion to accept and approve this resolution.  
Alderman Stevens seconded the motion, which passed unanimously.**

**Item 3 - Resolution Request from Spring Hill supporting their efforts to obtain a Certificate of Need for location of a Satellite Emergency Department.**

Vice-Mayor Napier stated that the Town has maintained a neutral position on this topic since there are only so many Certificate of Needs allocated throughout the State; and the Town has had medical providers and health care facilities express interest here as well.

Alderman Benson pointed out that several other medical facilities are opposing this request; and agreed with Vice-Mayor Napier to remain neutral. Alderman Stevens was in agreement also.

**The resolution failed for lack of a motion.**

**New Business:**

Mr. Langeliers referenced the Board's request for Staff to quantify the wear from construction traffic for State Route 840 on Thompson's Station Road West east of the construction site. Based on his methodology, Mr. Langeliers came up with a defensible amount of \$30,000 or less. He suggested we ask TDOT to re-pave up to Cayce Springs Road (approximately 1,000 feet) and that would probably be as good as we could hope for them to do.

Vice-Mayor Napier noted that the next step is for Mr. Moore to approach TDOT with this request, which is reasonable.

Community Input and Concerns: (held previously after 'Announcements').

---

There being no further business, the meeting was adjourned at approximately 9:10 p.m.

  
\_\_\_\_\_  
Corey Napier, Vice-Mayor

Attest:   
\_\_\_\_\_  
Doug Goetsch, Town Recorder