

Town of Thompson's Station
Board of Mayor and Aldermen
Minutes of the Meeting
January 12, 2016

Call to Order.

The meeting of the Board of Mayor and Aldermen of the Town of Thompson's Station was called to order at 7:03 p.m. on Tuesday, November 10, 2015 with the required quorum. Members and staff in attendance were: Mayor Corey Napier; Alderman Brinton Davis; Alderman Sarah Benson; Alderman Brandon Bell; Alderman Graham Shepard; Town Administrator Joe Cosentini; Town Planner Wendy Deats; Town Finance Director Tammy Womack; Town Attorney Todd Moore and Town Clerk Jennifer Jones

Pledge of Allegiance.

Consideration of Minutes. The minutes of the November 10, 2015 Regular Meeting were previously submitted.

Mr. Cosentini requested that an amendment to page 4, paragraph one of the minutes be made stating that no zoning assurances were actually given to this project (Two Farms) prior to their request.

Alderman Benson moved to accept the minutes of the November 10, 2015 Regular Meeting with amendment. The motion was seconded and carried unanimously.

Appointments.

Darren Burress - Planning Commission
Steve Bennett - DRC
Archie Buttrey - BZA
(Current terms expired 12/2015. Re-appointed terms will expire 12/2018)

Alderman Benson moved to accept all appointments as recommended. The motion was seconded and carried unanimously.

Public Comments: None.

BOMA Reports.

Alderman Bell addressed the pending lawsuit between community members and Crystal Clear Technologies. Mr. Bell feels like the Town should write a friend of the Court letter showing our understanding and support with the help of Town Counsel and the Town Administrator. Alderman Shepard expressed his support.

Prosecution of Construction Hours Violation.

Alderman Shepard recommends to move forward with prosecution for builders and contractors in violation of construction hours. Mr. Cosentini agrees that our current actions are not working and it is time to escalate.

Liens on Property within Tollgate Village.

Alderman Shepard stated that he believes homes in Tollgate Village sold within the last two years have liens on their properties and homeowners are not aware of it. Alderman Shepard recommends to have a work session on this issue and address what to do moving forward.

Crystal Clear Communications Operating without a Local Franchise.

Alderman Shepard stated that Crystal clear does not have a local, or a state franchise agreement to be operating. He is urging Staff to reach out to Crystal Clear regarding this matter. Mr. Cosentini stated that Staff will prepare a letter and bring a report back to the Board.

Non-Agenda Items

Alderman Shepard has submitted an amendment to the LDO and wants to make sure the Board understands that there is an amendment on the way to the Planning Commission.

Alderman Shepard discussed the new Elementary/Middle School and the location being proposed by the Williamson County School System. Alderman Shepard expressed his concern and his desire to vote against sewer taps unless the developer for the school system installs light shields at Independence High School.

Alderman Shepard discussed Fields of Canterbury CCR's and their conflict with violation of our local laws with regard to utility easements and access to Telecom providers. He encourages Staff to reach out to the HOA and let them know that action will be taken if they're not amended.

After discussion, Alderman Shepard moved to schedule a work session to discuss the situation with an open lawsuit regarding liens in Tollgate Village. The motion was seconded and carried unanimously.

Mayor Napier suggested the development of a utility board that would be comprised of several community members with expertise in various fields.

Town Administrator's Report

Mr. Cosentini reviewed his report pointing out that the Town's internal audit draft report did not identify any deficiencies or any instances of non-compliance. Crosslin and Associates will be available for a public presentation on the audit, should the Board request it.

The Greenway Trail Project has been given construction authorization by TDOT to proceed. The trail will connect Tollgate Village to a trail head west of the barns, and north of the existing entrance. It will be a 10' wide multi-purpose, ADA compliant trail that will connect Tollgate Village and Town Center. Once we accept the bid and award the contractor, it should be a four month construction time.

Mr. Cosentini also stated that 333 building permits were issued in 2015, suggesting a strong residential real estate market.

Mayor Napier requested an update on the Critz Lane project. Mr. Cosentini stated TDOT is still on schedule with their contract to start construction improvements on the (Hwy 31) project in

May. The Town is starting to meet with property owners in area to discuss. Staff hopes to be able to bid the realignment of Critz Lane along the same time that TDOT is bidding the improvements along (Hwy) 31.

Finance Report

Mrs. Womack reviewed the financial report. The wastewater fund paid back the interfund loan to the general fund. The audit report expense item flowed through.

Unfinished Business:

1. **Public Hearing and Second reading of Ordinance 2015-010 – An ordinance of the Board of Mayor and Aldermen of the Town of Thompson's Station, Tennessee to amend the Town's Zoning Map by zoning newly annexed territory (Map 104, Parcel 40.07; Map 104, Parcel 3904; Map 119, Parcel 2.00 and a portion of Map 119, Parcel 1.00) as Transect Community (TC) and the remaining newly annexed territory (portion of Map 119, Parcel 1.00; Map 131, Parcel 11.03) as T2 – Rural as shown on the attached map.**

Mr. Cosentini reviewed the staff report with proposed contingencies.

1. An acceptable school building site must be identified and dedicated from within the annexed area prior to the approval of any residential plat
2. An acceptable public safety building must be identified and dedicated from within the annexed area prior to the approval of any residential plat
3. All proposed trails within the community must be made to allow for future connections to the public trail system
4. The wastewater treatment facility must be located in an area at least 1000 feet away from any existing adjacent residential structure
5. All off site infrastructure improvements necessary to serve this project will be paid for entirely by the applicant. Improvements that are mutually beneficial may be presented and approved by the Board of Mayor and Aldermen where cost sharing and/or financial offsets can be considered.

Staff recommends territory to be zoned as stated.

Michael Abbot with Beacon Development came forward to speak on the applicant's behalf.

Mr. Cosentini reiterated that this evening is just a zoning designation and that the development still has to go through the standard development approval process.

Mayor Napier then opened the floor for the Public Hearing.

Public Comment:

Tom Mason – 1388 Hunter Rd. – Voiced traffic concerns, environmental concerns and aesthetic concerns.

Anne Goetz – 4080 Carters Creek Pk. – Discussed environmental concerns, traffic concerns and tax dollar concerns and sustainability for the future. Voiced need for an archeological surveys for Indian Burial grounds.

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Russ Wharton – 1885 W. Harpeth Rd. – Voiced environmental concerns and benefits to existing citizens.

Janeth McKendrick – 1400 Kitrell Rd. – Discussed migratory birds and wildlife reserve concerns and had the Town consulted with the TWRA.

Allen Johnston – 1462 Kitrell Rd. – Asked the Town to consider making changes to the infrastructure before approving developments and make changes for the community.

Johnathan Oppenheimer- 5405 Big East Fork Farms - Voiced preservation and conservation concerns.

David Kellers – 2803 Station South Dr. – Voiced traffic concerns.

Michael Davis – Coleman Road & Carters Creek Pike – Discussed environmental, infrastructure, safety and environmental impact concerns.

Nancy Leeton – 1463 Coleman Rd. – Concerned about it being a family road and traffic concerns.

Wes Collins – 1884 West Harpeth Rd. – Purchased property adjacent to annexed property. Has infrastructure concerns. Do our due diligence and do not push the development too fast.

Renee Lessarjett – 1404 Coleman Rd – Voiced opinion regarding TX developers, has traffic concerns regarding “safe” exits from the development.

Roxanne Kamell – 3045 Carters Creek Pk. – Voiced traffic and environmental concerns.

Mark Darcy – 3045 Carters Creek Pk. – Voiced traffic concerns regarding infrastructure and TDOT issues.

Pamela Lewis – 4081 Columbia Pk. – Suggested Town Staff read “Bigger is Not Better” by Evan Foder. Former Franklin Alderman. Voiced traffic concerns along interstate corridor.

Gene Cotton – 3411 Sweeney Hollow Rd. – Expressed TDOT and environmental concerns. Wants traffic studies, voiced infrastructure concerns, and tax concerns.

Robin Lockwoot – 5847 Bending Chestnut – Is of Cherokee descent and wants the prevention of exhumation of the Indian burial sites. The property holds an ancient city site (Muskogee Creek People). Wants an archeological study done and paid for by the developer. Spiritual issue for anyone of Indian descent.

Karen Shapiro – 1610 Diamond Way - Voiced real estate market concerns. What will the developer do if the market turns? Thompson’s Station needs a guarantee from the developer that the plan will not change regardless of the economy.

Ron Schaffer – 1804 Post Chapel Rd. – Requests that the Town take time making the decision.

Ann Johnson – 5456 Old Hwy 96 – Voiced water concerns and going through the proper channels to obtain a water source.

John Peterson – 3448 Colebrook Dr. – Wanted to stress that growth is inevitable and he is pleased with the passing of the new LDO. In favor of the new community.

Zack Babcock – 1590 Coleman Rd. – Wanted to voice traffic concerns.

Irene Ludwig - 3215 Kinnard Springs Rd. - Has infrastructure and traffic concerns.

Rick Nardone - 3733 Mobelys Cut – Voiced concern over development being “out of character” for the area. Has archeological concerns.

Waylon Thompson – 4078 Carters Creek Pk. – Wants Town to address all of the issues and do the right thing.

Cindy Garvey – 3348 Sweeney Hollow Rd. – Wanted clarification on what the vote was for.

McKinley Thompson – 3675 Bear Creek Rd. – Wants Town to “do the right thing” and research all of the issues. People move to the country for a reason.

Shane Pantall – Coleman Rd. – Discussed environmental and traffic issues. Make sure the development is done respectfully.

Scott Moffett – 3378 Sweeney Hollow Rd. – Questioning the density and why can't the lots be 5 acre lots.

Dave Coumes – Kinnard Springs Ct. – Wants more study done about the density and development wasn't well thought out.

Being no further comments, the Mayor closed the public hearing and opened up to the Board for discussion.

Alderman Bell stated that the regional traffic problem is terrible and that regardless of what Thompson's Station does, we cannot stop growth. As new growth comes into Town he would like to see the Town protected, open space preserved, and that future growth be done appropriately. Alderman Bell further stated and feels that this developer is of a high caliber and not a track home builder.

Alderman Shepard stated that he did not fully understand the Transect Community zoning request at first reading which is why he voted against it, but believes this developer is capable of doing impressive things that other developers are unwilling to do. Alderman Shepard asked Mr. Abbott to clarify the housing types being proposed, if an area for a grocery store would be set aside, and if they would agree to not have apartments within the community. Mr. Abbott explained the mix of housing types, agreed to have a community grocery store, and could not

guarantee that no apartments would be built. Alderman Shepard stated that he would not vote for the zoning request because the developer would not commit to not having apartments within the community.

Alderman Benson stated that she appreciated the comments on Indian burial ground protection, commented on all the hard work that went into the Town's Land Development Ordinance, and thanked everyone for providing input about the proposed project.

Alderman Davis recognized Mary Pearce with The Heritage Foundation in the audience and thanked her for teaching him about the benefits of preservation. He further stated that he wants to make sure this project is done right and believes this developer will bring a quality project to the Town.

After discussion, Alderman Shepard moved to approve Ordinance 2015-010 – An ordinance of the Board of Mayor and Aldermen of the Town of Thompson's Station, Tennessee to amend the Town's Zoning Map by zoning newly annexed territory (Map 104, Parcel 40.07; Map 104, Parcel 3904; Map 119, Parcel 2.00 and a portion of Map 119, Parcel 1.00) as Transect Community (TC) and the remaining newly annexed territory (portion of Map 119, Parcel 1.00; Map 131, Parcel 11.03) as T2 with the conditions as presented and the additional condition of no apartments be allowed. Mr. Cosentini stated that this may not be the appropriate time to pick and choose between specific uses and that the development agreement step may be a better avenue. Mr. Moore stated that there is a potential problem with excluding a specific use that is allowed under the LDO. The motion was not seconded.

Alderman Davis moved to approve the Second reading of Ordinance 2015-010 – An ordinance of the Board of Mayor and Aldermen of the Town of Thompson's Station, Tennessee to amend the Town's Zoning Map by zoning newly annexed territory (Map 104, Parcel 40.07; Map 104, Parcel 3904; Map 119, Parcel 2.00 and a portion of Map 119, Parcel 1.00) as Transect Community (TC) and the remaining newly annexed territory (portion of Map 119, Parcel 1.00; Map 131, Parcel 11.03) as T2 – Rural as shown on the attached map with the following staff contingencies:

- 1. An acceptable school building site must be identified and dedicated from within the annexed area prior to the approval of any residential plat**
- 2. An acceptable public safety building must be identified and dedicated from within the annexed area prior to the approval of any residential plat**
- 3. All proposed trails within the community must be made to allow for future connections to the public trail system**
- 4. The wastewater treatment facility must be located in an area at least 1000 feet away from any existing adjacent residential structure**
- 5. All off site infrastructure improvements necessary to serve this project will be paid for entirely by the applicant. Improvements that are mutually beneficial may be presented and approved by the Board of Mayor and Aldermen where cost sharing and/or financial offsets can be considered.**

The motion was seconded and carried by a 4 to 1 vote with Alderman Shepard voting against.

The Board took a 15 minute recess.

New Business:

2. Wastewater Request – Two Farms request for alternative wastewater system

Mr. Cosentini reviewed the staff report and Staff recommends approval of the concept of an MBR system in order to begin the process with TDEC. This approval would be conditional on a final design and operational analysis of the system to be approved by BOMA prior to plat approvals which would need use of the system.

Mr. Rahul Thukral with Ovivo MBR came forward to speak on behalf of the applicant.

After discussion, Alderman Davis moved to approve the concept of an MBR system in order to begin the process with TDEC. This approval would be conditional on a final design and operational analysis of the system to be approved by BOMA prior to plat approvals which would need use of the system. The motion was seconded and carried unanimously.

3. First Reading of an Ordinance to Amend a Planned Zone – Whistle Stop

Mrs. Deats reviewed her staff report and recommended approval on Ordinance 2016-001 on first reading and set a public hearing for February 9, 2016. Mr. Moore suggested, per pending litigation, verbiage be added to the concept plan being submitted as the Town works through the wastewater issue and make amendments between the first and second reading.

After discussion, Alderman Bell moved to approve the First Reading of an Ordinance (2016-001) to Amend a Planned Zone – Whistle Stop. The motion was approved and carried unanimously.

4. Resolution 2016-01: Adoption of Interlocal Agreement between the Town of Thompson's Station and HB&TS Water Utility.

Mr. Cosentini reviewed his staff report. Prior to approval, the attorney for HB&TS would like to approve the Interlocal agreement prior to The Town of Thompson's Station approval.

After discussion, Alderman Davis moved to defer Resolution 2016-001: Adoption of Interlocal Agreement between the Town of Thompson's Station and HB&TS Water Utility until the February 9, 2016 BOMA Meeting. The motion was seconded and carried unanimously.

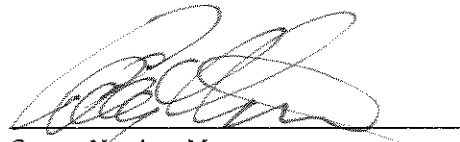
5. Resolution 2016-002: Adoption of Contract for Plan Review Services with PlaceMakers, LLC

Mr. Cosentini reviewed his staff report and recommends approval of the resolution and contract as presented.


After discussion, Alderman Benson made a motion to approve Resolution 2016-002: Adoption of Contract for Plan Review Services with PlaceMakers, LLC. The motion was seconded and carried unanimously.

Adjourn

There being no further business, the meeting was adjourned at 10:21 p.m.



Corey Napier, Mayor



Jennifer Jones, Town Recorder