

**Minutes of the Meeting**  
**Of the Board of Mayor and Aldermen**  
**Of the Town of Thompson's Station, Tennessee**  
**February 12, 2013**

**1. Call to Order:**

The meeting of the Board of Mayor and Aldermen of the Town of Thompson's Station was called to order at 7:00 p.m. on the 12th day of February, 2013, at the Thompson's Station Community Center with the required quorum. Members and staff in attendance were: Corey Napier, Mayor; Sarah Benson, Alderman; Brinton Davis, Alderman; Nina Cooper, Alderman; Ron Barrett, Alderman; Greg Langeliers, Town Administrator; Doug Goetsch, Town Recorder; Todd Moore, Town Attorney; Wendy Deats, Town Planner; Richard King, Building Official; Leah Rainey, Town Clerk.

**2. Pledge of Allegiance.**

**3. Minutes:**

The minutes of the January 8, 2013 meeting were previously submitted. Alderman Cooper made a motion to accept the minutes as submitted. Alderman Benson seconded the motion and the minutes were unanimously approved.

**4. Announcements:**

Mr. Langeliers gave an update on the 150<sup>th</sup> Anniversary of the Battle of Thompson's Station event set for March 9. He noted that plans were progressing and volunteers were still needed.

**5. Town Administrator's Report:**

Mr. Langeliers referred to his written report. He said the only item tonight that wasn't covered in the report was the matter of refunding Kroger for past wastewater billing. He said he was open to any questions.

**6. Town Recorder's Budget Report:**

Mr. Goetsch referred to the financial statements in the board members' packets. He said the town's cash position remained strong, and everything was tracking pretty closely to budget. He said there may be a budget amendment proposed at the next meeting, but it was mostly housekeeping matters.

Mr. Napier asked for an update on building permits. Mr. King said things were still very busy, and he was hearing from builders that lots were selling well. He anticipated a very good year for permits.

**7. Old Business:**

Mrs. Deats said she had prepared a memo regarding a joint resolution prepared by Spring Hill Alderman Jonathan Duda supporting the establishment of a joint task force to examine local transit issues. She said the Board could take an action tonight, and Spring Hill's board would hear the resolution at their next meeting.

Mayor Napier asked Spring Hill Alderman Jonathan Duda, who was in the audience, to introduce the resolution.

Mr. Duda said Spring Hill staff had been having conversations with Thompson's Station staff about structuring a formal task force to address common concerns regarding traffic and transit issues in the area. He said Spring Hill's Board had reviewed the resolution at its last work session and would be voting at their monthly meeting, held the Tuesday after President's Day.

After discussion, Mr. Moore suggested the Board vote to add the joint resolution to the agenda if they wished to vote on it tonight.

Mr. Duda said that, if possible, he would prefer to have a signed resolution to present to Spring Hill's Board at their next meeting.

**Alderman Benson made a motion to add this Joint Resolution to the agenda as a voting item. Alderman Davis seconded and the motion carried unanimously.**

Alderman Cooper asked how the members of the proposed joint task force would be selected and appointed.

Mr. Moore said that the resolution as it was drafted provided for each mayor to appoint three members, with an additional staff member, perhaps ex officio, from each municipality.

Mr. Duda said he hadn't considered in detail whether the staff person would be ex officio; he said he was comfortable and confident in the current staff members of both municipalities.

**After discussion, Alderman Cooper moved to approve the joint resolution. Alderman Benson seconded, and the motion carried unanimously.**

**8. Second Reading Ordinance 13-001 Administration and Enforcement**

Mrs. Deats said there had been no changes since first reading, and said she was available for questions.

**Public Hearing:** No one came forward to speak.

**Alderman Benson moved for approval. Alderman Davis seconded and the motion carried unanimously.**

**9. Second Reading Ordinance 13-003 Amending the 2006 IRC (Public Hearing)**

Mrs. Deats said this would reduce the spacing from 24 inches to 16 inches on center for studs on non-load-bearing walls.

**Public Hearing:** No one came forward to speak.

**Alderman Cooper moved for approval. Alderman Barrett seconded and the motion carried unanimously.**

**10. Second Reading Ordinance 13-005 Amending the Town's Fee Schedule (Public Hearing)**

Mrs. Deats said there were two changes to the fee schedule since first reading. Said "residential plat" and "non-residential plat" had been changed to "residential preliminary plat" and "non-residential preliminary plat," respectively. These language modifications were being proposed in addition to reinstating a \$50 re-inspection fee, increasing the miscellaneous fee to \$75 and adding a returned check fee.

**Public Hearing:** No one came forward to speak.

**Alderman Barrett moved for approval. Alderman Benson seconded and the motion carried unanimously.**

**11. Resolution 13-004 Plan of Services for Ozzad/Riverbend Property**

Mrs. Deats said this was the standard plan of services. She said the annexation was part of an agreement—previously approved by the board—between the property owner and the town to acquire land for drip fields.

She said the resolution to initiate annexation had passed the Board in January; this Plan of Services had gone before the Planning Commission in January, and they had recommended it for Board approval. She noted that the first reading of the annexation ordinance was the next agenda item.

**Public Hearing:** Ryan Lovelace, 1613 Indian Creek Circle, said he would like the Plan of Services to be deferred until next month, when the Annexation goes to Public Hearing. He said he was concerned that there is no specific zoning designated for this property once annexed.

Mrs. Deats said staff had discussed with Mr. Lovelace that the zoning is likely to be Low Intensity. She said county zoning would remain in effect until a rezoning was either initiated by staff or requested in conjunction with a project proposal. It was not a requirement to designate zoning at the time of annexation.

Mr. Langeliers suggested that the Plan of Services be deferred, per Mr. Lovelace's request, to coincide with the public hearing on the annexation.

Mayor Napier said the general philosophy in Thompson's Station is to default to the lowest density zoning appropriate for the area.

Wayne Carden, 1553 Indian Meadows Drive, said although his property was not being annexed through this ordinance, he was wondering whether sewer could be made optionally available to residents of the Indian Meadows subdivision, which comprised about 40 homes.

Mayor Napier said he would be open to considering that, as the town needs more paying users for its system and the Indian Meadows was within the town's Urban Growth Boundary.

There being no one else wishing to speak, Mayor Napier closed the public hearing.

**After discussion, Alderman Cooper moved to defer the Resolution for Plan of Services until the March 12, 2013 meeting. Alderman Benson seconded and the motion carried unanimously.**

**12. First Reading Ordinance 13-002 Annexation of the Ozzad/Riverbend Property**

**Alderman Cooper moved to approve on First Reading Ordinance 13-002 and set a public hearing for March 12, 2013 at 7:00 p.m. Alderman Barrett seconded and the motion carried unanimously.**

**13. First Reading Ordinance 13-004 Amendment to Zoning Ordinance Article I – Definitions**

Mrs. Deats said this staff-initiated amendment went before the Planning Commission in January. They had asked staff to modify language regarding "erodible slope," which was changed to read, "any area of incline, either natural or manmade, which lacks sufficient vegetation to prevent instability and erosion and is therefore subject to erosion." Also added or modified were definitions for "hotel," "motel," "nursing home" and "soil erosion," "critical lot" and "concept plan." She added that staff would work on establishing a clear process for Concept Plans in the Zoning Ordinance and bring that before the Board at a later date. She said the Planning Commission was recommending moving this to second reading with a Public Hearing on March 12.

Mayor Napier asked about specific slope percentages.

Mrs. Deats said the percentages were in Article 3, Resource Protection. Before the Board tonight was just a definition for “erodible slope,” without classifying at what percentages a slope is considered erodible.

Mayor Napier asked whether a “bed and breakfast” would fall under “boarding house” or “rooming house.”

Mrs. Deats said “bed and breakfast” actually had its own definition under this section. She said in the future she may consolidate “boarding house” and “rooming house” since they are so similar, or perhaps delete them altogether, as the terms may be somewhat archaic compared with modern concepts of hotels, motels and B&Bs.

**Alderman Barrett made a moved for approval. Alderman Benson seconded and the motion carried unanimously.**

**14. Consideration of refund to Kroger for wastewater billing**

Mr. Langeliers said that when Town Staff initially reviewed plans for Kroger, there was not any plan for an irrigation system or an irrigation meter. Because there are two separate uses on two separate properties in that development—i.e., the store and the fuel station—the town thought that there was one water meter each, and so had been billing Kroger for wastewater according to usage of both meters.

It had recently come to the town’s attention, as Kroger was going through an audit, that one of the meters was in fact an irrigation meter and that the store and fuel center were both on the same water meter. The town had been collecting two sewer bills for four years, and Kroger was now requesting a refund of the overbilled amount (around \$15,000).

Mr. Langeliers said it was not the Town’s responsibility to keep tabs on an irrigation meter that Kroger hadn’t shown on their plans.

He said he had offered to refund the past year of their cost, and Kroger had declined, wishing to seek a refund of the full amount—thus, this request was coming before the board.

Mr. Langeliers said he felt it was not the Town’s responsibility to keep tabs on an irrigation meter that Kroger hadn’t shown on their plans and had never brought to Town Staff for review.

He asked the Board to consider what they feel is an appropriate offer, and deferred to Town Counsel as to what the town might be legally obligated to repay.

He said while the Town appreciates Kroger as a local business, it would be nice if Kroger was more participatory in supporting Town Events such as the Fall Festival, etc.

Alderman Benson asked if there was any precedent for a statute of limitations on something like this.

Mr. Moore said it wasn’t clear what statute of limitations might apply to this particular situation; it could be anywhere from one to six years.

Mr. Goetsch noted that the Town was billing roughly \$18,000 a month in sewer bills, so refunding the full amount would be nearly tantamount to a month’s worth of revenue from wastewater billing.

Mayor Napier asked whether it was Kroger’s responsibility to notify the town about the irrigation meter.

Mr. Langeliers said he would argue that it was. He said if they would have brought in a plan showing the irrigation system, this probably wouldn't have happened. Because there were two uses on two separate pieces of property (the store and the fuel station), it had seemed logical that there would be two billable water meters.

After discussion, Mayor Napier said he would be in favor of offering Kroger a refund of one year's worth of billing, in addition to offering a credit on their account for another year's worth. He said he was not willing to go back and amend prior years' budgets.

Alderman Benson said she agreed.

Mr. Moore suggested that, unless there was an agreement with Kroger for release of liability, that the interim solution would be to begin crediting that account for that amount rather than giving cash.

Mr. Langeliers said if they send some sort of indemnification, then at that time, the town could repay the cash portion. Otherwise, they would just credit two years.

Alderman Cooper asked what if Kroger came back and said they didn't agree to two years.

Mr. Moore said it would be on them to initiate action to collect more; this was probably as well as they could do by any other means. Two years down the road, the claim would be so small that it may not be worthwhile for them to do.

Alderman Barrett said he thought the town should refund the full four year amount to Kroger.

#### **15. Consideration of Kerr Bros proposal for traffic painting**

Mr. Langeliers reviewed the proposal from Kerr Brothers for traffic striping. He said the town had cross-referenced with Williamson County and they had confirmed that this amount was consistent with what they pay, and they also use Kerr Brothers.

**After discussion, Alderman Cooper moved to accept the proposal. Alderman Barrett seconded and the motion carried unanimously.**

#### **16. Consideration of Proposed Town Welcome Signage**

Mrs. Deats said the proposed location for the welcome signs had been approved by TDOT. The EDSC had reviewed signage designs and had narrowed it down to their top choice, a design by Jarvis sign company. One would be located just north of West Harpeth River, on the west side of the road. It would be visible to traffic traveling both directions. Two hanging signs were also being proposed, still pending TDOT approval. Both would be located along Lewisburg Pike—one across from Graceland Church and the other just South of Blackberry Estates, at the southernmost town limits. The total cost is \$45,721. The EDSC was asking the Board to consider approving the amount for the sign expenditure.

Mayor Napier asked if there was a reason no signs were proposed along Columbia Pike in the Heritage Commons area.

Mrs. Deats said the EDSC was looking into banners for that area, which would be proposed at a later phase.

Alderman Benson asked whether signage was planned along Carters Creek Pike.

Alderman Cooper said that was also under consideration for a later date; the EDSC wanted to approach this in phases so as not to be hit with the expense all at once. She said they did want to identify the commercial area in Heritage Commons, so that people realize when they are shopping there that they are shopping in Thompson's Station.

**After discussion, Alderman Davis moved for approval of the requested funds for Town Welcome Signage. Alderman Benson seconded and the motion carried unanimously.**

**17. New Business**

Mayor Napier announced Jack Elder as the newest appointee to the Municipal Planning Commission. Mr. Elder introduced himself to the board. He said he always made an effort to be involved in the communities he lived in, and had asked for a meeting with the Mayor shortly after moving to Thompson's Station. He said he looked forward to serving as Planning Commissioner.

Mayor Napier thanked Mr. Elder for his comments and welcomed him to the Planning Commission.

**18. Community Input and Concerns**

Alderman Duda from Spring Hill invited all to attend the grand opening of the new HCA emergency facility in Spring Hill on Thursday, February 15. He noted that when the town had been approached by opposition to the facility and asked to sign a resolution declaring there was not a need for it in the local community, the Board had declined, which Mr. Duda considered a gracious gesture. The facility would officially open to the public on February 18.

He also thanked the Town for its participation in funding the signage improvements at Buckner Lane and Thompson's Station Road East.

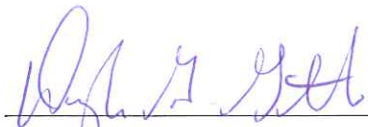
Mr. Langeliers noted that Town staff would like to work with counsel to resurrect the question of the town's franchise agreement with Atmos natural gas utility—namely, to instate a franchise fee. It did not expire for another two years, but Atmos had at one point told the Town that they could redo their agreement when they redid their agreement with Spring Hill. However, that had since been done, unbeknownst to the town.

Mr. Langeliers noted that it would be more difficult to rework this agreement the longer they waited, as more and more building permits were being issued, and thus more natural gas users coming online. It could be an important source of revenue, and is for most other communities.


Mayor Napier agreed and suggested that Town staff pursue this.

There being no further business, the meeting was adjourned at 8:23 p.m.

Attest:



Douglas G. Goetsch, Town Recorder

  
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Corey Napier, Mayor