

Minutes of the Meeting
Of the Board of Mayor and Aldermen
Of the Town of Thompson's Station, Tennessee
April 12, 2011

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 12th day of April, 2011, at the Thompson's Station Community Center with the required quorum. Members and staff in attendance were: Corey Napier, Mayor; Ron Barrett, Alderman; Sarah Benson, Alderman; Nina Cooper, Alderman; Brinton Davis, Alderman; Greg Langeliers, Town Administrator; Todd Moore, Town Attorney; Wendy Deats, Town Planner; Doug Goetsch, Town Recorder; and Lisa Stewart, Town Clerk.

Pledge of Allegiance.

Minutes:

The minutes of the March 8th, 2011 meeting were previously submitted, and were approved unanimously upon a motion by Alderman Benson and second by Alderman Davis.

Announcements:

There were no announcements at this time.

Town Administrator's Report. (copy in file)

Mr. Langeliers reviewed the report.

Town Recorder's Budget Report. (copy in file)

Mr. Goetsch reviewed the report.

Old Business:

A. Bridgemore Village: Request for Town to Buy / Install New Speed Limit Signs.

Mr. Langeliers referenced the request reviewed last month and Staff's direction to check on costs of the signs. They cost approximately \$50 each, so to replace ten (10) signs would cost roughly \$500. Mr. Langeliers noted that the issue is that the Town has not accepted these roads, therefore not responsible for upkeep and maintenance yet.

After further discussion, Alderman Cooper made a motion for the Town / Staff to change out the signs and bill the Bridgemore Village Home Owners Association. Alderman Benson seconded the motion, which passed unanimously.

B. Appointments for Terms Expired / Vacant:

Board of Construction Appeals:	Pat Springer
Board of Zoning Appeals:	Roger Nixon and Dale Stevens
Design Review Commission:	-- vacant --

Mayor Napier stated he would like to nominate Mr. Springer, Mr. Nixon, and Mr. Stevens to be re-appointed to their positions on the noted Boards; and would like to nominate Michael Ray to serve on the Design Review Commission.

Alderman Benson made a motion, seconded by Alderman Barrett, to accept and approve the nominations as stated. The motion passed by unanimous vote.

C. Appoint Three (3) Members to Wastewater Treatment Advisory Committee.

Mr. Langeliers stated that the last meeting was with the Public Works Committee and Staff would like to wait until next month's meeting to make a recommendation, because there has been some redundancy. The reason for these appointments was to bring the members under the umbrella of the Town's insurance coverage. He would like to bring something to the Board next month on how to structure this Committee.

Town Attorney Moore suggested if any changes are being made to the structure, it be made in the form of a modification to the resolution creating this committee.

At this time, Mr. Langeliers noted that generally 'Community Input and Concerns' is at the end of the agenda; however, because of the number of people present, we'd like to proceed with any comments at this time.

Mr. Langeliers noted some concerns expressed because the Municipal Planning Commission took action on the re-zoning request of the Ferrari property as a non-agenda item. The Planning Commission asked that some issues / concerns be addressed and Staff has asked the Mars Group to prepare a submittal / presentation at the next Planning Commission meeting to address those. Specifically they are related to noise, odor, and / or traffic and are in the process of being addressed.

Community Input and Concerns:

Abby Southerland, 1548 Hampshire Place in the Fields of Canterbury, stated that their concern is that it has been two (2) months between now and the time that Mars announced their intentions and it seems like there are questions that have not been answered relating to noise and odor. They are concerned that it's moving a little quickly and that a re-zoning will be granted before those questions are answered and resolutions proposed.

Mr. Langeliers stated that it will not be Staff's recommendation to approve on second reading if Staff does not have answers that satisfy Staff and the Board. They must provide reasonably definitive answers and how the issues will be addressed in detail.

Mrs. Southerland said that she's under the impression that in order to have the property re-zoned, they do not have to submit a very specific site plan up front, or it can be changed at a later date; at which point, nearby property owners would not have any say or input into what goes into that site plan.

Mr. Langeliers stated that Staff looks at the Plan Specific zone as being more protective. If there are modifications to the plan, they have to go back through the re-zoning / legislative process. Staff thinks it is more conservative to have a Specific Plan zone and lock it in place.

Mrs. Southerland stated that her review of the Zoning Ordinance doesn't suggest that a Specific Plan is more restrictive or is very similar to High Intensity, such as light manufacturing and other commercial uses that do not normally settle next to a residential neighborhood, are not permitted in the High Intensity with the Urban overlay. She said they are not opposed to corporate offices but are opposed to even light manufacturing or industrial, live animals, kennels, etc. A Specific Plan has all types of uses open to it and that is their concern that right now, the zoning classification of the property does limit the uses, and most of those uses are friendly to a neighborhood next door.

Mr. Langeliers said that under the Urban overlay, if we go back to the zoning ordinance that was in place at the time of that zoning, it was a different document than what is in place today. Had someone been allowed to go forward under that document, light industrial uses were allowed as a conditional use under that particular document; so it's arguable that there could be just as broad a range of uses. But it's Staff view that under the Specific Plan that the buildings are called out to be used for A, B, C, ... and that some modification from that would require another re-zoning.

Mrs. Southerland said that they appreciate the Town's consideration as a neighborhood directly adjacent to this property. She noted that several homeowners checked the zoning prior to purchasing their homes and a main concern was what the property was behind them and what it would be used for, because it is in their backyard and abuts a major highway. Mrs. Southerland stated that had she known this would be a proposed use, she would not have purchased her property. She's not saying that it won't increase property values and be good for Thompson's Station, but there are concerns of those in her neighborhood who would like to see the neighborhood fully developed and is afraid this proposal might hinder that. The re-zoning of the property is more of a concern than the proposed uses of Mars, adding that she feels like the protection is there right now with the way the property is zoned and that will be removed with the re-zoning of this property.

Alderman Barrett stated that he consulted with Town Counsel and wanted to make known for the record that his son worked at Mars as a contract employee for about 13 months and was hired on as an associate about a month ago. Other than that, Alderman Barrett has no financial connection to this proposal to re-zone and build. He stated that he plans to participate in the vote on this request.

Mr. Moore stated that he has reviewed the Town's Code of Ethics and he does not believe there is any personal interest that Alderman Barrett would have; so in his opinion it doesn't create a conflict.

Wes Southerland, 1548 Hampshire Place in the Fields of Canterbury, referenced e-mails sent to the Town from him and his wife (who spoke earlier). He asked for more elaboration on how Staff thinks a change to a Specific Plan zone from a High Intensity zone would be more protective. Agreeing with Mrs. Southerland's comments that they are not 'anti- Mars', but they are 'anti- certain proposals' based upon a news article that came out on April 6th. Mr. Southerland stated that to be the first they heard about it and there are some definite concerns - all the more important for full disclosure.

Mr. Langeliers stated that the zone designation that he has been comparing this to is really not the High Intensity zone, which is the base zone under this that came subsequent to a re-zoning to Urban; so there is an Urban overlay over this. There is an ordinance that is very similar to Williamson County's document that they adopted in 1988 when the County started doing its own planning and zoning, with help from the State Planning office. They modified that document but not a great deal, so there's a list of uses that are allowed, either by right or by conditional use, that are in that document. That's the list of uses that we are comparing to the Specific Plan zone and in that list was a light industrial component by conditional use, and a number of other uses that was pretty permissive, making it hard to argue a big deal of difference between one and the other. The impact on the community (which is obviously debatable), were that to build out with roughly 900,000 square feet of office, retail, hotel / motel, big box - whatever might have been there - connected via a boulevard - I would venture to say that at some point in time, at least part of the community in the Fields of Canterbury would say that they do not want this road to connect back here because we don't want people driving through our subdivision to get to the movie theater and / or to get out onto Critz Lane. On the other hand, if there was a grocery store there and you lived in the Fields of Canterbury, then you could get on this road to get your groceries and come back, making it a benefit. Mr. Langeliers thinks there's an interesting balance and if the questions can be answered regarding noise limitations at the property line, odors, etc.; then it would be reasonable to argue that this use is possibly preferable to the conglomeration of uses that was proposed on the Urban overlay plan approximately 5 - 6 years ago.

Mr. Southerland stated that he understands Mr. Langeliers' point, but he is talking about the High Intensity zone and how it is portrayed in the code versus how the Specific Plan is portrayed within the code at this point in time since they do not know about former proposals. When comparing the High Intensity column with what they're requesting to re-zone as, he doesn't see the protection.

Mr. Langeliers pointed out that it is not zoned High Intensity, but is currently zoned Urban; and is the comparison that needs to be made. He also reiterated that he thinks that during this discovery process, we will get to a point where everything has been uncovered with a clear look at it. Staff is trying to get something here that anchors and really solidifies this interchange so that it doesn't become a road service oriented interchange; and truly try to do that in a manner that's most beneficial to everybody. Mr. Langeliers said we do understand that people don't like the 'non-

agenda item' and we were dealing with this; and there's also the speculation component where as soon as somebody says anything like this, people run around trying to buy property, sell property, and there's arguments on both ends of that.

Mr. Southerland said that's all they ask and you've stated that you'll insure us there will be full disclosure on this issue. He appreciates the honesty and hopefully we can work through this.

Item 1 - First Reading of Ordinance 11-005: Re-Zone Request of Ferrari Property located at 2638 Critz Lane (map 145, parcel 003.00).

Mrs. Deats wanted to clarify on her staff report, which is available to everyone, there probably would have been more clarity if she had put Urban overlay, rather than put it in the text of the document. She apologized, adding she thinks that's where the hang up on High Intensity was – is that it wasn't listed up top – it was listed in the body saying that this was zoned with an Urban overlay.

Mrs. Deats also wanted to remind everybody that, as we stated at the Planning Commission meeting, this is a project that, while it appeared it came in the day before the Planning Commission because that was it's formal submittal date, this is an applicant that has been working with State agencies, the County, and Town Staff since probably November. We apologize for the appearance of this coming in so quickly and being rushed through the system. That's not actually how it played out internally with the applicant.

Mrs. Deats reviewed the report, recommending approval and to move to a second reading and public hearing.

Jill Franks, a Director in the Research and Development Department at Mars Petcare, stated that she is excited to be here and appreciates the Boards time to consider their request. She gave a background of the business and family of Mars Petcare. Their vision is to make this world a better place for pets. Pedigree is the largest brand in the Mars family – bigger than M & M's and Snickers – and make more pet foods and feed more pets worldwide than any other company. What they're proposing is not only a world-class pet care campus, it will be one of only five (5) regional development centers for Mars in the world. Environmental sustainability is a way of life at Mars, and they believe it's their responsibility to minimize their impact on the communities in which they operate. On behalf of the associates at Mars Petcare and the Nutro Company, they appreciate your time to consider their request today and look forward to working with you in the future.

Alderman Cooper asked about the type of manufacturing that will be going on on a daily basis. Ms. Franks stated that what is planned is more like a test kitchen, much like you would see in an industrial kitchen in a fine restaurant – very small scale operation – manufacturing and making new recipes, also working with new flavors for existing products.

Discussion / questions continued regarding the following:

- kennels, number of pets: "pods" will be used to house the pets – they've found that if animals are able to see each other and are paired together in a pod with a shaded area and an outdoor area, it keeps the animals calmer and happier.
- outdoor access at night: plans are not finalized, but there's a shaded area outside the pod that then accesses a small outdoor area; except in inclement weather.

William Hastings, with Hastings Architecture and Associates, stated that a lot of thought has gone into the building placements on the site relating to the enjoyment of the pets, but also the topography. They want to take advantage of the natural landscape and also let it create a positive natural barrier. He made a power point presentation at this time, orienting everyone to the location of the site and their proposal.

Alderman Benson asked about the function of the building proposed on the site plan closest to the Fields of Canterbury. Mr. Hastings said it will function and operate as an office building with some packaging and laboratory facilities, but no manufacturing.

Further discussion continued on the following concerns:

- the filtration system: a bio-filter, a contained unit.
- noise: state of the art acoustics to minimize noise levels.
- hours of manufacturing: Monday – Friday, maybe 12 hours (no night or weekend work).
- left-over grains, heavy materials: given to hog farmers to incorporate into their feed rather than be flushed into the system.

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

Mayor Napier set the public hearing for this ordinance to be May 10th, 2011.

Item 2 - First Reading of Ordinance 11-006: Amend Budget for Fiscal Year 2010 – 2011.

Mr. Goetsch went over the amendments, noting this was reviewed by the Finance Committee with no objections or changes.

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

Mayor Napier set the public hearing for this ordinance to be May 10th, 2011.

Item 3 - Second Reading of Ordinance 11-001: Modify Temporary Use / Event Standards - Exempt Seasonal Sales from BZA; Allowing Staff Level Approval (Section 2900 of Zoning Ordinance).

Mayor Napier opened the public hearing.

- A. **Public Hearing for Ordinance 11-001** (as advertised in the March 28th, 2011 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town).

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

**Alderman Davis made a motion to approve and adopt this ordinance.
Alderman Benson seconded the motion, which passed unanimously.**

Item 4 - Second Reading of Ordinance 11-002: Update Permit / Fee Schedule – Exempt Non-Profit from Temporary Use Permit Fee.

Mayor Napier opened the public hearing.

- A. **Public Hearing for Ordinance 11-002** (as advertised in the March 28th, 2011 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town).

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

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

Item 5 - Second Reading of Ordinance 11-003: Update to Definitions (Section 1400 of Zoning Ordinance).

Mayor Napier opened the public hearing.

- A. **Public Hearing for Ordinance 11-003** (as advertised in the March 28th, 2011 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town).

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

**Alderman Davis made a motion to approve and adopt this ordinance.
Alderman Cooper seconded the motion, which passed unanimously.**

Item 6 - Second Reading of Ordinance 11-004: Update Permitted Use Table to Allow Assisted Living (Section 2400 of Zoning Ordinance).

Mayor Napier opened the public hearing.

- A. **Public Hearing for Ordinance 11-004** (as advertised in the March 28th, 2011 edition of the *Williamson AM* newspaper, on the Town website, and various postings in Town).

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

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

New Business:

Mr. Langeliers informed the Board that we have paid the Williamson County Election Commission, and counsel is in the process of writing a letter asking for a little more information.

Mr. Langeliers reminded them of the divers that came in to look at the sewer system.

Mr. Langeliers referenced the inter-local agreement with the City of Spring Hill regarding the Town's portion of the study. This was tabled in order to get more information of the effect the proposed theme park could have on this, and was told it doesn't and the odds of that happening are pretty slim. The language of the agreement has also been modified based on counsels' input. It was discussed that the Town would contribute \$5,000 to the study.

There has been a request to the City of Spring Hill's Planning Commission to extend Port Royal Road and connect to Thompson's Station Road East. There was some understanding that upon incorporation, the Town had annexed both sides of the roadway. Based on a preliminary review of some the documentation, there is some question as to whether or not the Town actually has both sides of the roadway. Staff will keep the Board updated as this process is worked through.

The plans have been completed to modify the pump station and to pull the electric motors up out of the basement. A couple of bids / estimates have been received and will be reviewed with Town Counsel. Mr. Langeliers suggested we move on this quickly, and he will keep the Board posted via e-mails.

Mr. Langeliers noted that it was discussed at the Public Works Committee meeting about the Town benefiting by getting another smaller lawnmower, to cut the park in about half the time. Estimates are less than \$10,000 and the purchasing policy allows for approval via e-mail from the Mayor. Mr. Langeliers will proceed researching and keep Mayor Napier updated.

Alderman Cooper referenced the connection to Thompson's Station Road East and the last time it was presented to the Town Planning Commission, they said absolutely no way should there be another curb cut at the proposed location. It would only add to the danger of the road since it is already too narrow, right before a curve, not far from Buckner Road, and just seems like the traffic pouring out of that community trying to get to SR-840 and I-65 every morning would not be to the Town's benefit at all. The Town is responsible for the maintenance and upkeep of this road.

Mr. Moore stated that the first step is to determine where the Town's incorporation lines are drawn and also in respect to this particular property.

Alderman Benson also pointed out that the Town has maintained this road in its entirety since the incorporation of the Town, which should have some precedence.

Mayor Napier said that he was contacted by the Mayor of Spring Hill asking if they should have the respective Planning Commissioners meet; and Mayor Napier replied that he would put it before this Board and the Planning Commission before setting something up.

Mayor Napier asked the Board how they would like to proceed regarding the inter-local agreement, and if there has been a definitive answer regarding the proposed theme park.

Mr. Langeliers introduced Brad Thompson to address some of those concerns.

Mr. Thompson is the on-call consulting planner for the City of Spring Hill, and is also the company that Williamson County is looking at to conduct the interchange study. Regarding the theme park, from a technical perspective - regardless of what happens - an interchange is still needed in the northern section of Spring Hill and the southern section of Thompson's Station in order to accommodate the traffic that's already there now. The theme park, in their opinion, is an entity on it's own, and may even further justify the need for an interchange.

Mr. Thompson referenced the Board's concern with some of the language in the inter-local agreement and what it could commit the Town to in terms of funding. He worked with Mr. Langeliers, who in turn worked with Town Counsel, to revise the language. Williamson County's Mayor's office sent it on to their counsel and their response was that the language in there will not have any impact because Williamson County is not going to enter into any agreement with him, and execute a contract, until they have all the funds in place.

Mr. Moore stated that the original contract clearly didn't contemplate that the money would be in the bank before the contract was executed, at least by the Town. It referenced other parties being jointly and severally liable, and didn't specify a specific amount of the \$5,000. He suggested if the Town wants to proceed, the Board could approve funding for that amount; but not necessarily approve the contract since it sounds like we wouldn't need the inter-local agreement anyway. We would proceed to get a copy of the study, once we contributed the \$5,000, and that would be the extent of the Town's liability. Mr. Moore stated that he has not seen the revised agreement that Mr. Thompson referred to either.

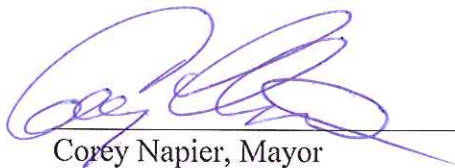
After further discussion, Alderman Cooper made a motion to approve the \$5,000 to go towards the interchange study. Alderman Benson seconded the motion, which passed unanimously.

Mayor Napier wanted to make the Board aware of the proposed sales tax increase at the County level; however, the County Commissioners decided not to take action on it at their last meeting. County Mayor Anderson and County Budget Director David Coleman met with him and Mr. Langeliers to suggest that the Town share a part of any incremental tax increase, should it go into effect, on a declining scale to help fund schools. That request has been made to all the municipalities throughout the County.

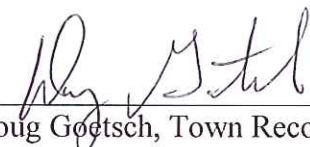
Alderman Cooper informed the Board that she and Mrs. Deats have been looking into monument signs for the Town (ie: welcome signs, banners, etc.) and researching where they might go, to give more of a sense of presence into the Town. She thinks its important to define our Town's perimeters. She hopes to have more to present at their next meeting.

Community Input and Concerns: (Held previously in the meeting after Old Business.)

There being no further business, the meeting was adjourned at approximately 9:00 p.m.



Corey Napier, Mayor

Attest: 

Doug Goetsch, Town Recorder