

**Town of Thompson's Station
Board of Mayor and Aldermen
Minutes of the Meeting
05/08/2018**

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 Tuesday May 8, 2018 with the required quorum. Members and staff in attendance were: Mayor Corey Napier; Alderman Brandon Bell; Alderman Ben Dilks; Alderman Graham Shepard; Alderman Brian Stover; Town Administrator Joe Cosentini; Town Clerk Jennifer Jones and Town Attorney Todd Moore.

Pledge of Allegiance.

Consideration of Minutes. The minutes of the April 10, 2018 regular meeting were presented.

After discussion, Alderman Bell made a motion to approve the minutes of the April 10, 2018 meeting. The motion was seconded and carried by all.

Public Comments:

Bob Whitmer – 3845 Somers Ln – In favor of granting sewer to Twice Daily.

Bob Brentson – 2816 Chatham Place Ct. – Voiced concerns against the Alexander Property being utilized for a second water treatment center.

Kreis White – 1837 Thompson's Station Rd. West – Running for District 1 County Commissioner. Intergovernmental cooperation is a priority for him.

Lori Clemmons – 2534 Tapestry – Running for District 2 County Commissioner. Intergovernmental cooperation is a priority for her.

Jim Van Vleet – 2702 Thompson's Station Rd. E – Voiced opposition to the New Port Royal extension to Thompson's Station Rd. E.

Town Attorney Todd Moore wrote a memo to the Board regarding "Conflicts of Interest". After a brief discussion, Alderman Bell read the memo into the Public Record as follows:

At the April BOMA meeting, Alderman Ben Dilks asked fellow Alderman Brandon Bell to recuse himself from the discussion and vote on the zoning text amendments to the NC zone citing "several of conflicts of interest" between Brandon's employer, Gresham Smith and Partners, Inc. and the developer that has requested these zoning amendments, Regent Homes. Ben did not specify what these conflicts were at the meeting. Brandon stated that he was not aware of any conflicts and proceeded to discuss and vote on this matter. Later in the meeting, Alderman Graham Shepard stated that he agreed with Ben's statements and that there was "an appearance of a conflict of interest" and that "Alderman Bell can benefit personally and professionally by this rezoning."

An accusation of a conflict of interest without a factual basis does not require an investigation. However, because this matter is coming back before the BOMA this month I wanted to get information from Ben, Graham and Brandon to understand the allegations and advise accordingly.

To summarize what Ben and Graham have provided me, they believe that: (1) because Brandon has purportedly made statements that he is supportive of the zoning amendments because they are proposed by Regent Homes, that this is an “abuse of official power”; and (2) because Brandon and his employer have participated in the same industry associations and served within the same organizations as Regent Homes and Dave McGowan, that there could be an improper connection.

Neither Ben nor Graham have alleged that Brandon has a financial, ownership or employment interest in the development or with the developer. Brandon has denied that he and his employer (including Steve Johnson, a senior executive with GS&P) have any personal and business interests with Dave McGowan and Regent Homes. In short, no evidence has been presented that Brandon has a conflict of interest under the Town’s Code of Ethics.

There is also no evidence (or even a **factual** allegation) that Brandon has a direct conflict of interest that would require him to recuse himself from the vote and discussion pursuant to state conflict of interest laws. Ben and Graham allege that Brandon’s public support of Regent Homes as the developer *could* be beneficial to Brandon and his employer in the future. This type of hypothetical allegation does not establish even an indirect conflict of interest that would require Brandon to disclose any such relationship, much less a direct conflict that would require him to recuse himself from the discussion and vote on the matter.

Finally, although not technically related to the alleged conflict of interest, the vote on the text amendments should not be based on the reputation and representations of the developer. Although I fully expect Regent Homes to move forward as the developer and as planned, this is not guaranteed. The vote should be based on whether these changes to the NC zone are in the best interest of the Town, regardless of the developer involved and specific concept plans that have been presented. The LDO requires that text amendments be consistent with the General Plan and not have a deleterious effect on surrounding properties on the Town as a whole. As we have seen in the past, the property owners and developers and the specific plans may change.

Unfinished Business:

- 1. Public Hearing and Second Reading of Ordinance 2018-010 – An Ordinance of the Board of Mayor and Aldermen of the Town of Thompson’s Station, Tennessee to amend Table 4.4 (Permitted Uses); Section 4.6 (Building Placement Standards); Section 4.7 (Height Restriction); Table 4.13 (NC Lot Standards); Section 4.9.5 (Regulations Specific to the NC Zone) and Section 4.12.2 (Parking Standards) within the Land Development Ordinance (Zone Amend 2018-001)**

The Mayor opened the floor for Public Comment

John Peterson – 3448 Colebrook Dr. – Spoke in favor of development in the front of Tollgate Village, and asked BOMA to approve the second reading.

Brad Wilson – 3604 Americus Dr. – In favor of development beginning in the front of Tollgate Village.

Larry Simmons – 3116 Hazelton – Member of the Tollgate Action Committee and feels like Aldermen Dilks and Shepard have not listened to what the Tollgate residents want.

Mr. Cosentini reviewed the report and the Planning Commission recommends to the Board of Mayor and Aldermen adoption of an ordinance amending these sections as proposed within the Land Development Ordinance.

After discussion, Alderman Bell made a motion to approve Second reading of Ordinance 2018-010. The motion was seconded and carried by a vote of 3 to 2 with Aldermen Dilks and Shepard casting the dissenting votes.

Alderman Shepard's reasons for denial are as follows:

- 1. Doesn't believe the majority of Tollgate residents support residential in the front.**
- 2. Will harm property values.**
- 3. Once approved, I fear the Developer will not build the promised full left and right turn secondary access road.**
- 4. Our Town needs more commercial enterprises and less residential; not the reverse.**
- 5. Perhaps the best commercial property in the entire Town will be permanently replaced by residential townhomes and condos.**
- 6. Government officials are should protect residents from Developer bait and switch marketing practices; not enable the practice.**
- 7. Government officials strive for consensus to unite people; not divide them.**

New Business:

- 2. Request for Wastewater**
 - a. TriStar Energy -**
 - b. Avenue Downs -**

Mr. Cosentini reviewed his report and recommended that the Board defer the wastewater requests for both TriStar energy and Avenue downs until the wastewater study is complete and the repairs are made to Cell #1. Alderman Bell recused himself from vote due to work conflict of interest. Charlton Bell with Tri Star energy came forward to speak on behalf of the applicant.

After discussion, Alderman Dilks made a motion to defer both TriStar Energy and Avenue Downs wastewater requests to the June 2018 meeting. The motion was seconded and carried by all (with Alderman Bell recusing himself from the vote).

- c. Town Center for Regent Homes – withdrawn by applicant**
- d. Pleasant Creek -**

Josh Denton, attorney for Pleasant Creek, came forward to speak on behalf of the applicant.

After discussion, Alderman Stover made a motion to approve the wastewater request for Pleasant Creek to construct an onsite system. The motion was seconded and approved by all.

3. First Reading of Ordinance 2018-011 – An Ordinance of the Town of Thompson’s Station, Tennessee which amends the Annual Budget and Tax Rate for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018

Mr. Cosentini reviewed the amendments to the budget and tax rate for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

After discussion, Alderman Stover made a motion to approve first reading of Ordinance 2018-011, an Ordinance of the Town of Thompson’s Station, Tennessee which amends the Annual Budget and Tax Rate for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018. The motion was seconded and carried by all.

4. First Reading of Ordinance 2018-012 – An Ordinance of the Town of Thompson’s Station, Tennessee adopting the annual budget and tax rate for the fiscal year beginning July 1, 2018 and ending June 30, 2019

Mr. Cosentini reviewed the budget for Fiscal Year 2019.

After discussion, Alderman Stover made a motion to approve first reading of Ordinance 2018-012, an Ordinance of the Town of Thompson’s Station, Tennessee adopting the annual budget and tax rate for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

5. Resolution 2018-010 – A Resolution of the Town of Thompson’s Station, Tennessee authorizing the acquisition of property by negotiation or condemnation for the improvements to Critz Lane.

Mr. Cosentini reviewed the nature of the project and recommended that the BOMA approve Resolution 2018-010.

After discussion, Alderman Stover made a motion to approve first reading of Resolution 2018-010, a Resolution of the Town of Thompson’s Station, Tennessee authorizing the acquisition of property by negotiation or condemnation for the improvements to Critz Lane. The motion was seconded and carried by all.

6. Resolution 2018-011 – A Resolution of the Town of Thompson’s Station, Tennessee to approve change orders with Parchman Construction Co., Inc. for the Realignment of Critz Lane Project

Mr. Cosentini reviewed his report and recommended that the BOMA approve Resolution 2018-011 to accept and approve the change order with Parchman Construction Co. for the realignment of Critz Lane.

After discussion, Alderman Bell made a motion to approve Resolution 2018-011, a Resolution of the Town of Thompson’s Station, Tennessee to approve change orders with Parchman Construction Co., Inc. for the realignment of the Critz Lane project. The motion was seconded and carried by all.

7. Discussion – Williamson County Circuit Court Case No 2016-cv-449

Attorney Todd Moore discussed the settlement information for the MBSC Circuit Court Case No 2016-cv-449.

After discussion, Alderman Bell made a motion to accept the settlement of Williamson County Circuit Court Case No 2016-cv-449. The Motion was seconded and carried by all.

Announcements/Agenda Items

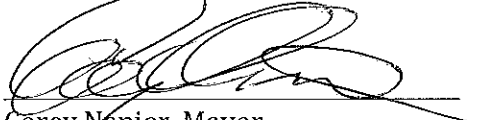
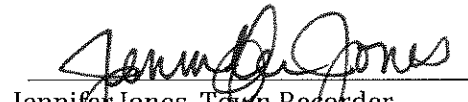
Alderman Dilks made a motion to add “Strengthening our Town Ethics Policy” to the August agenda. The motion was seconded and carried by all.

Alderman Dilks made a motion to draft a pledge not to put a wastewater facility on the Alexander Property. The motion was seconded and failed by a vote of 2 to 3 with Mayor Napier, Alderman Bell & Alderman Stover casting the dissenting votes.

Alderman Shepard made a motion to sell the Firetruck. The motion was seconded and failed by a vote of 2 to 3 with Mayor Napier, Alderman Bell & Alderman Stover casting the dissenting votes.

Adjourn

There being no further business, the meeting was adjourned at 9:11 p.m.


Corey Napier, Mayor
Jennifer Jones, Town Recorder

